

LIBERTY & LIBERALISM

Liberty and Liberalism, published in 1887, is the one major study of classical liberalism to be written in Australia. Bruce Smith wrote this erudite volume because he feared that liberalism was being perverted by the 'new' liberals who believed in expanding state activity. A businessman and politician with practical experience in the industrial sphere, Smith sought to defend individual freedom and the voluntary principle, and to limit the role of the state. In an age when the power of the state still threatens individual initiative, Smith's ideas have a relevance for all those who wish to keep a rein on the state and encourage individual liberty.

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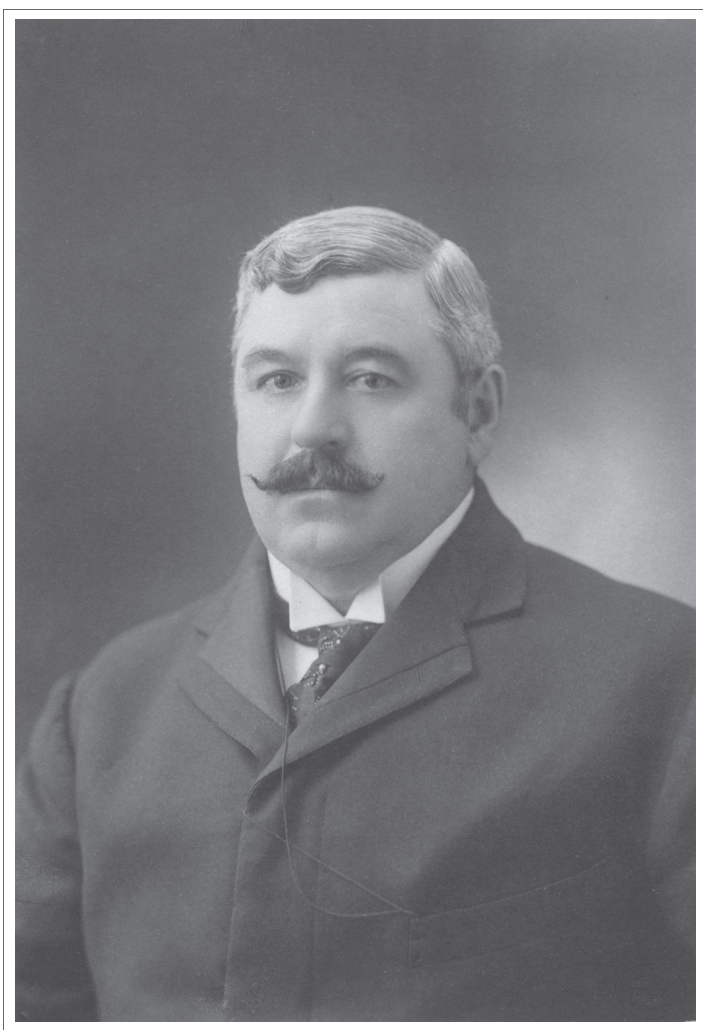


LIBERTY & LIBERALISM

BRUCE SMITH

CIS Classics

LIBERTY
&
LIBERALISM



BRUCE SMITH
(1851-1937)

LIBERTY & LIBERALISM

A PROTEST AGAINST THE GROWING TENDENCY TOWARD
UNDUE INTERFERENCE BY THE STATE, WITH
INDIVIDUAL LIBERTY, PRIVATE ENTERPRISE
AND THE RIGHTS OF PROPERTY

BRUCE SMITH

‘The English themselves, having their eyes open, as I may say, upon their liberty, from their first entrance into life, are perhaps too much familiarised with its enjoyment to enquire *with real concern* into its causes’

DE LOLME, *The Constitution of England*

‘Those *who have* and *who hold* to that foundation of *common liberty*, we consider as *the true, and the only true, Englishmen*. Those who depart from it... are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the *real rebels to the fair constitution and just supremacy of England*’

EDMUND BURKE, *Address to the British Colonists of North America*

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‘It is of the utmost importance that all reflecting persons should take into early consideration what these popular political creeds are likely to be, and that every single article of them should be brought under the fullest light of investigation and discussion; so that, if possible, when the time shall be ripe, whatever is right in them may be adopted, and what is wrong rejected, by general consent; and that, instead of a hostile conflict, physical or only moral, between the old and the new, the best parts of both may be combined in a renovated social fabric.’

J. S. MILL (‘Chapters on Socialism’).

Publisher's Note

The republication after more than a century of Bruce Smith's *Liberty and Liberalism* establishes a new occasional series of CIS Classics to be published by The Centre for Independent Studies. Where we can, we will be seeking Australian and New Zealand publications that are long out of print, but not exclusively. *Liberty and Liberalism* is a solid foundation for the new series and we look forward to adding other significant pieces to the series. This is not a facsimile edition, but we have remained faithful to the original publishing format. We are grateful to Gregory Melleuish and David Hart for their assistance with this book and we are delighted to be able bring Bruce Smith's classic back to life.

Greg Lindsay
Executive Director
The Centre for Independent Studies

Author's Preface

THE following pages have been written for the purpose of tracing the gradual but sure growth of our civil liberty, from historic times, downward to our own day, and of investigating the great principles which inspired our ancestors, in their efforts to secure that great inheritance to us, their posterity. A further object that I have had in view—and perhaps this latter may be regarded as the more important—is to show the symptoms, which are gathering fast and thick around us, of a new order of things—of, in fact, a distinct surrender of the traditional safeguards of that civil liberty—the ‘cornerstone’ of our great and deservedly enviable constitution.

I have endeavoured to prove that the invaluable principle of individual freedom—which, from the Norman Conquest downward, fired the most noble-minded of our ancestors to rebel against the tyranny of those who won, or inherited, the rights of that conquest—is in imminent danger of being lost to us, at the very hour of its consummation. And I have, I think, further demonstrated that so sure as we depart from those traditional lines, in the endeavour to realise a condition of society, which can only exist in the imagination—viz., a community of people, enjoying *equal social conditions*,—we shall, when it is too late, find that we have lost the substance, in grasping at the shadow.

In order to realise the above perhaps somewhat ambitious purposes, I have enumerated instances to show that the term ‘Liberalism,’ which in its original and true interpretation was synonymous with ‘freedom,’ has, in our own day, lost that genuine meaning, and is, instead, carrying with it, to the minds of most men, other and quite erroneous significations; and further, that political

party-titles, generally, have now ceased to carry with them any clear conception of political principles: having become so inextricably mixed and confused in the meanings which they convey, that it is impossible to deduce, from the fact of their being professed by any individual, any distinct conclusion as to that individual's political creed.

I have then shown that, from the earliest times in the regular history of England, the principle of individual freedom was the one which, paramount to all others, characterised the greatest of England's reforms; but that, in the present day, that time-honoured principle appears to have lost its charm, and the political title 'Liberalism,' which previously served as its synonym, is being gradually perverted to the service of a cause, which must, sooner or later, be wholly destructive of that very liberty, from which it derived its existence as a political term.

I have also, I believe, been able to demonstrate that this tendency (though the fact is not generally recognised) is clearly in the direction of those conditions or forms of society, known as 'Socialism' and 'Communism;' and, finally, I have, I think, given sufficient proof, from unexceptionable authorities, of the fact that all practical attempts at such conditions of society, have, whenever and wherever tried, hopelessly failed in their results; and, instead of lifting the lowest stratum of society to the level of the highest, (as was anticipated), or even approximating to it, dragged the whole fabric down to the dead level of a primitive and uncultured existence, sapped the enterprise and independence, as well as stifled the higher faculties of all who have helped to constitute such communities, and ended in placing such as conformed to their principles at the mercy of nature, with all its uncertainties of season, and disappointments of production.

I venture to think that there is no part of the civilised world, in which the term 'Liberalism' has been more constantly, or with more confidence, misused than in the English colonies, and more especially in the colony of Victoria. Political thought has there been developed and sharpened to an extent, which has scarcely been equalled, certainly not surpassed, in any part of the world—even in the United States; so that, in fact, it affords to the political students of other and older countries, who may consider it worthy of their attention, an invaluable political laboratory for the purpose of judging the merits of many 'advanced' legislative experiments. This identical view I expressed at some length in *The Times*, as far back as 1877.

Bearing the foregoing facts in view, I have drawn a great number and variety of my illustrations from the legislative and other public proceedings of the particular colony mentioned.

Side by side with this unusual development of political activity and intelligence, which is specially noticeable in that colony, there has unfortunately grown up a most serious misconception or misrepresentation, as to the true

meaning of the political term, concerning which I have more particularly treated; and there is distinctly apparent—there, as in Great Britain—all the symptoms of a return to ‘class’ legislation of the most despotic character; not, as of old, in favour of the wealthy and aristocratic orders, but in the opposite direction, of conferring *positive* benefits upon the working classes—that is to say, the *manual* working classes—at the expense of the remainder of the community. Indeed the extreme Radical party of Great Britain have already acknowledged that ‘there is scarcely an organic change which has found a place in the programme of *advanced* Liberalism, that has not been accepted, and voluntarily introduced...at the Antipodes.’

One of the most unfortunate circumstances in connection with colonial politics is the disinclination on the part of the wealthier and better educated classes to enter into competition with the *omnipromising* political hack, for the honour of a seat in parliament. That most constituencies are at the mercy of those candidates who promise most of what does not belong to them, is indeed too true; but there are, one is happy to be able to say, many constituencies in which political morality has not sunk so low as to necessitate a candidate substituting flattery and transparent bribes, for home truths and sound political doctrine. Those constituencies are, however, comparatively few in number. That fact, coupled with the thoroughly unscientific tone of current politics, has, in most of the colonies, left the field open to a class of men, by no means representative of the average education, or of the average political knowledge. It is to be regretted, however, that the wealthier and better-educated classes do not make a greater sacrifice, on patriotic grounds, and thus assist to raise the tone of an institution which they are always too ready to condemn.

Since commencing my investigations, which have extended over many months, and have been carried on during the leisure hours left to me out of an otherwise extremely busy life, I have been brought into contact with a mass of material, evidencing the patriotic ‘footprints’ of a body of men, now doing good work in England, under the title of ‘The Liberty and Property Defence League.’ This League has been formed for the purpose of ‘resisting over-legislation, for maintaining Individualism as opposed to Socialism—entirely irrespective of party politics.’

To have become acquainted with the efforts of such an organisation, and to have learnt how great is the success which has attended its efforts, has considerably encouraged my own labours.

I find that, during the last two years, the League printed 54,250 pamphlets and 39,300 leaflets, ‘pointing out, in general and particular, the growing tendency to substitute Government regulation, in place of individual management and enterprise, in all branches of industry; and demonstrating the paralysing effect of this kind of legislation upon national development.’

I find, further, that 'these publications have been distributed among over 500 of the chief London and provincial papers, and among members of both Houses of Parliament and the general public;' and that '400 lectures and addresses have been delivered by representatives of the League, before working-class audiences, in London and elsewhere.' The annual report for 1884 states that, 'reckoning together those who have thus joined through their respective societies or companies' with which the League is associated, in addition to 'those who have joined individually, it comprises over 300,000 members.'

The council of the League embraces the names of many eminent men, including those of Lord Justice Bramwell, the Earl of Wemyss, Lord Penzance, and the Earl of Pembroke; and it would seem that scarcely any single parliamentary measure is allowed to put in an appearance, in either branch of the British legislature, without being subjected to the most searching examination and dissection, at the hands of that council.

Such legislation as is considered contrary to the principles of the League—which are non-party—is opposed in every possible way; and no money or other means appear to be spared, to prevent such legislation being placed upon the statute-book. The efforts of the League seem, too, so far as they have gone, to have been extraordinarily successful.

I may add that my own investigations were commenced with the simple object of delivering a short lecture; but the materials, which I found necessary to collect, soon grew to the proportions of a volume, which I have now completed, in the hope that others, who are sufficiently interested to peruse it, may be saved the same research and classification of principles, which are necessary to a complete understanding and grasp of the subject. As far as originality is concerned, I claim no merit, except in the mere arrangement of my work; but the labour has, notwithstanding, been great, and not always encouraging. Indeed, in almost every position which I have taken up in the investigation of my subject, I have, as will be seen, fortified myself with the opinions of the greatest among those who have sounded the depths of political philosophy. Any exception, therefore, which may be taken to the doctrines which I have merely reproduced, will involve a joining of issue with many of the most profound political thinkers of ancient and modern times.

I owe an explanation—perhaps an apology—to many of the authors from whose writings I have thus drawn my numerous quotations, for the constant rendering of their words in italics. In almost every case throughout the work the italicising is my own. I am fully aware of the danger of detracting from the force of language, by the too frequent resort to that aid to emphasis. My only excuse is the unusual necessity for clear distinctions, in the terms and phrases employed.

No apology is, I think, needed for my venturing to draw public attention to the subject itself, with which I have thus dealt. That it is sufficiently important,

there can be no possible doubt; and that it is not a settled question, has been fully admitted by no less an authority than Mill, who says: 'One of the *most disputed* questions, both in *political science* and in *practical statesmanship*, at this particular period, relates to the proper limits of the functions and agency of governments.' And he adds that it is, as a discussion, 'more likely to increase than diminish in interest.' Indeed, it has at various times been a matter of considerable surprise to me, how little the whole subject seems to have been investigated, or even considered, not merely by the ordinary political delegate (popularly known as a *politician*), but by men, educated in history, and professing to feel an interest in the philosophy which underlies it.

If, in the compilation of the thoughts of others, I should succeed in directing the attention of some of my fellow-men to the great political and social danger which is now impending, and thus bring about a clearer and more correct recognition of the traditional principles which I have ventured to champion, I shall be quite satisfied with the result of my labours.

I am quite conscious of the unpopularity which much of what I have written is calculated to draw upon me from the working-classes, as also from mere work-a-day politicians, concerning whose knowledge of the political science I have certainly not spoken in flattering terms. To have so written has, however, required the more courage, inasmuch as I am desirous, and even sanguine, of yet taking a further and more prominent part in practical politics. But I have ventured to say what I have said, because *I believe it to be true*; and I have sufficient faith in the spirit of manliness and fair play, which, at least, has always characterised our race, to hope that the unpalatableness of my remarks may be forgiven, on the score of their sincerity and good intent.

Bruce Smith
June, 1887

Introduction to the New Edition

by Gregory Melleuish

The 1880s and the 1890s were problematic decades for the development of liberalism in Australia. Liberalism had triumphed as the dominant set of political beliefs in the Australasian colonies at the time of the granting of responsible government in the 1850s. It was what might be termed a 'rough and ready' liberalism based on personal self-reliance, free trade and the voluntary principle in religion. Although most of the colonists called themselves liberals, initially they did not possess a strong theoretical understanding of the meaning of liberalism.

Colonial liberalism showed itself to be a funny sort of creature. Over time it came to involve increasing state intervention in the name of liberal principles in a whole range of areas including education, railways, the protection of industry and industrial relations.

In *National Life and Character*, published in 1893, the Victorian intellectual and politician C. H. Pearson argued that the expansion of the state's powers was the logical outcome of the application of liberal principles. By this he meant that it had only been possible to secure individual rights through the mechanism of state intervention.

Led by the *Age* of David Syme, these 'new liberals', including future Australian Prime Minister Alfred Deakin, advocated an increasing role for the state ranging from industry protection to the regulation of industrial matters. Pearson argued that these developments would also lead to the ultimate decline of individuality. The state would increasingly come to restrict the activity of its members in return for a measure of comfort.

From the 1880s onwards there was also the influence of the 'new liberalism' derived from T. H. Green and other English academics influenced by Hegel and Idealist philosophy. Emphasising citizenship, it argued that state regulation was necessary if all individuals were to exercise that citizenship. It was really a form of what has been described as 'aristocratic liberalism'. It appealed to the professional classes and to the academically trained, because it gave them a leading role in politics and the running of society. Hence one of its major advocates in Australia in the 1880s was the Oxford educated B. R. Wise. It also appealed to the religiously inclined middle classes because of its emphasis on service and duty. At the same time it fitted in nicely with the White Australia Policy and other various schemes of social engineering.

As well, in the years following 1880, a growing irrationalism entered into the public sphere in Australia. It had at its core a 'nativism' that wanted to isolate Australia from the outside world. Associated with the *Bulletin* and its Romantic view of the Bush, it adopted a virulent anti-Chinese position and was stridently in favour of protection. Colonial liberalism was also mutating in this direction, increasingly advocating a growing role for the state and placing emphasis on the nation at the expense of the individual.

Bruce Smith's *Liberty and Liberalism* is significant for two major reasons. The first is that it was the one major critique of the new liberalism produced in the Australian colonies. The second is that it is the most important theoretical expression of classical liberalism written in Australia. It was an account of liberalism that owed a lot to the principles of Darwinian evolution. In part, its significance lies in the fact that it owes its intellectual substance to the Melbourne school of free trade liberalism which has largely been ignored by historians such as Stuart Macintyre who have focused primarily on statist liberals such as Syme, Pearson and Deakin.

Bruce Smith was born in England in 1851, the fifth of seven sons of William Howard Smith and his wife Agnes. He arrived with his family in Melbourne in July 1854. His father was originally a shipmaster and subsequently developed a maritime business in Australia. Smith was educated in England and then in Melbourne at Wesley College and the University of Melbourne. William Hearn particularly influenced him at the University of Melbourne. Hearn had developed an evolutionary view of the development of society.¹

While Hearn remained loyal to evolutionary and *laissez faire* liberalism, the development of protection in Victoria and the economic ideas of David Syme produced a much more statist version of liberalism. Syme and his allies Pearson and Deakin drove Victorian liberalism down this road. Hence Victoria was very early the scene of an ideological war between the 'old' and the 'new' liberals. It produced a large number of vociferous and hardline opponents of protection and state intervention, including Robert Murray Smith, George William Rusden and Henry Gyles Turner. The New South

Wales free trade liberal William MacMillan was also influenced by his years in Victoria.²

Smith's early career was spent between Victoria and NSW. He moved in a number of spheres. Trained as a barrister he was called to the Bar in 1877. He stood unsuccessfully for the Victorian Legislative Assembly in 1880. Moving to NSW, he won a by-election for the seat of Gundagai in 1882 and remained its member until April 1884. He then returned to Melbourne to become managing director of the family shipping firm Wm. Howard Smith & Sons Ltd.

Faced by industrial unrest in 1885 in the boot industry, Smith helped to found the Victorian Employers' Union of which he was president from 1885 to 1887. Smith saw the Union as a response to the growth in power of the union movement. He saw that employer interests could only be protected if, like the employees, they were also willing to take united action. As an employer in the maritime industry Smith was heavily involved in conflict with the maritime unions, including a wharf labourers strike in January 1886, a strike that was eventually resolved through voluntary arbitration.³

Although Smith was reputedly strongly anti-union, there is a story that during the 1890 maritime strike he had said 'that the government would "shoot down" the strikers "like bloody dogs"'.⁴ Smith asserted that he approved of unions. He subsequently founded the Victorian Board of Conciliation and in 1888 established the NSW Employers' Union. In fact Smith preached the virtues of voluntary conciliation, arguing that it would avert 'many disputes which only needed consideration and discussion to avert'.⁵

In this case, as in others, Smith was asserting his belief in the voluntary principle as a guiding principle. It was not so much collective action as compulsion that he disliked.

Smith returned to Sydney in January 1887. He quarrelled with his father and then sold all his shares in Howard Smith to his brother. Having stood unsuccessfully for the seat of Kiama in the New South Wales Legislative Council, he returned to the law and later that year he published *Liberty and Liberalism*. He was elected to the NSW Legislative Assembly for the seat of Glebe in February 1889 and became Minister for Public Works in March 1889 in Parkes's last government. He was allied to fellow *laissez faire* free trader William McMillan. Smith proved to be a capable minister although he consistently clashed with Parkes. He subsequently replaced McMillan as colonial treasurer in the dying months of the government. This was to be Smith's only experience of public office.

With the defeat of Parkes's government in 1891, Smith declined to stand for the leadership of the Free Traders and it passed to George Reid, a man that Smith disliked heartily and who was politically much more to the left than Smith. Consigned both to the backbench and opposition, Smith devoted his

time primarily to the pursuit of his legal career, claiming the need to support his family. He declined to stand again for parliament in 1894.

In the second half of the 1890s he was an active supporter of the federation movement but was unsuccessful in his attempt to win election to the 1897 Australasian Federal Convention. Smith's great hope was that federation would deliver free trade to the Australian people and remove 'for all time' the potential for evil represented by the 'growth upon our body politic' by the labour movement, new liberalism and socialism.⁶ Federation delivered not only protection but also an increased level of government interference in other matters including industrial relations, and provided a permanent place for labour in politics.

Smith was elected as the federal member for the Sydney suburban seat of Parkes in March 1901 and he held that seat until defeated in 1919. By this time the political tide had run against Smith almost completely and he was in perpetual opposition to the currents of the day. Even when the Free Traders briefly held power in 1904, there could be no place for Smith in a Reid-led government.

The real problem was that the dynamic liberalism of the nineteenth century that had inspired Smith had turned into a national liberalism that looked to the state to 'do things' for the individual. It was a liberalism that was closely linked to the democratic prejudices of the population in such matters as White Australia rather than to cultivating the exertion of the individual. In this sense Pearson was correct; the individualistic liberalism of the nineteenth century did mutate into a form of collectivism that found its expression in the Deakinite settlement. This collectivism was inspired both by nationalist sentiment and by an irrational fear of the wider world, a fear that found its expression in White Australia.

Smith remained untouched by this growing irrationality. He opposed the White Australia policy, because it limited competition, but did concede that it might be necessary to restrict the immigration of 'low class Indians, Chinese and Coolies'.⁷ He supported the enfranchisement of women and the principle of equal pay for equal work. Smith remained isolated by the changes in the political culture. He was perhaps the most knowledgeable member of the Australian parliament in economic matters but he had the wrong economic ideas for an age that was becoming increasingly collectivist in sentiment.

More significantly he remained a politician of the independent gentleman school who claimed to serve no particular interest and who felt uncomfortable in an age of party. Smith reminds one of William Forster who served in the NSW parliament up until his death in 1883. Like Smith, Forster wrote widely on political matters, protected his independence and sought to pursue what he saw as the public interest. And like Smith, as he was not particularly willing to sacrifice principle to power, he was not an especially effective politician.

In this sense the importance of Smith's political career did not lie in his political achievements. They were not substantial. Rather Smith's continuing presence in public life was important because through him the tradition of classical liberalism also continued to have a public presence. There has been a tendency to paint both Smith and his work on liberalism as some sort of anachronistic dinosaur, a vestige from an earlier age. This is both incorrect and highly ideological. It rests on the dangerous notion that liberalism was being 'progressive' by becoming more statist.

Once retired from politics, Smith lived his final years in Bowral where he continued to write books, to fish and to pursue other outdoor activities. He died in 1937.

Smith remained a committed liberal all of his life. In one way his liberalism did change. In 1887 he was a Darwinian evolutionist; by his 1921 work *Truisms of Statecraft*, his liberalism had become more of the humanitarian and evolutionary spiritual variety. But the essential liberal message did not change. In 1887 he defined liberty as 'the freedom to do as one wishes; freedom from restraint—*subject to the same or equal freedom in our fellows*'.⁸ Thirty four years later he wrote the following about liberalism:

What is known as 'Liberalism', in its true sense, is that political doctrine which has for its ideal the maximum of individual liberty, limited only by the equal liberty of others. It represents the line of compromise between unlimited freedom, which is 'anarchy', and unlimited restriction, which would amount to slavery.⁹

In *Liberty and Liberalism*, Smith was reacting against developments in the Victoria that he had only recently left and in which he had played a significant role as an employer spokesman. He was opposed to those who were engaged in 'advanced legislative experiments' and who were attaching the term 'liberal' to those experiments.¹⁰ This was not just an exercise in semantics. They were the ideological manifestation of the very real struggles in which Smith had been involved.

Smith feared that these 'new liberals' were attempting to reinstitute privilege through 'class' legislation that conferred benefits on one section of the community, the working classes, 'at the expense of the remainder of the community'.¹¹ A Victorian Liberal, he argued, was 'one who is given to liberality *with the public revenue*, and in favour of class interests'.¹²

This stood in stark contrast to Smith's view that liberalism should serve the community interest as opposed to sectional ones.

Hence *Liberty and Liberalism* is a forceful re-casting of the case for classical liberalism. It draws on evolutionary and Darwinian arguments because that was the way in which liberalism found its distinctive expression in Victoria in the second half of the nineteenth century. Consequently *Liberty and Liberalism*

is a very forthright statement of the liberal case. Smith's involvement in Victorian industrial disputes had made him angry, and combined with the use of Darwinian language, there is an uncompromising tone to the book.

Hence Smith conceded that his policy of non-state intervention and maximum individualism would create 'much misery, much want, much unhappiness, and much suffering...in the struggle for existence',¹³ but argued that it would create much less misery than a policy which attempted to break away from liberal principles. He simply stated that 'want, misery, and unhappiness' were part of the human condition.¹⁴ The solution to the misery of the world lay in humanitarianism, 'not the iron hand of an act of parliament'.¹⁵

Smith did not believe that the state had much to do beyond protecting liberty, life and property. He made a powerful statement in favour of the voluntary principle and the securing of equal freedom to all citizens. He opposed not only poor laws but also state-supported education.

His later work *Truisms of Statecraft*, is a much softer work as one would expect of a man in the autumn of his life. It looks forward to a time when the human race had reached 'a still higher plane of civilisation and mental and moral cultivation...when each unit of society shall recognise that the welfare of all is involved in the egoism or rational self-interest of each'.¹⁶

In this work he advocated the 'the ideal of the cosmopolitan' and the need to see 'human affairs from a broader and more panoramic outlook'.¹⁷ But the key remained that of unleashing the power of the individual:

the most complete social economy is that which leaves human enterprise as much as possible to find its own channels, and to travel along them as the people's requirements seem to demand, so long as the equal rights of others are similarly respected.¹⁸

In an age that was dominated by both a growing tendency to irrationalism and an increasing desire to rely on the state, Bruce Smith remained a consistent advocate of both individual liberty and a rational approach to politics. That is the heritage that he has bequeathed to the current generation of liberals.

BIBLIOGRAPHICAL NOTE: Most of the biographical material in this introduction is derived from Martha Rutledge's *Australian Dictionary of Biography* entry. Some of the discussion of Smith's ideas is derived from my *Short History of Australian Liberalism*.

ABOUT THE AUTHOR: Gregory Melleuish teaches Australian politics, political theory and history of the University of Wollongong. He is author of *Cultural Liberalism in Australia* (CUP, 1995), *The Packaging of Australia* (UNSW, 1998) and *A Short History of Australian Liberalism* (CIS, 2001).

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- ² John Manning Ward, *The State and the People: Australian Federation and Nation-Making* (Sydney: Federation Press, 2001), pp.59-66.
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- ⁷ As above, p. 60.
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- ¹⁰ Smith, *Liberty and Liberalism*, p. iii.
- ¹¹ As above.
- ¹² As above p. 8.
- ¹³ As above, p. 547.
- ¹⁴ As above.
- ¹⁵ As above, p. 548
- ¹⁶ Smith, *Truisms of Statecraft*, p. 18-19.
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- ¹⁸ As above, p. 32.

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Chapter One

‘LIBERALISM’ AND OTHER CURRENT POLITICAL PARTY-TITLES —THEIR UNCERTAIN SIGNIFICATION

‘A group of words, phrases, maxims, and general propositions, which have their root in political theories, not indeed far removed from us by distance of time, but as much forgotten by the mass of mankind, as if they had belonged to the remotest antiquity.’

—SIR HENRY MAINE, *Popular Government*.

Many and various circumstances have, of late, rendered it almost impossible to obtain anything like universally accepted definitions of the principal terms of political classification, which are in general use among the present generation of English-speaking communities. Great Britain has lately passed through the ordeal of two general elections, occurring in quick succession, and the kaleidoscopic results of those elections, among political parties, and among political leaders, have rendered that uncertainty of signification even more striking than it was before. In some of the British colonies, as might have been expected, a tolerably widespread use has been made of the political arguments and theories which have done so much service in the older community; and this especially applies in the case of the colony of Victoria, to the legislation of which, I shall, in the following pages, frequently refer for illustrations of my arguments.

It does not seem to be thought, or at least very clearly recognised, in any of such colonies, that those arguments and theories, though originally capable of ready and consistent application in the case of Great Britain, which has a history, which has traditions, which possesses a less ‘advanced’ condition of society, as well as institutions of a much less democratic order, should nevertheless have little or no bearing upon the affairs of younger communities,

in which the whole circumstances of the people are upon a different footing. Strange to say, this anomaly seems to have been less realised in the colony of Victoria than in any other of such younger communities, notwithstanding the fact that, in it, there is no established church; that, in it, land (the chief subject of modern political theories) can be purchased from the State, at a price which would seem ridiculous to an English agricultural labourer; and that, in it, such restrictive customs upon land transfer and land disintegration, as primogeniture and entail, do not exist.

There is, I venture to think, no community in the world, not excepting the United States, in which the terms of political classification, now current in Great Britain, have less real application, than in the colony of Victoria, where every man already has an equal voice in matters political, irrespective of wealth, social status, or even common intelligence—where, in short (to use the words of the ‘Liberal’ Press), ‘the working classes really run the political machine, where there is exactly the same freedom to rich and poor alike, and where the rich are for the most part recruited from the ranks of the poor, and have become rich by the labour of their own hands.’

However, since Anglo-colonials are, for the most part originally of Great Britain, it is but natural that they, or their parents before them, should have brought with them the traditional political terms of the mother country, though never so inapplicable. As consequences, however, of so doing, many persons, in the younger communities, have become involved in a maze of needless bewilderment, and have filled their minds with, what Sir Henry Maine has aptly described, as ‘a group of words, phrases, maxims, and general propositions, which have their root in political theories, not indeed far removed from us by distance of time, but as much forgotten by the mass of mankind as if they had belonged to the remotest antiquity.’¹ It is my purpose, in this chapter, to show, first, that the political party-titles, which are upon everybody’s lips in Great Britain in the present day, and in comparatively frequent use in the Australian colonies, cannot have, according to their proper interpretation, any application to the latter; secondly, that even if they were capable of such an application, the meanings which are being attached to them are wholly incorrect and misleading. In the particular colony, from which I have stated my intention to draw many of my illustrations, there is a powerful section of the Press, which designates itself ‘Liberal.’ That section has hitherto assumed the function of classifying the various candidates offering themselves for Parliamentary election, and of promising success, or predicting failure, in the case of each of them, according to that classification. In the performance of this self-imposed duty, it has not always been content to adopt the political terms applied by the candidates to themselves, who should certainly be best qualified to speak

1. ‘Popular Government,’ p. 151.

concerning their own principles, but it has frequently denied, in a very positive way, their right to be placed in the category which they had themselves chosen. The reasons given by this section of the Press for these somewhat haphazard classifications have been anything but noteworthy for their soundness, and the confusion of meanings, which other circumstances have of late combined to produce, regarding the meanings of such terms as 'Liberal' and 'Conservative,' has been intensified rather than cleared up by these bewildering attempts at local application. An illustration of this misuse of terms is afforded in the fact that, a few months previous to the time at which I am writing, the section of the Press in question strongly advocated the return of a particular candidate to Parliament, upon the ground that he was 'a Liberal and a Protectionist,' and at the same time recommended the rejection of his opponent, upon the ground of his being 'a Conservative and a Freetrader.'

Now, it is about as clear that one man cannot possibly be a 'Liberal and a Protectionist,' at one and the same time, as it is that a sceptic, in theological matters, cannot be orthodox.

A mere glance at the history of the Corn Laws Repeal will show this conclusively; for that movement (the greatest of all battle-grounds for the principles of Free Trade and Protection), will prove that that repeal, but for the constant and persistent opposition of the Tory party in the House of Commons, and the consequent establishment of Free-trade, would have taken place some years earlier than it really did. It will show, further, that, in 'all the divisions' upon the repeal of those laws, 'the Government had the aid of nearly the whole of the Liberals, the opposition being almost entirely Tory,'² and that, in the final division, 202 Liberals voted *for* the repeal, and only 8 *against* it, while 208 Conservatives voted against the repeal, and only 102 for the maintenance of the old protective policy.³ Mr. Harris, in the work from which I quote, observes that 'It was in Free Trade alone that Palmerston was a Liberal.' Quite apart, however, from the historical aspect of the movement, it is apparent that the principle of Protection is diametrically opposed to the spirit of 'Liberalism,' inasmuch as the former depends upon the imposition of an artificial restriction on importation, having the effect of curtailing the liberties of such citizens as desire to purchase, abroad, the particular class of goods so protected, in order that a positive benefit may be conferred upon a particular section of the community. The latter school of politics, on the other hand, depends, for the very derivation and ordinary meaning of its title, upon the principle of 'freedom for the individual.'

If, by the term 'Liberalism,' it is intended to convey that the individual should be made more free by the removal of class restrictions, —that being,

2. 'History of the Radical Party in Parliament'(Harris), p. 348.

3. 'History of the Radical Party in Parliament' (Harris), p. 348.

I contend, the fundamental principle of the school— then ‘Protection,’ as a policy, is wholly retrogressive, and contrary to the meaning of that term; and it is therefore absolutely paradoxical to speak of the two principles involved in the terms ‘Liberalism’ and ‘Protection’ being professed by one and the same person, at the same time. This single illustration is of great importance, when considered in connection with the colony from which it is taken. Victoria has consistently maintained for upwards of twenty years, a policy of substantial protection to local industries; and, throughout that period, the ‘Liberal’ section of the Press has, as consistently, claimed that policy as coming unmistakably within the meaning of its party-title. So persistently, too, has this been contended for, that the bulk of the working classes of the colony have come, at last, to regard ‘Liberalism’ and ‘Protection’ as almost synonymous.

It has often been said that, if a falsehood is only repeated often enough, the teller of the story, in which the falsehood is involved, will, in time, come himself to believe in its truth. The above circumstance affords an illustration in which the *hearers* also have become convinced by mere repetition.

Such an application of the term, as that above mentioned, points to a most marked misinterpretation, intentional or otherwise, of the title ‘Liberalism,’ by the very section of the Press, which professes to deal with public matters from its standpoint, and it is a noteworthy fact, as evidencing the absence of any deep-seated differences in political opinion, that throughout the last one or two general elections in Victoria, the terms ‘Liberal’ and ‘Conservative’ were the only two political party-titles used with any degree of frequency. In Great Britain, about the same period, a much larger number were brought into service, with which however, we are not now concerned.

If one looks for light regarding the local application of this term in the colony referred to, one fails to find it in the occasional definitions which are incidentally afforded. They all point to a sort of hotch-potch of ideas, and it is impossible even to get a clear meaning to attach to the term, even though one might be satisfied to overlook the fact of such a meaning being erroneous.

I have mentioned the ‘Liberal’ Press of Victoria, or rather that section of the Press which professes ‘Liberal’ principles, because of the prominent part which it assumes, and is, in fact, allowed to take in the settlement of the public affairs of that colony; and, further, because it exercises, in matters political, an immense amount of influence over the masses, which it has, unfortunately, and whatever may have been its motives, more often than not, so directed, as to intensify rather than allay any class animosity, which has arisen from other causes.

It is moreover to the same source, more particularly, that is owed the constant and persistent employment of the term, as well as the erroneous meaning which has come to be attached to it among the masses of the people in that particular colony.

That this constant use, or rather misuse, has had an appreciable effect upon party divisions in the past, whether inside or outside Parliament, there can be no doubt; but that effect has not, I venture to think, arisen so much from the use of any sound argument in favour of its application, as to the facts that the term carries with it, in most minds, many favoured associations; and that the assertions regarding its applicability have been repeated for so many years, —an influence, sufficient in itself, to carry conviction to the minds of the majority of one's fellow-beings.

One is much inclined to look for the motive for this really injurious practice of labelling undesirable things with desirable names: of advocating undesirable movements by attaching to them names, which carry conviction by their very associations. It is of course necessary to remember, and it would be well if the masses would only do so, that newspaper proprietors, like merchants and manufacturers, have to make their ventures pay; and just as the merchant and the manufacturer learn to import or make an article which suits the public fancy, and thereby meets with a ready sale, so the newspaper proprietor, unless actuated by purely philanthropical motives (which can scarcely be expected) deems it most advantageous to give to his subscribers matter, which is calculated to please, rather than to instruct. The Press, however, is by no means the only source of error in this particular; for I find colonial politicians, of comparative eminence, using the term in question, in senses wholly foreign to its original and correct signification, without, moreover, provoking any comment from their party associates.

Within a very short period of the time at which I write, I find a prominent 'Liberal' member of the Victorian Legislature, characterising an Act of Parliament, for irrigation purposes, as 'a pawn-broker's bill.' 'It was' he said 'a *mean conservative* measure; and the duty of the House was to *liberalise* it, for there was,' he added, 'no *liberality* in it.'

This remarkable utterance points to a very popular interpretation of the term among many colonial politicians. Some time, indeed, before this, a Minister of the Crown, of the same colony, in speaking before his constituents concerning the same measure, then in prospect only, boasted that it was a proposal 'which for *liberality and justice* could neither be equalled nor surpassed.'

He then went on to say that the government, of which he was a member, would have power to '*postpone the payment of interest*' on *moneys advanced* to the farming class for purposes of irrigation works. This was a course, which, according to the popular interpretation alluded to, would have fully entitled his ministry to the title 'Liberal,' though it could be so applied only in the sense of a government being 'liberal' to one section of the community, at the expense of the whole population, interested in the general revenue.

On another occasion, I find an ex-Minister of the Crown, also in the same colony, deprecating an alliance between the 'Liberals' and the 'Conservatives'

on the ground that there was a sufficient number of the former to constitute what he termed a 'straight' Liberal government.

On being asked by a fellow-member what he meant by a conservative, he replied, 'a conservative is a man who *looks after number one*.' Here again we find the same misconception at work—the word 'Liberal' being interpreted as meaning one who is given to liberality *with the public revenue*, and in favour of class interests—the 'conservative' one who is opposed to such liberality.

I might quote many like instances, in the different colonies, to show that the true meaning of this term is a matter which gives little concern to the ordinary run of politicians, though meanwhile general elections are allowed to turn on it.

The result of these numerous misinterpretations which have been placed upon such political terms, and more especially upon the particular one of which I am treating, by many public men, as also by an important and influential section of the Press, has been to lead to a complete neglect of the true principles which they respectively represent. And that neglect having continued, other and spurious meanings have been meanwhile attached to them by the masses of the people. It is of course a fact which everyone who has studied history must know, that all the great reforms, which have taken place during the last eight centuries of English history, have had the effect of conferring on 'the people' (as distinguished from Royalty, and the aristocratic and monied classes) a large amount of individual freedom. As a result of that freedom, the people have been enabled to enjoy a great many more opportunities for worldly comfort and social advantages. They have been enabled to take part in political matters, and thus secured many liberties which formerly they were denied; and they have been enabled to combine among themselves, without fear of punishment, and thus secured higher wages, and a larger share of the comforts of life. All this, as I shall show hereafter, has been the combined results of many 'Liberal' movements. On account of the absolute usurpation of power and privilege, by Royalty and by the aristocracy, at the time of the Norman Conquest, the progress of 'Liberalism' has produced a long, uninterrupted, and concurrent flow of concessions to the people's liberty. So long has this 'horn of plenty' continued to shower these concessions and consequent advantages upon 'the people,' that the working classes have been brought to believe no action of the Legislature can possibly be entitled to be placed in the category of 'Liberal' measures, unless it is actually accompanied by some positive advantages for themselves. Thus, from the very nature of England's early history, these benefits have invariably flowed from 'Liberal' legislation; but, as I shall, I think, hereafter show, a time has been reached in that history, (whether of England itself or of the English speaking race in our own colonies) when privileges of almost every kind have been abolished, so that every man, be he rich or poor, now enjoys 'equal opportunities' with the possessor of the 'bluest blood,' or of the largest bank balance.

That being so, the (what I would term) *aggressive* function of Liberalism has been exhausted, and, with certain minor exceptions, it only remains for it to *guard over* the equal liberties of citizens generally, with a view to their *preservation*. This I regard as the proper function of Liberalism in the present day. The masses of the people, however, are still looking for *positive* benefits, and their production or non-production by any legislative measure is still made the test of its being the 'genuine article.' The masses, too, are prepared to apply the term, and to acquiesce in its being applied by others, to *any* measure which promises to confer some advantages upon themselves as a class, even, there is reason to fear, though such a measure may, on the very face of it, involve treatment, injurious to the interests of the remainder of the community.

This I regard as the cardinal error of modern politics, and modern legislation; and, as a consequence of this error being so widely entertained, there are, I venture to think, becoming apparent, tolerably clear symptoms of a class struggle through the medium of the legislature, which must end injuriously to our best civil interests.

In the colony of Victoria, public life, has been greatly demoralised by this misconception. A candidate for parliament presents himself before his would-be constituents, and readily promises to give them anything they may want, and to secure an act of parliament for any and every desire to which they may think fit to give expression. He readily undertakes to ignore the rich man, and do everything for the poor one, make life easy—a paradise in fact—for the latter, and punish the former with more taxation. Such a candidate is at once held up for the admiration and approval of the electors as a 'Liberal.' Another aspirant, having some regard for his principles, ventures to say that he disapproves of class legislation; that he will do nothing calculated to unduly curtail the liberties of his fellow citizens, for the benefit of a section of the community; that he considers the good government of the country of more importance than selfish political party divisions, founded upon terms which have no meaning or application in the community. That man is immediately, and with as little meaning or reason, marked 'Conservative,' and, as likely as not favoured with a few graceful epithets, directed at his motives.

This constant application, or misapplication of these two terms, and the 'damnable iteration' to which they have been subjected, have given the particular words certain fixed signification, alike erroneous and dangerous; and it certainly seems as if the time had long since arrived when some effort should be made, if not to restore to them the meanings and bearings which they originally and properly conveyed, at least to endeavour to bring about a clearer and more correct understanding of the new significations which are to be attached to them in the future.

Let us turn now more immediately to the politics of Great Britain, and we shall find that though the institutions of that older community, would,

with some better show of consistency, admit of the application of such party-titles to its national politics, nevertheless they are in the present day, even there, being perverted to significations, altogether foreign to those which were originally intended. The last two general elections in Great Britain may be said to have attracted more attention to the meanings of the terms 'Liberal' and 'Conservative' than perhaps they have ever previously received, and a consideration of the political incidents of the last two or three years, over which period the change has been gradually taking place, is capable of affording abundant matter for reflection on the subject with which I am dealing.

Mr. Joseph Chamberlain's, or perhaps, it would be more correct to say, Mr. Jesse Collings' startling proposals, with which every student of current politics is familiar, seem to have necessitated the reconsideration by many old and experienced politicians of the very first principles of the political policy which they were being assumed to profess. This arose from their continuing to class themselves under political party names, to which a new generation, or the leaders of that generation, were endeavouring to attach significations alike novel and historically incorrect. Those particular proposals, which are of the most unmistakably socialistic character, were then, and have been since claimed to come, whether considered from an analytical or historical standpoint, within the definition of the term 'Liberalism;' and so frequently and persistently has this been contended for, that many people, who had previously gloried in their connection with the school of politics, which that term originally designated, have been forced, in order to avoid misconception as to their principles, to either use some qualifying phrase, such as 'Moderate Liberalism,' to better define their political creed, or to actually go over to the Conservative party. This influence, acting upon a good many minds, already more or less near the border-land of the respective party domains, has produced within the last one or two years only, some peculiarly kaleidoscopic effects in the political ranks of Great Britain. Such sound Liberals, even as Lord Hartington, Mr. Goschen, and others, were constrained, for the time being, to leave their political friends in the division on the question referred to—that of the allotments for agricultural labourers; claimed, as I have said, to come properly within the lines of 'Liberalism.' The division to which I here refer, was that which took place upon an amendment to the reply to the Queen's Speech, immediately after the general election of 1885, and which was moved by Mr. Jesse Collings. The amendment turned upon the question of adding to the reply to the Queen's Speech an expression favourable to the allotments proposals. The division resulted in the defeat of the Tory party; but the proposals were strongly denounced by Lord Hartington and Mr. Goschen, as also by Mr. Bright and Mr. Joseph Cowen, all being Liberals of the soundest order. Ere these pages leave my hands we are in receipt of the astounding news

that this identical scheme has been adopted by the Conservative Government, now in power, and that there is every prospect of its being acquiesced in by the 'rank and file' of that party. A more significant event even than that is the acceptance by Mr. Goschen (an admittedly sound Liberal) of the leadership, in the House of Commons, of the Conservative party. Such events as these must indeed be conclusive, as showing that party titles have entirely lost their meaning, and really involve no principles whatever. The measure referred to originated with the most 'advanced' wing of the Radical party, was denounced by the most moderate of the Liberals, and within a few months is included in the Tory policy! The *Times*, of 22nd October, 1886, observes—'It is right that the Tory party should become a moderate Liberal party, just as after the first Reform Bill, it became a Conservative party; but we doubt if either Conservative, or Unionist's Liberals will be content to see it transformed into a Radical party, pure and simple.'

One of the most singular instances which I can mention, of the changed significations which are gradually being attached to such terms, is afforded by a quotation from a late publication, called 'The Gladstone Parliament.' 'Most of the measures,' says the writer, 'which Mr. Bright advocated, have been passed, and Mr. Bright has *become a Conservative* to all intents and purposes.' I leave to my readers to determine whether it is not more likely that the term 'Conservative' has undergone a great change of meaning than that a great and ever consistent 'Liberal' statesman, such as Mr. Bright, has changed his political principles. Almost the same thing has been said of Mr. Goschen, who is probably one of the most steadfast and consistent Liberals of his generation. Indeed, the 'Liberal Press' of the colony of Victoria has paid a high tribute to the ability and constancy to principle of that statesman. 'He is,' it has said, 'in the very *front rank of English Liberals*, and has proved himself a sterling administrator. He has always been of a scholarly temperament, a man thoroughly *conversant with first principles*, and indisposed to sacrifice abstract right to expediency.' 'Yet,' confesses the same journal, 'he might count almost anywhere on *splitting the Liberal vote*, and on getting the solid *vote of the Conservatives*.' This is afterwards accounted for on the ground that (among other things), 'he has often voted over the heads of the multitude,' and 'never perfectly mastered the clap-trap and party cries of the British Philistine.'

The fact is, as will be admitted by all who know anything of the man's career, he is an absolutely consistent Liberal who well knows the meaning of his party title, and the fundamental principles upon which it is founded, while the average elector, who contributed to his late rejection, is quite ignorant of that meaning or those principles.

Mr. Chamberlain lately said of Mr. Goschen, 'Although he sits behind us he is very far behind, and I think that under a system of *scientific* classification he is rather to be described as a 'moderate Conservative' than as a 'Liberal.'

The fact is the meanings of these terms are fast changing, and they themselves are being perverted to denote principles which were never contemplated either in their etymology, or by their originators. The following quotation from the *Times* of 26th February, 1885, is peculiarly confirmatory of such a process. Speaking of the growing tendency to over-legislation in our own day that journal says, 'This readiness to invoke the interference of the State between man and man, and to control by legislation, the liberties of individuals and the rights of property, is rapidly modifying the character of Liberal principles, as they were understood, even a few years ago.' Elsewhere the same journal says, 'The march of time has obliterated most of the distinctions between Whig and Tory. People are beginning to enquire seriously what a political party means.' And again, it speaks of 'The party badges which have long since ceased to denote any real difference of sentiment.'

On 4th March, 1886, the following passage occurs in a leader of the same influential organ, 'Our actual party names have become useless and even ridiculous. It is absurd to speak of a Liberal, when no man can tell whether it means Mr. Gladstone or Sir Henry James. It is absurd to speak of a Radical, when the word may denote either a man like Mr. Chamberlain, or a man like Mr. Morley.... It is ridiculous to maintain a distinction between moderate Liberals and moderate Conservatives, which no man can define or grasp, and which breaks down every test that can be applied by the practical politics of the day.'

A much later proof of the want of clearness and certainty in the meaning of these two principle political terms is afforded by the division upon Mr. Gladstone's Home Rule Bill. On that occasion we find some of the most prominent and eminent Liberals of the day—men like Lord Hartington, Mr. Bright, Mr. Goschen, and Mr. Trevelyan, as well as more 'advanced' politicians of the Radical school, such as Mr. Chamberlain, completely breaking away from their party, on grounds of absolute principle. We find the difference of opinion so deeply seated, that at the general election which followed the rejection of that measure, a large and formidable section of the Liberal and Radical parties actually allied themselves with the Tories, in their determination to vindicate, what they deemed to be, a vital principle of their school. Indeed, it is in the highest degree questionable whether the breach, which has thus been brought about, will be thoroughly healed for a considerable time, so strong has been the feeling, and so deeply rooted the differences of principle which have been thereby developed.

Who indeed could now say, under such circumstances, whether the Home Rule principle is or is not properly within the lines of Liberalism? Mr. Gladstone has claimed it as such, because, he contends, Liberalism means 'trust in the people,' and the measure has for its object the enabling the Irish to 'govern themselves.' Men like Lord Hartington, Mr. Goschen, and Mr. Bright,

have expressed opinions equally strong in the opposite direction, showing at least the inconclusiveness of Mr. Gladstone's definition.

I have before me a volume of political speeches, delivered by Mr. Chamberlain during the last few years, and a perusal of them affords endless illustrations of the confusing and bewildering complication which has been produced in the various attempts to modify and adapt to modern circumstances these older party-titles, without having, at the same time, a clear knowledge of the principles which they originally connoted.

'A Liberal Government,' says Mr. Chamberlain, 'which pretends to represent the Liberal party, must, of necessity, consist of men of *different shades of opinion*.' Speaking of the Conservative party, he says, elsewhere: 'They have stolen my ideas, and I forgive them the theft in gratitude for the stimulus they have given to the Radical programme, and for the lesson they have taught to the weak-kneed Liberals, and to those timid politicians, who strained at the Radical gnat, and who now find themselves obliged to swallow the Tory camel.'

'You cannot,' he observes, 'turn over a page of the periodical Press, without finding 'True Conservatives,' or 'Other Conservatives,' or 'an Independent Conservative,' or 'a Conservative below the gangway.'

Speaking, under the significant title of 'Tory transformation,' he draws attention to the fact that Sir Michael Hicks-Beach (the then Conservative Chancellor of the Exchequer), had announced his government's adherence to a particular policy, 'in terms which any Radical might approve.'

In another place the same authority says:—'The old Tory party, with its historic traditions, has disappeared. It has repudiated its name, and it has become Conservative. The Conservatives, in turn, have been seeking for another designation, and sometimes they come before you as 'Constitutionalists,' and then they break out in a new place as 'Liberal Conservatives.' Alluding to Lord Randolph Churchill, Mr. Chamberlain says: 'The Whigs are left in the lurch, and the Tories have come over bodily to the Radical camp, and are carrying out the policy which we have been vainly endeavouring to promote for the last five years.... He (Lord Randolph Churchill) was a Tory-Democrat in opposition, and he is a Tory-Democrat in office.'

Who shall make head or tail of this medley of terms, or who shall or could possibly say what, if any, principles are involved in their application?

Some allowance should perhaps be made for the fact that in all of the sentences quoted Mr. Chamberlain was 'abusing the other side,' but, even after making such an allowance, there remains a substantial residuum of truth in the charges of transformation.

During the most agitated period of the English general elections of 1885, there issued from the London Press a volume entitled, 'Why am I a Liberal?' which the *Times* considered of sufficient importance to refer to at some length

in one of its leading articles. A perusal of that volume will show how numerous and various, and how conflicting even, in their fundamental principles, are the definitions, offered by prominent statesmen and politicians in the present day, of the term 'Liberalism' as a word of political classification. The author of the book determined (to use the words of the *Times*) 'to heckle as many of the Liberal chiefs as would submit to the process,' and, having so far succeeded in that determination, made public the fruits of his cross-questioning. He required 'fifty-six reputed Liberals' to ask themselves for a reason for the political faith that was in them, and the result is certainly instructive, if only to show how 'doctors differ,'—that is to say, how little unanimity there was among so many 'professed Liberals' regarding the very principles upon which their party organisation is supposed to be based.

Let us first take Mr. Gladstone's answer to this pertinent question. 'The principle of Liberalism' he says, 'is trust in the people, qualified by prudence.... The principle of Conservatism is mistrust of the people qualified by fear.' This, it must be admitted, is absolutely unscientific as a definition of a particular political policy; and, inasmuch as it makes use of, and depends upon words of such uncertain signification as 'trust' and 'prudence,' to both of which probably no two minds would attach exactly the same meaning, the definition itself affords no guide on the point which it professes to elucidate. Lord Beaconsfield certainly said in 1872, that 'the principles of Liberty, of order, of law and of religion ought not to be entrusted to individual opinion, or to the caprice and passion of multitudes, but should be embodied in a form of permanence and power'; but this can scarcely be fairly interpreted as implying 'mistrust' of the people. If, moreover, we consider Mr. Gladstone's definition in the light of his late Home Rule proposals, it would seem as if he had not, during fifty years experience of practical politics, seen the application of his principle of 'trust' to the Irish people, until the element of 'fear' had become an extremely prominent factor among his own party.

There is a passage in the same speech of Lord Beaconsfield, from which I have already quoted, in which that statesman might well be imagined to be addressing himself to the Home Rule question as a phase of Mr. Gladstone's present-day 'Liberalism.' 'If,' says Lord Beaconsfield, 'you look to the history of this country since the advent of Liberalism—forty years ago—you will find that there has been no effort so continuous, so subtle, supported by so much energy, and carried on with so much ability and acumen, as the attempts of Liberalism to effect the disintegration of the Empire of England.'⁴

In any case Mr. Gladstone's definition is useless as a test by which to gauge any future legislative proposal; and we may fairly infer that Mr. Gladstone's eminently logical mind is not prepared with anything more accurate for the present.

4. 'Speech on Conservative and Liberal Principles,' 1872.

Turn now to the definition offered by Lord Rosebery, which is even more vague, and more useless as a definition. 'I am a Liberal' he says, 'because I wish to be associated with the best men in the best work.' If such a sentence had been composed by any politician as little known as Lord Rosebery is well known, it is very doubtful whether it would have been deemed worth putting into print, notwithstanding its brevity. The author of the book, in which the definition is published, was evidently thankful for small mercies, for he has characterised it as a 'magnificent sentence.'

If the 'best men' all gravitate to Liberalism as Lord Rosebery understands it, there must surely be some good reason for their so doing; and that very reason involves the definition which Lord Rosebery was evidently at a loss to supply. It might fairly be deduced as a sort of corollary from such a proposition that inasmuch as Mr. Goschen has now dissociated himself from the Liberal party, he is therefore one of the 'worst' of men. I shall, however, contend hereafter, that Mr. Goschen's liberalism is based upon an infinitely surer and sounder foundation than that of Lord Rosebery. Mr. Chamberlain says 'Progress is the law of the world;' and 'Liberalism is the expression of this law in politics.' But what is progress? That is the whole question requiring solution. Mr. Chamberlain himself proposed a scheme of granting allotments to the agricultural labourer, out of estates to be compulsorily taken by the Crown at a popular valuation. Even such Liberals as Mr. Goschen and Lord Hartington, as I have said, condemned the scheme as tending towards 'Socialism;' and most men of intelligence regard 'Socialism' as a theory of society, the adoption of which would involve *retrogression*. Who then shall judge between the author of this so-called progress, and those who otherwise regard it?

Mr. Joseph Arch begins his answer thus: 'Because it was by men like Richard Cobden, John Bright, and other true Liberals, that I, as a working man, am able to obtain a cheap loaf to feed my family with.' What a host of anomalies such an answer suggests! Mr. Arch obviously intends, by opening his definition with such a sentence, to convey his belief that Liberalism has, before all things, produced Free Trade. But if that is correct, the whole Liberal party and the whole Liberal Press of the colony of Victoria, to which I have referred, are professing one policy and practising another; for 'Liberalism' and 'Free Trade,' are as I have also shown, regarded by those two interests as absolutely contradictory. That party and that section of the Press would brand as a renegade any fellow 'Liberal' who talked of a 'cheap loaf' or of 'the liberty to buy in the cheapest market.' And if they are right, what becomes of Mr. Arch's definition?

I prefer to regard Mr. Arch's position as the more correct; and he certainly displays a consistency of principle for, in a subsequent part of his answer, he says of the Liberals: 'Their past service for the good of mankind has established my confidence in them...in the future they will confer upon the nation *greater*

freedom by just, wise, and liberal legislation.' It is obvious that 'Free Trade,' by its very name, as well as by its nature, has, wherever it exists, added to the *freedom* of citizens—yet it will be seen, these opposite and contradictory interpretations are occurring among 'Liberals' themselves! One of those who were interrogated possessed a rhyming tendency, and his answer is quoted in this somewhat mystifying publication. He says:—

'I am a Liberal, because
I would have equal rights and laws,
And *comforts, too*, for all.'

This definition, if such it may be called, is even more comprehensive than that of Mr. Chamberlain, for it practically defines Communism, under which, not only 'rights and laws' should be equal, but 'comforts,' too! which word includes everything calculated to make mankind happy—in fact, such a definition points to a general division! But, turning to another page, we find Mr. Broadhurst taking an entirely different view. He says Liberalism 'teaches *self-reliance*, and gives the *best opportunities* to the people to promote their *individual interest*.' 'Liberalism,' he says, '*does not* seek to make all men *equal*; nothing,' he adds, 'can do that. But its object is to remove all obstacles *erected by men* which prevent all having equal *opportunities*.' 'This, in its turn,' he continues, '*promotes industry*, and makes the realisation of reasonably ambitious hopes possible to the poorest man among us.'

It would be interesting to know what 'promotion' our present 'industry' would undergo if 'equal comforts' were secured to all by a 'liberal' government. It is not unlikely that the 'equality' would be realised in our all having *none at all!* Yet one other answer to this important question, and then I must leave the work, in which these interesting replies are contained, for a future chapter. 'Liberal principles,' says another of the interrogated, '*develop responsibility*.' Some of the 'liberal' legislation of Victoria would certainly not answer the requirements of this definition. Instance the Factories and Shops Act of that colony, by means of which shop-assistants have been relieved, through parliament, of the responsibility of helping themselves, as they might have done, by unanimity of action in relation to hours of work, and have had solved for them, by act of parliament, the truly difficult problem of determining which is the most suitable and wholesome portion of the factory in which to eat their meals! It is surely questionable whether this would come under the class of Liberalism which Mr. Broadhurst speaks of as 'teaching self-reliance.'

One of the 'fifty-six reputed Liberals' stated that he was a Liberal because that school of politics seemed to him to mean 'faith in the people, and confidence that they will *manage their own affairs better* than those affairs are likely to be managed for them by *others*.'

Again I ask, who shall decide, among such a medley and contradiction of principles and definitions what Liberalism really means, when judged by

this curious method? Yet it must have a meaning. Statesmen, politicians, newspaper writers must all mean something when they use the expression so frequently and so glibly. Yet those meanings seem as various as the people themselves. And why? I think one of the chief causes is that the word is not used in its *historical* sense; that instead of first ascertaining what the term means, and then using it in its true signification, men form their own ideas as to that meaning, and, as a consequence, the definitions are as numerous as the people themselves. I think, too, another of the chief causes is to be found in the fact that the advocates of the greater part of the socialistic legislation, which is becoming so popular in Great Britain, as well as in other European countries, constantly and persistently claim its inclusion among the Radical or 'Advanced Liberal' programme of the immediate future. This is done, obviously, in order to avail themselves of the popular associations which those party-titles carry with them, and by that means secure for such proposals a reputation and prestige which they do not deserve.

Some of the most unmistakably socialistic measures, which are now being widely discussed in England, as matters of 'practical' politics, have been included in a list of subjects lately published, with a preface by Mr. Chamberlain, under the title of 'The Radical programme.' In this volume the author candidly admits that 'Socialism' and 'Radicalism' as advocated by him, and approved by Mr. Chamberlain, are synonymous. Mr. Chamberlain, too, in one of his speeches (April 28, 1885), says:—'Because State Socialism may cover very injurious and very unwise theories, that is no reason at all why we should refuse to recognise the fact that government is only the organisation of the whole people, for the benefit of all its members, and that the community may, *aye, and ought to provide for all its members, benefits,* which it is impossible for them to provide by their solitary and separate efforts.' And elsewhere, speaking of the advantages of local government, he says:—'By its means you will be able to *increase their (the masses) comforts, to secure their health,* to multiply the *luxuries* which they may enjoy in common.' This extraordinary extension of the meaning of the term is one of the most marked tendencies of the times in which we live; and I venture to characterise it as a distinctly retrogressive movement in politics, which, when the history of our generation comes to be written, will be found to constitute an undoing, as it were, of much that has been done for us, and concerning which we have hitherto prided ourselves, at former epochs of our national history.

The *Times*, in August, of 1885, comments upon Mr. Chamberlain's allotment proposals in the following trenchant passage: 'The most striking political phenomenon of the present day is the extraordinary crop of schemes for effecting social and moral reforms by act of parliament, which is ripening, under the fostering warmth of an impending appeal to a new set of electors, by politicians who find their old cries somewhat inadequate. Those who will take

the trouble to make a rough analysis of the matter which fills the columns of the *Times*, will probably be surprised to find how large a proportion of it must be put down under the head of social legislation. The curious in such matters will further find that nearly all the proposals, now falling in quick succession on the public ear, imply a return to beliefs and methods, which it was the main boast of the Liberal party, in the days of youthful vigour which followed the first Reform Bill, to have exploded and discredited. A great part of its work consisted of clearing the statute book of well meant but abortive attempts to police men into morality, and to protect them into prosperity. It proclaimed the principles of individual responsibility, individual initiative, and private association for ends requiring combined action. The results of these principles are written in our material, moral, and legislative progress, during the last half century; but the watchwords have, somehow, lost their attractiveness, and we are now busy with the work of reconstructing an edifice, closely resembling that which we so recently pulled down.'

The truth is, the reins of government, in the present day, are in very different hands to those which held them fifty years ago. No doubt the comprehensive rectification of the franchise which was effected by the Reform Bill of 1832, immediately placed the machinery of government under the control of a much wider class; but it will take many years, even one or two generations, to enable that wider class to fully realise the extent and capabilities of the power thus placed in its hands. Now, that the fact has been partially realised, it is easy to understand that those who possess the power, without perhaps the necessary amount of judgment to wield it wisely, should have forgotten the experience of the Liberal party acquired at a time when they had not begun to co-operate in that party's doings. The Earl of Pembroke, in his admirable address on 'Liberty and Socialism,' considers one of the chief causes of this erroneous interpretation to be 'the transfer of political power to classes, whose inexperience in political science, and whose circumstances in life, render them peculiarly liable to be tempted to try to better their position by the apparently short and easy method of legislation.' Even at the present day, the democracy of England has not fully realised the dangers of which the political power they possess is capable, when selfishly and injudiciously wielded; and, as a consequence, they have not yet learned, by long possession, that much of the legislation, for which they are now crying out, has been already, even long since, tried, found wanting, and, as the *Times* says, become 'exploded and discredited.' In fact, as I shall show hereafter, the democracy is beginning to exercise its legislative strength in the very direction *from which* it took our forefathers centuries to advance; with this only exception, that it is tending towards the handing over of individual liberty to the great god 'Demos,' instead of the King and the Nobles, who held it in days gone by, and from whom it required centuries of time, and rivers of blood to redeem it. I

shall show in a subsequent chapter that the masses of Great Britain, as also of some of our colonies, in their failure to foresee and regard the *ultimate*, as distinguished from the *immediate* results of legislation, bid fair, in the short-sighted desire for class advantages, to build up, in and around the communities in which they are able to turn the political scale, a series of restrictions and curtailments upon personal liberty, which, if persisted in, must sooner or later render citizenship in such communities almost unbearable.

Now the mere change of meaning, in such terms as those with which I have been dealing, need not necessarily be an evil in itself, if only such a change could be made once for all, and such men, as were likely to be influenced by the mere application of the terms, were clearly and permanently impressed with these new meanings, and induced to change their position and party attitude in accordance with these altered significations. In such cases it would require only a short time to enable the various parties to again crystallise into compactness and definiteness. But, even if this were practicable, which it is not, the word 'Liberalism' has a history, and its preceding synonyms (representing the same principles) run their roots far back into the past centuries of our mother-country's growth and social development. As a consequence of this, the altered meaning which it is sought, for various reasons, to attach to the word 'Liberalism' is likely to be, and of late has been, productive of endless confusion and social disturbance, since a very large proportion of politicians are wholly influenced, in their action, by party titles, which, in too many cases, they do not take the trouble to analyse.

In an old established community such as Great Britain, party-loyalty is, among many families, regarded as one of the most sacred of traditions; and a party-title might therefore undergo more than sufficient alteration to lead to misunderstanding and social injury, before many of such a class would think themselves justified in breaking away from a traditional party-title. This hesitation would exist equally on the Liberal or Conservative side, so that, as a necessary consequence of such a change of signification, there must result, and really has resulted in our own day, a continuous support of, or opposition to measures, based on neither reason nor personal approval.⁵

I propose, in the following chapter, to completely investigate the historical meaning of the term 'Liberalism,' through the medium of those

5. Lord Selbourne, in a paper entitled 'Thoughts about Party,' published in the January (1887) number of the *Contemporary Review*, says: 'That a machinery should exist, by which a party, without change of name, and indeed arrogating to itself the sole right to the old name, should be liable to have its internal character and its practical objects suddenly transformed into something essentially different from what they were understood to be before; that this should be done without any previous preparation by the natural and spontaneous growth of opinion within its ranks, is a thing which could hardly have been thought possible if it had not happened.'

other party-titles which served, in turn, as watchwords for the same deeply-cherished principles. I propose also to show the bearing of those terms upon their respective contemporary politics; to explain their original and correct meaning, and, in subsequent chapters, to expose, as well as I am able, the spurious political creed, which, during the last few years, has, under cover of the good name, been sought to be foisted upon the less thoughtful of our fellow-men.

Finally, I shall show that the new doctrines, which are confidently spoken of as coming under the equivocal term 'advanced Liberalism,' if not sooner or later checked by the influence of all lovers of wise and equitable government, are likely to completely undermine our freedom and our enterprise, as well as the deeper foundations of our social order and progress.

'Not only in politics, but in literature, in art, in science, in surgery and mechanics, in navigation and agriculture, nay, even in mathematics, we find this distinction. Everywhere there is a class of men who cling with fondness to whatever is ancient, and who, even when convinced by overpowering reasons that innovation would be beneficial, consent to it with many misgivings and forebodings. We find, also, everywhere, another class of men, sanguine in hope, bold in speculation, always pressing forward, quick to discern the imperfections of whatever exists, disposed to think lightly of the risks and inconveniences which attend improvements, and disposed to give every change credit for being an improvement. In the sentiments of both classes there is something to approve. But of both, the best will be found not far from the common frontier. The extreme section of one class consists of bigoted dotards—the extreme section of the other consists of shallow and reckless empirics.'—MACAULAY.

Chapter Two

POLITICAL PARTY-TITLES—A SHORT ACCOUNT OF THEIR ORIGIN AND MEANING

‘A body of members anxious to preserve, and a body eager to reform.’—
MACAULAY.

It has been well said that ‘At no time in the history of any nation have men not been banded together to attain certain ends. The patriarchal chief may be tyrannous or madly cruel—a party of his clan join together to check or depose him. Here, in its simplest form, is foreshadowed the resistance to royal prerogative, of Magna Charta, the Bill of Rights, the battles of parliament with the Crown, resulting in the death of Charles, the exclusion of James, and the inauguration of the present era.’¹

The history of Great Britain, during the last eight centuries is, in fact, the history of the political parties which have from time to time struggled for supremacy in her government; and it may be safely said, that during no period, since the Norman Conquest, has there been wanting a wholesome difference of opinion as to the fundamental principles, according to which such government should be conducted. The growth, or, as it has been called, the ‘expansion’ of Great Britain, in the development of her many prosperous colonies, has, in many, if not most cases been accompanied by the local adoption in those colonies of the same political party-titles which have served in the older community, and that adoption has frequently produced extraordinary results in shaping the forms of government and the legislation itself of the younger communities. The history and meaning of such terms should therefore be a subject of considerable interest to all English-speaking people.

1. ‘Phases of Party’ (C. H. Chambers), 1872, p. 6

Of all the political party-titles which have, at different epochs, been used to designate and classify groups of men, bound together over some important common cause, or widely-recognised principle, there are not many which historians have considered of sufficient importance to entitle them to either permanent record, or lengthy consideration.

