

## CHAPTER I

### THE DENIAL OF NATURAL RIGHTS

THE fundamental ethical conceptions of Socialism we found to be as follows:<sup>1</sup>—

The denial of abstract or natural rights of individual members of the State, and the consequential assertion that all individual rights are granted by the State, which may, therefore, alter or cancel existing rights or grant new rights; the sole consideration which ought to guide the State in dealing with rights of individuals, being, “the balance of social advantages.”

The first and second of these propositions are clear cut and need no further elucidation. It is, however, different with the third proposition, for it is by no means clear what is meant by “the balance of social advantages,” or how that balance is to be ascertained.

There can be no doubt as to the body to be entrusted with the determination of the direction in which the balance of social advantages lies. Socialism confides this duty to the majority of adult individuals, for majority-rule is one of its fundamental tenets. Nor is there any doubt as to the manner in which the majority is to arrive at its decision. The existence of natural rights being denied, no general principle for the guidance of the majority is available, nor can there be any limit to its action. The question whether a particular measure, say the legalisation of infanticide, will produce greater social advantages than disadvantages, can, therefore, be decided in no other way than by the process of estimating the

<sup>1</sup> See Part I. chap. iv.

advantages or disadvantages, proximate and remote, which may result from this particular act. If a majority, having thus empirically investigated the question, has formed a favourable opinion of the measure, it ought to be adopted. The question of right or wrong cannot arise. For inasmuch as natural rights, such as the right of infants to life, are denied, that only is right which the majority for the time being has empirically adjudged to be socially advantageous; and wrong is only that which the majority for the time being considers to be socially disadvantageous.

Coming now to the meaning of the proposition itself, two ideas are obviously contained in it. One is, that measures may be partly advantageous and partly disadvantageous to society, and that they ought to be adopted if the foreseen advantages exceed the foreseen disadvantages. The other is, that a majority of the people can empirically determine all the sequences, proximate and remote, of the enforced application of any proposal.

The question still remains in what direction lies the advantage of society. Society itself is not a sentient being, capable of feeling pleasure and pain. Sentiency, the feelings of pleasure and pain, is confined to its constituent parts, the sentient beings which compose it, individual human beings. Hence, the welfare of society, considered apart from that of the units which compose it, is not an end to be sought. Society exists for the benefit of its members, not the members for the benefit of society. Society as such, therefore, can have no claims, except in so far as they embody the claims of the component members of society; social advantage or disadvantage has no meaning except in so far as the advantage or disadvantage of its members, present and future, is concerned.

The real meaning of the term, therefore, is, either that the majority must guide each of its acts empirically in the direction of securing advantages to the majority, even if it thereby inflicts disadvantages on the minority; or in the direction of securing to all greater advantages than disadvantages.

One more question, however, remains to be solved,

viz. in what direction is the advantage or disadvantage of the individuals constituting society to be sought? Is it in the direction of increasing the sum of misery; or is it in maintaining a state of indifference by an exact balance of misery and happiness; or is it in increasing the sum of happiness, that social advantage is to be sought? No injustice will be done to socialists if it is concluded that they consider social advantage to lie in increasing the sum of happiness existing within the society, and social disadvantage to be equivalent to the increase of the sum of unhappiness.

The statements here investigated, therefore, resolve themselves into the following assumptions:—

That it is the duty of the State, acting through a majority of adult citizens, to secure the greatest possible sum of general happiness.

That this greatest sum of general happiness can be secured by empirical considerations of the sequences, proximate and remote, of any governmental act.

That there exists no general law, deducible from the nature of men and of their environment, by which the influence of governmental acts on the sum of general happiness can be measured.

Three methods of testing the validity of these postulates are available. We may try to discover whether they are really articles of socialistic belief, or whether socialists merely endeavour to persuade themselves that they believe in them; and we may submit them to the test of deduction and induction. The present chapter will be devoted to the first two of these examinations, while subsequent chapters will deal with the third.

Men having no natural rights can have no natural right to happiness. If men have no natural right to happiness, it cannot be the duty of the State to secure their happiness. The State may endeavour to do so as a matter of grace; but it cannot be bound to continue to do so, and, if it thinks fit, may devote its acts to the furtherance of their unhappiness. In assuming that it is the duty of the State to further the happiness of its members; in laying down the doctrine that the acts of

the State ought to be guided towards the increase of happiness, socialists, therefore, admit a natural right to happiness in the individual members of the State.

Likewise, if the right to individual happiness is assumed to be not natural, but given by the State, the State can withdraw not only the happiness, but also the right to it. Having power to abolish the right to happiness, the State cannot labour under the duty of securing happiness. The right to happiness, therefore, cannot be given by the State, and must be a natural right antecedent to the State. The socialists' postulate, that it is the duty of the State to secure happiness, therefore, is contradictory of the other socialistic postulate that there are no natural rights. It need not be pointed out that the cogency of this reasoning is not affected by the substitution of either misery or indifference for happiness as the ultimate object of State action. As long as it is postulated that the action of the State *ought* to be guided by any principle, it is tacitly admitted that there are individual natural rights; for the obligation on the part of the State can have no other origin than in the possession of such rights by the individuals composing it, as are not derived from and, therefore, cannot be abolished by the State.

