

CHAPTER XIX

OF GOVERNMENT

"The Government of a country is nothing more than the body of men set apart to defend the rights of each individual of the community, consequently the whole operations of Government in its primary capacity are limited to the prevention of unjust interference." — Patrick E. Dove.

To preserve "Law and Order," or, in other words, the prevailing polity, is, we are often told, the first duty, the primary function of all Government. This may be so; but certain it is that the first duty of every citizen of a free community is to see that the prevailing "Law and Order" is based on and in accordance with the eternal and immutable principles of Justice and Freedom.

In a community accepting Justice as the foundationstone of its association, as the keystone of its social life, the first duty of any established Government would be to see that the equal claims of all were recognised and respected. In such a community, Justice, or the Law of Equal Freedom, would constitute the basis of all individual, social, and political ethics; it would form, in truth, the constitution of their society, the test and touch-stone of all individual actions, as of all social or political enactments.

Over purely private affairs, over affairs concerning only his own person, his own life, his own conscience, each individual citizen could claim to be secured the fullest liberty: of such matters each could claim to be a law unto himself. But such absolute dominion would at once cease in matters affecting also others, in which, therefore, authority would have to be shared with others. In accordance with the Law of Equal Freedom, on all such questions each person interested would have to be secured an equal voice; and though the responsibility might necessarily be shared by all, the decision would remain with the majority. Fortunately or unfortunately, there is, in fact, no other way in which in a free community public questions can be decided; and no real danger is to be feared from this course so long as private affairs remain strictly inviolate from public interference, and provided only those have a voice in the matter whose interests may be affected by the decision. If these decide wisely, they will benefit, if unwisely, they will suffer; and this knowledge will in all cases tend to secure calm consideration and an impartial judgment. But however much we may desire it, there is no way by which either individuals or communities can be protected from the consequences of their own actions.

Again, over purely local affairs each separate community could claim to be sole judge

and arbiter. But its dominion, too, would cease in matters also affecting other communities. All such matters would have to be left to the decision of those interested, each separate community being accorded an equal voice, or a voting power proportionate to the number of its inhabitants.

On these lines individuals could form themselves into Communities; Communities group themselves into Districts; Districts into States; States could form a still larger Confederation; and yet the decision and direction of public affairs be left in the hands of those whose lives and destinies would be affected thereby.

Thus, under social conditions based on the Law of Equal Freedom, the form of "government," of the administration of public affairs, that would evolve, would necessarily be Federative: Individuals federating into Communities; Communities into Districts; Districts into States; States federating to form a Central Government — a Central Government capable of indefinite expansion, capable of embracing within its folds all the nations of the world. But to minister to the wants of man, to answer the requirements of a complex civilisation, to be stable and enduring, all such Government must be based on the safe and sure foundations of Justice and Freedom. For: "This is the universal law; this is the lesson of the centuries. Unless its foundations be laid in Justice, the social structure cannot stand."

Every such legislative body would have to be in direct touch, would have to carry out the wishes of those who had entrusted to it the sacred duty of administering their public affairs. The Central Assembly would deliberate upon and determine questions affecting different States; State Assemblies, questions affecting the different Districts within its area; District Assemblies, questions affecting different Communities; whilst each separate Community could be left the most perfect autonomy, the fullest freedom to dispose of its own purely local affairs; and each individual the fullest liberty to dispose of his own private affairs, to decide such questions as only concerned himself.

The Law of Equal Freedom, the accepted Constitution, would be alike binding on all. Under its beneficent sway no Government, no Communal Assembly, no District Assembly, no State Assembly, no Central Assembly, could pass or sanction, or even consider, any legislation that would in any way tend to encroach upon the equal liberties of any of the citizens, however insignificant in numbers or in social standing. Whatever duties were imposed would have to be imposed upon all; whatever advantages may be secured would have to be secured to all; and the opportunities and bounties of Nature would at all times have to be equally available to all on equitable terms.

This contention may require some further elucidation, more especially as many have

come to regard "Governments" as practically omnipotent over the lives, liberties, and destinies of those over whom they rule. This view, however, is only excusable in sight of the fact that all Central Governments of which they have had any experience are but the more or less modified products of mediaeval despotism, the direct inheritance from a time when some had by force usurped the power of enforcing their will on the rest of the community. The forms of "government" may have been altered to meet, or rather to appear to meet, the demands of the governed; but the machinery of government still remains much the same; the governing power is still centralised, and the spirit of despotism, of the coercion of the many by the few, has in no country entirely disappeared. In all countries the governing power is still practically, in many countries still avowedly, in the hands of a class or caste, and is used to advance and protect class interests. Even in countries where, after centuries of struggle, the people have secured to themselves some voice in their government, some voice in the administration of their own affairs, their power is mainly restricted to the choosing of their governors, and of periodically dismissing them from office. But in no true sense can the governing power be said to be equally distributed amongst all; in other words, in no true sense can the people be said to govern themselves, to have secured the power to manage their own affairs.