I propose to deal in this chapter with the titles 'Roundhead' and 'Cavalier,' which originated in the seventeenth century, with those of 'Tory' and 'Whig,' which were afterwards substituted for them, and, finally, with the more modern terms, 'Conservative,' 'Liberal,' and 'Radical,' as also with some of the expressions which are used now-a-days to designate various shades of the political creeds which the former are intended, or supposed, to indicate.

From the date of the Conquest (which seems a sufficiently remote epoch from which to commence any investigations for practical purposes) up to the year 1641—when Charles I. found it necessary to visit Scotland, with a view to pacify that kingdom, by consenting to relinquish certain plans of ecclesiastical reform—up to that time, history affords us no instances of the use of any political party-titles of consequence, that is to say, such as involved any great and important principle, affecting the well being of society.²

I by no means intend to imply that during the period previous to that date (1641), embracing as it does, five centuries of England's history, society was not agitated, and, from time to time, distinctly divided on questions of importance and even of magnitude to the whole English race. As a fact, that period witnessed some of the most severe and most memorable struggles for civil and religious liberty which have been recorded in our country's history—including, indeed, those never-to-be-forgotten instances which culminated in the Charter of Henry I.; the Great Charter of King John; the establishment of parliament as a medium for the expression of the people's wants—even the Reformation itself. One might even characterise that period (from the 11th to the 17th century) as the most important—so far as our liberties are concerned—in the whole of English history. Indeed Macaulay says, speaking of the 13th century, 'sterile and obscure as is that portion of our annals, it is there that we must look for the *origin of our freedom*, our prosperity and our glory. Then it was that the great English people was formed, that the national character began to exhibit those peculiarities which it has since retained; and that our forefathers became emphatically islanders— islanders not merely in geographical position, but in their politics, their feelings, and their manners. Then first appeared with distinctness that constitution which has ever since, through all changes, preserved its identity; that constitution of which all the other free constitutions in the world are copies, and which, in spite of some

2. Macaulay incidently mentions several other names which attached themselves to certain groups of politicians at different and previous periods of history, but, as they all enjoyed a most ephemeral currency, I have purposely passed them over.

defects, deserves to be regarded as the best under which any society has ever yet existed, during many ages.³

Even at the time of which I am speaking, considerable progress had been made in the levelling up of classes, which was effected by reducing the power of the Sovereign and his nobility, and increasing the freedom of the masses. Three centuries before, 'there had been barons able to bid defiance to the sovereign, and peasants degraded to the level of the swine and oxen which they tended;' but now (in the 14th century) 'the exorbitant power of the baron had been gradually reduced. The condition of the peasant had been gradually elevated. Between the aristocracy and the working people, had sprung up a middle class, agricultural and commercial. There was still, it may be, more inequality than is favourable to the happiness and virtue of our species, but no man was altogether above the restraints of law, and no man was altogether below its protection.'⁴

Thus it will be seen that much had been done during and even prior to the 14th century, towards the attainment of our civil liberties. Yet, as I have already said, over none of the gradual or spasmodic social movements, by which these altered conditions were secured, do there seem to have arisen any political party-titles which were widely adopted and rendered current as a means of implying the championship of some great principle of government. It was not, I repeat, until the year 1641 that any such party-titles came to be widely used.

From that year we must date 'the corporate existence of the two great parties which have ever since alternately governed the country.' 'In one sense' says Macaulay, 'the distinction which then became obvious had already existed and always must exist; for it has its origin in diversity of temper, of understanding and of interest, which are found in all societies, and which will be found till the human mind ceases to be drawn in opposite directions by the charm of habit and the charm of novelty.'⁵

'There can be no doubt,' says the same eloquent writer, 'that in our very first parliaments might have been discerned a body of members anxious to preserve, and a body eager to reform. But while the sessions of the legislature were short, these bodies did not take definite and permanent forms, array themselves under recognised leaders, or assume distinguishing names, badges, and war cries.'⁶

How these parties came into existence has thus been described: 'In October 1641, when the parliament reassembled, after a short recess, two hostile parties, essentially the same with those which, under different names, have ever since

3. 'History of England,' Ch.1.

4. Macaulay's 'History of England,' Ch.1.

5. 'History of England,' Ch.1.

6. 'History of England,' Ch.1.

contended, and are still contending for the direction of public affairs, appeared confronting each other. During some years they were designated ‘Cavaliers’ and ‘Roundheads’: They were subsequently called ‘Whigs’ and ‘Tories.’⁷ These particular party-titles served as terms of classification during many political struggles, but there is, as I shall show, traceable, throughout the whole period during which they were in constant use, one main principle, which was never lost sight of until our own day.

‘No doubt’ says a specialist, ‘in dealing with the question of parties, the various phases of these struggles were infinitely intricate, and complicated throughout, by personal interest and questions of the day, which interfere with our vision of their general drift; but, taking a view over these centuries, from the vantage ground we have reached, we see that, in the main, the battle was being fought of *freedom of thought*, civil and religious, against the dynastic and *despotic* in politics, and the sacerdotal and mysterious in religion.’⁸ The origin of the former of these terms ‘Cavalier’ and ‘Roundhead’ is sufficiently explained by Hume. Writing of the disordered and disturbed state of affairs which existed in 1641 between the Commons, the Lords, and the King, over questions of parliamentary privilege, he says, with reference to one particular collision between the royalists and the popular party; ‘Several reduced officers and young gentlemen of the Inns of court, during the time of disorder and danger, offered their services *to the King*. Between them and *the populace* there passed frequent skirmishes which ended not without bloodshed. By way of reproach, these gentlemen gave the rabble the appellation of ‘Roundheads,’ on account of the short cropped hair which they wore; these called the others ‘Cavaliers’: and thus the nation, which was before sufficiently provided with religions as well as civil causes of quarrels, was also supplied with party names, under which the factions might rendezvous and signalise their mutual hatred.’⁹

At this time, a bill was introduced into the Commons, the object of which was to enable soldiers to be pressed into the service of Ireland. The bill quickly passed the Lower House. ‘In the preamble, the King’s power of pressing—a power exercised during all former times—was declared illegal, and *contrary to the liberty of the subject*.’¹⁰ Here was a most distinct resuscitation of the same sacred principle, which had underlain such great movements as Magna Charta, centuries before—a principle unmistakable in its aim, and susceptible of only one interpretation. It was, in fact, a distinct challenge on the part of the people, by which the principle of ‘equal rights’ was again demanded recognition: a protest, in short, against the assumed power of the monarch to interfere with the individual liberty of his subjects.

7. Macaulay’s ‘History of England,’ Ch.1.

8. ‘Phases of Party’ (C. H. Chambers), 1872, p. 6.

9. ‘History of England,’ Ch.55.

10. ‘History of England,’ Ch.55.

The fate of the measure in question is interesting and worth mentioning. 'In order to elude this law the King offered to raise 10,000 volunteers for the Irish service, but the Commons were afraid lest such an army should be too much at his devotion. Charles, still unwilling to submit to so considerable a diminution of power, came to the House of Peers and offered to pass the law *without the preamble* by which means, he said, that ill-timed question, with regard to the prerogative, would, for the present, be avoided, and the pretensions of each party left entire. Both Houses were plunged into conflict over this measure.... The Lords, as well as the Commons, passed a vote, declaring it to be a high breach of privilege, for the King to take notice of any bill, which was in agitation in either of the Houses, or to express his sentiments, regarding it, before it be presented to him for his assent in a Parliamentary manner.'¹¹ The confidence of the Commons now rose to a great height. They ventured to tell the Lords, in the most open manner, 'that they themselves were the representative body of *the whole kingdom*, and that the peers were nothing but individuals who held their seats in a particular capacity; and, therefore, if their lordships will not consent to the passing of acts *necessary for the preservation of the people*, the Commons, together with such of the Lords as are more sensible of the danger, must join together and represent the matter to his Majesty.'¹² Notwithstanding the threatening action of the Commons in this matter, 'the majority of the Lords adhered to the King, and plainly foresaw the depression of nobility as a necessary consequence of popular usurpations on the Crown.'¹³ 'The King,' adds Hume, 'was obliged to compose all matters by an apology.'

It is probable, therefore, that the real reason for these two party-names having outlived the particular quarrel over which they originated, is to be found in the fact that they at once crystallised certain popular sentiments of freedom and liberalism, which were rife in those troubled times, during which they served so conspicuously. Such sentiments were then probably ever present among the people, who frequently found it necessary to revive the memory of earlier struggles for the same principles. That these were the sentiments of the contending parties, who were afterwards known by the above-mentioned names, there can be little doubt. Macaulay, speaking of them, and their respective principles, says, 'If in her (England's) institutions, *freedom* and order, the advantages arising from innovation, and the advantages arising from prescription, have been combined to an extent elsewhere unknown, we may attribute this happy peculiarity to the strenuous conflicts and alternate victories of two rival confederacies of statesmen: a confederacy zealous for *authority and antiquity*, and a confederacy zealous for *liberty and progress*....'

11. 'History of England,' Ch.55.

12. 'Clarendon,' Vol. ii, p. 415.

13. 'History of England,' Ch.55.

Twice in the course of the seventeenth century,' he adds, 'the two parties suspended their dissensions, and united their strength in the common cause. Their first coalition restored hereditary monarchy. Their second coalition rescued *constitutional freedom*.'¹⁴ And again, the same writer, summing up the arguments of these two contending parties, credits the 'Cavaliers' with the following sentiments:—'Hence-forth, it will be our wisdom to look with jealousy on schemes of innovation, and to guard, from encroachment, all the prerogatives with which the law has, for the public good, armed the Sovereign.' Regarding the 'Roundheads,' on the other hand, they contended thus, 'If once the check of fear were withdrawn, if once the spur of opposition were suffered to slumber, all the securities for English *freedom* resolved themselves into a single one—the Royal word; and it had been proved by a long and severe experience that the Royal word could not be trusted.'

Elsewhere, speaking of the character of a famous statesman of the times, Macaulay says, 'He was, by hereditary connection a Cavalier; but with the Cavaliers he had nothing in common. *They were zealous for monarchy, and condemned in theory all resistance*.'¹⁵

From the foregoing quotations and authorities, it must, I think, be sufficiently evident that the respective parties, concerning which I have been speaking, derived their political inspiration and enthusiasm from the same principles which have since given life and vigour to the Whig and the Liberal, respectively, of subsequent times.

The author of 'Phases of Party,' from which I have already quoted, says:—'The Cavaliers proved the starting-point or nucleus of what, in our own times, is still, by some, called the Tory party.'¹⁶ And Macaulay himself, speaking of the Cavaliers and Roundheads, says, 'They were subsequently called Whigs and Tories.'¹⁷

Let us turn then to the latter terms, as coming next in order after those with which we have dealt; and further confirmation will be found of that, for which I am contending—viz., that the same spirit, the same sentiments, the same fundamental principles, in fact, which actuated the Roundheads, in the time of Charles, influenced the Whig party in later times.

The actual origin of the word 'Whig' is not as clear as archæologists might wish, but it is sufficiently clear for my purpose. 'The name of Whig,' says Hallam, 'meaning sour milk, as is well known, is said to have originated in Scotland in 1648, and was given to those violent Covenanters who opposed the Duke of Hamilton's invasion of England, in order to restore Charles I.'¹⁸

14. 'History of England,' Ch.1.

15. 'History of England,' Ch.2.

16. 'Phases of Party,' p. 17.

17. 'History of England,' Ch.1.

18. 'Constitutional History of England,' Ch.12, note.

‘The Whigs,’ says another authority, ‘during the first half of the seventeenth century, had one object of paramount national importance, to which all their energies had to be devoted—the maintenance of the Protestant settlement and dynasty. On this hung our religious and political *liberties*.’¹⁹ Macaulay, speaking of certain other political party-titles, with which we are not now concerned, says:—‘These appellations soon became obsolete, but at this time were first heard two nicknames, which, though originally given in insult, were soon assumed with pride; which are still in daily use, which have spread as widely as the English race, and which will last as long as the English literature. It is a curious circumstance that one of these nicknames was of Scotch, and the other of Irish origin. Both in Scotland, and in Ireland, misgovernment had called into existence bands of desperate men, whose ferocity was heightened by religious enthusiasm.... These zealots were most numerous among the rustics of the Western lowlands, who were vulgarly called ‘Whigs.’ Thus the appellation of ‘Whig’ was fastened on the Presbyterian zealots of Scotland, and was transferred to those English politicians, who showed a disposition to *oppose the Court*, and to treat Protestant Nonconformists *with indulgence*. The bogs of Ireland, at the same time, afforded a refuge to Popish outlaws, much resembling those, who were afterwards known as ‘Whiteboys.’ These men were then called ‘Tories.’²⁰ Hallam says much the same thing regarding the origin of the word. He speaks of it as ‘a nickname for some of the Wild Irish of Ulster.’ The author of ‘Phases of Party’ says it was ‘equivalent to the word *rapparee*, used of the Wild Irish beyond the English pale.’ Regarding the political application of the term, Macaulay says, further: ‘The title of Tory was given to Englishmen, who refused to concur, in excluding a Roman Catholic prince from the throne.’²¹

Carlyle, in his ‘Cromwell’s Letters’ mentions 1648 as the ‘first appearance of the Whig party on the page of history, called’ he says, ‘the Whiggimore Raid,’ while Hume, writing of 1680 says, ‘This year is remarkable for being the epoch of the well-known epithets Whig, and Tory, by which, and sometimes without any material difference, this island has been so long divided. The Court party, he adds, ‘reproached their antagonists with their affinity to the fanatical Covenanters in Scotland, who were known by the name of Whigs; the Country party found a resemblance between the Courtiers and the Popish Banditti in Ireland, to whom the appellation of ‘Tory’ was affixed, and, after this manner, these foolish terms of reproach came into public and general use.’²² ‘It was’ says Hallam again, ‘in the year 1679 that the words Whig and Tory were first heard, in their application to English factions, and though as

19. ‘English Parties and Conservatism,’ page 69.

20. Macaulay’s ‘History of England,’ Ch.2.

21. Macaulay’s ‘History of England,’ Ch.2.

22. ‘History of England,’ Ch.68.

senseless as any cant terms that could be devised, they became instantly as familiar in use, as they have since continued. There were then questions in agitation, which rendered the distinction more broad and intelligible, than it has generally been in later times. One of these, and the most important was the Bill of Exclusion in which, as it was usually debated, the republican principle that all positive institutions of society are in order to the *general good*, came into collision with that of *monarchy*.²³ ‘Then,’ says the same writer, ‘were first ranged, against each other, the hosts of Whig and Tory, under their banners of *liberty, and loyalty*.’

The same principles of individual liberty, on the one hand, and monarchical authority on the other, are observable throughout the history of these terms. A study of that history will prove that, with one or two temporary exceptions, which, indeed, prove the rule, the terms served to suggest the same principles, the same longings and aspirations for a state of society under which the ‘equal rights’ and ‘equal opportunities’ of all men should be fully recognised. Nor, is it difficult to understand, that such a contention should be urged with some warmth of feeling, by the least influential classes, who would, naturally, be disregarded by the more wealthy and better educated section of society, then possessing the balance of political power. Such was, in fact, the case. Macaulay says, in dealing with the history of the seventeenth century:—‘The gentry and clergy...were, indeed, with few exceptions, Tories. But the yeomen, the traders of the town, the peasants, and the citizens, were generally animated by the old Roundhead spirit.’

It has been often contended that these terms were frequently reversed, and, to such an extent, as to render it impossible to associate them with any well-defined principles; but this view is, as we shall, upon good authority, show hereafter, erroneous. Meanwhile, however, let us look further to history, or similar writings, for information concerning the meanings attached to these terms, as they were generally understood. The apparent exceptions can be dealt with afterwards. Macaulay says, in his essay on the ‘Earl of Chatham:’—‘If, *rejecting all that is merely accidental*, we look at the essential characteristics of the Whig and the Tory, we may consider each of them as the representative of a great principle, essential to the welfare of nations. One is, in an especial manner, the guardian of *liberty*, and the other of *order*. One is the moving power, and the other the steadying power of the State—one is the sail without which society would make no progress, the other the ballast, without which there would be small safety in a tempest.’²⁴

Elsewhere Macaulay says, ‘The Whig theory of government is that *kings exist for the people* and not the *people for kings*’.²⁵ Hallam says that no clear

23. ‘Constitutional History of England,’ Ch.12.

24. ‘The Earl of Chatham.’ Collected Essays.

25. ‘History of England,’ Ch.11.

understanding can be acquired of the political history of England, without distinguishing with some accuracy of definition, these two great parties.²⁶ They differed, he says, mainly in this, 'that to a Tory the constitution, inasmuch as it was the constitution, was an ultimate point, beyond which he never looked, and from which he thought it altogether impossible to swerve; whereas a Whig deemed all forms of government subordinate to the *public good*, and therefore liable to change, when they should choose to promote that object. The one (he continues) loved to descant on *liberty*, and the *rights of mankind*, the other on the mischiefs of sedition, and the *rights of kings*.'²⁷ The Tory was 'hostile to the *liberty* of the Press and to *freedom* of enquiry, especially in religion; the latter their friend. The principle of the one was *amelioration*; of the other *conservation*.' The respective banners of the two parties, he says further, were those of '*liberty* or *loyalty*.'²⁸

Hume says 'A Tory may be defined, in a few words, to be a lover of *monarchy*, though without abandoning liberty.' A Whig may be defined, he adds, as a 'lover of *liberty*, though without renouncing monarchy.'²⁹

Macaulay again says, in his 'Essay on the History of the Revolution,' 'It had always been the fundamental doctrine of that (the Whig) party, that power is a trust *for the people*; that it is given to magistrates, not for their own, but for the public advantage.' And once more in the same essay he speaks of the same party as looking 'with complacency on all speculations favourable to public *liberty*, and with extreme aversion on all speculations favorable to *arbitrary power*.'

Hallam, too, in a note to his history (Chap xvi), speaks of a distinction having been drawn, in the reign of Queen Anne, between what were known as the 'Old Whigs' and the 'Modern Whigs;' but, he adds, that the distinction lay in the fact that the former professed 'a *more steady* attachment (than the latter) to the principles of *civil liberty*.'

It will be observed that throughout these implied definitions, there is one word prominent above all others, and that which must be regarded as the watchword of the party, I refer to the word 'liberty.' Whether we take the definitions of the term 'Roundhead' or the term 'Whig,' we find the same word, and the same principle, underlying every action, and even every attempt at action, entered upon by the party, working as an organisation. There can therefore be no doubt, that as far as history is able to enlighten us on the subject, these parties were ever struggling to reach the goal of freedom of citizenship: liberty for the individual.

Let us revert now to the exceptions which have been mentioned as disturbing the continuous and uniform interpretation of the words 'Whig'

26. 'Constitutional History of England,' Ch.16.

27. 'Constitutional History of England,' Ch.16.

28. 'Constitutional History of England,' chap 12.

29. Essay on 'The Parties of Great Britain.' Collected Essays.

and 'Tory.' That there have been some apparent exceptions to that uniformity of signification, there is no doubt; but they are only what we would call surface objections, that is to say exceptions which disappear upon a closer examination of the facts surrounding and underlying them. The true explanation concerning most of these exceptions is to be found in the fact that the Whig party were always *in advance* of the Tories, in the demand for *more liberty—more freedom*.

By continuous efforts and successes, on the part of the Whigs, the Tory party, at different stages of history, became gradually less exclusive, and more liberal in their view of social questions. Having started from an attitude of absolute exclusiveness, at which time the demands of the Whig party were comparatively modest, it would naturally, and actually did happen, that the Tories came to view favourably a class of legislation which they had at one time resisted. Meanwhile the Whigs had become more pressing in their demands, and, step by step, the Tory party, as a whole, was forced to recognise principles and claims, which it had, at one time, strenuously opposed. By this means the policy of the Tory party, when viewed from a distance (as is the case in the reading of history), appears at one time to approve principles which the Whigs had, at a former period, been advocating.

This is in fact the case, as I shall show. Mr. Gladstone has lately defined the Tory policy to be 'mistrust of the people, qualified by fear' a definition which, though extremely vague and unsatisfactory, nevertheless throws some light on this feature of my subject. The Tory party never had any *fixed* standard. Their's has always been the policy of the 'brake,' retarding the progress of the Whigs. The mistrust of the people (to follow out Mr. Gladstone's definition) would (if *unqualified*) have prompted the Tory party to offer physical resistance to the Whig principles; but doubtless the 'fear,' of which Mr. Gladstone speaks, has, throughout the struggles of these two parties, served always as a subject for reflection in cooler moments, and ultimately led to a gradual giving way to the Whig demands.

What then are these exceptions? I venture the opinion that they merely indicate the advancing steps which Whiggism has made in its struggles for liberty. What the Tories at one time resisted, at another time they approved—that would follow as a result of their gradually giving way to Whig demands. But no case can be quoted in which the Whigs, as a body, approved, at one time, that which they had, at another period, disapproved. Macaulay in his essay on 'The Succession in Spain,' which constitutes a review of a history of that epoch, finds reason for again touching upon this subject of political party-titles. Lord Mahon, the author of that history, had said:—'I cannot but pause for a moment, to observe how much the course of a century has *inverted the meaning* of our party nicknames—how much a modern Tory resembles a Whig of Queen Anne's reign, and a Tory of Queen Anne's reign a modern

Whig.’ Commenting upon these words, Macaulay says, ‘We grant one half of Lord Mahon’s proposition; from the other half we altogether dissent. We allow that a modern Tory resembles, in many things, a Whig of Queen Anne’s reign. It is natural (he adds), that such should be the case. The worst things of one age often resemble the best things of another,’ ‘The science of government’ he continues, ‘is an experimental science, and, therefore, it is, like all other experimental sciences, a progressive science.... If Lord Mahon lives fifty years longer, we have no doubt that, as he now boasts of the resemblance which the Tories of our time bear to the Whigs of the Revolution, he will then boast of the resemblance borne by the Tories of 1882 to those immortal patriots, the Whigs of the Reform Bill.’³⁰ ‘Society’ he adds, ‘is constantly advancing in knowledge. The tail is now where the head was some generations ago. But the head and the tail still keep their distance.... In the same way, though a Tory may now be very much like a Whig of a hundred and twenty years ago, the Whig is as much in advance of the Tory as ever.’ ‘Though, therefore,’ he concludes, on that feature of his subject ‘we admit that a modern Tory bears some resemblance to a Whig of Queen Anne’s reign, we can by no means admit that a Tory of Queen Anne’s reign resembled a modern Whig.’

One very distinct instance there is, in which the Tory party were to be found strongly resisting the one institution of all others, which it has been the aim of the party, on all occasions, and under all other circumstances, to support, viz., the Crown; and, on the other hand, the Whigs were to be found as strenuously supporting that same institution. Here is a seeming inconsistency; but the inconsistency is only superficial. The period to which I refer is the half century or so, which followed the accession of the House of Hanover. ‘There can be no doubt,’ says Macaulay, ‘that, as respected the practical questions, then pending, the Tory was a reformer, and, indeed, an intemperate and indiscreet reformer; while the Whig was a Conservative, even to bigotry. Thus the successors of the old Cavaliers had turned demagogues: the successors of the old Roundheads had turned courtiers.’³¹

But it is now necessary to observe what were ‘the practical questions of the day,’ as Macaulay calls them? The most prominent question, then at issue, was that of the Protestant dynasty. The Whig party was strenuously supporting it, while the Tory viewed it with the most intense animosity. At first there seems to be here an unmistakable contradiction in principle, but, as we have already said, the contradiction was only upon the surface. Both parties were, to use

30. Essay on the ‘Succession of Spain.’ Collected Essays. [It is worthy of notice, how much truth there is in this prediction. Lord Randolph Churchill, as one of the leading spirits of the Tory party of to-day, lately advocated legislative measures, which would have been considered very ‘advanced’ Whiggism in 1832, in fact was only lately advocated by the extreme Radical party.]

31. ‘Essay on the Earl of Chatham.’ Collected Essays by Lord Macaulay.

Macaulay's words, 'thrown into unnatural situations; and both, like animals transported to an incongenial climate, languished and degenerated.'

Macaulay, however, supplies elsewhere the following explanation of the situation. 'The Whig conceived that he could not better serve the cause of civil and religious freedom than by strenuously supporting the Protestant dynasty.'³² Thus the support of an institution, ever previously distasteful, was made a means to the great end of Whiggism—viz., Liberty.

It may be added that the fact of any other 'practical questions then pending,' receiving any other than genuine Whig treatment, is due to the circumstance, that, to use Macaulay's words, 'both parties were thrown into unnatural situations, and came, by degrees, to attach more importance to the means than to the end.' This, however, in a short time, rectified itself, so that the period of departure, even if it may be so regarded, was a mere 'fly in the amber,' as affecting the fundamental principle of Whiggism. Indeed, Hallam, treating of that particular period, says, in confirmation of this conclusion, that, 'In the conduct of this (Whig) party, generally speaking, *we do not, I think, find any abandonment of the cause of liberty.*'³³

Turning, now, to the more modern terms of political classification, it will, in the first place, be seen that their adoption, as party-titles, has been anything but spontaneous. It will be equally evident, on a closer study of their original application to men and measures, that they were used for the purpose of connoting the same principles, which had been implied in the respective terms which preceded them. The term 'Liberal' will perhaps be found to be better adapted to the spirit of the times, in which it was first used, yet, nevertheless, to represent the same principle of individual freedom which was involved in its two predecessors 'Roundhead' and 'Whig.'

The term 'Conservative' likewise, will be found to represent the same principle of resistance to the wave of popular government, the gradual but certain approach of which is observable throughout history. There is this difference, however, between the respective sets of terms, that whereas those, which have always represented the popular side (Roundhead, Whig, Liberal), have, from first to last, been associated with one particular principle of individual liberty, those which represented the more exclusive side (Cavalier, Tory, Conservative), have been alike in their meaning, only in their general tendency to *resist* the growth of popular government. Towards what measures that resistance should be offered, has depended upon the epoch, at which it has been demanded by the people; for, as I have shown, the Conservative party has, at times, acquiesced in legislation to which the Tory party had offered resistance, and in like manner, the Tory party acquiesced in legislation which the old Cavalier party had opposed.

32. 'Essay on Earl of Chatham.' Collected Essays.

33. 'Constitutional History of England,' Ch.16

The one party has been ever reaching forwards, in the direction of the same goal—the other has always consistently acted the part of the brake, giving way only when the force of public opinion was plainly incapable of resistance.

Before proceeding now to a closer consideration of the words ‘Liberal,’ ‘Conservative’ and ‘Radical,’ let us in a few words trace, what I would term, their dove-tailing with those other terms which preceded them, in order to show when, and for what reason, they came into existence. As far as my present knowledge serves me, the word ‘Liberal’ is much older, as a political term, than the word ‘Conservative.’ The latter is said to have first ‘come into fashion’ about the year 1837. The original use of the word, as describing a particular political party, is attributed to Mr. Wilson Croker, who had used it, some years before, in a *Quarterly Review* article, in which he avowed his attachment to ‘what is called the Tory, but which,’ he said, ‘might, with more propriety, be called the Conservative party.’ During the general election for the year mentioned, Lord John Russell, in the course of a public utterance, twitted the Tory party with the new name, which was beginning to be used by themselves. ‘If,’ said he, ‘that is the name that pleases them; if they say that the old distinction of Whig and Tory should no longer be kept up, I am ready, in opposition to their name of ‘Conservative,’ to take the name of ‘Reformer,’ and to stand by that opposition.’³⁴ This, however, is not the first time at which the term was used in a political sense, for I find that Macaulay, in a speech upon reform, in 1831, that is six years before Mr. Croker’s article appeared, spoke of ‘a Liberal Government’ making a ‘Conservative people.’ Mr. Croker may, however, have been the first to advocate its definite adoption as a party-title.

The word ‘Liberal’ does not seem to have had so definite and spontaneous an origin. I am not aware even that the actual origin of the word, as a party-title, is anywhere mentioned, with any degree of definiteness, whether in works of modern history or in that class of literature which deals more particularly with party-names. It has been supposed, by some, to have been first used in the Corn Law times; by others in the year of the Reform Bill. Mr. Chambers in his short treatise on ‘Phases of Party’ says: ‘The Liberal party may be said to have its rise as a technical section of the country from the time of the Reform Bill of 1832,’³⁵ but I have found it used, and with a certain degree of familiarity as far back as the year 1820—in such a way, too, as to confirm and strengthen my contention that, just as the word ‘Whig’ served as a substitute for its predecessor Roundhead, in signifying that class of politicians who were ever striving for more individual freedom in our social arrangements; so the word ‘Liberal’ came gradually to take the place of the word ‘Whig’

34. ‘History of Our Own Times.’ Justin McCarthy, Vol. i., p. 20.

35. ‘Phases of Party,’ p. 64.

in the same behalf. 'They mean' says Mr. Chambers, speaking of the Liberal party, 'that body of men, who, whether originally Whigs or converts from the Conservative side...had all along advocated Liberal principles.' They, in mental tone, were little removed from the Whig party of the 17th and 18th centuries.³⁶

In the published collection of Lord Jeffrey's contributions to the *Edinburgh Review*, the following phrase is used, as a sort of page-heading, over one of the essays, entitled, 'United States of America'—'*English Liberals*, more abused than American.' The essay itself was published as far back as 1820, but the edition, in which it is collected, is of a much later date. The phrase, therefore, might not have occurred in the original publication.

In a later essay, however, originally published in 1826, and entitled 'Middle and Extreme Parties,' the word 'Liberal' is used more than once in the text itself, and, in such a way as, not only to designate a class of political opinions, but also to show what the particular principles were, which such term signified and comprehended. Speaking of the party attitude of the *Review*, in which the essay was then published, and, of which he himself was, at the time, editor, Lord Jeffrey says:—'It is but fair, however, before concluding, to state that, though we do occupy a position between the intolerant Tories and the thorough Reformers, we conceive that we are considerably nearer to the latter than to the former. In our principles, indeed, and the ends, at which we aim, we do not materially differ from what is *professed* by the more sober among them; though we require more caution, more securities, more exceptions, more temper, and more time. That is the difference in our theories. In practice, we have no doubt, we shall all have time enough; for it is the lot of England, we have little doubt, to be ruled, in the main, by what will be called a Tory party, for as long a period as we can now look forward to, with any great distinctness—by a Tory party, however, restrained more and more in its propensities, by the growing influence of Whig principles, and the enlightened vigilance of that party, both in parliament and out of it; and now and then admonished by a temporary expulsion, of the necessity of a still greater conformity with the progress of *liberal opinions* than could be spontaneously obtained.'³⁷

It is evident from this essay, as I shall by quotation show, that the two extreme parties then existing were the 'Tories' on the one hand, and the 'Radical Reformers' on the other. The 'Whigs' stood between, and it is equally evident, that the Whigs were being looked to, to display that liberal moderation which constitutes true 'Liberalism.' Speaking, for instance, of the prospects of parties, the same writer says:—'The thorough Reformers never can be in power in this country, but by means of an actual revolution. The

36. 'Phases of Party,' p. 64.

37. 'Middle and Extreme Parties.' Collected Essays.

Whigs may, and occasionally will, without any disturbance to its peace.' The Whigs, he goes on to say, cannot approach the Radical Reformers, because of the 'dangerous' and 'unreasonable' nature of the latter's principles, and their mode of asserting them. The Radical Reformers, on the other hand, can, he contends, come to the Whigs, because of the preference which the former must have for the principles and measures of the latter over those of the Tories.

'This accordingly,' he says, 'will ultimately be the result, and is already, we have no doubt, in the course of accomplishment; and, taken along with the gradual abandonment of all that is offensive in Tory pretensions, and the silent adoption of most of the Whig principles, even by those who continue to disclaim the name, will effect almost all that sober lovers of their country can expect, for the *security of her liberties*, and the final extinction of all extreme parties, in the *liberal moderation of Whiggism*.'³⁸ The latter words are significant as showing what I have already said, that the school of politics, which has now distinctly acquired the name 'Liberalism' is 'Whiggism' itself, or, as Jeffrey says, a 'liberal moderation' of it.

Elsewhere, in the same essay from which I have quoted, Lord Jeffrey says:—'We are entitled to reckon that every one who is detached from the Tory or the Radical faction, will make a stage at least, or half-way house of Whiggism.' Again, 'If there was no natural war between Democracy and Monarchy, no true ground of discord between Tories and Radical Reformers—we admit there would be no vocation for Whigs; for the true definition of that party, as matters now (1826) stand in England, is that it is a middle party, between the *two extremes of high monarchical principles*, on the one hand, and *extremely popular principles* on the other.' Again, the same authority speaks of 'this middle party, which we take to be now represented by the old Constitutional Whigs of 1688.'

The two essays in question are full of interesting allusions to the different and then existing parties, all of which I cannot find room for here; but from a careful perusal of which I deduce the following general conclusions, viz.,—That the Whig party stood mid-way between the Tories and the 'Radical Reformers;' that the party who then championed the cause of Liberty, if not identical with the Whig party of the day, at least comprehended all the *moderate* section of that party; that the Radical party of that day were extreme in their policy, inasmuch as the middle party—the nucleus of the present Liberal party; advocates, too, for freedom—regarded their policy as 'unreasonable and dangerous.'

The term 'Liberal' is used in much the same sense, in Hallam's 'Constitutional History,' written in 1827. Speaking there of the Revolution of 1688, he says:—'It was the triumph of those principles which, in the language

38. Middle and Extreme Parties Collected Essays.

of the *present* day, are denominated *Liberal or Constitutional*, over those of absolute monarchy, not effectually controlled by State boundaries.'

I find, also, constant reference to the term in Burke's 'Letter on the Penal Laws against Catholics,' and his 'Address to the British Colonists in North America,' written in 1777 and 1790 respectively; but, in both cases, the word, though used in a political sense, is evidently intended to characterise a condition of mind towards political questions rather than a distinctly recognised political creed.

So much then for the date of the first use of this term as a party-title; and, if, turning again to the question of its original meaning, we consult well-known dictionaries of half a century ago, we find the term explained thus: 'One who advocates greater freedom from restraint, especially in political matters.' That, however, is by no means the signification attached to it by present-day politicians; and the fact of its having undergone so complete a change in its connotation has been frequently commented on. 'The admirable maxims,' says the *Times*, 'which, a generation ago, were the watchwords of Liberalism, are disappearing with an alarming rapidity from the minds of men. Long after the Prime Minister entered parliament, one of the chief notes of instructed Liberalism was the dogma that the best government is that which *interferes least* with social affairs. The grandeur of the principle, that the *free play of individual character* is the surest guarantee for the well-being of the nation, was *then* unquestioned, save by the retrograde and disaffected. It required as much courage to deny its universal truth and applicability, as to doubt the sphericity of the earth. Now, it is hardly too much to say that every liberal measure, of any consequence, involves, directly or indirectly, a *negation* of that principle.'

Let us consider now the later signification which has come to be attached to the term with which I am dealing. The task is not an easy one, inasmuch as the volume, to which I have had occasion to refer in the previous chapter, supplies me with definitions by upwards of fifty 'reputed Liberals,' the greater number of whom are so far from being unanimous that one would scarcely think they were endeavouring to explain the same term.

I shall first deal with those definitions which, in my opinion, attach to the word the meaning which it was originally intended to convey; and, afterwards, I shall enumerate several of those which point to a neglect or misreading of history on the part of the 'Liberals' who supplied them. These latter have, as I shall show, fallen into the popular error by which the term is interpreted, as meaning a 'generous, open-handed' policy on the part of the State—altogether forgetful of the ulterior results which such a policy must produce on the character of citizens, and equally unmindful of the fact that such generosity towards the people must ultimately be paid for out of their own or their neighbours' pockets.

First, let us take the definition given by Mr. Henry Broadhurst. That I regard as the most truly scientific among them all, and, coming as it does, from a representative of the working classes, it is all the more valuable. ‘Liberalism,’ he says, ‘does not seek to make all men equal: nothing can do that. But its object is to *remove all obstacles erected by men*, which prevent all having *equal opportunities*.’³⁹ In the whole course of my reading on this subject, which has been necessarily wide, I have come across no definition so comprehensive, yet so terse and correct as this. Whether we take the struggles of our forefathers in feudal times, the struggles of the Roundheads, in the time of Charles; the struggles of the Whigs through the succeeding three or four centuries, or the struggles over the last Reform Bill in England, by which two millions of agricultural labourers were admitted to the franchise, we find one general principle involved, and one which this definition at once touches and completely defines, viz., the desire to remove some ‘obstacle’ or obstacles of ‘human origin,’ such as royal prerogatives, aristocratic privileges, or class disabilities, which prevent all men from enjoying equal opportunities.

While any such restrictions or obstacles exist, and, as it were, block the way to wealth or position, or equal political power for any citizen, or class of citizens, it must be at the expense of that citizen’s, or that class of citizens’ liberty. To remove such obstacles, therefore, is one of the provinces of true Liberalism. In July of 1886 Lord Hartington delivered a speech at Derby, in which he asked, ‘What are the distinctive features of the Liberal policy? I should say,’ he adds, ‘in the first place, that what all Liberals most strongly, most ardently, desire, is that *as large an amount of personal freedom and liberty should be secured for every individual and every class in the country as is possible*.’ These definitions, though in different words, are practically one and the same thing. Another member of the House of Commons—Mr. Sydney Buxton—gave, as a reason for belonging to the Liberal party, that it promotes ‘personal, civil, and religious liberty (liberty of the weak as well as of the strong).’⁴⁰ He might have added, ‘Liberty of the minority as well as of the majority.’

The editor of Lloyd’s newspaper, in the course of his answer, said ‘Free-trade, a free press, the free expression of opinion, and all our social and religious liberties have been won by beating down the narrow conservatism, which, so long, barred the way.... I desire (he adds) the triumph of the Liberal cause, which means progress, the growth of freedom, and the advancement of the general good.’⁴¹

Another prominent Liberal expresses the opinion that ‘Liberal measures have given freedom of speech and action. The monarch, the peer, the commoner, the manufacturer—all feel its power, but that power is not the

39. ‘Why am I a Liberal?’ p. 35.

40. ‘Why am I a Liberal?’ p. 36.

41. ‘Why am I a Liberal?’ p. 39.

power of the autocrat—it is the gentle breath of liberty, given to us Britons, by the Liberal party.⁴² Mr. George Jacob Holyoake, well known as an ardent political reformer, says, ‘A political liberal is one who seeks no right, not equally shared by the entire community, nor any social distinction which they do not sanction.’⁴³ ‘The true Liberal,’ says another of the ‘fifty reputed,’ ‘is opposed to monopoly and privilege, to legislation on behalf of vested interests, to the burdening of the many for the advantage of the few. Its watchword is justice, justice to all, high or low, rich or poor. From this,’ he adds, ‘flow *freedom of opinion, liberty of person, equal political rights* at home, but conciliatory bearing to the nations abroad.’⁴⁴

Lastly, the Marquis of Lorne answers the same pertinent question as follows: ‘*Civil and religious freedom* are the fruits of its (the Liberal party’s) past victories, and I am a Liberal, in the hope that *freedom from tyranny, of mob, or monarch*, will be the safeguard of its future triumphs.’⁴⁵

It must be always remembered that upon the borderland, as it were, of every political party there are many men, who, with variously actuated purposes, hold aloof from consistent party action, and, as a consequence, cannot be always definitely classed with either group. There are others again, who see, or believe they see, so much abuse of party government, that they decline to be influenced by that consideration merely, and give their support, or offer their resistance to particular measures, just as they appear desirable, or undesirable, in the public interest.

Again, there are, and have been, many politicians, willing to advocate and assist in the passing of measures of ‘reform,’ who yet insist on a limited definition of its meaning, claiming, in all things, care and moderation; and, particularly now-a-days, there are many men, who, though unwilling to abandon their party-title, are yet forced, by reason of its altered meaning, to frequently vote against the party which professes it.

On the other hand, there are men who are never content, unless they see everything carried out in a thorough and radical manner. They are, in most cases, men of a more emphatic and impulsive nature, who, too frequently, devote insufficient time to deliberation and judgment, concerning whatever they happen to have in hand. Such men more often than not fail to discern and fully realise all the difficulties and dangers which accompany sudden social and political changes. Beyond all this, many men, who even agree as to the principles desirable to be observed in legislative movements, frequently differ substantially regarding certain measures, as to whether, or how far, such principles are involved. These, and many other disturbing elements in political

42. ‘Why am I a Liberal?’ p. 53.

43. ‘Why am I a Liberal?’ p. 57.

44. ‘Why am I a Liberal?’ p. 60.

45. ‘Why am I a Liberal?’ p. 70.

matters must always prevent clear and definite crystallisation in party divisions; and, as a consequence, there has always been, and, probably ever will be, much difference of opinion as to the precise meaning of party-titles, after they have served their immediate purpose. Instance, in the present day, the distinction between Liberals and Radicals, according to the popular acceptance of the two terms. Who shall say, with any degree of definiteness, where the province of one ends and that of the other begins? Mr. Chamberlain formulates and supervises the publication of a volume, entitled, 'The Radical Programme,' then, almost in the same breath, states his reasons for belonging to the Liberal party!

If I were asked to lay down some distinction between the professions of men, classing themselves under the two banners, in the present day, I should be inclined to resort to some such division as that which was adopted by Lord Jeffrey in 1826. When distinguishing the Liberals from the Radical Reformers, he preferred to regard the difference as one of degree only, the former being more 'moderate' in their views. Meantime, however, both parties have considerably 'advanced.' The Radical Reformers have become Socialists, and the Liberals have become as immoderate as the Radical Reformers were in Lord Jeffrey's time. Anyone who has kept himself fairly informed concerning the course of English domestic politics, during the last few years, must have observed that whereas men like Lord Hartington, Mr. Goschen, and Mr. Chamberlain profess the same general principles, the former two distinctly refused to follow the latter in the extreme doctrines involved in his allotments scheme; yet, within a few months of that event, we hear of its inclusion in the Conservative programme as announced by Lord Randolph Churchill!

I shall, I think, be able to show as I proceed, that such a divergence could not possibly occur, if the meaning of the term 'Liberalism' were scientifically determined. There are authorities to show that the Radical party have, in the past, viewed themselves as merely an 'advanced' wing of the Liberal party; and that is made known in more ways than one. For instance, Mr. Wm. Harris, in his 'History of the Radical Party in Parliament,' says 'The liberal party always has been, and probably always will be, composed of men, differing, to some extent, as to the *rate of progress*, which should be made in the direction in which *all* desire to go.' 'If,' he adds, 'it is no longer desirable that all its movements should be directed by the section which is least advanced, it does not follow that the counsels of men, who call themselves moderate, should not be listened to.'

The Radicals of the present day profess many truly Liberal principles; but either from the want of a clear recognition of the limits to which State interference should go, or from having placed a strained and unscientific interpretation upon the word 'liberty,' they are actually favouring a reaction, in the direction of Toryism—of a democratic type. In other words, while striving to confer 'equal liberty' on all, they are really conferring, or seeking to confer

privileges on a class, to the curtailment of the *liberties* of the remainder. This feature of my subject I shall pursue further in a subsequent chapter. But as to the term ‘Radical’ itself, it no doubt has a history, though by no means a clear one. The term is said by Harriet Martineau to have been first assumed by the reformers in the year 1819,⁴⁶ and the name is said to have been given, or taken, in immediate connection with an agitation for parliamentary reform; though it is, at the same time, claimed to have been ‘used, and *properly used*, to designate those who, not only sought, directly, to increase the power of the democratic element in the Government, but who tried to utilise existing institutions for obtaining some *material, intellectual, or social advantages* for the unrepresented masses of the people.’⁴⁷ Whether the ‘advantages,’ which it is said to *properly* seek to obtain for the masses, are anything beyond the ‘equal opportunities’ which Mr. Broadhurst speaks of, or something much more tangible, we are not made aware. If they are something more, then we can only say that Radicalism, in the sense in which it is used by Mr. Harris, must be closely related to ‘Socialism,’ and even ‘Communism’ in a modified form. Such an interpretation would then harmonise with the admission in the authorised ‘Radical programme’ as to the parallel between the two policies—Radicalism and Socialism. Though the date mentioned by Miss Martineau (1819) may be the first time that party name came into use, we have the authority of Mr. Lecky, to the effect that the spirit of Radicalism made its appearance much earlier. ‘The year 1769,’ he says ‘is very memorable in political history, for it witnessed the birth of English Radicalism, and the first serious attempt to reform and control Parliament by a pressure from without, making its members habitually subservient to their constituents.’⁴⁸

Such being the origin of the party, and of the name itself, let us see what meaning was, or is now intended to be attached to the latter. Throughout the ‘History of the Radical Party in Parliament,’ a large, closely written, and, withal, extremely discursive volume, there is not a single clearly expressed definition of the policy or principles of the party. The word ‘reform’ seems always to be the author’s synonym for Radicalism; but whether such reform is intended to be of a moderate, or extreme—deliberate, or hasty character, is not indicated; nor, indeed, is there anything, in the volume, to show what the author conceives to come within the meaning of that word—in itself so comprehensive, and, at the same time, so equivocal.

The volume, however, supplies us with one or two passages, which will go to prove that the Radical party, like the Liberals and their predecessors, rank the principle of liberty, or freedom, among their most cherished aims.

46. ‘History of the Thirty Years’ Peace,’ Vol. i., p. 226.

47. ‘History of the Radical Party in Parliament,’ William Harris, p. 8.

48. ‘History of England in the Eighteenth Century,’ Vol. iii., p. 174. ‘See also Wingrove Cooke’s ‘History of Parties,’ Vol. iii., p. 188.

‘Whilst it is impossible,’ says its author, ‘to point, with certainty, to any particular year, as marking the origin of a party, whose existence was the result, not of an act of creation, but of growth and development, it is quite possible to refer to a time, when movements took place amongst the Whigs, which led to the grouping of different sections round particular leaders, and in defence of special ideas, and which gave to politicians, without traditional or family connections with them, the desire to appeal to a wider constituency. This period was the beginning of the reign of George III. It was then that the old fight, between royal prerogative, and *popular liberty*, was re-commenced.... It (the Government) was regarded, partly by classes whose special interest it served, and partly by the general reverence of the country, whose *liberties* it had protected, as sacred in form as well as beneficial in spirit.’⁴⁹

Elsewhere, the same writer says, in writing of the year 1766: ‘Three subjects now come up for consideration, of not merely temporary importance, but raising questions affecting the authority of government, the *rights and liberties of individuals*, and the true source of political power.’⁵⁰ One of these was the struggle between England and the North American Colonies. There were, he says, three main lines, upon which opinions ran. The first was the ‘Doctrine of the absolute authority of the Imperial Government, over the lives and *liberties of its subjects*, either in America or elsewhere.’ The second was ‘that parliament had, *of right*, the power of taxing the colonies; but that it was inexpedient, and *unjust*, to do so.’ The first was, he says, the Tory view, and the latter ‘was eventually the Whig doctrine.’ Thus we see that the Radical party followed the true Liberal doctrine over this matter at least.

A perusal of the volume, from which I have been quoting, will show that, though the Radicals and the Liberals have been, and even now, are, or profess to be actuated by the same principles—differing for the most part only in degree—they have frequently had occasion to join issue in a very marked manner. With such differences I cannot here attempt to deal.

This, however, is very certain, that the terms ‘Radical’ and ‘Radicalism,’ are, like the other party-titles, with which I have been dealing, now undergoing a change of meaning, of the most thorough character.

The original watchword of the Radical party, may have been, as Mr. Harris says, ‘popular liberties.’ If that is so, there was probably (as he also implies) little difference—except in degree—between the Liberals and the Radicals. It is, however, very evident that in our own day, Radicalism, as professed by, what is known as the Birmingham school, is not actuated by motives half so sound, or half so beneficial to the community. The New Radicalism is of a totally different order, and practically impossible to gauge. In one breath, it advocates ‘the reduction of incomes over a certain amount,’ and, in another, disclaims

49. ‘History of the Radical Party in Parliament,’ p. 8.

50. ‘History of the Radical Party in Parliament,’ p. 15.

any tendency towards 'the paralysis of private industry.' At one moment, it advocates 'increasing the comforts, securing the health, and multiplying the luxuries of the masses,' by means of government, and, at another, repudiates, as tending to communism, legislation likely to lead to 'the atrophy of private enterprise.' It may well be said 'Under the head of Neo-Radicalism must on no account be included the Radicalism of the old Manchester school, which was merely advanced Liberalism. Indeed the old and the new Radical are more widely separated by principle, than the Conservative and Liberal. The old Radical was all *for freedom*, and was *opposed to state interference*; the new Radical is for despotism and government control in everything.'⁵¹

But this uncertainty of principles, and inconsistency in the various attempts to state them, are not confined to comparisons between the new and the old schools. If we take the professions of the new order alone, we find a contradiction in statement which must be sadly bewildering to the 'rank and file' of their own party. Observe for example the following comparisons:—

'I have never supposed you could equalise the capacities and conditions of men. The idler, the drunkard, the criminal, and the fool must bear the brunt of their defects. The strong man, and the able man will always be first in the race.'—JOSEPH CHAMBERLAIN, Speech, January 14, 1885.

'I am not a Communist, although some people will have it that I am. Considering the difference in the character and capacity of men, I do not believe that there can ever be an absolute equality of conditions, and I think that nothing would be more undesirable than that we should remove the stimulus to industry, and thrift, and exertion, which is afforded by the security, given to every man, in the enjoyment of the fruits of his own individual exertions.'—JOSEPH CHAMBERLAIN, Speech, August 5, 1885.

'Government is only the organisation of the whole people, for the benefit of all its members...The community...ought to provide, for all its members, benefits which it is impossible for individuals to provide by their solitary and separate efforts.'—JOSEPH CHAMBERLAIN, Speech, April 28, 1885.

'Local government will bring you into contact with the masses. By its means you will be able to increase their comforts, to secure their health, to multiply the luxuries, which they may enjoy in common; to carry out a vast co-operative system for mutual aid and support; to lessen the inequalities of our social system, and to raise the standard of all classes in the community. I believe that, in this way, you may help to equalise to a great extent, the condition of men.'—JOSEPH CHAMBERLAIN, Speech, April 28, 1885.

'It belongs to the authority and duty of the State—that is to say, of the whole people, acting through their chosen representatives, to utilise, for this

51. 'Capitalisation of Labour.' Wordsworth Donisthorpe, 1887.

‘Communism means the reduction of everything to a dead level, the destruction of private adventure, the paralysis of private industry, the atrophy of private effort.’—‘Radical Programme.’

purpose, all local experience, and all local organisation, to protect the weak, and to provide for the poor; to redress the inequalities of our social condition, to alleviate the harsh conditions of the struggle for existence, and to raise the average enjoyment of the majority of the population.’—JOSEPH CHAMBERLAIN, Speech, April 28, 1885.

‘The goal towards which the advance will probably be made at an accelerated pace is that in the direction of which the legislation of the last quarter of a century has been tending—the intervention of the State on behalf of the weak against the strong, in the interests of labour against capital, of want and suffering against luxury and ease.’—‘Radical Programme.’

‘A general reduction of incomes.’

‘Fines for misuse of property.’

‘Authority to purchase (land) without allowance for prospective value or compulsory sale.’

‘The expense of making towns habitable for the toilers, who dwell in them, must be thrown on the land.’—‘Radical Programme.’

All this has, I think, a sufficiently strong flavour of communism (let alone Socialism), about it, to call for a distinction to be drawn by those who advocate it. That distinction is not forthcoming; but, instead, we have the following confession:—‘If,’ says the author of the Radical Programme, in reference to the measures which are therein advocated, ‘If it be said that it is legislation of a socialist tendency, the impeachment may *readily be admitted*.’ And he adds: ‘Socialism is not a stigma, but a modern tendency pressing for recognition.’ The Radical Programme being an authorised publication, and founded, for the most part, on Mr. Chamberlain’s speeches, I may, without further enquiry conclude that the Radicalism of the present day is synonymous with socialism. Such a school of politics can have little in common with true Liberalism, for directly the State stretches out its octopus-like arms to attempt an equalisation or approximate equalisation of, not only the ‘opportunities,’ but also the ‘conditions,’ the ‘enjoyments,’ and the ‘luxuries’ of life, such as are therein advocated, there is begun a series of reversals of the most legitimate

and most important function of government, viz. (to use Mr. Chamberlain's own words), the affording 'security to every man, in the enjoyment of the fruits of his own individual exertions.'

My present object has, I hope, now been sufficiently attained, viz., to show that, amid the changes and chances of party government in England; amid the oft-occurring, and somewhat confusing kaleidoscopic transformations, to which such party-government, and the concurrent want of definiteness in party-names must inevitably lead, there is observable, to the student of history—looking back from a bird's-eye view, over centuries of historical record—a comparatively distinct transmission of certain political doctrines, which consist in regarding 'the liberty of the individual' as one of, if not *the* principal of the corner stones of the social fabric. It has been a further object on my part to show that those inherited doctrines have been, respectively, held and maintained, in the past, by the several political parties known as Roundheads, Whigs, Liberals, and Radicals; though, as I shall show hereafter, many steps have been already taken, and many more appear likely to be taken, under cover of the latter two terms, which are false to the traditions of the parties who originated those titles, and which, if persisted in, as precedents for future legislation, bid fair to deal a serious blow sooner or later, at our present social organisation, by destroying the chief source of individual effort and excellence among men.

It has been said by a writer of some authority on this subject that 'as a political power, Toryism is utterly extinct.' The author of 'The Radical Programme' has defined Toryism as aiming at 'the *preservation* of class privilege.' If 'to *create* class privileges' can be taken as having practically similar aims, then Toryism (that is to say, Democratic-Toryism) is—far from being extinct—in a condition of the most robust health. The above authority says 'the occupation of the old Liberal party is gone.'⁵² No doubt what I have ventured to call its *aggressive* function is exhausted; but if to be a Liberal means, as it did of old, to be 'one who advocates greater freedom from restraint, especially in political matters,' then, I contend, its occupation is by no means gone. It is, indeed, time that every true Liberal 'buckled on his armour,' and prepared himself for the coming political contest. The struggle for freedom in the past was by the many against the few; by the masses against the privileged classes; but, in the future, if I judge the political barometer aright, the contest will be longer and much more severe, since it will have to be fought by the few against the many; by the minority against the majority, who, in their ignorance of the political science, think that right is to be gauged by might, and wisdom by the number of mouths which proclaim it.

I venture to affirm that Liberalism has by no means lost its occupation. The advocate is wanted as much in defence as in attack, and the function

52. 'Democracy,' Wordsworth Donisthorpe, p. 53.

which will have to be exercised in defence of 'individual liberty' and 'freedom from restraint' will more heavily tax the resources of its adherents than was the case when its history was but a record of uninterrupted victories.

Chapter Three

HISTORIC LIBERALISM

A brief review of the principal struggles for civil liberty, from the Norman Conquest to the Reform Bill of 1832.

‘The history of England is the history of a government constantly giving way, sometimes peaceably, sometimes after a violent struggle, but constantly giving way, before a nation which has been constantly advancing.’—LORD MACAULAY.

‘English history stands alone as the history of the progress of a great people towards liberty, during six centuries.’—SIR JAMES MACKINTOSH.

‘It seems needful to remind everybody what Liberalism was in the past, that they may perceive its unlikeness to the so-called Liberalism of the present.’—HERBERT SPENCER.

Whatever else may be claimed to be connoted by the word ‘man,’ in the hundred and one definitions which have been attempted concerning him, he may at least be written down, and with some degree of safety, as a ‘progressive animal.’ ‘Man alone, among organised beings,’ says Sir George Cornwall Lewis, ‘possesses the moral and intellectual qualities which render one generation of human beings *unlike another*, and which enable him to *alter* his own condition and that of others by self-culture. Hence, he alone, of all living beings, possesses a history.’¹

Whether we judge man by the meagre evidence which we possess concerning him and his movements in prehistoric times, or by the more elaborate accounts which have been handed down to us from different ages, since he acquired the faculty of committing his thoughts to writing, we are irresistibly forced to the conclusion that he is constantly on the move towards what he conceives to be, and hopes to be, a more civilised condition of living,

1. ‘Influence of Authority in Matters of Opinion,’ p. 95.

that is to say, a condition of living which he supposes will afford him a larger share of happiness than he has hitherto enjoyed. I say 'what he conceives to be' advisedly, because he, not unfrequently, loses his way, mistakes retrogression for progression, and, not seldom, is forced to retrace his steps and start afresh in another and quite different direction or course of conduct.

History affords very numerous instances of communities having got off the track, as it were, of real progress, and being compelled thus to make, in some cases, many attempts, before they could regain the course from which they had diverged—having become, in the meantime wiser, if not sadder, by the painful experience. The 'decline and fall' of the Romans, as a people, was nothing more than this—a falsely conceived social organisation, lacking soundness of foundation, which therefore had to come down. The edifice had to be recommenced from what remained of the scattered fragments. Man had in this case simply missed his way, mistaken a state of society for progressive which was really retrogressive, and the march had again to be commenced, after travelling a considerable distance in a circle.

The French Revolution is another remarkable instance of the same process. The wanton extravagance of the Court, the Church and the Aristocracy; the concurrent disregard for the interests of the masses of the people as also for their civil and religious liberties—all this meeting a broad current of political enlightenment which was then spreading over Europe, could end in one way only, that is, as it did. The social fabric fell to pieces, and out of the débris had to be constructed a differently organised society: a new order of things. All this, too, after a momentous lesson had been taught to mankind in general.

These memorable events in history are the great human errors which have been committed by reason of a want of knowledge of the nature of man, of the science of society, of the art of government. 'History,' says Bolingbroke, 'is philosophy teaching by example,' and the philosophy or moral of all such great events is that we should study, more than those who went before us did, the nature of man as an individual, the science of society as an organisation, and the art of government as applied to that organisation.

'The science of government,' says Macaulay, 'is an experimental science, and like all other experimental sciences it is generally working itself clearer and clearer and depositing impurity after impurity.' 'There was a time,' he says, 'when the most enlightened statesmen thought it the first duty of a government to persecute heretics, to found monasteries, to make war on Saracens; but, 'he adds, 'time advances; facts accumulate; doubts arise. Faint glimpses of truth begin to appear and shine more and more unto the perfect day. The highest intellects, like the tops of mountains, are the first to catch and reflect the dawn.... First come hints, then fragments of systems, then defective systems, then complete and harmonious systems.'²

2. 'History of the French Revolution.' Collected Essays.

If one wishes to fully realise the steady but sure progress which man is making, throughout all these great political errors and miscalculations regarding his fellow-men, their wants, their passions, and their proclivities, one must view history broadly. Then, and then only, shall we see that the temporary delays and backward movements, which in themselves present the appearance of absolutely retrogressive steps, are mere oscillations in the great forward march of the human race. This thought also has been beautifully expressed in regard to England by the eloquent and versatile Macaulay. 'The history of England,' he says, 'when we take a comprehensive view of it, is a history of progress; but when examined in small separate portions, it may, with more propriety, be called a history of actions and reactions. The public mind resembles a sea, when the tide is rising; each successive wave rushes forward, breaks and rolls back; but the great flood is steadily coming in. A person who looked on the waters, only for a moment, might fancy that they were retiring. A person who looked on them, only for five minutes, might fancy that they were rushing capriciously to and fro. But when he keeps his eye on them for a quarter of an hour, and sees one sea-mark disappear after another, it is impossible for him to doubt of the general direction in which the ocean is moved. Just such has been the course of events in England. In the history of the national mind, which is, in truth, the history of the nation, we must carefully distinguish between that recoil which regularly follows every advance, and a general ebb.' Buckle says much the same thing; 'This is the ebb and flow of history: the perpetual flux to which, by the laws of our nature, we are subject. Above all this there is a far higher movement; and as the tide rolls on, now advancing, now receding, there is, amid its endless fluctuations, one thing and one alone which endures for ever.'

That these receding movements have their use there can be no doubt, though it would be better if we could learn the truths which they convey less painfully. It is from them, however, that we store up the reactionary power which gives impetus to the next onward movement. France emerged from the Revolution a more free, a more happy and withal a wiser nation, and one of the greatest lessons in the science of government which was ever taught to men, was thus handed down for subsequent generations. Now, it will be found, from what I term a 'broad' view of history, that the progress of society (using the word in its widest acceptation) has always been proportionate to the freedom of its institutions. The tyranny of monarchy and aristocratic government in France, as also the unequal opportunities afforded to its citizens, together with the erroneous notion regarding fundamental differences among men, produced a reaction in favour of such sentiments as 'Liberty, equality and fraternity.'

The despotism of the Eastern world, under which millions of human beings lived and died in the enjoyment of less freedom than the dumb animals

around them, has resulted in nothing but ruin—ruin of whole nations, extending over whole ages.

That these millions of human beings should have never organised themselves and resisted the slavish treatment, to which they were subjected, is only to be accounted for by the fact that they were physically a poor race of people, whose wants were simple, and whose lot was cast in climates of the most enervating character; with whom the struggle for existence also was not sufficiently keen to lead to insubordination and rebellion. ‘History and observation,’ says Sir Erskine May, ‘alike attest that tropical regions have been the ever-lasting abodes of despotism: where kings, chiefs and priests have governed, from time immemorial, without control, and where the people have been unresisting subjects and slaves. Temperate climes alone,’ he adds, ‘have been the homes of freedom.’³

Elsewhere the same writer offers an explanation of this distinction. ‘A hot climate and a fertile soil multiply the means of subsistence and foster the rapid growth of population. The wants of the multitude are few and easily gratified.... Nor can it be doubted that great heat is enervating alike to the minds and bodies of men—disinclining them to vigorous thought and action, and disposing them to a languid acquiescence in their accustomed lot.’

The inhabitants of Europe, and especially of the northern parts, might have easily had predicted for them a different history. Living in a cold and bracing climate, not warm enough to enervate, and not rigorous enough to limit activity, where the amount of nourishment required by the human body is much greater than in a warmer zone; where, too, on account of the same cause, much more elaborate wants in the form of clothing and habitations had to be supplied to secure ordinary comfort, it can be easily understood that by the continuous energy, enterprise, and industry rendered necessary to such a people, they should not long allow to remain unused the powers of self-help and of resistance, which they might, at any time, by a little organisation, bring to bear on their oppressors. Sir Erskine May himself, drawing his conclusions from Buckle, says: ‘In colder climates... the bounties of nature are less prodigal: their wants are multiplied and more difficult to satisfy: their good clothing and dwellings are more costly. Hence the growth of population is checked: the value of labour is sustained: the people share in the distribution of the wealth of the country, and the general condition of society is improved and progressive. The strength and spirit of such men are braced by a temperate climate, by constant labour and enterprise, and by the hope of social advancement. And these (he adds) are the qualities which arouse resistance to oppression and fit men for the enjoyment of freedom.’⁴

3. ‘Democracy in Europe.’—Introduction.

4. ‘Democracy in Europe.’—Introduction.

The step which man has made from the condition of mere slavery, under which he lived in the earlier stages of the world's history, to the condition of civilisation and freedom which he now enjoys in the Western world, is indeed difficult to realise.

When I speak thus of man, I refer to the masses of the human race who, in former times, were regarded as the mere creatures of the comparatively few who then held the reins of power, but who now stand, each and all, at least in English-speaking communities, possessed of the most absolute freedom of thought, of opinion, and of action 'limited alone by the like freedom of all.' This great stride, from the lowest depths of slavery and degradation to the highest level of civilised citizenship, would, if traced through all its stages, involve not simply much, but *all* history. These stages, however, are well marked for those whose province it is to study them. My present purpose covers a much narrower ground, viz., the history of the struggle for civil liberty in Great Britain, so far as it is capable of illustrating that principle of social evolution by which man is ever striving for a larger degree of personal freedom and individual development, even though it frequently happen (as we have seen) that he fails to rightly judge how, or in what direction, that end is to be most surely attained.

I have thought fit to make the foregoing general observations because the principle of the gradual growth of civil freedom, which the wider history involves, is, in my opinion, the key-note, to the narrower branch of history with which I am chiefly concerned. It is in the highest degree probable that the practice of designating any member of any legislative or other deliberative body by some name, which briefly summarised the principles which had been observed as a general rule to actuate his conduct and demeanour as such member, came into existence almost, if not quite, as soon as the institution of Parliament itself. Nor do I refer merely to the advent of constitutional government, for the same practice would doubtless obtain in large assemblies of the most primitive character—even among tribal communities.

The actual origin of legislation or government is, as far as written history can inform us, obscure. Many writers, necessarily somewhat speculative on such a subject, offer theories, tracing back the institution even to 'the family'⁵ or 'the household,' which I presume is the most extreme limit, since it reaches almost to the level of ordinary animal life. The stage of society, next in advance of the family or household, would obviously be the tribe, and it is highly probable that, at that stage, when many heads of families or 'households' came into close communion, it was regarded as desirable to determine upon some governing individual, or group of individuals, to settle questions, regarding which, the undivided action of the whole, was essential to the welfare of the

5. 'It cannot reasonably be doubted that the family was the great source of personal law.'—'Village Communities,' Sir Henry S. Maine.

individual families. It is equally probable that the head or chief of the tribe was frequently self-constituted—that is, assumed the position by sheer force of character or of arms, and derived his authority as leader from the mere fact of the rest of his tribe tacitly acknowledging his superiority, and grouping themselves about his person as subjects and dependents. The following is an interesting (and of course speculative) opinion by Hooker, who is extensively quoted by Locke in dealing with the subject of ‘primitive government:’—‘To take away all such mutual grievances, injuries, and wrongs, such as attend men in the state of nature, there was no way but only by growing into composition and agreement among themselves; by ordaining some kind of government public, and by yielding themselves subject thereto, that unto whom they granted authority to rule and govern them, the peace, tranquility, and happy estate of the rest might be procured.’ ‘The end of civil society (to use the words of Locke himself) is to avoid and remedy those inconveniences of the state of nature which necessarily follow from every man’s being judge in his own case, by setting up a known authority to which everyone of that society may appeal upon any injury received or controversy that may arise, and which everyone of the society ought to obey.’ That the ‘known authority’ of Locke, and the ‘government public’ of Hooker originated in the parent, is confirmed by Sir Henry Maine, who says, ‘The most recent researches into the primitive history of society point to the conclusion that the earliest tie which knitted men together in communities, was consanguinity or kinship,’⁶ and the ‘learned’ Sir Robert Filmer commences the first chapter of his ‘Patriarcha’ with the proposition ‘That the first Kings were Fathers of Families.’

Assuming, then, that these are correct statements of the origin of government, an assumption requiring no great stretch of imagination, but rather one which recommends itself to the reason, there can be, I venture to think, little doubt, that if, from such a starting-point, all rules of conduct, which were subsequently laid down by chiefs, kings and legislatures respectively, had been based upon the sound principle of ‘equal opportunities,’ instead of that which reserves special privileges for the few, society would, at the present day, be far in advance of its existing condition of growing unrest and discontent.

But the idea of ‘equal opportunities’ was obviously far from being recognised as the scientific or even just test by which tribal rules, or, in more advanced times, sovereign edicts and parliamentary legislation should be tried. When it became necessary, as a stage beyond the parent, to obtain the ‘known authority’ of whom Locke speaks, he was provided in the shape of a chief, or king, or ‘able man,’ as Carlyle calls him. But it would then (and probably did) become a question, whether the chief, or king himself, could do wrong. There would be no one to appeal to, in the event of such a contingency arising, nor could his decision, if favourable to himself, be questioned; and

6. ‘Early History of Institutions,’ Sir Henry Maine, p. 64.

he would, naturally drift, as he became more conscious of his unlimited or at least very wide powers, into the position and habits of a dictator, whose word was incapable of being questioned. Moreover, if he were the brave or 'able' man of his tribe, there would be little inclination to question his authority, or even the justice of his decisions. Thus, most probably, did society drift into the condition of subservience to kingly power, the abuse of which ultimately led to the spirit of rebellion against Royal prerogatives, as opposed to what were termed the 'rights of the people.'

Locke says, bearing upon this point, 'Wherever any persons are, who have not such an authority to appeal to and decide any difference between them there, those persons are still in the state of nature. And so is every absolute prince in respect of those who are under his dominion.'

