

## CHAPTER X

### RIGHTS

#### RIGHT AND LAW

There is no word so misunderstood and so loosely used in connection with economic and political problems as the word right. No matter whether we follow the reports in the newspapers on strikes, or the findings of the Supreme Court, we come upon this word made to stand for innumerable purposes, to which its meaning should not be strained.

It is quite a modern notion to interchange the word right with law. Glibly our mentors teach law students that "the juristic genius of the Romans rose to the climax of its brilliancy and evolved that body of principles which constitutes today the basis of European law." Still, no student I have met, in recent years, understands in any way that there is a profound difference between right and law. The Romans made no such mistake and, indeed, it may be said that it was not until quite late in our culture that lawyers began to mix these things up. It was one of their methods of entrenching the political means, when the State was sufficiently powerful to disregard the rights of its subjects. Lawyers, whose original office it was to consider rights as the basis of the law, betrayed their trust, and entered into the service of the political State.

There is no difficulty for any diligent student, who desires to know the history of this question, to discover

for himself the ideas on the basis of law which animated the jurists of classical times. There are numbers of works easily obtained, which give in brief the history of this matter.

The Stoics held justice to be immanent in Nature. Such practical politicians as Seneca and Marcus Aurelius accepted the Stoic conception of a law of Nature and the principle of justice common to all men.

Greek philosophy made the distinction between right and law, and held that right in source and content was antecedent to and largely independent of law. Cicero attempted to reverse the Greek philosophical conception of the distinction between law and right, by making right subordinate to and dependent upon the idea of law. But the jurists rejected Cicero's finding, and it is said that with them natural rights assumed great importance, and were the basis of their work which has been handed down to us.

Natural right is prior to and independent of the State. It is the prince who makes the law, for the protection of his State.

#### COMMONWEALTH

The old meaning of the term "commonwealth" has been lost in a maze of misunderstanding. Cicero says, "The commonwealth is the wealth of a people; understanding by a people, not every group of human beings ever brought together, but a multitude united by a common sense of right and by a community of interest," which means that a commonwealth is something quite distinct from the modern State, for no modern State pretends to govern a multitude united by a common sense of right. There never was a State whose chief interest was the preservation of the wealth of its people.

Such a thing is impossible under a political system. This State now, or even this political unity of States, seems not to be concerned at all with rights, for every legislative measure that passes from its Congress is in the nature of privilege or license. Rights are in abeyance, so far as political and economic authority regards them; and yet, there never was a time when the word was used so widely. Politicians all the way from the ward-heeler up to the Executive, lawyers from the petty larceny courts up to the Supreme Court, professors of political science and sociology, trade unionists, parsons and paupers—all seem to be obsessed by the word, and scarcely one knows its meaning in history and law. All are crying out for privileges and licenses, but scarcely anyone shows the slightest desire to have rights restored.

#### STATES' RIGHTS

One of the loosest expressions in which the word appears is "States' rights." When the word rights became associated with State I cannot tell but, after the Constitution was drawn up and signed, a conflict arose over the question of what were called "States' rights." But the party that agitated for the so-called "States' rights" was at that time called the State Sovereignty group. And sovereignty is the word that should be used instead of rights. A State, *qua* State, can have no rights, further than those which each individual is born unto.

Another peculiar use to which the word is put is in connection with the status of property of the individual. Now it appears in some public speeches and in the writings of deans of laws schools, particularly in connection with labor problems, such as unemployment, low wage, long hours, sit-down strikes, and child labor. If deans of law schools do not practice a little care in the way they

use the language, they will soon find themselves in an invidious position, probably that of being catechized by their students as to whether their words are to be taken literally, or whether they are to convey the meaning they have in mind. It is just as well to remember that lawyers as a class have never mastered the rudiments of precise speech and clear writing. The reason for this is twofold: the first is, modern legalistic expression is a hindrance to clear thinking; the second is, that practicing lawyers have never been known to waste much time on the study of the fundamentals of law. The examination of witnesses, before the committee investigating the alleged need for the proposals to reform the Supreme Court, has provided a serviceable illustration of the looseness of thinking of which the legal expert, whether a writer on constitutional law or not, is guilty. The reports of the examination of the witnesses give instance after instance of the abuse not only of legal phraseology, but of the utter misunderstanding of the meaning of the word right.

