

# Equal Rights

To The Earth's Resources

---

---

SPECIAL ISSUE

---

---

THE STRUGGLE FOR NATURAL RIGHTS

Summer 1984

THE GLOBAL "CONCERN" OVER HUMAN RIGHTS

Edward J. Dodson

CENTRAL AMERICA: REFORM, REVOLUTION OR CHARADE?

James L. Busey

SOVIET EXPANSION: FACT OR FICTION

Donald Hurford

---

CONTRIBUTORS TO THIS "SPECIAL ISSUE" OF EQUAL RIGHTS ARE JAMES L. BUSEY, PROFESSOR OF POLITICAL SCIENCE AT THE UNIVERSITY OF COLORADO; DONALD HURFORD, ED.D., ASSOCIATE DIRECTOR OF CONTINUING EDUCATION, LINCOLN UNIVERSITY; AND EDWARD J. DODSON, CO-EDITOR, EQUAL RIGHTS.

---

3109

THE GLOBAL "CONCERN" OVER HUMAN RIGHTS / Ed Dodson

---

THE ROBERT SCHALKENBACH FOUNDATION film "One Way To Better Cities" was my initial introduction to Robert M. Hutchins, an individual of remarkable intellectual ability who possessed a sincere concern for his fellow man. You may recall from the film his strong statement against the United States' property tax system, spoken on the grounds of his Center for the Study of Democratic Institutions in Santa Barbara, California:

THE REAL PROPERTY TAX, WHICH IS THE MAIN SUPPORT OF LOCAL GOVERNMENTS, REFLECTS AND PROMOTES EVERY UNSOUND PUBLIC POLICY IMAGINABLE. IT ENCOURAGES URBAN BLIGHT, SUBURBAN SPRAWL AND LAND SPECULATION. IT THWARTS URBAN REHABILITATION, CONSTRUCTION INVESTMENT IN BUILDING AND IMPROVING HOMES. AND IT PREVENTS ORDERLY DEVELOPMENT AND PLANNING.

Robert Hutchins died in 1977. The Center he founded continues to serve as a unique forum for discussion on moral, political, social and ethical issues important to us all.

## A CONFERENCE ON HUMAN RIGHTS

A two-day conference on human rights was held at the Center during December 1983. More specifically, the conference title was "Human Rights and American Foreign Policy". Among the speakers and participants were Arthur Goldberg (Secretary of Labor under John Kennedy and, later, U.S. Ambassador to the United Nations), Henry Shue (Professor of Philosophy at the University of Maryland), and discussants from various other backgrounds. As you might expect, none of the participants (as far as I could ascertain) subscribe to the teachings of Henry George. And edited transcript of the above conference subsequently served as the primary topic in the Center's publication, "The Center Magazine".

The debate over human rights continues to be a fundamental concern of all reasoning and thoughtful people. Therefore, the editors of this publication are devoting "Equal Rights" to an analysis of the issues raised and discussion generated by this conference. We hope this issue will provide a basis for future dialogue both among Georgists and with others in the continuing search for a more humanitarian global society.

ARTHUR GOLDBERG AND CONSTITUTIONAL  
GUARANTEES

IN THE CONFERENCE'S KEYNOTE ADDRESS, Arthur Goldberg describes how such diverse personalities as Clare Booth Luce, Alicia Patterson, Harvy Bundy and others, himself included, were brought together during the

early 1950s by Robert Hutchins to fight for "democratic principles" then under attack by McCarthyism. They established the "Fund for the Republic" (which later became the Center for the Study of Democratic Institutions) to, as Arthur Goldberg declared, "maintain, against any onslaught, the basic liberties of Americans as defined in the Bill of Rights". From this perspective, Mr. Goldberg attempted in his address to answer whether "the protection of human rights and the furtherance of our foreign policy goals [are] reconcilable".