Coming now to history proper—that is to say, written history—we find that kings, and probably chiefs and other less important monarchs before them, developed a disposition to adopt what historians call 'favourites,' that is to say certain persons who proved congenial as companions to the particular monarch, and had a sort of kingly license by which they enjoyed more than an 'equal' share of 'opportunities.' This was probably the first departure from true liberalism in history, next after that by which the king claimed to himself greater privileges than he could allow between his subjects. These favourites have almost invariably been recipients of some distinguishing mark of patronage, as an expression of the favour in which they were held. Hence the order of 'nobles;' and, following upon this distinction, it is but an easy stage to that state of things, by which they became invested with some of the 'privileges,' not enjoyed by the ordinary people of their time.

Herein lies what I conceive to be the explanation of the origin of the feudal system, as introduced into England by William the Conqueror in the eleventh century.

The nobles of that monarch, as is well known by every reader of early English history, exercised over their vassals the most complete and absolute dominion; and instead of the latter possessing or enjoying 'equal opportunities,' they, and their families, were overwhelmed with duties and obligations, and burdened with restrictions on their liberty, which left them with about as much freedom as was possessed by the African slave previous to 1806. To use the words of a historian: 'The masses of the people were depressed by heavy burdens, enslaved by varied wrongs and paralysed by superstitious fears. They were credulous and poor, and had neither liberty, knowledge, nor ambition.'

From this condition of things, there is discernable, throughout history, a gradual growth of popular freedom, marked more particularly by such epochs as the Magna Charta in 1215, the Petition of Right in 1628, the Habeas Corpus Act in 1678, the Revolution in 1688, and the Reform Bill of 1832. First the king was supreme; then the people were allowed to take a part in the

government; next the people imposed restrictions upon the power of the king, and finally the monarch was transformed, as is the case now, into a sort of national 'figure head,' receiving income and privileges by the consent of a free and self-governing people. All these great social movements, each constituting, as it were, the practical expression of a long-pent public grievance, may be classified under the heading of 'the growth of liberalism.' Those movements consisted (with one exception) of public protests against the abuse of power on the part of the respective monarchs, in whose reign they developed and culminated; and they had the effect of 'freeing' or 'liberating' the people from the yoke of monarchical power, under which they and their ancestors had lived for centuries. The exception was the Reform Bill, which was a protest against the monopoly of parliamentary representation by a class.

'It has been usual,' as Sir Erskine May says, in his 'Democracy in Europe,' 'to conduct controversies regarding political institutions and forms of government as if they were simply founded upon abstract experience; as if monarchies and republics had been established upon *à priori* theories, and were to be judged according to their approach to some ideal polity. It is not in this spirit that history is to be studied. If any instruction is to be gained, it will be by the investigation of the moral, social, and physical causes which have contributed to the rise, growth, and overthrow of institutions—of *despotism*, of free monarchies, of *aristocracies*, and of *republics*.' These last words, in fact, stand in the order in which the various social steps, which led to their overthrow, have occurred.

Though the word 'liberalism' has been first used in, and received its interpretation from much later times than those of which I have been speaking, nevertheless it is very necessary to study those periods in order to fully and clearly understand the principle which underlies the spirit of *liberty and freedom* that the word is intended to signify.

Such an investigation, especially if prosecuted with some particularity, will show that the more modern school of politics, to which that title has been applied, is founded upon the identical principles of *freedom of thought*, *freedom of speech*, and *freedom of action*, for which the people of various countries, but especially our own, have, for centuries, been struggling—the determination to possess, at all hazards, 'equal opportunities' with other men, irrespective of family, irrespective of kingly favour, and irrespective of wealth. 'Britain,' says an eloquent writer on Reform, 'once a land of savage pagans, was long subsequent to the Norman Conquest, the abode of ignorance, superstition, and despotism. And, though for centuries past, she has witnessed a steady advance in knowledge and in civil and religious liberty—though her men of letters have sent down to posterity works that shall live till science, philosophy, and poetry are known no more; though her lawyers have gradually worn off the rugged features of the feudal system till

the common law of England has been adopted as the basis of the Republican Code of America; though her Church long since yielded to the attacks of non-conformity and sanctioned a liberal toleration—though all that was vital and dangerous in the maxim, ‘The king can do no wrong,’ fell with the head of Charles I. in 1649 — yet it is only *within the last fifty years* that she has sanctioned the changes in her institutions long counselled by a class of innovators designated as Reformers.⁷

It is over the longer period that we need to ponder, in order to discover, and arrive at some certainty, regarding the general principle which should be conveyed by the particular term under consideration. Let us turn to history itself, as recorded by those who have made it their special study.

Though the term ‘Liberalism’ is, therefore, of comparatively modern use, in order that its meaning and bearing may be traced and understood, it is necessary to go back to these earlier times, and investigate the history in which, without resort to political party-titles, the same principle which animates the truer interpreters of the word in our own day, spurred on our forefathers in the earlier struggles for freedom and the building up of our oft-extolled constitution.

The Norman Conquest was naturally and of necessity a great shock to the inhabitants of England, and so unequal were they to the comprehensive and overwhelming invasion to which they were subjected, that, as a nation, they dropped, for the time being, into a condition of absolute slavery. But, says De Lolme, ‘it is to the era of the Conquest that we are to look for the real foundation of the English constitution.’

I shall, from this epoch in English records, trace, with fitting brevity, the history of the principle of Liberalism—a principle which has, at various periods, been recognised and acted upon, under different and changing titles, and has, at all times, spurred on, to fresh thoughts and fresh actions, all who could see, in the future, an improved condition of civil and religious freedom, based upon the even broader principle of the ‘equality of men.’ To go behind this period in history would lead me into fields quite beyond my present purpose—into the histories, in fact, of the various peoples who formed the constituent parts of the much mixed nation, now known as Great Britain. I need not, therefore, carry my investigations further back than the Conquest of England, to discover how, and under what circumstances that principle first took root.

The author of the ‘History of the English People’ has characterised the charter granted on the accession to the throne of Henry I. as not only the ‘direct precedent for the Great Charter of John,’ but, also, as ‘the *first limitation* which had been imposed on the despotism established by the Conquest.’⁸

7. ‘Reform and Reformers.’ H. B. Stanton.

8. Green’s ‘History of the English People,’ p. 87.

This epoch is therefore in every way a suitable starting-point for my short sketch. In order to fully and clearly realise the nature and extent of the memorable concession to civil freedom, which that charter involved, it is necessary to remember what were the social and political conditions of the people of England, prior to that event. Macaulay says, ‘The battle of Hastings, and the events which followed it, not only placed a Duke of Normandy on the English throne, but gave up the whole population of England to the tyranny of the Norman race. The subjugation of a nation by a nation,’ he says, ‘has seldom, even in Asia, been more complete. The country was portioned out among the captains of the invaders. Strong military institutions, closely connected with the institution of property, enabled the foreign conquerors to oppress the children of the soil. A cruel penal code, cruelly enforced, guarded the privileges, and even the sports of the alien tyrants.’⁹ Hume speaks of William the Conqueror as having ‘*appeared,*’ immediately after ascending the English throne, ‘solicitous to unite, in an amicable manner, the Normans and the English, by inter-marriages and alliances,’ and says that ‘all his new subjects, who approached his person, were received with affability and regard.’¹⁰ ‘But,’ he adds, ‘amidst this confidence and friendship, which he expressed for the English, he took care to place all real power in the hands of his Normans.’ However, notwithstanding any good disposition which he may, as a conqueror, have felt towards the English, in the first flush of victory, there can be little doubt that, after his almost immediate return to Normandy, and reappearance in England, during which time the English and the Normans had again come into conflict, he showed little, if any respect, for the promises which he had made under the coronation oath, one of which was ‘to administer justice and to repress violence.’¹¹ As a fact, the conquerors and the conquered failed to harmonise, and though in public and domestic life everything seemed favourable to the king, ‘the discontents of his English subjects augmented daily, and the injuries, committed and suffered on both sides, rendered the quarrel, between them and the Normans, absolutely incurable. The insolence of the victorious masters, dispersed throughout the kingdom, seemed intolerable to the natives.’¹²

Hume adds that the English people, in a great measure, had ‘lost all national pride and spirit,’ by their recent and long subjection to the Danes. However that may be, they quickly fell into a condition of abject subordination to their insolent and high-handed victors. Instead of being governed by ‘equal laws,’ as had been promised, they were, on every occasion, and, under all circumstances,

9. ‘History of England,’ Ch. 1.

10. ‘History of England,’ Ch. 4.

11. Hume quotes Malmesbury, as saying that he promised also ‘to govern the English and Normans by *equal laws.*’

12. Hume’s ‘History of England,’ Ch. 4.

denied even the most common justice. 'It was crime sufficient in an Englishman to be opulent, or noble, or powerful; and the policy of the king, concurring with the rapacity of foreign adventurers, produced almost a total revolution in the landed property of the kingdom. Ancient and honourable families were reduced to beggary, the nobles themselves were everywhere treated with ignominy and contempt; they had the mortification of seeing their castles and manors possessed by Normans, of the meanest birth, and lowest stations, and they found themselves carefully excluded from every road which led either to riches or preferment.¹³ Then was introduced the feudal laws and the feudal system. The whole of the lands of England, with few exceptions, were divided into baronies, which were conferred, subject to certain services and payments, upon the most important among the king's followers.¹⁴ These barons, then, subdivided their estates, among the less important of the Normans, called knights or vassals. These latter became liable to the same obligations to the particular baron, under whom they held, as had been undertaken by him in the king's behalf. The whole of England is said to have been thus divided into seven hundred chief tenancies or baronies, and sixty thousand two hundred and fifteen knight-fees. No Englishmen were included among the former class, and the few, who managed to retain their property, were compelled to reconcile themselves to being included among the latter, subject, of course, to a Norman baron as landlord, as also to the numerous burdens of service, etc., which such a tenancy entailed—this, too, notwithstanding that their respective estates had been, previously, freeholds, acquired by inheritance, and in no way encumbered with any such obligations.¹⁵ These under tenants were required to swear allegiance to their particular baron, in the following words: 'Hear, my Lord, I become liege man of yours, for life, and limb, and earthly regard; and I will keep faith and loyalty to you, for life and death; God help me'; and this comprehensive obligation was entered into while the dependant kneeled, without arms, and bare-headed, at the feet of his superior; his hands being placed in those of the latter.¹⁶ It is said that, under this system, the king could at any moment summon sixty thousand knights to the royal standard. In addition to these two classes, it must be remembered that there was a lower order, called *Ceorls*, or *Villeins*, concerning whom it is an open question whether they were not actual slaves. They certainly were so, in all but name, inasmuch as the lord had the power of life or death over them. In summing up

13. 'Hume's History of England,' Ch.4.

14. Robert, Earl of Montaigne, had 973 manors and lordships; Allan, Earl of Brittany and Richmond, 442; Odo, Bishop of Baienx, 439; and a score more of the Conqueror's chief followers were treated with the same lavish generosity. It has been computed that the whole county of Norfolk was divided among sixty-six proprietors.

15. 'Hume's History of England,' Ch.4.

16. 'Green's Short History of the English People,' Ch.2.

his account of the oppression which this conquest inflicted upon the English people, Macaulay says: 'During the century and a half which followed it, there is, to speak strictly, *no English history*,' and Hume, in the same way says: 'The introduction of the feudal law had much infringed the *liberties*, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery.'

Such then was the condition of the English people after the Norman Conquest. The King had upon ascending the throne promised 'equal laws.' The promise had been broken, and the most glaring inequality existed, not only in possessions, for that had always been and ever will be so, but *in the eye of the law*, which need not, and should not have been. The Normans were, in short, the recipients of extensive *privileges*, at the expense of those they had conquered. Let us now see the course which events took. Discontent must have followed, and quickly found expression; for a collection of laws, called the 'Magna Charta of William the Conqueror,' has been preserved, in which the King seems to have entered into the following treaty with his subjects, constituting a substantial concession, considering the times, to the principle of liberalism or freedom: 'We will enjoin and grant, (so it runs), that all freemen of our kingdom shall *enjoy their land in peace, free from all tallage and from every unjust exaction*, so that nothing but their service lawfully due to us shall be demanded at their hands.'

William the Conqueror died in 1087, and, notwithstanding the above undertaking, the condition of the people at his death does not seem to have been in any way an advancement on that of twenty years previous. Hume says, speaking of the year 1087: 'It would be difficult to find in all history a revolution more destructive, or attended with a more complete subjection of the ancient inhabitants. Contumely seems even to have been wantonly added to oppression; and the natives were universally reduced to such a state of meanness and poverty, that the English name became a term of reproach.'¹⁷

William Rufus claimed to succeed his father, but inasmuch as by doing so he was consciously violating his elder brother's (Robert) right, he took very hasty measures to secure the Crown. He displayed a willingness to concede any condition, in order to secure himself in the estimation of his subjects. 'As an earnest of his future reign he renounced all the rigid maxims of conquest, and swore to protect the Church and the people, and to govern by St. Edward's laws; a promise extremely grateful to all parties; for the Normans, finding the English passionately desirous of those laws, and only knowing that they were in general *favourable to liberty*, and conducive to peace and order, became equally clamorous for their re-establishment.'¹⁸

17. 'Hume's History of England,' Ch.4.

18. 'A bridgmont of English History,' Edmund Burke, Ch.3.

These resolutions, likewise, were ignored, very much in the same manner as was the case with those of his father before him. 'The forest laws were executed with rigour, the old impositions revived, and new laid on.'¹⁹

William Rufus died in the year 1100, and was succeeded by his younger brother, Henry I., who thus, in his turn, usurped his elder brother's lawful rights. 'Knowing,' says Hume, 'that the Crown, so usurped, against all rules of justice, would sit unsteady on his head, he resolved by fair professions at least, to gain the affections of all his subjects.'²⁰

He seized the opportunity to address the nobility and 'a vast concourse of inferior people,' who had been drawn to Winchester, by the news of his brother's death. After plausibly setting forth his title, on the ground of having been born next after his father had acquired the kingdom,—a ground upon which the nobility retired to consult—he 'threw himself entirely upon the populace.' He began by drawing his sword and swearing with a bold and determined air to persist in his pretensions to his last breath.' He 'turned to the crowd,' and made 'promises of a *milder government* than they had experienced, either beneath his brother, or his father: the Church should enjoy her immunities, *the people their liberties*,... the distinction of Englishman and Norman be heard no more.'²¹

As might be expected 'the people received this popular harangue, delivered by a prince, whose person was full of grace and majesty, with shouts of joy and rapture. Immediately they rush to the house where the council is held, which they surround, and, with clamour and menaces, demand Henry for their King.'²² He confirmed and enlarged the privileges of the city of London, and, in the words of Edmund Burke, 'gave to the whole kingdom a *charter of liberties*, which was the first of the kind, and laid the foundation of those successive charters, which at last *completed the freedom of the subject*.'²³ Among the numerous provisions of this charter, was one, in which the King promised that the vassals of the barons should enjoy the *same privileges* which he granted to his *own barons*.²⁴ In order to give guarantees for his sincerity in making these concessions, he lodged a copy of the charter which contained them, in an abbey of each county; yet it is evident that, as soon as his immediate object had been attained, he showed that he had never seriously intended to observe any part of it. 'The whole of it fell so much into neglect and oblivion, that, in the following century, when the barons, who had heard an obscure tradition of it, desired to make it the model of the great charter, which they exacted

19. 'A bridgmet of English History.' Edmund Burke, Ch.3.

20. 'Hume's History of England,' Ch.6.

21. 'A bridgmet of English History.' Edmund Burke, Ch.iv.

22. 'A bridgmet of English History.' Edmund Burke, Ch.iv.

23. 'A bridgmet of English History.' Edmund Burke, Ch.iv.

24. 'Hume's History of England,' Ch.6.

from King John, they could, with difficulty, find a copy in the kingdom.²⁵ This charter was, though by no means observed, 'the *first limitation which had been imposed* on the despotism established by the Conquest.'²⁶ and formed one of the 'two great measures, which, following his (Henry's) coronation, mark 'the *new relation* which was then brought about between the *people and their King*.'²⁷

Such was the first great concession, in English history, to the spirit of true liberalism; and it consisted in the undertaking to grant *equal liberties* to all men, irrespective of race or social status. We shall presently see that this obligation, like most others of those times, was made, only to be ignored and forgotten by him who made it.

Let us pass now to a still greater epoch in the history of liberalism. Hume says, speaking generally of these charters: 'Henry I., that he might allure the people to give an exclusion to his elder brother Robert, had granted them a charter, favourable in many particulars to their *liberties*; Stephen had renewed the grant; Henry II. had confirmed it. But the concessions of all these princes had still remained without effect, and the same unlimited, at least irregular authority, continued to be exercised, both by them and their successors.'²⁸

In the succeeding reign of John, all the unreasonable and irritating demands, which had been made by his predecessors, were greatly intensified, and accompanied with further acts of tyranny, of an even more unbearable nature. 'One is surprised,' says Hallam, 'at the forbearance displayed by the barons, till they took arms at length in that confederacy which ended in establishing the *Great Charter of Liberties*.'²⁹ Historians seem to vie with one another in their endeavours to picture the domineering and oppressive conduct of King John. 'Equally odious and contemptible,' says Hume, 'both in public and private life, he affronted the barons by his insolence, dishonoured their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions.'³⁰ In addition to all these forms of insolence and tyranny, which it is difficult to understand that one man should be allowed to practise on a whole nation, there yet remained many portions of the feudal law, as introduced by the Conqueror, which had, by abuse and arbitrary administration, become constant sources of discontent and rebellious feeling.

One of the most useful generalisations which, in my opinion, it is possible to draw from history is that which teaches what I might term the law of social

25. 'Hume's History of England,' Ch.6.

26. 'Green's Short History of the English People,' Ch.2.

27. 'Green's Short History of the English People,' Ch.2.

28. 'History of England,' Ch.11.

29. 'Constitutional History of England,' Ch.1.

30. 'History of England,' Ch.11.

oscillation. Every historical student must have observed that society, when viewed over long periods of time, seems to pass through successive stages, somewhat analogous to the motions of a pendulum—that is to say, whenever, by reason of its surrounding circumstances, it is forced into any extreme condition, involving an abnormal state of mind on the part of the individuals who compose it, there almost inevitably follows a reactionary movement, similarly extreme, though in the contrary direction. Thus, as Burke says, ‘Our best securities for freedom have been obtained from princes, who were either warlike, or prodigal, or both,’³¹ and again, as stated by De Tocqueville, ‘Liberty is generally established in the midst of agitation; it is perfected by civil discord.’³²

We have an instance of the sociological law in question, in the fact that this very oppression and tyranny, to which the people of England were subjected, and the almost slavish condition, to which they were, in consequence, reduced, constituted the very source of their future freedom.

‘It was,’ says De Lolme, ‘the excessive power of the king which made England free; because it was this very excess that gave rise to the spirit of union and of co-resistance. Possessed of extensive demesnes, the king found himself independent; vested with the most formidable prerogatives, he crushed, at pleasure, the most powerful barons in the realm. It was only by close and numerous confederacies, therefore, that these could resist his tyranny; they even were compelled to associate the people in them, and make them partners of public liberty.’

The confederacy which was entered into, to put an end to this unbearable state of things, as it existed under John, was greatly assisted, if not even initiated by the then Archbishop of Canterbury—by name Langton—who, conceiving that an acquisition of liberty to the people would contribute towards the powers of his Church, took an extremely practical and useful part in framing some of the most important clauses of the Great Charter, and insisted upon them, as conditions precedent to his (John’s) avoidance of excommunication. He obtained possession, from one of the monasteries, of a copy of Henry the First’s charter, and, having shown it to some of the most influential barons of his time, urged them to demand its recognition and observance by the King. The feeling grew from day to day, and a large meeting of barons was again held, this time ‘under colour of devotion.’ Langton once more used his powerful and eloquent exhortations, in order to bring about the desired result. The barons, thereupon, entered into a solemn compact, sealed with an oath, that they would never desist until they had obtained an equally solemn undertaking from the King on the subject of their liberties. They resolved to prepare an armed force, and to meet again

31. ‘Letters on a Regicide Peace.’ *Collected Works*, Vol. v.

32. ‘Democracy in America,’ Vol. i., p. 250.

when their plans were matured. When the time arrived for taking the final step, they boldly demanded of the King 'a renewal of Henry's charter, and a confirmation of the laws of St. Edward.' 'Hitherto the barons had fought for themselves alone: now they became the national leaders in maintaining the liberties of England.'³³ The King asked for time, and offered valuable sureties. Meanwhile he sought, by conceding great privileges to the Church, to baffle the plans of the barons, and certainly succeeded in some measure in winning the partisanship of the Pope; but the barons, having first made an appeal to Rome, quickly assembled a large force of armed retainers, and advanced towards the King's residence, whence he sent a messenger desiring to know the barons' terms. They delivered him a record of their principal demands; but when he learned its contents, he broke into a furious passion, and vowed he would never grant such concessions.

Immediately the barons chose a leader, and proceeded to levy war upon the King: besieged castles and palaces belonging to him, threatened anybody and everybody who ventured to join in his defence, and, finally, became such masters of the position, that, after numerous attempts at compromise, the King, surrounded by only a few followers, was forced to arrange a meeting, in order to confer with the barons finally, regarding their demands. The meeting-place was the celebrated Runnymede, between Windsor and Staines. The two parties formed separate camps, and, after several days' debate, the King was forced to sign the Great Charter, which, in the words of Hume, 'secured very important *liberties and privileges to every order of men in the kingdom, to the clergy, to the barons, and to the people.*'

Let us consider now, in less general terms, what this Great Charter did for our ancestors, and for us.

It is but natural and reasonable that, inasmuch as the barons were themselves the head and front of the movement, they should have turned their attention more particularly to their own interests; but, inasmuch also as they required the concurrence of 'the people,' in the bold step they were taking, they found it advisable, if not necessary, to take into consideration the interests of that class also, which they accordingly did. Sir Erskine May says: 'Hitherto the barons had fought for themselves alone, now they became the national leaders in maintaining the *liberties* of England.' Moreover, it is evident that the barons themselves had been guilty of tyranny and oppression to those under them, quite as great, and as galling, as that displayed by the King.³⁴

It would not be interesting, and, even if it were, it would scarcely be in place, here, to go fully and particularly into the numerous aspects of civil liberty which the Great Charter attempted to place upon a firm and settled basis. The provisions of the charter have, as a whole, been described as 'strung

33. 'Democracy in Europe,' Sir Erskine May, Vol. ii., p. 347.

34. Reeve's 'History of English Law,' Vol. i., pp. 262-3.

together in a disorderly manner.³⁵ Generally speaking, they were as follow, consisting principally of 'either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice arbitrary and ambiguous.'

The preamble or opening address to the charter begins thus: 'To all archbishops, bishops, abbots, priors, earls, barons, sheriffs, provosts, officers, and to all bailiffs and other our faithful subjects, etc . . . Know ye that we . . . have granted . . . these *liberties* following, to be kept in our kingdom of England for ever.' Following this there were thirty-seven chapters, the first being a confirmation of liberties in the following words: 'We have granted to God, and, by our present chapter have confirmed for us, and our heirs, for ever, that the Church of England shall be free, and shall have all her whole *rights and liberties inviolable*. We have granted also, and given to all the freemen of our realm, for us, and our heirs, for ever, these *liberties* underwritten: to have and to hold them and their heirs of us and our heirs for ever.'

Chapter 2 deals with the subject of 'reliefs.' As all the King's tenants were supposed to have received their lands by his gift, it was customary, upon the death of an ancestor, for the heir to purchase a continuance of the king's favour, by paying a sum of money called a 'relief,' for entering into the estate. When the conquest was over, this practice was 'much abused and perverted.' The above-mentioned chapter therefore provided that such payment should not be arbitrary, but fixed according to the rank of the heir.

By chapter 7 it was enacted that widows of knights might marry as they chose, without deductions being made from their dower; and that if they chose to remain single, they should not be compelled to marry. Hitherto the baron had possessed the power of compelling widows of their knights to marry whom they pleased, and, as may be easily imagined, the power had been greatly abused.

The 9th chapter perpetuates the right of self-government, 'the source and bulwark,' as it has been called, 'of our constitutional *freedom*;' and it preserved to London and all other cities, boroughs, and towns' all their *liberties* and *free* customs. The 10th chapter prevented excessive distress for more service than was due for a knight's fee. This power to distrain had previously been greatly abused by 'compelling a compliance with unjust demands.'

The 14th chapter provided against excessive fines; laid down the principle that they should always be in proportion to the gravity of the offence, and instituted the now well-known rule of law that a man's tools, instruments, or other possessions necessary for his support and maintenance should be free from any such fine or process. This was in all probability demanded by the barons, in order that their dependants might not be deprived of their only means of performing their service to them, for we are told that 'nothing more

35. Reeve's 'History of English Law,' Vol. i., p. 266.

required mitigation than the rigour with which the King's debts were exacted and levied.'

During the reigns of Richard and John, many exactions had been made for erecting bulwarks, fortresses, bridges, and banks, contrary to law and right. The 15th chapter of the charter declared that no freeman should be distrained for the purpose, except in certain specified cases, limited in number. Previous to the charter also, there seems to have been a tendency, possibly a common practice, of appropriating certain fisheries in various parts of the different rivers, which were common property. This practice was probably indulged in by the more powerful. The 16th chapter, however, remedied the abuse, and restored to each his original rights.

The 29th chapter is the most important of all, and constitutes the very corner-stone of our civil liberties. It runs thus: 'No freeman shall be *taken* or *imprisoned*, or be *deprived of his freehold or liberties or free customs*, or be outlawed or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him but by *lawful judgment of his peers*, or by the *law of the land*. To no man will we sell, to no man *deny*, to no man *delay justice or right*.'

The 30th chapter provided that all merchants (meaning foreigners) should pass in and out of England by land or by water, for purposes of buying or selling, without tolls or extortions of any kind, and established the principle that in time of war, merchants from other countries, when found in England, should have just the same treatment extended to them which was being accorded to English merchants in that particular country from which those merchants came. Reeve says: 'Previous to the charter, and for many years, merchants had been subjected to ruthless extortion, under the names of tolls, in going through the lands of these feudal tyrants to get to the towns where they carried on their trade.' This chapter removed the restriction, or at least gave them whatever protection the law could afford in such rude times.

The concluding chapter of the charter contains the curious fiction that the whole of it has been bought from the Crown for a certain proportion of movable property, in consideration of which, the King grants 'for us and our heirs, that neither we nor our heirs shall attempt to do anything whereby the *liberties* contained in this charter may be infringed or broken.' There were numerous other provisions, in this great and memorable document, but not such as would be of interest to set forth here.

Throughout all those which we have quoted, there must be evident to every intelligent reader, one great principle, viz., that the sovereign was simply giving to his subjects *additional liberty*, to do as they chose with *their own property*, and to exercise in what direction they chose the *personal freedom*, which the law should secure to every human being, subject only to the equal freedom in others. By the feudal law the king was, rightly or wrongly, taken to possess and to be justified in exercising the most complete control over the

property and personal liberty of his subjects. That control had, as is natural, been much abused, until the tyranny of the monarch became unbearable. Then the subjects turned, and going back as it were to first principles, questioned the right of the monarch to hold his subjects in such a condition of thralldom. The result was nothing more or less than a giving up by the sovereign of a large part of such *control*, whereby the previously curtailed *liberties* of the barons, and the people, were extended. Both classes experienced an *accession of freedom*. This great charter therefore is, according to the principle for which I am contending, true Liberalism, inasmuch as it was a contribution towards the aggregate amount of *liberty* enjoyed by the members of the community; or, in other words, inasmuch as by it, a larger aggregate amount of liberty was bestowed than was taken away. To show, too, that in putting this construction upon the great charter, I am not striving after any strained interpretation—or seeking to exaggerate its true bearing—let me quote some of the opinions found concerning it by historians:

Guizot, the French historian, has characterised it as ‘the origin of *free institutions* in England.’³⁶

Hume says, speaking of the concessions which it contained: ‘The barbarous *license* of the kings, and perhaps of the nobles, was thenceforth somewhat *more restrained*; men acquired some *more security for their properties and their liberties*.’³⁷

Elsewhere Hume speaks of its provisions, as constituting ‘the most sacred rampart to *national liberty and independence*.’³⁸

Hallam characterises it as the ‘great charter of *liberties*,’ and ‘the key stone of English *liberty*.’ ‘Its beauty consists,’ he says in ‘an *equal distribution of civil rights* to all classes’; and again, referring to the two leading spirits whose names are associated with the great measure, he adds: ‘To their temperate zeal for a legal government, England was indebted, during that critical period, for the *two greatest blessings that patriotic statesmen could confer*, the establishment of *civil liberty*, and the preservation of *national independence*.’

Elsewhere the same great constitutional authority speaks of the celebrated 29th chapter, as containing clauses which *protect* the *personal liberty* and property of all freemen, and in further proof of the statement, that no important portion of the people was passed over, he says: ‘An equal distribution of civil rights, to all classes of freemen, forms the peculiar beauty of the charter.’³⁹

Edmund Burke speaks of the charter as having first disarmed the Crown of its *unlimited prerogative*, and laid the foundation of *English liberty*,⁴⁰

36. ‘History of Civilisation in Europe,’ Ch.13.

37. ‘History of England,’ Ch.11., appendix 2.

38. ‘History of England,’ Ch.12.

39. ‘Middle Ages,’ Vol. ii., p. 108.

40. ‘Abridgment of English History,’ Ch.8.

and De Lolme characterises it as ‘the bulwark that protected the *freedom* of individuals.’ So much, then, for this great epoch in our country’s history. The demand for liberty had been made, and the concession, which followed it, became a valuable precedent for future monarchs: constituting, as it did, an admission, which could not henceforth be honourably, or even legally gainsaid. That so comprehensive a treaty, extracted from the king, contrary to his real wishes, might not be always fully recognised and acted up to by subsequent monarchs, or even by John himself, was probably anticipated by those who obtained it for themselves and posterity. Indeed, as Sir Erskine May says, ‘Society was not yet sufficiently advanced to ensure the enjoyment of liberties so extended;’ yet, nevertheless, those who had succeeded in winning it from their despotic monarch had the satisfaction and consolation of reflecting that any such disregard on the king’s part to conform to its provisions, would at once become an indefensible transgression of the laws of England.

I pass now to another important epoch in our history—that marked by the ‘Petition of Right.’ It will be seen, from what is to follow, that the same principle of liberty for the individual inspired every movement which led up to its ultimate adoption as a part of our constitution.

When Charles I. succeeded to the throne, ‘grave issues were pending between prerogative on the one side, and law and parliamentary privilege on the other.’⁴¹ The most strained relationship existed between the institution of monarchy and the existing parliament, as representing the people of England. But, notwithstanding this feeling, Charles was met by his first parliament in a ‘passion of loyalty.’ One over-sanguine member of the Commons exclaimed: ‘We can hope everything from the king who now governs us.’ Though, therefore, the times were full of trouble everything promised fairly well for the young sovereign, except that some of the cooler heads in the Commons, knowing his character, had serious misgivings as to his future conduct. Green says he had already ‘revealed to those around him, a strange mixture of obstinacy and weakness;’ a ‘duplicity which lavished promises, because he never purposed to be bound by any,’ and a ‘petty pride, that subordinated every political consideration to personal vanity, or personal pique.’⁴²

No sooner had he taken in his hands the reins of government, than he displayed an impatience to assemble the Commons. His first parliament was accordingly called together in the year 1625. He immediately asked for supplies. At that time the House of Commons was almost entirely governed by a set of men of the most uncommon capacity, and of the largest views, including such as Coke, Seymour, Wentworth, Pym, Hampden, and others—all ‘animated with a warm regard for liberty,’ and ‘resolved to seize the opportunity which the king’s necessities offered them, of reducing the prerogative within more

41. Green’s ‘History of the English People,’ Ch.8.

42. Green’s ‘History of the English People,’ Ch.8.

reasonable compass.⁴³ It was in their opinion necessary to fix a choice; either to 'abandon, entirely, the privileges of the people, or to secure them by firmer and more precise barriers than the constitution had hitherto provided for them.'⁴⁴ They, accordingly, 'embraced the side of freedom,' and resolved to grant no supplies to their necessitous prince, without extorting concessions 'in favour of civil liberty.'⁴⁵ A war was being maintained with France and Spain, which caused a continuous drain upon the king's funds, and, every day, rendered the necessity for further supplies more urgent. Though it had been long the custom to grant the duties of tonnage and poundage for the king's life, the parliament declined to do so for more than one year. This somewhat unexpected check upon kingly power greatly astonished Charles. Taught as he was 'to consider even the ancient laws and constitution more as lines to direct his conduct, than barriers to withstand his power, this conspiracy to erect new ramparts, in order to straiten his authority, appeared but one degree removed from open sedition and rebellion.'⁴⁶

The bill, granting one year's supplies, was thrown out by the Lords, and the parliament, thereupon, granted two subsidies. But this extended vote was only offered conditionally upon the king's conforming to the wishes of the Commons, upon the subject of modifying the prerogative. The king immediately dissolved parliament, and raised a certain amount of money by Letters under Privy Seal. With the money thus raised he fitted out his fleet, and proceeded to prosecute the Spanish War; but, failing in the attempt to capture a Spanish fleet, the English vessels returned, and the king's funds were again exhausted. He now summoned a second parliament (1626). The Commons, thus re-assembled, voted a very liberal supply, but deferred its final passing until the king should concede the limitation to the prerogative, which had been previously demanded. The struggle which followed 'exceeded in violence any that had yet taken place.'⁴⁷ Acts of reprisal followed one another in quick succession. The Commons denied the right of the king to levy tonnage and poundage⁴⁸ without their consent. The king now threatened the Commons, that if they did not furnish him with supplies, he would be obliged to try '*new counsels*.' 'This,' says Hume, 'was sufficiently clear.' Lest, however, it should be misunderstood, it was carefully explained by the Vice-Chamberlain. 'I pray you consider,' said that functionary, 'what these new counsels are or may be. I fear to declare those I conceive. In all Christian kingdoms,' he continued,

43. Hume's 'History of England,' Ch.50.

44. Hume's 'History of England,' Ch.50.

45. Hume's 'History of England,' Ch.50.

46. 'Hume's 'History of England,' Ch.50.

47. 'Memorials of Hampden.' Macaulay's Essays.

48. 'Tonnage duties, those imposed on wines imported according to a certain rate per ton. This, with poundage, was formerly granted to the sovereign for life, by acts of parliament, usually passed at the beginning of each reign.'—Wharton's Law Lexicon,' p. 965.

'you know that parliaments were in use anciently, by which those kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength, and, seeing the turbulent spirit of their parliaments, at length they, little by little, began to stand on their prerogatives, and, at last, overthrew the parliaments throughout Christendom, except here only with us. Let us be careful, then,' he concluded, 'to preserve the king's good opinion of parliament, which bringeth such happiness to this nation, and makes us envied of all others, while there is this sweetness between His Majesty and the Commons, lest we lose the repute of a free people by our turbulency in parliament.' 'These imprudent suggestions,' says Hume, 'rather gave warnings than struck terror. A precarious liberty, the Commons thought, which was to be preserved by unlimited complaisance, was no liberty at all.'⁴⁹ Two prominent members of the Commons were thrown into prison, on false charges of seditious language, and the House was exasperated to 'show some degree of precipitancy and indiscretion.'

The House of Lords now roused itself from a condition of inactivity. The king resolved to again dissolve parliament, and the Lords interposed, and desired him to postpone his decision; but the king replied, 'Not a moment longer,' and thereupon effected the dissolution. The Commons at once framed a remonstrance, in order to justify their conduct in the eyes of the people. The king, as a counter move, promulgated a vindication of his conduct, in which he gave his reasons for having so suddenly dissolved parliament. Material was thus supplied to the partisans of both sides with which to intensify the dispute. The king now resorted to the *new counsels*, which had been threatened. He granted a commission to compound with the Catholics, and to dispense with the penal laws which were enacted against them. This at once supplied him with funds; but it at once, also, stirred up one of the most dangerous of political influences. He called upon the nobles for contributions, and demanded from the city a loan of one hundred thousand pounds. The nobility unwillingly responded to his demand, but the city, under cover of many excuses, refused to do so. In order to fit out a fleet, each of the maritime towns was called upon to assist in the expenditure. The city of London was rated at twenty ships. 'This,' says Hume, 'is the first appearance, in Charles's reign, of ship-money—a taxation which had once been imposed by Elizabeth, but which, afterwards, when carried some steps farther by Charles, created such violent discontents.'

Innumerable methods were now adopted to obtain money from the people, and the most ingenious and insinuating arguments were advanced to justify them. First, a general loan was demanded, as an equivalent for the subsidies which parliament had refused to grant. 'No stretch of prerogative so monstrous,' says Sir Erskine May, 'had yet been tried.' The public feeling,

49. 'History of England,' Ch.50.

which had arisen by this time, can be better imagined than described. Throughout the whole country, these so-called loans were refused by many; some, too, encouraged others to resist them, and were, in consequence, thrown into prison. Five English gentlemen displayed the courage of their opinions, by positive refusals, and, in the words of Hume, 'had spirit enough, at their own hazard and expense, to defend the public *liberties*.' John Hampden was among this number, and, when asked for his reasons for refusal, replied, 'that he could be content to lend as well as others, but feared to draw upon himself that curse in Magna Charta, which should be read twice a year against those who infringe it.' The Privy Council thereupon committed him to prison. He was again brought up; again refused to give any other reason; and, again, committed to prison. He and his four companions endeavoured to obtain their release, by the assistance of the writ of *habeas corpus*; but, on a technical point, which told in favour of the king, they failed to obtain their freedom. 'This judgment,' says Sir Erskine May, 'was opposed to the most cherished doctrines of English *liberty*.'⁵⁰ Matters went on thus for some time. A foolish war was undertaken against France; soldiers were billeted on the people; crimes of various kinds were punished by martial law; but, withal, the funds which had thus been raised, in various illegal or unconstitutional ways, were found wholly insufficient. Charles now found himself again compelled to call his parliament together. He endeavoured to conciliate the people, by setting free those who had been committed to prison—Hampden among the number. The discontent, which had meanwhile been engendered on every side, justified the apprehension of insurrection, and the assembling of parliament was looked forward to, by the king, with dread. He hoped that the Commons would now be content to forget the past, and be found willing to make reasonable compliances.

These hopes were by no means realised. When parliament did meet, it was as stubborn as ever, on the old points of difference. 'No parliament,' says May, 'had ever met in England with more just causes of resentment against a king.' He told them, in his first speech, that 'If they should not do their duties, in contributing to the necessities of the state, he must, in discharge of his conscience, use those other means which God had put into his hands, in order to save that which the follies of some particular men may otherwise put in danger. Take not this for a threatening,' he said, 'for I scorn to threaten any but equals, but as an admonition from him, who, by nature and duty, has most care of your preservation and prosperity.' The Commons saw, by this, that the king was only seeking a further opportunity for dissolving parliament, and it was further apparent that, should such a step be taken, the results, to all concerned, would be more calamitous than any which had yet happened. Sir Francis Seymour eloquently protested against this transparent

50. 'Democracy in Europe,' vol ii., p. 376.

attempt to frighten members from their public duty. 'He is no good subject,' he said, 'who would not, willingly and cheerfully, lay down his life, when that sacrifice may promote the interests of his sovereign, and the good of the commonwealth. But, he is not a good subject—he is a slave—who will allow his goods to be taken from him, against his will and his *liberty*, against the laws of the kingdom.'

Sir Robert Phillips, in the same strain, said 'I read of a custom among the old Romans, that once every year they held a solemn festival, in which their slaves had liberty, without exception, to speak what they pleased, in order to ease their afflicted minds; and, on the conclusion of the festival, the slaves severally returned to their former servitude. This institution,' he continued, 'may well set forth our present state and condition. After the revolution of some time, and the grievous sufferance of many violent oppressions, we have now at last, as those slaves, obtained for a day, some *liberty* of speech; but shall not, I trust, be hereafter slaves, for we are *born free*... The grievances by which we are oppressed, I draw under two heads: acts of power against law, and the judgments of lawyers against our *liberties*. O, unwise forefathers!' he continued, 'to be so curious in providing for the quiet possession of our lands and the *liberties* of parliament; and, at the same time, to neglect our *personal liberty*... If this be law, why do we talk of *liberties*?'

These sentiments, Hume says, were unanimously embraced by the whole House. 'And the spirit of *liberty*,' he continues, 'having obtained some contentment by this exertion, the reiterated messages of the king, who pressed for supply, were attended to with more temper.' Five subsidies were thereupon voted, with which the King was extremely pleased; but the supply was not finally passed into law. They resolved, says Hume, 'to employ the interval in providing some barriers to their *rights and liberties*, so lately violated.'

They proceeded to draw up the document which was ultimately called the Petition of Right—so called in order to imply that it was a mere 'corroboration or explanation of the ancient constitution; not any infringement of royal prerogative, or acquisition of new liberties.' Meanwhile, the subject of the bill was being eagerly debated throughout the kingdom. There were abundant reasons advanced on both sides in parliament, and in the country. The king endeavoured to evade the Petition, and went so far as to write a letter to the Lords, in which he declared that he would never again imprison any man for not lending money, and that he would never 'pretend any cause, of whose truth he was not fully satisfied.' This was all of no avail. The Lords endeavoured to append a clause to the Petition, which, while providing for the 'preservation of *liberties*,' would have had the effect of negating the whole purpose of the document.

All obstacles of the kind having failed to influence the Commons, the Petition passed through that House, and was sent to the Lords. They quickly passed it, and nothing was left to give it the force of law but the royal assent.

The king went to the House of Lords, and sent for the Commons, upon the arrival of whom, the Petition was read to him. Instead of giving utterance to the usual formal words which serve to indicate the royal confirmation or rejection of a measure, he indulged in a comparatively lengthy and equivocal answer, in which he merely expressed his willingness to see the *existing* law put in force for the preservation of the 'just rights and liberties' of his subjects. The Commons were much displeased at this unusual and practically negative answer. They returned to their chamber, and proceeded to impeach certain persons, notably Dr. Mainwaring, who had preached a sermon, which had been subsequently printed by royal command, and in which he advocated the 'divine right' and other 'doctrines subversive of all civil liberty.' 'We must vindicate our ancient liberties,' said Sir Thomas Wentworth in the Commons, when they were about to deal in a somewhat similar manner with the Duke of Buckingham—the king's friend and favourite—as they had done with Mainwaring. The king, however, fearing the trouble which was about to fall on that nobleman, and, in order to divert it, 'thought proper, upon a joint application of the Lords and Commons, to endeavour giving them satisfaction with regard to the Petition of Right. He came therefore to the House of Peers, and pronouncing the usual form of words, 'Let it be law as desired,' gave full sanction and authority to the Petition.'⁵¹

'The acclamation,' says Hume, 'with which the House resounded, and the universal joy diffused over the nation, showed how much this Petition had been the object of all men's vows and expectations.'

'It may be affirmed, without any exaggeration,' he continues, 'that the king's assent to the Petition of Right produced such a change in the government, as was almost equivalent to a revolution; and by circumscribing, in so many articles, the royal prerogative, gave *additional security to the liberties of the subject*.'⁵²

By ratifying that law, the king bound himself never again to impose taxes, or in any way demand money, by loan or otherwise, except by consent of parliament; never again to commit any of his subjects to prison, or otherwise deprive them of their personal liberty, except in due course of law, duly enacted by the same authority. He undertook also, never again to subject them to the jurisdiction of courtmartial, as he had previously done, and never to repeat the practice of billeting soldiers upon the people, 'all which' the Petition concluded 'they (the king's subjects) humbly pray of your most excellent Majesty as their *rights and liberties*, according to the laws and statutes of the realm.'⁵³

Macaulay speaks of this great measure as 'the second great charter of the *liberties* of England.'⁵⁴

51. Hume's 'History of England,' Ch.51.

52. Hume's 'History of England,' Ch.51.

53. Green's 'History of the English People,' Ch.8.

54. 'History of England,' Vol. i., p. 89, and Collected Essays: 'Lord Nugent's Memorials.'

The fact that it was violated, almost as soon as granted, though rendering it almost valueless for the time being, could not affect its actual existence, as evidencing a great and memorable victory in the cause of civil liberty; as constituting a great and welcome standard of right, to which future generations could turn in justification of their resistance to royal encroachments, or in vindication of their demands for popular freedom. That it was so ignored and violated is one of the hard facts of history; and that continual encroachments upon the limits which it provided for kingly power, were persisted in, has been rendered ever memorable by the penalty of death which Charles had, ultimately, and in consequence, to suffer. It would be beside my present purpose to follow, further, the somewhat checkered history of this great measure. I have briefly traced it from its earliest immediate causes; and I have shown how it was ultimately placed among the sacred traditions of our race. It witnessed, even after its final adoption, many years and generations of trouble and civil disturbance, before the principles which it involves were unexceptionably acknowledged; and it often served, meanwhile, as the logical battle-ground of many bitter controversies and disputes.

These and many other surrounding events have passed away, but the Petition itself lies preserved in the traditional archives of our race, and stands out from the pages of England's statute book in all its stern reality, constituting, like the great charter itself, one of the most valued buttresses of our cherished constitution.

As a measure, it involves the same important principle, which runs, like a thread, through all the great reforms of early English history. The people claimed freedom for the individual, in the disposal of his legally acquired possessions; and ventured to restrain a king even from transgressing that right, except by consent of themselves, and for a constitutional purpose. They were willing to contribute, upon a grant by the parliament, constituted from their duly authorised representatives, but they resented all compulsion, such as was involved in the power of committment and the denial of their 'habeas corpus.' It was in truth a determined protest against the then kingly practice of appropriating the legally acquired property of a subject, against his will, by other than constitutional methods—a demand in short for 'more liberty.'

Within about half a century of the last mentioned memorable charter, we find the English people engaged in another great struggle for the same ever pressing claims of personal freedom and liberty of citizenship. I refer to the Habeas Corpus Act of 1679. Macaulay has characterised the enactment of this measure as a 'great era in our history.' 'From the time of the great charter' he says, 'the substantive law, respecting the personal *liberty* of Englishmen, had been nearly the same as at present; but it had been inefficacious, for want of a stringent system of procedure. What was needed was not a new

right, but a prompt and searching remedy; and such a remedy the Habeas Corpus Act supplied.⁵⁵ According to Hallam, the origin of this important measure consisted in the ‘arbitrary proceedings of Lord Clarendon.’ That nobleman was actually impeached, in the reign of Chas. II., for having caused many persons to be imprisoned contrary to law. They were released by the administration of the Duke of Buckingham, which administration, according to Hallam, ‘acted, in several respects, on a more liberal principle, than any other in that monarch’s reign.’ The practice does not, however, seem to have been discontinued. Probably the disregard for the great charter, so far as its provisions in defence of personal liberty were concerned, was present to the minds of the leaders of this movement. It was not indeed a matter to be quickly forgotten that the great Hampden, together with four other knights, had been met by the most technical objections, when seeking their release under the writ, as clearly provided for in Magna Charta. ‘The fundamental immunity of English subjects had never before been so fully canvassed; and it is to the discussion which arose out of the case of these five gentlemen that we owe its continual assertion and its ultimate establishment, in full practical efficacy, by the statute of Charles II.’⁵⁶

Hallam says it is a very common mistake, and that, not only among foreigners, but with many from whom some knowledge of our constitutional laws might be expected, to suppose that this statute of Charles II. (Habeas Corpus Act) *enlarged* in a great degree our liberties, and forms a sort of epoch in our history. Though, he says, a very beneficial enactment, and eminently remedial in many cases of illegal imprisonment, it introduced no new principle, nor conferred any right upon the subject, beyond that which was already contained in Magna Charta. He admits that it ‘cut off the abuses by which the government’s lust of power, and the servile subtlety of crown lawyers had impaired so fundamental a privilege.’⁵⁷ It is evident that the Habeas Corpus Act, at least made *more certain* the provision in Magna Charta which protected personal liberty. If it did this, then the adoption of the Act must, as Macaulay says, be entitled to be regarded as indeed a ‘great era in our history.’ Under the great charter the provision which was aimed at—guaranteeing personal liberty—was not sufficiently surrounded with safeguards against legal quibbles; as evidenced in the case of Hampden. The Habeas Corpus Act provided those additional safeguards, and, therefore, may be confidently said to have enlarged our liberties, by making them secure where they were formerly insecure. The history of the passing of the measure is as follows: ‘A bill to ‘prevent the refusal of the writ of habeas corpus’ was introduced into parliament in 1668, but did not pass. A second was passed by the Commons in 1669-70, but was

55. ‘History of England,’ Ch.2.

56. Hallam’s ‘Constitutional History of England,’ Ch.7.

57. ‘Constitutional History of England,’ Ch.12.

thrown out by the Lords. The Commons then persisted in their efforts for its passage, and, in 1673-4, passed two bills, one to prevent the imprisonment of a subject 'beyond seas,' and the other to secure greater expedition in the matter of the writ in criminal matters. These were again rejected by the Lords, and, though they appear to have been persistently repeated, it was not till 1679 that they were passed by that body, consolidated in one act called the 'Habeas Corpus Act.'" Hallam accounts for this determined opposition to the bill on the ground that 'The House of Lords contained, unfortunately, an invincible majority for the court, ready to frustrate any legislative security for public *liberty*.'⁵⁸

Green, in his 'History of the English People,' says: 'To the freedom of the press, the Habeas Corpus Act added a new security for the personal freedom of every Englishman.'⁵⁹

Macaulay says: 'It is indeed not wonderful that this great law should be highly prized by all Englishmen, without distinction of party; for it is a law, which, not by circuitous, but by direct operation, adds to the security and happiness of every inhabitant of the realm.'⁶⁰

Hume says: 'The great charter had laid the foundation of this valuable part of *liberty*; the Petition of Right had renewed and extended it; but some provisions were still wanting to render it complete and *prevent all evasion or delay* from ministers and judges. The Act of Habeas Corpus served these purposes.'⁶¹

Buckle says: 'By the Habeas Corpus Act, the *liberty* of every Englishman was made as certain as law could make it, it being guaranteed to him that, if accused of crime, he, instead of languishing in prison, as had often been the case, should be brought to a fair and speedy trial.'⁶²

As this is the first of the more important struggles for liberty which took place after party names had been clearly adopted and understood in England, it may be worthy of mention that the measure was passed 'during the ascendancy of the Whigs.'⁶³

During the two centuries which have elapsed since this memorable act was placed upon the statute book, there have been occasions, upon which it has been claimed to be justifiable, and statesmen who have had the resolution to attempt, to suspend its operation. Charles James Fox, in 1794, when criticising such an attempt said that 'the evil they were pretending to remedy was less than the one they were going to inflict by the remedy itself.'⁶⁴

58. 'Constitutional History of England,' Ch.12.

59. Chap. 12.

60. 'History of England,' Ch.6.

61. 'History of England,' Ch.67

62. 'History of Civilisation,' Ch.7.

63. Macaulay's 'History of England, Ch.6.

64. Buckle's 'History of Civilisation,' Vol. i., p. 496, note.

Edmund Burke, in a letter to the sheriffs of Bristol, dated 1777, having reference to certain acts passed with regard to the troubles in America, expressed his grief for one of the results—‘legislative regulations which subvert the *liberties* of our brethren.’ ‘All the ancient, honest, juridical principles and institutions of England,’ he says, ‘are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose, that what was not just should not be convenient. Convinced of this’ he continues, ‘I would leave things as I found them. The old cool-headed general law is as good as any deviation, dictated by present heat. I could,’ he adds, ‘see no fair justifiable expedience pleaded to favour this new suspension of the *liberty* of the subject.’⁶⁵

The Revolution of 1688 marks an epoch in English History, which I cannot afford to omit from this brief and hurried glance at the gradual growth and development of Liberalism.

Notwithstanding the great and memorable struggles for liberty, which had preceded this important event, it remained yet for the seventeenth century to witness a resuscitation of many of the old contentions for civil and religious freedom, as opposed to the constantly recurring claims for monarchical supremacy. One would have thought that history contained, for subsequent monarchs, lessons sufficiently clear and impressive to have convinced them of the hopelessness of attempting to deal with the inhabitants of Great Britain as if they were a people constituted after the type of Eastern subjects, upon whom despotism had ever been practiced without producing irritation or rebellion; and upon whom the blessings of free government might perhaps be bestowed without any pleasurable response. With greater reason might it have been anticipated that the sons of the unfortunate Charles I., who had paid the price of his life for his persistent encroachments upon the public liberty, would have sufficiently deeply realised the great lesson for which that death was partly intended, and have been content to wield, with judgment and moderation, the already large powers which their father’s subjects were only too willing to vest in them as his successors. Unfortunately this was not so. Either those two princes—Charles II. and James II—had studied their country’s history and their father’s life, with indifference to the great principles which they involved, or must have possessed an amount of vanity which no trouble or calamity could eradicate. It was thus reserved for England to be again plunged into a condition of revolution, in order to re-impress royalty with the fact that the inhabitants of Great Britain were destined, despite all counter influences, to become a free and a self-governing people.

The death of Charles I.—the direct result of the abuse of kingly power—should, and, to men of fair intelligence, must have taught a life-long lesson,

65. ‘Collected Works,’ Vol. ii., p. 4.

regarding the folly of attempting, or even hoping, to stifle in those in whom it had been once found to exist, the deep craving for freedom, and for the liberty of disposal of one's legally acquired possessions.

That this was not so, may be said to be the main cause for the further social upheaval which was rendered necessary in 1688, and which is known as the second English Revolution.

When Charles II. returned to England in 1660, after his enforced absence abroad, subsequent to the death of his father, he was received by the whole nation with open arms. The joy and enthusiasm with which he was welcomed was almost unprecedented. He was, says Macaulay, 'at that time, more loved by the people than any other of his predecessors had ever been. The calamities of his house, the heroic death of his father, his own long-sufferings and romantic adventures, made him an object of tender interest.' He is described, as to character, by the same writer, as possessing 'social habits, with polite and engaging manners, and with some talent for lively conversation; but fond of sauntering, and of frivolous amusements; incapable of self-denial and of exertion; without desire of renown, and without sensibility to reproach.' Much was expected of him—more, in fact, than those who knew his real character were justified in anticipating. The great and only feature of his character, with which we are concerned, is that which was involved in the question as to possible future movements in the liberal government of his people. He, as might be supposed, promised that he would rule his subjects according to the laws of the land, and that he would grant liberty of conscience to all his people. These were important as fundamental principles, but, inasmuch as they had been promised by all his predecessors, even by his father, they probably carried little, if any import, to those who were familiar with what had gone before in the history of their country.

Without attempting to go through the reign of this prince in detail, some part of which I have already touched upon in tracing the history of the Habeas Corpus Act, it may be said, generally, that no sooner had he ascended the throne than he began to display the same disregard for promises, which his father had exhibited before him. He entered into a secret alliance with France, and offered to declare himself a Roman Catholic, in order to obtain certain pecuniary aid from Louis XIV., which should render him independent of his own parliament; he acquiesced in, and, by doing so, encouraged a gross breach of public faith in order to raise money, by repudiating banking debts to the extent of thirteen hundred thousand pounds; during his reign 'proclamations, dispensing with acts of parliament, or enjoining what only parliament could enjoin, appeared in rapid succession.'⁶⁶

He brought to his aid five corrupt statesmen, known collectively by the name of 'the Cabal,' by whose influence in the House of Commons many

66. Macaulay's 'History of England,' Vol. i., Ch.2.

disgraceful acts were perpetrated. Religious persecution was carried to a high pitch of cruelty; the old penal laws of Elizabeth were revived, under the infamous judicial administration of the notorious Jeffreys; and, generally, the conduct of the King was about as bad as could be well imagined. His whole reign was, in truth, a continuous attack upon public liberty. It was ignored in every direction—freedom of opinion in matters of religion; freedom of the citizen to do as he wished with his own possessions, except such only as parliament, in its constitutional right, required for lawful purposes; freedom of the individual, subject only to the verdict of his peers, but uninfluenced by a corrupt and blood-thirsty judge: at the beck and call of the monarch; freedom of citizens, grouped as juries, to form their own verdict: undeterred and uncoerced by a corrupt judge, with regal influence at his back; lastly, freedom of citizenship for each to live as he may think fit, limited only by the constitutionally-made and justly administered laws of one's country. In all these particulars Charles II. trampled upon the rights and liberties of his subjects, and, by so doing, contributed largely towards the oppression and consequent anger of the English people, which was continued and aggravated by his brother James, and culminated in his expulsion from the throne of England.

Charles II. died in 1685, and was succeeded by James II. With the accession of this prince, good and peaceful times were again hoped for. When he appeared before the Privy Councillors, after the death of his brother Charles, he, in the course of a speech, repudiated the reputation which he had already acquired in anticipation—that of possessing an arbitrary character. He announced his intention of maintaining the established government in church and state, and, without relinquishing any of his own rights, expressed his intention of going as far as any man in support of his country's liberties. One reads with feelings of irony that 'The members of the Council broke forth into clamours of delight and gratitude.'⁶⁷ He began, within a few hours of becoming king, by issuing a proclamation to collect duties which had not yet been constitutionally voted to him. As soon as parliament assembled, he addressed to the Commons a speech, in which he admonished them not to suppose that by doling out supplies they would cause him to call them frequently together; and he warned them to use him well, if they wanted to meet often. He further insulted his own subjects, by apologising to Louis XIV. for having called the English parliament together without that monarch's consent. He begged for a French subsidy, and sent an embassy to Versailles with assurances of submission, though the Commons and the Scotch Parliament had just granted a handsome vote. His motive, in obtaining money from Louis, was that he might be independent of his parliament. He sanctioned the most cruel religious persecution, and acquiesced in the inhuman maladministration of the law by the notorious

67. Macaulay's 'History of England,' Ch.4.

Jeffreys. He used every available means to restore Roman catholicism in its most despotic form; and, with equal zeal, endeavoured to destroy the established church. He grossly abused his prerogative, by the creation of an unconstitutional tribunal known as the High Commission. He issued special commissions to enable him to effect objects which the ordinary law could not reach, and endeavoured to overturn the constitutional parliament of his country, by the creation of a new and illegally constituted assembly of privy councillors. He contemplated obtaining a 'repeal of the Habeas Corpus Act, which he hated, as it was natural that a tyrant should hate, the most stringent curb that ever legislation imposed on tyranny.'⁶⁸

It now became obvious to all classes of his subjects, that James was, as a monarch, absolutely indifferent to his obligations, whether expressed or implied. He had violated the constitution; ignored or over-ridden acts of parliament: used every effort to destroy the established church and to restore a religion, against which the nation had rigidly legislated; endeavoured to subvert one of England's most cherished guarantees for personal liberty, and prevented the constitutional parliament of the country from assembling. All classes joined in unqualified condemnation of his conduct, and a powerful conspiracy was initiated for the purpose of dethroning him. The Prince of Orange was made familiar with these designs, and he agreed to invade England. James II. at first treated this rumour with scorn, but, as he commenced to realise more and more its truth and reality, he began to offer concessions to the people. The Prince of Orange landed in England, and though, at first, there were signs that a conflict would take place between his forces and those of James II., a short time sufficed to cause all the supporters of the latter to abandon him, and he was compelled to fly the kingdom, fearful, doubtless, that he would, if arrested, share the fate of his unfortunate father.

Before all this was accomplished, and, while the invasion of William was yet in preparation, that prince had subscribed to the celebrated document, known as 'The Declaration of Right.' This Declaration was 'a recital of certain established laws which had been violated by the Stuarts, and a solemn protest against the validity of any precedent which might be set up in opposition to those laws.'

The words run thus: 'They do claim, demand, and insist upon all and singular the premises, as their undoubted '*rights and liberties*.'⁶⁹ The Declaration was, in fact, a sort of consolidation of the principle enactments which had been in dispute, from time to time, between the people and the crown. It began with a solemn preamble, setting forth the necessity for the strict observance of the law, as contributing to the happiness of nations and the security of governments. It recited the violation of the constitution; the

68. Macaulay's 'History of England,' Vol. ii., Ch.6.

69. Macaulay's Essays: 'History of the Revolution.'

usurpation of power by the monarch in dispensing with Acts of Parliament; the necessity for maintaining the established religion; the necessity for strictly regarding 'the great charter of the liberties of England;' the advantages of a free and lawful parliament; and this it stated to be his (William's) chief object. It was not till this Declaration was circulated in Holland that James II. clearly realised his position. The numerous concessions which he had offered had not been well received. He had fled the country, and, after much deliberation, the throne was declared vacant, upon the ground 'that James had broken the fundamental laws of the kingdom.' William and Mary were then crowned as King and Queen of England.

The coronation, which I cannot here dwell upon, was performed amid great ceremony, and William gave the most profound assurances of his intention to promote the welfare of the kingdom. The rejoicings were loud and universal. Thus was consummated the English Revolution.

Let us consider for a moment, what it effected. In order to do so it is necessary to turn to the Declaration of Right itself, for Edmund Burke says: 'If the principles of the Revolution of 1688 are anywhere to be found, it is in the statute called the Declaration of Right.'⁷⁰ And Hallam says: 'The Declaration was indissolubly connected with the Revolution settlement, as its motive and its condition.'⁷¹ The Declaration consists of three parts, viz., a recital of the illegal and arbitrary acts of James, and of the consequent vote of abdication; a declaration that such enumerated acts are illegal; and a resolution that the throne shall, subject to certain limitations, be filled by the Prince and Princess of Orange.

The Lords and Commons, in this important instrument, declared, among other things, that the pretended power of suspending laws and the execution of laws by regal authority, without consent of parliament, was illegal; that the pretended power of dispensing with laws by regal authority, 'as it hath been assumed and exercised of late,' was illegal; that the levying of money for or to the use of the Crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the same is or shall be granted, was illegal; that election of members of parliament ought to be *free*; that the *freedom* of speech, or of debates, or of proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.⁷²

The Declaration was, some months afterwards, confirmed by a regular act of the legislature, in the Bill of Rights, which (with the addition of one clause), was a copy of the Declaration. The Declaration of Right is called 'An act for declaring the *rights and liberties* of the subject, and for settling the

70. 'Reflections on the Revolution in France.' Collected Works, Vol. ii.

71. 'Constitutional History of England,' Ch.15.

72. Hallam's 'Constitutional History of England,' Ch.15. See also Green's 'Short History of the English People,' Ch.9.

succession of the crown,' and the whole care of the two Houses was 'to secure the religion, laws, and *liberties*, that had been long possessed, and had been lately endangered.'⁷³

The two houses 'taking into their most serious consideration the best means for making such an establishment, that their religion, laws, and liberties, might not be in danger of being again subverted, auspicate all their proceedings by stating, as some of those best means, in the first place to do as their ancestors in like cases have usually done, for vindicating their ancient *rights and liberties*, to declare—and then they pray the King and Queen that it may be declared and enacted that all and singular the rights and liberties, asserted and *declared*, are the true ancient and indubitable *rights and liberties* of the people of this kingdom.'⁷⁴ All historians, and other writers of note, concur in characterising this epoch in history, as one of the very first importance among those which touch the question of our civil and religious liberties.

Guizot, the French historian, in his 'History of civilisation in Europe,' speaking of the end of the sixteenth century, says: 'There were, then, two national wants in England at this period; on one side was the need of religious revolution and *liberty*, in the heart of the reformation already commenced; and on the other, was required political *liberty*, in the heart of the pure monarchy then in progress; and, in the course of their progress, these two wants were able to invoke all that had already been done in either direction. They combined. The party who wished to pursue religious reformation invoked political *liberty* to the assistance of its faith and conscience, against the king and the bishops. The friends of political *liberty* again sought the aid of the popular reformation. The two parties united to struggle against absolute power in the temporal, and in the spiritual orders—a power now concentrated in the hands of the king. This' he says, 'is the origin and purport of the English Revolution.'

'It was thus,' he continues, 'essentially devoted to the defence or achievement of *liberty*. For the religious party it was a means, and for the political party an end; but *with both liberty was the question*.'

Again the same writer says: 'Taking everything together, the English Revolution was essentially political; it was brought about in the midst of a religious people, and in a religious age; religious thoughts and passions were its instruments; but its *chief design and definite aim were political; were devoted to liberty*, and the *abolition of all absolute power*.'⁷⁵

Hallam says: 'It' (the House of Stuart) 'made the co-existence of an hereditary line, claiming a sovereign prerogative, paramount to the *liberties*

73. Burke's 'Reflections on the French Revolution.' Collected Works, Vol. ii.

74. I. William and Mary, quoted by Burke. 'Reflections on the French Revolution.' Collected Works, Vol. ii.

75. 'History of Civilisation in Europe,' Vol. i., lecture 13.

they had vouchsafed to concede, incompatible with the security or probable duration of those *liberties*. This incompatibility is the true basis of the Revolution of 1688.⁷⁶

Elsewhere the same writer says: 'The glorious Revolution stands in no need of vulgar credulity, no mistaken prejudice, for its support. It can only rest on the basis of a liberal theory of government, which looks to the public good as the great end for which positive laws, and the constitutional order of states have been instituted.'⁷⁷ And again, 'I consider the Revolution to have been eminently conducive to our *freedom* and prosperity.'⁷⁸ 'It was the triumph of those principles, which, in the language of the present day, are denominated *liberal, or, constitutional*.'⁷⁹

Macaulay, in his essay on Milton, speaks of the Revolution as 'the expulsion of a tyrant, the solemn recognition of popular rights, liberty, security, toleration.' And Burke says: 'The revolution was made to preserve our ancient indisputable laws and liberties, and that ancient constitution of government, which is *our only security for law and liberty*.'⁸⁰

Burke, again, in a proposed address to George III., on the American War, written nearly a century after this great epoch, so eloquently and comprehensively summarises its aim and effect, that I shall venture to again quote his words. 'The revolution,' he says, 'is a departure from the ancient course of the descent of this monarchy. The people, at that time, re-entered into their original rights; and it was not because a positive law authorised what was then done, but because the freedom and safety of the subject, the origin and cause of all laws, required a proceeding paramount and superior to them. At that evermemorable and instructive period, the letter of the law was superceded in favour of the substance of liberty. To the free choice, therefore, of the people, without either king or parliament, we owe that happy establishment, out of which both king and parliament were regenerated. From that great principle of liberty have originated the statutes, confirming and ratifying the establishment from which your Majesty derives your right to rule over us. Those statutes have not given us our liberties; our liberties have produced them.'⁸¹

I need scarcely say that the Whigs took a very prominent part in this great event of our history. The fact that the bulk of the Tories, also, assisted in the struggle, does not affect my contention, viz., that in every such movement for the preservation of civil liberty, all friends of truly Liberal principles were to be

76. 'Constitutional History of England,' Ch. 14.

77. 'Constitutional History of England,' Ch. 14.

78. 'Constitutional History of England,' Ch. 14.

79. 'Constitutional History of England,' Ch. 14.

80. 'Reflections on the French Revolution.' Collected Works, Vol. ii.

81. 'Address to the King.' Collected Works, Vol. v., p. 473.

found among the front ranks, when the time for action had come. 'The two parties,' says Macaulay, 'whose strife had convulsed the empire during half a century, were united for a moment; and all that vast royal power, which, three years before, had seemed immovably fixed, vanished at once, like chaff before a hurricane.'⁸²

I pass now to another and still later epoch in the history of my subject—that which is marked by the struggle for, and acquirement of independence, by the American colonies, now known as the United States. This struggle involved that important branch of civil liberty which is comprehended in the question of national taxation. It will be seen, from the following short sketch, that the right of a monarch or his government to impose taxation is, for obvious reasons, watched always with the utmost jealousy; and that one of the most sensitive characteristics of a liberty-loving people is touched, the moment an attempt is made to trespass beyond the most strictly legitimate limits of a State's true functions in that direction.

The settlement of the American colonies, which, as Hume says, were 'established on the noblest footing that had been known in any age or nation' had taken place in the reign of James I. In them 'the spirit of independency, which was reviving in England, shone forth in its full lustre, and received new accession from the aspiring character of those who, being discontented with the established church and monarchy, had sought for freedom in those savage deserts.'⁸³

There can be no doubt that those early settlers, who sailed for the American continent to found a new home and a new country for themselves, carried with them all the liberty-loving traditions of the race from which they sprang. The memory of the great historic struggles, which stood as landmarks in their country's history, had, in all probability, left a deep impression upon the leading spirits of that enterprising and now historic expedition.

Edmund Burke, in his celebrated speech upon 'Conciliation with America,' which he delivered in 1775, said:—'The people of the colonies are descendants of Englishmen. England, sir, is a nation which, still I hope, respects and formerly adored her *freedom*. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are, therefore, not only devoted to *liberty*, but to liberty, according to English ideas, and on English principles.' Again, in the course of the same utterance, he said: 'This

82. 'History of the Revolution.' Collected Essays.