#### ECONOMIC LOGIC

To what cause, then, must we attribute this extraordinary habit of using words without a knowledge of their derivation and implicit meaning? I think I can supply a reason for this wholly modern linguistic vice, which to my mind dates from the last quarter of the nineteenth century. It was ushered in shortly after Marx published *Das Kapital*, and the English Fabians circulated their essays on social affairs among the working classes. It arose from a difficulty in economic logic which presented itself to the interpreters of Marx, and this difficulty was that of finding a way of circumventing the theory of natural rights. The question of natural

rights stood as a stumbling block for years and, while that obstacle lay in their path, they could make no progress whatever. Hence, the desire of the Fabians and Socialists to abolish natural rights, clear them out of the way and, in their place, confer the granting of "rights" of any and every description upon the State.

In his book, *Socialism in England*, Sidney Webb said, "The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." And this they attempted to do, so far as the rights of others were concerned; but they also seemingly reserved to themselves the right of living their lives according to laws not directly conferred by the State. Recently when Sidney Webb (now Lord Passfield) and his wife, Beatrice, visited Russia, they found that the "rights" conferred upon individuals there by the State were not at all to their liking. Theory, as worked out in a comfortable abode in London, was entirely different from the practice put into operation and enforced by Stalin, who is the State in Russia.

It was a difficult task which was undertaken by the Fabians—that of attempting to convince the British masses that there was no such thing in social matters as abstract rights—for somehow the working classes of England held tenaciously to the idea that without basic rights to support them, it was a poor lookout for them to depend on future "rights" that were to be granted by the State, when a new political and economic system was inaugurated by the Fabians.

#### NATURAL RIGHTS

To show the utter confusions that arise when Fabians or Socialists attempt to lay a basis for their system, it is worth while to quote Grönland who wrote

a once popular work called *The Cooperative Commonwealth*. He says:

“The so-called ‘natural rights,’ and an equally fictitious ‘law of nature’ were invented by Jean Jacques Rousseau. Philosophic Socialists repudiate that theory of ‘natural rights.’ It is Society, organized Society, the State, that gives us all the rights we have. . . . As against the State, the organized Society, even labor does not give us a particle of title to what our hands and brain produce.”

This is a fair sample of the way Socialists reason and write. Let us, then, try to discover the quality of Grönland’s thought on this matter. In the first place, Jean Jacques Rousseau did not invent “natural rights,” nor did he discover the “law of nature.” When they were first discovered no one knows, because there is no record left by the discoverer, but we do know that the Romans referred to natural rights in their juristic writings. Anyway, long before Rousseau came upon the scene, many Englishmen, whose records we have, wrote about these rights. To mention only two, who should have been known to Grönland before he made such blunders, we may cite Hooker and Locke.

Eight years before Rousseau produced *The Social Contract*, Quesnay and his group had published articles on natural rights and the law of Nature. Indeed, it has been suggested, with some degree of certainty, that Rousseau was indebted to the Physiocrats for what he knew of the question.

As for the repudiation of the theory of natural rights by philosophic Socialists, that takes us nowhere, because no Socialist himself ever acts as if his rights were conferred by the State. All the philosophic Socialists I have

known desire the rights that some day are to be granted by the State, to be conferred on their friends, not upon themselves.

