

Henry George and the Laws of Nature

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In *Progress and Poverty* Henry George frequently calls upon the ‘laws of nature’ or ‘natural law’, or upon universal justice. I would like to explore what he really means by these expressions. One does not find them in current economic theory. Occasionally one hears a politician calling for justice, but often this is more a call for retribution rather than justice. But one never hears them invoke the ‘laws of nature’ or ‘natural law’.

This gap between the language of George and the prevailing language of economics calls for enquiry. We need to understand why the language has so radically changed, from concrete to abstract terms, and why the notions of justice and natural law have fallen away from the discipline of economics. There is a complex history that needs to be uncovered here. But more immediately, we need to grasp what George himself meant by the ‘laws of nature’ and ‘natural’ or ‘universal justice’. There is a danger that we may read these expressions only rhetorically, as emotive language to stir the heart but not reason. Indeed, there are proponents of George who sweep away his appeals to natural law or justice and reduce his work to a mere fiscal policy. They seek to bring George’s thinking in line with modern economic models.

It is worth hearing how George speaks of law and justice, for example:

In permitting the monopolization of the opportunities which nature freely offers to all, we have ignored the fundamental law of justice—for, so far as we can see, when we view things upon a large scale, justice seems to be the supreme law of the universe.

This is a very bold assertion. Do we agree that “when we view things upon a large scale, justice seems to be the supreme law of the universe”? Is this a poetic or figurative way of speaking, or does George expect us to recognise a universal truth? This is a very important question, because the founders of modern politics and economic theory in the seventeenth century disputed over the idea of universal justice. Francis Bacon and Thomas Hobbes, for example, claim there is no such thing as universal justice, as the ancients held, and that justice was arrived at only by way of common consent or contract between a people. In what they called the ‘state of nature’, a condition they imagined prior to society, each man lived under his own law and entirely for himself. In Hobbes’ famous phrase, the state of nature was ‘war of all against all’. The establishment of society and government, he argues, aimed at restraining this natural condition so that there would be peace between people, rather than natural violence. It is fear of violence that holds society together and shapes its laws.

This way of thinking carries through into Smith and Locke and into the general consciousness of modern society. It is the foundation of liberal individualism, of each person for himself. In its modern form it manifests as moral relativism, and in the idea that all truths are relative. These ideas are powerful and permeate everywhere from the popular media to academia. So when George suggests that justice is the “supreme law of the universe” he is attributing a moral dimension to the order of nature that is quite foreign to current thinking. There is clearly a huge clash here between his conception of nature and that of modern materialism – the reductive mechanistic view that rules modern economic theory.

Here two important things are to be observed. First, in George's time the ideas of Bacon, Hobbes and Locke had not yet permeated the thinking of ordinary people. It was the intellectuals who adopted the new thinking, while the ordinary citizen still lived under the wing of the sense of natural justice, common decency, and the Christian ethic of goodness to one's neighbour. Second, this sense of 'natural justice' has deep roots in history, in Roman jurisprudence throughout Europe and in the English tradition of common law, and in the Christian understanding of divine providence. The biblical commandments, such as 'Thou shalt not steal' still had force and seemed entirely just. To this may be added that people lived in closer contact with each other in George's times, and so their morality sprang more directly from the feeling of belonging to a community. The closer people live and work together, the stronger the sense of moral commitment.

In his writings George speaks to this sense of natural justice and community. He was able to address an intuitive knowledge of justice that all ordinary people have, but which was lost in the cleverness of the 'intellectual' economists and social theorists. On the other hand, the ordinary people are not as articulate as the clever intellectuals, and so over time their intuitive knowledge of justice is crowded out by the powerful and intricate writings of the clever intellectuals. It is to be observed that, if an untruth is spoken or written with great skill and power, it becomes persuasive. Or as George says: "the idea of justice is blurred by the habitual toleration of injustice".

There is something else very interesting to note in this regard. The early followers of George have an enthusiasm grounded in goodwill. One can see this in the early issues of *Land & Liberty* and its predecessor the *Single Tax*. This goodwill springs from a recognition of the goodness of justice and a desire for the common good. It is never factional. This is very different with the followers of Marx, fired by the idea of class struggle, and who are driven by anger and a desire for retribution rather than goodwill. But a just society cannot emerge from anger. Anger at injustice is not the same as the love of justice. This is something our times really needs to appreciate.