He reminds us that at opposite extremes of the issue are: first, those who "assert, as John F. Kennedy did ... that in the last analysis, peace -- the ultimate goal of our foreign policy -- is a matter of human rights"; and, secondly, those "who dismiss [the first] concept as naive and unrealistic [and] rely on acceptance of realpolitik, the practicalities of international relations". As a consequence, he says, the position one holds determines the basis by which we choose our friends or foes among other nations. From the following statement, he makes clear his allegiance to the first group:

IT IS NEVER EASY TO DEFINE WHAT IS MORAL, PARTICULARLY IN FOREIGN POLICY. BUT AT THE RISK OF BEING SIMPLISTIC, IT APPEARS TO ME THAT A FOREIGN POLICY THAT IS MORALLY RIGHT PROTECTS HUMAN RIGHTS EVERYWHERE. IT IS A POLICY THAT IS RIGHTEOUS RATHER THAN OPPORTUNISTIC, ETHICAL RATHER THAN CYNICAL, CANDID RATHER THAN SECRETIVE. IT IS A FOREIGN

POLICY THAT GIVES DUE RESPECT TO OUR OWN  
CONSTITUTION, BECAUSE THIS IS THE  
DOCUMENT THAT CONTAINS THE SAFEGUARDS OF  
OUR HUMAN RIGHTS, AND IS ALSO A  
PRACTICAL INSTRUMENT OF GOVERNMENT.

From the Georgist perspective, Arthur Goldberg is being simplistic, not because he believes "a foreign policy that is morally right protects human rights everywhere", but because he places so much faith in the Constitution. The weakness of the Constitution, a weakness of all such documents, is that certain of its principal elements are traced not to natural law but to social "custom" and preservation of power.

It must be stated that our American Constitution reflects the most remarkable voluntarily entered social and political contract ever conceived by man. Granting this, there is a good deal of truth in Arthur Goldberg's contention that "failure to adhere to the Constitution is what got us into trouble". As evidence that our political leaders have often violated the spirit of the Constitution he points to excessive secrecy and immorality [his specific word] during the Kissinger/Nixon era as sending the wrong message to other nations of the world. The question raised deals with both our commitment and responsibility to the world's population as ideological leader in support of individual freedom; and, on this issue, I am in agreement with his statement that "we are not the world policeman [and] we are not the world teachers, save for the example we set in this country by our dedication to the principles and practices of moral and human

rights". To his misfortune, Mr. Goldberg rests his argument on the essence of a document still experiencing evolutionary change, still flawed to the extent that any moral and ethical code must be when subjected to the self-interest of individuals. Henry George offered his own observation:

THAT ALONE IS WISE WHICH IS JUST; THAT ALONE IS ENDURING WHICH IS RIGHT. 1

In point of fact, our Constitution (even as amended) has undergone continuous re-interpretation over the centuries, particularly by our nation's jurists; and, as former Chief Justice Charles Evans Hughes declared:

WE ARE UNDER A CONSTITUTION, BUT THE CONSTITUTION IS WHAT THE JUDGES SAY IT IS. 2

Quite simply, we are as citizens at the mercy of the aggregate wisdom and sense of morality of nine individuals whose responsibility it is to determine what is and what is not the law. One need not be a Georgist to recognize the Constitution's frequent failure to protect even the basic human (or, what this writer presumes to be "natural") right to survival. Our history under the Constitution contains ample evidence that this is so. "THESE RIGHTS ARE DENIED," wrote George, "WHEN THE EQUAL RIGHT TO LAND -- ON WHICH AND BY WHICH MEN ALONE CAN LIVE -- IS DENIED." 3 This observation, based on George's historical analysis, contained predictive qualities as well:

POLITICAL RIGHTS WILL NOT COMPENSATE FOR THE DENIAL OF THE EQUAL RIGHT TO THE BOUNTY OF NATURE ... POLITICAL LIBERTY, WHEN THE EQUAL RIGHT TO LAND IS DENIED, BECOMES, AS POPULATION INCREASES AND INVENTION GOES ON, MERELY THE LIBERTY TO COMPETE FOR EMPLOYMENT AT STARVATION WAGES. 4

Viewed in this light, Arthur Goldberg has substituted objectivity with subjectivity by basing human rights not on an acknowledgment of natural law but on a written contract, the Constitution. In doing so he inadvertently contributes to the gradual but ongoing historical drift from humanitarianism to humanism as the foundation of ethical action.

#### HENRY SHUE AND UNALIENABLE RIGHTS

Henry Shue took the conferees on an historical journey over the ground covered by the philosophers, a journey described by him as one of discontinuity. Significantly, he recognizes that along the way "the notion of self-evident truth has been rejected by [pragmatists]," thereby moving the discussion among contemporary philosophers from a treatment of "natural" rights to "human" rights. Despite this trend, Henry Shue contends there are in fact certain basic principles universal in nature, one of which is his concept of "limited sovereignty".