#### ORGANIZED SOCIETY

It is curious how many political economists, and nearly all sociologists, use the word society. Most of them give to it the meaning of an organized whole which functions under the direction of government. Society is by them scarcely ever regarded as something which might exist without a political administration to direct its ways. When was society, in this sense, organized and by whom? There ought to be some historical evidence of such a singular achievement. But there is none to be found, unless it be discovered among the so-called backward races. Investigators of the customs and habits of Polynesians, Africans, American Indians and other such peoples, give us, sometimes, evidence of an organized society. Yet in all cases that I have studied, it is evidence concerning a society without slaves. But our sociologists are not very much concerned with the economic and political customs and habits of such peoples. Their interest is in the peoples of the highly civilized States. So far as I understand the results of the investigation of the customs of the backward peoples, they are based chiefly on economic considerations.

Everything depends, therefore, on the meaning of the two words: "organized society." Without going into the questions of difference of economic and political opinion and the number of parties which ballot for representatives, it might be asked how it is possible to call a society organized in which millions are forced to live on the subsistence line and others enjoy the good things of life. Furthermore, it is just as well to ask the question: why was society organized and for what pur-

pose? Let us take three well-known instances of social upheavals. We need go no further back than what is called the Industrial Revolution which began in the eighteenth century. In what way was society organized at that time, and how was one to recognize that it was organized? Then, take the upheaval in France of about the same period. One might ask what are the distinctive features of organized society as it exists in America today? Which part of it is organized?

But Grönland tells us that the State and organized society are one and the same, which must mean (if the notion means anything) that organized society and the State represent an harmonious whole functioning in accordance with laws enacted for the benefit of the people as a whole. Whether this be true or not can be determined by considering the economic differences which exist between producers and bureaucrats. This has always been the acid test of the validity of such notions. Herein lies the fatal flaw in the theory of Socialism as it is laid down in the proposals and conceptions of the scheme for the equal benefit of all. How can there be equal benefit when producers have to work to supply the needs of the non-producers?

It is unnecessary to regard the so-called organized society from the standpoint of the "Haves" and the "Have Nots." No matter from what point of Grönland's argument the matter is approached, on analysis it is found that society itself is something that cannot be organized.

There is no such thing as organized society. The French tried it several times and failed, signally. In recent years Russia attempted to organize society, and everybody now knows the mess that was made. Here is one of the greatest confusions of thought: that of

imagining that the State represents "organized" society. A moment's reflection will suffice to impress anyone with the fact that the State, in the sense that Grönland uses the term, is usually a small committee of gentlemen whose rule not only disorganizes society, but keeps it in a constant state of warfare. And the "rights" that the committee confers upon the subjects are limited to those only who support the committee's form of government. In plain words, the State is a group of men who have power to enforce their will upon the workers who provide the necessaries of their existence. At best, the State is a political party which exploits the economic means without danger of revolt.

Still, it is the title of Grönland's work which provides the comic element in the discussion, because he fails to see that his book shows conclusively that "the cooperative commonwealth" is impossible when natural rights are abolished. Cooperation can be voluntary or compulsory, and if the people of the commonwealth have their "rights" conferred on them by the State, then it must be a compulsory organization. Compulsion under such a system is vital. On the other hand, it is impossible to have a cooperative commonwealth that is not based upon natural rights, for if it is to be cooperative, there must be harmony, and harmony can only be obtained in a commonwealth when the people are free to unite, if they so desire.

The last sentence I have quoted from Grönland's book I commend to the serious consideration of some of our deans of law schools, for he has stated bluntly just what so many deans have not the courage to say—yet. When the State shall control all the means of production, distribution and exchange, for the equal benefit of all, and the State has the power to control the prop-

erty and the faculties of the individual, then it will not matter the toss of a brass farthing whether title is given or not, when the State grants us our rations. It might be possible under such a system, as it is in Russia now, that any subject will gladly sell his title, conferred by the State, for a morsel of bread. Is it any wonder that Spencer said:

“Those who, denying natural rights, commit themselves to the assertion that rights are artificially created by law, are not only flatly contradicted by facts, but their assertion is self-destructive: the endeavor to substantiate it, when challenged, involves them in manifold absurdities.”