It would be beyond the scope of these studies to map out in detail any means by which the determining voice on their own affairs could at all times be left in the hands of the people.¹ This, however, would have to be done if the Law of Equal Freedom is to be respected, if a true Democracy, the Government of the People by the People, is to be established. Our object in this paper was only to show that in a community respecting and obeying the Law of Equal Freedom, in a community accepting Justice as the basis of its constitution, any "government" in the sense of a despot, a caste, or even of a popularly elected body, empowered to dispose of the lives, determine the activities, limit the freedom, and decide the public affairs of the community, would be out of question. The only possible "government" would be that of administration or management of the common affairs; and the determining voice on all such matters would at all times have to be left to the people themselves. Those entrusted with the duty of carrying out the expressed wishes of the people, those occupying the highest and most responsible positions in the community, would be, in truth, the servants of the rest, not only directly responsible to them, but acting only in accordance with their expressed will and desires.

¹ This the author has assisted to do in a little work entitled "Government by the People." (Publishers, Sands & Co., Burleigh Street, Strand. Price 1s.)

Thus, under the sheltering segis of the Law of Equal Freedom, the most complete independence could be combined with all the advantages of association and

interdependence, the fullest individual freedom combined with all those material, mental, and spiritual gains to be derived from association and intercommunion with one's fellow-men. Hence its preservation, and the strictest obedience to its behests, would be inculcated on all as the highest, most necessary, and most sacred moral and civic duty. Each would come to recognise that in order himself to enjoy the blessings of Freedom, in order himself to be free from all unnecessary interference, whether of a despot or of a majority, he must himself respect the equal freedom of his fellows. In other words, Justice would be found to involve Toleration, and each would come to recognise that his own freedom of action necessarily finds its limits when it tends to encroach on the equal freedom of his fellows; and, conversely, that their freedom of action, whether individually or collectively, necessarily ceases when they encroached on his equal freedom.

Thus the Law of Equal Freedom would at the same time form the foundation and determine the limits of the liberty of the individual, of the community, and of the state. And so long as its behests are strictly observed, Justice would be done to all, Injustice to none.

As to what should be the precise limits of the functions of the different administrative and executive bodies that may be empowered to act as representing the community, though apparently the main bone of contention between what are known as Individualists and Socialists, seems to us a very minor question, and one which each separate community could be left to decide for itself. There is certainly no necessity for the forms of administration, or the duties devolving on the administrators, being everywhere the same. In fact, any such uniformity would be most detrimental; for variation and selection are the necessary conditions of all development, of all progress. Moreover, what may be deemed suitable or desirable by one community may not commend itself to another; and, provided only the equal rights and liberties of every individual citizen are respected, each separate community could in all purely local matters be left free to work out its own salvation according to its wisdom and aspirations. Of course, everything in its nature a monopoly would have to be ordered or regulated by the community for the common advantage of all; but whether it should work such monopolies itself, or lease them out, or whether it should embark on other pursuits, and so on, are questions which can only be decided by those interested. This only is primary and fundamental. In accordance with the demands of Justice, with the dictates of the Law of Equal Freedom, no functions could be assigned to such bodies, and, save in case of necessity, and *necessitas non habet legem*, no powers granted to them that in any way infringed or tended to infringe on the equal freedom, on the equal rights and liberties of a single member of the community. Of course, such powers may be assumed by a community, as they may be by an individual despot, but they can only be based on Might, not on Right; and, manifestly, once admit the

doctrine that might is right, or can give right either to individuals or communities, and all talk of equity and justice becomes mere meaningless, hypocritical cant.

Thus, to our view, the difference between Individualism and Socialism sinks into comparative insignificance. We ourselves have little faith in the wisdom of Governments. We have no belief in the advisability of the extension of the power and function of Governments; and we are firmly convinced that the chief lesson to be drawn from history is to beware of governmental restrictions and governmental interference of any kind. In fine, we hold that all progress has been made, not because of, but in spite of, the action of those in power.¹ Others may draw a different lesson from the same facts; and we can well understand that, seeing the enormous use the privileged classes have made and still make of the power of Governments, some of our fellows should desire that this same power should be exercised for the common benefit of all, which seems to us to constitute the very crux and essence of what is known as Socialism. Into this question, however, it is quite unnecessary for us to enter further. Earnest Socialists and earnest Individualists are today inspired by the same motives. Both desire to establish Justice; and, provided only the dictates of Justice are respected, neither Individualists nor Socialists need dread the consequences, even though they should happen to be in a minority in the particular district in which they live. Hence it would be well for the cause both have at heart, for the cause of humanity and progress, if they would sink their minor differences, and unite their forces to fight the common enemy, Privilege and Injustice, and aid each other to promote the establishment of the social relations of their fellows, and the government of their country, on the eternal, immutable, and universal principles of Liberty and Justice. Both should bear in mind, to use the words of one of the greatest path-breakers of modern political thought, that "An army of principles will penetrate where an army of soldiers cannot; it will succeed where diplomatic management would fail; it is neither the Rhine, the Channel, nor the Ocean that can arrest its progress; it will march on the horizon of the world, and it will conquer." ¹

¹ "The rulers of a country are at best the creatures of the age, never its creators. Their measures are the result of social progress, not the cause of it. . . . No great political improvement, no great reform, either legislative or executive, has ever been originated in any country by its rulers. The first suggestors of such steps have invariably been bold and able thinkers, who discern the abuse, denounce it, and point out how it is to be remedied. But long after this is done, even the most enlightened governments continue to uphold the abuse and reject the remedy. At length, if circumstances are favourable, the pressure from without becomes so strong that the government is obliged to give way; and, the reform being accomplished, the people are expected to admire the wisdom of their rulers, by whom all this has been done." — "History of

Civilisation," Book I., chap. v. (Buckle).
1 "Agrarian Justice" (Thomas Paine).