83. Hume's 'History of England,' Vol. iv., p. 120. Note.—Though this quotation written upwards of a century ago, is inaccurate in speaking of the site of the United States as consisting of 'savage deserts,' it is nevertheless of value, as recording, in general words, the spirit by which the early colonists were actuated.

fierce spirit of *liberty* is stronger in the English colonies, probably, than in any other people of the earth.⁸⁴

The American colonies, thus formed, had, almost all, after several struggles, succeeded in securing for themselves a form of government which fostered these feelings, rather than allowed them to fade from the memory. 'The executive power was vested in a governor appointed by the king. He was assisted by a council, which sometimes conjoined the functions of a Privy Council and a House of Peers. The people were represented by a House of Assembly, consisting of persons chosen by the freeholders in the country parts, and the householders or corporations of towns. The governor could levy no money without the consent of the House of Assembly. The British parliament, however, claimed, but scarcely ever exercised, the privilege of imposing taxes upon the colonists, without consulting them.⁸⁵ This claim, however, was by no means admitted, but, in fact, was regarded rather as an encroachment on the rights and privileges of the colonists. The taxes which were collected in the colonies at the time with which I am dealing, were not large, and the expenditure of them was confined to the local wants. The political condition of the colonies was of the freest character, and they were also in a state of great prosperity. It was this prosperity indeed, added to the growing indebtedness of England, which prompted the British government to impose taxes upon the American colonies. Sir Robert Walpole had been sounded, and had refused to act on the suggestion, but Mr. Grenville, less able to foresee the ultimate effect of his act, and thinking to lighten the monetary burdens which continuous wars had entailed on the mother country, projected the celebrated Stamp Duties as a precedent. The tax was in itself, small, but there was a principle involved in it which the colonists immediately detected and regarded as dangerous to their future civil liberty; they therefore offered to it the most strenuous objection.

Grenville's contention was that inasmuch as the colonists received protection from the English government, they were bound to contribute toward the revenue, out of which that protection was defrayed. In the words of Green, 'As the burden had been partly incurred in the defence of the American colonies, Grenville resolved that the colonies should bear their share of it. The colonists, on the contrary, contended that 'taxation and representation should go hand in hand'; and, as America had no representatives in the British parliament, they declined to be taxed without their consent. The question was one purely of principle, for the representatives of the colonists, in their local parliaments, were willing to vote moneys of a much larger amount than that which had been demanded by the Home government. But they protested against its being levied on them by the English legislature, in which they had no voice. They therefore deputed the famous Benjamin Franklin to proceed to London, and

84. Burke's *Collected Works*, Vol. i., p. 464.

85. *Encyclopedia Britannica*, ninth edition, 'America.'

there protest against the proposed taxation. This determined stand rendered Grenville more resolved than ever to have his own way. The first colony to take up this firm attitude of protest was Virginia. Among those in England, who took up the colonists cause, was the elder Pitt, afterwards Lord Chatham, who said: 'In my opinion, this kingdom has no right to lay a tax on the colonies... America is obstinate! America is almost in open rebellion! Sir, I rejoice that America has resisted. Three millions of people,' he added, 'so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest.'⁸⁶

The opposition of the colonists took many forms—including resolutions, petitions, and various other publications. At a certain point of this growing resistance, the then existing ministry displayed great vacillation, and, in a very short time, the celebrated Stamp Act, which had been the source of all the discontent and excitement among the colonists, was repealed; but, unfortunately, the matter was not allowed to end here. It was necessary, in the opinion of those who were charged with the carrying on of Her Majesty's government, to offer some consolation to the pride of the English people, and probably to themselves also; and with this view, an act was passed, which simply declared the right of the mother country 'to bind the colonies in all cases whatsoever.' The determination to impose taxes upon the colonies was, however, by no means abandoned, but it was thought advisable to try some other means of securing the end in view. Import duties were imposed, at the colonial ports, on several articles of merchandise, including tea, but no sooner was the step made known than the indignation of the colonists became more intense than ever. It was at this stage that Edmund Burke made his celebrated speech upon the subject of 'Conciliation with America,' to which I have already referred, and, in which he commented with so much force and eloquence upon the 'love of freedom,' and the 'fierce spirit of liberty' which was so strongly marked in the colonists, with whom England was, every day, being placed more and more at issue. 'On this point of taxes,' he said, 'the ablest pens and the most eloquent tongues have been exercised... They (the English) took infinite pains to inculcate as a fundamental principle, that in all monarchies the people must, in effect, themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you,' he said, 'their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe or might be endangered in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat, they fret themselves sick or sound.'⁸⁷

86. Green's 'History of the English People,' 749.

87. 'Collected Works,' Vol. i., p. 463.

A new administration now came into existence under Lord North, and, almost immediately, the whole of the objectionable duties were repealed, with one exception— that upon tea—which was retained in order to assert the principle of England's *right* to impose taxes on her colonies. In addition to the retention of this duty, a series of remarkable innovations were introduced. Here again, Edmund Burke's voice was heard, in all its force and eloquence, in criticising the weakness and vacillation of English policy. 'Your act of 1767,' he said, 'asserts that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767.'⁸⁸ And then he added, in touching the vital principle which this struggle involved: 'Could anything be a subject of more just alarm to America than to see you go out of the plain high road of finance, and give up your most certain revenues, and your clearest interests, merely for the sake of insulting your colonies.... The feelings of the colonies were formerly the feelings of Great Britain. Their's were formerly the feelings of Mr. Hampden, when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave.'⁸⁹ The principle contained in this argument had already been attempted to be answered by Lord Carmarthen, who had contended that the Americans were England's children, and that, therefore, they could not revolt against their parent. 'If they are not free in their present state,' then, he urged, 'England is not free; because Manchester and other considerable places are not represented.'⁹⁰ Burke was ready with a complete answer to such an argument, and, like all his reasoning, it contained a principle of importance. 'So then,' he said, 'because some towns in England are not represented, America is to have no representative at all. They are our 'children,' but when children ask for bread, we are not to give them a stone. Is it because the natural resistance of things, and the various mutations of time hinder our government, or any scheme of government, from being any more than a sort of approximation to the right; is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect, with a true filial resemblance, the beautiful countenance of British *liberty*; are we to turn to it the shameful parts of our constitution? Are we to give them our weakness for their strength; our opprobrium for their glory? and the slough of slavery, which we are not able to work off, to serve them for their freedom? If this be the case, ask yourselves this question: Will they be content in such a state of slavery? If not, look to the consequences.

88. 'Speech on American Taxation.' Collected Works, Vol. i.

89. 'Speech on American Taxation.' Collected Works (Bohn), Vol. i., p. 392.

90. This I presume was a reference to the great inequalities in parliamentary representation, which left Manchester and such towns as had grown up into sudden prominence comparatively disfranchised.

Reflect how you are to govern a people, who think they ought to be *free*, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that, after wading up to your eyes in blood, you could only end just where you began; that is, to tax where no revenue is to be found.⁹¹

Burke's eloquence and reasoning were unavailing. The King (George III.) had determined to seize the first opportunity to rescind the 'fatal compliance of 1766.' Some unimportant riots had marked the rising indignation of the colonists, and the occasion was at once grasped, as a reason for steps of a most rigorous character.

A petition from the Legislative Assembly of Massachusetts, praying the dismissal of certain public officers located in the colonies, who had advised the Home authorities to deprive the colonies of their free institutions, was rejected as 'frivolous and vexatious' by an act of the Commons. The port of Boston was closed against all commerce; the State of Massachusetts was deprived of the liberties which it had enjoyed since the landing of the Pilgrim Fathers; it was made what we now term a Crown colony; the appointment of its judges was transferred from the people to the governor; and the latter was empowered to send to England, to take their trial, all persons charged with having taken part in the disturbances which had already occurred. A strong military force was established under the commandship of a general, who, at the same time, became governor of Massachusetts. The King was jubilant at the prospects, and wrote to his minister: 'The die is cast; the colonies must either triumph or submit.' The colonists, meanwhile, were preparing for resistance. They determined to refuse all commercial negotiations with the mother country; and preparations for war were set on foot in every direction. Legal proceedings were suspended; jurors declined the oath; and, on every side, were apparent symptoms of social disorganisation. The whole of the colonies, between whom there had existed, in times of peace, various local jealousies, now co-operated in one common cause—the defence of their liberties. Thus, in a short time, were both countries plunged into a war of the most painful character, inasmuch as the combatants were practically fellow-countrymen. In Burke's speech on 'Conciliation,' delivered in March, 1775, are collected some interesting figures showing the population and extent of the trade of the colonies shortly before the war. He estimates the former at 'two millions of inhabitants of our own European blood and colour, besides at least 500,000 others, probably slaves.' The exports to the colonies constituted half of the whole export trade of England—that is to say, six millions out of twelve. The war began in 1775, and lasted till 1783, when the British troops evacuated New York, and the American army was disbanded. It was on July 4th, 1776, about a year after the war began, that the American Congress

91. 'Speech on American Taxation.' Collected Works, Vol. i., p. 433.4.

published its celebrated Declaration of Independence. It begins with the following words: 'We, the representatives of the United States of America, in Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, solemnly publish and declare that these united colonies are, and of right ought to be *free* and *independent* States.' Thus may be said to have commenced the history of the United States of America, and to have been attained one of the most signal victories for true Liberalism which the new world has yet witnessed.

Among the many reflections, which a study of this great struggle must produce in the mind of every student of history, is that which points to the attitude of George III., and his assumption of the old kingly powers, which had led to so much trouble with his predecessors. This was probably the chief cause of the struggle. 'His wish was not to govern against law, but simply to govern: to be freed from the dictation of parties and ministers; to be, in effect, the first minister of the state.'⁹² 'In ten years,' says the same writer, 'he reduced government to a shadow, and turned the loyalty of his subjects into disaffection. In twenty he had forced the colonies of America into revolt and independence, and brought England to the brink of ruin.'⁹³ He spoke of the colonists, at an early stage of the quarrel, as 'rebels,' and characterised the elder Pitt (who had protested against the whole policy of the Home government) as a 'trumpet of sedition.' The speeches and writings of Edmund Burke are replete with philosophic observations upon this great struggle, which will be found deeply interesting to all who can give more attention to it than is demanded here. In a proposed address to the king which was evidently written while the struggle with the colonies was at an early stage, he said, 'It will be impossible long to resist the powerful and equitable arguments in favour of the freedom of these unhappy people, that are to be drawn from the principle of our own *liberty*;' and, in an 'Address to the British colonists in North America,' he says, even more powerfully: 'We view the establishment of the English colonies on principles of liberty, as that which is to render this kingdom venerable to future ages. In comparison of this, we regard all the victories and conquests of our warlike ancestors, or of our own times as barbarous, vulgar distinctions, in which many nations, whom we look upon with little respect or value, have equalled, if not far exceeded us. This is the peculiar and appropriated glory of England. Those who *have, and who hold* to that foundation of *common liberty*, whether on this, or on your side of the ocean, we consider as the true, and the only true Englishmen. Those who depart from it, whether there or here, are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the real rebels to the fair constitution and just supremacy of England.'⁹⁴

92. Green's 'History of the English People,' Ch.10.

93. Green's 'History of the English People,' Ch.10.

94. Collected Works, Vol. v., p. 481.

Let me conclude my hasty sketch of this particular epoch by a quotation from Sir Erskine May. 'When the Great Republic,' he says, 'was fully established as an independent state, it afforded an example of *freedom and equality* unknown in the previous history of the world.'⁹⁵

The last event with which we are concerned in this chapter, is that which is shortly and generally summarised under the heading of 'Catholic Emancipation.' I shall endeavour to show that, just as all the previous movements, with which I have already dealt, have been inspired by the strong love among men for personal liberty, and the equally strong desire for freedom in the disposal (as best conforms to each individual's wishes) of such property as society recognises as one's own; so, in the event, with which I am now about to deal, there is evident the struggle to obtain recognition of an analogous, and, at the same time equally vital principle to society—the liberty of action in the matter of worship, and the liberty of conscience in the choice of a creed. To trace, with any degree of detail, the origin of the issue, which was ultimately settled in the movement known as Catholic Emancipation, would indeed involve more space than I have here at my disposal. I shall, therefore, touch upon the various stages of the movement in general terms only, taking care to make as distinct as possible, those particular points which turn on the principle underlying the struggle.

It has been considered by historians that the depressed and degraded condition which characterised the people of Europe during the fifteenth century, is attributable to the papal as much as to the feudal despotism of those times. The papal power which was wielded during that period was, indeed, not confined to matters of a spiritual nature, but it obtruded itself into almost all such as can fairly be comprehended under the term 'temporal.' It, in fact, claimed, and, for the most part, exercised a jurisdiction over all human relations, whether spiritual, political, social, or intellectual.

The Church was then, in truth, the depositary of almost all learning and intellectual superiority; and, as a consequence, in such times, it acquired an influence, in the various courts of Europe, which made it practically the supreme authority among all civilised peoples.

This great power, as might have been predicted, led to many and great abuses. What was originally intended as a means towards the elevation of the human race, became an end in itself—the original object being in time lost sight of. Worship degenerated into idolatry; ritual and ceremony became nothing more than extravagant and meaningless pomp; faith and reliance in a supreme power were allowed to drift into superstition and ignorant credulity. Inquiry was stifled by persecution, and intellectual doubt, as soon as discovered, visited with tyranny and cruelty of the most revolting character.

95. 'Democracy in Europe,' Vol. ii., p. 131.

Martin Luther carried in his mind the great intellectual lever by which this old and rotten edifice was to be shaken and ultimately thrown down. The Reformation, of which he was the pioneer and leading spirit, may be said to have begun with the sixteenth century; and its influence swept over England as well as the other countries of Europe. The Church of England did not acquire independence till 1535, and may be considered the first step of that great movement in England. During the reign of Henry VIII., the influence of Rome was boldly resisted. That monarch, under cover of other motives, resolved to enrich himself, and, at the same time, to abolish corruption, by suppressing the monasteries within his realm. By an act of parliament of his reign, 380 of those institutions fell into his hands, enriching him to the extent of thirty-two thousand pounds a year—an immense sum in those days. The spoils were largely distributed among his own favourites. Serious riots followed. In 1539, the king decreed the suppression of *all* monasteries; and church property of all kinds, including land, buildings, and gold and silver relics of great value, were seized and confiscated. The king renounced the papal supremacy, and the religion of the English people was thenceforth changed.

Cranmer, Archbishop of Canterbury, endeavoured to complete the Reformation. He further removed Roman abuses and established the Evangelical creed; circulated the Bible among the people, and altered the service and ritual of the national church.

With the reign of Mary, however, a reaction set in. Protestantism had again to give way to the church of Rome. Many bishops of that church, who had been deposed by Henry, were reinstated: and the queen acknowledged her allegiance to the pope. Then followed persecution, in all its worst and most revolting forms. The prisons were filled, and the terrible fires of Smithfield were called into constant requisition. Two hundred and eighty-eight persons, including bishops, clergymen, women and children, were burned at the stake; and many thousand of others suffered different forms of persecution. Then it was that Latimer, Ridley, Hooper, and the great Cranmer sacrificed their lives for their creed.

With the accession of Elizabeth, in 1558, the protestant religion was again restored: the re-establishment being effected upon the basis laid down by Cranmer and his followers. During that reign every catholic priest was branded as a traitor, and all catholic worship as disloyalty.⁹⁶

In the reign of Charles I., 'the persecution of the catholics, which had long been suspended, out of deference to Spanish intervention, recommenced with vigour,'⁹⁷ but, subsequently, that wayward monarch, for various reasons, became much more tolerant. Even as late as the protectorship of Cromwell, when 'liberty of *worship* was secured for all,' an exception was made in the

96. Green's 'History of the English People,' Ch.7.

97. Green's 'Short History,' Ch.8.

case of Papists. ‘Liberty of *conscience*,’ however, was secured for every citizen.⁹⁸ William of Orange, after the battle of the Boyne in 1690, entered into the Treaty of Limerick, by which he guaranteed religious toleration to his Irish catholic subjects. He undertook to bind his heirs and successors; but the treaty was afterwards disregarded, and twenty years or so later, was completed the celebrated catholic penal code, consisting of several acts of the legislature, passed at different times, in and about that period.

‘A statute was fabricated,’ says Burke, ‘in the year 1699, by which the saying mass was forged into a crime, punishable with perpetual imprisonment. The teaching school... even in a private family was, in every catholic, subjected to the same punishment... Every Roman catholic was to forfeit his estate to his nearest protestant relation, until he redeemed by his hypocrisy, what the law had transferred to his kinsman as the recompense of his profligacy. When thus turned out of doors from his paternal estate, he was disabled from acquiring any other, by his industry, donation, or charity, but was rendered a foreigner in his native land, only because he retained the religion along with his property, handed down to him from those who had been the old inhabitants of that land before him. Does any one who hears me,’ added Burke, ‘approve this scheme of things, or think there is common justice, common sense, or common honesty in any part of it?’⁹⁹

The Penal code, shortly summarised, provided as follows:—No papist could take real estate by descent or purchase. A conveyance to a papist was void. A protestant who turned papist was guilty of high treason. A papist father was, under penalty of five hundred pounds, debarred from being guardian to papist children. A papist was prohibited from marrying a protestant, and the priest, who celebrated such a marriage, was guilty of felony. Papists were prevented from becoming barristers; from teaching in schools; from saying or hearing mass; from holding office, civil or military; from sitting in parliament, or voting at an election.

Popish recusants—that is, persons who did not attend the established church—could not hold office, keep arms, come within ten miles of London, or travel five miles from their own home, except upon license obtained for the purpose. They were debarred the right of maintaining an action at law, or in equity. Any one baptising, marrying, or burying such a person was liable to heavy penalties. A woman of that class, who married, forfeited two-thirds of her dower or jointure, and, during marriage, she could, at any time, be imprisoned, unless her husband redeemed her at the rate of ten pounds per month. All other recusant females were compelled to renounce popery or quit the realm—otherwise they could be put to death. In addition, papists were excluded from grand juries; and many other liberties, too numerous to mention

98. Green’s ‘Short History,’ Ch.8.

99. ‘Speech at Bristol.’ Collected Works, Vol. ii.

here, but all of which were enjoyed by protestant subjects, were denied to those who professed the creed of Rome. 'It was,' said Burke, 'a machine of wise and elaborate contrivance, noted for its vicious perfection, and as admirably fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man.' The same writer, in his tracts on the popery laws, written about 1780, says that they affected two-thirds of the whole nation, numbering 2,800,000 souls. Such was the condition of things as affecting catholics previous to 1779.

In 1779, and again a few years afterwards, the harshness of this code was considerably ameliorated. The elective franchise was extended to catholics, but they were still excluded from parliament. To secure these slight privileges, however, rigid oaths and declarations had to be submitted to, and even then it was maintained an offence to worship according to the Roman catholic ritual.

Burke, in a 'Letter to a Peer of Ireland,' upon the subject of these laws, written just previously to the amelioration of which I have spoken, speaks of them, to that nobleman, as 'a code of statutes, by which you are totally excluded from the privileges of the commonwealth, from the highest to the lowest—from the most material of the civil professions, from the army, and even from education.'¹⁰⁰ The bill of 1782, which effected this amelioration referred to, re-affirmed many of the old acts; and this revival led Burke to say of the measure by which that was effected: 'To look at the bill in the abstract, it is neither more nor less than a renewed act of *universal, unmitigated, indispensable, exceptionless DISQUALIFICATION.*' 'One would imagine,' he continues, 'that a bill, inflicting such a multitude of incapacities, had followed on the heels of a conquest made by a very fierce enemy, under the impression of recent animosity and resentment.'¹⁰¹ In 1801, when Pitt was concerned with the great question of conciliation with Ireland, he conceived the question of religious equality to be one of the most powerful means towards that end. 'In proposing to the English parliament the union of the two countries, he had pointed out that when thus joined to a protestant country like England, all danger of a catholic supremacy in Ireland—should catholic disabilities be removed—would be practically at an end.'¹⁰² The hope, which was thus held out to the catholics, prevented opposition to the bill which brought about the legislative union, though it is acknowledged that the catholic influence could have secured its defeat. 'After the passing of the bill, Pitt prepared to lay before the cabinet a measure, which would have raised, not only the catholic, but the dissenter also to *perfect equality of civil rights.* He proposed to remove all

100. Collected Works, Vol. iii.

101. Collected Works, Vol. iii. Note.—The capitals are so printed in the original.

102. Green's 'History of the English People,' Ch.10.

religious tests which limited the exercise of the franchise, or were required for admission to parliament, the magistracy, the bar, municipal offices, or posts in the army or the service of the state.¹⁰³ George III., whose unjustifiable assumption of historical prerogatives I have already instanced, in dealing with the subject of American independence, here also obstructed the passage of a most genuine piece of Liberal legislation. Having heard of Pitt's intention to submit such a scheme to his cabinet, that monarch said: 'I count any man my personal enemy, who proposes any such measure.' Pitt, thereupon, laid his whole plan before the king; submitting that 'the political circumstances under which the exclusive laws originated, arising, either from the conflicting power of hostile and nearly balanced sects; from the apprehension of a popish queen as successor; a disputed succession and a foreign pretender; a division in Europe between catholic and protestant powers, are no longer applicable to the present state of things.' The king was obdurate, giving as a reason, that he held himself bound by his coronation oath to maintain the tests.¹⁰⁴ Pitt, equally firm in his resolution, resigned.

In 1823, the Irish Liberal party being united, 'they closed hands in defence of their common liberties.' O'Connell and Shiel, long estranged, met, and became reconciled. Out of that meeting a league was formed under the title of the 'Catholic Association.'

It became in a short time a great political power. The greatest orators which Ireland could produce were enlisted in the cause, and parliament immediately became the recipient of numerous and powerful petitions. Tracts and circulars, bearing upon the questions which inspired its members, were widely distributed; and, in many other ways, not always to be commended, its influence was felt over the whole political field of its time. So great was its power, that parliament, in 1825, passed an act terminating its existence; but, almost immediately afterwards, it was reorganised. The general election of 1826 was the next battle ground; and the growing feeling was prominently represented in the result. The term 'emancipation' was then used to designate the element of liberty.

From this time forward the agitation continued. In 1828 O'Connell was induced to become a candidate for a seat in the House of Commons. His address ran as follows:—'Fellow countrymen: your country wants a representative. I respect fully solicit your suffrages to raise me to that station.... You will be told I am not qualified to be elected, and to be your representative. It is true that, as a catholic, I cannot, and of course never will, take the oaths at present prescribed to members of parliament. But the authority which created those oaths can abrogate them; and I entertain a confident hope that, if you elect me, the most bigoted of our enemies will see the necessity of removing, from

103. Green's 'History of the English People,' Ch.10.

104. Green's 'History,' Ch.10.

the chosen representative of the people, an obstacle which would prevent him from doing his duty to his king and to his country.' O'Connell was duly elected. The Duke of Wellington was at the head of the government, and, at once, saw that the matter must be dealt with. Parliament was convened on March 5th, 1829, and, immediately, Mr. Peel moved that the House go into committee, 'to take into consideration the civil disabilities of his Majesty's Roman catholic subjects.' Two days' debate followed. A bill was introduced, and, notwithstanding the presentation of a thousand petitions, intended to defeat its progress, the bill was passed by the Commons and the Lords, though by the latter after a great struggle. On April 13th, it received the royal assent. 'It was hailed with joy by the friends of religious freedom in England, as well as in Ireland.'¹⁰⁵ O'Connell, having been elected before the passage of the act, was refused admission to the House of Commons; and his seat was, after much debate, declared vacant. He returned to Ireland, and was returned unopposed, having acquired the title of 'the Liberator of his country.' In order to justify my inclusion of this epoch, among others, as one of the great 'struggles for liberty,' and therefore, as an instance of the true Liberalism in politics, I feel bound to quote the following additional passage from Edmund Burke, contained in a letter to his son, on the subject of the popery laws. It indicates his view of those laws in such a way as to show how he would have regarded their repeal. 'A liberty made up of penalties! A liberty made up of incapacities! A liberty made up of exclusion and proscription—continued for ages—of four-fifths, perhaps, of the inhabitants of all ranks and fortunes! In what does such liberty differ from the description of the most shocking kind of servitude?'¹⁰⁶ Sir Erskine May says, speaking of this cause: 'It was supported by eminent English statesmen, and by the liberal judgment of an enlightened party in parliament, and in the country.'¹⁰⁷ Thus, then, was ended this great and memorable struggle known as 'Catholic Emancipation,' and thus concludes my sketch of what I have termed 'Historic Liberalism.' I may say of the several movements with which I have thus dealt—to use the words of Macaulay, 'the Charter of Henry Beauclerc, the Great Charter, the Extinction of Personal Slavery, the Separation from the See of Rome, the Petition of Right, the Habeas Corpus Act, the Revolution,... the Abolition of Religious Disabilities... all these seem to us to be the successive stages of *one great revolution*.' The whole of these great events have been so ably and so eloquently summarised by the inexhaustible Edmund Burke that I shall again venture to quote his words: 'Our oldest reformation is that of Magna Charta. You will

105. 'Reform and Reformers,' (H. B. Stanton, London, 1853.) Note: I am indebted to this admirable little work for most of the dates and facts which I have given concerning this important event.

106. 'Collected Works,' Vol. vi.

107. 'Democracy in Europe,' Vol. ii., p. 461.

see that Sir Edward Coke, that great oracle of our law, and indeed all great men who follow him, to Blackstone, are industrious to prove the pedigree of our *liberties*. . . . In the famous law of the third of Charles I., called the Petition of Right, the parliament says to the king, ‘Your subjects have inherited this *freedom*,’ claiming their franchise, not on abstract principles, as ‘the rights of men,’¹⁰⁸ but as the rights of Englishmen, and as a patrimony derived from their forefathers. . . . The same policy pervades all the laws which have since been made for the preservation of our *liberties*. In the first of William and Mary, in the famous statute called the Declaration of Right, the two Houses utter not a syllable of ‘a right to frame a government for themselves.’ You will see that their whole care was to secure the religion, laws and *liberties*, that had been long possessed, and had been lately endangered. Taking into their most serious consideration the best means for making such an establishment, that their religion, laws and *liberties* might not be in danger of being again subverted. You will observe’ he adds, ‘that from Magna Charta to the Declaration of Right it has been the uniform policy of our constitution to claim and assert our *liberties*, as an entailed inheritance, derived to us from our forefathers, and to be transmitted to our posterity. . . . We have an inheritable crown; an inheritable peerage; and a House of Commons; and a people inheriting privileges, franchises, and *liberties* from a long line of ancestors.’¹⁰⁹

I know of no passage with which I can more suitably close this chapter than the following from the pen of Sir Erskine May:—‘The whole history of England’ says that writer, ‘is in fact the history of popular rights and franchises acquired, maintained, extended, and developed, without subverting the ancient constitution of the State. It is the history of reforms, not of revolutions. It is the history of a monarchy under which the people have acquired all the freedom of a republic.’¹¹⁰

108. ‘History of the Revolution’ (Collected Essays.)

109. ‘Reflections on the Revolution in France.’ Collected Works, Vol. ii.

110. ‘Democracy in Europe.’

Chapter Four

MODERN LIBERALISM

A brief review of the principal extensions of civil liberty from the Reform Bill of 1832 to the Ballot Act of 1872

'LIBERAL.—One who advocates *greater freedom from restraint*, especially in political institutions.'—*Webster's Dictionary*, 1847.

'In the sphere of the State, the business of the last half century has been, in the main, a process of *setting free the individual man*, that he may *work out his vocation* without wanton hindrance, as his maker will have him do.'—W. E. GLADSTONE, '*Locksley Hall and the Jubilee*,' (*Nineteenth Century*, January, 1887.)

The Reform Bill of 1832, with which I open this chapter, constitutes one of the greatest victories for Liberal principles which modern English history affords. Prior to it, as I shall show, the representation of the people, in the English legislature, was distributed, in a manner, at once unequal and inequitable. Parliament—the medium through which the public revenue was collected and, afterwards, expended, and by which all the laws which determined the rights and liberties of the people were enacted—was, practically, in the hands, and under the influence of a comparatively infinitesimal section of the nation; and, as a consequence, there was nothing to guarantee, and everything to prevent the equitable distribution of civil rights under the constitution.

The gradual growth of the important popular movement, which culminated in the Reform Bill of 1832, can be told in few words.

The supreme legislative power of England in the eleventh century was lodged in the king and the great Council, or what was afterwards called the parliament. It is not doubted but that the archbishops, bishops, and most

considerable abbots were constituent members of that council. The barons were another constituent part of the same body, and, in addition, the knights who held their estates under them. So far the nature of the ancient parliament is beyond doubt.¹ It seems, however, equally certain that the commons were no part of the parliament, nor became so 'till some ages after the conquest.'² The 'meetings of the wise men' are spoken of as having taken place *before* the conquest, but their constitution and proceedings are so vaguely recorded, that beyond mere mention, they do not call for further comment. 'There are traces of the attendance of a few of the lesser knighthood, gentry perhaps of the neighbourhood where the Assembly was held, in some of its meetings under Henry III. (thirteenth century); but, till a late period in the reign of his successor, the great Council practically remained a gathering of the greater barons, the prelates, and the officers of the crown.'³ In 1265 two burgesses from each town were summoned to parliament, but 'rather to afford financial information to the great Council than as representatives.'⁴ In 1295 'the admission of the burgesses and knights of the shire to the assembly completed the fabric of our representative constitution.' The great Council of the Barons had then become the parliament of the realm, a parliament in which every order of the state found itself represented, and took part in the grant of supplies, the work of legislation, and the control of government.⁵ The proclamation by which this Council was convened, invited 'all who had any grace to demand of the king in parliament, or any plaint to make in matters which could not be redressed or determined by ordinary course of law, or who had been in any way aggrieved by any of the king's ministers, or justices, or sheriffs, or their bailiffs, or any other officer, or have been unduly assessed rates, charged or surcharged to aids, subsidies, or taxes,' to deliver their petition to the Receivers at the great hall of the Palace of Westminster.⁶

These petitions were then forwarded to the Council. It appears tolerably certain that the first liberal extension of the franchise, in the direction of the 'commoners,' was effected, not so much on the score of a consideration for their rights, as for the purpose of constituting a check upon the barons, who had gradually become haughty and powerful; and to facilitate the collection of certain subsidies.

As England grew in population, in commerce, and in civilisation, the middle classes began to claim, as a right, what had been originally granted as a concession; and what had been originally used as a means to facilitate the

1. Hume's 'History of England,' Vol. i., App. 2.

2. Hume's 'History of England,' Vol. i., App. 2.

3. Green's 'History of the English People,' Ch.4.

4. Green's 'History of the English People,' Ch.4.

5. Green's 'History of the English People,' Ch.4.

6. Green's 'History of the English People,' Ch.4.

exercise of the royal prerogative, became, in time, an ever-growing check upon its hitherto practically unlimited power.

As the country progressed, and as wealth accumulated and became more widely distributed, claims for representation were more confidently expressed by the people. At first, all counties, and cities, and boroughs sent representatives to the parliament thus constituted. As fresh towns came into notice, they too were admitted to take part in its deliberations; but no provision was made for contracting or reducing the representation of such towns and boroughs as, in the natural order of things, fell away in population and importance, with the evolution of commerce and society. In 1509, the House of Commons consisted of 298 members, some of whom represented constituencies, the population of which had in some cases shrunk almost out of existence. In fact, (except in a very small number of cases resulting from bribery,) from this date to the Reform Bill of 1832, no town or borough was curtailed in its representation, yet no less than 255 additional members were added to represent new towns and boroughs. Thus the Commons had come to consist of upwards of 550 members. The condition of English representation, in 1832, previous to the great Reform Bill of that year, was of an extraordinary nature, and it is somewhat surprising that it should have been allowed thus to drift so far away from a condition of even approximate justice and equity to the different classes of the community. Burke had already said, in his 'Thoughts on the Causes of the Present Discontents:—'I see no other way for the preservation of a decent attention to public interest in the representatives, but the interposition of the body of the people itself,' but he had said this without effect, and, in 1776, Wilkes had asked leave to introduce a measure, in order to increase the proportion of representation allowed to the metropolis and certain growing and increasingly important counties; and, further, to give, for the first time, representation to a number of the modernly developed manufacturing towns—such as Manchester, Birmingham, Sheffield, and Leeds. 'Reform,' in fact, became, for the time being, a popular cry, but it led to nothing practical.

In 1830, the condition of things had become almost ridiculous, and it was in consequence of that fact that certain boroughs acquired the unenviable reputation of 'rottenness.' They consisted for the most part of places which, having been at one time opulent and important, had, in the course of generations, sunk into commercial inactivity and unimportance. One of the most notorious was known as 'Old Sarum.' No business had been conducted, nor had any inhabitants resided in the place for generations; yet it was as fully represented in the House of Commons as the county of Lancaster, the population of which was over a million. In such cases the representation was in the hands of wealthy peers or 'log-rolling' commoners, who had uses for them; and such constituencies were passed from hand to hand with the

property within which they were comprehended. It is said that an East Indian prince was possessed of estates which entitled him to send *twenty* members to the House of Commons. In the course of the debate upon the subject it was asserted that certain constituencies, with an aggregate population of less than five thousand, returned one hundred members to the House of Commons. 'Manchester,' said Macaulay, in one of his Reform speeches, 'with two hundred thousand inhabitants, has *no* members. 'Old Sarum,' with *no* inhabitants has *two* members.' As a fact, thirty-eight noblemen commanded one hundred and fifty votes,⁷ and two hundred persons, already sufficiently represented in the House of Lords, were said to have returned a *majority* of the House of Commons. The expulsion of the Bourbons from the French throne in 1830 intensified the agitation for reform, which was already becoming powerfully felt. The masses of the people were beginning to more vividly realise their numerical strength. The cry of 'reform' was going up on all sides, and being rendered more simultaneous, and therefore more effectual for agitative purposes, by means of the increasingly powerful labour organisations which had then lately sprung into existence.

The election of September, 1830, resulted in a considerable gain by the Liberals. The King's Speech, instead of promising, or even mentioning reform, boasted of the prosperity and social contentment of the people. In the House of Lords, in the debate on the Address, Earl Gray, referring to France, said: 'We ought to learn wisdom from what is passing before our eyes; and when the spirit of liberty is breaking out all around, it is our first duty to secure our own institutions, by introducing into them a temperate reform.' The Duke of Wellington, in reply, insisted on the existing condition of parliamentary representation as being eminently satisfactory in every way, and boldly asserted that he would strenuously resist any measure of reform.

A fortnight after this, the ministry was defeated on a financial question, and resigned. Lord Grey's ministry followed—the first Liberal ministry (with one or two exceptions, covering as many months,) which had existed for upwards of sixty years.

On 1st March, 1831, Lord John Russell introduced a Reform Bill. It did not provide for any alteration in the number of members, but, in the matter of their distribution, great changes were proposed to be effected. The 'rotten' boroughs were proposed to be completely abolished. By the bill, fifty-six of them were wholly disfranchised; thirty-one were partially disposed of in the same way; and forty-one new towns were afforded parliamentary representation: some receiving two members, others only one. The large cities were increased in the number of their representatives: the same treatment being accorded to Scotland and Ireland, as well as to England. The aggregate number of electors was doubled, by means of this extension of the franchise.

7. Harris 'Radical Party in Parliament,' p. 203.

Macaulay, in speaking upon the bill, said: 'I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties, and of the public repose, and for the reconciliation and knitting together of all the orders of the state.' Speaking of the principle of the bill, he said: 'It is to admit the middle class to a large and direct share in the representation, without any violent shock to the institutions of our country.'

Macaulay, however, liberal as he was, did not consider that the principle of manhood suffrage was then defensible. He admitted its success in America, but argued that, inasmuch as the labouring classes in England were occasionally in a state of great distress, and as the condition of mind which that distress would produce was calculated to render men 'irritable, unreasonable, credulous, eager for relief, and heedless of remote consequences, it was expedient to require a pecuniary qualification for the suffrage.' Many Tories, of course, predicted 'revolution,' instead of 'reformation.'

The bill passed its second reading by a majority of one! Parliament was dissolved. The excitement of the populace was intense. The supporters of the bill carried nearly all the counties; and all the cities, and large towns. The Tories relied, for the most part, upon the constituencies which were speaking for the last time. The bill was now passed by a majority of 109, and was sent up to the Lords. In advocating the measure before them, Lord Brougham made what has been regarded as the greatest oratorical effort of his life. He spoke for five hours, and the speech is said to have constituted 'an era in the history of that House.' The peroration is somewhat thrilling: terminating as follows: 'Rouse not a peace-loving, but resolute people. Alienate not from your body the affections of a whole empire. I counsel you to assist with your uttermost efforts in preserving peace, and upholding and perpetuating the constitution. Therefore, I pray and exhort you not to reject this measure. By all you hold dear—by all the ties which bind every one of us to our common order and our common country, I solemnly adjure you, I warn you, I implore you, yea, on my bended knees, I supplicate you, reject not this bill!' The bill was rejected notwithstanding. The public excitement now became intense, and frequent riots occurred. The property of various anti-reformers was destroyed, and the whole country was profoundly agitated. The bill was again introduced, and again boldly opposed. It, however, passed the second reading; but an amendment, which destroyed its usefulness, was adopted. The head of the administration (Lord Grey), now demanded the creation of sufficient peers to carry the bill, which request the king refused. The ministry resigned, and the people rose in a body, and petitioned the Commons to stop supplies. At many public meetings resolutions were passed that the payment of taxes should be resisted. The king proposed a compromise between the two parties, and immediately public indignation rose to a dangerous pitch. The king then

recalled Lord Grey, and agreed to create peers for the purpose required. The peers now saw that further resistance was useless, and the bill was quickly passed through all its stages, and became the law of the land.

Thus was placed upon England's statute book one of the most famous and the most Liberal of enactments—the Reform Bill of 1832. 'It broke down the monopoly which the aristocracy and landed classes had enjoyed, and admitted the middle classes to a share of the law-making power. The representation was divided between the aristocracy and the middle class, instead of being, as before, the exclusive possession of the former.'⁸

Macaulay, in his speech of March, 1831, upon the subject of this measure, said when it was introduced by Lord John Russell, 'A great plan of reconciliation, prepared by the minister of the crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated, during two centuries, with the dearest liberties of the English people.' I need scarcely spend time in showing that this great measure comes unmistakably within the definition of Liberalism, in its historical and genuine interpretation. 'The taking away of a vote' says Burke, 'is the taking away of the shield, which the subject has against the oppression of power.'⁹

To have withheld this fair distribution of voting power, by conserving the unequal and inequitable state of things which existed prior to the bill, would certainly have been to deprive the masses of the English people of the political shield with which to protect their civil rights.

Finally, Macaulay said of the great measure, 'I call it, and the nation calls it, and our posterity will long call it, this second Bill of Rights: this great charter of the liberties of England.'¹⁰

The abolition of slavery in one country, by means of the generosity and love of freedom in another, is unprecedented in the world's history, as a spontaneous expression of genuine Liberalism.

The abolition of slavery itself, as an institution, in 1833, was preceded by the abolition of the slave trade with Africa, which was effected a quarter of a century before—viz., in 1806–7.

The latter movement is said to have originated from the fact of a vice-chancellor of one of the colleges at Cambridge, having, in 1785, chosen, as a subject for a Latin dissertation, the following question: 'Is it right to make slaves of others, against their will?' Thomas Clarkson, one of the competitors, concentrated his whole mind upon the question, and won the prize. His essay was translated and supplemented. He then became seized with an overwhelming enthusiasm for the subject. Having collected every obtainable fragment of information concerning the question, and having convinced himself of the

8. 'History of Our Own Times,' Vol. i., p. 59.

9. 'Speech on the Penal Laws against Catholics.' Collected Works, Vol. iii.

10. 'Speech on Parliamentary Reform,' 5th July, 1831.

truth of the frightful tales of kidnapping which he had heard, he published the results, and called together a committee, of which he was afterwards appointed secretary. The eminent Wilberforce, in 1787, lent his sympathy and great abilities to the movement. In 1788 Clarkson published a work, entitled 'The Impolicy of the Slave Trade.' He visited France, and enlisted further sympathy among the most famous men of that country; and, by unceasing labour and advocacy, succeeded in bringing the matter under the notice of parliament. In the same year, Mr. Pitt carried a resolution to the effect that it was desirable that the subject should be dealt with by parliament. In 1790, Wilberforce himself brought forward a proposal for the total abolition of the traffic. The proposal was supported by such men as Pitt, Fox, and Burke. Strong opposition was raised by the West-India interest; they claimed that the system was justified by Biblical writings, and declared that its abolition would ruin English commerce. Two years afterwards, petitions in favour of the movement were sent into the House of Commons from all quarters of the country; and the same distinguished statesmen again gave it their earnest support. Wilberforce was stigmatised as a 'meddling fanatic.' The subject was revived annually, until 1806, when, by a vote of the Commons, the whole system was condemned. In the following year it was totally abolished. The name of Granville Sharpe is inseparably connected with this great movement. In 1767, he had interested himself in the case of a negro slave, who had been cruelly whipped and ill-used by his master in London. Sharpe's interference involved him in a law suit. His legal advisers discouraged him in his contention that the law should not, and would not tolerate slavery in England. He devoted all his energies to a searching examination of English law in support of his views, and succeeded in persuading some eminent authorities of their soundness. He completely circumvented his adversary, and mulcted him in heavy costs. In 1772, a negro slave, named Somersett, who had been brought to England by his master, claimed his freedom. Every effort was made, and the ablest advocacy employed on both sides to attain success. The subject was argued and re-argued: occupying several months in being thus dealt with. Sharpe was throughout deeply interested in it, and frequently assisted in the case, in various capacities. Lord Mansfield, on June 22nd, 1772, delivered judgment, deciding (admittedly against his own inclinations) that the institution of slavery, being inconsistent with natural law, must require actual and positive law to support it. No such positive law being in existence, he pronounced the man free, and, thereby, laid down the general principle that such must always be the result as soon as a slave 'touches English soil.'

The success which had thus attended the efforts put forth against the slave trade was now only diverted to the institution of slavery itself. In 1823 public sympathy had become sufficiently excited to enable Mr. Canning to carry resolutions affirming the desirability of measures to ameliorate the wretched

condition of the slave population in British colonies. The resolutions were not then further acted upon. An insurrection in the West Indies, followed by the barbarous treatment and ultimate death of a clergyman, who was suspected by the planters of having incited the people by his religious teachings, roused public indignation in England. Lord (then Mr.) Brougham moved in the House of Commons a vote of censure on the government and court of the West India colony, in which the outrage had occurred. The motion was lost by a very small majority, but its effect again aroused public feeling. The year 1830 saw the subject still fresh in the minds of the people. It then became a question whether the abolition should be gradual or immediate. Daniel O'Connell said: 'I enter into no compromise with slavery; I am for justice, in the name of humanity, and according to the law of the living God.'

Lord Brougham, in the same year, again introduced resolutions on the subject, and literally thundered denunciations on what he termed the 'traffic of blood.' Then came the French Revolution of 1830, absorbing, as it did, all public attention. In 1831-2, however, that event having passed into the list of reconciled occurrences, and another outbreak having taken place in Jamaica, the public sympathy was once more aroused; and, in 1832, a committee of enquiry was appointed by the House of Lords. The Commons adopted a similar course, on the motion of Mr. T. Fowell Buxton. The result of the two committees was most favourable to the cause. The ministry of the day gave its advocates an assurance that it would be dealt with 'without delay.' The government proposal was made in May, 1833. The measure was pronounced a compromise, inasmuch as it limited emancipation to slaves under six years of age, and subjected those above that age to a further term of service of twelve, afterwards reduced to four or six years. The bill then stipulated that, at the end of those terms, the slaves should be free, and further provided for compensation amounting to £20,000,000. The bill was most doggedly opposed. The abolitionists themselves, at first, objected to compensation. The West India interest objected to the whole measure. The subject afforded opportunities for several great oratorical efforts; and, in the course of the debate which it gave rise to, many hard things were said, and many harder ones predicted. But the bill was passed in August, 1833, and constitutes a glorious monument to true Liberalism—the love of personal freedom among men, irrespective of race. For the English people to have contributed so enormous a sum towards the manumission of a race of people, separated from them by thousands of miles—a race, too, of a different colour, having nothing in common with themselves but their humanity, is sufficient in itself to have placed England in the very van of freedom and civilisation.

It is perhaps difficult to find, now-a-days, any intelligent person who is prepared to advance a single argument in favour, or in justification of the institution of slavery; yet it is evident, from the fact of its having required so

many years of agitation to overturn, that the institution had many advocates as well as opponents. Buckle says that 'George III. looked upon slavery as one of those good old customs which the wisdom of his ancestors had consecrated.'¹¹

I come now to a legislative movement which has had the most far-reaching consequences in determining the occupations, affecting the commercial prosperity, and generally influencing the modern history of the English people. I refer to that alteration of 1846 in the fiscal policy of Great Britain, which consisted of the repeal of the Corn Laws, which had, as a fact, been established, off and on, for some centuries.

This was, of all the legislative acts with which I have dealt, one of the most unmistakably Liberal in its character. It consisted in the removal of certain misconceived restrictions upon the right of a citizen to purchase one of the first necessities of his daily life; viz., his bread, where it was obtainable at the cheapest price. This most ordinary liberty had been subjected, for centuries, to the most arbitrary interference on the part of parliament; and it was not till the year I have mentioned (1846), that public opinion became sufficiently unanimous to bring about a repeal of the meddling legislation in question, and to secure to the subject, in the purchase of his corn and bread, that full liberty of action which, in other departments of his daily life, had been fought for by his ancestors with so much vigour and determination. At the present day, in Great Britain, it is the frequent wonder of enlightened citizens, and leading Liberal statesmen, that such a restriction upon civil liberty could have been allowed to remain so long upon the statute book of a country, which was recognised as standing in the very van of human progress. Lord Stanley, when defending the Corn Laws, sought to be repealed, boasted that the principle of protection to the agricultural interest had lasted for eight centuries; but the boast was of no avail in stemming the tide of popular intelligence. The truth is that, for many centuries, there existed in England a strong belief that the general prosperity of the people could be artificially guarded, and even *created*, by means of legislative action and reaction upon the one staple article—corn. Glancing cursorily at history, we find that, so far back as the year 1272, (Henry III.), the price of bread was fixed by statute to rise and fall according to the value of corn; and Hume, the historian, mentions that this statutory regulation was 'copied from a preceding assize, established as far back as the reign of King John.'¹² In 1461, (Henry VI.), the permission of parliament had to be obtained for the exportation of corn, and even the carrying of that commodity from one county to another was restricted, except by license from a collector of customs.¹³ In the reign of James I., a proclamation was issued, establishing national magazines, and empowering

11. 'History of Civilisation,' Vol. i., 447.

12. 'History of England,' Vol. i., Ch.12.

13. 'History of England,' Vol. ii., Ch.21.

commissioners to purchase corn to fill them.¹⁴ In 1753, (George II.), a bill was introduced for the purpose of offering a premium on the exportation of corn.¹⁵ So that, in the eighteenth century, we find parliament offering a premium for that which it expressly prohibited in the fifteenth century. Again, in 1757, a bill was passed to prohibit the exportation of corn, and many other articles of commerce, because it was feared that there might be a dearth, and consequent distress to the poorer classes. In the same year, an act was passed removing the import duty on foreign corn and flour; and a resolution of the Commons was passed to prevent spirits from being distilled from wheat, lest, by that means, it should reach too high a price.¹⁶ Later again, in the same year, further interference was exercised by parliament. In 1758, an act was passed, prohibiting the exportation of corn, or its use in the distillation of spirits, and, at the same time, removing the import duty on that article.¹⁷

In 1759, the subject again occupied the attention of parliament, and was afterwards repeatedly dealt with in 1774, 1791, 1804, 1815, and 1828. The system, which is generally known under the title of the 'Corn Laws,' arose by virtue of the revisions which took place in 1815 and 1828. The whole object of these statutory provisions was to produce a monopoly for English agriculturalists, or perhaps, more correctly speaking, English landlords, by practically prohibiting the importation of foreign corn.

The import duty was fixed on what was known as a sliding scale, by which, when the home corn rose in price beyond a certain sum, the import duty fell proportionately: thus allowing the introduction of the foreign article when the home article became too high in its value. The price, however, to which it was necessary for the home article to rise, before the foreign article could come in, was altered from time to time. In 1774, it was 48s. per quarter; in 1791, it was 54s.; in 1804, it was 66s.; and in 1815, it was 80s.—the quarter containing eight bushels. In 1828, the maximum price was again lowered to 73s. By means of these laws the English farmers, or rather the English landowners, had a magnificent monopoly secured to them; and the whole bread-consuming population, rich and poor alike, were compelled to subsidise this wealthy class, by contributing, in the high price of the loaf, towards that great monopoly. 'The theory of this law had,' says Mr. McCarthy, 'a charming give and take—live and let live air about it. 'You give me a little more than the market price for my corn, and, don't you see, I shall be able to buy all the more of your cloth and tea and sugar, or to pay you the higher rent for your land.' Such a compact,' he adds, 'seems reasonable and tempting.'¹⁸

14. 'History of England,' Vol. iv., appendix

15. Smollett's 'History of England,' Vol. ii., Ch.22.

16. Smollett's 'History of England,' Vol. ii., Ch.26.

17. Smollett's 'History of England,' Vol. iii., Ch.28.

18. 'History of Our Own Times,' Vol. i., 174.

By the scale which was thus adopted, the duties fell as the prices rose, and rose as the prices fell. The act of 1828 had twenty or thirty degrees in its scale, three or four of which are given as illustrations. When the average price of wheat in the kingdom was 52s. per quarter, the duty on foreign wheat was 34s. 8d. When the price reached 60s. the duty fell to 26s. 8d. When the price rose to 70s., the duty sank to 10s. 8d. When the price attained 73s. and upwards, the duty went down to 1s.¹⁹ The prices were ascertained every Saturday, at 150 of the chief market places in the kingdom, and an average taken; then the averages of the preceding five weeks were added and the 'general average' of the whole six taken. This price was proclaimed every Thursday by the government, as the standard for the ensuing week. The greatest influence which was wielded during the struggle that led to this important epoch, was that which emanated from an association known as the Anti-Corn Law League. It has been said of it that, 'in seven years it revolutionised the minds of the most intelligent nation of Europe; bent to its will the proudest legislature in the world; and overthrew a system, rooted to the earth by the steady growth and fostering culture of centuries.'²⁰

The struggle for the repeal of the Corn Laws was, indeed, a broader and more comprehensive political conflict than the terms, in which it is described, would at first indicate. It was, in fact, a decisive trial of strength, between the advocates of the two economic doctrines, known under the respective titles of 'Free Trade' and 'Protection.' The latter of these theories had, as I have said, held the field for centuries; and the Anti-Corn Law League was really a Free Trade League, and set itself to fight for the broad doctrine, of which the Corn-Law question was only an example. So far back as the year 1581, free trade in corn was recommended in an essay, referred to by Buckle; and that writer says of it, that it 'should be read by every student of English history.'

Adam Smith, again, writing his 'Wealth of Nations,' in 1776, had said that 'to give the monopoly of the home market to the produce of domestic industry, in any particular art or manufacture, is, in some measure, to direct private people in what manner they ought to employ their capital; and must, in all cases, be either a useless or a hurtful regulation.' And he added that 'the statesman who should attempt to direct private people in what manner they ought to employ their capital, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted not only to no single person, but to no council or senate whatever; and which would nowhere be so dangerous, as in the hands of a man, who had folly, and presumption enough to fancy himself fit to exercise it.'²¹

19. 'Reform and Reformers Ch.22.

20. 'Reform and Reformers, p. 217.

21. 'Wealth of Nations,' Book iv., Ch.2.

He had argued that, inasmuch as different countries possess different qualifications, which render them more or less adapted to the production of certain articles of human want, it was desirable, on the ground of 'the division of labour,' that each should produce that to which it was best suited; that inasmuch as 'every individual endeavours, as much as he can, both to employ his capital in support of domestic industry, and so to direct that industry, that its produce may be of the greatest value,' each country was more likely to produce the best aggregate result by unrestricted trade. 'It is,' he said, 'a maxim of every prudent master of a family, never to attempt to make at home, what it will cost him more to make than to buy;' and that 'all people find it for their interest, to employ their whole industry in a way in which they have some advantage over their neighbours, and to purchase with a part of its produce, or what is the same thing, with the price of a part of it, whatever else they have occasion for. What is prudence,' he added, 'in the conduct of every private family, can scarce be folly in that of a great kingdom.'²²

It is not my province to enter here into this wide controversy, but merely to set forth the general terms of Adam Smith's arguments, as constituting one of the many factors which operated in the movement with which I am dealing.

These arguments, however, did not prevail. Though Adam Smith is spoken of familiarly, in the present day, by hundreds and thousands of people, there is good reason to believe that comparatively few have actually read his writings; and it is more than likely that, in the times about which they were first published, they enjoyed a still more limited perusal.

In 1837, England suffered a great commercial crisis, partly attributable to previous bad harvests, and aggravated by the same cause in that year. Many intelligent people attributed the national trouble to the Corn Laws; and, in consequence, there was formed at Manchester, an Anti-Corn Law Association. Mr. Justin Macarthy, in his 'History of Our Own Times,' says:— 'Naturally, it was in places like Manchester, that the fallacy of all this theory was first commonly perceived, and most warmly resented. The Manchester manufacturers saw that the customers for their goods were to be found in all parts of the world; and they knew that at every turn they were *hampered in their dealings* with the customers, by the system of *protective duties*. They wanted to sell their goods wherever they could find buyers, and they chafed at any barrier between them and the sale.'²³ 'Manchester,' he adds, 'had always spoken out for free trade.' Mr. Richard Cobden was the real leader of the Anti-Corn Law movement. In December, 1838, the Manchester Chamber of Commerce presented a petition to parliament, praying for an immediate and total repeal of the Corn Laws. In 1839, an immense meeting was called of delegates from all parts of the kingdom. In pursuance of this meeting, the Anti-Corn Law

22. 'Wealth of Nations,' Book iv., Ch.2.

23. 'History of Our Own Times,' Vol. i., p. 177.

Association, which had now become possessed of large funds, sent deputies to London on the opening of parliament. They petitioned parliament to allow them to appear at the bar of the House, in order to expose the injurious effects of the Corn Laws. The motion, which was brought forward by Mr. Charles Villiers, was negatived. The protectionists called the association the 'Anti-Corn Law Parliament,' which title they at once adopted; and, a month later, Mr. Villiers again brought forward his motion, which was ridiculed, and again negatived. He brought it forward again and again with no greater success; but meanwhile, the League was vigorously engaged in the provincial centres. In the beginning of 1840, over one hundred important towns had had established in them branches of the League. The cry for 'cheap bread' was now raised, and spread like an epidemic through the whole country. The public feeling was gradually but surely working up to a high pitch of enthusiasm. In 1841, Lord John Russell, seeing the coming change in popular opinion, and, having determined on a dissolution of parliament, gave notice of a motion, which had for its object the abandonment of the sliding scale, and the adoption, in its place, of a fixed duty of eight shillings per quarter on imported wheat. This was, of course, a political ruse, conceived with a view to catch the current of public feeling which was then discernible. The effect of this false move was felt throughout the country. The Conservatives, who represented the landed interests, thus threatened, (to use the words of an able writer upon this subject), 'swept the kingdom.' When Lord John Russell returned with the new parliament his motion was defeated. He then resigned, and Sir Robert Peel succeeded him; but, meanwhile, Richard Cobden had become a member of the new House of Commons. It was fully expected that though the new member had moved Manchester audiences as he liked, he would be lost in the crowd, now that he had entered parliament. It was not so. He became a power, almost from the moment he entered its portals. The year 1842 was one of great distress in the manufacturing centres. The duties were now sought to be much reduced by Sir Robert Peel himself. Mr. Villiers' motion for absolute repeal came forward again, as a counter movement, but the government measure was adopted by a large majority. It was, however, distinctly stated by Sir Robert Peel, that parliament had no power to secure, for the producer, by means of any fixed or movable duty, a certain price for his corn. Sir Robert Peel had adopted the Free Trade doctrine—that was evident—and to many of his followers, galling; but nevertheless a fact; for in the same year he expressed his belief that, 'on the general principle of Free Trade, there is now no great difference of opinion; and that all agree in the general rule that we should buy in the cheapest, and sell in the dearest market.'²⁴ This confession was followed by 'ironical cheers,' to which he gave answer that the Corn Laws were 'exceptions to the general rule,' and added 'I will not go into that question

24. 'History of Our Own Times,' Ch.14.

now.' At the end of 1842, it was proposed by the League to raise £50,000; and Messrs. Cobden, Bright, and Thompson, were deputed to traverse the country and address the people. The great Free Trade Hall was now built at Manchester, and opened in the beginning of 1843. Some twenty-four years or so previously, a meeting of Manchester reformers had been held, and had been dispersed by an attack of soldiers and militia, with the loss of many lives. 'The memory of that day,' says Mr. McCarthy, 'rankled in the hearts of Manchester Liberals, for long after.'²⁵ The land, upon which this meeting had taken place, was the property of Mr. Cobden, and he had given it to the League. This hall was now built upon it. At the opening of the building it was announced that £44,000 of the £50,000 had been collected. London was next made the centre of the League's operations. Drury Lane Theatre was the scene of nightly crowded meetings, and, meanwhile, Cobden traversed thirty-two counties, holding numberless meetings, and coming face to face with the advocates of the protectionist doctrines.

In 1844, it was proposed to raise £100,000, and to distribute ten million anti-corn law tracts; £20,000 of this sum was contributed by the Manchester branch, at a single meeting. In the same year, Cobden moved a resolution that the effects of the protective duties should be investigated; and it is the speech which he made on that occasion, which is supposed to have completed Sir Robert Peel's conversion to Free Trade principles. The League was now sending many of its members into parliament, and matters were becoming somewhat urgent. In 1845 duties were repealed on 450 articles—in fact, the whole tariff was re-arranged; but corn was left untouched.

Covent Garden now became the scene of numerous and excited meetings. Many noblemen were numbered among its audiences, and the cry of 'cheap bread' went up from many thousand throats. A single bazaar, organised by ladies, realised £15,000. At the end of 1845 the League was engaged in raising a quarter of a million of money. Macaulay, speaking at Edinburgh, said: 'I have always considered the principle of protection of agriculture as a vicious principle. I have always thought that this vicious principle took, in the act of 1815, in the act of 1828, and in the act of 1842, a singularly vicious form.'²⁶ There was a time,' he said, 'when politicians were not ashamed to defend the Corn Laws, merely as contrivances for putting the money of the many into the pockets of the few.... Nobody now ventures to say in public that ten thousand families ought to be put on short allowance of food, in order that one man may have a fine stud, and a fine picture gallery.... It seems strange that Conservatives—people who profess to hold new theories in abhorrence; people who are always talking about the wisdom of our ancestors—should insist on our receiving, as an undoubted truth, a strange paradox, never heard of

25. 'History of Our Own Times,' Vol. i., Ch.14.

26. 'Speech at Edinburgh,' December 2nd, 1845. (Collected Speeches.)

from the creation of the world, till the nineteenth century.²⁷ The end had now come. The session of 1846 opened. The Corn Laws were repealed. Sir Robert Peel said, in the speech in which he announced that famous measure: 'I will not withhold the homage which is due to the progress of reason, and of truth, by denying that my opinions on the subject of protection have undergone a change'; and he afterwards added: 'Not to the Tory party, nor to the Whig party; not to myself, nor to the noble lord at the head of the opposition, is this change to be attributed; but the people of this country are indebted, for this great measure of relief, to the rare combination of elements which centre in the mind and heart of Richard Cobden.' Mr. Harris, in his 'History of the Radical Party,' says, in speaking of the divisions on the bill which repealed the Corn Laws: 'In all these divisions the government had the aid of *nearly the whole* of the *Liberals*, the *opposition* being *almost entirely Tory*.'²⁸

In the final division, 202 Liberals and 102 Conservatives voted for the bill and 208 Conservatives and only eight Liberals *against* it.²⁹ Thus ended, for the time being, the Conservative theories of protection to home industries; and thus was concluded the Liberal struggle for *freedom* of action in the matter of trade, by which was permanently established the principle of liberty to the individual to buy where he can do so most cheaply, and to sell where he can get the best price for his products. 'A permanent revival of the old order of things,' says the author of 'Reform and Reformers,' 'is no longer hoped for, or even desired; unless, by a few superannuated members of the House of Peers, and some half dozen unyielding old Tories and Quixotic young Hotspurs in the House of Commons.'

Let us turn now to a few of the innumerable comments which have been, from time to time, made regarding the passing of this great Liberal measure.

Sir Erskine May says: 'The employers of labour, and the working classes, were combined in support of interests common to them both. This agitation, if an illustration of the force of democracy, is also an example of the *power of reason* in a free State.'³⁰ Buckle says: 'The abolition of the Corn Laws is undoubtedly one of the most remarkable facts in the history of England during the century. The propriety, and indeed the necessity of their abolition is now admitted by every one of *tolerable information*.'³¹ 'Those who knew the facts, opposed the laws; those who were ignorant of the facts, favoured the laws. It was clear that, whenever the diffusion of knowledge reached

27. 'Speech at Edinburgh,' December 2nd, 1845. (Collected Speeches.) Note.—Macaulay was referring, in this sentence, to the contention, which was actually persisted in by some of the supporters of the existing Corn Laws, that cheapness of bread was calculated to injure the working classes.

28. 'History of the Radical Party in Parliament,' p. 348.

29. 'History of the Radical Party in Parliament,' p. 348.

30. 'Democracy in Europe,' Vol. ii., p. 467.

31. 'History of Civilisation,' Vol. i., p. 273.

a certain point, the laws must fall.’³² ‘The Reform Bill, the Emancipation of the Catholics, and the Repeal of the Corn Laws, are admitted to be the three greatest political achievements of the present generation.’³³ Mr. Harris, in his ‘History of the Radical Party,’ says, in commenting on the policy of Lord Palmerston in 1850–55: ‘It was in Free Trade alone that Palmerston was a *Liberal*.’ John Bright, than whom England has never produced a more thorough or more consistent Liberal, said in 1845: ‘The Corn Law is as *great a robbery* of the man who follows the plough, as it is of him who minds the loom, with this difference that the man who follows the plough is of the two nearest the earth, and it takes less power to press him into it.’³⁴

In 1858, the same statesman said: ‘Twelve years ago there was a great party in parliament, led by a duke in one House, and by the son and brother of a duke in the other, which declared that utter ruin must come, not only on the agricultural interest, but upon the manufactures and commerce of England, if we departed from our old theories upon the subject of Protection.... The plain, honest, common sense of the country swept away their cobweb theories, and they are gone. What is the result? From 1846 to 1857 we have received into this country, of grain of all kinds...not less than an amount, equal in value to £224,000,000.... During that period your home growth has been stimulated to an enormous extent.... With all this, agriculture was never more prosperous; while manufactures were never, at the same time, more extensively exported; and with all this the labourers, for whom the tears of the protectionists were shed, have, according to the admission of the most violent of the class, never been in a better state, since the beginning of the great French War.’³⁵

In 1866, speaking on the subject of Ireland, and Daniel O’Connell’s connection with the Corn Law agitation, Mr. Bright said: ‘We owe much to his exertions in connection with that question; for almost the whole *Liberal*—I suppose the whole *Liberal* party of the Irish representatives in parliament supported the measure of Free trade, of which we were the prominent advocates.’³⁶ In October, 1885, when addressing a large audience in Somerset, he dealt at length with the Corn Law repeal movement. He said, in the course of that speech: ‘I should like, if I might be allowed, to state a few things which describe the state of affairs in this district in the year 1845, which is now exactly forty years ago. I should begin by stating that, at that time, there was an extraordinary law in this country, which you would suppose could not be possible—I will not say among Christian men, but among *thinking* men—that is a law, which prevented the importation of grain, and especially

32. ‘History of Civilisation,’ Vol. i., p. 273.

33. ‘History of Civilisation,’ Vol. i., p. 503.

34. ‘Speech on Freetrade,’ December 19th, 1845.

35. ‘Speech on Foreign Policy,’ October 29, 1858.

36. ‘Speech on Ireland,’ November 2, 1866.

of wheat, from foreign countries into this country. At that time, there were a great many men, who thought that law very wicked—a great many more men have come to that conclusion since—and these men, who thought it a wicked law, formed themselves into an association with a view, not violently to overthrow it, but by persistent labour and discussion, to bring the great body of the people, and ultimately the legislature, to the conclusion that that law ought to be repealed.³⁷

Mr. Herbert Spencer, commenting upon this matter in the abstract, says: 'In putting a veto upon the commercial intercourse of two nations, or in putting obstacles in the way of that intercourse, a government trenches upon men's liberties of action; and, by so doing, directly reverses its function.... Trade prohibitions, and trade restrictions not only do not secure this freedom, but they take it away.'³⁸

The Chartist movement, which culminated, and also subsided, in 1848, is an epoch which cannot consistently be passed over here; though, unlike the other movements with which I have dealt, it failed to terminate in the legislative enactment of the principles which inspired it. There can be little doubt that the six 'points' of 'the Charter,' which, yet, failed to receive legislative recognition, were conceived in the true Liberal spirit; and the chief use of a study of that movement is to be found in a consideration of the reasons why it did not, as a whole, meet with a larger share of success. I shall be able, I think, to show that the movement so failed, by reason of its including among its demands a condition of affairs which comes distinctly within the definition of 'Socialism,' which the English people, of that time at least (whatever may be the tendency now), were by no means inclined to view favourably.

I shall have occasion, hereafter, to carefully define the limit of state functions, as determined by the principles of true Liberalism. I shall then show that such principles favour the possession, by each citizen, of the maximum of personal liberty, limited only by such restrictions as are necessary to secure equal liberty to all other citizens; or, as Mr. Herbert Spencer puts it, of 'the fullest liberty to exercise his faculties, compatible with the possession of like liberty by every other man.'³⁹

I shall show, in this chapter, that the demands of the Chartists, of 1848, included principles which, when carried into practice, meant nothing more nor less than social anarchy. I am not aware that at the time, these excessive demands were analysed with any degree of scientific accuracy, for the purpose of showing that they really were excessive; but there is little doubt that the majority of the public, and their legislators, were, however vaguely, impressed with the fact that the movement was being pushed on by the advocacy of

37. *The Times*, October 16, 1885.

38. 'Social Statics,' p. 326.

39. 'Social Statics,' p. 94.

principles, which would, if realised, overturn, or at least permanently disturb the social organisation. Macaulay himself showed this, in a speech which he delivered in parliament, in criticism of the Charter, and from which I shall quote hereafter. It is to these excesses; to the unnecessarily violent and unpopular means adopted for the purpose of forcing on the movement, that is to be attributed its ultimate non-success. A proof of this is to be found in the fact that all that was included in the Charter, which was reasonable, has since been made the law of the land, though the Charter, as a whole, failed in 1848. This movement, like all others of its kind, has a history. Its cause can be pretty clearly traced to certain other events and circumstances which preceded it.

'The year 1838,' we are told, 'chronicled the avowed and open beginning of chartism.' The same authority⁴⁰ informs us that the year 1837 was one of great commercial depression; that there were heavy failures in London, Liverpool, Manchester, and Glasgow; that, ere the summer arrived, deep distress had reached the houses of the working classes; and that, in Lancashire, thousands of factory hands were discharged. 'The Chartists,' says Mr. McCarthy, 'who represented the bulk of the artizan class, in most of the large towns, did in their very hearts believe that England was ruled for the benefit of aristocrats and millionaires, who were absolutely indifferent to the sufferings of the poor.'⁴¹

The manifesto, which afterwards came to be known as the Chartist Petition, was adopted at a great Radical meeting, held in Birmingham, a few weeks after the queen's coronation.⁴² The movement was supported by a large amount of genuine enthusiasm, passion, and intelligence; and it appealed, strongly and naturally, to whatever there was of discontent among the working classes.⁴³ Thousands upon thousands of the unthinking masses joined in the movement, who were yet really indifferent as to its real political objects. 'They were poor; they were overworked; they were badly paid; their lives were altogether wretched; they got into their heads some wild idea that the people's Charter would give them better food and wages, and lighter work, if it were obtained.'⁴⁴

The manifesto to which I have already referred, and which came to be known as the 'people's Charter,' contained six 'points.' One was manhood suffrage, another was annual parliaments, a third was the ballot, a fourth was the abolition of the property qualification for parliamentary candidates, a fifth was payment of members of parliament, and a sixth was the division of the country into equal electoral districts. It has been said of Chartism that it soon became divided into two distinct divisions—the 'moral force' Chartism and

40. Gilchrist's 'Life of Richard Cobden.'

41. 'History of Our Own Times,' Vol. i. 68.

