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# The Practicability of Mutualism

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# Contents

a necessary condition of happiness. And so Mutualists, since they are keenly aware of this fundamental condition, are concerned with what they consider to be the best adaptation of means to the end. Accepting frankly the ethical concept outlined above, they hold that they have devised a social system that will conform in the best possible way to all the conditions of modern life, since it is based on equal freedom and reciprocity and the sovereignty of the individual over himself, his affairs, and the product of his labor, to be realized through individual initiative, free contract, and voluntary association.

sufficient to show the nonsense of the notion that there can be anything superior to the right of might; unless there is some metaphysical meaning attached to those three adjectives that is not fathomable by the finite mind. The real truth of the matter is that, since there is no right superior to that of might, all other rights, of whatever nature, exist only by sufferance: in other words, by contract or agreement. For certain considerations (such as the desire for peace and tranquility and other things that make for happiness) the strongest have agreed to yield, in certain fields, their prerogative; they have consented to forego the privileges which their strength assures to them—and thereby there come into existence the elements of modern society.

It should be emphasized that the term "society", as used herein, refers to that social organism which, in its abstract sense, implies the union or sum of relations by which the individuals of any group are associated, and not to that political organization known as "government" or "state."

The difference between the two is fundamental and vital, and, if not clearly distinguished in the mind of the student, serious confusion of thought will result. All political states and governments are founded on physical force, and, as explained in Chapter I, are necessarily aggressive and invasive in character. Considering their origin and functions, they must be of that nature in order to survive.

Society, on the other hand, has no such origin and has no such foundations. Out of it may issue and from it may be at adapted any political organization that, in the course of evolution, may arise. And such political institutions may be perfectly free from the element of coercion, except for protection, and may therefore be an actual antithesis of the present state.

Society, as thus defined, therefore, is constituted of myriads of compacts, both express and implied, which are supposed to enable all, regardless of individual strength, to live in peace and harmony, since all recognize, more or less clearly, that that is



# PART I

Mutualism is applicable to every human relations. Throughout the whole gamut of existence, from birth to death, mutuality—voluntary association for reciprocal action—is everywhere and at every moment waiting to solve every problem of social intercourse, to decide every issue that arises in commerce and industry. In order to practice mutualism, it is necessary to name only two conditions; that the non-invasive individual shall not be coerced, and that no part of the product of any one's labor shall be taken from him without his consent. With those negative generalizations thus postulated, thereby affirming the sovereignty of the individual, therefrom flows naturally the positive and constructive corollary—reciprocity; which implies individual initiative, free contract, and voluntary association.

That there may be no uncertainty about the meaning of the term "sovereignty of the individual," it should be explained that it is here used in the sense of the complete control of the non-invasive individual over himself and his affairs, and the product of his labor.

Briefly, Mutualism is a social system based on reciprocal and non-invasive relations among free individuals.

The Mutualist standards are:

INDIVIDUAL: Equal freedom for each—without invasion of others.

ECONOMIC: Untrammeled reciprocity, implying freedom of exchange and contract—without monopoly or privilege.

SOCIAL: Complete freedom of voluntary association—without coercive organization.

Under Mutualism, as so outlined, every Social, economic, and political problem of modern life may be solved and every relationship adjusted. Even without any specific laws formulated in advance, the jury system in its purest and undefiled form, will cover all criminal procedure. Such a trial by

jury would in fact be a trial by the whole people, and not, as now, a trial by certain specially picked persons who represent a government — an institution by no means representative of all the people—and who are presided over and restricted in various ways by a judge, who is almost supreme in his position and who is only remotely and slightly guided by laws that are supposed to be representative of the wisdom of the people, but in reality are merely the expression of the opinion of various more or less honest politicians, who have either their own preferment uppermost in their minds or are influenced by many other considerations besides justice and the welfare of the people.

If juries were properly chosen by lot, out of the population of a community, and not, as they are now, taken out of a certain limited panel selected by an officer who is guided by various political considerations and conditions, many of them depending upon his convenience, there would be the foundation of a fair trial for all offenders. It may be taken for granted that such a jury would not convict any person expect except such as the whole community, if its wishes could be ascertained, would agree to convict.

