

History of Socialism in England
Based on Dicey's
Law and public opinion in England

Introduction

Aim of introduction is to trace the connection, during these opening years of twentieth century, between the development of English Law and the course of English opinion.

A. Legislative opinion at the end of the 19th century

Mill's simple principle-Interference in the liberty of the others -- only for self-protection Individuals own good, by the physical or moral, is not sufficient warranty. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinion of others to do so would be wise or even right. The only part of the conduct of anyone, for which he is answerable to society, is that which concern others. In the part, which merely concerns him, his independence is, of right absolute. Mill enunciated this principle. He was a benthamite radial. Mill's "*on liberty*" was the predominant opinion of the time. (1859)

B.Course of legislation from beginning of the 20th century.

Socialism is the latest movement during the first 13 years of the 20th century. Aim is to demonstrate connection between English legislation and the course of legislative opinion in England.

The Old Age Pensions Act, 1908-conclusions, which can be drawn;

- 1.A person may have a full title to a pension though he is a habitual pauper in frequent receipt of poor relief,
- 2.In the United Kingdom a really poor man, if he is permanently resident here, is morally entitled to outdoor relief at the rate of five shillings a week on attaining the age of 70.

The National Insurance Act 1911

Aim of the Act

1. Any person, whether a man or a woman, whether a British subject or an alien, employed in the United Kingdom under any contract of service, shall, from the age of 16 to 70, be insured against ill health.
2. The Act founds a system of insurance solely for the advantage of persons who, in popular language, would be described as servants or workman.
3. Under the National Insurance Act the state incurs new and burdensome duties.
4. In the long run the Act is going to bring up on the taxpayers a far heavier responsibility that is not anticipated by English electors.
5. The power to make the regulations to the insurance commissioner was probably the widest power of subordinate legislation conferred by The Parliament on any body of officials.

The Trade Disputes Act 1906-jurisdiction of the law Court is barred. This enactment therefore confers upon the trade union a freedom from civil liability for the commission for even the most heinous wrong by the union or its members. 1. It makes a trade union a privileged body exempted from the ordinary law of land.

2. It is highly probable that the bodies, which may not be now technically brought in the definition of a trade union, may soon claim the legal immunities conferred upon trade unions.
3. A sufferer who finds that he cannot bring an action against a trade union for a gross libel, maybe tempted to file prosecution.

The Trade Union Act, 1913-. In 1909 the court unhesitatingly decided that the funds of the trade union could not be lawfully applied to the furtherance of political object. The Trade Union Act 1913 was passed to reverse or to annul that decision.

Acts fixing minimum rate of wages- Up of the last quarter of 19th century it was the firm conviction of English economists, that any attempt to fix by law the rate of wages was an antiquated folly. After 1909 several acts were passed giving wide powers for the establishment of minimum rate of wages in certain trades. Eg. Trade Boards Act 1909, Coal Mines Act 1912

The influence of collectivism on legislation in the 20th-century century is curiously traceable in laws enacted since 1900, which though to a certain extent defensible on benthamite grounds, would hardly have been passed when benthamite liberalism was the dominant opinion of the day.

The Education (Provisions of meals) Act 1906-socialistic law-relieved parents from the necessity of paying for the education of his child. Why a man who first neglects his duty as a father and then defrauds the state should retain his full political rights is a question easier to ask than answer.

The Mental Deficiency Act 1913 -the Act interfering in the liberty of the of the defectives would hardly have been passed in the year 1860 when the public opinion was conscious about the individual liberty.

The Coal Mines regulation Act 1908 - Put the restriction on the contract between Workman and employer about working hours.

The Finance Act 1910-Till towards close of 19th century tax was imposed to meet financial wants of the state. By this Act income tax was levied on the basis of income. The Act was enacted to promote social and political objects.

C. The main current of legislative opinion from the beginning of 20th-century

The main current of legislative opinion from the beginning of 20th century has run vehemently towards collectivism or socialism.

