

CHAPTER VIII

THE RIGHT OF FREE INDUSTRY

THE law of equal freedom has, as a necessary corollary, that every one shall be free to exercise such of his faculties as he pleases, and in such times, places, and manner as to him seems best, provided his resulting activities do not infringe the equal rights of others. Justice, therefore, cannot recognise any limitation upon or interference with the industrial and professional activities of men other than is necessary for the maintenance of equal freedom. Any action by the State or by individuals in this direction is an infringement of the right of equal freedom. "The right to labour," therefore, is a natural right, not in the sense in which Socialism uses the term, that the State shall provide work for all its members, but in the sense that it is the duty of the State to prevent an equal opportunity for work being denied to any one, and to abstain from interference with the amount, kind, and manner of work which any one elects to do.

Socialism, by entrusting the conduct of industries to the State, proposes to abolish this natural right, and thereby, depriving all or nearly all of freedom, would establish a virtual condition of slavery.

Slavery has existed under many and widely varying forms. The difference is great between the mild and patriarchal system of slavery as it existed in many pastoral tribes and now exists in Turkey, and that which, arising when slaves are bought and sold, leads to their treatment as mere working animals without any rights, such as existed in Rome and in the southern states of America.

Serfdom, the form of slavery arising from conquest, likewise exhibits widely different forms of severity, extending all the way from the mild form which it had assumed in Russia on the eve of its abolition to the extreme degradation of the Peruvians after the Spanish conquest.

What is it that, nevertheless, enables us to recognise all those widely varying conditions as states of slavery? In other words, which are the essential features which distinguish slavery from freedom? There are two and only two. One is the right of the owner to determine the time, place, and direction in which the slave shall exercise his industrial faculties; the other is the right of the owner to appropriate part or all of the product of the slave's labour. These two conditions, being the persistent concomitants of slavery from its mildest to its most severe forms, are the essential conditions of slavery. Where they exist slavery exists, and the question who inflicts the slavery, who is the owner, does not affect the issue. Slavery, therefore, may arise from subjection to one individual, or to an organised body of many individuals, the State—from the subjection of an insignificant minority or of an absolute majority; may be imposed by force or voluntarily assumed. The industrial proposals of Socialism, involving, as has been shown,¹ the determination by State officials of the time and place in which each member of the State shall carry on his industrial activities, as also what shall be the nature of the activities which each shall carry on, obviously deprive all of them of freedom and establish with regard to all one of the essential conditions of slavery. The distributive proposal of Socialism, depriving the more able and industrious members of the community of a part of the result of their labour, establishes, as far as they are concerned, the second essential condition of slavery. Socialism thus will inflict full slavery on many while inflicting partial slavery on nearly all the members of society. Its industrial proposals, therefore, again disregard the essential natural rights, the right of each to the freest and fullest exercise of all his faculties, limited only by the equal right of all others. Socialism, therefore, must reduce

¹ Part I. chaps. ii. and iii.

the aggregate sum of happiness because it disregards the conditions which alone can secure the greatest sum of happiness.

While the law of equal freedom thus forbids the conduct of industries in general by the State, it imposes upon the State either the conduct of particular industries or participation in their results. Such industries are all those which cannot be undertaken by an individual or body of individuals without a special privilege given by the State, a privilege which cannot be granted equally to all others. For the grant of such special privileges to some is in itself an infringement of the law of equal freedom, unless all have an equal opportunity of acquiring them, and unless those who are successful give full compensation to all others for the special privilege accorded to them. The same principle, therefore, which imposes upon the State abstinence from interference with industrial activities in which all can engage, also enforces upon the State the duty to conduct, or to frame equitable regulations for the conduct of, industries which rest upon special privileges.