Deans of law schools and their charges, who enter the world of litigation, are not aware that great controversies raged a generation ago about all the silly nostrums that fuddle their poor minds. Indeed, there is not one political or economic question that disturbs their thought that has not been thoroughly debated, over and over again, to the utter discomfiture of Fabian and Socialist. The appalling ignorance of history, revealed in the writings of young men who have come from the law schools of the United States in the past fifteen or twenty years is equalled only by the ignorance of economics on the part of our modern sociologists.

#### STATE SOVEREIGNTY

The term “State right” is a legal fiction at best and, in this country now, it is shown to have little or no political value. The so-called “rights” reserved to the States under the Constitution were specified, if not actually in writing, certainly in thought, to be those affairs which the Federal Government could not deal

with effectively. It is doubted now, however, after the inroads that have been made by the Federal Government in purely State affairs, whether the sovereignty of States in a conflict could be maintained against the threat of withdrawal of patronage, aid for the unemployed, works, irrigation schemes, and political preferment. The States have been selling out, so far as "right" and sovereignty are concerned, for a number of years. So what was a legal fiction to begin with, is now merely a political figure of speech, and no one would say that it is an heuristic one. Perhaps a case may be made against the State for having brought about a condition of affairs that was foreseen by Jefferson. He said:

"What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether the autocrats of Russia or France or of the aristocrats of a Venetian State."

The absurdity of the notion which prevails today, that the State can confer "rights," can be shown by asking the question: how is it possible for the State to confer upon anyone something which he has? Rights, natural rights, inhere in the individual. They are born with him. Rights are created, not conferred. All the State can do is to grant, permit or confer privileges upon individuals or bodies of individuals. These are letters-patent, and the power that issues them is the power that can abrogate them.

It is true the State may prohibit or hinder the individual in exercising his natural rights; but the State cannot take from him what is naturally his. The worst the State can do at any time, in this respect, is to set the exercise of these rights in abeyance. Therefore, the

only good State that can exist is the State that will restore rights that have been in abeyance, and that is what the State is for, in the true sense of the term. The State is a guardian of the rights of the individual, and the State has no other function. When the State, or the directors of it, assume to control the legitimate efforts and expressions of its people, it becomes very soon merely a sum of legalized relations, and a government composed of a body of influential politicians who desire to control the activities of the community. Woodrow Wilson used to talk about "the exploitation of the people by legal and political means." He never dreamed that in twenty years we should be dangerously near such a system.

#### RIGHTS OF LABOR

All such expressions as "the right to work," "the right to organize," "the right to collective bargaining," "the right to strike," as this latter term is used today, are misleading, and will not bear a moment's analysis, for, if it be a question of rights, there must go with it the right to oppose these demands. The expression "the right to work" I have dealt with elsewhere, and I attempted to show that it was meaningless in the labor market unless the idle worker had an alternative to use land for himself. Indeed, for many years it was a loose expression for the right to use land.

There is this to be added to what I have already said on this matter: the phrase "right to work" is in itself devoid of meaning under this system of land monopoly. It might be asked what is a person left idle in the labor market to work at, without the alternative of being free to use land for his subsistence? He can do nothing unless somebody employs him. As things are, there is no law to enforce anyone to employ him. Now

the difficulty of finding means to put the idle laborer to work is surmounted in some cases by the State stepping in, and setting itself up as an employer of labor. This move in the direction of State Socialism was bound to come, because private individuals would never submit under this system, to a law which would force them to find work for the idle when there was nothing for them to do.

The attempt to solve the problem of unemployed persons by the patriarchal State setting up as an employer, has led to another difficulty which is that of shortening the hours of labor, so that employers will be "forced" to hire more men. But neither State employment, nor shortening the hours of labor in private industry, will do more than relieve some of the unemployed to the disadvantage of others. In the first case, State employment means a heavier burden is placed upon the taxpayer; in the second case, shortening the hours of labor will mean that employed labor will have to make sacrifices which it is in no lucrative position to do.