The traditional understanding of justice is grounded in the tradition of natural law: "For Liberty means Justice, and Justice is the natural law—the law of health and symmetry and strength, of fraternity and co-operation" writes George. Are liberty and justice equated in modern thought? Is liberty now associated with health and symmetry, or with fraternity and co-operation? I think not. Liberty now commonly means being independent and going one's own way. It is conceived as freedom *from* law, rather than freedom *in* justice and co-operation. The individual takes precedence over society and co-operation. This is precisely the Hobbesian view, where society is taken to be a mere convenience for each individual to pursue their own desires. The natural law, contrary to this, is the law belonging to nature as a whole, and to society and to mankind as a whole. It is the law that relates every part of nature together in order that each may play its natural part within the whole, and may contribute to the whole. It is the 'health and symmetry' of the whole, exactly as George says.

This understanding of natural law needs to be distinguished from the laws of nature as conceived by Bacon and the rise of modern science. The scientific conception of laws in the physical universe is that of laws governing things from outside. Thus gravity pulls a stone down to the earth, or the rays of the sun cause plants to grow. This mechanistic conception of the laws of nature is foreign to the ancient conception of law. The traditional conception of law conceives of each thing as ordered within its own nature and completed through actualising itself in conformity with its own nature. Law is the nature of a thing, not an influence governing it from outside. Its essence and its law are the same. The new scientific conception of the laws of nature imposing themselves on things from outside coincides with the rise of deism – the conception of God as a being governing the world from outside, or setting

it in motion like a clockwork and leaving it to run by itself. Such a conception of nature has no ethical dimension.

This new shift in thinking gave birth to the idea of civil law ruling society from outside, or of government imposing its will upon its subjects. This in turn gave birth to the notion of an irresolvable conflict between the citizen and the state. And from this arises an apparent conflict between the individual good and the common good.

When George speaks of ‘natural law’ or the ‘law of nature’ he does not mean this scientific conception of law. Neither does he mean laws which governments may devise and impose upon the state. He means the laws of natural justice inherent in the order of the universe. This is the ancient tradition of natural law which were discounted by the seventeenth century thinkers.

How far George was aware he was calling upon this ancient tradition we cannot be certain. From his writings it is clear that he was familiar with ancient history and the ancient conceptions of society as cooperative rather than individualistic. He refers to Marcus Aurelius several times, and also to Thomas Aquinas. Marcus Aurelius was a Stoic, and we have from the Stoics the fullest elaboration of Roman natural law – in Zeno, Cicero and Seneca, as well as Marcus Aurelius. But these in turn go back to Plato and Aristotle. So far as I am aware, we have no record of the ancient writings George might have read. We can only go by the occasional historical reference, but mostly by the spirit of his writing about law and natural justice.

It is important, however, to appreciate that the new scientific mechanical conception of law was fiercely opposed at the time of Bacon and Hobbes. It was a time of great theological, philosophical and political turmoil. In Britain the resistance to the new thinking came mainly from either jurisprudence or moral philosophy. The great barrister and jurist Sir Edward Coke, for example, defended the English tradition of common law, which is founded in the natural law. He wrote:

The Law of Nature is that which God at the time of creation of the nature of man infused into his heart, for his preservation and direction; and this is *lex aeterna*, the Moral Law, called also the Law of Nature. (Sir Edward Coke, *Selected Writings of Sir Edward Coke*, Volume 1)

The *lex aeterna*, the eternal law, that he invokes stands in direct opposition to the new notion that laws originate in the will of the ruler, or by agreement or contract, first formulated by Machiavelli and adopted with praise by Francis Bacon and Thomas Hobbes. The notion of the ‘will of the ruler’, which replaces the *lex aeterna*, has roots further back than Machiavelli in the nominalism of William of Occam (1285 – 1347). Nominalism is the theory that there are no universals, only particulars, and that any universal is an intellectual notion only. For example, ‘mankind’ is an idea or concept abstracted from particular human beings which has no reality beyond a classification. This means that there is no such thing as ‘being’ but only individual beings, or no such thing as ‘truth’ but only particular truths. But this also means that there is no such thing as ‘justice’, only individual instances of just acts. There are no universals in reality, but only in concept.