It would therefore be extremely difficult to punish anybody for any allegedly invasive acts, unless practically all of the people were of a mind that the person was guilty. Mutualism points the way to the utilization of such purely equitable and reciprocal means of obtaining justice.

In trial by jury in its perfect form, the judge should be no more than an impartial arbiter. The jury should mould the law to any particular case, instead of trying to fit the case to the law. The jury should likewise judge of the admissibility of evidence, since what the jury needs and wants are the facts of the case, and it should be in possession of everything bearing on those facts.

The judge must not be in fact or in name the representative of either side in the trial, and therefore he must not be permitted



the bank savings, personal property and real estate of the members of the union in satisfaction of their judgment. No account is available of the final success of this undertaking, but for sheer robbery nothing is comparable in the annals of modern court procedure.

As suggested in another article, the boycott, and its companion, ostracism, may be utilized as punishments for crime, and also as crime deterrents. Under certain circumstances, they may constitute a most drastic penalty. On account of the gregarious habits of human beings, to be put wholly beyond the pale of society would be more painful to many than to be incarcerated in a prison in company with others of their kind. To inflict such punishment has many advantages for the defensive organization that makes use of it. It is simple: it is easily and inexpensively applied; it involves, theoretically, none of the elements of physical force; and, above all, it is not in itself an invasive act. What more ideal method of correcting the erring tendencies and anti-social activities of our fellow-man could be conceived?

Since the boycott is purely voluntary association for non-invasive purposes, and since it is at once a distinctly libertarian weapon and the most perfect example of passive resistance, it is eminently, when necessary, a part of the Mutualistic program.

In discussions, such as this, in which ethics is mingled with politics, the word “rights” is often loosely and vaguely used. Fundamentally and elementally, of course, there is only one right—the right of might. To talk about “natural” rights and “inalienable” rights is to talk about something that does not exist. To speak of natural rights implies that there is an unquestioned or an indisputable right of some kind that is inherent in the individual when he is born. If that were really true, then the right of might could not operate against it. In order that the right of might could not so operate, the inherent or natural or alienable right would have to be of such a nature that no force could overcome it. Merely to state the case in that way is

In this discussion of the boycott as libertarian measure, stress has been laid upon its employment by labor against the employer, since refusal to work for any employer is invariably couple with a refusal to purchase his products and with an effort to induce others to refuse to patronize him. But it is a game that two can play as it is not one-sided. Employers often resort to the same measures, in creating and maintaining a blacklist, which contains the names of employees who have struck work or who are otherwise undesirable, and various employers combine to use this list in order to coerce labor. In such instances nothing is heard from the courts concerning "conspiracy" or the secondary or tertiary boycott, although these latter are frequently used to compel recalcitrant employees to join in the blacklisting proceeding. And it should be added that no one has any more right to complain about the blacklist than about the boycott. They are practically identical and neither violative of the principle of liberty. The courts, of course, should be consistent in their treatment of them. But that would be a little too much to expect of institutions that are, in general, the tools of privilege.

It is interesting to note in this connection that in England, where personal liberty is appraised more highly than in the United States, there have been no legal decisions reported against the use of the boycott, while in this country there are two notorious and unsavory examples—Bucks Stove Company vs. The American Federation of Labor, in which the officers of the federation were found guilty, in the District of Columbia courts, of violating an injunction against advertising the fact that the federation considered the stove company "unfair", and the case of the Danbury Hatters, wherein the United States Supreme Court affirmed a decision of the lower court that the hat company might collect damages from the individual members of the trades union that instituted and carried out the boycott of the company that refused to accede to the terms of the workmen, the hat company was permitted to attach



to throw out verdicts or evidence, since it is at such a point that he may show his bias. All these things should be the province of the jury. They should be permitted to try the case in its entirety, without being influenced in the slightest degree by anything said or done by any one who assumes to represent any higher authority. If even-handed justice is to be obtained, the jury should, first of all, be permitted to decide whether there actually is any offence committed, as charged. They should be permitted to try the case in its entirety. In other words, whether there actually has been any invasive act committed—whether the alleged act is an injury to the person or property of any one.