#### HUMAN RIGHTS

It is the sop-charity of humanism which is responsible for these preposterous complications. A feeling is spreading in every direction that the cantified phraseology applied to the lot of the idle man is as shallow as the economists of a generation ago in their analyses proved it to be. So now humanism steps in, and thinks that the problem can be solved by inventing another phrase, and that phrase is "human rights." Ask a humanist what he means by "human rights," and he is at a loss to find satisfactory explanation. I spent two hours, a year or so ago, with a well-known humanist on this very subject, and when he left me, he was as far away

from a definite idea of the meaning of the term "human rights" as he was when our conversation started. Sentimental expressions butter no bread, and the idle man of today, though hosts of sympathetic persons are eager to ameliorate his condition, finds sympathy is no anodyne for the pangs of hunger.

Those who think about the matter know that our "human rights" are natural rights. But it is altogether another question as to whether, if the unemployed had equality of opportunity to use natural forces for their subsistence, they would now accept it, for they have been led to rely on the State to relieve their poverty. Economic pressure has been withdrawn, because there is no equality of opportunity, and economic pressure is absolutely essential if a man is to enjoy equality of opportunity to use the earth. Human rights are natural rights, but your thorough-going humanist will have none of it. That seems to him to be all too simple. Furthermore, he knows quite well that to admit there are natural rights would be to undermine the philosophy of humanism. It is all a matter of facing facts squarely, looking them straight in the face, no matter how ugly the appearance may be, and it is high time that labor, which is the victim of the system, should rebel against the nauseous philosophy of regarding man as a helpless creature, who can do nothing for himself under equitable economic conditions.

#### LABOR'S OPPORTUNITIES

A well-know writer said in an article which attracted much attention, that labor was "in a cleft stick of its own making." One fang of the stick was represented by labor agitators; the other by politicians, and that it was impossible for labor to do anything for itself, so long as

these two fattened on its misery. That, in some respects, explains the present situation, but it does not go far enough. The system is what labor makes it, and there is no problem which labor faces today that cannot be solved. Labor has had the preponderance of the votes for some generations in this country, and labor must be held responsible for the type of government that holds sway. Labor has had the same advantages in education, as far as the high school, as politicians have had. The nonsense that is talked about poor labor having no opportunity to educate itself, to study the problems of low wage and poverty, will scarcely bear examination. Anyway under the system, labor has as much time to study these questions as anyone else concerned in industry. Eight hours a day for labor leaves a man sufficient time to apply himself to the understanding of economic and political problems. The trouble is, labor will not take the time—not now. Seemingly the laboring man prefers to be regarded as an object of charity when he is out of work. Not one of all the persons who asked me for relief when the depression was at its worst admitted that he was spending his time, when not looking for work, in libraries trying to find out the causes of the depression. A soap-box orator can, however, engage his attention, and frequently I have heard applicants for relief use the tags of Socialists and Communists as an excuse for their inertia. For nearly three years I suppose I met several persons every day on my walks, who accosted me for help. But I never met one who was at all inclined to accept my suggestion that it would be time well spent if he devoted an hour or two each day to the study of economic conditions.

Labor problems are what labor makes them, and those who sentimentalize about the helpless position of

the underdog in industry, are not helping him one bit; rather they are encouraging him to rely on the ineffectual services of the politician and the agitator. The result of all the impractical suggestion and advice given by humanists has tended more and more to make labor a pariah in the industrial world.

Labor has never known its own political power. It does not know its own power in the unions. If it did, it would not submit to the tyranny and injustice which are exercised; if the rank and file of labor knew their own business, they would most decidedly agitate for full publicity under proper supervision of the management of their interests and funds. Although they may have many grievances against employers, it would certainly be to their advantage if they were now to make known their grievances against the directors of their unions.

#### RIGHT TO ORGANIZE

The next expression, "the right to organize," on the part of the workers, precludes the equal right of employers to organize in their own interests.