42. 'History of Our Own Times,' Vol. i., p. 55.

43. 'History of Our Own Times,' Vol. i., p. 56.

44. 'History of Our Own Times,' Vol. i., p. 56.

the 'physical force' Chartism. Some of the leaders were men of great ability and eloquence; and the movement brought into existence a newspaper literature of its own; for every town of importance was possessed of its Chartist press.

The agitation for the parliamentary recognition of this movement and for the legislative realisation of its 'points,' was energetically maintained. Torch light processions were held, and here and there riots were the result. There began to spring up, in many minds, a desire to resort to arms and physical force, in order to push on the movement. The town of Newport became well known in connection with it, in consequence of a serious and fatal disturbance which occurred there. Newport was possessed of a large mining population, and a procession was arranged to take place after midnight, with the further intention of attacking the gaol, and releasing certain Chartist prisoners. They came into collision with the authorities, and a large number of people were killed and wounded. The ring-leaders were transported for life. Still the agitation went on. The government, meanwhile, were on the alert; and prosecutions, in hundreds, were instituted in different parts of the country. Many of the leaders were convicted and imprisoned. The Chartists began to acquire considerable political influence, and it is said that, in 1841, by reason of their support of the Tory party, they assisted in the downfall of the Melbourne administration. In 1842, parliament was moved in the matter; the Petition containing the now celebrated 'six points,' concluding with the following paragraph:—'Your petitioners therefore, exercising their just constitutional right, demand that your Honourable House, to remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into law the document entitled 'The Peoples' Charter.'—The motion was rejected by 287 votes to 49.

In 1848, The Revolution in France had cast its influence over the other European countries, and had created a feeling of dissatisfaction among a large number of the working classes. Mr. McCarthy says:—'In England and Ireland the effect of the events in France was instantly made manifest. The Chartist agitation instantly came to a head. There was, as I have said, a widespread belief, among the artizan class, that the country was being corruptly governed to their detriment, and with a disregard for their misery.'⁴⁵

On the other hand, 'Most of what are called the ruling class did really believe the English workingmen, who joined the Chartist movement, to be a race of fierce, unmanageable, and selfish communists, who, if they were allowed their own way for a moment, would prove themselves determined to overthrow throne, altar, and all established securities of society.'⁴⁶ It was in this year (1848) that the most celebrated procession of the Chartists was arranged. A convention, for the purpose of its organisation, sat in London, and some very

45. 'History of Our Own Times,' Vol. i., 234.

46. 'History of Our Own Times,' Vol. i., 68.

wild language was indulged in. It was resolved to present a monster petition to the Commons, demanding the enactment of the Charter. A serious difference occurred upon the point of obeying the authorities, in case an attempt should be made to interfere with the procession. The demonstration took place on Kennington Common, but, though the numbers were large, they fell far short of what was anticipated. It was said that half-a-million people would be present, but only about 25,000 appeared upon the scene. The air was full of wild rumours as to what the day would bring forth, and many people believed England was upon the eve of a revolution. The Duke of Wellington undertook to perfect all the arrangements for the protection of the metropolis; and, in order to remove any doubts, nearly 200,000 persons were enrolled as special constables.

The eagerly looked for procession collapsed, and the great Chartist petition itself, concerning which such wild and various rumours were current, proved a failure. It was duly presented to Parliament by Feargus O'Connor, the great Chartist leader, and, at the time, was said to contain five millions of signatures. When examined, however, by a committee of experts, it was found to fall short of two millions, a large proportion of which, even, were not genuine. This terrible *fasco* was the death of Chartism; for it became, from that hour, a subject of ridicule, rather than of serious consideration. Another monster gathering was attempted, two months afterwards; but it, likewise, was a failure, and has, moreover, been described as 'the last gasp of Chartism.'

Most writers upon the subject agree, in opinion, as to the causes of its failure as a political movement. Macaulay, when criticising it in 1842, in his speech in the House of Commons, said: 'There is only one of the six points on which I am diametrically opposed to them (the petitioners). One of the six points,' he said, 'is the ballot. I have voted for the ballot, and I have seen no reason to change my opinion on that subject. Another point is the abolition of the pecuniary qualification for members of this House. On that point I cordially agree with the petitioners. The Chartists demand annual parliaments. There certainly I differ from them; but I might, perhaps, be willing to consent to some compromise. I differ from them also as to the expediency of paying the representatives of the people, and of dividing the country into electoral districts; but I do not consider these matters vital. The essence of the Charter,' he added, 'is 'universal suffrage.' If you grant *that*, it matters not at all what else you withhold. If you grant *that* the country is lost.... My firm conviction is that in our country universal suffrage is incompatible, not with this, or that form of government, but with all forms of government, and with everything for the sake of which forms of government exist; that it is incompatible with property, and that it is incompatible with civilisation.... I entertain no hope that, if we place the government of the kingdom in the hands of the majority of the males of one and twenty, told by the head, the institution of property

will be respected.’ This, at first sight, seems a very extreme view to take of an institution, which has, since the year in which these words were uttered, been in actual work, in more than one of our colonies; but a further passage of the same speech shows what circumstances had led to such anticipations. ‘If,’ he said, ‘I am asked why I entertain no such hope, I answer:—Because the hundreds and thousands of males of twenty-one, who have signed this petition, tell me to entertain no such hope; because they tell me that, if I trust them with power, the first use which they will make of it will be to plunder every man in the kingdom who has a good coat on his back, and a good roof over his head. God forbid,’ he added, ‘that I should put an unfair construction on their language! I shall read their own words. ‘Your petitioners complain that they are enormously taxed to pay the interest of what is called the national debt, a debt amounting, at present, to eight hundred millions, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty, by men not authorised by the people, and who, consequently, had no right to tax posterity for the outrages committed by them upon mankind.’ If these words mean anything,’ continued Macaulay, ‘they mean that the present generation is not bound to pay the public debt, incurred by our rulers in past times; and that a national bankruptcy would be both just and politic.... They tell us that nothing will unshackle labour from its misery, until the people possess that power under which all monopoly and oppression must cease; and your petitioners respectfully mention the existing *monopolies* of the suffrage; of paper money; of *machinery*; of land; of the *public press*; of religion; of the *means of travelling* and transit; and a host of *other evils*, too numerous to mention: all arising from class legislation. What,’ says Macaulay, ‘can the monopoly of land mean except property in land? The only monopoly of land which exists in England is this, that nobody can sell an acre of it which does not belong to him. And what can the monopoly of machinery mean but property in machinery? Another monopoly, which is to cease, is the monopoly of the means of travelling. In other words, all the canal property and railway property in the kingdom is to be confiscated. What other sense do the words bear? And these are only specimens of the reforms which, in the language of the petition, are to unshackle labour from its misery.... In short, the petitioners ask you to give them power, in order that they may not leave a man of a hundred a year in the realm.’⁴⁷

A subsequent passage, in the same speech, affords some further explanation of the apparently exaggerated view of the institution of universal suffrage. ‘What we are asked to do,’ he says, ‘is to give universal suffrage *before there is universal education*,’ and he adds, ‘Have I any unkind feeling towards these poor people? No more than I have to a sick friend who implores me to give him a glass of iced water which the physician has forbidden. I would not give

47. ‘Speech on The People’s Charter,’ May 3rd, 1842.

the draught of water because I know that it would be poison.... I would not give up the keys of the granary because I know that, by doing so, I should turn a scarcity into a famine; and, in the same way, I would not yield to the importunity of multitudes, who, exasperated by suffering, and blinded by ignorance, demand, with wild vehemence, the liberty to destroy themselves.... But the doctrine of the Chartist philosophers is that it is the business of the government to support the people. It is supposed by many that our rulers possess, somewhere or other, an inexhaustible storehouse of all the necessaries and conveniences of life, and from mere hard-heartedness refuse to distribute the contents of this magazine among the poor.⁴⁸ I have quoted Macaulay at some length, because the speech, referred to, sets forth, better than I know it to be done elsewhere, the extreme and revolutionary portions of the Charter, to which I consider its failure was in a great measure owing; and further, its comments, upon those portions, are so much better than any that have been made by others.

Mr. McCarthy says: 'The effect of this unlucky petition, on the English public mind, was decisive. From that day, Chartism never presented itself to the ordinary middle-class Englishman as anything but an object of ridicule.'⁴⁹ And, elsewhere, the same writer says: 'Its active or aggressive influence ceased with 1848.... All that was sound in its claims asserted itself, and was in time conceded.'⁵⁰ It is highly probable that, if the Chartist movement had been conducted, throughout, without the constant references to physical force; and if, in addition, the Charter had been confined to the 'six points,' which professed to sum up the wants of the petitioners, but to which were added the ill-considered and revolutionary demands which I have noticed, it might have received early legislative sanction, instead of having proved a failure; and men like Feargus O'Connor, who now stand in English History as mere visionary agitators, would have been ranked among the reformers of modern times.

The connection which this movement has with the other subjects of this chapter, consists in the fact that, amid the noise, clamour, and fevered agitation which surrounded it, there were, at least, three genuinely Liberal demands, which, nevertheless, were lost sight of, or pushed out of consideration, by reason of the revolutionary character of many of the other sentiments which it contained, and to which Macaulay took such serious exception. The ballot, universal suffrage, and the abolition of a property qualification for parliament are principles, which have long since been adopted in British colonies, without, so far, leading to any great amount of injury to society; and there can be little doubt that, although the second of these 'points' was somewhat before its

48. 'Speech on The People's Charter,' May 3rd, 1842.

49. 'History of Our Own Times,' Vol. i., p. 240.

50. 'History of Our Own Times,' Vol. i., p. 242.

time, the first and the third would have met with a favourable reception by the English people, if they had not been introduced in a document, which contained, also, so much that pointed to a social revolution.

It is certainly somewhat difficult to realise, in the present day, that, less than a quarter of a century ago, the fact of an English citizen professing the Jewish religion, was deemed a sufficient reason for excluding him from the Council of the nation, even though he had been duly elected by a competent constituency. Yet, such is the fact. The admission of Jews into the House of Commons, as representatives of the people, was allowed for the first time in 1859; and a study of English history will show that, from the Conquest downwards, to that date, the treatment of this able and industrious race has consisted of a gradually reducing, and mitigating system of persecution: begun in absolute cruelty and practical exile from all political privileges, and ending in the acquirement of the fullest civil liberty accorded to Englishmen themselves. The removal of the disabilities, which had hitherto prevented this consummation, constitutes one of the most unmistakeable steps in the history of Liberalism. It was nothing more or less than a concession, to a section of citizens, of one of the most clearly recognised of civil rights—freedom of thought and belief, in matters of religion; and a section of citizens, too, whose ancient traditions, as a race, were essentially free and liberal in their character. Sir Erskine May speaks of the Jews as being ‘by far the most interesting example of freedom in an Eastern race,’⁵¹ and adds, that the fact ‘that a race more entitled to our reverence, than any people of antiquity, should have afforded an example of popular freedom, notwithstanding their Eastern origin, and the influence of Eastern despotism, by which they were surrounded, is a conspicuous illustration of the principle that the spirit and intelligence of a people are the foundations of liberty.’⁵² I shall now take a brief survey of the condition of the Jews from the Conquest, down to the date of the removal of their disabilities, in order that the justice of that removal may be the more fully realised.

The Jewish traders, who followed the Conqueror from Normandy, and from whom that monarch found it extremely convenient to draw advances for his immediate wants, were, in return, afforded royal protection, and allowed to establish themselves in separate quarters or jewries of the chief English towns. He (the Jew) then had no civil rights, and the ‘jewry,’ in which he lived, was exempt from the common law of the country.⁵³ ‘He was simply the king’s chattel, and his life and goods were absolutely at the king’s mercy.’⁵⁴ But, upon the principle of royal indulgence, the Jewish merchant was, in many ways, protected from persecution and affront, and his valuable possessions

51. ‘Democracy in Europe,’ Vol. i., 32.

52. ‘Democracy in Europe,’ Vol. i., p. 38.

53. Green’s ‘History of the English People,’ Ch.2.

54. Green’s ‘History of the English People.’ Ch.2.

were allowed to be deposited in the royal palace at Westminster. He was the only capitalist in Europe; and, heavy as was the usury he exacted, his loans gave an impulse to industry, such as England had never felt before...nor was the influence of the Jews simply industrial. Through their connection with the Jewish schools, in Spain and in the East, they opened the way for the revival of physical science.... To the king, the Jew was simply an engine of finance,...it was in his coffers that the Norman kings found strength to hold their baronage at bay.⁵⁵

A century or more later, (1189), they seem to have been less fortunate; for their industry and frugality had 'put them in possession of all the ready money, which the idleness and profusion of the English had enabled them to lend, at exorbitant and unequal interest;⁵⁶ and they were held in the greatest hatred and detestation by the English people in consequence. They were, by royal edict, prohibited from appearing at the coronation of Richard I.; but some of them ventured to do so notwithstanding: bringing with them considerable presents from their nation. They were grossly insulted, and put to flight. A rumour became current that the king had ordered their massacre, and a series of dreadful outrages followed. The people, moved by rapacity and zeal, broke into their houses, which they plundered, after having murdered their owners; and, where the Jews barricaded their houses, and defended themselves with vigour, the rabble set fire to the houses.⁵⁷ This terrible outrage extended to all the most important towns of England. 'In York, 500 of them, who had retired into the castle for safety, and found themselves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then setting fire to the houses, perished in the flames.'⁵⁸

In 1275, great dissatisfaction existed, on account of the very prevalent adulteration of the coinage, and, 'as this crime required more art than the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews.'⁵⁹

Edward, who entertained a strong prejudice against them, as a race, and whose zeal for Christianity was intensified by an expedition to the Holy Land, 'let loose the whole rigour of his justice against that unhappy people.' In London alone, two hundred and eighty were hanged for this crime, besides those in other parts of England. Their property was confiscated, and half of it given to such as were willing to profess Christianity. Edward determined to clear the kingdom of the race, and seized the whole of their property for

55. Green's 'History of the English People,' Ch.2.

56. Hume's 'History of England,' Vol. i., Ch.10.

57. Hume's 'History of England,' Vol. i., Ch.10.

58. Hume's 'History of England,' Vol. i., Ch.10.

59. Hume's 'History of England,' Vol. i., Ch.13.

himself. No less than fifteen thousand of them were robbed and banished the kingdom.⁶⁰

Green describes the condition of these people, previous to their expulsion from the kingdom. 'Statute after statute,' he says, 'hemmed them in. They were forbidden to hold real property; to employ Christian servants; to move through the streets, without the coloured label of wool on their breast, which distinguished their race. They were prohibited from building new synagogues, or eating with Christians, or acting as physicians to them.'⁶¹

In the midst of this reign of tyranny over a class, it is refreshing to find, so far back as the 17th century, a spirit of fairness—a spirit in fact, of true Liberalism, springing out of a juster conception of moral rights.

Green, again, speaking of Cromwell during the protectorate, says that he 'remained true, throughout, to his cause of religious liberty.' 'The Jews (he adds) had been excluded from England since the reign of Edward I., and a prayer, which they now presented for leave to return, was refused by the Commission of merchants and divines, to whom the protector referred it for consideration. But the refusal was quietly passed over, and the connivance of Cromwell, in the settlement of a few Hebrews in London and Oxford, was so clearly understood that no one ventured to interfere with them. From this time forward, the Jews seem to have been accorded a moderate amount of fair and liberal treatment, and, as a consequence, they increased in number and influence. In 1753 'An act to permit persons, professing the Jewish religion, to be naturalised by parliament' was introduced into the House of Lords, and was passed without much opposition. In the Commons, it was favourably regarded by the ministry; and it was further supported by petitions from manufacturers and merchants. The mayor, aldermen, and commons of the city of London, lodged a counter petition, on the grounds of 'dishonour of the Christian religion,' 'danger to the constitution,' and 'prejudice to the trade of the kingdom.' This was supported by a further petition from merchants and traders. Counsel were heard, and violent debates ensued. Extravagant arguments were used against the measure. It was 'prognosticated that the Jews would multiply so much in number, engross such wealth, and acquire so great power and influence in Great Britain, that their persons would be revered, their customs imitated, and Judaism become the fashionable religion of the English.' It was contended, further, that 'such an act was directly flying in the face of the prophecy, which declares that the Jews shall be a scattered people, without country or fixed habitation, until they shall be converted from their infidelity, and gathered together in the land of their forefathers.'⁶² The measure excited a complete ferment throughout the nation, and created a

60. Hume's 'History of England,' Vol. i., Ch.13.

61. Green's 'History of the English People,' Ch.4.

62. Smollett's 'History of England,' Vol. ii., Ch.22.

renewed and intense feeling against the Jews; but the bill passed through both houses, and was duly assented to.

In the following session, however, public disfavor had been again worked up to a high pitch, and the ministry, who had supported the measure, were held up to the most universal reproach. Ministers became, now, as anxious to repeal, as they had formerly been to pass the measure, and its passage through the Commons was correspondingly rapid. Though somewhat more deliberate, the House of Lords finally sanctioned the bill, and it was duly assented to, so that the Liberalism of the preceding session was completely nullified. The feeling against the Jews, throughout the country, was now more bitter than before the Naturalisation Act; and an attempt was actually made to repeal some former acts favourable to them. Fortunately, there was sufficient sense of justice to prevent such a palpable piece of tyranny. The attempt therefore failed. In 1830, leave was asked, in Parliament, to bring in a bill to remove the civil disabilities under which the Jews laboured. The claim, then made on their behalf, was 'simply that they should be allowed to enjoy all those rights which we may call fundamental to the condition of the British subject, without having to profess the religion of the State.'⁶³ During the debate on this motion, Macaulay delivered his maiden speech. The bill was strongly opposed, and defeated by a majority of sixty-three votes. In 1833 the bill was again introduced. It passed the Commons, but was thrown out by the Lords, by a majority of fifty. On this occasion Macaulay again spoke, and there are one or two passages, in his speech, which are well worth quotation, as presenting a brief summary of the claims which the Jews had upon a people like the English, who prided themselves in their freedom, and, as a fact, owed so much to the civilisation and intellectual progress of older nations.

'In the infancy of civilisation,' he said, 'when our island was as savage as New Guinea; when letters and arts were still unknown to Athens; when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities, and cedar palaces; their splendid temples; their fleets of merchant ships; their schools of sacred learning; their great statesmen and soldiers, their natural philosophers, their historians, and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation, ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And, if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers; if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as a matter of reproach to them? Shall we not, rather, consider it as a matter of shame and remorse to ourselves? Let us do justice to them. Let us

63. McCarthy's 'History of Our Own Times,' Vol. ii., Ch.49.

open to them the door of the House of Commons. Let us open to them every career, in which ability and energy can be displayed.⁶⁴

The resolution, upon which this speech was made, was ingeniously phrased, in order to appeal to the liberality of those who were to have the determination in their hands. It affirmed 'that, in the opinion of this committee, it is expedient to remove all civil disabilities, at present existing, with respect to His Majesty's subjects professing the Jewish religion, with the like exceptions, as are provided with respect to His Majesty's subjects professing the Roman Catholic religion.' Seeing that the Catholic Emancipation movement had been crowned with success, only four years before, this ingenious reference to that long oppressed, but so lately liberated people, was well calculated to arouse whatever spark of liberty there might be in the minds of those who were about to be appealed to, on the question which it involved; but, as I have shown, that spirit was wanting among the peers of England, who, consequently, threw out the measure. In the following year the same fate attended it.

In 1847, a new turn was given to the movement, by the election of Baron Lionel Rothschild, for the city of London; and in the following year the bill was again thrown out by the House of Lords; whereupon Baron Rothschild at once resigned his seat, and was re-elected. In 1850, Lord John Russell moved a resolution, affirming their eligibility, and it was carried by a large majority. Baron Rothschild had presented himself at the table of the House, and offered to take the required oaths. He went through with all the ceremony, excepting that portion, in which he was required to use the words, 'On the true faith of a Christian,' which he thereupon omitted. He was, in consequence, forced to withdraw from the body of the House, and take up his seat in the gallery. Lord John Russell's bill was passed by the Commons, but again rejected by the Lords. In 1851, another Jew (Mr. David Salomans), was elected. He, likewise, refused the part of the oaths referred to, and was forced to withdraw. But, subsequently, he re-entered the House, and took his seat among other members. Considerable excitement followed, and many prominent members of the House were really at a loss to know what ought to be done. Lord John Russell tested the question by moving that Mr. Salomans be ordered to withdraw. An irregular discussion followed, in which the latter spoke, and even took part in the divisions. Lord John Russell's motion was carried. Mr. Salomans refused to withdraw. The serjeant-at-arms approached, to take the usual course of physical removal, when Mr. Salomans, being touched upon the shoulder, withdrew. Two actions were brought against Mr. Salomans, and, after careful argument and consideration, the Court of Exchequer, by three to one, decided against him. The bill, for the removal of the disabilities, was again and again introduced, and thrown out by the Lords. In 1859, when the measure was again rejected by the same authority, the question was

64. 'Speech on Jewish Disabilities,' 17th April, 1833.

raised whether the Commons should not deal for itself with the question of admission of its members. This had the desired effect, for, on the 26th July, the bill, having passed both Houses, Baron Rothschild took his seat in the ordinary way, having been, under the provisions of the act, permitted to omit the words, 'On the true faith of a Christian.'

As I have said, it is difficult to understand, even now,—so short a time since the passage of this measure—how the reform should have been so long delayed. The arguments, to a fairly constituted mind, are overwhelming. In fact, as Macaulay said, in 1833, 'the strength of the case was a serious inconvenience to an advocate, for it was hardly possible to make a speech without wearying the audience by repeating truths which were universally admitted.'

Macaulay had occasion, in 1829, to write upon the subject of the 'Civil Disabilities of the Jews,' and he dwelt with great force and effect upon the glaring anomalies involved in their exclusion from parliament. 'Government exists,' he said, 'for the purpose of keeping the peace; for the purpose of compelling us to settle our disputes by arbitration, instead of settling them by blows; for the purpose of compelling us to supply our wants by industry, instead of supplying them by rapine. This is the only operation for which the machinery of government is peculiarly adapted, the only operation which wise governments ever propose to themselves as their chief object. If there is any class of people who are not interested, or who do not think themselves interested, in the security of property and the maintenance of order, that class ought to have no share of the powers which exist for the purpose of securing property and maintaining order. But, why a man should be less fit to exercise those powers because he wears a beard; because he does not eat ham; because he goes to the synagogue on Saturday, instead of going to the church on Sundays we cannot conceive.'⁶⁵ 'But,' he continued, 'it would be monstrous, say the persecutors, that Jews should legislate for a Christian community. This is a palpable misrepresentation. What is proposed is not that the Jews should legislate for a Christian community, but that a legislature composed of Christians and Jews should legislate for a community composed of Christians and Jews.'⁶⁶

Mr. John Bright, speaking upon the same subject at a much later date, (1853), uttered very similar sentiments, when he said, 'What can be more marvellous than that any sane man should propose that doctrinal differences in religion should be made the test of citizenship and political rights. Doctrinal differences in religion, in all human probability, will last for many generations to come, and may, possibly, last so long as man shall inhabit this globe; but if you permit these differences to be the tests of citizenship, what is it but

65. Collected Essays, 'Civil Disabilities of the Jews.'

66. Collected Essays, 'Civil Disabilities of the Jews.'

to admit into your system this fatal conclusion—that social and political differences, in all nations, can never be eradicated, but must be eternal?’⁶⁷ The same speaker went on to remind the Commons that, up to that time even, the bill had been passed by them, and in each case rejected by the Lords *fourteen* times, and he concluded by exhorting them in the following words:—‘Let us then get rid of this question, which has been discussed and decided year after year; and, above all, let us see that the Commons House of England is open to the Commons of England, and that every man, be his creed what it may, if elected by a constituency of his countrymen, may sit in this House, and vote on all matters which affect the legislation of this kingdom.’⁶⁸ Let me close this sketch by adding that the opposition to the claims of the Jews came almost exclusively from the Tories, and especially from the Tories in the House of Lords; from the High churchmen, also from the bishops.⁶⁹

The Trades-Union Act of 1871, which stands next in my category of modern Liberal measures, marks an epoch of great and memorable import to a very large section of Englishmen, viz., the whole of the working classes. This measure was undoubtedly of a truly Liberal character, as it had the simple and beneficial effect of conferring additional liberty upon a large class of subjects, who had previously suffered under the disadvantage of legislative restriction, for which no good defence or justification can, or could at the time, be urged. This act removed the last remnant of formidable legislative barriers, which had previously curtailed the liberty of workmen, in their endeavours to strengthen their position by combination and unanimity of action, in dealing with employers.

It will be necessary, hereafter, for me to distinguish between that part, or those features of trades-unionism which can, and those which cannot be justified upon the true principles of Liberalism. That part which I am now justifying, as having been legalised by the measure of 1871, I shall carefully define hereafter. It is not generally known that trades-unionism is really a very old institution, and that strikes and locks-out are by no means novel, as means of increasing the power of employers or employées respectively. So far back, in fact, as 1349, it was considered necessary to introduce legislation for the purpose of dealing with the subject of labour.

The previous year had witnessed what was known as the ‘Black Death,’ described by Green as ‘the most terrible plague the world ever witnessed.’ In consequence of its ravages, ‘the organisation of labour was thrown out of gear.’ As a result of the scarcity of hands, farms were abandoned, and cultivation became impossible. ‘The sheep and cattle,’ says a contemporary, ‘strayed through the fields of corn, and there were none left who could drive

67. Collected Speeches, ‘Admission of Jews to Parliament.’

68. Collected Speeches, ‘Admission of Jews to Parliament.’

69. McCarthy’s ‘History of Our Own Times,’ Vol. ii., page 48.

them.’ Wages suddenly rose, ‘harvests rotted on the ground; and fields were left untilled, not merely from scarcity of hands, but from the strife which now, for the first time, revealed itself between capital and labour.’⁷⁰ ‘While the landowners of the country, and the wealthier craftsmen of the town, were threatened with ruin, by what seemed to their age the extravagant demands of the new labour class, the country itself was torn with riot and disorder. The outbreak of lawless self-indulgence, which followed everywhere in the wake of the plague, told especially upon the ‘landless men,’ wandering in search of work, and for the first time masters of the labour market.’⁷¹

A remedy for all this was attempted, by means of the Statute of Labourers of 1349. By this act, ‘every man or woman, of whatever condition, free or bond, able in body, and within the age of three score years...not having of his own, whereof he may live, nor land of his own about the tillage of which he may occupy himself, and not serving any other, shall be bound to serve the employer who shall require him to do so, and shall take only the wages which were accustomed to be taken in the neighbourhood, where he is bound to serve, two years before the plague began.’ The statute further provided for punishment by imprisonment. Shortly afterwards, (1350) further and even more stringent measures were adopted. The price of labour was fixed; the labourer was forbidden to leave his parish in search of better wages; and, if he did so, he was deemed a ‘fugitive, and subjected to punishment.’ Green observes that it was impossible to enforce such a law, inasmuch as corn had risen to such a price, that a day’s labour on the old terms would not purchase sufficient for a man’s support. The original penalties were so insufficient for their intended purposes, that a ‘fugitive’ was punished by being branded on the forehead with a hot iron. By means of legal ingenuity, many duly emancipated serfs were successfully claimed to still belong to the class from which they had been regarded as having been freed. ‘In the towns, where the system of forced labour was applied, with even more rigour than in the country, strikes and combinations became frequent among the lower craftsmen.’ A lawless spirit began to show itself among the class affected by these restrictions on personal liberty; and, from this time downwards, the working classes, and those in authority—whether parliament or the monarch—have carried on a series of reprisals in the attempt to, on the one hand regulate, on the other hand resist the regulation of such matters as rates of wages, hours of labour, etc.

In 1362, for instance, after a violent storm, when much damage was done to roofs, a royal order was issued that neither the price for materials for roofing, nor the wages of tilers should be increased in consequence. This was an attempt to interfere with the free play of supply and demand in labour and material, which had been suddenly disturbed by the damage mentioned.

70. Green’s ‘History of the English People,’ Ch.5.

71. Green’s ‘History of the English People,’ Ch.5.

In the following year, in consequence of the continued rise of wages, and the increased prosperity of the peasant population, an act was passed admonishing agricultural labourers generally not to eat or drink 'excessively,' or to wear any material in their clothes except 'blanket and russet wool of tweldepence.' At the same time domestic servants were declared entitled to no more than one meal a day of flesh and fish, and were required to content themselves, for the remainder, with 'milk, butter, cheese, and other such victuals.' This attempted interference touched even more near home in the direction of personal liberty, and of course met with some resistance. Still wages rose. In 1383 a proclamation was issued from the City authorities of London, prohibiting all 'congregations, covins, and conspiracies of workmen.' The punishments were very severe, but, notwithstanding, the combinations continued to be maintained.

In the beginning of the sixteenth century, Sir Thomas Moore published his 'Utopia,' and he dealt, at considerable length, with the hardships of the working classes. He advocated the 'nine-hours' system, with a view to the intellectual improvement of the workmen.

In 1548, an act of parliament was passed, by which any man who refused to work at statute prices, could be branded 'V' for vagabond, and reduced to a condition of slavery for two years; and, if he attempted to escape, he could be branded 'S,' by which he became a slave for life. If he further objected, he was hanged. The preamble of the act in question evidences the existence, even then, of combinations of workmen, and of their being regarded as illegal and injurious to commerce; for it recites that artificers, handicraftsmen and labourers have made confederacies and promises, and have sworn mutual oaths, not only that they should not meddle with one another's work, and perform and finish what another had begun; but also to constitute and appoint how much they shall do in a day, and what hours and times they shall work, *contrary to the laws and statutes of this realm*, and to the *great impoverishment of his Majesty's subjects.* Under this act, a third conviction resulted in the prisoner's ear being cut off. Down to the year 1812, the justices had the power to fix the rates of wages for certain classes of workmen; but the exercise of the power fell into disuse, sometimes for long periods, and was only revived when the wages had risen to a level which attracted notice, and appeared to require regulation. As affecting weavers' wages, no interference was attempted up to 1720, when an effort was made to re-assert the almost forgotten prerogative. The attempt was not successful, but was again made in 1745. In 1768, an act was passed, by which the hours of labour for London journeymen tailors were fixed at '6 a.m. to 7 p.m.' with an allowance of one hour for meals. By the same act, the wages of cloth-workers were fixed and an employer who engaged a workman, living more than five miles from London, was liable to a fine of £500. The miners of Scotland, at this time, were subjected to

great oppression, in consequence of the statutory provisions affecting them. Down to so late a time as 1779, that class were not at liberty to come up out of a pit, unless with the consent of their master; and it is said that they were actually sold as part of the property. If they attempted to obtain work at another mine, they could be taken, brought back, and flogged as thieves, for having robbed him of their labour. All their hardships and oppressions naturally tended to nourish the growth of combination, which was carried on, notwithstanding the many attempts at repression. Up to the same date which I have just mentioned, a workman could not travel out of his own district in search of work. So great continued to be the fear of the law, as affecting the members of trade organisations, that, as late as 1810, a society of ironfounders held their meetings at night, 'on the water and moors on the highlands of the Midland counties;' and all the papers connected with the association were kept buried in the peat.

Down to the year 1824, with the exception of a certain modification in 1813, the act of Elizabeth remained in force, by which the acceptance of wages was rendered compulsory, and the hours and wages were definitely fixed; and down to the year 1825, the mere combination of workmen was absolutely illegal. Previous to 1871, the date of the measure with which we are more particularly concerned, trades unions were, in the eye of the law, illegal, and, as a consequence, no contract made by such an organisation could be enforced, or made the groundwork of a prosecution.

In 1869, a secretary of a trade's association misappropriated a large sum of money, and was accordingly prosecuted. The charge was, however, dismissed, on the ground that the society was established for illegal purposes. Inasmuch as combinations do exist, and have nearly always existed among merchants and others, for the purpose of securing better terms in the disposal of their particular commodities, it is obviously unfair and inequitable, that those who have their labour to dispose of should not be allowed the same right of combination. Yet, such was the case; for, whereas, if a servant of such a merchant had appropriated a sum of money, he could be duly prosecuted for the offence, while the servant or secretary of a trades union could not be so prosecuted. This was obviously unjust, and constituted a denial of the 'equal opportunities,' or the 'equality in the eye of the law' to which every citizen is entitled.

It was to remedy this unjust state of things that the act of 1871, was passed. By it, workmen were allowed the liberty to act in unison in matters of the hours of labour, or the rates of pay; and its concessions, amount to nothing more nor less than what every other class of citizen was enjoying. The act provides that 'the purposes of any trades union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful,' (sec. 2) that 'the purposes of any trades union shall not, by reason merely that they are in restraint of trade, be unlawful, so as to render void or voidable any agreement

or trust.' The same act contains many provisions regarding the registration of trades unions. The practical effect of the act was simply to permit men to exercise their civil liberty, by accumulating their funds for combined purposes, without being thereby deprived of the protection of the law, in the event of such funds being criminally appropriated by any officer happening to have it under his custody.

Shortly described, this measure had for its object the bestowal of more liberty and more equal opportunities for the perfecting of trades-unionism—an institution perfectly legal in itself, though frequently used for purposes just as tyrannical as the very laws which, for centuries, retarded its own growth and development.

The Ballot Act of 1872, which should be classed among the most important of modern Liberal measures, finally disposed of a question, which had, with more or less frequency, and with greater or less intensity, occupied and agitated the public mind for upwards of a century and a half. This feature of the movement is not generally known. The author of 'The Radical Party in Parliament,' writing of the year 1778, says: 'At a meeting on the 22nd March, with Fox in the chair, and Burke, Sheridan, and Beckford present, we come upon the *first* reference to the ballot.' The resolution which contained that reference ran as follows:—'That the obtaining of a law for taking the suffrages of the people, in such a mode as to prevent both expense in elections, and the operation of undue influence therein, is necessary towards the *freedom* of parliament.'⁷²

This is, however, not the first reference to that subject; for Hallam, in a note to his 'Constitutional History,' mentions the publication, in 1705, of a tract, entitled 'A Patriot's Proposal to the People of England,' which consists of a recommendation of election by ballot.⁷³ The same writer also mentions the introduction into the Commons of a bill 'for voting by ballot,' in 1710.

Notwithstanding that Lord John Russell once said that 'secret voting was opposed to the open and free constitution of the country,'⁷⁴ a moment's reflection will convince any one that, as the resolution of the Westminster committee of 1778, discloses, the ballot was 'necessary towards the freedom of parliament.' The Ballot Act simply gave voters the liberty to vote secretly, if they thought it desirable; but by no means compelled them to maintain secrecy, afterwards, as to how they had voted. Previous to the act, a voter possessed less freedom than after its passage, inasmuch as he had not the power to vote secretly if he wished. The effect of the act was to leave it optional with a voter whether he kept as a secret, or made it known, how he expressed himself at the poll. This option was, too, a necessary liberty, inasmuch as thousands of

72. 'History of the Radical Party in Parliament,' p. 30.

73. 'Vol. iii., p. 204.'

74. 'Life of Richard Cobden.' (John McGilchrist), p. 157.

voters have been in the past, and are, in the present, liable to intimidation by employers, landlords, creditors, and others; and, if this privilege, or rather liberty, to express a choice at the poll, were not possessed by all citizens, much of the freedom of opinion on matters political which now exists would be withheld from those who at present possess it.

The employer, the landlord, and the creditor were able to record their votes without fear of suffering disadvantage, if it happened to be contrary to the wishes of others; but the employé, the tenant, and the debtor were frequently compelled to choose the alternative of stultifying themselves at the poll, or incurring the displeasure, perhaps the serious enmity of others, on whom they were dependent, by voting 'contrary to orders.'

The ballot then conferred freedom on a class who did not previously possess it, without any corresponding curtailment of liberty in regard to any other class. This is true Liberalism; and, therefore, such an institution could not have been 'opposed to the open and free constitution of the country.' Cobden said 'it would do much to put an end to that corruption in the boroughs, and subserviency in the counties, which we have now to deplore.'

When Burke wrote his 'Reflections on the French Revolution,' in 1790, he took a very jaundiced view of society, to which we may attribute the gloomy prognostication that 'all contrivances by ballot were vain and childish, to prevent a discovery of inclinations.' He was certainly wrong; for, nowadays, unless a man is weak enough to lose control of his tongue, he may carry to the grave with him the secret as to how he voted at an election; and, if he finds it necessary to do so, he may even 'prevent a discovery of his inclinations.' When Burke wrote this, however, he was despondent of society, which had been subjected to so complete an upheaval in France. Many of his most cherished Liberal opinions and theories, concerning it, had appeared to be for ever doomed to disappointment, by that great revolution; and, he was, in consequence, rendered permanently sceptical as to the popular judgment.

Mr. Bright, in one of his speeches, mentions that John Stuart Mill, even, had considerable scruples on the question of the ballot, though he seems to have been curious to see it tried.⁷⁵ We are not without high authority as to the intimidation to which voters were subjected, previous to the passing of this liberal measure. Sir Erskine May says: 'The Ballot Act of 1872, by introducing secret voting, struck at the influence of patrons and employers over the independence of electors.'⁷⁶

It is somewhat interesting to trace the history and vicissitudes of this proposal, from the date of the Reform Bill (1832) down to 1872, when it became law.

It was O'Connell who asked for leave in the former year to introduce a bill to establish triennial parliaments, universal suffrage, and vote by ballot;

75. 'Speech on Ireland,' March 14, 1868. Collected Speeches

76. 'Democracy in Europe,' Vol. ii., p. 473.

and, in 1832, Lord Durham did his utmost to have a provision, dealing with the subject of voting by ballot, introduced into the Reform Bill.⁷⁷ In fact, according to Mrs. Grote,⁷⁸ it was actually inserted in the original draft of that measure, though subsequently omitted. The same writer informs us that, as a principle, it had always formed a 'leading article of the Radical faith.'

In 1833, George Grote himself undertook to introduce the question in the ensuing session of Parliament. The decision appears to have arisen out of a meeting between a number of distinguished men, including Joseph Hume, John Romilly, Prescott the historian, Grote himself, and the elder Mill. Grote is said to have introduced the subject in a speech, which 'not only conferred honour on the speaker, but strengthened the party to which he was attached.'⁷⁹ The division resulted in there being 134 for the motion, and 239 against the motion. From this time forward, Grote made his motion on the subject annually. In 1837, 155 members voted for the motion and 267 against it, and out of the latter number, 200 of the votes were given by Tories. In 1838 Lord John Russell declared himself opposed to the ballot, and prominent Radicals protested against such an expression of opinion. In 1839 the annual motion was affirmed by 217 votes as against 335, and Macaulay's name was included in the former number. In 1848 the same resolution was included in a larger and more comprehensive one, dealing with extension of suffrage and triennial parliaments; and it did not therefore afford a test as to the growth of feeling on the subject. In 1849 the matter was taken in hand by Mr. H. Berkely, who repeated it year by year until his name became as inseparably connected with it as that of Sir Wilfred Lawson with the subject of Local Option. For some years the divisions were very small, and show that the interest taken in the motion was by no means intense; but, in 1855, the proportion was much more favourable, there being 157 for and 194 only against the motion. In 1858 Mr. John Bright, speaking upon the subject of the ballot, said: 'The argument has been already exhausted for twenty years,' and, a few days later, he said, in speaking of the large class of people interested in Reform: 'I believe the ballot alone will give them the power of exercising the franchise, in accordance with their own convictions.'⁸⁰ In the same speech, he added, 'I cannot comprehend why any man should oppose the ballot. I can understand its importance being exaggerated, but I cannot understand the man who thinks it would be likely to inflict injury upon the country.... The educated man, the intellectual man, the benevolent man, the man of religious and saintly life, would continue to exercise a most beneficent influence, which the ballot, I believe, would not in the slightest degree impair; but the influence of the landlord, of the creditor,

77. McCarthy's 'History of Our Own Times,' Vol. i., p. 35.

78. 'Personal Life of George Grote,' p. 76.

79. 'Radical Party in Parliament,' p. 236.

80. 'Speech on Reform,' Glasgow, December 21, 1858.

of the customer—the influence of the strong and unscrupulous mind over the feeble and the fearful—that influence would be as effectually excluded, as I believe it could be, by any human contrivance whatsoever.’

Mr. Bright then speaks of the ‘moral aspect’ of the question. ‘How,’ he says, ‘would canvassing be conducted under the ballot? I do not know how you conduct the canvassing of electors in this great city, but I will tell you how it is managed in small and moderate boroughs in England. The candidate goes to see as many electors as possible. In calling on any particular elector, the canvassers endeavour to find out his employer, his landlord, some one who has lent him money, or done a kindness to some of his friends, or who has some influence over him; and half-a-dozen meet together, and though there may be nothing said, the elector knows very well there is somebody in that small number who has done him a benefit for which he expects a return: somebody who has power over him, and who expects to be obliged; and while the object is professedly a canvass, it is little better than a demonstration of force and tyranny. Every man who, for want of the ballot, votes contrary to his convictions, is a demoralised and degraded man.... There is no portion—I can assure this meeting there is not one of the propositions for Reform that have been submitted to the public—there is no other portion that is received with such unanimity, such enthusiasm of resolution, throughout all the meetings in England, as the proposition that the ballot shall form a portion of the coming Reform.’⁸¹

In 1860, the division on the ballot was very close, though it is evident, from the smallness of the numbers, that the amount of interest taken in the matter was very slight. Ninety-nine votes were recorded for, and 102 against the motion. In subsequent years, down to 1866, the divisions were not so favourable.

In the same year we find Mr. Bright again mentioning the subject, in a speech upon Ireland. ‘The ballot,’ he said, ‘is almost universal in the United States. It is almost universal in the colonies, at any rate in the Australian colonies; it is almost universal on the continent of Europe; and, in the new parliament of North Germany, which is about soon to be assembled, every man of twenty-five years of age is to be allowed to vote, and to vote by ballot. There is,’ he adds, ‘no other people in the world that considers that it has a fair representative system, unless it has the ballot.’⁸² A remarkable fact, in connection with the ballot, is that John Stuart Mill, who had begun by advocating it, subsequently became an opponent of it, on the ground that it was unmanly to conceal one’s vote,⁸³ and, strange to say, in the very speech in which he condemned it, he quoted an opinion of Edmund Burke, which

81. ‘Speech on Reform.’ Glasgow, Dec. 21, 1858.

82. ‘Speech on Ireland.’ Dublin, Nov. 2, 1866.

83. McCarthy’s ‘History of Our Own Times,’ Vol. ii., p. 359.

appears to tell completely against the conclusion which he was actually founding upon it. The sentence was to the effect that 'the system which lays its foundations in rare and heroic virtues will be sure to have its superstructure in the basest profligacy and corruption.'

In 1871-72, a change was taking place in public feeling upon the subject of the ballot. 'The gross and growing profligacy and violence, which disgraced every election, began to make men feel that something must be done to get rid of such hideous abuses.'⁸⁴ 'The objection to the open vote was that, in a vast number of instances, the elector could not safely vote according to his conscience and his convictions. If he was a tenant, he was in terror of his landlord; if he was a workman, he was afraid of his employer; if he was a small shopkeeper in a country town, he was in dread of offending some wealthy customer; if he was a timid man, he shrank from exposing himself to the violence of the mob. In many cases, a man giving a conscientious vote would have had to do so with the certainty that he was bringing ruin upon himself and his family. In Ireland, the conflicting power of the landlord, and of the crowd, made the vote a mere sham. A man in many places dared not vote, but as the landlord bade him. Sometimes, when he thought to secure his safety by pleasing the landlord, he ran serious risk by offending the crowd who supported the popular candidate. Voters were dragged to the poll, like slaves or prisoners, by the landlord and his agents.'⁸⁵

In 1869, a committee had been appointed to enquire into the method and manner of conducting elections, and that committee had reported in favour of the principle of the ballot. In 1872 the Ballot Act was, after a good deal of hesitation on the part of the House of Commons, passed. Having been affirmed on the third reading by 276 votes against 218, the measure was sent to the Lords; and, inasmuch as they had rejected a similar measure in the preceding session, they made several amendments in the bill, the principal one being that which rendered the ballot optional. This modification was resisted on the motion of Mr. Forster, but supported by Lord Beaconsfield, (then Mr. Disraeli) who characterised the system as a new-fangled experiment, which he considered of a degrading character, and no better, as an expedient against corruption, than the Riot Act was against the tending to riot.⁸⁶ Ultimately, a compromise was arrived at between the two Houses—the Commons admitting the right of scrutiny, on demand by a defeated candidate, and accepting the limitation of the operation of the act to 1880: the 'optional' feature being of course eliminated. The bill then passed. The 1874 election which followed, is said to have been 'one of the most quiet and most orderly ever known,' and the same may be said of that of 1880.

84. McCarthy's 'History of Our Own Times,' Vol. ii., page 360.

85. 'History of Our Own Times,' Vol. ii., p. 359.

86. 'Life of W. E. Gladstone,' Lewis Apjelm, p. 209.

The Ballot Act has by no means rendered corruption a thing of the past; but it is acknowledged to have almost completely prevented intimidation being exercised over voters.

Let me now, before closing this chapter, briefly glance back over the several Liberal measures dealt with, in order to show how one and all of them conform to the principle we have laid down as the true foundation of that school of politics, viz., the conferring of 'equal liberties' by the removal of class privileges, which have grown up by prescription, or been actually conferred by the action of parliament. I have, in the opening of this volume, used, as a sort of text for my subject, an admirable, and, at the same time a most scientific definition of 'liberalism,' by Mr. Henry Broadhurst. I shall deal with it at greater length in a subsequent chapter; but shall also quote it here, in order that I may, by the light it affords, criticise the several Liberal measures dealt with in the present chapter.

'Liberalism,' says Mr. Broadhurst, 'does not seek to make all men equal—nothing can do that. But its object is to remove all obstacles erected by men, which prevent all having *equal opportunities*.'⁸⁷

The affirmative part of this definition can be further abbreviated into 'the securing, to all, *equal opportunities*.' But, it is necessary to observe that 'Liberalism does not seek to make all men equal,' that is to say, that, while aiming at the bestowal of equal opportunities, it does not attempt to produce an uniformity of wealth, or an equality in social conditions; but aims merely at securing 'equal opportunities,' such as may result from the removal of 'obstacles of human origin.' Mr. Joseph Cowen, in his admirable speech upon 'Principles,' says much the same thing. 'The first of Liberal principles is equality. I do not mean equality of social condition. That is a speculative chimera which can never be realised.... If they were made equal to-day, they would be unequal to-morrow. I mean *equality of opportunity*—a clear and equal course, and victory to the wisest and the best.'⁸⁸ We may from these two definitions of Liberalism, offered by prominent Liberals of the most pronounced type, draw the conclusion that the object of Liberalism is to secure 'equality of opportunity' to all men; and from this it follows that any attempt to approximate to a more extended equality, such as equality of wealth, or of social conditions, would involve a departure from true Liberalism, inasmuch as it would at once have the effect of rendering the opportunities *unequal*. Men will always be unequal in wealth, in social position, and even in the extent of happiness which falls to their lot, so long as they are born with different abilities, among different surroundings, and with different constitutions and susceptibilities. To attempt to equalise them with regard to the natural gifts which they possess would be to attempt an impossibility; to

87. 'Why am I a Liberal?' p. 48.

88. 'General Election Speeches,' 1885.

attempt to equalise their surroundings would be similarly impracticable; and, at the same time, it would be open to the objection that it was an attempt to make men equal in 'social conditions.' To attempt to equalise the constitution or susceptibilities of men would be ridiculous. So that one is brought back to the conclusion that all 'Liberalism' can do is to secure to every man 'equal *opportunities*' for the exercise of whatever faculties he may possess: unrestricted by any actual obstacle or hindrance, which nature has not herself imposed. When that is secured, victory must be allowed, as Mr. Cowen says, to go to 'the wisest and the best.'

An examination of the various instances of Liberalism, which I have dealt with in this and the preceding chapter, will show that they have all conformed to this definition, and, therefore, come correctly under the category of Liberal legislation, even though that party-title was not known when many of them were made part of the constitution under which we live. It will be found that this expression 'equal opportunities' is almost identical with the older and more traditional word 'liberties.'

De Lolme, in his treatise on the British constitution, says 'Private liberty, according to the division of the English lawyers, consists, first, of the right of *property*, that is of the right of enjoying exclusively the gifts of fortune, and all the various fruits of one's industry; secondly, of the right of *personal security*; thirdly, of the *locomotive faculty*: taking the word Liberty in its more confined sense. Each of these' continues that writer, 'is inherent in the person of every Englishman.' In my chapter entitled 'Historic Liberalism,' I have sufficiently shown how each of the events, therein dealt with, involved the principle of 'liberty,' thus defined. I shall now show how each of those reforms coming under the category of 'Modern Liberalism' does likewise, and conforms also to the 'equal opportunities' principle.

The Reform Bill of 1832, produced a closer approximation to that 'equality of opportunity' which consists in possessing, as fully as one's fellow-men, the right to a voice in the election of the national legislature, and in the consequent management of the public funds in which every citizen is interested. If, as Edmund Burke has said, a citizen's vote is his shield against the oppression of power, then, it is essential to his possessing equal opportunities, that he should have that shield in his possession.

The Anti-Slavery movement certainly needs no apology; for, so long as a man was deprived of personal freedom, he was deprived of his equal opportunities by reason of 'obstacles' of the most distinctly 'human origin.' The Anti-Slavery movement of 1833, was, therefore, one of the most Liberal measures ever proposed.

The Repeal of the Corn Laws in 1846, was a most unmistakably liberal piece of legislation. Previous to its passing, the great majority of the English people were prohibited, by legislation, from purchasing their bread where they

chose, and where they could buy it at the cheapest price. The Corn Laws, which were in existence, practically imposed a penalty on all who purchased corn abroad, by requiring a duty to be paid. The effect of those laws was to give the landowners of England an artificial price for the produce of their land, which they could not otherwise have obtained: thus affording to them opportunities which the legislature could not secure for all citizens equally. The Repeal Act removed this inequality of opportunity, without in any way trespassing upon the rights of others.

Regarding the Chartist movement a distinction must be observed. As I have pointed out, the Charter failed because it contained erroneous and revolutionary proposals. Those which have since been made the law of England, were truly liberal, inasmuch as they clearly conform to the principle of 'equal opportunities.' The ballot simply gave to the poor and dependent man the right to record his vote without fear of punishment. The rich and powerful citizen enjoyed that privilege; and the ballot, as a principle, sought only that all should be similarly free.

The desire that the pecuniary qualification for the House of Commons should be removed was equally liberal. The necessity for a money qualification was an 'obstacle' of 'human origin,' which prevented many men from enjoying the privilege of entering parliament if elected. The removal of such an obstacle was therefore in strict accordance with true Liberal principles.

Chapter Five

THE PRINCIPLES OF TRUE LIBERALISM¹

An attempt to define, in general terms, the sociological basis of government.

‘I should say, in the first place, that what all Liberals most strongly, most ardently desire is that as *large an amount as possible of personal freedom and liberty* should be secured for every individual, and for every class in the country.’—LORD HARTINGTON (Speech at Derby, July 12, 1886).

‘The *maximum* right of the individual to please himself, subject to the *minimum* right of the community to control him.’—*The Times*, (Oct. 29, 1886.)

‘I think that nothing would be more undesirable than that we should remove the stimulus to industry, and thrift, and exertion, which is afforded by the security given to every man in the enjoyment of the fruits of his own individual exertions.’—JOSEPH CHAMBERLAIN (Speech at Hull, Aug. 5, 1885).

In order to clearly and correctly comprehend the nature of Liberalism, in its original and scientific meaning, it is, above all things, necessary to recognise that that which is so glibly spoken of in our every-day conversation as ‘politics,’ comprehends one of the most profound and complex of sciences.

1. My reason for choosing the above heading, for the present chapter, is that I may be enabled to draw as clear as possible a distinction between what I conceive to be the true principles upon which all movements, attempted under the authority of the political term ‘Liberalism,’ should be based, and those other principles which, while claiming to rightly conform to the traditions of that title, are in fact entirely and absolutely false to them, and really calculated to undermine and destroy some of the greatest Liberal results associated with our nation’s history. I have, accordingly, entitled the one set of principles ‘True Liberalism,’ and, in the next chapter I have dealt with what I conceive to be the false and perverted school referred to, under the title ‘Spurious Liberalism.’

This important fact is, with most people, completely lost sight of, or, to speak more correctly, never actually realised, except by the comparatively few who have made of the subject a close study. There is, in truth, no other topic in which all men alike are called upon to take an interest, which, to be rightly understood, requires so much and so continuous study and concentration; and yet, contradictory though it may be, there is no subject, in connection with which men act with so little real reflection, or concerning which they express settled convictions with so much confidence and self-satisfaction. ‘Over his pipe in the village ale-house,’ writes Mr. Herbert Spencer, ‘the labourer says, *very positively*, what parliament *should* do.’ This confidence, and the widespread ignorance which begets it, are, by no means, confined to the working classes. Among the more educated of society—even among what are termed University men—there is a surprising lack of knowledge concerning the fundamental principles of government. Some of the simplest axioms of political economy are as systematically ignored as if they had never been established; and equal disregard is displayed, in the ordinary political ‘talk,’ for some of the first principles of sociology which bear upon the practical government of the day.

As long as this is so, there is little hope that the genuine and scientific meaning of the political term in question will be widely understood, and so made to operate in the formation of public opinion. Milton’s well-known line, regarding the ‘fear of angels,’ has no apter illustration than that which is afforded by ‘the people,’ in their confident treatment of political matters. Political problems are, from time to time, raised for settlement, in these days of ‘popular government,’ such as would require, for a correct solution, all the knowledge and concentration of a Mill or a Burke; yet, they are disposed of, for the time being, as if the questions involved were of the very simplest nature. ‘The enthusiastic philanthropist, urgent for some act of parliament to remedy this evil or secure the other good, thinks it a very trivial and far-fetched objection that the people will be morally injured by doing things for them, instead of leaving them to do things themselves. He vividly realises the benefit he hopes to get achieved, which is a positive and really imaginable thing: he does not realise the diffused, invisible, and slowly accumulating effect wrought on the popular mind, and, so, does not believe in it; or, if he admits it, thinks it beneath consideration. Would he but remember, however, that all national character is gradually produced by the daily action of circumstances, of which each day’s result seems so insignificant as not to be worth mentioning, he would see that what is trifling, when viewed in its increments, may be formidable when viewed in its sum total.’²

In the ordinary way, and more especially at times when party feeling runs high, any appearance of doubt in connection with political matters is

2. ‘Over-Legislation.’ (Collected Essays.) Herbert Spencer.

immediately interpreted as evidencing want of 'back-bone,' 'shilly-shallying,' 'sitting-on-a-rail,' or some other reprehensible condition of mind. At election time, a voter experiencing such misgivings would, if not abused, certainly be considered a fit subject for sympathy. Yet, if the truth were known, such a man, provided his hesitation were the genuine result of doubt, arising from a recognition of the great difficulties of any particular political question, would be a far safer citizen, in a democracy, than the thousands of confident electors who have, in their own minds, and to their own satisfaction, reduced all the great social problems of our day to a cut-and-dried condition, such as leaves no doubt whatever regarding the course to be pursued. Without, however, dwelling longer upon that point, let me say that, in the opinion of all the greatest thinkers who have dealt with this subject, what we call 'politics' or 'government' is regarded as a science; and, what is more, as one of the most profound with which the human mind has so far had to deal. And this is a conclusion to which everyone must come, who sets himself to its investigation with any degree of seriousness.

'The constitution of a State,' says Edmund Burke, 'and the due distribution of its powers, is a matter of the most delicate and complicated skill. It requires a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions.'³ Again, the same writer, says: 'The science of government requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be.'⁴ And further, 'The nature of man is intricate, the objects of society are of the greatest possible complexity; and therefore no simple disposition, or direction of power can be suitable either to man's nature, or to the quality of his affairs. When (he adds) I hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artificers are grossly ignorant of their trade, or totally negligent of their duty.'⁵ A more modern authority has said much the same thing; thus:—'Legislation is so complex, that only those who give themselves wholly to the study can be acquainted with any considerable part of it. The true method of approaching a legislative measure assumes the form of a complicated logical and scientific problem.'⁶ Unfortunately, the bulk of our fellow-men do not take the same view. Those who have cast upon them the responsibility of electing the politicians or legislators of our day have formed their own opinions; and, what is more, placed their own value upon their own abilities, in calculating the importance and correctness of those opinions.

3. 'Reflections on the French Revolution.' (Collected Works, Vol. ii., p. 333.)

4. 'Reflections on the French Revolution.' (Collected Works, Vol. ii., p. 334.)

5. 'Reflections on the French Revolution.' (Collected Works, Vol. ii., p. 334.)

6. 'The State in Relation to Labour,' W. Stanley Jevons, p. 18.

Representatives for parliament appear to be chosen (if we can judge from the amount of confidence displayed in the operation) upon the assumption that a knowledge of politics, or of the science upon which they are based, is a matter of simple intuition; and that, in fact, the exercise of the franchise, or the correct criticism of a measure, is one of the most easily and lightly discharged of our every-day duties.

'A man,' says Mr. Joseph Cowen, 'is expected to serve an apprenticeship, or to pass a competitive examination for every profession save criticism and government. Legislators (he adds, somewhat ironically) are *ready-made*. Politics, however, are not personalities; yet the man who can rattle off a list of names and measures, with the chronological exactness of a sporting prophet, recounting the pedigree of a horse, is deemed a politician.... These personal data may be entertaining enough for gossip, but they are a trumpery contribution to the philosophy of government.'⁷

We have heard a good deal from time to time upon the subject of direct representation for the working man, in parliament, a proposal which is, of necessity, based upon the supposition that it is not only possible, but out of the region of doubt that a journeyman could lay aside the tools, with which he has been engaged during the day in constructing a door or laying bricks, and, without any difficulty, take a really useful part in the making of laws for his country.

About two years ago a debate took place upon the question of 'Payment of members of parliament,' among the delegates present at an Intercolonial Trades' Union Congress held in the colony of Victoria. The proceedings have since been published and are indeed instructive. One member said, that it was necessary to give 'an opportunity to men who had *every quality necessary to make a good legislator*, but had not the means to live without labour, to enter parliament.' Another speaker 'maintained that there were as good men to be found among the working classes as ever sat in the legislative assemblies.' These speeches were both cheered; so that we may infer that the sentiments which they expressed met with general approval.

It would, perhaps, not be very seriously entertained by these gentlemen, if they were told that they, in fact, possessed *very few* of the requisite qualifications; yet they have been frequently so informed already, and by 'Liberals' of considerable authority.

Mr. Frederick Harrison, for instance, in a lecture on the 'Political Function of the Working Classes,' delivered in March, 1868, to the London Trades' Council, said, in his usual candid manner: 'I tell you plainly that, in my opinion, if the people were to manage their own concerns they *never would be worse managed*. Manage your own concerns for yourselves!' he exclaimed. 'Do you ever make your own boots and shoes, or turn your own enginedriver

7. Political Speech (Newcastle-upon-Tyne, 14th Nov., 1885.)

on a railway, or cut off your own leg when amputation is inevitable? If we all managed our own concerns for ourselves, we should be reduced to a state of the merest savages. Civilisation simply means the adjustment of parts to the most efficient hands—putting the round men in the round holes. We get our law done by men trained all their lives to the work. We get taught by professed teachers; we have our armies led by experienced and scientific generals; and if, in all things of life, great and small, we rely on men of special gifts and attainments, and know that even they can do us no good service, unless we entrust them with full freedom of action and concentration of power, how can we venture to dispense with these advantages, in the *greatest and most difficult art of all*—the art of government? What would be the result if the passengers in a train insisted on turning this or that handle of the engine in the course of the journey; if we insisted on substituting one drug for another in a physician's prescription; if the operations of an army in the field were directed by the votes of the rank and file? Yet (he says) these are comparatively easy to the art of government, especially in these days. Of all quacks (he adds) distrust most those who tell you that it is an easy thing to govern such a country as ours.⁸ Sir George Cornewall Lewis, one of the very highest authorities on this and kindred subjects, says: 'There is no branch of human knowledge; no art or applied science, which may not be put in requisition for the purposes of civil government.'⁹

The truth is that, in addition to government being a science, and an extremely complex one, very little is understood regarding it, even by those who most confidently profess a 'practical' knowledge of its principles.

'In the great science of politics,'¹⁰ says the Duke of Argyle, 'which investigates the complicated forces, whose action and reaction determine the condition of

8. 'Order and Progress,' pp. 228, 229.

9. 'Influence of Authority in Matters of Opinion,' p. 173.

10. Although frequently using and quoting others in the use of the expressions 'science of politics,' 'science of government,' I am aware that they are, by some authorities, considered incorrect. J. S. Mill, for instance, has said;—'The science of legislation is an Incorrect and misleading expression. Legislation is making laws. We do not talk of the science of making anything. Even the 'science of government,' would be an objectionable expression were it not that 'government' is often loosely taken to signify, not the act of governing, but the state or condition of being governed, or of being under a government.' ('Unsettled Questions of Political Economy,' p. 136.) With the greatest respect for so high an authority, I venture to think that the word 'government,' when coupled with the word 'science,' is more often used to signify that body of natural laws which regulate the 'order and progress' of mankind, and a knowledge of which is essential to the successful government of a people. A knowledge of the science of astronomy, or of some portion of it, is essential to a practice of the art of navigation. A knowledge of the science of sociology, and of the other sciences which are subordinate to it (biology and sociology) are equally essential to the art of government. I venture to think, therefore, that the expression 'science of government' is rather intended to signify that body of laws (included in sociology) upon which government depends. That

organised societies of men, we are still standing, as it were, only at the break of day.¹¹ Can we then, in the face of these reflections, fortified, as they are, by endless authorities, resist the conclusion that the position and responsibilities of a law maker, or, as he is glibly called, a 'politician,' call for a special training, at least as difficult and laborious as that needed in other professions? Mill was of opinion that 'there is hardly any kind of intellectual work, which so much needs to be done, not only by experienced and exercised minds, but by minds trained to the task through long and laborious study, as the business of making laws;¹² and Mr. Joseph Cowen is of much the same opinion, as are indeed all writers of eminence on the subject. 'If,' says Mr. Cowen, 'the science of legislation is to be learnt, it must be cultivated. No man can do this in a day. It must be the labour of years, and to that labour must be brought the powers of a mind, prepared by previous training, and strengthened by preliminary discipline.'¹³

However government may have been regarded in the past, by students of history and others, who have directed their attention to the theory of the subject, no past governments have thought fit, even if they were so inclined, to be guided by the true principles which underlie it. 'If (says Humbolt) we cast a glance at the history of political organizations, we shall find it difficult to decide, in the case of any one of them, the exact limits to which its activity was conformed, because we discover, in *none*, the systematic working out of any deliberate scheme, grounded on a certain basis of principle.'¹⁴ 'There is

is, evidently, the sense in which Burke uses it, for, he says, it requires 'a deep knowledge of human nature and human necessities.' I shall henceforth use the expression 'science of government,' as signifying the science of the body of laws upon which good government depends. Sir Geo. Cornwall Lewis, in his 'Treatise on Politics' (vol. ii., p. 132), has spoken of 'the science of the natural laws, which regulate the condition of nations, and determine their prosperity, decline, or stagnation.'

11. 'Reign of Law,' p. 384.

12. 'Representative Government,' p. 30.

13. 'Political Speech' (Newcastle-on-Tyne), November 14, 1885. Note—Mr. Stanley Jevons goes into considerable detail on this point:—'At whatever the legislator aims, he must consult all those sciences whose probabilities bear upon this end. If, for instance, the matter under consideration be colliery explosions, supposed to arise from the firing of shots or blasts, there is (1) the probability that the blasting is really the cause of the explosion; (2) the probability that more efficient ventilation would render the blasting harmless; (3) that, if gunpowder were prohibited, compressed air or some other agent would be brought into successful operation; (4) that if blasting were confined to the nighttime the mines could still be worked; and so forth, until we come finally to the probability that if the mines in question were actually thrown out of use, more harm than good would result. The legislator (he adds) must look at such questions in an all-round manner. He is neither chemist, nor physicist, nor physician, nor economist, nor moralist, but all of these in some degree, and something more as well, in the sense that he must gather, to a focus, the complex calculus of probabilities, the data of which are supplied by the separate investigators.' ('The State in Relation to Labour,' p. 29.)

14. 'Sphere and Duties of Government' (Wilhelm von Humboldt), p. 5.

(says Mill) no recognised principle by which the propriety of government interference is customarily tested.¹⁵

It may fairly be said that these statements regarding the scientific side of politics, and its complexity and profundity as a study, require some support in the nature of facts. One might, to that, reply that such authorities should be conclusive in themselves; but it is unnecessary to take refuge in such an answer, for the same writers have given sound reasons and facts for their conclusions, and some of the latter are indeed somewhat startling. In the first place the effect of measures is, as a rule, quite different to that which has been aimed at and expected. Indeed, it would be an extremely difficult matter to calculate the number of legislative disappointments which have resulted in our own history, by reason of this want of political knowledge; or the amount of harm which has, at different times, been inflicted upon society, as the result of abortive attempts at statesmanship. 'Every great reform,' says Buckle, 'which has been effected, has consisted, not in doing something new, but in *undoing* something *old*. The most valuable additions made to legislation have been enactments destructive of preceding legislation, and the best laws which have been passed have been those by which some former laws were repealed.... We owe no thanks to lawgivers as a class; for since the most valuable improvements in legislation are those which subvert preceding legislation, it is clear that the balance of good cannot be on their side. It is clear that the progress of civilisation cannot be due to those who, on the most important subjects, have done so much harm that their successors are considered benefactors, simply because they *reverse* their policy, and, thus, restore affairs to the state in which they *would have remained* if politicians had allowed them to run on in the course which the wants of society required.'¹⁶ Again, 'It is no exaggeration to say that the history of the commercial legislation of Europe presents every possible contrivance for hampering the energies of commerce.'¹⁷ 'For no government having recognised its proper limits, the result is that every government has inflicted, on its subjects, great injuries, and has done this, nearly always, with the best intentions.'¹⁸

Here is an even stronger piece of evidence. 'It would be easy to push the enquiry still further, and to show how legislators, in every attempt they

15. 'On Liberty,' p. 5. Note.—Mr. Stanley Jevons has adopted the very dangerous (though ultimately true) maxim that 'anything is right and expedient which adds to the sum of happiness of the community;' but he clearly sees the difficulties and dangers liable to arise from its hasty application to legislative proposals. 'It is not (he says) sufficient to show, by direct experiment, or other incontestable evidence, that an addition of happiness is made. We must also assure ourselves that there is no equivalent or greater subtraction of happiness—a subtraction which may take effect either as regards other people or subsequent times. This (he adds) it need hardly be said is a more difficult matter.' ('The State in Relation to Labour,' p. 28.)

16. 'History of Civilisation,' Vol. i., pp. 276–7.

17. 'History of Civilisation,' Vol. i., pp. 276–7.

18. 'History of Civilisation,' Vol. i., p. 281.

have made to protect some particular interests, and uphold some particular principles, have, not only failed, but have brought about results, *diametrically opposite* to those which they proposed.¹⁹

If facts are needed we have not far to go for them. In a paper read to the Statistical Society, in May 1873, Mr. Janson, vice-president of the Law Society, affirmed that, 'from the Statute of Merton (20 Henry III.), to the end of 1872, there had been passed 18,110 public acts, of which he estimated that *four-fifths had been wholly or partially repealed*.'²⁰ Nor is this very strong evidence of the ignorance of legislators confined to remote times. Mr. Spencer has himself ascertained that (speaking of the time at which he wrote) 'in the last three sessions of the English parliament there have been totally repealed 650 acts *belonging to the present reign alone*.'²¹

Can one doubt, then, the soundness of the contention that the science of government is not the very simple study which most people imagine, but a science, in the strict sense of the word, involving a knowledge, and a profound knowledge of the laws 'of human nature and human necessities,' and of whatever other laws may regulate the operations and prospects of the numerous and varied institutions grown and growing up around us as a part of our social organisation? If, then, politics are a science, surely they should be so treated, instead of being dealt with in the haphazard immethodical manner adopted towards them by the bulk of our fellow-men.

