

## X. FOUNDATIONS OF LAW, Lesson 9: Authority & Reason: Arguments About Individual v. Collective Rights and Bodily Autonomy

### A. THE LAW by Frederic Bastiat

#### Life Is a Gift from God

We hold from God the gift which includes all others. This gift is life—physical, intellectual, and moral life.

But life cannot maintain itself alone. The Creator of life has entrusted us with the responsibility of preserving, developing, and perfecting it. In order that we may accomplish this, He has provided us with a collection of marvelous faculties. And He has put us in the midst of a variety of natural resources. By the application of our faculties to these natural resources we convert them into products, and use them. This process is necessary in order that life may run its appointed course.

Life, faculties, production—in other words, individuality, liberty, property—this is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it.

Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.

#### Law and Government Properly Defined

What, then, is law? It is the collective organization of the individual right to lawful defense.

Each of us has a natural right—from God—to defend his person, his liberty, and his property. These are the three basic requirements of life, and the preservation of any one of them is completely dependent upon the preservation of the other two. For what are our faculties but the extension of our individuality? And what is property but an extension of our faculties?

If every person has the right to defend—even by force—his person, his liberty, and his property, then it follows that a group of men have the right to organize and support a common force to protect these rights constantly. Thus the principle of collective right—its reason for existing, its lawfulness—is based on individual right. And the common force that protects this collective right cannot logically have any other purpose or any other mission than that for which it acts as a substitute. Thus, since an individual cannot lawfully use force against the person, liberty, or property of another individual, then the common force—for the same reason—cannot lawfully be used to destroy the person, liberty, or property of individuals or groups.

Such a perversion of force would be, in both cases, contrary to our premise. Force has been given to us to defend our own individual rights. Who will dare to say that force has been given to us to destroy the equal rights of our brothers? Since no individual acting separately can lawfully use force to destroy the rights of others, does it not logically follow that the same principle also applies to the common force that is nothing more than the organized combination of the individual forces?

# COMMON LAW ACADEMY LESSON

## B. DEBATE QUESTION #1:

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to violate individual liberties.

List Argument Points & Authorities Below:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Additional Notes:



# COMMON LAW ACADEMY LESSON

## C. DEBATE QUESTION #2:

**Please take notice that** as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to interfere with my right to protect my bodily autonomy.

List Argument Points & Authorities Below:

1. \_\_\_\_\_

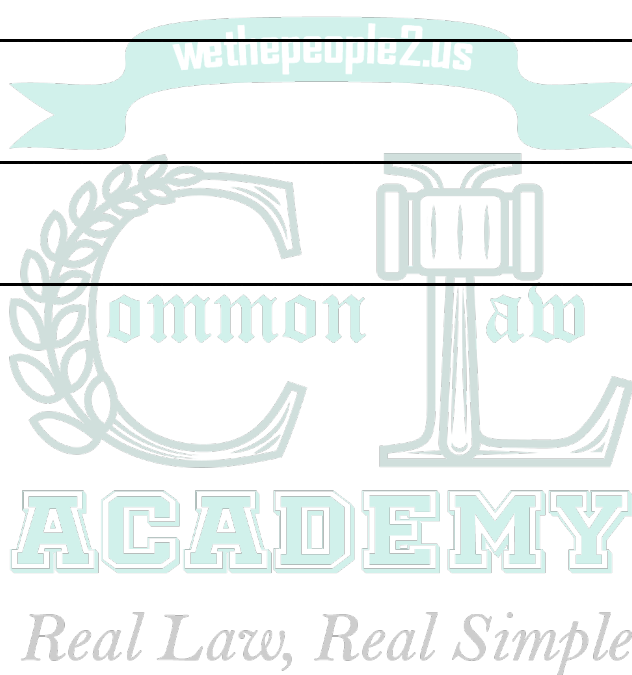
2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Additional Notes:



## D. EXAMPLE ARGUMENT BASED ON AUTHORITY & REASON

**Please take notice that** the superior nature of these natural rights is grounded in their divine origin and their status as indispensable prerequisites for an individual's existence. Conversely, collective rights are secondary, serving as a means to an end—primarily the protection of individual rights. Therefore, by their very nature, collective rights are considered inferior to natural rights. The collective force is subservient, existing solely to uphold the sanctity of individual rights, safeguarding lives, liberties, and properties. Any departure from this intended purpose represents a distortion of the proper use of collective rights and is therefore contrary to the principles of our form of government. *(The following authorities are cited below:)*

*Maxim of Law 51i. Individual liberties are antecedent to all government. C.L.M.*

*Maxim of Law 86m. No right is held more sacred, or is more carefully guarded by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear or unquestionable authority of law. Union Pac. Ry. v. Botsford, 141 U.S. 250, 251.*

*Maxim of Law 59o. "Law is a rule of right, and whatever is contrary to the rule of right is an injury." 3 Bulst. 313.*