The other expression which seems to be so popular today, "the right of collective bargaining" suffers from the same defect, for it also precludes the right of employers to deal directly with each individual worker according to his merits.

But the expression, "right to strike," is the shallowest one of all, for we have seen recently that it is hedged about with dictatorial demands, and now there goes with it the assumption of another "right," which is to occupy the property of employers against the injunctions of the court to vacate the premises. If there be a "right to strike," it must arise out of the individual's true right to himself and his labor. Short of the condi-

tions of a slave, there is no power to make one man work for another when he does not desire to do so. When a minority, or a majority, of men band themselves together to strike and cease working, this action must in no way infringe the equal right of those who do not want to strike, to labor as they desire. Militant picketing as practiced is an offense against natural rights, no matter how it may be legalized by the State. Picketing, whether militant or merely persuasive, has become a racket. A grand jury in Brooklyn stated that "the abuse of the picketing system is slowly but surely alienating labor's friends." The court of appeals in Albany read a decision in which it was stated that it was illegal to picket a place of business of anyone who is not a party to a labor dispute, for the purpose of coercing the owner to take sides in a controversy in which he has no interest. The so-called right to picket is now carried to excess, and that which was granted as a peaceful method of persuasion has become not only a nuisance, but a grave danger in many localities. So perhaps it would be better if, in connection with these labor problems, the word right were dropped altogether, for the use to which the word is put today not only misleads the workers themselves, but is a positive hindrance to their thinking out an economic solution of their problem; for there arises, from these ambiguities, a miasma of misunderstanding, which seems to affect every mind, from the lowliest worker to the men who sit in the Supreme Court. What could be more absurd than for people to talk about the striking worker, occupying his employer's private property, doing so in defense of the "property" that he holds in his job? If this is not straining language almost to the breaking point, what is it? And yet, scarcely a day passes when such loose phrase-

ology is not used by those who certainly know better, but who let their sympathies run away with them to the extent of undermining their common sense.

#### ECONOMIC FALLACIES

One economic fallacy breeds another, and that is the way it is with all fallacies. They thrive on nonsense. No matter how serious the situation may be, how utterly deplorable the conditions of labor, no advance can possibly be made towards the solution of these grave problems so long as people talk economic twaddle, and abuse the medium of communication through which negotiation is presumed to be reached.

It is difficult enough to see clearly the issues which are presented in this conflict without considering the enormous mass of extraneous affairs which have arisen with them—not out of them, be it understood. Take such matters as the effect of the rise in the cost of living upon the nominal wage system. This in itself is a mighty problem, and one to be considered entirely apart from the demands that are put forward by strike agitators. For what can be settled between disaffected workmen and employers as to the policy of the government of devaluing gold and raising the price of crops? Neither employer nor employee is in a position to remedy during a strike, the defects that arise from the exercise of this policy. Take another extraneous matter which clouds the real issue, and that is the financial and political prestige of the union. What in negotiation can the striker and the employer do about this? Nothing at all. And yet, many people think that the paramount issue of all these vexed questions is the struggle between two labor organizations for ascendancy. It would be just as true to say that the present conflict rages more

fiercely over the question of who will organize the greatest number of tribute-payers, as to say it rages more fiercely over the matter of raising nominal wage and lessening the hours of labor. The very fact that the demand of strike leaders, in the recent disturbances, has been for employer recognition of the rebel forces, shows conclusively that a minority desires to coerce a majority. In the struggle for dominion, the workers will surely suffer as the subjects of a nation do when a struggle for dominion takes place between leading politicians, and precipitates civil war. No fight for dominion was ever waged in the interest of either one or the other political leader. Each presents himself as a champion of the people. He is without private grief of any kind, without self-interest; he never refers to his ambition to hold the reins of government. His motives are pure; everything is to be done in defense of the "rights" of the subjects—those who are in jeopardy of being brought under the heel of his opponent. It is the same old game, practiced in the same old way, upon a people who will not take the trouble to part the curtains of history, and have a look at the underlying factors in the struggle which historians seldom take the trouble to present.