William of Occam also introduced a shift in how theology conceived God. He held that the divine will was prior to the divine intellect, thus reversing the traditional understanding that the will of God is informed by divine wisdom. This meant that the will of God stood by itself and was totally free. And this in turn meant that the divine will was arbitrary and even free from its previous acts which could not bind it.

It was this conception of God that found its way into the notion of the ‘divine right of kings’, where the will of the sovereign is the law, and law has no other source. This was the notion adopted by Machiavelli and later by Bacon and Hobbes. It has been very powerful and even today it still has its descendent in rule by ‘the will of the people’. The ‘will of the people’ is no more a ground for justice than the ‘will of the sovereign’. This is because justice is not rooted in will, but in the true order of the universe, in nature. It is the *lex aeterna*, not the arbitrary rule of an individual or of the day. Also, combined with nominalism, it is the root of individualism – the conception of society composed only of autonomous individuals each seeking their own self-interest. These are the grounds of the current ‘moral relativism’, where private values replace universal justice or the virtues.

As I mentioned a moment ago, this new thinking was strongly opposed. I have mentioned Edward Coke already. There was another famous jurist, Matthew Hale, who wrote a book entitled *Of the Law of Nature*, in which he expounds the ancient tradition of natural law, beginning in Plato and Aristotle, through the Stoics and Aquinas, and English common law. Hale observes two things contrary to the new thinking:

1. That there is a natural propension in Man to Society, even antecedent to any discursive operation of the mind: And 2. That this is no casual incidence in the Nature of Man, but an instituted Charector, imprinted upon that Nature which appears by this, that by the advantage of speech, and instituted Signes (which no Creature besides Man is capable of) he is adapted and fitted to that sociability that his Nature is inclined to; (*Of the Law of Nature*, 99)

He is directly referring to Aristotle here. Man is by nature social and political, and his natural inclination and state is to live in society. That society is natural to human nature is opposed by Hobbes, for whom the ‘state of nature’ is ‘war of all against all’, as we said earlier. For Hobbes society arises not from natural social inclination, but rather from fear and the desire for protection. We must remember that for Hobbes the ruling passion in man is the ‘fear of death’. It is this fear that drives all other desires. Without naming Hobbes, Hale directly opposes this idea:

And therefore it is but a narrow and weak conjecture that feare was the *primum Movens* [prime motive] of Man to the entring into Societys,²⁸ since it is apparent that this natural propension placed in Man is antecedent /fol. 89r/ not only to the actings of the passions, but in someh measure antecedent even to any act of deliberations of the mind; (*Of the Law of Nature*, 99)

Here is a very important choice we are called to make in our understanding of the nature of things. Hobbes proposes that fear is what drives human beings together into society, for common protection, even though each would naturally prefer to live alone and be a law unto himself, ruled by his own will in the ‘state of nature’. Hale, following Aristotle, proposes that man is by nature a social being, inclined to society prior to any passion or any rational deliberation. Society is simply that natural condition of man. The second choice is based upon a conception of nature designed and ordered towards cooperation and mutual benefit. This way of thinking is exactly that of George. In *Progress and Poverty* George writes:

The laws of the universe are harmonious. And if the remedy to which we have been led is the true one, it must be consistent with justice; it must be practicable of application; it must accord with the tendencies of social development and must harmonize with other reforms.

This matches perfectly what Hale says of the harmonious nature of human society:

Therefore there is a further advantage namely the mutual communication and participation of one Man in that good that he wants, and another hath or hath in greater abundance, for Nature hath so order'd the several states and conditions of Men that one Man stands in need of what another hath, and this creates necessitude between one Man and another, and by this disposition of the Divine regiment of things, there is a Mutual necessitude and indigence of mutual Offices between Man and Man, (*Of the Law of Nature*, 99)

And what Hale says here is echoed in the quotation George makes from Marcus Aurelius:

Economic law will prove the perceptions of Marcus Aurelius: “We are made for cooperation—like feet, like hands, like eyelids, like the rows of the upper and lower teeth.”