That the jury system of the present day is not organized or administered on such basis or in any such form goes without saying.

And just because it is not so organized or administered it is in no sense a vehicle for the securing of justice. While the origin of trial by jury seems to be historically hazy, it is a certainty that it came to be most thoroughly established by Magna Charta. And at that time it was, fundamentally, in a pure and better form than it has been at any time since. The obvious implications of that great instrument were that the jury was to judge independently and fearlessly as to everything involved in the charge, and especially as to its intrinsic justice, and give their decision thereupon; and this meant, if it meant anything, that the jury were to be the judges of the laws as well as of the facts. Within a century of the time of the promulgation of Magna Charta, its provisions had been so altered that courts were beginning to take away from juries the power to determine the justice of the laws, and today it has become one of the so-called "maxims" of the law that the judges only respond to the question of law and juries only to the question of fact. And even this latter prerogative is not enjoyed by juries without a great many restrictions that modern courts have thrown

around them, so that in practice they are largely controlled by the judges.

Not only does the judge at the trial decide as to the relevancy of the evidence tendered to the issues to be proved, and as to the admissibility of questions put to a witness, but he also advises the jury as to the logical bearing of the evidence admitted upon the matters to be found by the jury. The rules as to the admissibility of evidence, to a great extent based upon theories that are difficult to apply, coupled with the right of the judge to sum up the evidence, limit to a large degree the independence of the jury.

In the seven hundred years that have passed since King John at Runnymede was forced by the barons to grant a charter of liberties to the people, lawmakers and judges have been busy modifying that famous document, and among those efforts have been the invention of those maxims which serve to guide present-day jurists. Instead of expressing the law, those maxims express nothing but the will of ambitious and law-defying judges and of those to whom the judges often owe their positions.

It is true, a trial judge has proper and necessary functions to perform, one of these being to assist and enlighten the jurors, if he can, by advice and information, but with the understanding by the jurors that such advice and information is to be received only for what they may deem it to be worth; and another is to do anything that may be necessary in regard to granting appeals and new trials; and possibly to preserve, in case it is threatened, the dignity and seriousness of the proceeding.

It is interesting to not that, in America, there has of late been a tendency to travel back toward the original purpose and scope of trials by jury. A case in point is that of Scharf vs. United States (156 U. S. 61), in which the view of the majority of the court was that it is the duty of a jury in a criminal case to receive the law from the court and apply it as laid down by the court, subject to the condition that in giving a general



The elements in each of these procedures is identical. In no case can any of those tradesmen mentioned establish any right to the patronage which has been taken away him. Therefore no wrong has been done to him. He has been deprived of nothing to which he has the slightest claim. Therefore, while he may correctly allege that he has been coerced; while he may rightfully assert that his business has been injured: and while he may be pardoned if he feels peeved toward his customers, he cannot justly charge that any of his rights have been invaded.

The courts, in discussing cases similar to the one cited above, make the point that the grievance, or whatever it may have been that induced the original individual to boycott his grocer, is entirely lost sight of in the subsequent secondary and tertiary boycotts, and that the persons involved in these latter have no concern with the original motive, and that therefore it is an injustice to force them to participate in the controversy. All of which may be true—except the injustice. It must be reiterated that there can be no injustice when nothing has been done. And in not one phase of the case cited has any overt act been performed. In each and every instance of the pressure brought to bear there was merely a *declination* to act—simply a letting alone. How silly it would be for one of those tradesmen to complain that it was unjust to let him alone! And yet that is precisely what he says, in effect, when he alleges that he has been done an injustice when a customer refuses—for no matter what reason—longer to purchase goods from him.