Such industries, having been fully described,¹ need not be recapitulated here in detail. Suffice it to say that, consisting of railways, canals, tramways, roads, and bridges, as well as of the supply of water, gas, electricity, hydraulic and pneumatic power, all of them are dependent upon the grant of special privileges to the use of a continuous track of land of exceptionally high value. Involving the use of a specially valuable opportunity under a special privilege, it is an infringement of the right of equal freedom and equal opportunities to grant such privileges without adequately safeguarding the equal right of all others. Either such industries must be conducted by society itself for the equal benefit of all its members, or society when granting such privileges must attach to them conditions compelling the grantees to pay to the community the full annual value which such privilege may at any time possess, *i.e.* the full rental value of the land used for the special purpose in question. Which of these two courses is more

¹ Part II. chaps. iv. and v.

advantageous depends upon special circumstances ; but the adoption of either would manifestly prevent the infraction of the law of equal freedom involved in the grant of more advantageous opportunities to some than others can enjoy.

The ethical line of demarcation between the industries which are beyond the interference of the State and those which are subject to the control of the State, thus coincides with the economic line of demarcation as drawn in Book II. chaps. iv. and v. Ethics as well as economics condemn the socialistic claim that all industries may rightfully be withdrawn from individual control and placed under collective control, just as they condemn the claim that all industries may rightfully be exempted from social control ; enforce the claim that, while it is the duty of society to control those industries which involve the grant of special privileges, it is equally its duty to abstain from interference with industries for the conduct of which no special privilege is required.

Two objections may be raised against this conclusion. One is that non-interference by the State with unprivileged industries involves the abstention from punishing fraudulent promises and adulterations. The reply is, that both fraudulent promises and adulterations are breaches of contract, and, therefore, infringement of the law of equal freedom. In either case one party to the contract has failed to perform the service contracted for, while the other has done so. One, therefore, has assumed greater freedom than the other, has broken the law of equal freedom ; and interference by the State, therefore, is not only justified but entailed by the same law which forbids general interference.

The other objection is, that the doctrine of non-interference involves the condemnation of factory legislation, such as the limitations placed upon working hours, the sanitary supervision of workshops, the enforcement of precautions against accidents. In one sense the validity of this objection must be admitted. For, however necessary and beneficial such legislation may be as a palliative of preceding injustice, it is nevertheless unjust in itself. The necessity for such interference with equal freedom arises

from antecedent interferences with the law of equal freedom. The State, in various ways, having given excessive power to capitalists by infringing upon the equal rights of the majority, has destroyed the power of the masses of the people to resist oppression, and is now compelled to place still further restraints upon freedom in order to reduce oppression.

Those who oppose such irrational remedies while defending the unjust conditions which give them temporary value are themselves acting irrationally. Nevertheless is it true that such limitations placed upon the freedom of workmen and capitalists alike, in order to counteract the excessive power acquired by capitalists, are unjust, and unable to permanently and completely remedy the evils which have caused their adoption. Such complete and permanent remedy can only be found in the restoration of equal freedom to all, which, restoring independence to the masses, would destroy the excessive power of capitalists, and therefore make unnecessary any limitation of it. Under conditions such as would arise from the recognition of justice, all having free and equal access to natural as well as to social opportunities, the competition between employers for workers would be as great as, or greater than, that between workers for employment. The workers being really, and not merely nominally, free to accept or decline employment, would themselves be able to insist upon proper conditions of employment. Just as now there is no necessity to interfere with the freedom of English duchesses or of the wives of American millionaires, to prevent them from working an undue number of hours and compelling their children to do so, so there would be no necessity to so interfere with the freedom of other women and children if they were really free. That necessity exists to-day because the negation of their equal right to the natural and social opportunities for the exercise of their faculties makes workers dependent upon the will of employers and robs them of the result of their labour. When these equal rights are restored to the masses of the people, when they can retain for their own use the wealth which their labour creates, men will not

consent to work under needlessly insanitary or dangerous conditions, nor will they compel wives and children to work prematurely and excessively. Even if there are some in which the sympathetic feelings are too dormant to restrain such selfish actions, the absence of the general custom of woman and child labour in factories would be a sufficient bar to their being put into practice.

The limitations on equal and full freedom embodied in such factory legislation, being made necessary by antecedent limitations of freedom, become unnecessary when these antecedent interferences are abolished. While they may be justified in the present pathological state of society, they cannot be justified when, through the establishment of justice, a physiological state of society has been achieved.