The human species may flourish only through cooperation. A society forms a natural whole, like the body, with its ‘mutual Offices’, where each part serves the good of the whole. The *natural* good of human society manifests only through *mutual* good. There follows from this a natural distribution of human gifts that match the needs of each. Hale describe it thus:

one Man hath more wit, another more Courage, another a good Naturalist or Physician, another a good Orator, one dexterous in Mechanicks of one kind, another of another; /fol. 89v/ And the advantage of Consociation makes the Communication of the good of one to another more ready, facile and usefull, and by this meanes one Man is as it were mortis'd into another and contiguated 29 by the communication of offices and supplying of wants each of other; (*Of the Law of Nature*, 100)

Matthew Hale also opposes deism, which gives primacy to the will of God, with the traditional understanding of God’s acts being expressions of his divine wisdom.

First from the Author of them who is a God of infinite wisdom, and therefore doth every thing by the most exact wisdom, ordering every thing to most suitable Ends and conducting every thing to those Ends by most suitable meanes; It is he that hath drawn these Lines & Strictures of those Naturall Laws in the human Nature; (*Of the Law of Nature*, 107)

Although Hale speaks here as a Christian, this passage could equally be derived from Plato or Cicero. For here we have the ground of natural law itself as an expression or manifestation of the *divine wisdom* that informs and guides nature everywhere, ordering all things to their natural ends through the most suitable means. It is a ‘teleological’ view of nature, which sees the nature of things in their ends, or their completeness. Essentially, everything in the universe tends towards perfection or to the fullest order of being. Seen in this way, the universe is filled with wisdom and intelligence. This is to see nature rightly, and seen in this way humanity can discern the right way of living that is in harmony with the wisdom manifest in nature. By conforming his reason to the harmonious order of nature, the human being can discern the laws that belong to society by nature, and through which it may flourish in justice and in peace. Here the ‘will’ performs its proper office of *assent* to truth and justice.

This way of looking upon nature is rejected by the rationalist of the seventeenth century. It is regarded as utopian and wholly impractical, the idle dream of philosophers such as Plato and Aristotle. The new 'empiricism' is not so much based upon the impartial observation of nature, as it is claimed, but rather upon a mechanical theory of nature and the human will to master and direct it. According to this view, nature does not have any ends, it is merely passive resources, with no intrinsic value or meaning of its own. This is the Machiavellian way of beholding the world. Man must impose his own ends on nature.

It is not hard to see how these ideas still permeate modern economic thinking, reducing it to mechanical exchanges of 'products' ruled by indifferent 'market forces'. And this is reinforced by the individualism that sees every man in competition with every other. There is neither society nor ethics in such a view. It is here where George's understanding of economics is profoundly different. He understands human nature as essentially cooperative and society as communitarian – precisely the vision opposed by the new thinking of the seventeenth century, which is nominalist and atomistic. As we have already said, it was a view opposed in the seventeenth century, especially by jurists in England. But it was also opposed in the sixteenth century by the influential theologian Richard Hooker, who with great foresight anticipated the fragmentation of society through the religious and political conflicts of his time. Drawing on ancient philosophy and the scholastics, he forcefully endorsed the communitarian understanding of man and society, writing:

Civil society doth more content the nature of man than any private kind of solitary living, because in society this good of mutual participation is so much larger than otherwise. Herewith notwithstanding we are not satisfied, but we covet (if it might be) to have a kind of society and fellowship even with all mankind. Which thing Socrates intending to signify professed himself a citizen, not of this or that commonwealth, but of the world. (*The Laws of Ecclesiastical Polity*, Book 1, Chapter X)

We do not know if George read Richard Hooker. It is improbable. Yet I believe he would have endorsed every word of this statement of Hooker's, and perhaps especially his idea of being a citizen of the world. That vision of Socrates, as a citizen of the world, found its fullest expression in the Stoics, who understood the entire cosmos itself to be the 'city of gods and men'. It is from the Stoics we have the word 'cosmopolitan', the idea of the human citizen living in harmony with nature and blessed with the wisdom of the gods.