A further contradiction of the denial of natural rights will be found in the claim for the rule of the majority. Socialists passionately urge the right of the majority to impose its will on the minority in all common affairs. This right of the majority cannot, however, be a right granted by the State; for if it exists, it must be antecedent to the State, otherwise the State would be justified in abolishing it. As a matter of fact, the right is not yet fully recognised in any State in which Upper Houses, not elected by a majority of the people, possess the right of vetoing any legislative act, notably Great Britain and Germany. In these countries, therefore, the right of the majority to rule has not been granted by the State, and, therefore, according to one socialistic doctrine, the people of these countries do not possess the right to majority-rule. As Socialism nevertheless claims that they possess this right, it thereby admits that majority-rule is either

itself a natural right or deducible from individual natural rights.

The following reasoning will prove the latter conclusion to be the right one, the only possible basis being the equal right of all individuals to happiness. For if the acts of the State have any influence on individual happiness, and if some men have a greater right to happiness than others, a minority may possess a greater aggregate right to happiness than a majority, and may, therefore, possess a greater right to determine the conditions conducive to general happiness than the majority. The claim for majority-rule, therefore, implies the recognition of equal individual rights to happiness; therefore it implies the recognition of individual natural right to happiness, and contradicts the denial of natural rights and the assumption that all rights are derived from the State.

This self-contradiction by socialists is still more apparent in the following case. Justice consists of respecting valid claims, and injustice of the infraction of valid claims, *i.e.* of rights. Only in so far as men are possessed of valid claims or rights can they be subject to just or unjust treatment. If all rights are derived from the State, if there are no natural rights, injustice can arise only from the infraction of rights granted by the State. The State itself, therefore, can neither act justly nor unjustly, either in granting rights previously denied, or in cancelling rights previously granted, or in resisting claims. For inasmuch as under this supposition there is no rule by which the validity of any claim can be gauged except the will of the State, it follows that no claim can be valid which is denied by the State. Whenever socialists, therefore, assert the injustice of existing social conditions and institutions, they contradict their own denial of natural rights. Yet, not only is this assertion of existing social injustice the basis of all socialistic theories, but it is also made in explicit terms. The following instances might be supplemented by many others:—

“A woman inherits from nature the same rights as a man.”<sup>1</sup>

<sup>1</sup> Bebel, *Woman*, p. 122.

"We might define the final aim of Socialism to be an equitable system of distributing the fruits of labour,"<sup>1</sup> implying that the existing system is inequitable, *i.e.* unjust.

"This then is the economic analysis which convicts private property of being unjust."<sup>2</sup>

"Of these three phases of human injustice" (chattel slavery, feudalism, wage-slavery) "that of wage-slavery will surely be the shortest."<sup>3</sup>

Justifying murder as a means of resisting the legal infliction of torture and death by Russian officials, it is stated :—

"It must be remembered that this is not a case of Socialism *v.* anti-Socialism, but of the most elementary rights of liberty and life."<sup>4</sup>

"The phenomenon of economic rent has assumed prodigious proportions in our great cities. The injustice of its private appropriation is glaring, flagrant, almost ridiculous."<sup>5</sup>

These quotations, as well as the preceding examinations, prove that socialists have not realised all that is involved in the denial of natural rights, and that their explicit denial does not prevent them from reasoning as if no such denial had been given.

It is a justifiable assumption to suppose that socialists condemn murder and theft for other reasons than that they have been forbidden by the State. Yet if there are no natural rights to life and property, murder and theft would deserve reprobation only to the extent to which they are forbidden by law and where they are so forbidden. If the human race has passed through a stage of isolated individualism, like that of some predatory animals, the inherent badness of murder and theft would scarcely have been recognised during such period. When, however, the gregarious instinct awoke in man, the inherent badness of such actions could not remain concealed. For not even the least organised horde could remain together under conditions in which unprovoked murder and theft were not limited by sympathy, and without the sympathetic

<sup>1</sup> Kirkup, *An Inquiry into Socialism*, p. 105.

<sup>2</sup> *Ibid.* p. 121.

<sup>4</sup> Bax, *The Ethics of Socialism*, p. 70.

<sup>3</sup> *Fabian Essays*, p. 23.