Another thing that the courts declare illegal about the boycott is threatening to withdraw patronage from a merchant or threatening to cease working for an employer. They forget, since it suits their purpose for the time being, the axiom that a person has a right to threaten what he has a right to execute, Since to refuse to buy or refuse to work is in no sense any invasive act, it certainly cannot be invasive to threaten to refuse to buy or to threaten to refuse to work; and no amount of judicial sophism can make it so.

before it becomes more serious to act in concert with others than it is to act alone. If a tradesman has no established right to the patronage of a client, or an employer has no contracted right to the labor of an employee, the tradesman has no more right to the patronage of a thousand clients, and the employer has no more right to the labor of a thousand employees. The courts are not sustained by right or common sense when they decide that a number of persons may not combine to do what they may properly do singly.

It has been the habit of the courts and others supporters of predatory wealth to denounce more severely the secondary and tertiary boycotts than the primary ones. This contention has no weight or justification in fact. Since it been shown that the boycott is only *abstention* from action, and that it can never be invasive of anybody's rights merely to abstain from performing an act, it can make no difference whether that abstention is primary or quaternary. In practice, the secondary boycott is where one person is boycotted for not joining in the primary boycott. Now, precisely the same conditions exist in one case as in the other. If a person has a right to withhold his patronage or his labor from another for one reason, he has the same right so to conduct himself for any other reason—or even for no reason.

Therefore, to put the matter in concrete form, if John Doe does not like a certain grocer, he may withhold his patronage. He may also, with perfect propriety, ask his butcher not to patronize that certain grocer; if the butcher decline to join him in that boycott, he may withdraw his patronage from the butcher. And, in order to make his boycott of the butcher effective, he may call upon, his baker to assist him in boycotting the butcher; if the baker likewise prove unwilling to participate, he may boycott the baker and request his druggist to withdraw his patronage from the baker—which would be the tertiary boycott. And this course might be extended indefinitely.



verdict the jury may incidentally determine BOTH LAW AND FACT as compounded in the issues submitted to them in the particular case, and it was further held that the power to give a general verdict enables the jury to take its own view of the terms and the MERITS of the law involved.

It may safely be predicted that the administration of justice would be greatly simplified under a condition of equal freedom and a system of Mutualism, since, in the absence of exploitation by privilege, there would be much less poverty, and, as the criminologists agree, poverty is the chief cause of crime. With economic conditions such that every able-bodied man may be certain of life-sustaining employment, either as his own master or in the employ of some one else but receiving the full product of his labor, the main incentive for invasive actions would be lacking.

Again, more efficient protection against the aggressively inclined, which would mean the prevention of crime rather than its detection after the fact, would relieve the courts of a great deal of their work. With the greatly simplified court procedure outline in the foregoing discussion of trial by jury, there would be a tendency toward prompter and swifter justice, and experience has shown that that is very effective in crime prevention.

Furthermore, there would be an increased use of passive resistance in the punishment of crime, rather than physical force, as at present. Ostracism and the boycott may be used with good results in defense against criminals, especially those who are of the lesser sort, and are not of a nature to call for immediate and forcible restraint. And the application of such punishment could be swift and sure. In every direction, the simplification and lessening of the number of rules and regulations makes for increased ease and simplicity of their application

In civil procedure, the increasing use of private arbitration courts, now already in use in New York and some other states, would tend to enlighten the burden of the major courts, and

under Mutualism they would be developed and utilized to the highest degree.

## PART II

Government implies force; it implies coercion; it implies the exercise of authority, by some person or institution that has the power, over another person *whether he admits such authority or not.* Manifestly, such authority should not be exercised over a non-invasive person, unless the functions of the State, as outlined in Chapter I as being inherent in its origin, are to be considered the just and rightful ones.

Right here lies the line of cleavage between authoritarians (Socialists, Communists, Single Taxers, and all political parties) and the libertarians (Mutualists, Individualists, et al.). The former believe that whatever evils exist in the present system can be eradicated by the enactment of laws—in other words, by the use of physical force against all persons, whether assenting or dissenting. For it is true that the ballot in the hands of a majority is as much an exercise of physical force as is the use of machine guns in the hands of an army or of a bomb in the hands of a revolutionist. For of what use is the verdict of a majority unless it can be enforced? And how is such verdict to be enforced by a government unless it is known that, in case of refusal to accept the verdict, the whole power of the army and navy can, if necessary, be brought to bear to secure that enforcement? Moreover, the *threat* of the use of the army and navy is just as much a use of physical force as is the actual firing their guns and the release of their poison gas.

