

CHAPTER III.

PROPOSITION 1.

THAT ALL MEN ARE *EQUAL* IN NATURAL RIGHTS.

BE it admitted that there is a moral law of justice deriving from the very constitution of the human reason, and that this law is capable of being expressed in axioms.

A moral law is that which renders *duties* morally obligatory on mankind.

But every axiom is *universal*, that is, it includes every individual in the general category to which it refers.

But the universality of the moral law fixes upon all men the same *duties*.

But a natural right is the *correlative* of a moral duty.

And a natural right is coextensive with its correlative duty.

It follows, therefore, by necessary consequence, as all men have the same duties, that all men are *equal* in natural rights.

Note to Prop. 1.—It must be observed that the terms “*duty*” and “*right*” are *abstract* terms, and we

do not mean that every man is bound to perform *identically the same acts*, but to fulfil identically the same duties. *E.g.*:—One man, A, owes a just debt of £1 to B; another man, C, owes a just debt of £10 to D. A pays £1, and C pays £10. So far the acts are different, that is, in their *concrete* form. But let us translate the acts into their abstract form, and we find their expression *identical*. A discharged his just debt, and C discharged his just debt—that is, each *fulfilled his duty*. The correlation of the *right* to the *duty* is also seen in the same example. If A owed justly to B £1, then B had a correlative right—that is, a just claim to the possession of that £1. It is universal *in Equity* (not in Benevolence or Christianity), that where a duty is obligatory on X towards Y, then Y has a correlative right which he may assert, and *enforce* if he can.

PROPOSITION 2.

THAT A MAN HAS NOT A RIGHT TO DO EVERY THING.

By definition, a right is a just claim to the possession of property or power of action; and by axiom, that right should lead to possession.

To *do* is to perform *an action*.

Let it be supposed, therefore, that a man *has* a right to do every action.

But if one has a right to do every action, then all have a right to do every action.

But to take away the just possessions of another is an action.

And to take away the just powers of another is an action.

But if the just powers of that other be taken away, he remains without his just powers. But that he remain without his just powers is contrary to the supposition that he has a right to do every action, inasmuch as by supposition (that each had a right to do every action), his powers have been *justly* taken away. That his powers have been justly taken away, and that he still has a just claim to those powers, is a contradiction, consequently it cannot be true that a man has a right to do every thing.

Note to Prop. 2.—This proposition may be concisely stated as follows:—“If every man have a right to do every thing, no man has a right to do any thing, because each has a right to take away the rights of others.”

Again, the proposition may be viewed in another light than that of the specific *reductio ad absurdum*. A moral law necessarily supposes limitations and boundaries to action. But if man has a right to do every thing, there is no limitation, and consequently the moral law is obliterated.

PROPOSITION 3.

THAT MEN HAVE A RIGHT TO DO SOMETHING.

By postulate it has been said that it is possible for men to act equitably towards each other, and by axiom that a man has a right to do an equitable action.

Consequently men have a right to do something.

PROPOSITION 4.—PROBLEM.

TO FIND THE EQUITABLE LIMIT OF ACTION.

Seeing that men have a moral right to do something, but not a moral right to do every thing, we require to find the general and abstract limitations which divide possible actions into the equitable and the unequitable.

Let X and Y represent two men, equal in rights. X has a right to use his powers to a certain extent still undetermined; and Y has a right to use his powers to a similar extent. Let the action of X upon Y (upon Y's person, powers, or property), be called *interference*. We state, then, that the limit of equitable action is at the point of interference; because if X has a right of interference with Y, Y has a corresponding right of interference with X, and if X attempted to carry the supposed right of interference into practice, Y may attempt to control him, and an appeal to force is the only alternative. But an appeal to force cannot be equitable *on both sides*, for two rights cannot be contradictory.

But as equity regards only the *relations* of men, no action can be unequitable by which one man does not interfere (by force, fraud, or defamation,) with another man, and consequently, in Equity, every man has a political right (or right in society), to use his powers or his property as he chooses, provided he does not interfere with another. But if it be not unequitable

for him to use his powers up to the point of interference, and if it be unequitable for him to use his powers *beyond* that point, and to *coerce* his fellow-man, the point of interference is the required equitable limit of action.

PROPOSITION 5.