<sup>5</sup> *Fabian Essays*, p. 188.

feeling of abhorrence there would not have arisen the public opinion which reprobates such actions within the horde. Weak as this sympathetic feeling may have been at first, necessary as it may have been to support its action by fear of retaliation, it is far different with civilised men. For as man becomes habituated to the social state and sympathy develops to a larger extent, murder and theft are no longer reprobated because the law of the State forbids such acts, but because they are in themselves repulsive. The dictates of sympathy are then obeyed without any thought of acts of parliaments or penitentiaries, merely because the thought of the wrong inflicted upon others inflicts suffering upon self. This recognition of a wrong arising from the nature of the acts themselves and not from their prohibition, obviously implies the recognition of corresponding rights, likewise not arising from the prohibition, but from natural relations.

Though human societies differ widely from each other in type and development, they nevertheless have certain features in common. All of them recognise more or less fully certain rights; the right to life and property being the most common. This is not only true of existing societies, savage, barbarian, civilised, and cultured, but is equally true of all past societies of which we possess records. Even in such a society as the Fijian, where the chiefs had acquired undisputed sway over the lives and property of commoners; where certain tribes regularly furnished human victims for cannibal feasts; where aged parents were killed by their own sons as a matter of course,—life and property were safeguarded by strict customs to which these infractions were recognised exceptions.

Moreover, these rights become more fully recognised in the ratio in which the organisation of any society is developed. The higher the type of the society, the more extensive and intensive is the recognition of these rights.

The universal history of mankind, therefore, points to the conclusion that the recognition of human rights is advantageous to society, *i.e.* that it works good; and conversely, that the non-recognition of human rights is

disadvantageous, *i.e.* that it works harm. If this is admitted, it must be equally admitted that there exists a causal relation between the acts of the State and their sequences, over which the State has no control. That this is admitted by socialists is shown in the absolute certainty with which they contend that the present policy of the State works harm, and that its adoption of a specified other policy will work good. Socialists, therefore, themselves contend that the results which flow from governmental acts are not determined by chance, but that such sequences form part of the universal and unalterable causal relation between acts and their results. But if such causal relations do exist, then the action of the State ought to be guided by rules deduced from these unalterable causal relations. To revert to an illustration previously used. If the universal history of mankind proves murder to be harmful, the question whether infanticide shall be permitted cannot be usefully or safely decided by balancing the advantages and disadvantages which at a particular time seem to result from it in the opinion of one or more persons, but ought to be decided by the universal rule. The socialists' postulate that every action of the State, even those affecting the most fundamental rights of its members, ought to be guided by considerations of "the balance of social advantages," ignores the authority and even the existence of such universally true rules of conduct. It assumes that the social utility of every act is solely recognisable by its expected results; that there is no possibility of knowing by deduction from fundamental principles the acts which must be advantageous and the acts which must be disadvantageous to the community.

Nevertheless, such causal relation as is seen throughout nature is no less manifest in the relations of social life. Where justice is expensive or uncertain, or both, contracts are broken lightly and frequently; where violence goes unpunished, disorders increase; where taxation is uncertain or unjustly apportioned, production is checked; where property is insecure, no more than the necessaries of life will be produced; where monopolies abound, wealth concentrates in the hands of a few.

In these as in all other cases the results which flow from acts do not depend upon the will of the State or of the ruling majority, and are unalterable by them. The State, therefore, cannot control the results of its acts; these results are inevitably determined by natural law. How then can it be held that the acts of the State can confer rights? If the State by sanctioning murder could improve the conditions under which social life is carried on; if by sanctioning theft and fraud it could increase the production of wealth; if by establishing private monopolies it could promote an equitable distribution of wealth; that is, if the State could control the sequences of its acts, then the State could also create rights. But when it is seen that these sequences are beyond the control of the State; that they are inevitable consequences of natural law, on which State law has no influence, and for the appreciation of which no empirical generalisation is necessary, no such proposition can be entertained. Rights are then seen to arise naturally, *i.e.* from the inevitable connection between cause and result which prevails throughout nature, and which imposes upon man the recognition of these rights. These are then seen to be natural rights, the denial of which, injuriously affecting life, individual and social, decreases the sum of aggregate happiness; the recognition of which, beneficially affecting life, increases the sum of aggregate happiness. And it is further seen that though the natural social laws and the natural individual rights thence resulting are as eternal and unvarying as the physical laws of nature, their recognition, depending upon the experience of the race as embodied in its ethical perceptions, is a gradual process, similar to the ever-widening recognition of the unchangeable physical laws of nature.<sup>1</sup>

<sup>1</sup> "Hence there is really but one code of ethics and morals which has been and always will be as fixed and unchangeable as the forces of nature. But if, nevertheless, there have been temporary and local differences in ethical views, it is, first, because knowledge of nature has not everywhere reached the same stage of advancement, and men often yield to the grossest self-deception in respect of it; secondly, because there are whole spheres of human life, like the social sphere, which on account of meagre knowledge are not considered natural, in which the sway of nature is not conjectured or presupposed."—Ludwig Gumplowicz, *The Outlines of Sociology*, pp. 176, 177.