Free trade had lost much of its hold on the people of England. The new conditions which since the beginning of the 20th-century have in England given additional force to the influence of socialistic idea.

1. the existence of patent facts which impress upon ordinary English man the interdependence of private and public interest

Mill's "simple principle" depends upon the assumption that in a civilized country the conduct of a person is divided into conduct, which concerns him and conduct, which concern the State or his neighbors.

After 1859 such events occurred which made it difficult to draw distinction between actions, which merely concern the man himself, and actions, which also concern society.

The course of trade in the hands of corporate or quasi- corporate bodies is one of such circumstance. Hence the antithesis between the individual and the State become hard to maintain.

The advancement in human knowledge has intensified the general conviction that even the apparently innocent action of an individual may injuriously affect the welfare of the whole community.

Every addition in the knowledge of science added to the close sense of the interdependence of all human interests. For example the health of the nation depends on general observations of certain rules of health to be observed by people. Individual liberty must be curtailed when opposed to the interest of the public.

2. *The Declining influence of other movements*-various political, social, or even theological movements that occupied the thoughts of the British man seized to interest English man. Hence, there was half attractiveness of socialism, which was yet to be tested by experience. Passion for nationally no longer commanded England. Failure of many movements to benefit mankind, which seemed full of infinite promise, also affected drift in the public opinion in England in the beginning of 20th-century.

The preachers of 20th-century got new interest in social reforms. Minister of religion laboured to promote charity, peace and good will among mankind. It was easy to teach authoritative and energetic socialism than to undertake the immense amount of truth contained in the slow methods of improvement advocated by individualism and free trade.

3. *the general acquiescence in proposals tending towards collectivism*-wealthy English man have made a much less rigorous resistance to socialistic legislations than would have been expected. It was because of combination of intellectual weakness with a moral virtue.

Intellectual weakness-. Indolent assumption that the effect of apparently great legal or political changes is, in the long run, very small. Superficial reading or the still more the superficial memory created this view. An English man of middle classes was a man of kindly disposition.

For 60 years novelist, writers and press brought the condition of the poor before the eyes of their readers. No criticism, in any case, of public opinion in England is what anything, which fails to take into account the good will of the richer classes of English man towards their less prosperous neighbors.

4. *the advent in England of parliamentary democracy*-democracy, no doubt, increased the influence of Socialist, for the following reasons;

- a) It has given attention to the wishes and wants of the poorer electors,
- b) Increased the power of any well organised parliamentary faction or group, which is fully devoted to the attainment of some definite political social object,
- c) It is revealed to the electorate, the extent of their power, and has taught them that political authority can easily be used for the immediate advantage not of the country but of a class. Collectivism or socialism promises unlimited benefits to the poor.

5. *The spread of collectivism or socialism in foreign countries*-English man have rarely been influenced by the example of foreign countries. English collectivism or socialism developed because of trade unions in England. Railways and Telegraph connected most other parts of world. It may therefore be taken for granted that the progress of socialistic legislation and a trial of socialistic experiments in English colonies, such as the Australian commonwealth or in United States or even in an utterly foreign country, such as France has promoted the growth of collectivism in England. There are many instances to show that English public opinion and French public opinion were flowing in the same direction. In each country you have a real system of popular government. In each country Parliament is supreme; in each country parliamentary government means party government.

6. *The existence of industrial discontent-industrial warfare*-conflict between employees and employers. The contrast between rich and poor in England press more upon the thoughts and the imaginations of workmen. Existence of millionaire emphasizes the difference between the rich and the poor, and also kindles among all classes an exaggerated desire for wealth.

D. Counter-Currents and Crosscurrents of legislative opinion from the beginning of the 20th-century

The progress of the collectivism of 1914 was delayed and quite possibly be arrested by different though quite closely interconnected Counter Currents of public opinion.

First Counter current-the surviving belief in the policy of free trade (*laissez faire*). The principle of free trade was brought to discredit because it placed exaggerated faith in living things. Yet distrust of State interference was still entertained by English citizens.