Now, true Liberalism, as I understand it, is based on scientific considerations. It has regard for the happiness of all who comprise the state; not only for their immediate happiness, nor for the happiness of the present generation exclusively. It looks rather to the happiness immediate and remote; and of the race rather than of any single generation. Aristotle says: 'Since, in every art and science, the end aimed at is always good, the *greatest good* is particularly the end of that which is the most excellent of all, and this is the political science.'²²

Bentham has defined the object of legislation to be the 'greatest happiness of the greatest number,' and Mr. Herbert Spencer, in his 'Social Statics,' has contended that such a definition brings one no nearer than before to the point sought to be defined.²³ The word 'happiness' has certainly many objections,

19. 'History of Civilisation,' Vol. i., p. 283.

20. 'Man versus The State,' Herbert Spencer, p. 50.

21. 'Man versus The State,' p. 10.

22. 'Politics,' book iii., Ch.12.

23. When Macaulay was criticising the essay on Government by the elder Mill, in the *Edinburgh Review*, he said of Bentham's definition of the end of government, which Mill had quoted, that it was 'far less precise than that which is in the mouths of the vulgar,' and added, 'The first man with whom Mr. Mill may travel in a stage-coach, will tell him that government exists for the protection of the persons and property of men.' (Essay on 'Mill on Government,' March, 1829. *Edinburgh Review*.)

for it does not, in the minds of all men, bear the interpretation of the 'greatest good.' It might, and probably does mean, to many men, a 'short life and a merry one,' which is certainly not 'good' in the sense in which Aristotle used the word. A wise government must, as I have said, have regard to the real good of its subjects, and must not lose sight of the whole race, one generation only of which it is called upon to govern.

How best is that good to be considered? Not, certainly, by 'feasting and wine bibbing,' nor, indeed, by carelessly expending the wealth of a state over any single generation or age. Every government has entrusted to it the charge of a great inheritance, which has to be handed on, again, to its successors. If we were asked how any individual should live the most worthy and successful life possible, we should all agree tolerably well in our answer; but the multiplication of individuals somewhat complicates the problem.

A government should, no doubt, aim at the *ultimate* as well as the *immediate* happiness of the *whole* people. But how is this to be attained? That is the great problem which, in different forms, every legislator is called upon to assist in solving. Men will of course differ greatly as to the best methods to be adopted, in order to attain success.²⁴

At the outset, we find it necessary to resort to human nature in order that we may first ascertain what it is that is to be governed. Man, as an individual, is the real starting-point, and a study of the individual is preliminary to a study of the group, which we call society. 'To me,' says Mr. Joseph Cowen, 'politics are the science of mundane existence. The starting-point is the individual, free and self-centred.' Before all things, man must see that he lives, and it therefore becomes necessary that he be allowed to do so, by his fellow-men. His first want, therefore, is security to the person. From this want springs the necessity for the family or tribal combination, by which that security is, to some extent, obtained. It is, next, essential that he shall have food. If he live in any but a tropical climate, he stands in almost equal need of clothing and shelter from the elements. In a primitive state of society, the greater part of a man's time is occupied over these three wants, especially if he have offspring. In primitive society, men are also liable to famine, arising from failure in crops, failure in sport, or from illness and consequent inability to follow the daily calling. Man too, being naturally disinclined to exertion, will not, voluntarily, undergo more toil than is necessary to acquire sufficient to satisfy the wants of himself, and of those who have claims upon him. From this, it follows that, in a primitive state of living, men will not, without good reason, provide for the

24. Sir T. Erskine May, in the interesting preface to his 'Democracy in Europe,' says: 'It should be the aim of enlightened statesmen to prepare society for its *increasing responsibilities*: to educate the people, to train them in the *ways of freedom*; to entrust them with larger franchises; to reform the laws, and to bring the government of the state into harmony with the judgment of its *wisest citizens*.

wants of others, unless such as nature has bound to them by, what we term, 'ties of affection,' 'love,' etc. In all communities, men are forced to either make provision for emergencies, or, as an alternative, suffer the consequences. In less civilised communities, where food or material for clothing are obtainable only at certain seasons, the more provident take care, and the less provident are forced to lay by more than sufficient for their immediate wants. Upon those who systematically neglect such providence, the law of 'the survival of the fittest' inevitably operates, unless, indeed, as is sometimes the case, now-a-days, society offers encouragement to improvidence. From the above condition of things accumulation results, and, thereupon, a new necessity arises—that of preventing such accumulations from being taken by those who are, either too lazy, or too improvident to adopt similar precautions for themselves.

Here therefore, in the very infancy of society, there arises the necessity (life, even, depending on it), for 'security for property.' These may, therefore, be rightly termed the first duties of government—'security to the person' and 'security for property.'

'Without security of property, and freedom to engage in every employment, not hurtful to others, society can make no considerable advances.'²⁵ 'Therefore,' adds the same writer, 'we have, *first*, to consider the means of obtaining security, and protection.'²⁶ 'The great and chief end,' says Locke, 'of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property.'²⁷

There is an obvious reason in thus regarding this principle as paramount. The safety of society depends upon accumulation. The uncompromising character of the laws of nature is a principle firmly established in the mind of every observant person; and it is a remarkable and noteworthy fact that, though many of our fellow-beings honestly believe that *supernatural* interference can be brought to bear upon the *natural* operation of those laws, in answer to human requests, yet, those very persons neglect no effort to resist or divert the operation of the laws themselves, by natural means.²⁸ Man, in a primitive condition, is liable to a hundred and one dangers, of which famine is the most terrible. Where any tribe, or larger community of men, is content to depend, for food and clothing, upon that which can be obtained from day to day, its members are in constant danger of this greatest of all calamities, and, while such a possibility is impending, no feeling of safety or security can exist in the minds of those over whom the danger hangs. Hence follows the importance

25. 'Principles of Political Economy,' J. S. Mill, p. 264.

26. 'Principles of Political Economy,' J. S. Mill, p. 264.

27. 'Two Treatises on Government,' Ch.8.

28. It has been ingeniously observed that almost simultaneously with the setting apart a special day for thanksgiving purposes on the recovery of health by the Prince of Wales, the medical man who had attended his Royal Highness was knighted for the skill he had displayed.

of this particular function of government—the giving security to property;²⁹ and, up to a certain point, it may be also said that the extent of happiness of a people will be in correspondence with the extent of its accumulation, since it will be, thus, the farther removed from the condition of danger which famine would entail. Accumulation, therefore, and human happiness itself, depend upon security for property.

Having then obtained this security for the person and for whatever food or property may be acquired, and seeing further that, *up to a certain point*, the greater the accumulation, the greater the happiness, it becomes necessary to enquire what is the next want for which society calls. It is acknowledged to be ‘freedom.’ Now, why is freedom, or liberty a necessity among men, and what do we mean by the expression?

Mr. Herbert Spencer answers the question for us from first principles. ‘Animal life,’ he says, ‘involves waste; waste must be met by repair; repair implies nutrition. Again, nutrition pre-supposes obtainment of food; food cannot be got without powers of prehension, and usually of locomotion; and that these powers may achieve their ends, there must be *freedom* to move about. If you shut up an animal in a small space, or tie its limbs together, or take from it the food it has procured, you eventually, by persistence in one or other of these courses, cause its death. Passing a certain point, hindrance to the fulfilment of these requirements is fatal. And all this, which holds of the higher animals at large, of course, holds of man.’³⁰

Without freedom, it is obvious that man could not choose the time, place, means, or methods of obtaining the requirements of life; and, as I shall show hereafter, the more crowded a community becomes, and the more artificial the condition of living within it, the greater the necessity for freedom to the individual, upon whom depends the responsibility of a livelihood for himself, and perhaps for others. Therefore, as Locke says, ‘the end of law is not to abolish, or restrain, but to *preserve and enlarge freedom*.’³¹ The argument stands thus: The object of man (upon which all sane people must be agreed) is to be happy. The first essential to that end is that he may live. In order to live, others must be prevented from killing him. Hence the necessity for ‘security for the person.’ To maintain life the body must be nourished. Food, therefore, is essential; and inasmuch as the uncertainty of supply of food renders life precarious, it is also essential, to man’s continuance of life, that he should

29. Mr. Herbert Spencer has classified in the order of their importance what he calls ‘the leading kinds of activity which constitute human life.’ He places, first, those activities which *directly* minister to self-preservation, viz., the actions and precautions by which from moment to moment we secure personal safety; second, those which by securing the necessities of life *indirectly* minister to self-preservation. (‘Education, Physical, Moral, and Intellectual,’ p. 9.)

30. ‘Man *versus* The State,’ p. 96.

31. ‘Two Treatises on Government,’ Ch.6.

accumulate. Security is essential to accumulation, for without it man would have no encouragement to accumulate. Security, however, being obtained by common consent and common assistance, it becomes necessary to offer every additional encouragement to accumulation. A certain amount of freedom is indispensable to that end, and beyond that, the greater the freedom, the greater the chances of accumulation, provided that the freedom be sufficiently limited to enable every member of the community to enjoy the same protection and security; that is to say, 'the liberty of each, limited only by the like liberty of all.'³²

Let us pass away now from these considerations regarding a primitive condition of society, to those regarding a more advanced form. In the latter, the necessity for freedom becomes, as I have said, even greater than in the former. With an advanced civilisation comes division of labour, and the much more elaborate requirements of our daily life. It becomes almost a physical impossibility for any individual to live as he might do in a primitive community. All the circumstances which surround him combine to force him into the more artificial and complex mode of existence. He is compelled to devote himself to the acquirement of some special knowledge, possibly very indirectly connected with the production of food, in order that he may obtain the means of livelihood; for, having had afforded to him, by society, some guarantee regarding the safety of his person, he is compelled to effect an exchange, with some other member of society, of his special knowledge for a supply of the necessaries of life, or for some other medium by which those necessaries can be obtained from a third person. On account of the adoption by society of the principle of 'division of labour,' he finds himself unable to produce these necessaries for himself, and he is thus forced to devote himself to some occupation which will be most valuable for the purposes of exchange with his fellow-citizens. Every individual needs, then, the fullest freedom to choose that occupation for which his nature and abilities best suit him, in order that he may obtain the largest amount of exchangeable value with which to purchase those necessaries of life. Moreover, eating, drinking, sleeping, and generally rendering oneself and one's belongings comfortable in life, are only a small part of man's mission. To have secured such ends is certainly the first duty of every citizen, and security and liberty are absolutely essential in order that they may be attained. But man has other wants besides the mere bodily ones. With leisure, and the opportunities for reflection, such as are, or can be enjoyed by every man in our present civilisation, there come desires, even yearnings, for far higher satisfactions. According to the constitution of our minds, or the nature of the early training which we have undergone, we find ourselves inclining in the direction of certain occupations, accomplishments, or amusements. One discovers, and finds pleasure in cultivating a faculty for

32. 'Social Statics.'

painting; another for literature; a third for music. One is led, by the bent of his mind, into the mazes of philosophy and abstract speculation; another finds pleasure in mechanics; while a third is drawn to the study of nature, either in the direction of astronomy, geology, or, may be, natural history. Many are content to concentrate their attention, wholly, upon the happiness and improvement of their fellow-beings, while others prefer to leave the busy haunts of men and lead the life of a recluse, in some occupation of a more primitive character. As Joseph Cowen has said, 'Every human being has an organisation peculiar to himself. He has his own life to live, his own work to do, and no one can live the one or do the other for him. It is with man as with nature. Each plant grows by itself, in the sunshine or the shade. The thistle gives no laws to the convolvulus. The oak and the willow have their different growths; the rose and the daisy their different forms and hues. But each has its separate function, and each its distinctive beauty. In humanity there is the same unbounded diversity. So all men, however different their capacity, should have equal liberty of germination. The same sun warms them, and the same wind breathes to them melodiously. Let each have the space and the culture most fitted for the unchecked unfolding of his powers. One man is a heretic; another is orthodox. Give both equal liberty to preach their doctrines.'³³ This liberty to open up one's individuality is not for one only, or for any particular class. It is essential to the happiness of *all*. The race, the nation, the city, the village, are made up of individuals, all, if we could but ascertain, possessing, and desiring the realisation of, some ideal. The liberty to 'followup' that ideal is essential to individual happiness and, therefore, to the happiness of the nation, of which the individuals are but the units. 'That a good man be 'free,' as we call it—be permitted to *unfold* himself, in works of goodness and nobleness—is,' says Carlyle, 'surely a blessing to him, immense and indispensable—to him and to those about him.'³⁴ 'Reason cannot desire for man any other condition than that in which each individual, not only enjoys the most absolute freedom of developing himself by his own energies, in his perfect individuality, but in which external nature even is left unfashioned by any human agency, but only receives the impress given to it by each individual, of himself and his own freewill, according to the measure of his wants and instincts, and restricted only by the limits of his powers and his rights.' So says the famous Von Humbolt,³⁵ and he adds that this principle 'must, therefore, be the *basis of every political system*.'³⁶ Such a principle would secure what Joseph Cowen calls 'a clear and equal course,' so that victory might go 'to the wisest and the best.' By it, the paths are

33. Speech: 'Political Principles,' Nov. 16, 1885.

34. 'Miscellaneous Essays,' Vol. vii., p. 206.

35. 'Sphere and Duties of Government,' p. 18.

36. 'Sphere and Duties of Government,' p. 18.

opened up to wealth, success, honour, fame, everything, in fact, worth man's aspirations. 'Personal liberty,' says Cowen again, 'develops individual energy, and raises the level of human dignity, by inspiring, in it, sentiments of self-reliance.'³⁷ 'Every human being,' he repeats, 'has a quality peculiar to himself, that distinguishes him from every other human being that has been, that is, or will be. Those distinctive qualities constitute his character, and his life. To develop those attributes—moral, intellectual, and physical,—is his mission. To accomplish this mission, he requires freedom, without which there can be no responsibility, and equality, without which, liberty is a deception.'³⁸ Hear, too, what Mr. Bright has said upon the same subject:—'Do you not know that all progress comes from successful and peaceful industry, and that, upon it, is based your superstructure of education, of morals, of self-respect among your people, as well as every measure for extending and consolidating freedom in your institutions.'³⁹ 'For liberty,' says Burke 'is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigour, as there is liberty in it.'⁴⁰ This principle of liberty is no new doctrine, though it has been preached in vain, in many ages, and in many lands. Aristotle dwelt upon it upwards of two thousand years ago, whilst Eastern nations lay mouldering into oblivion, for want of it.

Having defined a democracy to be 'a state where the freemen and the poor, being the majority, are invested with the power of the state,' as distinguished from an oligarchy, in which 'the rich and those of noble family being few, possess it,' he adds: 'The *very foundation* of a democratical state is *liberty*.' And, further, a criterion of that state is 'that everyone may *live as he likes*, for this is a right peculiar to liberty, since he is a slave who must live as he likes not.'⁴¹ Just as history, the record of all political experiments, shows what liberty has accomplished for those who enjoyed its many and great blessings, so it discloses the melancholy existence and end of nations, which expired for want of it. 'The nations,' says Sir Erskine May, 'which have enjoyed the highest freedom, have bequeathed to us the rarest treasures of intellectual wealth, and, to them we owe a large measure of our own civilisation. The history of their liberties will be found concurrent with the history of their greatest achievements in oratory, literature, and the arts. In short, the history of civilisation is the history of freedom.'⁴² But what of the other side of the picture? What is the history of those countries in which this great principle,

37. Speech: 'Political Principles,' Nov. 16, 1885.

38. 'Speech: 'Political Principles,' Nov. 16, 1885.

39. Speech: 'Foreign Policy,' Oct. 29, 1858.

40. 'Letter on the Affairs of America,' 1777, Works, Vol. ii., p. 31.

41. 'Politics.' Book iv., Ch.4. Book vi., Ch.2.

42. 'Democracy in Europe,' Vol. i., p. 22.

this great motive power in human nature has been ignored, and, as it were, stifled out of existence? The same authority, whose opinion in the fields of comparative politics and comparative history, is of high value, says, of the Asiatic mind: 'It has failed to reach the mental elevation of the West. It has proved itself inferior in religion, in morals, in science, and the arts; and above all, in freedom, and the art of government. Not only has liberty been practically unknown through thousands of years: it has been even ignored in theory. Never did the founders of Eastern religions, or lawgivers, or philosophers, dream of it. Not a word is to be found in the Vedas concerning freedom, or national rights. The Buddhists, indeed, favoured the doctrine that all men are equal; but it was barren, until quickened, a thousand years later, by Christian faith; and wherever Buddhism has flourished, first in India and, afterwards, in China, Japan, and Eastern Asia, liberty has been beyond the conception of the races who have embraced that religion. Not even in Indian poetry or song is utterance given to any sentiment of liberty.'⁴³ Let us now examine the nature of this great national characteristic, concerning which so much has been said. What is liberty? Where does it begin? and what are its limits, if it has any?

The word in its primary signification means 'freedom to do as one wishes; freedom from restraint.' That is, in fact, the condition of primitive man, before such a thing as 'law' is known. It is, in truth, the condition of the animal world, subject, as in the case of primitive man, to one limitation only, viz., physical capability.

It requires no explanation to show that this is not the meaning which attaches to the word, in the sense in which it is being here advocated. Under such conditions, society would be impossible—would become anarchical. We have already seen that one of the indispensable conditions of the happiness and progress of humanity, when raised above the level of the savage, is 'security,' whether of the person, or of what is termed 'property.' This security is not compatible with such an extended and unqualified liberty. To be able to 'do as one wished'—to be 'free from restraint'—would mean to be allowed to injure or destroy others, whose existence or presence was objectionable. It would mean one man being allowed to take the property of another, merely because he enjoyed superior physique. It would, as I have said, mean anarchy, and, if not mutual destruction, certainly mutual injury—social stagnation and disorganisation.

It is evident, then, that the kind or extent of liberty, which is calculated to encourage industry and the accumulation of the necessities and luxuries of life, and which is essential to the mental and moral development of a people, is not that which is signified by the word in its primary meaning. We must look for the true signification in the same source, but subject to certain important limitations. Liberty in the sense in which I understand it, and in which I

43. 'Democracy in Europe,' Vol. i., p. 3.

take it to be used by those writers from whom I have quoted, means 'the freedom to do as one wishes; freedom from restraint—*subject to the same or equal freedom in our fellows*,' or, to use the words of Mr. Herbert Spencer, 'the liberty of each, limited only by the like liberty of all.'

Sir George Cornewall Lewis, in his valuable treatise on 'Political Terms,' says, 'Persons who speak of liberty in general; of the blessings of liberty; of the cause of liberty, may be understood to use the word to denote an immunity or exemption from certain restrictions, which they consider as *pernicious to society*.'⁴⁴ Sir James Mackintosh says that liberty is 'security *against wrong*,' and Blackstone defines it thus:—'Political or civil liberty... is no other than natural liberty, so far restrained by human laws (and no further), as is necessary and expedient for the *general advantage of the public*.'⁴⁵ This definition leaves, unexplained, the extent to which it is 'necessary and expedient' to restrain 'natural liberty,' by human laws, for 'the general advantage of the general public.' It is sufficiently clear, however, from it, and the preceding observations, that the liberty which men originally possessed should be *lessened only so far as to secure equal liberty to all*.

This, then, is the conclusion at which I arrive by what I conceive to be a scientific investigation of the conditions of man's progress and development—*that in order to obtain for a community the largest aggregate amount of happiness, each member of it should have secured to him the most absolute freedom or liberty; subject only to such limitations as are necessary in order to secure equal freedom or liberty to all other members*. And this I contend is the true principle of 'Liberalism,' whether tested by the light of the sociological science, or by the political history of our race.

Having then ascertained the true principle upon which this particular school of politics is founded, it is necessary to consider, still further, what are its functions in regard to practical legislation. If it were about to be applied to the regulation of a newly constituted society, there would be little difficulty in determining the proper course to be pursued. Seeing that the units of such a community are, in a primitive state, in possession of absolute freedom, limited only by the physical capabilities of each, all that would be necessary would be to enact laws which would prevent any one or more of such units from depriving any other one or more of their fellows of the same amount of liberty

44. 'Remarks on Political Terms,' 1832, p. 202.

45. 'Commentaries,' Vol. ii., p. 500. Note.—I have, in a subsequent chapter, dealt with the somewhat complex question of 'rights,' which this latter definition raises. That question appears to me to depend chiefly upon the view we take as to the *source* of our liberty. Blackstone and others consider that man, in becoming an unit of society, entirely *gives up a part* of his *natural* liberty. Sir Geo. C. Lewis and others consider that we give up all the liberty we really possessed and then have all which is considered good for society that individuals should possess, *secured* to us by the laws of our country. Mr. Spencer seems to adopt Blackstone's view. I defer to a subsequent chapter any detailed treatment.

enjoyed by himself or themselves. It would be found essential to provide against bodily trespass of all kinds, which would include injury to the person and interference with personal freedom. It would be found essential, also, to provide against the usurpation, by one or more of property, lawfully acquired by others of their fellows.

As the community progressed and developed, and other classes of rights grew up, it would be found necessary to protect them in a similar way. The number, and extent, and nature of such rights would depend upon the stage of civilisation which the community had reached. But, whatever they might be, so soon as all members of the community were, alike, protected from the invasion of their individual freedom, the 'home' functions of the governing power (however constituted it might be), would, for the time being, be exhausted, until some new class of rights, not previously dealt with, had been similarly protected.

It would, simultaneously, become necessary for the governing power to take steps for protecting the community, as a whole, from outside, or, as it is termed, foreign aggression, lest, otherwise, the liberty of the whole should be jeopardised; and, with this view, the governing power would be justified in calling upon each member of the community to contribute his proportion of assistance (or some recognised equivalent) towards the general security. This would, in a civilised community, take the form of conscription, or of taxes for the maintenance of land or sea forces, or both. In the same way, with a view to rendering effectual the laws for the security of liberties against internal attack, the governing power would be justified in calling upon each member of the community to contribute his proportion towards the maintenance of the police and the judiciary, with all their necessary and incidental adjuncts.

Having accomplished all this, the governing power would have exercised the whole of its immediate functions, and have merely to watch for the development of new liberties, requiring protection, as also for any threatening dangers from within or without.

With the completion of such a policy, it would be found that each member of the community was in the enjoyment of the most absolute liberty, subject only to such limitations as were necessary, in order to secure equal liberty to all members.

But, with regard to practical legislation, that is to say, legislation applicable to the times in which, and the circumstances under which we now live, the case is quite different. Legislators are not now called upon to arrange a 'newly-constituted' community, but, on the contrary, to regulate, and in some cases to *reform*, a very old and complicated one, interwoven with traditions requiring careful and delicate treatment. We are living in a time which stands many centuries later than the period at which many of the existing laws and customs were originated and enacted. Society is surrounded by legislative restrictions,

in the enactment of which the present generation has taken no part; and, as a consequence, those who profess to legislate on true Liberal principles are confronted with a twofold duty. *First, to watch over and preserve, in their integrity, the liberty of their fellow-countrymen, subject only to equal liberties for all. Secondly, to examine, closely, the legislation of our ancestors, and, after careful investigation, endeavour to repeal such as they find to have been enacted in contravention of true principles.*

Liberalism, in the nineteenth century, therefore, is charged with a *second function*, which would not pertain to a community newly constituted.

It will be observed that in the definition of Liberalism, at which I have arrived, no provision whatever is made for depriving the stronger, or the more capable, in any way, of the right to enjoy, to the utmost, the fruits of that superiority, so long as he regards the like liberty in others. Under such a principle of government, as practised in a primitive community, the swiftest, or the keenest, or the most ingenious hunter would obtain, and *have secured to him*, when obtained, the largest amount of sport. If a member of any tribe, more anxious than others in regard to the comfort of his family, chose to spend a greater part of his time in the erection and decoration of a dwelling, he would have secured to him the fullest enjoyment of the result of his labour. If, on the other hand, any member of such a tribe, either from stupidity or laziness, neglected to provide himself with the requirements of existence, he would, nevertheless, be forced to have regard to the rights and liberties of his fellows, and be restrained from helping himself to the fruits of their labour and exertion. Such a person, having failed to display the necessary qualifications of a self-supporting unit of society, would be thrown upon the *charity* or *good nature* of his fellows, instead of acquiring a claim to any proportion of their accumulations. In a more advanced society, such as that in which we are now living, citizens, standing in a somewhat analogous position to the community, are frequently encouraged, rather than discouraged, by reason of the indiscriminate charity of society.

It will be seen at a glance that by such means as those mentioned above, the swift hunter and the keen sportsman would be incited to become still more swift and more keen, while, on the other hand, the stupid member of the tribe would, by force of circumstances, be aroused to a keener condition of mind, and the lazy would be ultimately starved into a condition of physical activity, and thus compelled to exert himself in the chase, as others around him were doing. By the operation of such principles, the whole tendency of a people would be in the direction of a higher development, and an improved method of living. The effects of such principles, upon a people, living in a more advanced state of civilisation, would be the same; though, necessarily, more complex and more subtle in their operation. In both cases, there would be a strong influence in the direction of self-reliance; there would be no tendency

towards equalising men, but rather towards rendering more prominent the inequalities in human nature, which operation in its turn would engender emulation, and lead to an uniform progression.

The best, that is to say the most capable in the qualities essential to success in life, would find their reward in that superiority; and by reason of the maximum amount of freedom enjoyed by everyone, there would be no position of honour in the community, and no kind of success in life, which would not be open alike to the humblest and the most pretentious member of it.

Having, then, progressed so far with my chain of reasoning, and in order that I may not be suspected of originality in my theories, (a charge which, if sustained in connection with a subject so time-worn as that with which I am dealing, would be almost inevitably fatal to its acknowledgment or reception), let me show how identical, in every respect, are the conclusions, at which I thus arrive, with those deduced by certain authorities already famous in the 'Liberal' cause. 'Liberal principles,' says Mr. Joseph Cowen, 'what are they? The first is equality. I do not mean equality of social condition. That is a speculative chimera that can never be realised. One man owns his clothes, and another owns a county. If they were equal to-day, they would be unequal to-morrow. I mean equality of opportunity—a clear and equal course, and *victory to the wisest and the best*. That is practicable,' he adds, and then, 'I would remove all *artificial impediments and restraints* that make the path of progress tedious and painful.'⁴⁶ 'Liberty,' he says, 'is the second Liberal principle. By liberty, I mean much more than liberty of locomotion, or liberty to buy in the cheapest or sell in the dearest market. I mean liberty of thought, speech, and development. Physical liberty constitutes us free agents; intellectual liberty gives us the power of acting up to our sense of right and wrong; religious liberty enables us to make the decisions of our consciences our rule of conduct; and civil liberty gives us the *unchecked opportunity of growth*. The idea running through these definitions is that of self-sovereignty. If our volitions do not originate with ourselves we have not personal freedom; if our convictions are controlled by our prejudices, and our consciences controlled by our passions, we have neither mental nor moral freedom; if we have to practice or pay for modes of worship, imposed by others, we have not religious freedom; and if any power assert the right to inflict upon us laws or taxes without our leave, we have not civil freedom.'

Elsewhere the same authority says: 'Without physical liberty a man is a machine; without moral liberty, he is the victim of his appetite; without mental liberty, he is a slave; and without political liberty, he is a serf.'⁴⁷ No practical politician of our time has touched so frequently and so trenchantly upon this

46. Speech: 'Political Principles,' 1885.

47. Speech: 'Political Principles,' 1885.

important question, and no one has, outside literature, told the masses such home-truths with regard to the modern tendency to ignore these principles.

Mark, now, the definition of Liberalism which has been given by Mr. Henry Broadhurst, and which has, already, more than once, been touched upon. It is, perhaps the most concise and scientific which has yet been offered, with relation to modern tendencies; and, coming as it does, from one who owes his present position in the political world to the freedom which has resulted from Liberalism in the past, it acquires all the more value.

‘I am a Liberal,’ he says, ‘because the true, full, and free application of Liberal principles is best calculated to promote the *highest order of manhood*. It teaches *self-reliance*, and gives the best opportunities to the people to promote their *individual*, as well as their united and best permanent interest. Liberalism does *not* seek to make all men equal: nothing can do that. But its object is to remove all *obstacles erected by men*, which prevent all having *equal opportunities*. This in its turn *promotes industry*, and makes the realisation of reasonably ambitious hopes possible to the poorest man amongst us.’⁴⁸

To the same effect is a definition by Mr. Burt, equally entitled, from the nature of his political career, to speak with authority upon the beneficial effects of civil freedom. Liberalism, he says, is ‘the doctrine, not of equality of *wealth and position*, but the doctrine of equality of all *before the law*—of equality of opportunity.’

Here, again, is the same leading principle, pithily expressed by the editor of a prominent Liberal journal, enjoying one of the largest circulations in England. ‘I desire,’ says that authority, ‘the triumph of the Liberal cause, which means progress, the *growth of freedom*, and the advancement of the *general good*.’⁴⁹ Yet another of those who were interrogated upon this important subject, and whose answers are contained in the volume, to which I have before referred: ‘Liberal principles *develop responsibility*; responsibility *educates and humanises*, and the fully educated man is the most serviceable member of the social organisation.’⁵⁰ The same subject has been dealt with from another and totally different quarter, but nevertheless with great clearness and force.

The late Rev. F. W. Robertson, of Brighton (England), whose versatility enabled him to throw considerable light on every subject he touched, gave to a body of working men the following good advice:—‘Democracy (he said), if it means anything, means government by the people. Now let us not endeavour to make it ridiculous. I suppose that a sensible democrat does not mean that all individual men are equal in intelligence and worth. He does not mean that the bushman, or the Australian aboriginal, is equal to the Englishman. But he means this—that the original stuff of which all men are made is equal; that

48. ‘Why am I a Liberal?’ p. 35.

49. ‘Why am I a Liberal?’ p. 39.

50. ‘Why am I a Liberal?’ p. 41.

there is no reason why the Hotentot and the Australian may not be cultivated, so that, in the lapse of centuries, they may be equal to Englishmen. I suppose (he adds), that the democrat would say there is no reason why the son of a cobbler should not, by education, become fit to be prime minister of the land, or take his place on the bench of judges; and I suppose that all free institutions mean this. I suppose they are meant to assert:—Let the people be educated; let there be a *fair field and no favour*; let every man have a *fair chance*, and then the happiest condition of a nation would be that, when every man had been educated, morally and intellectually, to his very highest capacity, there should, then, be selected, out of men so trained, a government of *the wisest and the best*.⁵¹

It will be observed that, in all these definitions, wherever mention is made of the necessity for removing obstacles, care has been taken to distinguish between those which exist in the individual *himself*, and such as have been placed as obstructions to individual freedom, by *human* agency. Hobbes puts this in his usual quaint style, in the chapter of his 'Leviathan' entitled 'Of the Liberty of Subjects:—'When the impediment of motion is in *the constitution of the thing itself*, we use not to say it wants the *liberty*, but the power to move; as when a stone lieth still, or a man is fastened to his bed by sickness.'

Mr. Cowen speaks of '*artificial* impediments and restraints.' Mr. Broadhurst speaks of 'obstacles *erected by men*,' and elsewhere Mr. Cowen again says, 'Health and wealth, industry and thrift, capacity and endurance, are irregularly distributed, and will favourably handicap those endowed with them, in the race of life. These inequalities we cannot obliterate; but all *artificial* hindrances that stand in the way of individual effort; of free and full mental expansion ought to be cleared away.'⁵²

All obstacles which 'stand in the way' ought, undoubtedly, to be removed—that is to say, obstacles *not* of nature. Those which are of nature, or, as Hobbes puts it, 'in the constitution of the man himself,' we cannot and must not obliterate. If we try to do so we shall inevitably fail: we shall simultaneously obliterate our civilisation and our progress. As Sir James Fitzjames Stephen has cleverly put it: 'To try to make men equal by altering social arrangements is like trying to make the cards of equal value by shuffling the pack.'⁵³ If we endeavour to keep back the industrious and the thrifty till those, less fortunate, have come up to them, we cannot possibly expect to progress. The able, the industrious, the ingenious, the thrifty, cannot exercise their respective forms of activity if they be retarded for the benefit of the less qualified. Besides, who is to judge between temporary incompetence and incapability, on the one hand, and sheer indolence and absolute indifference on the other?

51. 'Lectures, Addresses, and Literary Remains,' p 59.

52. 'Political Speech,' 27th Nov., 1885.

53. 'Equality, Liberty, and Fraternity,' p. 235.

Liberalism secures to every man the fruit of his labour, or of his ingenuity, and by so securing it to him, encourages improved methods of work and production. It is, in fact, a system of rewards, inasmuch as whoever runs and wins may have that which he has so obtained. If this were not so guaranteed to men, certainly few would compete for the rewards which life offers. If property were not secured, no individual would exert himself to accumulate; there would be little cultivation and refinement—in short, the minimum of civilisation. And if Buckle is right, when he says, ‘that of all the great social improvements, the accumulation of wealth must be first, because without it there can be neither taste nor leisure for that acquisition of knowledge on which the progress of civilisation depends,’ then a community in which these principles were ignored would practically stand still. ‘The man who works has the right, and he alone, to the creation of his work and sacrifice. No confederation or commonwealth has any right to trench upon a man’s personal possessions and rob him for the world’s benefit. The things that are produced by him, purchased by him, or given to him by others, who fairly own them, are his and no others. But it may be said he has a superfluity, while others want. Possibly. Still the state cannot honestly or wisely sequester. If it could, what would follow? The man would cease to labour. He would not work, if the fruits of his toil were to be confiscated. He may give of his free will out of his abundance. That may be a moral obligation, but his obligation to give does not entitle the state to take. The institution of property, and its security are the basis of civilisation and liberty.’⁵⁴ In order, now, that the practical application of Liberal principles to the past may be clearly comprehended in their two-fold operation, let us turn to history and briefly investigate the part they have played in the principal epochs out of which it is made up.

The early history of England begins (*i.e.*, from the Conquest) in a condition of society under which the king was a veritable despot, and his nobles or co-conquerors had, vested in them, privileges of the most comprehensive nature; a condition of society, in fact, in which (to use the words of Macaulay) ‘a cruel penal code, cruelly enforced, guarded the privileges, and even the sports of the alien tyrants.’ It can be readily understood that, under the circumstances of the Norman Conquest, the conqueror himself, and his nobles, should refuse to recognise any laws which might have the effect of restraining their power over the people. If there were any such laws in existence, which, as it were, covered the people from previous kingly abuses, they were all now at an end, and practically a dead letter.

The king ascended the conquered throne as an absolute ruler. Subsequent events show that he claimed, and (by virtue of the physical force of his followers) exercised the power to tax, imprison, and govern, when and how he pleased, the subjects of his newly vanquished realm.

54. Joseph Cowen. ‘Political Speech,’ Nov. 16, 1885.

England, as a community, may be said to have started a new period of history under the Plantagenets, with absolutely none of their original liberty preserved to them. They were, as a matter of fact, in a state of bondage, inasmuch as the king could do just as he pleased with them, and their possessions, while the nobles enjoyed almost equal powers with the king himself. So soon as each subject was by that means placed at the mercy of the king, by reason of the royal usurpation of popular freedom, each and every decree, action, and determination, by which the monarch signified the limitation of that freedom, involved the erection of an 'artificial restriction,' which it thenceforth became one of the functions of Liberalism to remove, as soon as an opportunity offered. Each one of these limitations so imposed, became, in the words of Mr. Broadhurst's definition, an 'obstacle erected by men,' which prevented each subject of the realm from enjoying 'equal opportunities' with the nobles, who, after all, were subjects like themselves, though of a more favoured caste, such as true Liberalism does not, and cannot recognise.

De Lolme, in his 'British Constitution,' lays down the following classification of 'private liberties':—'Private liberty,' he says, 'according to the division of the English lawyers, consists, first, of the right of *property*—that is, of the right of enjoying, exclusively, the gifts of fortunes, and all the various fruits of one's industry; secondly, of the right of *personal security*; thirdly, of the *locomotive* faculty.'⁵⁵

It is needless to say that the inhabitants of England, under William the Conqueror, did not enjoy any of these liberties. Blackstone says: 'The spirit of liberty is so deeply implanted in our constitution, and rooted, even in our very soil, that a slave, or a negro, the moment he lands in England falls under the protection of the laws, and, so far, becomes a free man.'⁵⁶ It is equally certain, however, that such a condition of things did not obtain in the Conqueror's time, and must have dated from a period long subsequent to the accession of that monarch, as I shall now show.

Regarding the first of the three divisions, viz., the 'right of property,' it is quite evident that no attempt was made to observe it; for, as Macaulay says, 'The country was portioned out among the captains of the invader;' and we have seen, elsewhere, that in order to render the confiscation as complete and comprehensive as possible, certain of these 'nobles' were granted by their monarch, as many as six, seven, and even eight hundred estates, respectively, belonging to the conquered people. Again, Hume tells us that 'ancient and honourable families were reduced to beggary, the nobles themselves (that is the English nobles) were everywhere treated with ignominy and contempt; they had the mortification of seeing their castles and manors possessed by Normans of the meanest birth and lowest station, and found

55. 'British Constitution,' p. 100.

56. 'Commentaries,' Vol., i., p. 127.

themselves carefully excluded from every road which led either to riches or preferment.⁵⁷

Regarding the second of the three divisions, viz., the right of *personal security*, equal indifference was displayed. Hume tells us, again, that the English people, who had been deprived of their freeholds by inheritance, and compelled to take up the subordinate positions of under-tenants, were required to swear allegiance to their respective barons in the following words: 'Hear, my lord, I become liege man of yours for life and limb and earthly regard, and I will keep faith and loyalty to you *for life and death*. God help me.' Lower still than this class were the *ceorls* or *villeins*, with even less liberty and security of life. The feudal system had, in fact, as Hume says, 'reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery.' Thus, it will be seen that the second class of liberties, mentioned by De Lolme, were taken from the English people. The 'locomotive faculty,' as the third class is called, would follow with the second, inasmuch as it was impossible that the English people could be reduced to such a state of serfdom as is above indicated, and yet retain the liberty to move about at will. Thus, then, as I have said, England, as a community, may be said to have started a new period of history, under the Plantagenets, with absolutely none of their original liberty preserved to them.

While this remained so, those who had liberty, viz., the Normans, enjoyed some degree of prosperity, while those who had been, as I have shown, thrown back to a condition of comparative barbarism, fell, for a time, into a state of absolute stagnation.

But the spirit of freedom, which was implanted in the breast of the English people, could not, for all time, be thus confined and restrained. Discontent and social unrest must have sooner or later shown itself, for the Conqueror himself granted a charter in which it was conceded that '*all freemen* of our kingdom shall enjoy their land in peace, free from all tillage, and from every unjust exaction.' Here, we find the first dawning of Liberalism on the darkened horizon of English subjection and oppression; and, it will be observed that that first symptom took the form of 'security for property.' It is scarcely to be expected that either a monarch by conquest, or his heirs, would willingly consent to giving up that which they regarded as their spoil—viz., the right to govern how, and with what amount of despotism he or they might think fit. Nor did they. Though much was frequently promised, in moments of pressure and emergency; those promises were, as a rule, more 'honoured in the breach than the observance;' yet each confession was a step towards the great goal of Liberalism: and so it seems to have been received.

In 1100 we find Henry I. anxious to ingratiate himself with his people. He promised 'the people their liberties,' that 'the distinction of Englishman and

57. 'Commentaries,' Vol. i., p. 127.

Norman should be heard no more.' One of the terms of that monarch's celebrated charter was that the vassals of the barons should enjoy the same privileges which he granted to his own barons. This charter again was not observed with any degree of care by him who had granted it, but it marked 'the new relation which was thus brought about between the people and their king.'

We pass now to the reign of John, a king who was as impatient of restriction upon his power as any monarch well could be. I need not dwell here, as I have done in a previous chapter, upon the struggles which preceded the granting of Magna Charta; nor need I recapitulate the causes which ultimately led to a coalition between the nobles and the people, in defence of their common liberties. 'Hitherto' says May, 'the barons had fought for themselves alone; now they became the national leaders, in maintaining the liberties of England.' That great Charter secured, as Hume says, 'very important liberties and privileges to *every order* of men in the kingdom—to the clergy, the barons and the people.' The Charter, itself, is bristling, from beginning to end, with references to the 'liberties' and 'rights' of the subject; and a cursory examination of its main provisions, such as I have given in a previous chapter, will show that the spirit of Liberalism was fast blossoming and making itself felt as a power, which nothing could resist. That chapter is of most importance which began: 'No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties...but by lawful judgment of his peers.' Personal freedom and security of property were the two prominent principles which inspired that great bulwark. Hume says: 'Men acquired some *more* security for their *properties* and their *liberties*.'

Passing from this epoch to that which secured the ratification of the Petition of Right, we find a further concession to the principle of security; for, by that ratification, the king bound himself never again to impose taxes, or, in any way, demand money from his subjects, except by their own free consent, expressed through parliament.

The Habeas Corpus Act, by confirming the sacred principle of personal liberty, which had been clearly laid down by the terms of the Great Charter, made the right more distinct, and more certain for the future. The Revolution, of 1688, practically confirmed all past concessions to the public liberty, and, in a firm and decisive manner, broke the neck of royal despotism in England. The curtailment of popular liberties, by the direct action of royalty, was practically at an end with the Revolution; but the struggle for equal opportunities was by no means completed then; for, with the final disposal of Royal demands, there still remained a condition of things, under which the government, and the consequent inequitable distribution of civil burdens, and civil privileges, was left in the hands of a limited, and, too often, selfishly-motived class, who took care, at all times, and, under all circumstances, to legislate in that manner, best calculated to forward their own interests. I refer generally to the aristocratic

and moneyed classes, who, practically, absorbed the legislative power previous to the Reform Bill of 1832. 'Look,' says a modern writer on Reform, speaking of the treatment of the people by the legislature between 1688 and 1832; 'Look,' he says, 'at the statute-book, and see the long array of revenue laws and game laws. Look at the laws for protection of property; protection against trespass; protection against creditors. Look at the long series of Corn Laws; laws putting down combinations of workmen to protect themselves against the rapacity of their masters; criminal laws against workmen, to compel them to fulfil their engagements; laws to compel men to work at such wages as a magistrate chose to fix. Look at the laws prohibiting public meetings, and the discussion of grievances—at the variety and extent of indirect taxation, that made living, to the poor man, almost impossible—at the frightful punishments for the smallest offences.'⁵⁸

An endless array of authorities might, in fact, be quoted to show that, down to a few years ago, whatever class legislation was passed, conferred its advantages always in one direction, that was in favour of the aristocratic and wealthy section of society, who happened to be more fully represented in the legislature. If history is carefully followed, therefore, and attention paid to the principles which underlie it, as it works down to our own time, it will be seen that so soon as that class of liberties, with which royal despotism had persistently interfered, had been rescued, and permanently held by means of a final curtailment of kingly prerogative, Liberalism found a new and extensive field, upon which to exercise its equalising functions. It was gradually, and (as popular power was realised) more vividly realised that society, as a whole, was surrounded by restrictions upon 'the people's' liberty. It became more and more apparent that the masses were not in the enjoyment of those 'equal opportunities,' which it is the function of true Liberalism to secure for all; and an investigation of the greater number of the legislative reforms which have been effected since 1832, will reveal the fact that parliament has been chiefly occupied in securing that 'equality of opportunity,' which is the chief, and, in truth, the only aim of Liberalism to consummate. This field has been, ever since, the battle ground of Liberalism and Conservatism—the former, as is its function, ever striving to abolish class restrictions of all kinds; the latter ever striving to prevent their destruction or removal, professedly on the ground that 'the people' were not competent to wield, and therefore not entitled to possess that equal power which would be thus acquired.

The struggle for, and acquirement of independence, by the Anglo-American colonists, who had migrated from the old to the new world, once for all laid down the principle that, so soon as an offshoot of the mother country became self-supporting, the members of it should become entitled to self-government: that is to say, should be freed from the restrictions which a

58. 'History of Constitutional Reform,' (James Murdoch), p. 26

distant government involved, and from the principle of taxation, which is an exception to the right of security of property, justifiable only when necessary to contribute towards the protection of the liberties of those upon whom the taxes are being imposed.

The oppressive state of the law which led to the great reform known as 'Catholic Emancipation' was unworthy of modern times, to which its repeal was delayed. It is, indeed, scarcely credible that, in the nineteenth century, in which we are now living, there should have been, in the parliament of Great Britain a large body of men, so dead to the principles of common justice and liberty, from which they themselves had derived so many blessings, that they should be found willing to continue so long the exclusion from parliament, and from other even more primitive liberties, a large portion of their fellow-countrymen, for no other reason than that of a difference in religious creed. Yet, so it was; and thus it was reserved to our own century, to remove from some millions of our fellow-men a restriction which would have been more in keeping with what are termed 'the dark ages.' The Reform Bill, of 1832, simply equalised parliamentary representation, by a more equitable distribution of the seats, and the bestowal of a more extended franchise. In the words of Mr. Justin McCarthy, already quoted, it 'broke down the monopoly which the aristocracy and landed classes had enjoyed, and admitted the middle classes to a share of the law-making power.'

The repeal of the Corn Laws was, in fact, the abolition of a state of things, by which every man, woman, and child in the kingdom, who consumed bread, or any other article of which grain was the primary ingredient, was compelled to contribute to the artificial maintenance of the agricultural industry of Great Britain. Such a restriction upon the subject was an interference with the liberty of the citizen to 'buy in the cheapest market.' The repeal of those laws set the people free in that direction.

It requires no comment or explanation to prove that there was a distinct bestowal of more equal opportunities effected, in the admission of Jews to parliament; and it is equally unnecessary to show how a like result was obtained, by the passage of the Trades Union Act of 1871, the immediate effect of which was that any person could become a member of one of those combinations, without forfeiting any of his privileges of citizenship.

The Ballot Act, in the same way, gave every subject the liberty to vote as he chose. Inasmuch as many persons, by reason of intimidation being brought to bear upon them, were frequently compelled to vote contrary to their judgment or conviction, it was necessary to prevent any undue pressure from being brought to bear, by giving each elector the right of voting in secret, by ballot, if he thought fit.

Thus, it will be seen that, from the Conquest downwards, freedom has been fought for, and won, by a gradual but sure process of wresting, first from

the sovereign, and afterwards from the aristocratic and moneyed classes, the unequal power which they, respectively, had arrogated to themselves, when they had might upon their side.

As each successive stage of progress has been reached, the people have acquired a further share in the deliberations of that body, by which all 'rights' and 'opportunities' are regulated. Thus, there has at last been reached, a condition of society, under which (with some few exceptions) all men may be said to enjoy the 'equal opportunities' for which, and for which alone, true Liberalism contends.

It would be indeed difficult, in our own day, to point to any feature in the laws of England, or of our self-governed colonies, and show that, by reason of that feature, any citizens are deprived of any individual liberty, beyond that which is essential to restrict for the general protection and good of all members of the community; and it would, also, be well to ask ourselves, from time to time, what obstacle, which can be said to have been 'erected by men,' can be now pointed to, by which any other citizen is suffering a deprivation of 'equal opportunities,' enjoyed by any other of his fellow-citizens. So soon as that social condition has been reached, by which each member of the community enjoys 'equal opportunities,' then will have been attained the ideal of true Liberalism; and such a condition of things having been (with some few exceptions) realised, the chief objects of legislation will have been served. Parliament is not an end, but only a means. If 'equal opportunities' have been secured by parliament, then the principal functions of that body are, for the time being, at an end.

But in any case, the determination of such a question will at all times require the closest investigation of any supposed restriction; for it will frequently happen, by reason of the great disparities among men, in wealth and social position, that envy and jealousy will be engendered; and the inability of one class to attain to the position and circumstances of another will be hastily attributed to the possession, by that other, of some legal or political advantages over and above those of the class whose envy has been so excited. Upon a closer investigation, supported by a knowledge of sociology, it would be discovered that such differences are really attributable to obstacles of nature, such as want of ability, want of application, improvidence or some other negative quality possessed by the more unsuccessful class. A hungry man is not over nice in his logic, and will readily and confidently attribute his inability to procure a meal, or other necessities, to some conspiracy among capitalists, or to the abuse of some economic laws, with which he is not familiar, or has only the most superficial knowledge.

In the same way, as I shall show hereafter, poverty will exhaust every other means of accounting for itself, before it will consent to refer it to some disqualification for success in those who fail to lift themselves out of such a condition.

Mr. Bright has said, in one of his speeches, that most of the great reforms for which he laid himself out, at the commencement of his political career, have been effected; and there can be no doubt that if a condition of 'equal opportunities' is the goal of true Liberalism, as I contend it is, then that condition has (with some few exceptions) been already attained in all English-speaking communities.

It would, as I have already said, be difficult to point to any existing law which upon close and careful investigation will be found to constitute 'an obstacle' to any member of the community enjoying 'equal opportunities' with any other of his fellow-men. What exceptions there are I shall deal with in a future chapter. The present position of women as members of a commonwealth is certainly open to very much doubt, and I would go so far as to confess that I regard the present numerous restrictions upon that class, in the legal disqualifications for taking their equal part in political matters, as a distinctly neglected feature of true Liberalism.

The fact of being a woman is no protection against the numerous penalties provided under the law for particular offences against society, and it therefore follows that every woman who is not by marriage or otherwise represented in the legislature is simultaneously held amenable to a code of laws in the making of which, and in the reform of which she is debarred from taking part. As it has been tersely but convincingly put: 'Women are admitted to the gallows and the gaols, but not to the franchise.' The one principle upon which manhood suffrage is justifiable renders female suffrage equally unanswerable.

Beyond this question there are undoubtedly others of less importance, which still offer a field for the efforts of true Liberals. The unnecessary and inconvenient restrictions upon the transfer of landed property are wrong in principle, and were only established for the purpose of preventing estates passing out of the hands of the particular families in whom they were vested. Any such laws are clear interferences with the freedom of the individual, and should be removed, since they are 'obstacles erected by men.'

But, as I have said, there are not now any 'crying' abuses of power, in the shape of class privileges; and, therefore, the (what may be termed) 'heroic' days of Liberalism have passed away, at least for a time. Henceforth the more important function of that school of politics will be to watch closely and carefully for the development of new rights and liberties, needing to be protected from invasion, and for fresh attempts on the part of any class, however large, to trespass on old rights which, in the meantime, are being respected. That is, as I shall endeavour to show in the next chapter, the great danger of our time, and the one which it will be an important function of Liberalism to watch in the immediate future.

Inasmuch as, in the past, so much political power has been possessed by monarchs and the aristocratic and wealthy classes, to the detriment of the

labouring classes, and, as a consequence, every liberal measure aimed at securing equal opportunities has had the effect of conferring a larger and increasing amount of liberty upon the latter, throughout a period of some centuries, the idea has become almost a cardinal principle with the 'working' classes that every measure which has that effect must of necessity be a liberal measure. That has, in fact, with most of the class mentioned, become the only test of Liberalism in any measure, and the danger, to which I refer, consists in the general adoption of such a test, in the future.

If I am right in laying down, as the fundamental principle of Liberalism, that each individual should have secured to him the most absolute liberty, subject to such restrictions only, as are necessary to secure equal liberty to all, then it follows that the state should take no steps to curtail the liberty of any class, merely because it will confer an immediate advantage upon another class, even though that other class happen to be much larger or more influential politically than the former.

Yet sound as this may be as a principle, it is by no means acknowledged. The masses of the people talk glibly of 'the majority,' and seem to have concluded that so long as that preponderance be secured, anything which it may determine must of necessity be right, and, now that the masses of the people are beginning to realise the enormous political power which the continuing enlargements of the franchise are conferring upon them, they are showing a strong tendency to resort to that identical class of legislation which it has been the traditional aim of true Liberalism (under different names) to counteract and gradually erase from the statute-book. The tendency is, in fact, towards what I should term a democratic Toryism—a school of legislation conceived in the interests of a particular class of society, viz., the masses.

In the published report of 'The Second Intercolonial Trades' Union Congress,' which was held in the colony of Victoria, I find, under the heading of 'Direct Representation of Manual Labour in Parliament,' a resolution moved and unanimously carried, urging 'upon labour organizations, in the various colonies,' to elect a parliamentary committee to assist in framing measures 'for the benefit of labour.' Under the heading of 'Payment of Members,' in the same publication, I find it stated, with approval, that 'it should be the object of the delegates to break the monopoly of representation down, so as to have direct representation *in the interests of the working classes.*'

This is only an echo of what is apparent on all sides of the political horizon—the test of wisdom or justice in a measure being whether it has a majority in its favour. Now, according to the principle for which I am contending, this kind of test is absolutely fallacious, and, if relied on, and acted upon, calculated to lead to every kind of legislative extravagance.

The Marquis of Lorne, in his answer to the question, 'Why am I a Liberal?' said, pertinent to this consideration: 'Civil and religious freedom are the fruits

of its past victories, and I am a Liberal, in the hope that freedom from tyranny, of *mob or monarch*, will be the safeguard of its future triumph.'

If the function of the state is limited, as Mr. Herbert Spencer puts it, 'to preventing the aggressions of individuals on each other, or to the protection of the nation at large against external enemies,'⁵⁹ then the fact that a majority is to be found in favour of a particular measure should be no guide whatever where its enactment will have the effect of depriving others, even though a smaller number, of their rightful liberties. The majority is, in the estimation of many great authorities, really no criterion of either wisdom or justice. 'Why,' says the Bishop of Peterborough, 'am I to place unlimited confidence in a majority? Are majorities always in the right? Have they never in times past been in the wrong? Have minorities never been in the right? Is it so in private life? Are the majorities of each man's acquaintance persons in whom he reposes unlimited confidence; and, if not, why must it be so in public life?...I hold that there may be as much unwisdom, and what is more, as much injustice and tyranny, where the many govern the few, as where the few govern the many; and, further, that if there be such tyranny, it is the more hopeless and the more universally present tyranny of the two.'⁶⁰

'If ever,' says De Tocqueville, 'liberty is lost in America, the fault will be with the omnipotence of the majority, in driving the minority to despair.'⁶¹ And Mill has said, 'that the institution of society should make provision for keeping up,...as a shelter for freedom of thought, and individuality of character, a perpetual and standing opposition to the will of the majority.'

The truth is, the principle which I have ventured to lay down here will not admit of this appeal to heads, as a test of the propriety of any sort of legislative interference.

Every man and every woman must be allowed to 'unfold' as he or she may think fit; and in every branch of life there must be the maximum of freedom of action, limited only by a due regard for the equal liberties of one's fellows. Nature herself teaches us the use and advantages of self-help, and on every side discovers to us what can be done under circumstances which are calculated to encourage or incite feelings of emulation or competition. 'The law of nature,' says Locke, 'stands as an eternal rule to all men, legislators as well as others.' 'The natural effort,' says Adam Smith, 'which every man is continually making to better his own condition, is a principle of preservation, capable of preventing and correcting, in many respects, the bad effects of a political economy, in some degrees, both partial and oppressive.'

John Stuart Mill goes even further, and points to the inevitable effects of neglecting to regard this law. 'A people,' he says, 'among whom there is no habit

59. 'Parliamentary Reform,' Collected Essays, Vol. ii., p. 376.

60. 'Speeches on Disestablishment,' Oct. 14, 1885.

61. 'Democracy in America.'

of spontaneous action, for a collective interest—who look habitually to their government to command or prompt them in all matters of joint concern—who expect to have everything done for them, except what can be made an affair of mere habit and routine, have their faculties only half developed; their education is defective in one of its most important branches.’ The same writer elsewhere says: ‘The cultivation of the active faculties by exercise through the whole community is itself one of the most valuable of national possessions.’ And again, ‘In proportion as the people are accustomed to manage their affairs by their own active intervention, instead of leaving them to the government, their desires will turn to repelling tyranny rather than to tyrannising.... Let alone, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil.’

The popular objection, which would be at once offered to these principles, is that they are selfish; and that to put them to practice would in every case allow the strong, physically and mentally, to secure an advantage over the weak. But it must be remembered that the state would always have the right, and be in duty bound, to step in at that point at which the exercise of the principle of ‘self’ involved the curtailment of the ‘equal liberty’ of others. As to the exercise of the principle of self-interest, it would be wrong to regard it otherwise than as the very tap-root of human progress. The Duke of Argyle even, who is one of the keenest opponents of a selfish materialism, has well said, ‘The interests of self, justly appreciated, and rightly understood, may be, nay indeed must be the interests also of other men—of society—of country—of the Church and of the world.’

The same writer, speaking of Adam Smith, and referring to the mass of ‘meddling’ legislation which existed prior to his time, says, ‘He found positive institutions regulating and restricting natural human action in two different directions. There were laws restricting free interchange in the products of labour itself, and there were other laws restricting the free employment of labour. He denounced both. Labour was deprived of its natural freedom by laws forbidding men from working at any skilled labour unless they had served an apprenticeship of a specified time. It was also deprived of its natural freedom by monopolies, which prevented men from working in any trade, within certain localities, unless allowed to do so by those who had the exclusive privileges. The first mode of restriction prevented labour from passing freely from place to place; the second mode of restriction, from passing freely even in the same trade. Both of these restrictions were as mischievous and as destructive of their own object as restrictions in the free interchange of goods. They both depended on the same vicious principle of attempting to obtain, by legislation, results which would be more surely attained by allowing every man to sell his goods and his labour when, where, and how he pleased. The labour of a poor man was his capital. He had a natural right to employ it as

he liked. And, as for protecting the community from bad or imperfect work; *that* would be best secured by unrestricted competition.... *Natural law was the best regulation of both.* Such were the doctrines of Adam Smith, then new in the world.⁶²

And, again, he says: 'It was his (Adam Smith's) labour to prove that in the rude contrivances of legislation, due account had not been taken of the *natural forces* with which it had to deal. He showed that *among the very elements of human character* there were *instincts and desires and faculties of contrivance*, all of which by clumsy machinery had been *impeded and obstructed and diverted* from the channels in which they ought to work.'⁶³

I cannot refrain from setting forth here an eloquent and philosophical passage from Macaulay, upon the present branch of my subject, which was quoted in an able article in the *Edinburgh Review* of October, 1885, entitled 'Plain Truths and Popular Fallacies.'

'It is not,' says Macaulay, 'by the intermeddling of the omnipotent and omniscient state, but by the prudence, energy, and foresight of its inhabitants, that England has been hitherto carried forward in civilisation, and it is to the same energy, prudence, and foresight that we shall look forward with comfort and good hope. Our rulers will best promote the improvement of the nation by *strictly confining themselves to their own legitimate duties; by leaving capital to find its most lucrative course, commodities their fair price; industry and intelligence their natural reward; idleness and folly their natural punishment*; by maintaining peace; by defending property; by diminishing the price of law, and by observing strict economy in every department of the state. *Let the government do this and the people will assuredly do the rest.*'

This passage contains, in a summarized form, the whole duty of the legislator, and the last sentence contains a covert admonition which would be a blessing to impress indelibly upon the mind of every man who takes the humblest part in the government of his country, viz., after attending properly to the duties enumerated above, to '*let the people alone*' and leave them to manage their own affairs for themselves, so long as they do not unduly interfere with one another, and thus prevent the equally free exercise of faculties, and the equally free use of their possessions, by all members of the community.

Mr. Gladstone, most *popular* of Liberal statesmen, whose earlier utterances were more in harmony with the true principles of Liberalism than those of later years, wrote to Mr. James Stansfield a letter which has been reprinted in the *Contemporary* for October, 1885, in an article entitled, 'Liberal Programmes.' 'Liberalism,' says Mr. Gladstone, 'has ever sought to unite *freedom of individual thought and action, to which it so largely owes its healthy atmosphere*, with corporate efficiency.'

62. 'Reign of Law,' (Duke of Argyle), p. 339.

63. 'Reign of Law,' p. 340.

Mr. Stansfield himself, in the same article, adds, 'There is one safe test, I think, by which to judge such measures: we *should never yield to the temptation of them*, unless we can first satisfy ourselves that, *if successful, they will not at once or later undermine and sap*, but, on the contrary, that they will *give new life and vigour to independence of character and habit of mind, and to the spirit and capacity of self-help and self-control.*'

Again, in an article in the *Nineteenth Century*, for November, 1885, Professor Edward Dicey makes the following comparative statement of the real Liberalism, and the new creed, as being promulgated by what has been termed the Birmingham school of politicians. '*Individual liberty*,' says Mr. Dicey, 'freedom of contract, the superiority of private contract over state action, *the right of every man to do what he thinks fit with his own, so long as he does not infringe the liberty of others*, open competition as between purchaser and seller, capitalist and labourer—these are the main planks of the old liberal platform in respect of Home politics.' In the same article, the writer goes on to say:—'The substitution of state control for individual action, the creation of a new peasant proprietary by the compulsory sale of private lands, a system of graduated taxation by which capital is to be mulcted for the benefit of labour, the introduction of local government boards under which local bodies throughout the United Kingdom are to exercise the functions now discharged by the Imperial parliament—or, in plainer words, the introduction of Home Rule—the providing of gratuitous education for the poor at the cost of the ratepayers, the legislative limitation of the hours of labour—these,' says Mr. Dicey, 'are only a few of the measures which the Radicals have proclaimed their intention of promoting as soon as they are in a position to do so. These measures are, one and all, based upon the principles which underlie Socialism, as distinguished from Liberalism.'

There is a principle in the law of evidence by which a greater value than usual is attached to certain testimony upon the ground that it is 'against the interest' of the witness. The principal authority on that subject says: 'The ground upon which this evidence is received is the *extreme improbability of its falsehood.*' Having this principle in view, I have endeavoured as much as possible, in the treatment of this subject, to draw as many as possible of my various definitions and illustrations of true Liberalism from the most illustrious Liberals themselves. Regarding this feature of the subject, indeed, my difficulty has been rather to discriminate as to which to choose of the profusion of quotations I have at hand, than to find a sufficiency in support of my contention. There is one which aptly points the moral regarding the danger of legislative interference, as effecting the national character. 'We cannot,' says Mr. Jefferson Davis, 'legislate to destroy the motive of self-interest; for that lies at the *foundation of material progress.*'⁶⁴

64. 'Letter to Hon. H. W. Pope. Times. 14th May, 1886.

Mark, too, the weighty opinions of M. Léon Say, of whom the *Times* speaks as 'the eminent French statesman and economist.' Presiding at a meeting of the Liberty and Property Defence League at Westminster, he said in his address: 'The functions of government ought to have well-defined limits, and there are limits which could not be transgressed without entailing misfortunes on mankind. Civilisation itself,' he added, 'would be in peril if governments were allowed to go beyond the limits of their natural functions and attributes.' 'Liberal economists,' he continued, 'were determined to take their stand on the solid ground of observation, and not to deviate from the principles of experimental science. Experimental science showed that human society was a natural fact. Society was not the result of a contract; it was the very condition of humanity.... Two principles appeared dominant. They were necessary for society, and were, so to speak, its springs. Those principles were *individual energy and personal responsibility*. It was impossible to conceive a human society which should not be animated, as it were, by those two principles.... If government did not respect those two principles, it destroyed society, and turned men aside from the paths of progress, to throw them back on their previous course. Governments which respected these principles led humanity in the ways of civilisation, while other governments exposed them to the risk of *losing the way and of going back into barbarism*.' 'Every law,' he added, 'which assailed individual energy, or which diminished individual responsibility, was a law which passed beyond the legitimate powers of the state, and might, according to circumstances, produce decadence, or mark a period of retrogression in the development of civilisation.'

The moral to be drawn from all this has been well and succinctly put by M'Culloch, in his treatise on Political Economy. Dealing with the subject of government interference he says:—'It cannot be too strongly impressed upon those in authority that non-interference should be the leading principle of their policy, and interference the exception only; that in all ordinary cases individuals should be left to shape their conduct according to their own judgment and discretion, and that no interference should ever be made on any speculative or doubtful grounds, but only when its necessity is apparent, or when it can be clearly made out that it will be productive of *public* advantage.... Whenever legislators set about regulating, they are treading a path encompassed with difficulties; and while they advance with caution, they should be ready to stop the moment they do not see the way clearly before them.'⁶⁵

It cannot be too carefully remembered that almost every clause of an act of parliament, if it have any force or effect at all, takes away a liberty from somebody, because it must of necessity speak of something which shall or shall not be done where before it was optional.

65. 'Principles of Political Economy,' p. 309.

The utmost care and caution needs, therefore, to be observed in order that it may first be ascertained whether, in so limiting somebody's liberty, a more equal distribution of liberties generally is being brought about. If this is not being done, the measure is not Liberal in the true sense of the word. 'It ought,' says Burke, 'to be the constant aim of every wise public council to find out, by cautious experiments and rational cool endeavours, with *how little*, not *how much* of this restraint, the community can subsist; for liberty is a good to be improved and not an evil to be lessened.'

Assuming, then, that this advanced state of Liberalism has been reached in any country—that by dint of popular effort, and representative advocacy, the condition of 'equal opportunities' has actually been realised—what is the policy of Liberalism? My answer is to *preserve* that state of things; to watch, as I have already said, for any attempts to encroach upon that domain of freedom or 'equal opportunities,' and to see that no new rights or liberties, which may be developed in our ever-evolving social organization are left unprotected from aggression by any one, or any number of citizens.

If, therefore, Conservatism be taken in the present day to mean merely a maintenance or preservation of institutions as *they are*, then society, having reached the desired social condition at which Liberalism aims, we should have the two political schools, Conservatives and Liberals, embracing the same policy; and this reflection appears to have been experienced by Mr. Joseph Cowen when he wrote the following passage:—'Many a man,' he says, 'inherits his political opinions as he does his property. Political faith is largely a matter of sentiment, disposition, and training. The working classes, up to a certain era in English history, were, as a rule, conservative. They certainly were Conservatives during Mr. Pitt's *régime*. Since then they have been Liberal, and Liberal because the Conservatives refused to concede them political rights. *They have now got those political rights, and stand on the same level as other classes;* and no doubt they will be Tory or Liberal, according to circumstances.'⁶⁶ This was all said at an election meeting in answer to the question, 'Why should not a working man be a Tory?' Conservatism is, however, by no means understood or professed according to this interpretation, by all who embrace it as a political title. It too frequently means, in the mouths of its followers, a distinct refusal to recognise the equality of men in their rights and privileges. It is too frequently supposed by the more fortunate, and more delicately nurtured side of society, that the distinction among men in wealth, education, and social position, is of an innate and permanent character; and that what are called the working classes, constitute a distinct species of human nature, designed by Providence for the purpose of doing the rough and objectionable work of the world.

Such persons would debar 'the people' from the franchise; from liberty to organize among themselves; from liberty to enter parliament; from liberty to

66. 'General Election (1885) Speeches,' p. 248.

acquire a higher education, and if possible to lift themselves into a higher level of life and a higher sphere of society.

With such doctrines and such desires, true Liberalism has no sympathy. By it, as I have fully shown, all men are equal—not in wealth or position, or ability; but in *'the eye of the law.'* The ideal is, as Mr. Herbert Spencer has put it, 'to see that the liberty of each man to pursue the objects of his desires is unrestricted, save by the like liberty of all.' Thus will be afforded to every citizen, what Mr. Cowen has called 'a clear and equal course,' and by such means 'the victory' in life will be allowed to go to 'the wisest and the best.'

Chapter Six

SPURIOUS LIBERALISM—HISTORIC INSTANCES

‘It would be easy to show how legislators, in every attempt they have made to protect some particular interests, and uphold some particular principles, have, *not only failed*, but have brought about results *diametrically opposite* to those which they proposed.’—BUCKLE, *History of Civilisation*.

‘The substitution of government direction for the play of individual action, and the attempt to secure by restriction what can *better* be secured by freedom.’—HENRY GEORGE, *Progress and Poverty*.

‘Experience hath plainly taught in the said town that the said act hath not only *not brought the good effect* that then was *hoped and surmised*, but also hath been, and now is likely to be the *very greatest cause of the impoverishing and undoing of the poor artificers* and others, at whose suit the said act was procured.’—*Extract from an Act of Parliament of the Reign of Elizabeth*.

THE above quotations should sufficiently explain, in general terms, the purpose of the present chapter, and the application of the title which I have adopted for it. In dealing with the very numerous instances of falsely-conceived legislation, which are afforded by historic and modern times, and which I have collected from different sources in order to illustrate the theories for which I am contending, I have found it necessary to divide this portion of my subject into two parts—the first containing those instances which may be fairly placed under the head of ‘historic;’ the second containing those which more correctly come under the heading of the ‘present day.’