IT IS NOT FOR GOVERNMENTS TO SELECT, AS SUITS THEIR OWN GOALS, WHICH RIGHTS THEY

WILL RESPECT OR PROMOTE. ON THE  
CONTRARY, RIGHTS CONSTITUTE THE STANDARD  
BY WHICH GOVERNMENTS ARE TO BE JUDGED.  
IT IS FOR THE PURPOSE OF SECURING RIGHTS  
THAT GOVERNMENTS ARE INSTITUTED; AND  
ALTHOUGH "GOVERNMENTS LONG ESTABLISHED  
SHOULD NOT BE CHANGED FOR LIGHT AND  
TRANSIENT CAUSES", ANY FORM OF  
GOVERNMENT THAT IS DESTRUCTIVE RATHER  
THAN PROTECTIVE OF UNIVERSAL RIGHTS MAY  
BE ALTERED OR ABOLISHED. INDEED, IT IS  
NOT MERELY "THEIR RIGHT, IT IS THEIR  
DUTY, TO THROW OFF SUCH GOVERNMENTS".

Similar criteria were used by Henry George  
in defining the natural role of government in  
a great cooperative society (what George  
interpreted to be the "IDEAL OF JEFFERSONIAN  
DEMOCRACY"!.. George offered the following as  
his view of legitimate functions and  
responsibilities of government (funded, of  
course, by revenues raised from the taxing of  
land values for "THE COMMON BENEFIT"):

... PUBLIC BATHS, MUSEUMS, LIBRARIES,  
GARDENS, LECTURE ROOMS, MUSIC AND  
DANCING HALLS, THEATRES, UNIVERSITIES,  
TECHNICAL SCHOOLS, SHOOTING GALLARIES,  
PLAY GROUNDS, GYMNASIUMS ... HEAT, LIGHT  
AND MOTIVE POWER, AS WELL AS WATER MIGHT  
BE CONDUCTED ... AT PUBLIC EXPENSE; ...  
DISCOVERERS AND INVENTORS REWARDED,  
SCIENTIFIC INVESTIGATIONS SUPPORTED; AND  
IN A THOUSAND WAYS THE PUBLIC REVENUES  
MADE TO FOSTER EFFORTS FOR THE PUBLIC  
BENEFIT.<sup>5</sup>



One may argue over the wisdom or desirability of spending public revenues for public baths and that a good deal of George's suggestions could be better provided for by the private sector. What is not arguable is that all of these suggestions represent opportunities for positive government action consistent with maximizing benefits to the individual citizen. Thus, Henry Shue's definition of limited sovereignty and George's view of responsible government are in harmony. The above passage also responds to the criticisms levied by George Bernard Shaw and other Fabian socialists that George failed to provide a detailed spending program for government. George had his own particular ideas but put his ultimate faith in the democratic process to make those determinations.

George would also voice agreement with Shue that "THE DOCTRINE THAT MUNICIPAL LAW IS DEFINITIVE -- THAT CITIZENS HAVE NO RIGHTS EXCEPT THE RIGHTS THEIR CURRENT MUNICIPAL LAWS GRANT THEM -- IS FALSE". Moreover, said Shue, "... NATIONAL LEGAL SYSTEMS THEMSELVES MAY BE JUDGED BY MORAL PRINCIPLES, ESPECIALLY THEORIES OF UNIVERSAL RIGHTS". Relating this position to present day actions, Henry Shue strongly criticizes what he observes as an attempt by the Reagan administration "AT SELECTIVE ENFORCEMENT OF HUMAN RIGHTS" as a foreign policy strategy.

