

CHAPTER I.

FUNDAMENTAL PRINCIPLES.

The Fundamental Principle of Individual Life.

115 *The First and Fundamental Principle of Individual and Social Life.*

Every man has freedom to do all that he wills, provided that he infringes not the equal freedom of any other man.—(See Herbert Spencer's *Social Statics*, page 127.)

“God wills man's happiness. Man's happiness can only be produced by the exercise of his faculties. Then God wills that he should exercise his faculties. But to exercise his faculties he must have liberty to do all that his faculties naturally impel him to do. Then God intends that he should have that liberty. Therefore he has a RIGHT to that liberty. * * * Wherefore we arrive at the general proposition that every man may claim the fullest liberty to exercise his faculties compatible with this possession of like liberty by every other man.”

—*Social Statics*, page 93.

The natural rights of man.

116 *The natural rights of man.*

Each one (as against all others, and so far as interference with him by them is concerned) is entitled to himself, to his life, to his liberty, to the

fruits of his exertions, to the pursuit of happiness ;

(The limitation.) Subject only to the equal correlative rights of every other human being.

See Social Statics, page 108, in reference to the Equality of human rights.

See also page 130 as to the rights of life and personal liberty, as follows :—

“ These are such self-evident corollaries from our first principle as scarcely to need a separate statement. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, it is manifest that he has a claim to his life, for without it he can do nothing that he has willed ; and to his personal liberty ; for the withdrawal of it partially, if not wholly, restrains him from the fulfilment of his will. It is just as clear, too, that each man is forbidden to deprive his fellow of life or liberty ; inasmuch as he cannot do this without breaking the law, which, in asserting his freedom, declares that he shall not infringe ‘ the equal freedom of any other.’ For he who is killed or enslaved is obviously no longer equally free with his killer or enslaver.”

117 See also page 131, on “ the right to the use of the earth.”

The right to the use of the earth.

I. Given a race of human beings having like claims to pursue the objects of their desires—given a world adapted to the gratification of those desires—a world into which such beings are similarly born, and it unavoidably follows that they have equal rights to the use of this world. For if each of them “ has

freedom to do all that he wills, provided he infringes not the equal freedom of any other," then each of them is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty. And conversely, it is manifest that no one, or part of them, may use the earth in such a way as to prevent the rest from similarly using it; seeing that to do this is to assume greater freedom than the rest, and consequently to break the law.

The function
of Government.

118 *The Function of Government.*

The primary function of government is to secure to all its people their natural rights.

It is a perversion and abuse of government if it perform other functions otherwise than in subordination to that primary function, or if it make and enforce laws which abridge or deny those natural rights.

Illustration
from Magna
Charta, A.D.
1215.

119 In illustration of the natural rights of men, and the function of government, we may quote the following extracts from famous "Declarations" solemnly made at great historical crises under somewhat similar circumstances, though in different ages and by different peoples.

1. From Magna Charta, A.D. 1215:

"No freeman shall be deprived of his life, liberty or property, except by the law of the land and the judgment of his peers."

Illustration
from Petition
of Rights, A.D.
1628.

120 **2.** The Petition of Rights, A.D. 1628:

"That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax or such like charge without common consent by Act of Parliament: and that no freeman be imprisoned or detained."

It recited the statutes that protected the subject against arbitrary taxation, against loans and benevolences, against punishment, outlawry or deprivation of goods, otherwise than by lawful judgment of his peers, against arbitrary imprisonment without stated charge, against billeting of soldiery on the people, or enactment of martial law in time of peace.

121 3. The Declaration of Rights, A.D. 1688

It recited the resolve of the Lords and Commons to assert the ancient rights and liberties of English subjects. It denied the right of an King to suspend or dispense with laws, or to exact money save by consent of Parliament. It asserted for the subject a right to petition, to free choice of representatives in Parliament, and to a pure and merciful administration of justice. It declared the right of both Houses to liberty of debate. It demanded securities for the free exercise of religion, and bound the new sovereign to maintain the laws and liberties of the nation.

See Green's History of the English People.

122 4. From the American Declaration of Independence, made July 4th, 1776:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such

principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Illustration
from Constitu-
tion of United
States, A. D.
1789.

123 5. From the Preamble to the Constitution of the United States, adopted September 15th, 1787, and ratified and made law March 4th, 1789:—

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Illustration
from French
Declaration of
the Rights of
Man, A. D.
1789.

124 6. The French "Declaration of the Rights of Man and of Citizens," issued by the National Assembly in 1789:

"The representatives of the people of France, formed into a National Assembly, considering that ignorance, neglect, or contempt of human rights are the sole causes of public misfortunes and corruptions of government, have resolved to set forth, in a solemn declaration, those natural, imprescriptible and inalienable rights, and do recognize and declare, in the presence of the Supreme Being, and with the hope of His blessing and favour, the following sacred rights of men and of citizens:

"(1.) Men are born and always continue free and equal in respect of their rights. Civil distinctions, therefore, can only be founded on public ability.

"(2.) The end of all political associations is

the preservation of the natural and imprescriptible rights of man, and these rights are liberty, property, security, and resistance of oppression."

125 We may add also the following extracts from the Liturgy, showing what the Church teaches her children to pray for on behalf of their rulers :—

Illustration
from the
Liturgy of the
Church of
England and
of the American
Episcopal
Church.

From the Litany :

"That it may please Thee to bless and preserve all Christian rulers and magistrates, giving them grace to execute justice and to maintain truth."

From the Prayer for Parliament and for Congress, to be used during their Session :

"That Thou wouldest be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy Church, the safety, honour, and welfare of Thy people ; that all things may be so ordered and settled by their endeavours upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations."

From the Prayer for the Church Militant :

"We beseech Thee also, so to direct and dispose the hearts of all Christian Rulers, that they may truly and impartially administer justice, to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue."

From the Lord's Prayer :

“Thy kingdom come, Thy will be done on earth, as it is in heaven. Give us this day our daily bread.”

Some principles of Law.

126 *Some Principles of Law.*

i. That the power of the government to make laws for the protection of natural rights is inalienable ; such power being so indispensable to the public welfare that it cannot be bargained away by contract.

ii. That under the laws at any time provided for the protection of natural rights, individuals may acquire property rights which are unsailable and must be respected by other individuals.

iii. That property so acquired is held subject to the right of the legislature to qualify or destroy it at will according to its judgment of what the public interest requires, and without regard to investments that may have been made or calculations based on the actions of a prior legislature, even though such action took the form of a contract.

Note.—See *Butchers' Union Company versus Crescent City Company* 111 U.S. 746 and *Slaughter-house Cases* 16 Wall 36, in which these principles of law are so interpreted in reference to the matter of public health.