Benthamite liberalism has coincidence with individualism of common law, because
It has stimulated energy of action
It has left room for freedom of thought and individuality.
It has fostered trust in self-help
It has kept alive the virtues of English people.

Second countercurrent- the inconsistency between democracy and collectivism.

Best form of government is democracy for any civilised country. Constitution determines the course of legislation.

The democratic conceptions of government-do not found institutions or enforce laws, which the citizens detest.

Democracy protects the people from unpopular laws, but it gives inadequate security for the passing of laws, which are in them wise and good.

Socialism suffers from delusion that whatever the people desire is, because they wish for it, right and wise, and that the granting of such wish will always conduce to the welfare of the country.

The weak point of the socialistic idea is that it is a dogmatic or authoritative creed and encourages enthusiasts who hold it to think lightly of individual freedom, and suggests the very dubious idea that in a democracy the reach of the people may often be overruled for the good of the people.

The ideal of democracy is government for the good of the people, by the people, and in accordance with the wish of the people;

The ideal of socialism is government for the good of the people by socialist experts, or officials who know, or think they do, what is good for the people better than the people themselves.

Each of these two ideals contains something of truth, what each of his ideals may sooner or latter clash with each other.

In England socialistic Democrats or democratic Socialist are blind to this inconsistency. He is convinced that socialism will promote the welfare of the England. He therefore assumes that socialism when put into practice will become popular.

He forgets that the existence of democracy prevents any sagacious collectivist from pressing upon English electors any law, which is not, apparently at least beneficial to the poor.

The inconsistency between democracy and socialism will never be fully recognized until earnest Socialist force upon the people some law which in conformity with socialistic principles, imposes some new burden upon the mass of the voters.

Large body of English men resisted measures commended by sound knowledge for the resistance to the spread of disease. E.g. Vaccination to banish smallpox was resisted in the name of freedom of conscience.

Mental Deficiency Act 1913. Though both houses of government approved it still ardent Democrats opposed it

Large number of small and independent landowners strengthened England. Socialist wants that the property in land be owned by the State.

The owner's of the small estate feel more strongly than any other class the joy of ownership. But sincere Socialist condemns the passion for individual ownership. He wishes to substitute for it the passion for common ownership by the State. Here again the democratic ideal as understood by English man is inconsistent with the ideal of socialism.

Another difference between the ideals of English Socialist and an English Democrat is there attitude towards scientific expert.

Respect for experts ought always to be tempered by the constant remembrance that the possessors of special knowledge have also their special weaknesses. Rarely indeed does the reform come from even the best among the professional men. Bentham gained attraction of

imminent lawyers, but the conception of benthamite reforms did not come from the leaders of the bar, or from the judges. Pasteur was no doctor, and doctors of France for longtime resisted his suggestions. Canning, a distinguished man of science, did not learn till late in his life that tadpoles turned into frogs. Example of Graham bell.

Most energetic movements of the day of naturally adopted by Democrats and not easily accepted by Socialist. Take for example agitation in favor of giving parliamentary votes to women. Democrats ran the agitation.

Question of divorce. - If treated as individual contract-reasonable to put an end to the marriage if it causes deep unhappiness to both of the parties. This consideration will tempt a Democrat to liberalise divorce. But the Socialist will look it as a question of community. He will not in favor of liberalizing divorce laws.

It is urged again that the need for individuality of originality, which is fostered by democratic freedom, is of trifling importance, and that the civilization owes much less to creative genius than to the collective endeavors of mankind.

"Tarde" in his "Lois de l'imitation" emphasised that subtlety and vigour come from human imitateness, but he never overlooks the fact that unless for the occasional appearance of genius and an inventor, there would be little things worth imitation.

From whichever side the topic is approached, there will appear to be a real inconsistency between Democratic government that is the government of public opinion and the rule of socialism.

Crosscurrent - The opposition to the expensiveness of the financial burdens of collectivism.