Now, to those persons whose sense of justice does not revolt at the coercion of inoffensive individuals the message of the libertarian carries no weight. Their eyes are blind to scenes of rapine and murder; their ears are deaf to pleadings for justice; their hearts are cold to appeals for fair-dealing; and, above all,



bor organizations in controversies with employers, it has been attacked by the representatives of privilege as a reprehensible thing. It has been almost universally condemned by the courts, has been denounced from the pulpit, and it is particularly distasteful to the police, who are always at a loss to know what to do to persons who refuse to use violence and who persist in going quietly about their own business. The lexicographers, too, are prone to anathematize it in their definitions, asserting that it is an instrument for persecution and oppression. And yet it is the only weapon that cannot be used invasively!

The reason for this is that the boycott is not an act; it is merely the refusal to act. Now, how can a refusal (in the absence of an express agreement or contract to the contrary) to act be construed as an invasion? To boycott a person is merely to let him alone; to refuse to trade with him; to refuse to have anything whatever to do with him. Now, before it can be maintained that such person can be wronged by such refusal to associate with him, the following question must be answered: By what right can he demand such association? In other words, how can there be an assumption that there is any obligation so to associate? There is but one answer, and that is that there can be no such right and no such assumption can be entertained. To assert the contrary is to make it necessary for the person boycotted to establish his right to the patronage, or the labor, or the society, as the case may be, of the boycotter. Let him do it if he can!

Now, if a person may rightfully let another person alone, he may just as rightfully combine with others in his inaction. Because it is difficult to see how, if a person may go into his house, shut the doors, pull down the shades, and refuse to step off his premises, and still not invade the rights of anybody, it becomes a crime when some of his friends agree to follow his example at the same time So, logically, the so-called law of conspiracy cannot apply to acts that are not performed. There must be an overt act—which cannot come within the scope of a boycott—

The late Stephen Pearl Andrews, in his illuminating book on "The Science of Society," gives an instance of a private corporation performing the government's work when the post-office department was demoralized by the destruction of a bridge. An express company (a private corporation) immediately restored its own service and for a whole week had to supply the mail service that the government was unable to provide, the postmaster-general himself being obliged to rely upon the express company for the delivery of his own mail. Such instances have multiplied to such an extent that it has become an axiom that what the government does is done with almost uniform inefficiency.

Despite the fact that there is an elaborate police department in every urban community, for the support of which all property owners are taxed, the service rendered by the State is so inadequate that (as was briefly pointed out in an earlier chapter) many businesses are forced to provide their own police protection. Were they to associate themselves together in mutual organizations, they could provide themselves with insurance—at cost—against burglary and molestation, without paying the exorbitant rates that burglary insurance companies of the ordinary sort now charge. In fact, this principle might be extended to the whole population, or to such a part of it as might wish to participate, through the organization of mutual protective associations, and thus make the present kind of inefficient and uncontrollable police force unnecessary. When taxpayers find that they can get real protection for just what it costs, they will be loathe to support the preposterous and extravagant thing that now goes by that name.

A potent instrument for protection, and defense, and one which is at once both libertarian and capable of mutualistic employment, is the boycott. On account of the fact that it was first made use of (by the Land League in Ireland in 1880 against a landlord's agent by name of Boycott) by the weak in a contest with the strong, and has more frequently since been used by la-



their reasoning faculties are impotent in the face of arguments of expediency. But let all sentiment be laid aside, and it still may be shown that freedom pays. And it pays from whatever point of view it is regarded. It pays because it costs less in actual cash; it pays because it is simpler and more easily applied; it pays because it reduces the possibility of error to the lowest conceivable point; it pays because it is in line with the process of evolution; and, finally and greatest asset of all, it pays because it is productive of the largest degree of happiness.

