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The Myth of “Natural Law”

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Natural Law, and the related Natural Rights, play an important part in Libertarian Capitalist ideology. They are not alone in claiming that their particular ideology meets the law of nature, Hitler (for one) also did so. So do numerous other demagogues, religious fanatics and political philosophers. However, they like to claim that only *their* “natural law” is the “real” one, all the others are subjective impositions. But, then again, so do all the others. We will ignore these assertions (they are not arguments) and concentrate on explaining why natural law (in all its many forms) is a myth. In addition, we will indicate its authoritarian implications.

Firstly, Murray Rothbard claims that “Natural Law theory rests on the insight . . . that each entity has distinct and specific properties, a distinct “nature”, which can be investigated by man’s reason” (*For a New Liberty*, p25). To put it bluntly, this form of “analysis” was originated by Aristotle and has not been used by science for over 300 years. Science investigates by experiment, creating theories to explain the facts experienced. Rothbard *invents* definitions (“distinct ‘natures’”) and then draws conclusions from them. Such a method was last used by the medieval Church and is innocent of any scientific method.

After defining certain “natures”, Rothbard starts to draw “Natural Rights and Laws” from them. However, these are strange “Natural Laws” as they can be violated in nature! Natural laws (like the law of gravity) *cannot* be violated and therefore do not need enforcing. The “Natural Laws” the “Libertarian” desires to enforce upon you have no such powers. They need to be enforced by humans and the institutions they create. Hence Libertarian “Natural Laws” are more akin to moral or legal laws. So why do Libertarians use the terminology of Natural Law?

Simply, it gives them the means by which to elevate their opinions, dogma and prejudices to some metaphysical level where nobody will dare to criticize it, or even think about it. It smacks of religion, where “Natural Law” has replaced God’s Law. In the latter case, it gives the priest power over the believers. In the later, the ideologist over the people he or she wants to rule.

How can you be against a “Natural Law”? Its impossible. How can you argue against Gravity? If private property, for example, is elevated to such a level, who dare argue against it? Ayn Rand listed having landlords and employers with “the laws of nature”. They are *not* similar: the first two are social relationships which have to be enforced by the state; the “laws of nature” (like gravity, needing food, etc) are *facts* which do not need to be enforced. The use of “Natural Law” is an attempt to *stop* thinking, to restrict analysis, to force certain aspects of society off of the political agenda by giving them a divine, everlasting quality.

Of course, in order to support “Natural Law” the cultists *must* ignore reality. Ayn Rand claims that “the source of man’s rights is . . . the law of identity. A is A — and Man is Man”. But Rand (like Rothbard) *defines* “Man” as an “entity of

a specific kind — a rational being”. Therefore she *cannot* account for *irrational* human behaviour (such as those which violate “Natural Laws”) which are also products of our “nature”. To assert that they are not human, means to assert A can be not-A, thus attempting to deny the law of identity. Her ideology cannot even meet its own test.

But “Natural Law” provides protection for individual rights from violation by the State. Those against Natural Law desire total rule by the state.

The second part is a common Libertarian attack. Instead addressing the issues, they accuse you of being a “totalitarian” (or the less sinister “statist”). In this way, they hope to avoid discussing the issues raised. We can ignore the second part.

“Natural Law” has *never* stopped the rights of individuals from being violated by the state. They are as much use as a chocolate fire-guard. If “Natural Rights” can protect you from the power of the state, the Nazis would not have been able to murder six million Jews. The only thing that stops the state from attacking individuals rights is individual (and social) power — the ability and desire to protect yourself and what you consider to be right and fair. As the anarchist Rudolf Rocker noted, “Political [or individual] rights do not exist because they have been legally set down on a piece of paper, but only when they have become the ingrown habit of a people, and when any attempt to impair them will be met with the violent resistance of the populace. . . . One compels respect from others when he knows how to defend his dignity as a human being. . . . The people owe all the political rights and privileges which we enjoy today, in greater or lesser measure, not to the good will of their governments, but to their own strength” (*Anarcho-Syndicalism*, page 64).

Of course, if there are no “Natural Rights”, then the state has no “right” to take away your rights or murder you. You can object to state power without believing in “Natural Law”.

Why is “Natural Law” authoritarian?

Rights, far from being fixed, are the product of social evolution and human action, thought and emotions. What is acceptable now may become unacceptable in the future. Slavery, for example, was long considered “natural”. In fact, John Locke, the “father” of “Natural Rights” was heavily involved in the slave trade. He

made a fortune in violating a “natural law”. Many claimed slavery was a “Natural Law”. Few would say so now.

The “Natural Law” cult desires to stop this evolutionary process and fix social life into what *they* think is good and right and use a form of argument which tries to raise their ideology above critique or thought.

This denies the fundamental nature of liberty, the ability to think for yourself. Michael Bakunin writes “the liberty of man consists solely in this: that he obeys natural laws because he has *himself* recognised them as such, and not because they have been externally imposed upon him by any extrinsic will whatever, divine or human, collective or individual” (*Bakunin on Anarchism*, page 227).

The case for liberty and a free society is that every individual is unique, that all can contribute something which no other individual has noticed or thought about. It is this interaction of individuals which allows individuals, society, social customs and rights to evolve, change and develop. “Natural Law”, like the state, tries to arrest this evolution. It replaces individuality with cold dogma, placing the individual under yet another god, destroying critical thought with a new rule book.

In addition, as these “Natural Laws” are the product of human as humans, they *must* be applicable to *all* humanity. Hence the “Natural Law” cult desires to see *one* moral code dominate society, all other codes *must be* (by definition) “against nature”. That the Dogma of Natural Law was only invented a few hundred years ago, in one part of the planet, does not seem to bother them. Nor the fact that for the vast majority of human existence people have lived in societies which violated almost *all* aspects of their “Natural Law”.

If “Natural Law” did exist, then all people would have discovered this “true” law years ago. As it is, the debate is still going on, with (for example) fascists and “Libertarians” each claiming “the laws of nature” (and sociobiology) as their own.

But Natural Law was discovered, not invented!

This truly shows the religious nature of the Natural Law cult. Let us take the Law of Gravity, for example. Newton did not “discover” the law of gravity, he invented a theory which explained the physical events experienced. Later Einstein updated his theories into new theories, which again try to explain physical reality.

Unlike “Natural Law”, scientific laws are seen to be the products of human thought and can be updated and changed as our knowledge changes and grows. The “Natural Law” cult prides itself in that it is unchanging, being “discovered” centuries ago. No wonder that many “Natural Law” cultists support sociobiology, placing their “laws” into the genetic structure of humanity. As Murray Bookchin

notes, sociobiology is “suffocatingly rigid; it not only impedes action with the autocracy of a genic tyrant but it closes the door to any action that is not bio-chemically defined by its own configuration. When freedom is nothing more than the recognition of necessity . . . we discover the gene’s tyranny over the greater totality of life . . . when knowledge becomes dogma (and few movements are more dogmatic than sociobiology) freedom is ultimately denied”.

Natural Law, far from the being the supporter of individual freedom, is one of its greatest enemies. By placing individual rights within “Man’s” “Nature”, it creates an unchanging set of dogmas. Do we really know enough about humanity to dictate “Natural” and universal Laws, applicable forever? Is this not a denial of critical thinking and so individual freedom?

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