IT IS NOT FOR GOVERNMENTS TO JUDGE  
RIGHTS AND OMIT THE RIGHTS THAT THEY DO  
NOT FIND USEFUL. EACH GOVERNMENT IS TO  
BE JUDGED BY RIGHTS IRRESPECTIVE OF  
WHETHER THEIR GOVERNMENT ACKNOWLEDGES

RIGHTS. THIS IS THE PRINCIPLE OF LIMITED  
SOVEREIGNTY RINGINGLY EXPRESSED IN THE  
DECLARATION OF INDEPENDENCE.6

This writer is substantially in agreement with Henry Shue's charges levied against the Reagan administration. For this reason. Systems of government based on man-made law are, in effect, impositions upon the true political economy. As such, they are both evolutionary and reactionary in nature, their longevity a matter of delicate social balances and controls. The underlying principles of human rights do not change; therefore, the support of human rights as a universal decree is required of a society characterized by limited sovereignty as just.

The history of European man in America has, unfortunately, been a far cry from the humanitarian ideal. As Henry George observed, we have from the beginning of our national experience followed the course of adhering to human law, in direct opposition to principle. "OUR BOASTED FREEDOM," wrote George, "NECESSARILY INVOLVES SLAVERY, SO LONG AS WE RECOGNIZE PRIVATE PROPERTY IN LAND ... UNTIL THAT IS ABOLISHED, DECLARATIONS OF INDEPENDENCE AND ACTS OF EMANCIPATION ARE IN VAIN ... SO LONG AS ONE MAN CAN CLAIM THE EXCLUSIVE OWNERSHIP OF THE LAND FROM WHICH OTHER MEN MUST LIVE, SLAVERY WILL EXIST, AND AS MATERIAL PROGRESS GOES ON, MUST GROW AND DEEPEN!" 7

The current philosophical debate is, on the other hand, an argument over whether the guarantees necessary to protect rights are in themselves onerous. Or, asks Shue, "Would

the cure be worse than the disease?". Here, Shue introduces an argument raised by some that only a government totalitarian in power can effectively guarantee rights. In response, he points to the European "social democracies" as examples of societies where basic economic and social rights are protected. While I agree with his conclusion, his point is poorly supported by the above example. The argument fails to answer the challenge because the comparison of political economies is a comparison of degree rather than kind, flawed to the extent that one is hard pressed to reconcile his statement with the evidence of continued poverty within those social democracies.

To his credit, Henry Shue recognizes that "SOME OF THE WORST THREATS TO HUMAN RIGHTS ARE ALSO SOCIAL INSTITUTIONS, POLITICAL AND ECONOMIC". While he does not detail those "social institutions" at issue, he lists a number of "subsistence rights" as basic: "unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care". These are the things he feels are "needed for a decent chance at a reasonably healthy and active life".

During the discussion session, Virginia Held (Professor of Philosophy at City University of New York) expressed also that "the failure of the United States to recognize economic and social rights as genuine human rights is a problem not just for our foreign policy, but also for our entire domestic political, legal, and economic system. So, it must be attributed to far deeper causes than any given national administration". The fact that these

problems are recognized, that our distance from the ideal of limited sovereignty is far indeed (and growing), is a step in the right direction toward acknowledging the root causes'. Professor Held also offered this:

THE AMERICAN IDEOLOGY -- THAT PEOPLE SHOULD PROVIDE FOR THEMSELVES -- IS STILL WELL ENTRENCHED. WHAT IS NOT ACKNOWLEDGED IS THAT TODAY PEOPLE ARE EXPECTED TO PROVIDE FOR THEMSELVES OUT OF THIN AIR. THE FACT IS THAT THE UNOCCUPIED TERRITORY OR THE "FRUITS OF THE COMMON" WHICH OUR POLITICAL ANCESTORS ASSUMED SUPPLIED THE MEANS BY WHICH CITIZENS COULD PROVIDE FOR THEMSELVES NO LONGER EXIST. RIGHTS TO PROPERTY, FOR THOSE WHO DO NOT ALREADY HAVE PROPERTY, HAVE BECOME WORTHLESS. YET OUR VIEWS HAVE NOT CAUGHT UP WITH THIS REALITY.