I have applied the term ‘Spurious Liberalism’ to both divisions—each of which occupies a chapter—though the instances enumerated under the former were enacted at a time when the word ‘Liberalism’ had not yet been adopted as a political term.

The nature of that older legislation, however, is so identical in principle with the more modern school, that I have, notwithstanding, preferred to treat them both under that head. The principal objectionable feature which characterises all those historic, as well as those modern instances with which I purpose dealing, is that they have the effect of either curtailing the liberty of citizens instead of widening it; involving the State in commercial pursuits instead of leaving that field to private enterprise; or of interfering with the recognised rights of property—in each case, too, to an extent beyond that requisite for the general good, up to which point there could, of course, be no objection. English history presents us with an abundant crop of legislation to which the term ‘Spurious Liberalism’ can fairly be applied, though, nevertheless, it was placed upon the statute-book at a time when the working classes had only a very partial voice in the government of the country.

While the gradual growth of freedom, which I have endeavoured to trace in previous chapters, was going on: stimulated, from time to time, by the growing confidence of the people, and the more frequent expression of the popular wishes, there were certain other features of Liberalism which failed to receive anything like clear recognition, even by the people themselves who were most immediately interested. The *broad* principles of freedom had certainly been recognised, and understood in the earliest times, even by the dullest classes of citizens; for it required the minimum of intelligence to discern the advantages of liberty of locomotion, for the person; liberty to do as one wished with one’s own property; liberty to believe, and worship, in accordance with the particular creed which happened to be most popular in one’s own time. These broader features of Liberalism were the first to be recognised and valued by the masses of the people, if not as principles of a studied political science, yet as human wants of a very practical and necessary character. But there were other important features which were not so clearly understood. There were, in fact, other phases of personal freedom which were not so quickly, if at all discerned, in the times of which I am about to speak. I refer to such matters as freedom of commercial intercourse and interchange; freedom of contract in the natural rise and fall of wages and in the conditions of labour; freedom of individual taste and expenditure in the more private concerns of life. These were matters which, in many cases, affected the poor and the rich alike, but principally the poor, who, in their meagre parliamentary representation, enjoyed few opportunities for effectual protest. One can only account for the continuance of those which materially affected the better classes, who did enjoy representation, to the fact that, not being familiar with the fundamental economic laws which are now so widely understood, they were not prompted to any practical resistance. It is highly probable, too, that, for want of knowledge of these fundamental principles, most people rested satisfied with the vague belief (which exists to

a large extent in our own day) that in some way or other, though not very clear, such restrictive legislation produced some good to somebody. This is, in fact, the only feasible explanation of the widespread belief in Protection in our own time. In the period which elapsed between the reign of Henry III. and the abolition of the Corn Laws, there existed a most universal ignorance among legislators, regarding the very fundamental principles of what is now termed 'political economy.' It is tolerably evident, indeed, from history, that an act of parliament was considered to possess something of a creative faculty, by which it could really *produce positive* benefits, that is to say, could confer them on one class of society, without, at the same time, subtracting them, or the means by which they were obtained, from some other class. It is now generally recognised by all persons, who have read or thought beneath the surface of things, that the comforts of life can only be produced by human exertion of some kind; that though machinery (which the working classes have, from time to time, abused) can much facilitate the production of those comforts, still, previous exertion has to be stored up in order to produce that machinery; and that parliament, which after all, is only a large debating society, cannot, by any magic process, produce something out of nothing—can only, in fact, and that by an improper use of its power, compel one citizen to *transfer* something to another citizen. An act of parliament, therefore, cannot confer *positive* advantages on any section of its citizens, except by first taking those advantages, or the means of obtaining them, from some other section of its citizens. This simple—I might almost say primitive—truth has required some centuries for men to find out; and, even in our own day, there are thousands who have not yet fully realised it. This fundamental error lies at the root of all the falsely-conceived legislation of past and present times. In historic times, indeed, there were few men who knew the error of this view, for the science of political economy was almost unknown. In the present day this class of legislation is proposed and enacted in the very face of this knowledge; and many of the men who assist in that enactment ignore, by so doing, all the history of their forefathers, and all the science and political philosophy of their contemporaries.

I propose, therefore, to divide my subject into two branches, enumerating, under the present heading, all those instances which arose under the earlier state of economic knowledge—from the time of Henry III. to the time of the Corn-Laws repeal—and, in a subsequent chapter, all those instances which have been and are being proposed, in our own day, notwithstanding our possession of the facts from history and from science, which, if studied, would inevitably lead to a more correct view of such matters. As I have already said, political economy is a comparatively modern science, practically dating from the time of Adam Smith, whose treatise was published a little over a

century ago.¹ It teaches that the operations of society, in relation to commerce, are regulated by ascertainable laws, and that any anticipation of the good effects of any such law, in one direction, must, inevitably, be followed by a corresponding forfeiture of advantages in another direction. For instance, when in the reign of George II. a bounty was paid on the exportation of corn, in order to encourage the agricultural interest, it was little thought that the incentive, thus offered to exportation, would prove so effectual as to lead to corn acquiring an almost fabulous value in the producing country itself, and, as a consequence, to give rise to serious riots. Yet, such was the fact; and, subsequently, when the other extreme was resorted to, by actually *prohibiting* the exportation of corn, and laying an embargo on all ships laden from British ports, the authors of the law equally lost sight of the fact that what they were doing would have the effect of paralysing the national shipping interests. Yet such also was the case.

Now, in both these instances, the legislation referred to had been prompted by the very best intentions, though the result, in each case, proved that the authors failed to foresee the ultimate effects of their measures, which, in the light of modern economic knowledge, would now be predicted by any person of moderate political education. The first of these laws was conceived for the encouragement of the agricultural interest; the second, with the purpose of removing the dearth of corn, which, according to Hume, 'so much distressed the poorer class of people.' These were distinct instances of a spurious Liberalism; for, though appearing at first sight to promise national benefits, the liberty of the taxpayer was, in the one case, infringed by his being compelled to contribute, through the revenue, to the granting of a bounty for the purpose of bolstering up a particular industry, for the benefit of a particular class; while, in the second case, the liberty of the agriculturalist was infringed by preventing him from selling to a foreign purchaser, willing to give him a higher price for his corn than that which was obtainable in his own country. These are only individual instances of a far-reaching misconception, by means of which commerce was hampered for purposes which were never to be realised, and interfered with in such a way as to discourage all attempts at development. All such laws had, sooner or later, to be revoked, that is to say, repealed, and the mere repeal was in its turn looked upon as a reform.²

1. 'At the present day,' says Buckle, 'eighty years after the publication of Adam Smith's *Wealth of Nations*,' there is not to be found any one of *tolerable education* who is not *ashamed* of holding opinions, which, before the time of Adam Smith, were *universally* received.' *History of Civilisation*, Vol. i., p. 216.

2. Buckle says of the Corn-Laws Repeal: 'All that was done was to repeal the old laws and leave trade to its natural freedom;' and elsewhere, 'Every great reform which has been affected, has consisted not in doing something new, but in *undoing* something *old*. . . the whole scope and tendency of modern legislation is to restore things to that natural channel from which the *ignorance* of preceding legislation had driven them.'

It was only by a series of experiences of this kind that men came, at last, to understand the principles of what we term political economy. Now, during the period over which so much of this experience was gained, that is to say over which we find commerce almost strangled with abortive legislative restrictions, the government of the country (England) was really in the hands of the monied and better educated section of society. If any class should have known how hopeless were such attempts, it was the class who then more or less monopolised the governing power. But, as I have said, the world was only *learning* political economy, and at a considerable cost to its commerce and its social advancement. To this fact, alone, can we attribute those great and numerous legislative errors. Consider, for a moment, the position of affairs in the present day. The science of political economy has been expounded by some of the greatest intellects of our century; treatises, without number, have been placed within the reach of the poorest citizen, and the subject has been taught in every university, as well as in many of the best schools in every English-speaking community. Every educated man knows, or, at least, has been taught those principles; and the mistakes of our forefathers have in fact become our heritage, from which we are enabled to draw morals for our own political guidance. The fundamental truth, for instance, which underlies the theory of Free-trade is trite among properly educated persons, and, as Mr. Bright said some time ago, it is difficult to understand 'how reasonable men ever thought otherwise.' If this be so, it may be fairly asked how it is that, notwithstanding the great advance in political education, so much of what I have called misconceived legislation is still being passed in such a community as that of Great Britain? The answer is obvious. The class who formerly held the preponderance of the governing power, and who, themselves, were parties to the misconceived legislation in earlier times, of which I have spoken, have certainly corrected their view of political questions; but—and this is the reason for which I am seeking—meanwhile, the *governing power* has been *passed on to the masses*, who, unfortunately, are almost as little versed in political principles, as were the more educated classes before Adam Smith's time. Parliament is, of necessity, the mirror of the political opinions entertained by those who elect it, and one of the natural but also unfortunate consequences of representative government is that candidates are always forthcoming to advocate the unwise as well as the wise expressions of public opinion. There is reason to believe that, as time progresses, the masses will make a more familiar acquaintance with sound political principles, and resist, more than they have hitherto done, the overtures of aspiring candidates who are not disinclined to stultify themselves in order to win the approval of those who can turn the scale at election time. Thus, then, though the better educated classes of the present day are familiar with political principles, the fact that the government has, to a great extent, passed out of their hands into those of the masses renders the

chances of wiser and more far-seeing legislation somewhat remote. A review of some of the modern and impending legislation, which I shall undertake in a future chapter, will, I think, go far to show that society is just now in as great danger, from the passing of misconceived measures, as it was in those remote times to which I have alluded. Every important extension of the franchise brings in to the electoral fold a fresh detachment of the less provident and less reflective section of society. Each of such detachments constitutes a new disturbing factor in the periodical expression of the public opinion, and the effect of such a disturbance in the formation of that opinion, whether for good, or for evil, depends upon the amount of wisdom which is possessed in determining their wants, and the amount of judgment which is exercised in wielding the power by which that determination is expressed. The mere fact of such a detachment having been hitherto excluded from the franchise is, in itself, evidence of having been under age, or of having wanted means; and it would be a mere truism to assert that both youth and poverty are, as a rule, unaccompanied by a large amount of political or any other wisdom. The net result of the *Franchise Act* of 1885 has been carefully set forth in 'The Radical Programme' as follows:—'The parliament of 1880 was elected by *three millions* of electors, of whom it was estimated *one-third* were of the working classes. The next House of Commons' (now sitting) 'will be elected by *five millions* of men, of whom *three-fifths* belong to the labouring population.'³ The Act of 1885 therefore added *two millions* to the franchise, principally of the agricultural-labourer class. This has been the dream of Radicals for years; yet, hear what the author of the 'Radical Programme' says of the class from which this new detachment has been taken:—'*The English masses are nearly impervious to political ideas.... The people know vaguely what they want.... There never was a time when instruction was more sorely needed on all these topics.*'⁴ Elsewhere the same authority says:—'It is for the people's *leaders* to indicate to them the precise methods and instruments by which *their wishes* may be realised.'⁵

The *modus operandi* is then as follows:—All men are, of course, aiming at *wise* government. Two more millions of electors have been added to the electoral roll of Great Britain, who are '*impervious to political ideas;*' who '*know their wants only vaguely;*' and who are '*in sore need of instruction on political topics.*' These two millions are to express '*their wishes,*' and certain other persons, having heard those '*wishes,*' are to carry them out. These latter persons are, in Radical phraseology, to be called '*leaders,*' and the sum and substance of this whole process is that we are to approximate more closely than before to a '*wise*' government—that is to say, to a government working in

3. 'The Radical Programme,' p. 4.

4. 'The Radical Programme,' p. 33.

5. 'The Radical Programme,' p. 33.

the real interests of the 'whole people'! Will such a series of propositions stand the most superficial logical analysis? The future is indeed not promising, but let us not venture on prophecy. Let us turn now to the past. The investigation which I shall now make of 'Spurious Liberalism,' in its historic instances, will prove that the repeated attempts to produce happiness or success for the people, by Act of Parliament, have not only failed to effect their purpose, but, in many cases, produced results entirely opposite to those which were intended and anticipated. It will, at the same time, be noticed that, in a large number of instances, the matters dealt with were of the most private and trivial nature, which could have had no real concern for anybody but the individuals themselves, and certainly not the remotest for the government of the country, or for the people at large, whom the government are supposed to represent.

I shall first deal with those interferences with national commerce, which form part of the material from which Buckle deduced the conclusion that 'the history of the commercial legislation of Europe presents every possible contrivance for hampering the energies of commerce.' Those interferences were principally with the natural supply and demand of the necessaries of life, such as corn, meat, and wool; and a study of them will show how vain and profitless were, and almost must be, the attempts to improve upon the ordinary economic laws by which the English people are now content to allow their markets to be ruled.

In the reign of Henry III. an assize of bread was fixed—that is to say, a statute was passed with the object of *regulating prices*.⁶ Hume says, in reference to it:—'Yet did the prices often rise much higher than any taken notice of by the statute.'⁷ The state, in fact, did not succeed in regulating the prices, for they rose notwithstanding the statute. It was, in short, an attempt to keep down the price of bread, but it is evident that the object of the legislative restriction failed to effect its purpose. Even if such an enactment had effected its authors' aim, no argument is necessary to show that such a restriction would have worked an injustice on the holders of corn and the sellers of bread, by depriving them of the liberty of selling it to such persons as would purchase it at the best obtainable price.

In the reign of Edward III. (according to Hume), by far the most considerable of England's exports was that of wool. The king placed an imposition of forty shillings on each sack exported: thus again interfering with the laws of supply and demand, and trespassing, for no legitimate purpose, upon the liberty of those citizens, whose interest it was to export and dispose of abroad, for the best price obtainable, their law-fully acquired commodity. The same

6. The details of this act were copied from a preceding assize, dating as far back as the reign of John.

7. 'History of England,' Vol. i., p. 532.

monarch, in order to give an artificial stimulus to the woollen manufacture, offered protection and encouragement to foreign weavers, and enacted a law, prohibiting everyone from wearing any cloth but that of English fabric. Later, in the same reign, the exportation of wool was absolutely prohibited, as also that of manufactured iron.⁸ This was done with a view of compelling foreigners to come and buy in the English markets; and, lest the law should be evaded, the penalty for a breach was fixed at 'death and confiscation.'

The policy of parliament, during various periods of this reign, became unbearably interfering. It attempted, what Hume characterises as 'the impracticable scheme' of reducing the price of labour, as also that of poultry.⁹ A reaper, in the first week of August, was not allowed above twopence a day, or near sixpence of our present money; in the second week, a third more. A master carpenter was limited, through the whole year, to threepence a day; a common carpenter to twopence a day, money of that age.¹⁰

In the following reign (Richard II.), parliament complained (as might have been expected) of the decay of shipping, and attributed it to the fact that the king had authorised frequent seizures for purposes of war. They asserted that one seaport had contained 'more vessels than were then to be found in the whole kingdom.'¹¹ Notwithstanding this very distinct lesson, as to the effect of such arbitrary conduct, the same complaint had to be repeated in Edward's reign, and again in that of Richard. In the 27th year of Edward, parliament took upon itself to fix upon particular towns of England as the markets for wool, leather, lead, and certain other commodities. Next it was removed to Calais. The object of this interference with the commerce of the country was to enable foreigners to be invited to a definite market. This scheme likewise was carried out to such extremes by parliament that English merchants were actually prohibited from exporting any English goods from the statutory market, and the result was 'the total abandoning of all foreign navigation, except that to Calais.'¹² In this reign also 'shopkeepers had the prices of provisions dictated to them.'¹³

In the reign of Henry IV. we find another crop of the same short-sighted legislation. 'Commerce,' says Hume, 'was very little understood in this reign, as in all the preceding. There appears to have been a great jealousy against what were termed merchant strangers.' Restraints of various kinds were imposed upon them by act of parliament. For instance, they were obliged to lay out, in English manufactures or commodities, all the money acquired by the sale

8. Hume's 'History of England,' Ch.16.

9. 37 Edward III., Ch.3.

10. Hume's 'History of England,' Vol. ii., chap 16.

11. Hume's 'History of England,' Vol. ii., chap 16.

12. Hume's 'History of England,' Vol. ii., Ch.16.

13. 'Social Statics,' p. 328.

of their goods; they were prohibited from buying or selling with one another; and it was rendered imperative that all their goods should be disposed of three months after importation.¹⁴ Hume says of this last enactment, that 'it was found *so inconvenient* that it was, soon after, *repealed* by parliament.' It would also appear that, during the previous reigns, the prohibition on the exportation of corn was maintained; for it is said, by Hume, that 'permission was given by parliament to export corn when it was at low prices.'

Coming down to the reign of Henry VII., we find that 'the king's love of money naturally led him to encourage commerce; but,' adds Hume, 'if we may judge by most of the laws enacted during his reign, trade and industry were *rather hurt than promoted* by the *care and attention* given to them.' Severe laws were enacted against taking interest for the loan of money,¹⁵ 'which,' adds Hume, 'the *superstition* of the age zealously proscribed;' and all attempts at evading such a law, so as to make money by the loan of money, were carefully guarded against.¹⁶ 'It is needless,' says the same writer, 'to observe how *unreasonable and iniquitous* were these laws; how *impossible to be executed*, and how *hurtful to trade*, if they could take place.'¹⁷

In this same reign, laws were made against the exportation of money, plate, or bullion;¹⁸ 'a precaution,' adds Hume, 'which serves to no other purpose than to *make more be exported*.' The exportation of horses was likewise prohibited,¹⁹ 'as if,' says the historian, 'that exportation did not encourage the breed, and render them more plentiful in the kingdom.' In order to promote archery, no bows were to be sold at a higher price than six shillings and fourpence of modern money. 'The only effect of this regulation,' says the same writer, 'must be either that the people would be supplied with *bad bows* or none at all.'²⁰ In this reign, also, prices were fixed for woollen cloth, caps, and hats;²¹ and the wages of labourers were further regulated by statute.²² 'It is evident,' says Hume, in comment, 'that these matters *ought to be left free*, and be entrusted to the common course of business and commerce.' 'One great cause,' says the historian, 'of the low state of industry during this period was the *restraints put upon it*.' It appears that parliament itself at last recognised this, and subsequently enlarged the limitations, though not sufficiently. Among the many abortive attempts (in the reign of Henry VIII.) at manufacturing happiness by act of parliament, was one which forbade the use of machinery in the making of

14. 4 Henry IV., Ch.15. 5 Henry IV., Ch.9.

15. 3 Henry VII., Ch.5.

16. 7 Henry VII., Ch.8.

17. 'History of England,' Vol. ii., Ch.26.

18. 4 Henry VII., Ch.23.

19. 11 Henry VII., Ch.13.

20. 'History of England,' Vol. ii., Ch.26.

21. 4 Henry VII., chaps. 8, 9.

22. 11 Henry VII., Ch.22.

broad-cloth. The attempt had this effect,—to drive a large part of the woollen trade into Holland, where the ‘divers devilish contrivances,’ as the machines were called, were under no such legislative restraint.²³

Speaking of the reign of Mary, Hume says: ‘The arbitrary proceedings of the queen (Elizabeth) joined to many monopolies granted by this princess, as well as by her father, *checked the growth of commerce.*’ The reign supplies us with one excellent example of this abortive legislation. A law had been made, in the previous reign, by which everyone was prohibited from making cloth, unless they had served an apprenticeship of seven years. It was fully expected that, by thus preventing private and inexperienced persons from producing that commodity for themselves, the authorised channels of the industry would be greatly stimulated. Yet we find that in Mary’s reign the law in question was repealed; and the reasons given for so doing were that the former statute had *occasioned the decay* of the woollen manufacture, and had *ruined* several towns.²⁴

In contrast with the instances of this class of legislation which I have now enumerated, we have Hume’s testimony regarding some features of Elizabeth’s reign. ‘By allowing a *free exportation* of corn,’ he says, trade and navigation were *promoted*, and so much *increased* was the shipping of her kingdom,...that she was justly styled the *Restorer of Naval Glory*, and the Queen of the Northern Seas.²⁵ It was in her reign, however, that the system of monopolies was carried to such a high and injurious pitch of development. In order to reward many persons who had distinguished themselves in civil and military matters during that period, she, not being able to give them suitable money rewards, resorted to the expedient of granting them patents for monopolies in various articles of commerce. Beyond those which she thus gave away, there were others which she sold. The recipients of these patents, having the monopoly of certain articles secured to them, were enabled to charge just what they chose for them. ‘It is astonishing,’ says one writer, ‘to consider the number and importance of those commodities which were thus assigned over to patentees: currants, salt, iron, powder, cards, calf-skin, fells, ox-shin bones, oil, cloth, potashes, aniseeds, vinegar, coal, steel, brushes, pots, bottles, saltpetre, lead, oil, glass, paper, starch, sulphur, fish, beer, leather, and a number of others.’ Over all these, and a score more articles of daily use, the most absolute monopolies were granted. Hume relates that, when this list was read out in parliament, a member cried out: ‘Is not bread among the number?’ ‘Bread!’ said everyone with astonishment. ‘Yes,’ said the member, ‘if affairs go on at this rate we shall have bread reduced to a monopoly before next parliament.’ The effect of these monopolies, it is scarcely necessary to say, was

23. ‘Liberty or Law’ (Wordsworth Donisthorpe), p. 20.

24. Hume’s ‘History of England,’ Vol. iii., Ch.37.

25. Hume’s ‘History of England,’ Vol. iii., Ch.38.

most oppressive to the people. The fortunate patentees were most exorbitant in their demands; and it is recorded that salt rose in price from sixpence to fourteen or fifteen shillings a bushel. Of course such prices attracted others to attempt the sale; and, in order to prevent such opposition, the patentees had to be invested with very arbitrary powers, by which they could exact heavy penalties from all who interfered with their patent. The patentee of saltpetre could, for instance, enter into any house and commit whatever havoc he chose, wherever he suspected saltpetre might be concealed.

This arbitrary power enabled its possessors to extort large sums of money, as a payment for more considerate treatment.

‘While all domestic intercourse was thus restrained,’ says Hume, ‘lest any scope should remain for industry, almost every species of foreign commerce was confined to exclusive companies, who bought and sold, at any price that they thought proper to offer or exact.’

These grievances, ‘the most intolerable for the present, and the most pernicious in their consequences, that ever were known, in any age, or under any government,’ excited great complaint, but the queen persisted in defending them. A bill was introduced for their abolition; and after much discussion, and much complaint, the queen consented to their partial abolition. These monopolies, meanwhile, had ‘tended to *extinguish all domestic industry.*’

James I., Elizabeth’s successor, called in and annulled those which remained, because they had ‘*extremely fettered every species of domestic industry.*’²⁶ Another singular illustration is afforded by Elizabeth’s reign. An act (8 Elizabeth, cap. 7) ‘touching the drapers, cottoners, and frizers of Shewsbury,’ was passed, to prohibit any one entering into what was termed the ‘mystery’ of those industries, unless they had been ‘brought up in the use of the said trade.’ It appears that before six years had elapsed, the drapers and cottoners of Shewsbury discovered their mistake, and communicated it to the government of the day. By a subsequent act (14 Elizabeth, cap. 12) the previous one was repealed, ‘at the humble suit of the inhabitants of the said town, and also of the said artificers, *for whose benefit the said act was supposed to be provided.*’ In the second section, the following significant moral is unconsciously pointed for posterity. ‘Experience hath plainly taught in the said town that the said act hath, *not only not brought the good effect that then was hoped and surmised,* but also hath been, and now is likely to be, the *very greatest cause of the impoverishing and undoing of the poor artificers* and others, at whose suit the said act was procured, for that there be, now, sithence the making of the said statute, much fewer persons to set them a-work than before.’²⁷

Even after the annulling of the monopolies by James I., certain exclusive companies were allowed to continue, by which almost *all foreign trade*, except

26. Hume’s ‘History of England,’ Vol. iii., Ch.45.

27. ‘The State in Relation to Labour’ (W. Stanley Jevons), p. 37.

'that of France, was brought into the hands of a few rapacious engrossers, and *all prospect of future improvement* in commerce was *for ever sacrificed*, to a little temporary advantage of the sovereign.' As a further consequence, almost all the commerce of England was centred in London. The whole trade of London was confined to about two hundred citizens, who, by combination, were enabled to fix their own prices to both the exports and imports of the kingdom. This great grievance led to a special committee, which gave as its opinion that 'shipping and seamen had *sensibly decayed*, during all the preceding reign.'

Coming, now, to the reign of George II., we find that bounties were being paid on the exportation of corn, even at a time when the Exchequer was so low that the payment had to be made in three per cent. debentures. This artificial encouragement, as I have already shown, induced so large exportations of that commodity that the home prices became exorbitant, and frequent riots occurred in consequence of the popular outcry against the subsidy. From this extreme, in one part of the reign, parliament went to the other, at a subsequent period. In consequence of the dearth of corn, which 'so much distressed the poorer class of people,' the exportation was prohibited, by statute, and an embargo laid upon all ships laden, or to be laden from British ports. In order, still further, to reduce the price, the exportation was prohibited from any of the British plantations, except to Great Britain or Ireland, or from one colony to another.²⁸ Many other commodities were simultaneously prohibited from being exported, among them being malt. At the same time, parliament prohibited spirits being made from wheat, in order that that article might be rendered still more cheap.

This had the effect of so raising the market price of malt that a huge petition was presented to parliament by the brewers of London, complaining that they could not carry on their business, and that the distillers would be under the necessity of substituting the best barley in lieu of wheat, of which there would not then be enough for all purposes. They pointed out, also, that, in consequence of the necessary stoppage of their business, the revenue would be materially affected. This latter contention appears to have had the desired effect, for, in order to prevent such a contingency as that to which it pointed, a bill was immediately passed to restrain the distilling of *all grain whatsoever*. It was next pointed out that the last restriction would ruin many farmers and others, engaged in the trade of malting; but, as it was found impossible to please everybody, parliament left matters where they were. It would, indeed, be difficult to conceive a series of more harrassing interferences with the natural current of commerce; and little business knowledge is requisite to enable one to imagine what ruinous results such a disturbing and disorganizing policy must have produced in the mercantile world. At one period of the reign, a bounty

28. History of England,' (Smollett), Vol. ii, Ch.26.

is offered for the exportation of corn. This would, in the ordinary course of events, artificially bolster up the agricultural industry. The maximum amount of land would be put under cultivation, and a large part of the population would be drawn off from less profitable occupations, in order to further the cultivation of cornland. Then, when the industry had become flourishing, and every one of the multitudinous incidental interests had settled down to their respective functions, the act of parliament, abolishing the bounty, and prohibiting the exportation, would suddenly paralyse all concerned. The shipping interest would as suddenly find its trade at an end, and be forced to seek some new channel of employment. The large number of merchants and their assistants, who had been employed in the disposal and exportation of the commodity, would be abruptly deprived of their occupation. The effect upon the agricultural interest is hardly possible to conceive, for, at one blow, a vast portion of the population, and that of the most needy and helpless section of society—the agricultural labourers—would be thrown out of employment and rendered helpless, until the lapse of time had enabled capital, hitherto engaged in agriculture, to find its way into other industries. One cannot, in fact, conceive the extent of the injurious effects of such a meddling and changing policy on the part of a parliament. Such, then, are some of the instances of legislative interference with the commerce of England, almost all of which resulted in injury to the public interest, though benefiting, for a time, certain class-interests, in whose behalf they appear to have been short-sightedly conceived.

It would be easy, had I space, to multiply such instances, drawn from actual history, showing the same unintended and unexpected results. For instance, Act 35 Edward III. was framed for the purpose of *keeping down* the price of herrings. In that measure, that is to say, in the preamble to it, it was complained that people, ‘coming to the fair...do bargain for herring, and every of them, by malice and envy, increase upon another, and if one proffer forty shillings, another will proffer ten shillings more, and the third sixty shillings, and so everyone surmounteth the other in the bargain.’²⁹ The fact is, this was an act aimed at the prevention of auction sales. Mr. Herbert Spencer, who quotes the act, adds that it was ‘soon repealed, because it *raised the price* of the herrings.’³⁰ Again, in the time of Edward III., there was a law by which innkeepers at seaports were sworn to search their guests, to prevent the exportation of money and plate; while, as late as 1824, there was an act of parliament in force which ‘forbade the manufacturers (for the benefit of the artisans) to fix their factories more than ten miles from the Royal Exchange.’

It would be out of my province to enumerate, at any great length, instances of this kind of legislation which have been enacted in other European countries.

29. Craik’s ‘History of British Commerce,’ Vol. i., 137.

30. ‘Man versus The State,’ p. 49.

There were, however, regulations in the last century, by which the French manufacturers were considerably hampered, whereby the state decided on the person to be employed, the articles to be made, the materials to be used, and the qualities of the products—whereby inspectors were authorised to, and actually did break the looms and burn the goods which were not made *exactly* according to law—whereby, also, improvements in machinery were illegal, and inventors were fined. These, says Mr. Herbert Spencer, ‘had no small share in producing the Revolution.’

Let us turn now from these to similar interferences in matters of more private concern. The history of the laws affecting workmen is nothing more nor less than a series of the most glaring infringements with individual liberty; and when one reflects upon their persistence and rigour, one can scarcely be surprised that a number of that class, now that they have the balance of political power in their hands, should display a spirit of retaliation towards the so-called better classes, whose predecessors, in social position, led to the passing of such laws.

I have already referred to the fixing of wages by the legislature, in the reign of Edward III.; a step which was taken, on the ground that they had become ‘excessive.’ That, in itself, was an unmistakable breach of true Liberal principles, inasmuch as the workman had a right to receive whatever consideration he could honestly obtain for his services. The act compelled workmen to accept the same wages which were current prior to the plague, which itself had so thinned their ranks.

In 1362, when, in consequence of a violent storm, a great deal of damage was done to the roofs of the houses, a royal order was issued to the effect that roofing material, as also tilers’ wages, should not be increased.

As early as 1383, workmen were prohibited from combining for the purpose of raising their wages. Such combinations were characterised as ‘conspiracies,’ and the punishment for a violation was very severe.

In the sixteenth century (Edward VI.), a man was compelled to work at statute prices, and, if he refused, he was branded ‘V’ for vagabond, and reduced to slavery for two years. In order to show that the authors of that measure had, or professed to have the general good in view, when enacting it, the preamble needs to be considered. It complains, by way of recital, that ‘artificers, handicraftsmen, and labourers have made confederacies, . . . and have sworn mutual oaths . . . that they should not meddle with one another, and perform and finish what another had begun, etc. . . . *to the great impoverishment of his Majesty’s subjects.*’³¹

It was not, in fact, till 1795, that a workman could travel in search of work, out of his own parish;³² and, even as late as 1768, an act of parliament

31. Trant’s ‘Trades’ Unions,’ p. 15.

32. Trant’s ‘Trades’ Unions,’ p. 19.

was framed, compelling tailors to work from six a.m. to seven p.m., with an interval of one hour only.³³

Even as late as 1795, magistrates possessed the power of fixing the rates of wages, according to the rise and fall of bread.³⁴ It is said that even Pitt, Fox, and Whitbread 'distinctly asserted the unjust and pernicious doctrine, that a labourer's remuneration should be proportioned, not to his services, but to his wants.'³⁵ An act of parliament was passed, so late as the close of the last century, declaring illegal all contracts, except between masters and men, for obtaining advances of wages, altering the hours of working, or decreasing the quantity of work.³⁶

Down to 1779, the Scotch miners were compelled to remain in the pits at their master's pleasure; and they were actually sold as part of the capital invested in the work.³⁷

The wages of workmen of all kinds were fixed, with the most minute detail, in the third and sixth year of Henry VIII.³⁸

These attempts on the part of the governing power 'began with the Statute of Labourers, under Edward III., and ceased only sixty years ago.'³⁹

The same meddlesome spirit, which actuated the foregoing legislation in the provinces of commercial transactions, and in the wages and conditions of workmen, is traceable in other departments of social concern. One would certainly think that freedom in the choice of food would be left untouched by the governing body in any age; but, not so! In 1363, an act was passed enjoining carters, ploughmen, and farm servants generally, not to drink 'excessively;' while domestic servants were restricted to one meal a day, of flesh or fish, and were to rest satisfied, at other meals, with 'milk, butter, cheese, and other such victuals.'⁴⁰ By another act of the same reign, no one was allowed, either for dinner or supper, 'above three dishes in each course, and not above two courses.' In addition to this, it was specially declared that 'soused' meat was to count as one of these dishes.⁴¹ Hume, who mentions this act, adds characteristically, 'It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.'⁴² The reasons given for this enactment, in its preamble, are certainly amusing—viz., that the *great men* have been *sore grieved*, by the *excesses* of 'over many sorts of costly meats,' and

33. Trant's 'Trades' Unions' p. 20.

34. Trant's 'Trades' Unions,' p. 20.

35. Trant's 'Trades' Union,' p. 21.

36. Trant's 'Trades' Unions,' p. 21.

37. Trant's 'Trades' Unions,' p. 22.

38. Froude's 'History of England,' vol. i., p. 27.

39. 'The Man versus The State,' p. 49.

40. Trant's 'Trades Unions,' p. 7.

41. Hume's 'History of England,' Vol. ii., Ch.16.

42. 'History of England,' ii., 134.

‘the lesser people, who only endeavour to imitate the great ones in such sorts of meats, are much impoverished,’ and not able to ‘aid themselves or their liege-lord.’⁴³ In 1313, a few years before this act, a similar measure prescribed the *prices* of food, but was, says Mr. Herbert Spencer, ‘hastily repealed after it had caused *entire disappearance* of various foods from the markets.’⁴⁴

On the subject of wearing apparel we find the same spirit of interference showing itself. By an act of Edward III., farm servants were prohibited from wearing any cloth except blanket and russet wool of twelvecence.⁴⁵ And no man, under a hundred-a-year was allowed to wear gold, silver, or silk, in his clothes.⁴⁶ An act of Edward IV. fined people for wearing ‘any gown or mantle,’ not according to what was prescribed. The same monarch limited the length of his subject’s boot-toes, that being then recognised as a test of worldly position; while Charles II. decreed the material in which people should be buried.⁴⁷

At another period of history, an act was passed providing that no ‘buttons or button holes made of cloth, serge, drugget, frieze, camlet, or any other stuffs, should be made, set, or bound on clothes, *or worn.*’

The curfew bell regulation, by which all citizens had to put out fires and lights of all kinds at eight o’clock, though more remote, was on a par with this class of legislation; and so also were the edicts of Henry VIII., which prevented the ‘lower class’ from playing dice, cards, bowls, etc. There have been English laws also, setting forth with what amount of energy and thoroughness the ploughman should plough the furrow.

The subject of usury I have already referred to.

After a perusal of all these instances of meddling legislation, it is not at all difficult to realise the truth of what Buckle has said regarding the subject. Speaking generally of the statesmen of the past, he observes:—‘They went blundering on in the old track, believing that no commerce could flourish without their interference, troubling that commerce by repeated and harrassing regulations, and taking for granted that it was the duty of every government to benefit the trade of their own people, by injuring the trade of others.’⁴⁸ And, again, the same writer says:—‘Every European government which has legislated respecting trade has acted as if its main objects were to suppress the trade, and ruin the traders. Instead of leaving the national industry to take its own course, it has been troubled by an interminable series of regulations, all intended for its good, and all inflicting serious harm. To such a height has this been carried that the commercial reforms which have distinguished England,

43. ‘History of England,’ J. A. Froude, i., 15.

44. ‘The Man versus The State,’ p. 49.

45. Trant’s ‘Trades’ Unions,’ p. 7.

46. Hume’s ‘History of England,’ Vol. ii., p. 133.

47. ‘Social Statics,’ p. 315.

48. ‘History of Civilisation,’ Vol. i., p. 213.

during the last twenty years, have solely consisted in *undoing this mischievous and intrusive legislation*.... It is no exaggeration to say that the history of the commercial legislation of Europe presents *every possible contrivance for hampering the energies of commerce*.... Duties on importation, and duties on exportation; bounties to raise up a losing trade, and taxes to pull down a remunerative one; this branch of industry forbidden, and that branch of industry encouraged; one article of commerce must not be grown, because it was grown in the colonies; another article might be grown and bought, but, not sold again; while a third article might be bought and sold, but not leave the country. Then, too, we find laws to regulate wages; laws to regulate prices; laws to regulate profits; laws to regulate the interest of money; custom-house arrangements of the most vexatious kind.⁴⁹... It would be easy (he continues), to push the enquiry still further, and to show how legislators, in every attempt they have made to protect some particular interests, and uphold some particular principles, have not only failed, but have brought about results diametrically opposite to those which they proposed.⁵⁰ Such, then, are some of the instances of the misconceived legislation of historic times. I shall, in a subsequent chapter, show that, notwithstanding the immense advance which has been since made in economic knowledge, much of the legislation of the present day is very little, if at all wiser, or more scientifically conceived.

49. 'History of Civilisation,' Vol. i., pp. 276, 277.

50. 'History of Civilisation,' p. 283.

Chapter Seven

SOME INFIRMITIES OF DEMOCRATIC GOVERNMENT

‘In order to win the masses, it is necessary to understand *what the masses want*, and to *offer it to them* as the *prize of victory*.’—*Truth* (Radical Journal).

‘The English masses are *nearly impervious* to political ideas.... They know *vaguely* what they *want*.’—*The Radical Programme*.

‘If ever the free institutions of America are destroyed, that event may be attributed to the *unlimited authority of the majority*, which may, at some future time, urge the minorities to desperation, and oblige them to have recourse to physical force.... Anarchy will then be the result, but it will have been brought about by *despotism*.’—DE TOCQUEVILLE.

‘The tyranny of the legislature is really the danger most to be feared, and will continue to be so for many years to come.’—JEFFERSON.

‘The *right* of the people is almost always sophistically confounded with their *power*.’—BURKE.

Before proceeding to deal with the numerous illustrations of modern and ‘impending’ legislation, of the spuriously ‘Liberal’ order, which I have to lay before my readers, I deem it necessary to treat of some infirmities of the existing form of government in English-speaking communities, from which form that order of legislation is resulting, and is still more likely to result in the near future. As I have already shown, the instances of the same class, which are handed down to us from historic times, are traceable to the fact that economic principles had not, in that age, been either widely or thoroughly investigated; as a consequence of which, those who were then entrusted with the government of the English people—whether at the time monarchical or parliamentary power was paramount—inflicted upon their contemporaries, and in some

cases on their remote posterity, endless injury, loss, inconvenience, and misery, as the penalty of their incompetence. History, which, as Bolingbroke says, is 'philosophy teaching by example,' has supplied us, of the nineteenth century, with a large amount of data from which to generalise; and, for those who are inclined to devote themselves to a careful study of such records, it is possible to obtain a code of principles of a tolerably scientific character, which will enable them to test the wisdom or unwisdom of such legislation, with almost as much accuracy as can be obtained in connection with sciences of an apparently much more exact nature.¹

The political experience, which is thus obtainable, has been acquired, as I have said, at the expense and inconvenience, principally, of our ancestors, but, in some cases, of ourselves; inasmuch as the various interferences with social evolution have retarded the whole progress of human institutions. A study of history will show, indeed, that the great bulk of the earlier legislation (excepting of course the few great movements with which I have dealt in previous chapters) has altogether failed to produce good results, for either the generations which enacted them, or, for us, their posterity.² Since those early times, the wisdom of any particular legislation has been found (that is, by those who have some knowledge of the science,) to depend upon its greater or less conformity to certain clearly recognised economic laws. A knowledge of the more fundamental of those laws has been imparted to most men of fair education; but it is to be feared that, in the majority of cases, they have been learnt without being retained; and, as a consequence, it is no uncommon experience to meet men in the higher walks of life who, for want of interest in and application to the subject, are placed at the mercy of every 'wind of (political) doctrine' which is blown upon the public ear by a class of politicians whom Macaulay has aptly stigmatised as 'shallow empirics.' There is, of course, in every community, a large portion of the franchised classes who are completely ignorant³ of the existence of such a science as that of

1. I have elsewhere quoted Sir George Cornewall Lewis to the effect that 'if political science be *properly understood*...there is no reason why it should not possess the *same degree of certainty* which belongs to *other sciences* founded on observation.'—*Influence of Authority*, p. 289.

2. I have already shown elsewhere that no less than *four-fifths* of the legislation, from the time of Henry III. to the year 1872, has been wholly or partially repealed, and that, even of that passed in the present reign, 650 acts have been similarly treated.

3. Throughout this chapter, and perhaps in some of the others, I have made a frequent use of the term 'ignorant.' I use this term in no offensive sense. I use the word to indicate merely a 'want of knowledge' of, or an indifference to the subject in connection with which it is used. The wisest of men are ignorant of some subject; and, in speaking of the ignorance of the working-classes of such matters as those of Political Economy and Political Science, I mean only to indicate their lack of knowledge of them, without regard to other subjects concerning which they may be very well informed.

'political economy,' or 'politics' in the broader sense; and, strange to say, many of the less responsible of politicians, in their reckless ardour for such theories as 'human equality,' are eager to confer political power upon this latter class in the very face of their knowledge of that ignorance. The author of 'The Radical Programme,' for instance, has said, and with a somewhat triumphant air, that whereas the parliament of 1880 was elected by 'three millions of electors,' of whom *one-third* were of the working classes,' the present House is elected by 'five millions of men, of whom *three-fifths* belong to the labouring population.' Yet, in the same publication, he admits, with the most unsophistical candour, that 'the English masses are *nearly impervious* to political ideas,' and only '*know vaguely* what they want.'⁴

Unfortunately only an infinitesimal proportion of 'the people' can be said to really understand the political science; and that proportion is by no means powerful enough to turn the scale in the matter of adopting or rejecting much of the wild and dangerous political doctrine which is thrown, like so much 'sop,' to what the Radical author would call the 'impervious' masses. It therefore behoves every thoughtful man to consider, carefully, the position of affairs under the circumstances; to reflect upon the extent of the difficulties to be dealt with under a democratic form of government; and, if possible, to analyse the source of those difficulties, with a view of determining how best to meet them as they confront society in the immediate future.

I have already spoken of the misconceived interpretations which have been frequently placed upon the term 'Liberalism,' by the masses of the people; and I have endeavoured to trace those misconceptions to the fact that the Liberalism of the past has so invariably had the effect of conferring its good results, almost exclusively, upon the working-classes, that that section of society (now forming a large majority of the governing body) has been brought to the belief that the bestowal of such advantages upon its own members is not merely a *result*, but the absolute *aim and purpose* of 'Liberalism.' It is anything but a pleasant conclusion to arrive at, yet it is one from which there is no escape, that, under the existing form of government, as administered in Great Britain and her colonies, there is very little hope, for some generations to come, of wiser counsel prevailing in the broad field of legislation. In historic times, as I have said, economic laws were unknown, and the most uncompromising of them were, consequently, ignored, with such results as we have seen; this, too, notwithstanding that the government was, to a great extent, in the hands of the wealthy and better-educated classes. In the present day, the more fundamental of the economic laws are not only known, but have, as I have said, become familiar to many educated persons. In the meantime, however, the preponderance of the legislative power has passed from the hands

4. I venture to utilise this gross inconsistency more than once, because I think it cuts at the very root of some of the more extravagant conclusions of the present Radical party.

of the better-educated classes, into those of the masses, a number of whom are doubtless highly intelligent and fairly capable of taking part in legislative matters, but the remainder of whom (comprehending the great majority) are completely ignorant of the subject in its higher bearings. The result of this cannot be otherwise than injurious to any community, for the following reasons:—We have seen that society is capable of suffering much harm by means of the passing of short-sighted and misconceived laws, that is to say by means of what is popularly known as ‘over-legislation.’ Such a balance of power as that indicated above must, then, work incalculable injury to the whole social organism. Society, in fact, can, by unwise legislation, just as surely inflict serious injury upon itself as an organism, as a child can upon its body by an ignorant handling of a surgical instrument. In both cases the instrument by which the injury is inflicted is capable of producing much good, if used at the proper time, and by those who understand how to wield it. In both cases, also, a want of knowledge converts the instrument into an engine of destruction, according to the confidence with which, and the extent to which it is wielded. To obviate these injurious results it would be necessary to confine the legislature to its proper limits, and to insure its non-interference with the evolution of society, beyond the lines at which that interference is essential to the evolution itself. In order to attain these results, in an ideal degree, it would be necessary that those entrusted, directly or indirectly, with the government of a country should possess and utilise a practical and scientific knowledge of their subject—that is to say, should be capable of forming a correct judgment as to the immediate and ultimate effects of every measure, and be content to exercise that judgment, irrespective of personal interest or sympathetic leaning towards any class. So perfect a government is scarcely obtainable, as humanity is constituted; and, even if, by chance, such an ideal condition of things could be secured, it would be inadvisable to constitute any such government a permanent one, inasmuch as it would, in time, be certain to drift, like all permanent governments, into an abuse of its exclusive power. There is no reason, however, why society should not set up an ideal in this, as in other matters, in order that it may be in possession of the highest possible standard to which it may be ever approximating. Under the most favourable circumstances, legislative errors will be frequently committed; for who could be invariably wise in predicting results in connection with a science which Edmund Burke has said ‘requires *more* experience than any person can gain *in his whole life,*’ and which another profound student has admitted to be ‘so complex that only those who give themselves *wholly* to the study can be acquainted with any *considerable part* of it.’ Even a modicum of these high qualifications is possessed by only a very small proportion of men, and it follows that the opinion of the majority of those who are entrusted with the selection of our legislators is, except on the most simple of political questions,

next to useless; indeed, in many cases, affirmatively injurious to themselves. We are, in fact, brought to this extraordinary conclusion that, inasmuch as the governments of the day in Great Britain and her colonies are regulated by the opinion of the majority, subject only to certain modifying and counter-acting influences, which I shall hereafter mention, the chances are *greatly in favour* of the direction, which any legislation may take, being the *wrong or unwise* one. This conclusion, moreover, is not wanting in confirmation in the facts which now surround us; for at the present moment there is already being forced upon society, and there is also every symptom of a continuance of a class of legislation which is excessive; which is directed towards some immediate object, without regard to ultimate results; and which is already working incalculable injury to commercial, industrial and social interests, by checking individual enterprise and energy; shaking confidence in the security of property; and grievously demoralising the people in their self-helping and independent citizenship.

These charges, I am aware, constitute an extremely weighty indictment against democratic government; but I am prepared, I think, to offer the dicta of unexceptionable authorities in support of every step of my argument. If that be done, it must be admitted that democracy has *yet* to justify itself by results, as a *wise* and *equitable* form of government. It is not, of course, my intention to examine every feature of democratic government, or to suggest, what many, who differ from me, may claim that I am bound to do—a better permanent form. I merely desire to lay my finger upon some of the most prominent infirmities of the existing one, in order to support my charge of legislative incompetence. ‘It would seem,’ says the *Times*, in referring to the proceedings of an English Trades’ Union Congress, ‘from a good many of the speeches and resolutions, that the time is at hand, at which the working-classes are to exercise an undisputed sway, and that nothing will remain for other people to do, except to make a note of the workmen’s wishes, and to carry them out with all speed. This idea runs through almost every line of the election address, and gives a somewhat needless solemnity to it. It is the language of men on whom the entire cares of empire are henceforward to rest.’⁵ This tendency is by no means confined, for evidences of its strength and distinctness, to the utterances of the working-classes. The legislation of our own day is already deeply dyed with the colour of the new school; and, unfortunately, the working-classes themselves do not appear to anticipate that such a state of things involves any danger to the social fabric. If the majority arrive at a certain conclusion, it should, in their opinion, be at once registered by the legislature as embodying the latest results of political wisdom. ‘In our own day,’ says Sir Henry Maine, ‘a movement appears to have very distinctly set in towards unmodified democracy, the government of a great multitude

5. The Times (18th September, 1885).

of men, striving to take the bulk of their own public affairs into their own hands.... The ruling multitude will only form an opinion by following the opinion of somebody; it may be of a great party leader—it may be of a small local politician—it may be of an organised association—it may be of an impersonal newspaper.⁶ I have already mentioned what I conceive to be the chief cause which has led to the masses taking so hasty and erroneous a view of the term ‘Liberalism,’ or rather, so incorrect an estimate of the essential principles of that school of politics. Besides that particular cause (*viz.*, the belief that it should always be accompanied by some advantages for their own class) which, in my opinion, has been the primary one, there are others which are tending to preserve and render more permanent the misconception. I shall, therefore, enumerate them, and offer some observations upon each as it arises.

It must be apparent to every one who has come into practical contact with the working-classes, over political matters, that they, as a body, judged from their utterances, absolutely decline to acknowledge the scientific aspect of that subject. They regard it, indeed, with all the confidence of experts; and, not recognising any fixed general principles upon which to base their investigations, they naturally, and without seeming aware of its unfairness, make a constant use of the criterion of ‘self,’ in determining upon any question which is submitted to them for answer or solution.

It is, of course, only natural that men should feel disinclined to confess their inability to exercise, with judgment or accuracy, a power for which they have so long struggled. When the franchise was so substantially extended in 1832;⁷ and again, when manhood suffrage was demanded as one of the ‘points’ in the Chartist movement of 1848, there were not wanting sanguine spirits who predicted that nothing but good could come out of such a reform; and, no doubt, much good has come out of it (for the working classes) where it exists, though it will not be difficult to show hereafter that many foolish and retrogressive steps have been taken, and more are now impending, as the results of an unwise use or direction of the power which such an extension of the franchise conferred. I have already mentioned that when Macaulay was addressing the House of Commons in 1842, on the subject of the ‘people’s charter,’ which counted, among its six ‘points,’ manhood suffrage, he used extremely strong language in denunciation of that proposal, and even went so far as to predict that its establishment, as an institution of the country, would be found inconsistent and incompatible, not only with property, but with civilisation itself; ‘for,’ he said, ‘on the security of property civilisation depends;’ and he added, ‘If it be admitted that on the institution of property the wellbeing of society depends, it follows, surely, that it would be madness to give supreme power in the state to a class which would not be likely to respect that institution.’ This may seem

6. ‘Popular Government.’

7. The Reform Bill of 1832 is said to have doubled the aggregate number of voters

now-a-days—upwards of forty years later—somewhat extreme language to use regarding an institution which has worked with no revolutionary results, so far, in the United States, and in many of England's colonies; but it must be remembered that Macaulay had in his mind, at the time, the extravagant expressions of opinion contained in the Charter itself, in which paper money, machinery, land, the public press, and religion were characterised as 'existing monopolies,' arising, 'with a host of others, too numerous to mention,' from class legislation. Macaulay may, therefore, be taken to have been expressing his opinion regarding 'manhood suffrage,' as applicable to the particular times which produced such wild doctrines as those included in the Charter. But, although manhood suffrage has not as yet actually led to revolution, it is, as I shall show, producing, in our own day, much retrogressive and injurious legislation; because, unfortunately, the people who have acquired the power of governing, either greatly underestimate the complexities of the science, or else, while recognising them, neglect to require a knowledge of it in those whom they choose to represent them; and, themselves, neglect to give the subject that amount of study which is indispensable to its being even partially understood. 'The people,' said Macaulay, in reviewing Mitford's 'History of Greece,' 'are to be governed for their own good; and that they may be governed for their own good, they must not be governed by their own ignorance. There are countries in which it would be as absurd to establish popular government as to abolish all the restraints in a school, or to untie all the strait-waistcoats in a madhouse.' The essay in which this is contained was published in 1824; but, observe the correctness of the following prediction, which also is contained in it:—'Fretrade,' he says, 'one of the greatest blessings which a government can confer on a people, is, in almost every country, unpopular. It may be well doubted whether a Liberal policy with regard to our commercial relations would find any support from a parliament elected by universal suffrage.' Since that was written, the people of the United States, in which manhood suffrage has become firmly established, have treated freetrade as an exploded theory; and, out of the half-dozen or so of English colonies in which the franchise is equally extensive, four at least have already adopted protective doctrines, and the other two are now undergoing periodical agitations in favour of a reversion to the older theory. I am dwelling thus at length on this branch of my subject—the abuse of majority-government—because I conceive it to be the very tap-root, from which springs that class of legislation which I term 'spurious' Liberalism.

As I have mentioned, in an earlier portion of this volume, the political science, above all others, has this peculiarity; that, in practice, its results are almost invariably contrary to those which a superficial judgment would look for. This, indeed, is one of the most subtle difficulties which the legislator has to deal with. Moreover, legislation needs to be carefully watched for its ultimate

effects, much more so than for those which are immediate. The immediate effects are at once observable, and it is by those that the 'masses' are apt to be influenced and prompted. The ultimate results, however, need infinitely more careful search and investigation; and, when found, they cannot be correctly gauged and valued, except after considerable knowledge of sociological laws. This knowledge the masses do not possess; and, as a consequence, they are liable to be swayed from one extreme to another, according as immediate benefits can be foreshadowed, or conjured into prominence, by the omnipresent self-seeking political juggler.

A well-known writer, of great ability, has lately published some weighty comments upon the most modern results of universal, or, more correctly speaking, manhood suffrage. 'There is,' he says, 'just enough evidence to show that even now there is a marked antagonism between *democratic opinion* and *scientific truth*, as applied to human societies.... On the complex questions of politics, which are calculated in themselves to task to the utmost all the powers of the strongest minds, but are in fact vaguely conceived, vaguely stated, dealt with for the most part in the most haphazard manner, by the most experienced statesmen, the common determination of a multitude is a chimerical assumption; and, indeed, if it were really possible to extract an opinion upon them from a great mass of men, and to shape the administrative and legislative acts of a state upon this opinion as a sovereign command, it is probable that the most ruinous blunders would be committed, and all social progress would be arrested.'⁸ The same author has, like Macaulay, expressed his opinion concerning the effect of universal suffrage upon national progress, but with this difference, that he speaks *after*, whereas Macaulay spoke *before* the event. 'Universal suffrage (he says), which to-day excludes freetrade from the United States, would certainly have prohibited the spinning-jenny and the power-loom. It would certainly have forbidden the threshing machine.' And, again, he says:—'It seems to me quite certain that, if for four centuries there had been a very widely-extended franchise, and a very large electoral body in this country, there would have been no reformation of religion; no change of dynasty; no toleration of dissent; not even an accurate calendar. The threshing machine, the power-loom, the spinning-jenny, and, possibly, the steam engine, would have been prohibited. Even in our own day, vaccination is in the utmost danger; and we may say, generally, that the gradual establishment of the masses in power is of the *blackest omen* for all legislation founded on scientific opinion, which requires *tension of mind to understand it and self-denial to submit to it.*'⁹

I by no means wish to be understood as going the whole way with Sir Henry Maine; for I have seen the rights of manhood suffrage exercised in

8. 'Popular Government' (Sir Henry Maine), p. 89.

9. 'Popular Government,' p. 98.

certain British colonies by a body of men who, though, for the most part, falling under Macaulay's prediction in ignoring the principle of Free-trade as an exploded theory, nevertheless in other respects wielded their political power with tolerable judgment—in matters, sometimes requiring more than the minimum of discernment.

It will be necessary for me in a subsequent chapter ('Application of Liberal Principles') to discuss the question of the *right* of the people to manhood suffrage, as distinguished from the *expediency* of granting it, while the bulk of those for whom it is intended are still in a condition of ignorance regarding the science which a wise use of that franchise involves. That question I therefore reserve. I have now dwelt upon two of the causes by which I conceive the true principles of Liberalism are being, and are liable to be still further abused. They are (1) the habit of considering 'Liberalism' synonymous with legislation for the benefit of the working classes; (2) the non-recognition of the scientific side of politics, and the consequent unwise use of the power which an extended franchise has placed in the hands of the masses. There are, yet, two other causes to which I desire to refer—the inevitable reference to 'self' as the only known criterion of what is desirable in legislation; and, lastly, the passive acknowledgment of, or, in some cases, the blind belief in the wisdom of the voice of the majority. I shall now deal with these two latter causes.

I find in the preface to the official report of the Inter-colonial Trades' Union Congress, published in the colony of Victoria in 1884, the following ill-considered passage, which will at once show how prominent a factor is 'self' in the deliberations of such bodies, and, at the same time, give some idea of the readiness to attribute the same motive to others, however high-minded and 'above suspicion':—'It may be said of free-trade and protection that whatever suits the individual or country is the *right* fiscal policy for him or for it. As, for instance, when Messrs. Cobden and Bright, those great apostles of free-trade, started their agitation in respect to the repeal of the Corn-laws, they were really *only working to secure protection for their own interests*, as opposed to those of the landowners, and for this reason; the forty per cent. duty on corn kept the labour of England engaged in producing cereals, and so enhanced the value of landed property; but, so soon as the duty was abolished, the labour hitherto employed in growing corn was available to the manufacturing class, of which the free-trade champions were members. Thus, therefore, Messrs. Bright and Cobden *wisely protected themselves while clamouring for free-trade.*' The logic and the principle of this piece of composition is certainly unique.

In the same publication, I find a reported debate upon the subject of 'The amalgamation of trades unions,' in which one of the speakers, who had evidently forgotten the benefits which he himself had derived from settling in the colonies, said: 'One of the *dangers always menacing* us is the importation of labour from other parts of the world; but this would be nullified if the trades

were united.' It would be interesting to know how this gentleman would have regarded a combination of trades unions which should have precluded, or, at least discouraged himself and his family from settling in the colonies in his own early days, and thus bettering his position in life.

In the debate upon the subject of 'Legalisation of the eight hours system,' one speaker said, regarding the future of his particular colony: 'The laws by which it shall be governed are in our own hands; and surely it should be the desire of every true Australian to have all our regulations framed so as to make it in reality what America was some time ago in name, viz., a working man's paradise.' 'What,' said the same speaker, 'do we send our representatives into parliament for? Surely we expect them to legislate for our interest.' Another speaker on the same subject said: 'It was quite useless to leave these matters to members of parliament, who did not understand them from the working-class point of view.' During a debate upon 'Payment of members of parliament,' one delegate said: 'It should be the object of the delegates to break down the monopoly of representation, so as to have direct representation in the interests of the working-classes.'

Under the heading of 'Direct representation' I find one delegate moving 'That this congress desires to urge upon labour organisations, in the various colonies, to at once elect a parliamentary committee.... whose duty it shall be to assist in passing through parliament measures for the benefit of labour.' As a result of this regard for self being so entertained by electors, it naturally transmits itself to candidates for their representation.

I have before me three electioneering addresses which have appeared in a Victorian newspaper whilst I am writing on this feature of my subject. In each case the candidate claims to be qualified for the seat on the ground of his interests being identical with those of the constituency. One says:—'My interests and yours are identical.' A second says: 'Being a practical farmer, and now carrying on farming operations, my interests are in every way in accordance with your own.' The third says: 'I have grown up in the district, and hold a considerable interest and stake therein.' It can be more easily imagined than stated how much legislators of this kind would be influenced by purely national considerations where the interests of their district were involved. What a fall, too, is observable here from the high-minded and lofty principle which prompted Edmund Burke to say to his Bristol constituents: 'You choose a member, indeed; but when you have chosen him, he is not member for Bristol, but he is a member of parliament. If the local constituents should have an interest, or should form a hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far as any other from any endeavour to give it effect.'

I might quote many other instances in connection with the colonies, to show how completely the working-classes regard parliament as a sort

of scramble for benefits, and how continuous are their efforts to secure legislation in their own interests. Let me now enumerate a few of the instances which have occurred in Great Britain and the United States. I have before me a report of the proceedings of a Trades' Congress, held at Hull (England), in September, 1886. Mr. Joseph Arch, in supporting a resolution in favour of labour representation, considered it indispensable that such representatives should 'support its interests thoroughly,' and that they should find fault with those who failed to do their duty. Mr. Arch himself is a labour representative, and one is only strictly logical in inferring from this utterance that the ultimate test, with him, of all legislation concerning which he is called upon to express an opinion in parliament, is that it must be 'in its (the working-class) interest.' In adopting such a gauge, as distinguished from that of 'the greatest happiness of the greatest number,' he is, in his own opinion, only doing 'his duty'! A second delegate present at the same congress—a 'conservative working-man'—justified his party loyalty on the ground that the Conservatives had 'done as much *for the working classes* as the Liberal party.'

A third delegate, speaking on the subject of co-operation, predicted that 'if they—co-operators and trades-unionists—*joined hands*, there was *no power* to prevent them, in the next sixty years, becoming *entire possessors of the soil* of the country.' Mr. Broadhurst, who can be accepted as an authorised exponent of the undercurrent of feeling among the English masses, from which he himself has honourably sprung, uses the following significant, if not threatening language:—'Dare democracy to the utmost; then all experience teaches us that the terms dictated will certainly not be such as they otherwise might be.' It is to be hoped that this serious infirmity is capable of gradual cure, as I believe it is in certain countries, where other local circumstances tend to enable the working classes to become, themselves, even in a small way, property-holders. Yet, so great a Liberal as Lord John Russell has spoken of universal suffrage as 'the grave of all temperate liberty, and the parent of tyranny and license.'¹⁰ And it is a remarkable fact that Plato and Aristotle went to so impracticable an extreme as to advocate the exclusion of the whole of the labouring classes from taking part in public questions, on the ground that they had no leisure to form opinions concerning them.¹¹ The tendency among the masses to regard such a course of class legislation as harmless in its results, even if not successful in the direction anticipated, is rather encouraged than otherwise by even prominent statesmen. Mr. Gladstone himself, in the heat of party strife, only lately made a bold effort to win a general election, by inciting the masses against what he termed 'the classes,' and Mr. Chamberlain, a short time since, told the masses that 'there is no longer anything to fear in state interference,

10. 'Government of England,' p. 352.

11. 'Political Progress,' p. 207.

because they themselves had become the state.¹² An American writer records that in Chicago this feeling is so deeply rooted that a journal was established, a few years ago, by some working men, for the advocacy of their rights, and, in a preliminary manifesto, the following principle was (among others) laid down:—‘There are no rights but the rights of labour.’ It requires no stretch of imagination to picture the class of legislation which such a journal, or those who established it, would consider satisfactory. The same author adds:—‘We find American writers dwelling upon the dangers of democracy, with an earnestness which ought to convince theorists, elsewhere, that there is, after all, some danger in intrusting the larger share of political power to the least educated classes.’ And he concludes by saying that ‘in America, the truth has long been admitted, that democracy is insatiable. Its demands increase in volume and in vehemence with every attempt to set them at rest.’

Now, it cannot be doubted that the effect of so powerful a body as the working-classes constantly urging on matters which will confer some benefit upon themselves, is seriously calculated to lead to a constantly recurring onesidedness in legislation, which is bound, in its turn, to be resented by the capitalist class, so soon as an opportunity is afforded; and, thus, there might very soon be produced a sort of traditional policy of retaliation between the two interests.

But, there is yet another reason for this neglect of the true principles of legislation to which I have referred. There is, as I have said, a widely-acknowledged belief in the wisdom of the majority. I do not refer merely to the conclusion at which many people have arrived, as to the vote of a majority being the *only practical way* of arriving at a decision where heads are *numbered* instead of being *valued*. The conclusions arrived at by that method have frequently to be accepted, though obviously contrary to all true and equitable principles. But there is a large mass of one’s fellow-men, who actually believe that whatever a majority determines is correct and just, and should, in fact, be carried into practice without question of any kind.

De Tocqueville, indeed, commences one of his most valuable chapters by the statement that ‘the greatest dangers of the American Republics proceed from the unlimited power of the majority;’¹³ and he follows up that statement by another, to the effect that ‘if ever the free institutions of America are

12. ‘Liberty and Socialism,’ p. 20.—NOTE.—I have said a good deal regarding the efforts for class legislation which are regularly put forth by the working classes. I am of course, aware that similar efforts are, at times, made by other classes to obtain legislation in *their own interest*, though in a much more limited degree. What, however, calls, I think, for most attention is the persistency and the invariableness of those efforts by the former class, and the unquestionable belief, which seems to exist among them, that their own interest, as distinguished from that of the *whole community*, is a *perfectly legitimate and honourable* basis upon which to rear a legislative edifice.

13. ‘Democracy in America,’ Vol. i., p. 272.

destroyed, that event may be attributed to the unlimited authority of the majority, which may, at some future time, urge the minorities to desperation, and oblige them to have recourse to physical force.... Anarchy,' he adds, 'will then be the result, but it will have been brought about by despotism,' that is to say, the despotism of the majority. Here, we have the abuse of Liberalism shown, as arising out of what is *supposed* to be one of the most important developments of Liberalism itself, viz., government by the people. Liberalism of the true type would avert this extreme; for, as the Marquis of Lorne has wisely said, in his definition of the leading principle of that school: 'Freedom from *tyranny of mob or monarch* will be the safeguard of its future triumphs.'

It will be, I know, rather surprising to many so-called 'Liberals' to be informed that much of the 'Liberalism' which they are daily approving and advocating, is really a spurious article, and calculated, if passed into law, to curtail rather than extend, the civil liberty concerning which we now pride ourselves. The United States, to most democrats of the less reflective class, suggests Liberalism of the most completely developed order; yet, if the truth be known, and the institutions of that extensive community analysed with any degree of scientific accuracy, it will be found that this blind belief in the actual *wisdom and justice* of majorities has given birth to a despotism of the most dangerous and unbearable character. Says De Tocqueville: 'I know no country in which there is *so little true independence of mind and freedom of discussion*. In any constitutional state in Europe, every sort of religious and political theory may be advocated and propagated abroad; for there is no country in Europe, so subdued by any single authority, as not to contain citizens who are ready to protect the man who raises his voice in the cause of truth, from the consequences of his hardihood. If he is unfortunate enough to live under an absolute government, the people are upon his side; if he inhabits a free country, he may find a shelter behind the authority of the throne if he require one. The aristocratic part of society supports him in some countries, and the democracy in others. But, in a nation where democratic institutions exist, organised like those of the United States, there is but *one sole authority, one single element* of strength and of success, with nothing beyond it.' And then comes the melancholy confession:—'In America, the majority raises very formidable barriers to the liberty of opinions.'¹⁴

I have already quoted, elsewhere, Mr. Frederick Harrison on this subject, in which he told an audience of working men what he thought of the wisdom of the opinion of the masses on political matters. He put the question as to the wisdom of majorities in a very conclusive way, by asking his hearers what sort of military success would be likely to attend an army, every move of which had to be determined by a vote of the majority of the rank and file; and he has added that the political science is not one whit less difficult than that of

14. 'Democracy in America,' Vol. i., p. 267.

military tactics. This uncompromising belief in the voice of the majority has the most injurious effects upon other features of society, besides that of its freedom. It would seem to exercise a considerable influence upon the tone and character of public life, by reason of the ever-present necessity for any one who desires political eminence, to cultivate the tastes, whims, and fickle tendencies of the masses, who alone have the power to lift him into that position to which he aspires. 'I am inclined,' says De Tocqueville, speaking of America, 'to attribute the singular paucity of distinguished political characters to the ever-increasing activity of the despotism of the majority,' and he says, elsewhere: 'Democratic republics extend the practice of *currying favour* with the many.' Again: 'In that immense crowd which throngs the avenues of power in the United States, I found very few men who displayed any of that *manly candour*, and that *masculine independence* of opinion which frequently distinguished the Americans in former times, and which constitutes the leading feature in distinguished characters, wheresoever they may be found.'

No one, probably, in modern times, gave more attention to, and brought more ability to bear upon democratic institutions than this great authority. His conclusions are therefore of the very greatest value. Here is one of a very general character: 'I hold it to be an impious and an execrable maxim that, politically speaking, a people has a right to do *whatsoever it pleases*.... When I see that the right and the means of absolute command are conferred on a people, or upon a king, upon an aristocracy, or a democracy, a monarchy, or a republic, I recognise the *germ of tyranny*.'¹⁵

I might quote from innumerable authors, and many even of great repute, to show how strong is the tendency of a democracy to exercise, by means of a majority, as despotic and tyrannical a power as any Eastern monarch. Nor is this danger any new development of popular government; for we find Aristotle, even, condemning the belief in the wisdom of the many. 'Who should possess supreme power in the state?' he asks. 'If the poor,' he adds, 'because they are a majority, they may *divide among themselves* what belongs to the rich; is not this unjust?' 'If,' he says further, 'the many seize into their own hands everything which belongs to the few, it is evident that *the state will be at an end*. Therefore,' he concludes, 'such a law can *never be right*.'

