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The history of the western political traditions is a rich one consisting of some of the greatest thinkers the world has ever seen. This tradition has been a logical flow, building upon the works of those before it. Starting with the ancient Greeks, though the Roman and medieval thinkers before the golden age of the English enlightenment and onwards to the contemporary debates of today. Through these millennia, some core ideas have been intrinsic to the western political tradition and in many cases have been uniquely defining of it. However, in recent decades it seems as though the debates on current political issues has lost sight and respect for the traditions from which we should proudly owe our whole way of life to.

I argue that that while it is evident that some conception of natural law exists *ante imperium*, and a just government must respect this in its rule at all times, the enshrinement of part of natural law in current legislation (or even stronger in the constitution) is an important tool society should use to adhere to these most ancient and important of ideas.

Natural law is simply the doctrine that people in a state of nature are still bound to follow some conception of justice. To state this is to make a fundamental claim about the nature of justice – that to some extent it can be reasoned to through logic and human experience alone. Justice is not the arbitrary dictation of a king or the incomprehensible will of a deity. It is also a universal claim of justice such that it applies equally to all people in all places and times. What is naturally wrong in Athens is equally wrong in Brisbane.

The first to start developing and thinking about natural law were the ancient Greeks, particularly Stoics. However, Aristotle too heeded the existence of natural law writing in *Rhetoric,* "For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men..." Yet the most important proponent of natural law in ancient times was most likely Cicero. His arguments on natural law where at the core of the

Roman republic and their aversion to kingship, eventually giving his life in an attempt to restore the republic after the assassination of Julius Caesar. His pivotal work as a legal scholar was foundational to much of what became natural rights theory that was prevalent throughout the English enlightenment (Nicgorski, 2011).

The English philosopher John Locke was one of the most important thinkers of the English enlightenment, outlining his revolutionary (and possibly treasonous) ideas of classical liberalism in his *magnum opus* 'Two Treatises of Government'. In this he developed a comprehensive theory of natural rights, including the identification of what he considered to be the three fundamental natural rights an individual held; life, liberty, and property. Locke also developed a labour theory of property which influenced much of common law and land rights, especially the homesteading of the American wild west (Uzgalis, 2016).

While few of these thinkers personally advocated for goals like universal suffrage or the abolition of slavery, their ideas laid the intellectual groundwork for these political revolutions. Today the echoes of these ideas can been seen in the international recognition of human rights by multinational organisations like the United Nations and the condemnation of oppressive and genocidal regimes (United Nations, 2016). The name may have changed but the core concept that individuals have dignity and worth regardless of its recognition by their government. Contemporary philosophic debate is still influenced on all sides by these thinkers of old. Take for example the great intellectual rivalry between John Rawls and Robert Nozick over the nature of distributive justice. While they come to widely different conclusions, the western philosophic tradition as described above can clearly be seen in both (Wenar, 2013) (Feser, 2016).

How then, in practice, should governments of today act in order to adhere to the nature of justice and individual rights? While in a perfect world the three branches of government would never breach the charter of the people, the reality of day to day governance, and its response to current problems, may lead it to disregard or weaken its duty to these moral realities. By enshrining these fundamental tenets in law, and granting the judiciary the legal power to test any and all further legislation against these canons, a further check and balance is established and the principles of this country are further protected against populist or reactionary actions which may undermine it. Democracy was never meant to be mob rule and it is in times of desperation and anger that principle is needed most to retain just law and order.

It is important to understand that a human rights charter is not simply a wish list of societal goods we would like to see each citizen granted with simply by virtue that our society is fortunate enough to afford such things. The allocation of these goods is the job of the legislator and the voter. Rather, rights are inherent to the human condition. To be without these fundamental rights is to be without part of one's humanity. It is for this reason we do not accept the institution of slavery as that is not the nature of mankind to be in such a subservient position.

It would be my strong recommendation to implement a Human Rights Charter for Queensland in accordance with the western liberal tradition of natural law of which the political and cultural institutions owe their heritage. The inclusion of the following rights (and thus their subsequent derivatives) is also strongly recommended:

- Life
- Liberty
- Property
- Pursuit of happiness and wellbeing
- Rule of law
- Freedom of thought
- Freedom of speech and political expression
- Privacy of one's person, property, and papers
- Peaceful protest
- Assembly and Association
- Religious belief and practice

Sincerely,

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