

WESTERN CLARION

A Journal of
CURRENT
EVENTS

Official Organ of
THE SOCIALIST PARTY OF CANADA

HISTORY
ECONOMICS
PHILOSOPHY

Number 827

Twice a Month

VANCOUVER, B. C. SEPTEMBER 16, 1920

FIVE CENTS

Concerning "Rights"

IT is characteristic of the Classical Economists that they should have taken the laws of private property for granted as something fixed and immutable. This followed naturally from their belief in a "natural order" governed by "natural laws," and under which mankind were endowed with "natural rights"—the right to life, liberty, property, contract, the pursuit of happiness and so forth. These beliefs formed the philosophic background for the principles of individual initiative, personal enterprise, free competition and "laissez faire" which were the outgrowth of the conditions following the revolution in industry in the eighteenth century, and which formed the intellectual stock-in-trade of the rising middle-class, fast becoming dominant, and of their political spokesmen, the Liberal party.

This may be observed in the literature of the bourgeois revolutionary period as, for instance, the Declaration of Independence and the Declaration of the Rights of Man. It will also explain why the petty bourgeois reform parties are so much given to insisting on "human rights." A case in point is that of the S. L. P., who used to insist upon "the inalienable right of all men to life, liberty and the pursuit of happiness."

Sir Henry Maine has laid it down as a generalization, that modern civilization, considered as a process, consists in a progression from **status** to **contract**. That is to say, from a condition in which a man's standing or position in society determines his duties and privileges and the services to be given or received, to a condition in which his actions are governed by contracts either implicit in society or freely entered into. There is, under feudalism for instance, no question of rights as we understand the term. Custom, prescription and birth dictated what one might require of others and what one had to do in return.

This process, the substitution of rights for privileges, has gone on very unequally in various countries, being dependent on the extent to which these countries were industrialized. A new transition period has, however, resulted in a general house-cleaning in the matter of ideas and opinions and the doctrine of "natural rights" is now very generally discredited. As a matter of fact there are no such rights. A man living in isolation could obviously have no "rights" whatever.

"So far from being absolute or natural or necessary to every State of society, these Rights have always been limited, have always been changing, and have their origin and justification in social expediency."—Ely.

Now, then, these rights, which we shall now call legal rights, are fundamental institutions or conditions of the capitalist system and, as they can no longer be taken for granted as having been "established by Nature," modern economists find it necessary to devote some space to some account of their origin and nature and to show some cause for their continued existence. This applies more particularly to the "right of property." Such justification usually consists in an appeal to their "social utility." It is argued that they are necessary to the continued existence of society as we know it and promote the well-being of men in society.

"History and facts show in that private ownership has, up till now, been the best con-

dition of utilizing wealth, the most energetic stimulus to production."—Gide.

Hand in hand with the use of the bourgeoisie and the development of industry there grew up the modern State. Let us hear Prof. Ely:

"For the maintenance of these fundamental conditions of the existing social order which we have described, we are dependent upon the State. No other instrument of Society is adequate to the task."

We shall now hear Prof. Commons:

"The necessity of a sovereign power employing force is shown by the following facts:

(1) Private self-interest is too powerful, or too ignorant, or too immoral to promote the common good without compulsion.

(2) The common wants of society—justice, roads, military defence, etc.—can be supplied only by compulsory contributions for individuals, and compulsory administration of government.

Law is the expression not of the whole society, but of the sovereign element or social class. It is imposed simply by virtue of the **might** residing in government. The most obvious characteristic of law is that it is coercive. Even when it operates in favor of the legitimate actions of individuals, it does so by restraining any interference with such action.

At the same time, laws are not the fortuitous and blind coercion of nature. There are always human purposes underlying the enactment of laws, and these are the purposes of whatever may be the ruling political class at the given time, and in the given country. These may be good or bad. Historically considered, they may be classed as follows:—

(1) The determination of the ruling classes to exploit other classes.

(2) The desire of the ruling classes to realize certain ethical and political ideals.

(3) The desire of the ruling classes to facilitate or suppress the industry of the country.

It is the function of the State, by means of law, to create and define legal rights. This it does in its legislative capacity.

It is also its function to aid and conserve legal rights; to enforce the performance of contracts. This is carried out by means of the courts and the machinery "whereby the physical force of the State is set in motion through appropriate State officers to carry the judgment into effect."

"A right (in general) is one man's capacity of influencing the acts of another, by means not of his own strength, but of the opinions and the force of society. A **legal right** is a capacity residing in one man of controlling, with the assent and assistance of the State, the actions of others. That which gives validity to a legal right is, in every case, the force which is lent to it by the State.

An analysis of a legal right shows it to be the result of the following elements:—

(1) The person entitled—A person in whom the right resides, or who is entitled to the right, or who is benefited by its existence.

(2) The Object.—In the case of property rights, an object over which the right is exercised.

(3) The Act or Forbearance.—Acts or forbearances which the person in whom the right resides is entitled to exact.

(4) The Person Obligated.—A person from whom these acts or forbearances can be exacted; in other words, whose duty it is to act or forbear for the benefit of the subject of the right."—Holland.

Personal rights have been variously classified but may be given as:—

(1) Life.

(2) Liberty.—Personal freedom, freedom of movement, of enterprise, of employment and of contract.

(3) Property.

Further consideration of this subject will involve some account of each of those classes, and will make clear the general bearing of these remarks and why personal rights are so important to capitalist society. Sufficient for the present to say that the continuance of the capitalist system depends on the maintenance of certain of these rights, for the simple reason that the legal claims which result in the appropriation of the products of labor as rent, interest and profit are based on them. The State, as we have seen, guarantees these rights and the claims based on them. It is for this reason that the apologists and defenders of capitalism agree in denouncing the Socialist movement as an attack on the State and society as at present constituted. It is my opinion that they are quite correct.

The works quoted in the foregoing are:—

The Distribution of Wealth	Prof. Commons
Political Economy	Prof. Gide
Elementary Economics	Profs. Ely and Wicker
Jurisprudence	Holland

GEORDIE.

PLATFORM

Socialist Party of Canada

We, the Socialist Party of Canada, affirm our allegiance to, and support of, the principles and programme of the revolutionary working class.

Labor, applied to natural resources, produces all wealth. The present economic system is based upon capitalist ownership of the means of production, consequently, all the products of labor belong to the capitalist class. The capitalist is, therefore, master; the worker a slave.

So long as the capitalist class remains in possession of the reins of government, all the powers of the State will be used to protect and defend its property rights in the means of wealth production and its control of the product of labor.

The capitalist system gives to the capitalist an ever-swelling stream of profits, and to the worker, an ever-increasing measure of misery and degradation.

The interest of the working class lies in setting itself free from capitalist exploitation by the abolition of the wage system, under which this exploitation, at the point of production, is cloaked. To accomplish this necessitates the transformation of capitalist property in the means of wealth production into socially controlled economic forces.

The irrepressible conflict of interest between the capitalist and the worker necessarily expresses itself as a struggle for political supremacy. This is the Class Struggle.

Therefore, we call all workers to organize under the banner of the Socialist Party of Canada, with the object of conquering the political powers, for the purpose of setting up and enforcing the economic programme of the working class, as follows:

1. The transformation, as rapidly as possible, of capitalist property in the means of wealth production (natural resources, factories, mills, railroads, etc.) into collective means of production.
2. The organization and management of industry by the working class.
3. The establishment, as speedily as possible, of production for use instead of production for profit.