#### DENIAL OF NATURAL RIGHTS

It is strange how this matter of rights has perplexed the minds of many men who have the reputation of being great thinkers. It is the same with the question of natural law. Most of those who object to natural rights and natural law never seem to come to grips with the essentials of the matter. Nearly all the opponents are satisfied by rejecting them with a flat denial. Calhoun

himself was guilty of this method of rejecting the notion of natural law. In referring to the state of nature, he says:

“It never did, nor can exist: as it is inconsistent with the preservation and perpetuation of the race. . . . His (man’s) natural state is, the social and political—the one for which his Creator made him, and the only one in which he can preserve and perfect his race.”

This must mean that man was not, before the social and political body was organized. One wonders what man was doing through all those milleniums before he reached the stage of lightening his labor by inventing a tool. Yet, Calhoun wrote profoundly on justice, liberty and political rights, and leads us to infer that he imagines they were conferred by society or the State.

The intellectual difference between the lawyers who lived in the eighteenth and nineteenth centuries and the lawyers of classical times seems to be that the former were merely legalists without historical knowledge, and the latter were jurists who recognized the fundamental difference between natural rights and law. But it is not only the lawyers of today who have not gone very deeply into this matter; our philosophers seem to be satisfied with the method of abolishing all such notions of natural rights and natural law by determining that no such things ever existed or, if they did exist, they were of no service to man until the State refashioned them in its own interest.

No less a philosopher than Professor Irving Babbitt, in *Democracy and Leadership*, tells us that the theory of natural rights is false, but it may be a useful fiction in some respects. Here is the flat denial which leads us nowhere. Further on, he tells us, “The proper remedy for an unsound individualism is a sound individualism,

an individualism that starts, not from rights but from duties." Here we have the old Tory notion that duties may be performed without rights. When one asks what these duties are and whether the individual himself or some other person not only imposes duties, but provides the policeman to see that they are performed, the reply, as a rule, is that every man should be conscious of his duties and desire to perform them. Unfortunately that leads us nowhere for, if we have regard to the duties that are laid down in the New Testament (such as, for instance, Love your neighbor as yourself, and Walk a mile with your enemy, and Cast not a stone), then one can only come to the conclusion that most of the people who talk about duties without rights have in mind some other world than this, in which they may be performed.

#### RIGHTS AND DUTIES

Now I say there are no rights without duties. A right is an obligation which insures the rights of others. Take away the rights of a thinking individual and he will have no time to think of duties. Indeed, it may be said: no rights, no social obligations. And we can call on history of all the civilizations of the past to support that verdict. What was the Nemesis of nations? Surely it was slavery, the abrogation of rights of the individual. Did not slavery, both in Greece and in Rome, bring about the downfall of the free cultivator? My contention is as follows: conscious of the value of his own rights, a man cannot fail to protect them by assuring his fellows that he places an equal value on their rights and that it is his duty, arising from his knowledge of the value of his own right, to act with regard to the rights of others as if they were his own to protect. This seems to me to be

the basis of the commission from which a man's duties to himself, his fellows, and to society, spring.

Duties, in lieu of rights imposed on the individual by society or the State, are duties to be exercised under compulsion. Such duties as we know them in the modern State are performed in the main because the police or the army is ever present to maintain what is called order and to enforce regulations.

I should think a philosopher would easily be convinced of the utter failure of the State and society to maintain the attitude that compulsory duties can be respected, much less performed. When we have regard to the conditions of the nations today, duties seem to be non-existent. Wars, the piling up of armaments, the subjugation of backward peoples, and all the rest of the long list of aggressions, threats, and fears must surely convince one that national duties exist only on paper, perhaps in treaties made to be broken. Then, as for the individuals within the State, this State in particular, a glance at the morning paper should be quite sufficient to inform any philosopher that duties without rights lead to anarchy.