If George read Cicero, if not Hooker, than he would have endorsed this passage from his *Treatise on Commonwealth* where Scipio says:

Well then,—A commonwealth is a constitution of the entire people.—The people, however, is not every association of men, however congregated, but the association of the entire number, bound together by the compact of justice, and the communication of utility. The first cause of this association is not so much the weakness of man, as the spirit of association which naturally belongs to him—For the human race, is not a race of isolated individuals, wandering and solitary; but it is so constituted for sociality, that even in the affluence of all things, and without any need of reciprocal assistance, it spontaneously seeks society. (*Treatise on Commonwealth*)

Now, as sympathetic as George might be with these ancient ideas, his way of arriving at them is not the same. He is a man of the nineteenth century, and the notion of ‘reasoning’ about things has moved on from that of the seventeenth century. George adopts the way of arguing from cause to effect – which is not how Hooker or Cicero argue. For example, in the chapter on Natural Law in his *The Science of Political Economy* he discusses how we seek to understand things through seeking their causes. From this way of thinking he infers there must be a first cause and a divine will behind the created world. Now while this way of reasoning is appropriate for many things, it is not appropriate for understanding natural law. This is because natural law does not produce effects from causes, but rather it is the constitution of existent things as such – the law of their own nature. Justice itself is of this kind. It is what belongs to things, the right relation of them together. It is like musicians playing a string quartet together. The rules of a game are like this too – in a sense they are the game, since without them there is no game. But they are not the cause of the game, nor the game their effect.

The problem with George’s reasoning here is that it leads him to assume a ‘will’ or an ‘intention’ moving all things. In the chapter on Natural Laws he argues:

Thus, whether civilized or uncivilized, man is compelled to look for cause beneath the phenomena that he begins really to consider, and no matter what intermediate cause he may find, cannot be content until he reaches will and finds or assumes intent. (*The Science of Political Economy*)

The difficulty with this way of reasoning is that it takes ‘nature’ to be a passive substance upon which a will or intention is imposed from outside. The natural law tradition, on the contrary, understands that the laws of nature are integral to nature herself. The order of nature is not different from nature. So the natural law exists already in the essence of things. And this is true of the human knowledge of justice. The intellect already knows justice and that action according to human nature must necessarily be just. Injustice, therefore, is contrary to human nature itself. There is no ‘will’ directing justice. Justice acts of itself.

My point here is not so much to criticise George’s way of reasoning from effect to cause, but rather to assert that, his understanding of society ultimately did not derive from this kind of reasoning. What he actually saw was that things act according to their inherent nature, and this is the root of justice. Nature is just. There is always a moral dimension in understanding nature as presenting itself to human intelligence. It is to this moral dimension that we make a human response. Society is not a passive collection of people waiting to be directed by laws. Nor is it created by fear. Rather, reciprocity and cooperation in friendship *is* society. Injustice prevents society being itself. The nature of society and the good of society are the same, just as the nature of the body and its health are the same thing. It is this correspondence between nature and goodness that is the natural law. The natural law is the manner in which all things seek their good in common with one another. The scientific method that seeks causes excludes the ethical dimension of nature, and so can never grasp the laws that belong to society or human exchange. What moves the writings of Henry George is not so much the search for causes as the love of justice. This gives an insight that cool reason alone cannot comprehend. All I am suggesting here is that the ancient understanding of wisdom infusing all things, rendering the universe as full of intelligence, is how the natural law tradition conceives things, and that I believe this is more in harmony with George’s vision than his arguments from cause to effect.

George gives testimony to this in a remarkable letter to his friend the Rev. Thomas Dawson, to whom he wrote:

Because you are not only my friend, but a priest and a religious, I shall say something that I don't like to speak of—that I never before have told to anyone. Once, in daylight, and in a city street, there came to me a thought, a vision, a call—give it what name you please. But every nerve quivered. And there and then I made a vow. Through evil and through good, whatever I have done and whatever I have left undone, to that I have been true. It was that that impelled me to write *Progress and Poverty* and that sustained me when else I should have failed. And when I had finished the last page, in the dead of the night, when I was entirely alone, I flung myself on my knees and wept like a child. The rest was in the Master's hands. That is a feeling that has never left me; that is constantly with me. And it has led me up and up. It has made me a better and a purer man. It has been to me a religion, strong and deep. (George, Jr., Henry. ([1900] 1981). *Henry George*. New York and London: Chelsea House, p. 311 – 312)

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