The explosion of world population and the growing demand for land and natural resources has brought economic and political rights together as an international concern. What is yet to be recognized and acknowledged is that the poverty and deprivation associated with the world's political economy has identifiable causes which can be treated. What was true in the time of Henry George remains true today. All that is necessary is to examine closely the relationship worldwide between the concentration of landownership (by the state, by individuals or by other institutions) and the denial of human rights; the greater the concentration of landownership, the greater the fundamental

injustices experienced by the people. On this point, George's analysis proves prophetic:

FROM [THE] FUNDAMENTAL INJUSTICE [OF THE APPROPRIATION, AS THE EXCLUSIVE PROPERTY OF SOME, OF THE LAND ON WHICH AND FROM WHICH ALL MUST LIVE] FLOW ALL THE INJUSTICES WHICH DISTORT AND ENDANGER MODERN DEVELOPMENT, WHICH CONDEMN THE PRODUCER OF WEALTH TO POVERTY AND PAMPER THE NONPRODUCER IN LUXURY ... 8

George's words carry the same sense of conviction and emotion that comes through from Robert Hutchins in "One Way to Better Cities". Each attempted to convey a sincere message in his own time. They both sought the answers to what constitutes a just society; and, Hutchins' life long friend and colleague, philosopher Mortimer Adler, in a similar statement attacks privilege. (I have added to Mortimer Adler's words two bracketed phrases. George would certainly approve of the addition; of Adler, I am not sure.)

THE INSTITUTIONS AND OPERATIONS OF ORGANIZED SOCIETY ALWAYS AFFECT A NUMBER OF INDIVIDUALS -- IN FACT, ALL THE INDIVIDUALS WHO COMPRISE IT. IN SAYING THIS, I DO NOT MEAN THAT SOCIETY ALWAYS PROVIDES THE CONDITIONS OF A GOOD LIFE FOR ALL ITS MEMBERS. ON THE CONTRARY, IT NEVER HAS DONE SO IN THE COURSE OF HISTORY SO FAR. UP TO THE PRESENT, ORGANIZED SOCIETY, AT ITS BEST, HAS ALWAYS FAVORED SOME [THE LARGE

LANDOWNERS] AND DISFAVORED OTHERS  
[UNPROPERTIED LABORERS]. THE NUMBERS OF  
THOSE WHOM IT HAS BENEFITED, BY HELPING  
THEM TO LEAD GOOD LIVES FOR THEMSELVES,  
HAS VARIED FROM THE FEW TO THE MANY, BUT  
IT HAS NEVER BEEN ALL. 9

As further support for this writer's contention that the social and political arrangements necessary to support a concentration of landownership are THE root cause of human rights violations, Professor Tom Farer (Rutgers School of Law) commented during the conference that as a result of a 1978 Inter-American Human Rights Commission visit to El Salvador, they reported that "the singular concentration of landholding in El Salvador was a principal cause of ... social polarization, in turn leading to the violation of rights to personal integrity and political and civil rights".

That the people of the so-called "third world" suffer dearly under the weight of tyrannical leadership (whether identified with the so-called far Left or the Right) is shown in every television presentation or news story. The military dictatorships or military-backed civilian dictatorships make no pretense of establishing political and economic justice as the goals of their regimes. Whatever the humanitarian ideological goals of the "Leftist" groups (normally associated with the nationalist, socialist or marxist groups, their leaderships have almost without exception proven to be as callous toward human rights as have their Rightist counterparts. Where does this leave the people? Professor Farer:

WHERE A LARGE MASS OF THE POPULATION HAS NO CAPITAL, OR NO ESTABLISHED LEGAL RIGHTS TO CAPITAL -- PARTICULARLY LAND -- THE PEOPLE DO NOT PRODUCE A REFORMISTS KIND OF POLITICS, EVEN IN COUNTRIES WITH COMPETITIVE POLITICAL PARTIES. THE PEASANT CLASSES, BECAUSE THEY HAVE NO ESTABLISHED RIGHTS, ARE EXTRAORDINARILY VULNERABLE AND ARE LED TO THE BALLOT BOX BY THE LANDOWNERS TO VOTE FOR CONSERVATIVE PARTIES. THE PEASANTS HAVE NO EFFECTIVE AUTONOMY WITHIN THE POLITICAL PROCESS. THAT IS NOT TO SAY THAT YOU CAN NEVER FIND CAMPESINOS WHO HAVE SOME AUTONOMY. BUT THEIR LACK OF CAPITAL AND LAND ARE A SIGNIFICANT INROAD ON THAT AUTONOMY.

Here, again, is a conference participant pinpointing the fact that access to land and capital (seeming to recognize the difference between land -- the product of nature, and capital -- the product of man) is crucial to the maintenance of human rights in society.