NO MAJORITY OF MEN MAY EQUITABLY INTERFERE WITH A MINORITY, OR WITH A SINGLE INDIVIDUAL.

One man in his individual capacity having no right to interfere with another, two men cannot have that right, nor can any number of men, because no number of *no rights* can ever make a right.

PROPOSITION 6.

SOCIETY CAN CONTAIN ONLY THOSE RIGHTS WHICH BELONG TO THE INDIVIDUALS COMPOSING SOCIETY.

Let any society be as great as it may, it is merely an aggregate of individuals, and, as *a whole*, can contain only the aggregate of its constituent parts; no society can possibly possess rights which do not belong to the individuals composing it.

From this also it follows that, as no individual has a right of interference with another, no society can have a right of interference with an individual.

E.g.:—If A have no right to interfere with X, and B have no right to interfere with X, and C, &c., then A B C, *associated together*, can have no right to interfere with X.

Note to Prop. 4, 5, 6.—We posit, then, as a universal truth in politics, that no man, and no majority, and no society, has a *primary* right to interfere (by *force, fraud, or defamation*) with any human being. The primary, essential, and immutable end of political association and of human legislation, is *to prevent all primary interference of one man with another*. Such interference is a *crime*, a breach of equity, a political offence, whether performed by a single individual, contrary to law, or performed by a legislature under the formality of legislative enactment. The *criminal intention* may, it is true, be very different in the single individual who commits a crime, from the intention of the individuals who, under the appellation of a legislature or government, order the performance of similar acts. We speak not of *intentions*, however, but of the character of the acts themselves; and we maintain that a man may be slain, enslaved, or defrauded, *quite as unjustly* by a government as by a private individual, and that such crimes on the part of a government are usually incomparably more prejudicial to the great body of society than any amount of individual crime that could reasonably be expected to take place in a civilised country. No instance can be adduced of a country being brought to ruin and degradation by individual crime, whereas legislative crime has produced revolutions, persecutions, civil wars, anarchies, and decays innumerable. The Italian republics were ruined by legislative crime—Spain was ruined by legislative crime—the three French revolutions have been produced by legislative

crime—and one half of the Continent of Europe was recently in a state of semi-anarchy through legislative crime. And that crime we define to be any primary interference *whatever* that affects the powers (liberty of action), property, or reputation of any man whatever, who is not a criminal. To stop here, however, would give us only a portion of the truth, and not the whole. Society requires to be constructed, and society requires both laws and regulations; and society requires a public revenue, public defence, and public police, and it remains for us to construct political society in such a manner that all necessary conditions shall be fulfilled, without any man whatever being deprived of his rights, or being interfered with against his will, so long as he is not a criminal.

It is of the first necessity to distinguish between *primary* and *secondary* interference. Primary interference is the interference of one man with another, when that other shall not have committed a breach of equity. Secondary interference is the interference of one man with another, when that other has been guilty (certainly or probably) of a breach of equity.

We maintain that, *except upon previously-given consent*, the former is universally unjust, whether the interference be by an individual or by a government.

If a government enact any laws by which the liberty of action of the population is restricted (crime excepted), we maintain that those laws are essentially *unjust*, that they will ultimately prove themselves to be most *prejudicial*, and that they ought at once to be

abolished, as nothing whatever can justify their continuance. To take a case. We take the customs and excise laws of Britain, and we maintain that no legislature in the world *is competent* to enact and enforce such laws, without trespassing on the rights of the community. And those laws, we feel assured, will ere long produce so much *evil*, that their abolition will be a matter of absolute necessity.

The right of a legislature to perform acts which may not be justly performed by individuals, is only a portion of the political *superstition* from which Europe is gradually emerging, as it emerged from religious and physical superstition a few centuries since. *The same moral law is incumbent upon men associated in society, that ought to regulate their conduct as individuals.* And the acts from which an individual is morally bound to refrain, no legislature in the world is competent to command, and no government to carry into execution. If it be not so, men have the power to obliterate all moral law whatever, by merely enacting its universal abolition. But although the theoretic limit of just legislation may be clearly seen, we must not expect that legislation will be confined to its proper boundaries, until the evils growing one after another to a height, and pressing too severely on the population, shall be traced to their true cause, and be successively abolished, because they can no longer be borne.