The libertarian ideal is the only concept that paves the way for the operation of Mutualism. Perfect Mutualism could not exist under any form of authority. It would be thwarted and emasculated at every turn. Just as today every social and economic evil that serves to enslave humanity is the result of some form of governmental interference with freedom and with natural processes, so would the same or similar forces tend to nullify and counteract, to all extent, the advantages to be derived from the application of the principles of Mutualism. It is a plant that requires the fertile soil of liberty in which to make its unimpeded growth.

On the other hand, the merit of the system is that it 'be inaugurated without any cataclysmic of the present regime. Indeed, for the most important phase of Mutualism—that of mutual banking—but one federal law, together with its counterpart in a number of states, would need to be repealed in order to pave the way for the realization of the greatest liberating idea cine the French Revolution. Again, in other directions Mutualism may be initiated in spite of the untoward aspect of constituted authority. Ian mercantile and industrial lines, voluntary co-operation and other associative activities may be carried on without any change in present laws. In many instances, such operations would be facilitated by the removal of certain legal restrictions and obstacles of a like nature, but the start can be made, once there are enough individuals so minded, without the abolition of a single provision.

As a matter of fact, there are now many voluntary mutualistic associations being conducted with fair success, whose activities would be immensely simplified and their accomplishments greatly augmented if they could be unfettered of the handicaps which the law now places upon them. It is one of the cardinal purposes of Mutualism to free them, as rapidly as possible, of these obstacles.

One of the most conspicuous examples of Mutualism in practice at present—and under capitalism besides—is the mutual insurance companies, of which there are many in successful operation. Their success is undoubtedly due to the fact that they are not needlessly restricted by law, and the wonder is that they are not interfered with, since they are providing insurance at cost to their members, thus preventing a tidy sum in profits from going into the coffers of the regulation form of insurance company.

What these mutual insurance companies have done is conclusive proof of the efficacy of Mutualism in other departments of industry and commerce. If fire and life insurance, through mutual associations, may be supplied at cost, there is no reason why any other protection may not be supplied by the same means on like terms. Mutual insurance companies not only distribute fire losses among the insured, but they also actually prevent fires, since all properties insured are under the supervision of the company's inspector, whose business it is to see that the owners avail themselves of the best methods of fire prevention, in the first place, and of the most efficient means of extinguishing fire, should it get started.

This insurance idea is capable of extension in a multitude of directions. As Lloyds (the great English insurance company), who insure every imaginable sort of risk, have amply demonstrated, there is practically no enterprise or venture that may not be covered by this great blanket of protection, the particular merit of which lies in the fact that it is wholly private and voluntary and not in any way operated or supported by the



government. It is purely the result of the voluntarily associative efforts of individuals.

As an instance of its operation, there may be cited the existence in England of an association that, for a consideration, inspects and passes judgment on the construction of buildings, so that any person, who may be building a house or buying one already built, and who knows nothing about the technical factors involved, may obtain information and advice about a proposed building or one already constructed. This service could conceivably be extended to the insurance of such person against loss arising from defective or inadequate construction of any building inspected and passed upon by such an association.

The title insurance company, as it exists in many of the United States, is a conspicuous example of the successful rendering of a like service. After a title to real estate has been perfected to its satisfaction, it will insure the same for the approximate value of the property, the charge for such service being in proportion to the risk involved. In some states the government has adopted a system that attempts to obviate the necessity for that sort of insurance; but, instinctively chary of anything the government undertakes, people have been reluctant to avail themselves of the opportunity. They know only too well how government usually bungles and mismanages things it undertakes!

Although many such hampered and hedged about with restrictions and regulations by the state, their growth shows what might be accomplished under freedom. If there were no state institutions that pretended to give service, voluntary associations would be formed to perform those functions as the need would arise. In fact, it has been the usurpation by the government of functions that should be purely the business of voluntary associations that has retarded development of commerce and industry in many lines.