Professor Lowell Livesey later raised a question heard by Henry George many times during debates with members of academia:

MY QUESTION CONCERNS HOW YOU RELATE LOGICAL DISPUTES AND PRACTICAL CONSEQUENCES. FOR EXAMPLE, SUBSISTENCE RIGHTS OFTEN IMPLY A RATHER RADICAL REDISTRIBUTION OF WEALTH. HOW DOES SUCH A REDISTRIBUTION AFFECT THE PROSPECTS FOR GROWTH AND THE SUBSEQUENT ABILITY OF A COUNTRY TO FEED ITS PEOPLE? IN PRINCIPAL AT LEAST, THERE CAN BE A

TRADE-OFF BETWEEN SAVINGS AND INVESTMENT STRATEGIES FOR DEVELOPMENT. I KNOW THAT THIS CAN BE USED AS AN EXCUSE TO DO NOTHING ABOUT SUBSISTENCE RIGHTS, BUT HERE WE ARE PLAYING PHILOSOPHER FOR THE MOMENT, AND WE HAVE TO ASK WHETHER THERE ARE NOT SITUATIONS IN WHICH LAND REDISTRIBUTION WILL PREVENT THE KIND OF SAVINGS NECESSARY FOR THE GROWTH OF AN ECONOMY SO THAT IT CAN FEED ITS PEOPLE.

For the very reasons put forth by Professor Livezey, Henry George considered and rejected all of the socialist plans for land nationalization or land redistribution. Instead, recognizing the potential benefits to society of permitting individuals to retain "legal title" but not "community-created values" in land, George proposed to utilize government's proven capability of raising revenue through taxation as a means of collecting the rental value of land to support the programs of a true limited sovereignty. To free the individual to pursue individual desires according to his character and abilities, George further proposed that what was really produced by man, the products of labor and capital, were by natural law the private property of the individual producer and should not be treated as common property by the imposition of taxation. Thus, in one bold and imaginative stroke, George captured the essence of a truly humanitarian political economy based on first principles, assuring both the just distribution of wealth and the preservation of human rights.



There are, of course, many reasons for our failure to adopt measures in accord with natural law. The world economy suffers many distortions imposed by reckless and destructive foreign policies on the part of all nations. Above all others is the endless conflict between the United States and the Soviet Union, which has the promise of even more terrifying results. To a very large extent the issue of human rights, particularly the right to survival, is in the hands of our respective leaderships. Ending the land monopoly and securing global human rights are mutually dependent goals; and, as Henry Shue concludes, the journey is far from over:

THERE IS A DISTURBING PARALLEL IN THE KIND OF TRANSITIONAL ARGUMENTS ONE FINDS SOME LENINISTS MAKING AND THE KINDS OF ARGUMENTS THAT ONE HEARS FROM SOME PEOPLE IN THE ADMINISTRATION. OF COURSE. THERE IS A DISTURBING PARALLEL IN THE KIND OF TRANSITIONAL ARGUMENTS ONE FINDS SOME LENINISTS MAKING AND THE KINDS OF ARGUMENTS THAT ONE HEARS FROM SOME PEOPLE IN THE ADMINISTRATION. OF COURSE, I AM NOT CLAIMING THAT ANYBODY IN THE ADMINISTRATION IS A LENINIST. BUT THE ARGUMENT ON THE COMMUNIST SIDE, FOR EXAMPLE, IS, WE DON'T WANT TO HEAR ABOUT HUMAN RIGHTS NOW. WE FIRST HAVE TO BUILD A SOCIALIST SOCIETY. THEN WE WILL TAKE CARE OF THE HUMAN RIGHTS. NOW THERE IS A DISTURBING ECHO OF THAT KIND OF ARGUMENT IN THIS ADMINISTRATION. IT SAYS, FIRST WE HAVE TO STOP COMMUNISM. THEN WE WILL TAKE CARE OF HUMAN RIGHTS.

What would trouble Henry George most if he were alive today is the almost universal failure to recognize and acknowledge that human rights are dependent upon natural law for their authority. The tragic consequences of this problem are everywhere to be seen; the greater the reliance upon manmade law as opposed to natural law in the governing of a society, the greater is the incidence of repression and the denial of basic human rights. Yes, unfortunately, we do have a very long way to go.

---