Socialistic government is expensive government. Socialist believes that money not taken hold of by the State will go in the hands of rich. The State is required to seize money and provide it to the worthy poor. This line of visiting leads to the collection of huge revenues to be used to profuse expenditure directed by the super human wisdom of government to the benefit of wage earners.

The burden of taxation- The taxpayers of England have to bear the weight of a double taxation.

1.national taxation- Such taxation is imposed directly by the Act of the parliament and falls upon all the taxpayers of the United Kingdom

The revenue raised by taxes has increased during five years (1908-1909 to 1912-1913) by \$29, 203, 000.

Since 1885-1886 to 1912-1913 revenue from taxation doubled. Democracy was established in 1884.

2.Local taxation- such taxation is imposed directly by some of the local bodies authorized in England by Act of Parliament to impose taxes. The burden of taxes is gradually forming an immense restriction upon the individual freedom.

Bad effects of the taxation- 1. In case of foreign invasion in the course of very few months the country will become indefensible.

2.the peril would be greatly increased if the mass of the people and all the voters had come more and more to depend on for the prosperity on the aid of the State.

3.increasing dislike with excessive taxation might bring not only rich, but also the large middle-class of tradesmen and skilled artisans who may feel that they are being under the load of taxes into the ranks of the strictly poor.

Conclusions

Prevalence of inconsistent social and political ideals in the minds of people. English legislation may through this inconsistency of thought, combine disastrously bad effects of socialism with the defects of Democratic government.

Any grand scheme of social reform ought to be carried out by slow and well-considered steps taken under the guidance of the best and the most impartial of the experts. But the democratic idea that the people, ought to have whatever they desire simply because they desire it, and ought to have it quickly is absolutely fatal to that slow and sure kind of progress which alone has the chance of producing fundamental and beneficial social changes.

Democratic legislation ought to have the advantage of harmonising with the public opinion of a given time. The Socialist will oppose harmonisation of law and sentiments because they feel that they know better than the electors of England what is really good for the English people. Hence it is possible that great changes, if they found to be popular, will be carried out with haste and without due consideration as to the choice of the means proper to obtain a given end.

On the other hand on some occasions a party of so-called reformers force on the electors changes which, whether good or bad, are opposed to the genuine convictions of the people. Either blunder is likely to cause huge loss to England.

The Socialists of England desire the abolition of wage system. They will try to bring fundamental revolution in the whole condition of English society. The changes may be the most beneficial of reforms or the most impracticable of ideals. In any case it will involve a severe conflict, which may last for generations.

The class of English man who will have to pay the immense sums, and make the large sacrifices required for carrying out the revolution longed for by the Socialist, will offer the most stubborn opposition to the changes which touches the foundation of existing society.

If we look at the actual condition of English society, based on the ideas forever to the greatest of commercial communities, the transformation of England into a socialistic State looks like an absolute impossibility.

Fulfillment of hope of definite reforms of law or custom rests on the assumption that democracy in its best form can become the government, which may at any rate tries to look, not to the interest of the class, but to the interest of the whole nation.

Mr. Lowell, who studied English Constitution property, has also carried the analysis of the public opinion in England. He says "the political system of England, which was never that of an absolute monarchy, and has never become quite democracy of the traditional type but has ever carried the forms of one age over into the next, and thus combine some of their virtues."

These words hint at the aspiration of reasonable English man. It may be hoped that English man may get the individualistic virtues and the laws of 19th-century into the 20th century and there blend them with the Socialist virtues of the coming age.

Lowell says, "economic liberalism taught England to believe in the rights and greatest possible development of the individual; to regard each man as equal before the law, and to display toleration towards the opinion of other; to place the same social values on all professions and respect what other nations and races hold holy.

To other nations these and other characteristics of liberal culture are still novel and unfamiliar. The English man will not lose them ever under the new social system, for they have become an integral part of his national character.

The Englishmen are likely to favour the gradual amendment of social condition as good as and possibly sounder than the condition of any other European country.