It is scarcely likely that there are many intelligent persons who really believe that the mere fact of a majority favouring a particular proposal will, in itself, give it the character of a just measure; for if it were so, it would be possible to provide a justification for the most atrocious acts of democratic government which it is possible for the mind to conceive; and it would immediately be stamped with the seal of virtue on account of its having been favoured by the necessary preponderance in numbers. No reasonable person, therefore, could believe that an act, which is acknowledged to be unjust in itself, can be

15. 'Democracy in America,' Vol. i., pp. 262, 264.

rendered just, by reason of its being approved by a majority, but, 'although everybody is,' as Sir George Cornwall Lewis says, 'aware that numbers are not the test of truth, yet many persons, while they recognise this maxim in theory, violate it in practice, and accept opinions, simply because they are entertained by the people at large.'¹⁶ Many people, however, go further than the mere acceptance of such opinions—they really believe that the conclusions arrived at by a large number of persons are more likely to be correct than those of an individual or small group of individuals, no matter how wise they (the latter) may be. There are, indeed, several threadbare maxims which pass among the people as conclusive, when the question is raised. 'Two heads are better than one,' is by many people accepted as beyond controversy; and again, 'In the multiplicity of counsel there is wisdom,' is frequently sufficient with some minds to settle all doubts. Now, as a fact, the joint opinion of a large number of persons is *almost invariably erroneous*. A correct opinion on any subject, and particularly on one so complex as are those connected with the political science, necessitates a special knowledge which it takes years to acquire. This special knowledge is possessed by but a small proportion even of educated persons; and among the classes which go to make up the masses of our fellow-men, the percentage of those who possess it is almost infinitesimal.

If the ability to form a correct opinion on any subject necessitates this special knowledge, it follows that those who do not possess it must (except on such questions as are most easy of solution) entertain erroneous opinions, and it would, therefore, happen that on most occasions upon which a large number of persons, taken at random from the people, are called upon to express their approval or disapproval of any but the most simple of proposals, or to say whether or not such a proposal is based on sound principles, the few who are competent to determine it would be overwhelmed by the many who are not competent, and the conclusion arrived at would be erroneous. This is, in fact, what happens in the majority of cases in which the people are called upon for a correct judgment on any complex question of legislation. Speaking of the opinion of the majority of the people on general subjects, Sir George Cornwall Lewis says, 'So numerous are the cases in which the opinion of the multitude conflicts with that of a few competent judges, that a majority of voices has, in questions not involving a legal decision, been considered as a mark of error.'¹⁷ And he quotes a saying to the effect that 'a person ought to be ashamed of finding his opinions approved by the multitude, because the concurrence of the many raises a presumption of being in the wrong.'¹⁸ In sciences and arts,' he says further, 'the persons versed in the particular departments of knowledge—in history, historians; in general literature,

16. 'Influence of Authority in Matters of Opinion,' p. 10.

17. 'Influence of Authority,' p. 112.

18. 'Influence of Authority,' p. 112.

literary men and poets; in practical questions of law, medicine, architecture, navigation, etc., the men of the respective professions, who form respectively the standard and canon of authority, are but few in number, if set against the body of their fellow-countrymen. Moreover, even with respect to each of these classes, it is principally the ablest, the most learned, the most experienced, the most skilful, whose opinion constitutes authority.¹⁹ 'In each subject, therefore, the opinion of the great bulk of the people is, taken as a standard of truth and rectitude, unworthy of consideration, and destitute of weight and authority. It is the opinion of uninformed and inexperienced persons whose incapacity to judge is not cured by the multiplication of their numbers. The mere aggregation of incompetent judges will not produce a right judgment, any more than the aggregation of persons who have no knowledge of a matter of fact will supply credible testimony to its existence.'²⁰

These remarks, though not made with any special application to political questions, will, nevertheless, apply with equal force, inasmuch as the political science is acknowledged to be one of the *most* complex. It may be thought that what I have said, though very true as far as the deeper problems of political science are concerned, can have no application to the apparently simple questions of every-day occurrence, upon which the bulk of our fellow-citizens are being constantly called upon to express their opinion; but this is not so, for a careful examination of some of the apparently most simple questions which are presented to us will show, to those who understand the difficulties of the political science, that there are extremely few of such questions which do not involve a knowledge of the more complex principles.

If there be any truth in the foregoing statements, it would at first sight appear that there is little chance of arriving at *any* correct conclusions, or indeed of producing any rational legislation whatever under a democratic government; but this is not altogether so, for it will be remembered that the masses of the people are not frequently called upon to express their opinion, *directly*, on any particular question, but only to say yea or nay to the suitability of the various candidates who present themselves for the honour of their representation. In that, they are limited by the usual provisions requiring nomination by a certain number of electors, and calling for some slight proof of seriousness in the conditional lodging of a deposit; but, notwithstanding these slight aids to the exclusion of mere adventurers, it is notorious how frequently the one who is full of empty promises is returned, while the substantial man, possessing all the guarantees of rectitude, and displaying, by his proneness to promise little, some of the high principle and good judgment which should recommend him for the position, is suspected of all kinds of so called 'Conservative' schemes, and thrust aside as if absolutely unqualified to fill the coveted seat.

19. 'Influence of Authority,' p. 110.

20. 'Influence of Authority,' p. 111.

Again, out of those, who are, as it were, filtered through the public judgment into the institution of parliament, a limited number, and, as a general rule, the ablest only, are entrusted with the initiation of the more important measures. This constitutes a moderate safeguard to popular rashness and unwisdom; but, nevertheless, the few, more frequently than not, prove unequal to the temptations to win the popular ear; frequently by a sacrifice of the highest principle. Nevertheless, as comparatively little legislation passes criticism without having met with the approval of this further tested few, who form a government, some, at least, of the injurious results of popular ignorance on political matters are obviated, though many, nevertheless, are realised and work their ill effects upon society, as I shall show hereafter. The truth is that 'for political and other purposes, in which capacity of a high order is requisite, there must be single persons, possessing that degree of power, in order to arrive at sound practical conclusions. This want cannot be supplied by numbers.'²¹ Unfortunately the tendency in public life is to encourage rather than discourage the popular delusion as to a majority's wisdom. The character of the machinery by which a decision is now arrived at in political or other public matters, compels the resort to the system of abiding by the majority; and since, in addition to that method being the almost invariable one, the people experience every day proof of their power to realise, through it, their wishes, so long as they can command a majority to support those wishes, the constant repetition of the method has led to its being regarded as the most just one.

It is quite possible that, notwithstanding all these combined circumstances, which tend to so undesirable an end, those who constitute the majority might in time come to see the danger of acting on the proverbial 'little knowledge' in political matters; but the fact that they constitute the stepping-stone to high political place and power brings about the unfortunate result that those who are moved by such aspirations do not hesitate to pander to and flatter the masses, wherever and whenever they meet them, and thus engender a confidence and self-satisfaction, quite proof against the occasional misgivings which might otherwise lead to reflection and modesty of opinion.

The Rev. F. W. Robertson, than whom no man of his day was in closer touch with the working-classes, said, in one of his addresses, delivered on the occasion of the opening of a Working Men's Institute:—"The people of this country stand in danger from two classes—from those who fear them, and from those who flatter them.... From the platform and the press we now hear language of fulsome adulation, that ought to disgust the working men of this country. The man who can see no other source of law than the will of a majority; who can feel no everlasting law of right and wrong, which gives to all human laws their sanction and their meaning, and by which all laws, whether

21. 'Influence of Authority,' p. 122.

they express the will of the many or of the few, must be tried; who does not feel that he, single and unsupported, is called upon by a mighty voice within him to resist everything which comes to him claiming his allegiance as the expression of mere will, is exactly the man who, if he had lived seven centuries ago, would have stood on the sea-sands, beside the royal Dane, and tried to make him believe that his will gave law to the everlasting flood.²²

But flattery even, and the raising of false hopes, are by no means the only base influences brought to bear upon the majority, in whose hands the government is practically placed. Political bribes are becoming somewhat common in our day. Who, for instance, can fail to see in the 'three-acre' scheme, so lately propounded by Mr. Chamberlain, one of the most impudent and unprincipled bids for popular favour known in modern history. Suddenly, no less than two millions of electors are admitted to the franchise, and, before even the fresh contingent of collective political wisdom (consisting principally of agricultural labourers) has had time to realise its new possession, one of the most prominent of English statesmen deliberately offers to this class, conditional upon his accession to power and their support of his party, the one thing above all others calculated to seduce that class from the path of political rectitude. It is remarkable, too, with what open impudence this politically dishonest practice is utilised. Within the last few months, a London weekly, which prides itself in its extreme Radicalism, and at the time strongly advocated the adoption of the 'three-acre' scheme, published the following unprincipled paragraph: 'We must organise. We must have a Radical platform, of which Home-Rule will be but one plank. The democracies of the two islands must give each other the hand. We have our grievances, the Irish have theirs. To remedy both must be our cry.... In order to win the masses it is necessary to understand what the *masses want* and to offer it to them as the prize of victory.'²³

The Bishop of Peterborough lately expressed himself on this subject of majority rule. 'I hold,' he said, 'that there may be as much unwisdom and,

22. I confess this is by no means scientific criticism, but I quote it as a finely-framed and correctly-conceived condemnation of the common practice of politicians, and even statesmen, to flatter the working-classes into a false belief as to their own wisdom and judgment in matters political. The same eloquent writer has well said: 'Now, whether a man flatters the many or the few, the flatterer is a despicable character. It matters not in what age he appears: change the century you do not change the man. He who fawned upon the prince or upon the duke had something of the reptile in his character; but he who fawns upon the masses in their day of power is only a reptile which has changed the *direction of its crawling*. He who, in this nineteenth century, echoes the cry that the voice of the people is the voice of God, is just the man who, if he had been born two thousand years ago, would have been the loudest and hoarsest in that cringing crowd of slaves who bowed before a prince invested with the delegated majesty of Rome, and cried 'It is the voice of God, and not of a man.'—*Lectures, Addresses, and Literary Remains*, p. 5.

23. *Truth*, July 29, 1886.

what is more, as much injustice and tyranny where the many govern the few as where the few govern the many; and further, that if there be such tyranny, it is the more hopeless and the more universally-present tyranny of the two.²⁴ The same authority quotes the late Lord Shaftesbury as having said, 'I cannot say that I repose unlimited confidence in the wisdom of the working classes of this country; and I am not altogether without anxiety when I see them suddenly called on to decide great and difficult social and political problems, which, we are told, have baffled for ages the wisdom of philosophers and statesmen.' The popular delusion (for it can be characterised in no other way) has been tersely put by Mr. Herbert Spencer. 'The fundamental assumption, (he says) which is made by legislators and people alike, is that a majority has powers to which no limits can be put. This is the current theory which all accept, without proof, as a self-evident truth. Nevertheless,' he adds, 'criticism will, I think, show that this current theory requires a radical modification.'²⁵ Whether we suppose that everybody really believes in the opinion of the majority, or, as Sir George C. Lewis says, while not believing in it still accept it because others do, is a matter of not much concern. The practical conclusion is the same—the opinion of the majority is adopted and acted upon, and perhaps it will be said that it is useless to attempt to alter or prevent such a state of things. But practical statesmen have thought otherwise. The late Lord Beaconsfield was of opinion that such important matters as 'the principles of liberty, of order, of law, and of religion ought not to be entrusted to individual opinion, or to the caprice and passion of multitudes, but should be embodied in a form of permanence and power.'²⁶ And Mill was an equally strong advocate for some restraint. 'It is necessary (said that writer) that the institutions of society should make provision for keeping up, in some form or other, as a corrective to partial views and a shelter for freedom of thought and individuality of character, a perpetual and standing opposition to the will of the majority.... Almost all the greatest men who ever lived have formed part of such an opposition.... A centre of resistance is as necessary when the opinion of the majority is sovereign as when the ruling power is a hierarchy or an aristocracy.... Where no such *point d'appui* exists, there the human race will inevitably degenerate; and the question whether the United States, for instance, will in time sink into another China resolves itself, to us, into the question whether such a centre of resistance will gradually evolve itself or not.'²⁷

I come round now to the proposition with which I opened this chapter—viz., that the class of legislation, which I have called 'spurious' Liberalism, is

24. 'Address on Disestablishment,' *The Times*, October 15, 1885.

25. 'Man versus the State,' p. 82.

26. Speech: 'Conservative and Liberal Principles,' June 24, 1872.

27. 'Dissertations and Discussions,' 1859, p. 380.

resulting, in the present day, from the want of political knowledge among the masses, and the consequent unwise use to which their power in the legislature is being turned in the making of laws. I shall now show that society has suffered, is still suffering, and is likely, for a long time, to suffer injury and retrogression as a further consequence; and, what is more important, that the greatest share of that injury is likely to fall on its authors—the working-classes themselves. One may safely say of the average elector, what Macaulay said of Southey, in his scathing essay on that author's 'Colloquies of Society.' 'He conceives that the business of the magistrate is not merely to see that people are secure from attack, but that he ought to be a jack of all trades, architect, engineer, schoolmaster, merchant, theologian, a Lady Bountiful in every parish, a Paul Pry in every house, spying, eavesdropping, relieving, admonishing, spending our money for us, and choosing our opinions for us. His principle is, if we understand it rightly, that no man can do anything so well for himself as his rulers, be they who they may, can do it for him, and that a government approaches nearer and nearer to perfection in proportion as it interferes more and more with the habits and notions of individuals.'²⁸ There are many among the masses who recognise no limit whatever to the interference of government in the regulation of society. They would probably acquiesce in the adoption of a state of things such as obtains in China. 'There the government publishes a list of works which may be read, and, considering obedience the supreme virtue, authorises such only as are friendly to despotism. Fearing the unsettling effect of innovation, it allows nothing to be taught but what proceeds from itself. To the end of producing pattern citizens, it exerts a stringent discipline over all conduct, providing rules for sitting, standing, walking, talking, and bowing. Scholars are prohibited from chess, football, flying kites, shuttlecock, playing on wind instruments, training beasts, birds, fishes, or insects, all which amusements, it is said, dissipate the mind and debase the heart.'²⁹ What sort of legislation, for instance, might be expected from a man who expresses an opinion that 'the first cause of the undue inequalities which at present exist between capital and labour is that *fearful and increasing evil—competition*?³⁰ 'It is,' adds the same authority, 'degrading to employers themselves, it is highly injurious to a country, and cruelly oppressive to the working classes.'

Or, again, what kind of legislation would (if he possessed the power) emanate from a man who, when speaking of the 'disadvantages' which the employés in clothing factories had to contend with, affirmed that they had many, 'such as sweaters and the introduction of the *most modern machinery*;' or from another trades' unionist who urged a reduction in the quantity of their labour, in order 'to maintain the balance, and *defeat the march of machinery*'?

28. 'Critical and Historical Essays.'

29. 'Social Statics,' p. 364.

30. 'Intercolonial Trades' Union Congress Report,' President's Address, p. 51.

This senseless tirade against machinery is certainly in striking contrast to that paragraph of the 'Knights of labour' programme, in which it is claimed that they should be 'enabled to reap the *advantages* conferred by the labour-saving machinery which *their brains* have created.' It is refreshing, however, to find that one member of the Trades' Union Congress in question had the courage to express a sounder opinion, in the face of his fellow-delegates. 'It appeared to him,' he said, 'that some of the speakers wished to go back to the dark ages, when at the ringing of the Curfew Bell every one had to put up his shutters and go to bed.'

Again, at a meeting of 'unemployed,' which was held in the colony of Victoria, a short time ago, a resolution was passed to the effect 'that as the government could easily find work at remunerative rates for several hundreds of men in the construction of railways and other public works, it should be done as speedily as possible; and that, if they were not willing to help the men to obtain work, they should resign and *make way for others* who would *dispense justice* to their fellow-men.' It would be easy to multiply instances of this tendency to look to government, as if it were a sort of giant benefactor which could and should do everything for those who failed to do anything for themselves.

This erroneous view of the institution which we call government is, as I have shown, unfortunately encouraged by the constant flattery which is accorded to the masses by candidates for parliamentary honours. Instead of honestly refusing to further the hundred-and-one ill-digested schemes which are made in the interests of different classes at election times, candidates readily promise to do all in their power to have them carried into practice, and, as a consequence, the proposers of such schemes are led to believe they have made really feasible and equitable suggestions.

'Every candidate for parliament,' says Mr. Herbert Spencer, 'is prompted to propose or support some new piece of *ad captandum* legislation. Nay, even the chiefs of parties—those anxious to retain office, and those to wrest it from them—severally aim to get adherents by outbidding one another. Each seeks popularity by promising more than his opponent has promised.'³¹

One cannot be surprised either at the working classes becoming more and more confident of their equal ability to legislate, when they set up so low a standard for their parliamentary representatives. In point of comparison they are, as a fact, quite as well qualified as the average run of men whom they do send to parliament. Take, for instance, the following estimate of one of the people's representatives by a prominent trades-unionist: 'When we choose men to represent us, we should pay them to *remain honest*, and, if they *did not*, they should *be removed*. A man in parliament, who had nothing to live on, must either grab or starve, as, if he was not paid for his services, he must

31. 'Man versus The State,' p. 31.

pay himself. In order to have true representation in parliament, it behoves us to agree that members of parliament be paid for their services.³²

What a contrast is here offered to the picture presented by Mr. Frederick Harrison, wherein he says to the London workmen: 'Choose the best men you can find for your representatives, and then trust them heartily, and strengthen their hands.... Let no petty criticism on details, let no local divergence of opinion draw you off the main point. Choose men who *know their own minds*, and then *give them their head*. In politics you cannot have a truly superior leader whom you are to *check and criticise and tutor at every step*. Nor can you have one who is simply the *mouthpiece of every noisy clique*.'³³

That all, or even many workmen should follow Mr. Harrison's advice is too much to expect for many a long year. Before such a state of things is realised, a much higher standard of political knowledge will have to be reached—a standard sufficiently high to lead to a recognition of the difficulties of the political science, and thus produce a much less confident attitude than is now assumed in such matters.

Promises will always go a long way towards winning popular favour. To make them, costs nothing; and the failure to fulfil can be afterwards accounted for on many plausible grounds; even if they fail, the coveted prize of membership has meantime been acquired. The practice of offering such bribes to the public is being carried on under our very noses every day, and we unfortunately become used to it, and many intelligent persons even wink at it.

Perhaps one of the most glaring cases in modern times was that which I have mentioned, in which two millions of newly enfranchised agricultural labourers were, in 1885, offered allotments of three acres of ground, in the event of the Radical party being returned to power.

One of the most important and, at the same time, most unfortunate results of the public confidence in its own political knowledge and judgment, is the widespread belief that every evil which afflicts or may afflict society is capable of cure, and that every good which the mind can conceive is capable of production, by means of an act of parliament. I have already mentioned that a minister of the crown in the colony of Victoria, on a recent occasion, boasted to his constituents that the government, of which he had been a member, had succeeded in passing measures which *would add three inches to the statute-book*. What can be said of such an utterance! It would almost seem as if such a speaker lacked a knowledge of the very fundamental principles of his business; yet he did not, for he was a man who had read and thought widely. He stooped however to the popular delusion, by which it is really believed that the good, or the happiness of a people depends upon the number

32. 'Intercolonial Trades' Union Congress,' 1884, Official Report, p. 128.

33. Order and Progress, 'Function of Workmen,' p. 222.

of its laws—in short, the thickness of its statute-book! Could absurdity go further? The minister in question evidently knew his audience, and touched their most vital part. The truth is, there is a wide-spread belief that an act of parliament is something more than a resolution of the people to do something *for themselves* combinedly. There is, in fact, a vague and undefined sort of belief that parliament is a kind of power in itself, quite apart from the people; that it is a power capable of almost anything, and that, as far as ways and means are concerned, it has no known limit to its resources.

‘The public collectively,’ says Mill, ‘is abundantly ready to impose, not only its generally narrow views of its interests, but its abstract opinions and even its tastes as laws binding upon individuals.’³⁴ And that this readiness would quickly take the shape of acts of parliament, if an opportunity offered, has been sufficiently shown by the numerous efforts of ‘total abstainers’—‘local optionists’—‘Sunday observers’—‘early closing’ enthusiasts—‘eight hour’ advocates—and others of equally narrow vision. Such people forget, or have never realised that, ‘in proportion as each individual relies upon the helpful vigilance of the State, he learns to abandon to its reponsibility the fate and well-being of his fellow citizens.’³⁵

In the debate upon ‘The legalisation of the eight hours system,’ which is recorded in the report of the Intercolonial trades union congress, previously referred to, one speaker said, ‘The eight hour system *might be acquired by Trades unions*; but there were people whose circumstances rendered it impossible for them to become members of trades unions. They might be few in number, or they might be many; but they were frequently the people who *required to be protected against themselves*, and an act of parliament was the only way in which they could be protected.’ Another speaker expressed the hope ‘that before long it would be the *recognised law of the land* that no man or woman should work more than eight hours a day,’ and to show how limited a view he took of the probable effects of what he so desired, he added that the legislation in question ‘would greatly benefit *such a trade as cabinet-making!*’

It is quite probable that if each person, who now entertains these fallacious opinions, were to be induced to analyse the source of parliamentary power, he would, on reflection, recognise that it was capable of nothing which the people could not do for themselves; that it, in fact, *was the people*, speaking and acting in concert; that every pound which it expended would have, sooner or later, to come out of the pockets of themselves, and that, in order to expend money through it, a very large and astonishing percentage would be lost in the complex machinery of government, through which it is, as it were, filtered. Yet, when all this had been admitted, and apparently believed, the old delusion would show itself in practice, and, from mere association, the bulk of the

34. ‘Principles of Political Economy,’ p. 572.

35. ‘Sphere and Duties of Government.’ Humboldt, 1854, p. 26.

people would continue to look to parliament for benefits which a moment's reflection would show that the people themselves would not be considered *capable* of bestowing on one another, apart from that institution.

Another important, even cardinal error, closely connected with the one I have just mentioned, is the neglect to study or even consider, the *ultimate* effects of an act of parliament as distinguished from its immediate results. My meaning has been well expressed by Mr. Herbert Spencer in the following passage, regarding what is known as the 'practical' politician, 'into whose mind there enters no thought of such a thing as political momentum, still less of a political momentum which, instead of diminishing or remaining constant, increases. The theory,' he adds, 'on which he (the 'practical' politician) daily proceeds is that the change caused by his measure will stop where he intends it to stop. He contemplates, intently, the things his acts will achieve, but thinks little of the remoter issues of the movement his act sets up, and still less its collateral issues.'³⁶ Only within the last few months an act of parliament was introduced into the legislature of the colony of Victoria, with the object of providing the country with a national system of irrigation. The scheme will involve some millions of money, yet it was legislated for on the smallest amount of data, of a very flimsy and uncertain character. The following passage, from one of the daily papers of that colony, will give some notion of the hasty and careless manner in which so important a subject is treated; and an idea can readily be formed of the amount of reflection bestowed upon the probable 'remoter issues' or 'political momenta' (as Mr. Herbert Spencer calls them), which such an act may and probably will produce in the future. '*Eighty-five clauses* of one of the *most momentous measures* ever submitted to the legislature are passed in *four and a half hours*, or at the rate of about *a clause every three minutes*—barely time for the assistant clerk to read over the provision for the information of members. With such modes of procedure,' adds the organ in question, 'in vogue in the parliament of Victoria, is there room for wonder that *some of its enactments prove unworkable, incomprehensible, and the laughing-stock of lawyers?*' It is highly probable that some of its enactments will prove equally astonishing to its enactors in its 'remoter issues.'

The English election of 1885, which was characterised by the now famous 'three-acre' proposals, led to some admirable and instructive expressions of opinion on this subject, by such sound Liberals as the Marquis of Hartington and Mr. Bright.

Mr. Chamberlain had raised, in the mind of the agricultural labourer, hopes of being provided with a home and a means of livelihood, as a return for an electioneering vote; and it remained for such genuine Liberals, as those above mentioned, to dispel the fond illusion which had been pictured for them by less scrupulous statesmen.

36. 'Man v. The State,' p. 24.

Lord Hartington's treatment of the subject was in every way satisfactory. 'I have no doubt,' he said, 'that a parliament largely elected by the labouring classes will find a good deal to revise in legislation which has been passed by former parliaments, in which the labouring classes were hardly represented at all. But I am not prepared to tell the working men of this country that I believe that *any* legislation, which *any* parliament can effect, will suddenly and immediately improve their condition, except by enabling them *by their own efforts to improve it themselves*. What is it after all that the working-classes of this country stand in need of? They stand in need of good wages, cheap food, continuous employment, and cheap necessities and comforts of life. Well I believe that bad laws and bad legislation can do much to *prevent* them having those things, but I do not believe any legislation can certainly *secure them*, and they can only be secured by the state of *general prosperity* and *general activity* in trade. I believe also that legislation in favour of any particular class is likely to *prevent* the general prosperity, and I believe that legislation, which is directly applied to the improvement of the condition of the labouring-classes, can only be detrimental to other classes, and will be *as likely to injure that prosperity as class legislation of any other kind*. I desire therefore not to attract so much the attention of the labouring-classes by promises of legislation intended for their own exclusive benefit, as to ask them to join with us, and with all the other classes of the country, in bringing about that *general state of prosperity which, alone, in my opinion, can improve their condition*.³⁷ This quotation is useful in another way, in affording evidence, from one of the greatest among English Liberal statesmen, of the proneness of ill-digested legislation to produce effects directly opposite to those which have been looked for by its authors. The reason of that peculiarity is, as I have already stated, that there is a tendency, and, in fact, a very prevalent practice of looking for and resting satisfied with the immediate effect of a measure, without considering carefully the many ultimate and indirect consequences which do not so readily reveal themselves. The same idea which has been thus expressed by Lord Hartington was touched upon in 1876 by Mr. Gladstone, in a speech delivered upon the centenary of Adam Smith. 'With reference to the state of the working-classes,' he said, 'I think that we have no right to complain of those who have been so long under the power of others, who were commonly called their betters, in respect to the regulation of wages; but I think it is a primary duty to make this allowance, because *they, above all others, suffer from their want of knowledge*. I have,' he adds, 'observed this distinction between the working-classes and other classes—that, whereas the sins of the other classes were almost entirely in the interests of their class, and against the rest of the entire community, the sins of the working-classes, many and great as they were, *were almost entirely against themselves*.' And, again, Mr. John Bright, speaking at Taunton as late

37. Speech, October 11, 1885.

as last year, said, with evident reference to Mr. Chamberlain's allotments proposal:—"There is a danger I should like to point out to you—of people coming to the idea that they can pull or drive the government along, that a government can do anything that is wanted, that, in fact, it is only necessary to pass an act of parliament with a certain number of clauses to make any one well off.' And then he adds: 'Every man of us, and every woman, may abstain from those things which we generally believe to be hurtful to other people, and I recommend therefore the influencing of the opinions and the actions of private persons, rather than dwelling upon the idea that everything can be done by an act of parliament.'³⁸ In a like spirit, Macaulay said: 'I know that it is possible by legislation to make the *rich poor*, but that it is *utterly impossible to make the poor rich*.'³⁹

With the exception of the last of these quotations, they are all directed against the growing tendency in modern legislation, by which parliament is expected to do for society much of that which it has hitherto endeavoured to do for itself—a tendency, too, not confined to the working-classes, but widely shared by those who might be expected to display more judgment and discrimination. As Sir Henry Maine has said, 'There is no doubt that some of the most inventive, most polite and best instructed portions of the human race are, at present, going through a stage of thought, which, if it stood by itself, would suggest that there is nothing of which human nature is so tolerant, or so deeply enamoured, as the transformation of laws and institutions. A series of political and social changes, which, a century ago, no man would have thought capable of being effected, save by the sharp convulsion of revolution, are now contemplated by the bulk of many civilised communities as sure to be carried out: a certain number of persons regarding the prospect with exuberant hope, a somewhat larger number with equanimity, many more with indifference or resignation.'⁴⁰

I have before me an admirable instance of this tendency. A politician of some importance in his own community—the colony of Victoria—has published his proposals for future legislation, in which he 'avails' himself 'of the earliest opportunity for placing before the electors' what he terms 'the Liberal programme,' upon which he appeals. The proposals are arranged under three heads—'Industrial,' 'Social,' and 'Political,' and they include, among a large number of others:—The maintenance and perfecting of our protective policy; revision of the tariff *in the interests of agriculture*; intercolonial freetrade on the basis of uniform protection against other countries; the conservation of water for irrigating purposes; the search for and development of coal fields; the search for and development of gold deposits; the encouragement of

38. Speech, October 13, 1886.

39. Speech at Edinburgh, November 2, 1852.

40. 'Popular Government,' p. 127.

the growth of natural products; the opening up of new markets for surplus products; the cheapening of internal traffic; the establishment of a system of state insurance; the prevention of over-crowding in centres of population; the military training of all citizens up to a given age; the ensuring of eight hours as the legal day's work for all engaged in *manual* labour. Much of this is Liberalism of the most spurious character, and it gives one some idea of the elastic nature of the term in many people's minds. It is not necessary for me to dwell, at length, upon the probable effects of such a tendency to over-legislate. The Statute-book has already become over-burdened with enactments which sap individual effort; check individual enterprise; remove from certain parts of the industrial organism; wholesome and health-giving competition, which hamper commerce, and, in the end, do more injury than good to the very interests which they were intended to benefit.

Moreover, were the state to attempt to carry out one-half the business which such a politician seems to desire, it would degenerate quickly into an unwieldy, extravagant, ill-managed organisation, by which much of the work, which is now carried out under the keen influences of competition, would be executed sluggishly, imperfectly, and by no means to the satisfaction of the public.

The popular assumption that what we term 'politics' is a matter with which almost everyone is competent to deal, coupled with the blind belief in the powers of an act of parliament as a sort of social panacea, has thus led to an immense amount of commercial and industrial injury. The earlier centuries of English history were, as I have shown, somewhat prolific in falsely-conceived statutes, which were passed under the belief that the natural evolution of society could be permanently checked or improved upon by parliamentary regulation. Time has clearly proved that that belief was a vain one; and, to readers of history, the series of disappointments which so proved it should serve as political beacons for future guidance in similar matters. The abortive legislation of that period was partly the result of a deliberate attempt to conserve the privileges of the aristocracy and moneyed classes of the time, and partly the result of a desire to benefit 'the people,' by influencing the values and prices of food. As I shall show, they were in both cases ineffectual in the direction anticipated.

The over-legislation of the present day is equally the outcome of misconception as to results—miscalculations, as it were, in political arithmetic, arising from the before-mentioned habit of regarding the immediate effects of a statute, while ignoring, or else neglecting to give due consideration to those which are less easily discerned. Legislation, of the kind which is being passed in our own day, is claimed to be 'Liberal' in its tendencies; but, as a fact, it fails to comply with the first principles of that school of politics, on account of the ultimate consequences which it produces, and which unfortunately are left unconsidered at the time of enactment.

Observe now what no less an authority than Buckle—referring to the past—has said regarding this class of legislation. I have referred to this before; but as a broad and comprehensive generalisation it cannot be too distinctly impressed upon the mind. ‘Every great reform,’ he says, ‘which has been effected, has consisted, not in doing something new, but *in undoing something old*. The most valuable additions made to legislation have been enactments *destructive of preceding legislation*; and the best laws which have been passed have been those by which *some former laws were repealed*.’⁴¹ And again, ‘The whole scope and tendency of modern legislation is to restore things to that natural channel from which the ignorance of preceding legislation has driven them.’⁴² Elsewhere, the same writer says: ‘Indeed, the extent to which the governing classes have interfered, and the mischiefs which that interference has produced, are so remarkable as to make thoughtful men wonder how civilisation could advance in the face of such repeated obstacles. . . . To sum up these evils would be to write a history of English legislation; for it may be broadly stated that, with the exception of certain necessary enactments, respecting the preservation of order, and the punishment of crime, nearly everything which has been done, has been done amiss.’⁴³ Towards the conclusion of the same chapter, Buckle comes to closer quarters with this injurious class of legislation. ‘It would,’ he says, ‘be easy to push the enquiry still further, and to show how legislators, in every attempt they have made to protect some particular interests, and uphold some particular principles, have not only failed but have brought about results *diametrically opposite* to those which they proposed. We have seen,’ he adds, ‘that their laws in favour of industry have injured industry; that their laws in favour of religion have increased hypocrisy, and that their laws to secure truth have encouraged perjury. Exactly in the same way, nearly every country has taken steps to prevent usury, and keep down the interest of money; and the invariable effect has been to *increase* usury and *raise* the interest of money.’⁴⁴

If more accurate and exact testimony than that of Buckle should be desired, it is supplied in the preceding chapter. An examination of many of those earlier instances of meddling legislation will show that they involved some of the veriest details of personal conduct—matters, in fact, which were subjects rather for parental regulation than for the interference of the legislature. All such legislation had the effect of doing more harm than good. In fact, ‘the strongest of all arguments against the interference of the public, with purely personal conduct is that, when it does interfere, the odds are that it interferes wrongly, and in the wrong place.’⁴⁵

41. ‘History of Civilisation,’ Vol. i. p. 275.

42. ‘History of Civilisation,’ Vol. i., p. 275.

43. ‘History of Civilisation,’ Vol. i., p. 276.

44. ‘History of Civilisation,’ Vol. i., p. 283.

45. ‘On Liberty,’ J. S. Mill, p. 49.

Reflect, now, upon the results of all this meddling with enterprise, with the natural development of commerce, of individualism, of personal character, of intellectual growth; and picture, too, the thousand and one obstacles and hindrances which it has thrown in the very path of progress. Think of the partly realised plans which have been frustrated; of the almost completed commercial schemes which have been destroyed; the hopes and aspirations which, at different periods, have been disappointed and defeated. 'We talk glibly of such changes; we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious; some for a few years, some for tens of years, some for centuries. Change your vague idea of a bad law into a definite idea of it, as an agency operating on people's lives, and you see that it means so much of pain; so much of illness; so much of mortality.'⁴⁶

These results are all more or less remote—certainly many of them indirect, though none the less real and injurious. But they strike, and will ever strike at the very root of our national progress—viz., the incentive to accumulation, and to the development of individual character, enterprise, and greatness. 'The result,' says Joseph Cowen, 'of every attempt made to promote the well-being of mankind, by taking the management of their affairs out of their own control, has been to deteriorate, and not to improve their condition. It is through the perpetual gymnastics of political life that national character is purified, elevated, and strengthened. The state is a growth, and not a machine. It should have a free, organic life. It is invested with authority to punish crime, and it cannot, with reason, be denied the power of preventing it. But this ought not to be a justification for meddling, inquisitorial, and enervating legislation, which aggravates the evil it is designed to cure. Under its operation society becomes stationary, torpid, and inactive. Uniformity produces monotony and stagnation. The state has no right to attempt to regulate the private actions of individuals, or to entrench upon their primary relations with one another.'⁴⁷ And, again, Mr. Cowen says: 'The stereotyping men into systems—encasing them in legal armour; dangling before them material Utopias; making the flesh-pots the pivot on which all their efforts turn, is a prostitution of national aspirations; a violation of human liberty; an encroachment on individual life; and a barrier to progress.'⁴⁸ I need not, I presume, here emphasise the fact that the author of these words is acknowledged to be one of the most able and consistent Liberal politicians of the present day. It may be, and indeed is, I know, thought by some persons that no great harm would be done to society, as a whole, if men were somewhat discouraged by a lessening of the incentives to accumulation. I

46. 'Man versus The State,' p. 51.

47. Speech at Newcastle-on-Tyne, November 27, 1885.

48. Speech at Newcastle-on-Tyne, November 27, 1885.

venture to think that those persons are committing a cardinal error in such an opinion, as some of the best authorities would show. Sir Henry Maine, who has investigated with the eye of a specialist the records of early history, and the foundations of legal institutions, says: 'An experience, happily now rare in the world, shows that wealth may come very near to perishing through diminished energy in the motives of the men who reproduce it. You may, so to speak, take the heart and spirit out of the labourers to such an extent that they do not care to work. Jeremy Bentham observed, about a century ago, that the Turkish government had, in his day, impoverished some of the richest countries in the world, far more by its action on motives, than by its positive exactions; and it has always appeared to me that the destruction of the vast wealth accumulated under the Roman Empire, one of the most orderly and efficient of governments, and the decline of Western Europe into the squalor and poverty of the Middle Ages, can only be accounted for on the same principle.... Here, then, is the great question about democratic legislation when carried to more than a moderate length. How will it affect human motives? What motives will it substitute for those now acting on men? The motives which at present impel mankind to the labour and pain which produce the resuscitation of wealth in ever-increasing quantities, are such as infallibly to entail inequality in the distribution of wealth. They are the springs of action, called into activity by the strenuous and never-ending struggle for existence; the beneficent private war which makes one man strive to climb on the shoulders of another, and remain there through the law of the survival of the fittest.'⁴⁹ It must be evident, then, to every one who cares to give the matter even a moderate amount of reflection, that all attempts to legislate for the general happiness, which involve an interference with these primary motive-forces in human nature, must gravely jeopardise the soundness and prosperity of the community in which the experiment is tried, as well as the manly vigour and spirit of independence of the people who constitute it. It is quite possible that much of such legislation may be enacted without producing any sudden and easily-discerned effect; but the effect will be there nevertheless. It is in the very nature of such results that they should be gradually produced, and be so remote that, except by careful analysis, the cause and the effect would be scarcely suspected of having any connection with one another. As Mr. Herbert Spencer humorously puts it, in illustration of the frequent remoteness of the results of far removed social disturbances: 'You break your tooth with a small pebble among the currants, because the industrial organisation in Zante is so imperfect. A derangement of your digestion goes back for its cause to the bungling management in a vineyard on the Rhine several years ago.'⁵⁰ In many cases, the results of

49. 'Popular Government,' pp. 48–50.

50. 'Study of Sociology,' p. 16.

legislative or other interferences with trade or individual action are so far removed from the original cause that, even on the closest study, it would be impossible to trace them. Indeed, it is not only probable but certain that, at the present time, we suffer results from some of the shortsighted legislation of generations back. In the present day, for instance, there are many otherwise rationally-minded and fairly-motivated workmen who are disposed to carry their trades-union principles to unreasonable extremes, from no other cause than the unconscious irritation which has been engendered by a knowledge, derived from history, of the repressive legislation of the fourteenth and fifteenth centuries directed against workmen. This, and numerous other instances of legislative cause and effect, with which all students of history are familiar, must sufficiently convince one that it is impossible to say, with any degree of certainty, how long afterwards a negligently-conceived legislative measure may continue to operate injuriously on society, or to what extent those operations may affect its welfare.

What the future will bring forth it would be difficult to say. That the errors I have enumerated will be checked in any way, by wiser counsel, it would, as I have already said, be rather sanguine to expect. It is more than likely that the current of over-legislation will run its course, and that the hastily-conceived and carelessly-digested schemes which are now being, and will, in the near future, be further added to the statute-books of English-speaking communities, will, by virtue of the unalterable and unaccommodating economic laws, throw back on their authors practical and sorrowful proofs of their unwisdom, and thus instil some wholesome lessons for subsequent guidance.

But, meanwhile, there will be needed much care and watchfulness on the part of those to whose lot falls the guidance of public affairs; for, before any such re-action sets in, society will have suffered many shocks of a severe nature.

'If I am in any degree right,' says Sir Henry Maine, 'popular government, especially as it approaches the democratic form, will tax to the utmost all the political sagacity and statesmanship of the world to keep it from misfortune.'⁵¹

I am bound to say that I do not consider the hopeless view of the future of democracy, involved in some of the quotations which I have given, applicable in the same degree to all communities in which it is established. In Great Britain, there are circumstances which do not augur well for the outcome of the experiment in the event of its being tried; but, in certain of the Australian colonies, as I shall also show, there are strong counter-influences at work, which are likely to lead the working-classes, by and by, into a much less exaggerated view of legislative possibilities. The fortunately better, because more equal, distribution of wealth, brought about by other than legislative means, together

51. 'Popular Government,' Sir Henry Maine, 1885, p. x., preface.

with the almost phenomenal development of the building society system, by which almost every workman can, and does in time, become possessed of his own freehold, has produced, in the Australian colonies, a regard for the rights of property, at least, which, so far, has been apparently little felt or experienced in Great Britain.

Chapter Eight

SPURIOUS LIBERALISM—MODERN INSTANCES

‘There is no surer way of drying up this great stream of *self-help and self-reliance*, than to teach the working classes that they should look, not so much to their *own efforts*, but to *the state or the municipality*.’—PROFESSOR FAWCETT.

‘The popular cry now is for the state to override the man; for *legislation to supply the place of open competition* and free personal action.’—JOSEPH COWEN.

‘Democracies should leave *as little as possible for the state to do*. Every citizen should *prevent*, as much as possible, *any control over individual energy*.’—BRADLAUGH.

‘It is proposed to mitigate or extirpate poverty by *governmental regulation of industry and accumulation*. The substitution of *government direction* for the play of *individual action*, and the attempt to secure by restriction what can *better* be secured by *freedom*.... Whatever savours of *regulation and restriction* is *in itself bad*.’—HENRY GEORGE.

I have already ventured to submit to my readers what I may term a theory of the growth of Liberalism in Great Britain, as generalised from what I conceive to be a broad and comprehensive study of that nation’s political history. At the risk of seeming to repeat myself, I venture to shortly re-state that theory. Whatever may have been the condition of the English people, prior to the conquest of 1066, that important event at once plunged the whole of the conquered population into a condition of absolute subjection to the Norman invaders. Whatever liberty the people had acquired and enjoyed, prior to that event, was, in fact, taken from them by the sudden accession of the new monarch, who, at once, assumed all the rights and powers incidental to the despotic position which he had secured by his military victory. The people of England can therefore be said to have commenced afresh, from this event,

in the growth and development of their freedom. The history of that growth has already been traced in previous chapters; but it is necessary to observe that in the gradual acquirement of that freedom from the monarch, (which acquirement was of necessity accompanied by a corresponding curtailment of that monarch's power), the people had the advantage of the assistance of the nobles, in the numerous agitations by means of which that freedom was obtained. The despotism of unchecked monarchical rule may be said to have spent its last effort with the Revolution of 1688, when that particular and formidable obstacle to true Liberalism was disposed of for all time.¹

From the year 1688, however, the people had a new mission to fulfil; viz., to commence their attack upon what may be called the 'privileges,' which were then exclusively enjoyed by the nobility and the wealthy classes. What those privileges were has been explained in the various epochs of Liberalism which have been already enumerated as having occurred since that great event. From the year 1688 the co-operation of the classes mentioned ceases; and the titles of 'Toryism' and 'Whiggism' thenceforth represent the conflicting causes of the aristocracy and wealthy classes, and of 'the people' respectively.² During the whole struggle of about two centuries which have elapsed since the Revolution of 1688, the people have been contending for 'equal freedom,' 'equal opportunities.' That goal has, I submit, now been practically reached—that is to say, all Englishmen are, at the present day, in the enjoyment of 'equal freedom,' 'equal opportunities;' and what may be described as a turning-point has presented itself in the political history of the English people. In confirmation of this, Mr. Frederick Harrison, in a paper upon 'The Progress of Labour,' contained in the October (1883) number of the *Contemporary Review*, says: 'It is matter for congratulation *how completely* the old parliamentary programme has been *cleared off*, and how small are the measures, still to be won, which directly affect the working-class alone;' and M. de Lavelye even admits that 'caste and its privileges are abolished; the principle of equality of all in the eye of the law is everywhere proclaimed; the suffrage is bestowed on all.'³

It is not difficult to understand that 'the people' (by which term I mean to include, among others, the whole of the manual working-classes), after six centuries of struggle against *monarchical* despotism, and two centuries of struggle against *aristocratic* privileges, during the whole of which time they have been gradually becoming more free, and more confident of their power and importance, should have acquired the habit of looking constantly to the

1. I do not regard the somewhat despotic conduct of Geo. III., in connection with the American War, as any exception to this broad statement, for however disposed he may have felt to have his own way in opposing the colonists, he was careful to keep within constitutional limits.

2. I regard as exceptions to this general rule the many nobles who identified themselves with the popular side at different stages of history, and for different purposes.

3. 'Primitive Property.' Preface.

legislature, when engaged on matters of 'reform,' for some *benefits*, if not of freedom of speech, of action, of combination, of acquiring property, of taking their part in public matters, either as voters or as candidates, or of determining matters of national taxation, all of which they already enjoy—then of some other advantages similarly beneficial. And, further, it is not unnatural that those classes should have been brought, as a consequence of this hitherto uniform result of 'Liberal' legislation, to the belief that that which has, as a fact, been only the *effect* of 'Liberalism,' viz., benefit to themselves, was the actual *basis* or *indispensable* condition of that particular political policy.⁴

Such however is the fact; and I venture to affirm that the vast majority of the working-classes of to-day, would, if asked the question, express their belief that the one characteristic which should, above all others, distinguish 'Liberal' legislation, is this—that it should be 'liberal' towards the poorer classes, that is to say, should confer some *benefits* or *advantages* on those classes, as distinguished from what are called the 'propertied' classes. This belief receives, every day, all the confirmation, such as it is, which certain eminent politicians can give it. In their subservience to the masses, they allow themselves to be drawn into observations which, instead of discouraging, only render more confident this belief. When masses of workmen are told, at a political meeting, after a hard day's work, that the mission of the 'Liberal or Radical party is to increase their comforts, secure their health, and multiply their luxuries, which they may enjoy in common'—that it is 'the duty of the state' to 'protect the weak, to provide for the poor, to redress the inequalities of our social system'—who can be surprised that they should place such an interpretation on the term, and be willing to lift into prominence all who come to them with such comprehensive promises? Doctrine of this kind is well calculated to drive from their minds the true principles of the political school to which they have attached themselves. They would be surprised, indeed, to be told that the whole tendency of the legislation which is thus being promised to them, is in the very opposite direction to that which Liberalism indicated fifty years ago. Yet they have been told so by a Liberal of much sounder principles than those of Mr. Chamberlain. Mr. Joseph Cowen has said, 'We have, during the last sixty years, conquered liberty of conscience, political securities, freedom of the press, and unfettered commerce. During all that time we have been busy unfolding mediæval swathes and entanglements; and there are *some amongst us*, who now seem bent on *encircling us with others equally as anomalous, if not as oppressive.*' Mr. Henry George, too, with all his wildness on the subject of

4. Mill, in one of his 'Chapters on Socialism,' observes, indeed, appropos of this misconception, 'Having, after long struggles, attained in some countries, and nearly attained in others, the point at which for them *there is no further progress to make* in the department of purely political rights, *is it possible* that the less fortunate classes should not ask themselves whether progress ought to stop there?'

land nationalisation, sees this ebb in popular political belief. 'It is proposed,' he says, 'to mitigate or extirpate poverty by *governmental regulation of industry and accumulation*.' He subsequently speaks of the change as 'the substitution of *government direction* for the *play of individual action*, and the attempt to secure by restriction what can *better be secured by freedom*. Whatever,' he adds, 'savours of regulation and restriction is, in itself, bad.'⁵ A third author, who has devoted much attention to this subject, says: 'The party known successively by the names Whig, Liberal, and Radical, after having been for years the champions of freedom, the apostles of liberty, have begun to retrace their steps, and to substitute for the tyranny of an individual or a class, the tyranny of the majority.'⁶

If there is any truth in these reflections, then the masses, having deprived kings of their despotic power, and the aristocracy and wealthy classes of any privileges they may have enjoyed, seem to be inclining now towards the creation of privileges for themselves, as against the propertied classes. To *demand* such advantages, or, if obtained, to persist in *holding* them, is simply to turn round on their own principles; for the author of 'The Radical Programme' says that the 'preservation of *class privileges*' is 'the fundamental doctrine and uniform aim of *Conservatism*.'

In the last chapter I explained my reasons for believing that English-speaking communities will have yet to pass through a long period of well-meant but misconceived and abortive legislation—the inevitable 'measles,' as it were, of democratic or popular government. I see no escape from the conclusion that, quite apart from the popular ignorance of the political science, so long as the masses pin their faith to the belief I have just mentioned, or to the bald principle of 'majority' voting as a test of wisdom, the chances of legislation, beneficial to society as a whole, are well-nigh hopeless. That conclusion I think unavoidable, even as an abstract deduction; but we are not dependent upon conclusions so obtained, for already the air is full (and the statute-books are fast becoming so) of legislative schemes from which their authors vainly anticipate results of the most truly Utopian character.

These alone are sufficient to show the direction which legislation will take in the future. On the one hand we have schemes for artificially creating a peasant proprietary, by which 'smiling homesteads' are to be scattered over a land, in which the condition of the agricultural industry is at present too depressed to render such holdings even self-supporting. Yet all of this is to be done by the magic influence of an act of parliament, *compelling* landowners to sell their property at such a valuation as will constitute what Mr. Joseph Chamberlain has lately spoken of as a 'ransom' from the propertied classes. Another visionary would—again by act of parliament—put an end to private

5. 'Progress and Poverty,' p. 227.

6. 'Radicalism and Ransom,' (M. J. Lyons), 1885.

ownership in land by 'nationalising' the proprietary. The advocates of this scheme would convert the country into an immense public estate, and burden the people with an enormous 'Lands Department,' which would cost an endless amount of money to manage or mismanage, as the case might be; and, by this means, it is vainly hoped that the poor would be made better off. A third dreamer would found a national system of insurance, by which every citizen would be compelled to make provision for those about him; unmindful of the contingency that he might be lacking the means to provide for himself. Others, equally unpractical, would compel society, by act of parliament, to confine itself to eight hours' work per day, from which it might soon follow (if applied to domestic servants) that fires and lights would have to be extinguished at about the old Curfew Bell hour. Another class of enthusiasts would pass an act of parliament to prohibit the use of all spirits and fermented liquors; while a further section of extremists would return to the old law which enforced strict Sunday observance.

It is truly appalling to contemplate what life would become if each of these, and the hundred and one other wild and immature theories which are now in the air, were allowed to be carried into practice. Life would indeed be unbearable. Yet reflection will show that we are fast tending in that direction; for if we turn our eyes towards impending legislation, whether regarding commercial or social matters, we find that our individual liberty is being slowly but surely curtailed in a manner which will not for a moment stand the test of criticism, by the light of true principles. To whatever department, indeed, of the social organism we turn our attention, we shall find that some scheme for producing impossible results either has been already attempted by the legislature, or is impending, with every prospect of being sooner or later tried as a sort of harmless experiment. The manifesto of the Liberty and Property Defence League of Great Britain, the special mission of which powerful society is to resist such overlegislation, contains the following too-well founded statement: 'During the last fifteen years *all interests in the country* have successively suffered, at the hands of the state, an *increasing loss of their self-government*. These apparently disconnected invasions of individual freedom of action, by the central authority, are, in reality, so many instances of a general movement towards state-socialism, the deadening effect of which, on all branches of industry, the working classes will be the first to feel.' Mr. Gladstone even has, as lately as January of this year, sounded a note of warning. Speaking of the legislative work of the last fifty years, he says it has been 'a process of *setting free* the individual man, that he may work out his vocation, without wanton hindrance. If,' he adds, 'instead of this, *government* is to *work out his vocation for him*, I, for one, am *not sanguine as to the result*.'⁷ He significantly observes, in the same paper, 'The law *cannot give prosperity*, but it can *remove grievance*.'

7. 'Locksley Hall and the Jubilee,' *Nineteenth Century* (Jan. 1887.)

I shall now enumerate some of the instances of that class of modern legislation, or proposed legislation, of which I have spoken, as involving grave disadvantages to society. First of Commercial legislation. It was thought, after the publication of Smith's 'Wealth of Nations,' upwards of a century ago, that free trade, as an economic principle, was established for all time; and that the then worn-out theory of Protection had for ever been buried as one of the great errors of the dark ages. Those who thought so, however, miscalculated the bent of the human mind. The theory of Protection had held the field for centuries; and scarcely anyone had ventured to dispute its wisdom, till Adam Smith threw down the controversial gauntlet, by the publication of the work in question. 'If,' says Buckle, 'the 'Wealth of Nations' had appeared in any preceding century, it would have shared the fate of the great works of Stafford and Serra.' When that great economist did secure a hearing, the progress which his theories made was almost hopelessly tardy. 'The principles of free trade' (continues Buckle), 'and all the consequences which flow from them, were vainly struggled against by the most overwhelming majorities of both Houses of Parliament. Year by year, the great truth made its way, always advancing, never receding. The majority was at first deserted by a few men of ability, then by ordinary men, then it became a minority, then even the minority began to dwindle; and at the present day (1856), eighty years after the publication, there is not to be found anyone of *tolerable education*, who is not *ashamed* of holding opinions, which, before the time of Adam Smith, were universally received.'⁸

It would be distinctly beyond my province to enter, here, into a dissertation upon the purely economic merits and demerits of the two rival policies. I have, in a former chapter, contended that freedom for the individual, subject to certain necessary limits, is indispensable to human progress. It is so, as much in commerce as in any other department of social activity; for it is through the medium of commerce that the acquirement and accumulation of wealth is effected, and by which, therefore, most of the comforts of life are obtained. 'The feelings of rival tradesmen,' says Mill, 'prevailing among nations, overruled for centuries all sense of the general community of advantage which commercial countries derive from the *prosperity of one another*; and that commercial spirit which is now one of the strongest obstacles to war, was, during a certain period of European history, their principal cause.'⁹ Quite apart, however, from the economic aspects of the question, which, as I have said I cannot consistently dwell upon here, Protection, as a legislative policy, involves a very distinct breach of a very distinct principle of Liberalism. The liberty to barter is one of the primary rights, or at least the primary necessities of society; for it goes to the very root of the principle of the division of labour,

8. 'History of Civilisation,' Vol. i., p. 216.

9. 'Principles of Political Economy,' p. 221.

which cannot operate as a factor in social evolution except with a certain amount of freedom of exchange. Protection says: 'You shall not barter with a foreigner without paying a *penalty* to your community for the privilege.' This penalty involves the taking away, for no justifiable purpose, of a portion of a citizen's legally acquired property, which it is the first duty of the state to *secure* to him. The state is thus, itself, committing, towards one or more citizens, the very wrong which it is its first duty to prevent others from committing. Thus, the community as a *body* (represented by government) violates a principle which it prohibits any *individual* from violating. 'Every such encroachment,' says Adam Smith, 'every violation of that natural distribution which the most perfect liberty would establish, must, according to this system, necessarily degrade, more or less, from one year to another, the value and sum total of the annual produce, and must necessarily occasion a gradual declension in the real wealth and revenue of the society; a declension, of which the progress must be quicker or slower, according to the degree of this encroachment, according as that natural distribution, which the most perfect liberty would establish, is more or less violated.'¹⁰

Elsewhere the same high authority lays down the broad principles of Liberalism, of which the system of Protection is so clear and distinct a breach. 'Every system,' he says, 'which endeavours, either, by extraordinary *encouragements*, to draw towards a particular species of industry a greater share of the capital of the society than what would naturally go to it, or, by extraordinary *restraints*, to force from a particular species of industry some share of the capital which would otherwise be employed in it, is, in reality, *subversive of the great purpose which it means to promote*. It retards, instead of accelerating, the progress of the society towards real wealth and greatness; and diminishes, instead of increasing, the real value of the annual produce of its land and labour.'¹¹ And, again: 'All systems, either of preference or of restraint, being thus completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not *violate the laws of justice*, is left *perfectly free to pursue his own interest, in his own way*, and to bring both his industry and capital into competition with those of any other man or order of men.'¹² Very much the same thing has been said by Mr. Herbert Spencer, though in some-what different words. 'In putting a veto,' he says, 'upon the commercial intercourse of two nations; or, in putting obstacles in the way of that intercourse, a government *trenches upon men's liberties of action*, and by so doing directly *reverses its function*. To secure for each man the fullest freedom to exercise his faculties, compatible with the like freedom of all others, we find to be the state's duty. Now, trade prohibitions

10. 'Wealth of Nations,' p. 281.

11. 'Wealth of Nations,' p. 286.

12. 'Wealth of Nations,' p. 286.

and trade restrictions not only do not secure this freedom, but *take it away*. So that, in enforcing them, the state is transformed *from a maintainer of rights into a violator of rights*.¹³ The system of Protection, therefore, in so far as it trespasses upon the domain of civil liberty for the individual, is subversive of the true principles of Liberalism. In Great Britain, though from time to time there arise local and spasmodic agitations in favour of a return to the old and exploded doctrine, there yet seems little chance of the movement finding favour with the majority: at least for some time. The traditional advantages of Freetrade, as a policy, overwhelm at present the superficial and attractive qualities of the exploded creed; otherwise there is good reason for fearing that by well-organised and cleverly-contrived agitation, the masses could be seduced into a reversal of the true Liberal policy.

Mr. John Bright appears to treat the subject as one which has passed, for all time, out of the domain of debatable questions. Speaking in October, 1885, at Taunton, concerning the Corn Laws of 1845, he said: 'I should begin by stating that at that time there was an extraordinary law in this country; a law which you would suppose *could not be possible*—I will not say among Christian men, but *among thinking men*—that is, a law which prevented the importation of grain, and especially of wheat, from foreign countries into this country. At that time there were a great many men who thought that law very wicked—a great many more men have come to that conclusion since.'¹⁴

The Times itself treats the subject in much the same manner. In an article upon 'Protection in the House of Commons,' dealing with certain speeches which had been delivered in that assembly in connection with the subject, the following passage occurs: 'The truth is that Protection is dead; and it was only its gibbering ghost that made its appearance for a few brief and uneasy moments in the House of Commons yesterday. It is no longer formidable, even as a ghost.'¹⁵ And, again, in the same article: 'The *Fair* Traders have almost disappeared.' There can be no doubt that the disciples of this latter and comparatively new school are merely advocates of the exploded policy under another name: a protectionist being an advocate of an import tariff for the purpose of securing an imaginary national benefit in itself; a *fair* trader being an advocate of an import tariff for the purpose of retaliating upon other nations which refuse to open their ports.

Mr. Chamberlain himself, who has, one would think, given sufficient proof of his sympathy with the masses of the people, has spoken plainly upon this question. Commenting upon the proposal to tax American goods imported into England, he said: 'It means that every workman throughout the country

13. 'Social Statics,' p. 376.

14. *The Times* (October 14, 1885).

15. May 15, 1885.

should pay more for his loaf, and more for his clothes, and more for every other necessary of his life, in order that great manufacturers might keep up their profits, and in order, above all, that great landlords might maintain and raise their rents.' 'It would,' he says elsewhere, 'lessen the total production of the country, diminish the rate of wages, and it would raise the price of every necessary of life.' Without, however, going into the economic side of the much disputed question of Free-trade versus Protection, as it has been debated in the United States and in many of the Australian colonies, I must be content here to submit that the policy of Free-trade is the only commercial policy consistent with truly Liberal principles; and at the same time to condemn the policy of Protection as coming most distinctly within the category of 'Spurious Liberalism.' And it is a sufficient proof of this that, neither in the past, nor in the present, can a single Liberal statesman be named, who for one moment entertains Protection as a correct theory. But, before passing away from the subject, which is a wide one, affording great scope for comment and criticism, I shall deal with some instructive illustrations of the anomalies which a system of protection has developed in Europe and in the Australian colonies. Those illustrations go to show how impossible it is to bring the complicated machinery of government to bear upon any single industry, with a view to conferring benefit upon a class, without, at the same time, giving rise to counter disadvantages, and even great commercial losses, which were probably never anticipated or even thought of at the time the machinery of government was set in motion.

Some months ago, for instance, an influential deputation of farmers of the colony of Victoria waited upon the Commissioner of Customs, introduced and fortified, as usual, by the member for the district, with a view to urge the imposition of an import duty upon oats. The deputation explained that oats were being imported from New Zealand at a lower price than that for which they could be produced in Victoria—hence the necessity for the import duty asked for. It was, in fact, practically admitted that New Zealand was *better adapted* than Victoria to the cultivation of that grain. Yet, it was asked that the consumers of oats in Victoria should be compelled, by act of parliament, to give a higher price for oats than they could buy them at elsewhere. Why? Simply, in order that certain farmers might be enabled to cultivate and dispose of oats which had cost more to produce than they could be purchased for in New Zealand. The aims of the deputation in question seem to have become known; for immediately, or, at most, shortly after its withdrawal, a second deputation waited upon the same minister. It consisted of cabmen, carriers, and others interested in the keep of horses, who were desirous of pointing out to the government that if this duty were imposed, and oats raised proportionately in price, it would unreasonably handicap them in their respective businesses. In this case the liberty of the cabdriver and others was being sought to be curtailed, in order to benefit a particular industry. That

class had, undoubtedly, the right to purchase their oats where they chose, that is to say at the cheapest market (New Zealand), without being compelled to pay a penalty in the shape of duty for the privilege of doing so. The deputation from the farmers was a direct challenge to that principle.

Another somewhat similar illustration can be quoted, in which the same anomaly is presented, and the same breach of principle involved. A deputation of tanners (also of Victoria) waited upon the Minister of Customs, with a view of obtaining an increase of duty upon some finer qualities of leather which were being imported from abroad, and which they could not, they said, under present circumstances, compete with, unless a greater 'protection' was afforded them. They told their story, which was identical in principle with that of the farmers—how, do what they would, they found it impossible to produce in the colony the particular classes of leather, the too-easy importation of which was complained of. The effect of granting them what they desired would have been to impose upon every member of the community, who used the particular article, an increased charge, in order to enable the tanners of the leather in question to carry on, with *remunerative results*, an industry which was obviously *unsuitable* to the colony; at least at that time. The additional cost to the public would certainly have been so indirect and difficult to observe that probably it would have gone unnoticed and unopposed, but for the fact of another interest which it touched. The boot manufacturers followed the tanners with a deputation. They pointed out that they represented a large and important industry, employing some hundreds of persons; that if the additional duty asked for were conceded, the leathers in question would be so raised in cost that a large part of their industry, consisting of the manufacture of certain qualities of boots and shoes from the class of leather in question, would be destroyed, and a large number of skilled hands thrown out of employment. Thus it will be seen that the first departure from the true principle, asked for by the tanners, would have led to the injury and destruction of a large and important industry; and that, in its turn, would have probably produced further disorganisation in directions not dreamt of. If this instance be analysed by the light of Mr. Stanley Jevons' explanation of the 'greatest happiness' principle, it will be seen that the tanners conceived that an additional duty would *add* to their happiness; but they altogether neglected to consider whether there would not be a corresponding *subtraction*, at *some other time*, or from *some other class*.

Yet a third of these instructive illustrations can be mentioned. For upwards of twenty years various attempts have been made in the colony of Victoria to establish, on a remunerative basis, the woollen industry. The raw material is on the spot; and sanguine protectionists predicted that only a little 'fostering' was needed to nurse it into industrial independence. It has had twenty years 'nursing'; and, at the end of that time, is not only unable to stand alone

(unaided by the artificial support of a tariff), but has actually asked for 'more.' As in the case of a good many of the other industries which have been reared in the colony referred to, what was asked for, for the purpose of 'fostering', settled down to an absolutely *permanent* system of industrial 'wet-nursing.' For twenty years the woollens imported from abroad had been subjected to a duty of twenty per cent., yet the local venture did not pay. The proprietary, as also the work-people, waited on the government, and, in so many words, demanded an increase of five per cent. It was admitted that, notwithstanding the advantage of having the raw material on the spot, as also that of a twenty per cent. import duty, they could not compete with the 'foreign' article, which they accordingly abused, and alleged to be made of all the refuse of gaols, workhouses, hospitals, and other establishments said to be infected with fever and other diseases. The case was, judged in popular fashion, a strong one; and, as there was added to it the influence of a somewhat threatening tone on the part of the work-people, there seemed for a time a chance of the request being granted, if only to win popular favour for the government. The 'fostering' theory was made much of, and the usual *ad captandum* reasoning was resorted to. Strange to say, notwithstanding its twenty years' existence, there were not wanting advocates who spoke of it as a 'new' industry, and on that ground urged a 'little more' nursing. The so called 'Liberal' press of the colony—which, as I have before mentioned, affords the strange anomaly of championing, at the same time, the 'protectionist' cause—advocated the claim of the industry upon the ground that 'its being *fostered* gives remunerative employment to a *large amount of labour*, which *might otherwise languish in idleness*;' and it further claimed that 'the government may justly interfere to relieve us of the *disqualifications* which a *new* industry is always handicapped with,' adding that it is 'willing that the millowners should receive a *little adventitious benefit at the start*.'

Without spending much time over this very transparent piece of sophistry, it may be observed that 'the large amount of labour' alluded to would not be likely to 'languish in idleness' for long; or otherwise the work-people would have offered, as an alternative, to suffer a reduction of wages equal to the five per cent. additional duty, required by the proprietors of the industry. This they did not do; possibly on the strength of the following doctrine, as expounded by the protectionist journal before alluded to. Speaking of a well-known freetrader, who had characterised the principle of his school as the 'doctrine of common sense,' the journal in question observed, 'Fortunately the working-classes are not in his power. They will *consult their own interests first*, before they trouble themselves about his principles.' This is, in fact, the *bottom* principle of most protectionists; though unfortunately the masses fail to discern the fact through the superficial glamour of advantage which the theory presents to the cursory observer. Note, now, the effect of this deputation,

which is the most instructive feature of the illustration. The advocates of the desired increase in duty were followed by an equally influential deputation: composed of manufacturers of ready-made clothing. These gentlemen, very pertinently, pointed out that the woollen industry had enjoyed a great many years of state assistance, during which to establish itself; that it had, by its own showing, signally failed; and that in their opinion the additional duty asked for would not have the effect which seemed to be anticipated from it. But, beyond all this, they showed that the industry they represented, viz., that of manufacturing ready-made clothing from *imported* tweeds, was a successful one, in which some hundreds of men, women, and girls were employed; that the public would not purchase to any extent, neither could they do an export trade in articles of colonial tweed, and that the effect, therefore, of granting the increase in duty asked for would be to destroy an established and flourishing industry, in order to afford additional assistance (which would still be insufficient, under the circumstances), to another industry which was admittedly in a sick and declining condition. The moral of all this is identical with that which is deducible from the previous illustrations. Every citizen is entitled to liberty of choice in the purchase of his clothes, or of the material from which they are made. He should, therefore, be allowed to go where he pleases for them, and to purchase them at the highest or the lowest price for which they are obtainable—as he thinks best. Already parliament has, in the community in question, placed a penalty on the exercise of this freedom, by fixing a duty on every article composed of British, or, as it has been called, for agitative purposes, ‘foreign’ tweed. The first deputation therefore, practically asked the government to impose a further restriction upon the liberty of all citizens, by inflicting an increased penalty upon the purchase of the British article. In attempting this, a government would obviously be acting contrary to true principles, and in the interests of a class. Moreover, in the case in question, it must be seen that, while with one hand parliament would have been subsidising the one industry at the expense of the general public, it would, with the other, have been simultaneously sapping the very foundation of the second and more flourishing industry, and, at the same time, throwing out of employment a large number of persons who had spent their time in learning a particular business. Let me mention another equally instructive instance of popular misconception regarding this first principle of government: this first law of the science of economics. A person, signing himself, rather significantly, ‘One of the *unemployed* harness makers,’ writing to one of the daily papers of the colony of Victoria on the subject of ‘Duty on Saddlery,’ complains most bitterly that ‘a firm—one of the largest in the trade—taking advantage of the bad times in England, has imported harness largely from there, during the past few months, and the consequence is that since it has come to hand they have been able to dispense with the services

of about half their workmen.' He adds, 'The price they paid for it, landed in Melbourne, including 25 per cent. duty, is *considerably less* than what the leather and mountings would cost here, *to say nothing about the cost of making it up.*' Then the same writer makes the important admission that 'anyone, knowing anything about the home trade, can see that it is *impossible* for the manufacturers here *to compete with those in England,*' and he gives, as reasons for the fact, that 'in the first place they (the English manufacturers) pay such small wages to their hands....and not only the small wages, but they keep their hands continually on one class of work until they *get very proficient at it.* They also work into each other's hands, each making a particular part, which *saves considerable time.*' Yet, after all these unsophistical admissions concerning the 'division of labour,' and the other advantages which England can offer in the manufacture of saddlery, this would-be economist concludes by thinking 'it is *high time* that a *heavier duty* than at present exists should be put upon' that class of work. He finally expresses a hope that the matter will be 'brought under the notice of *the government!*' I need point no moral here, nor insult the intelligence of my readers by commenting on the really humorous short-sightedness of such contentions. Yet a letter, occupying about six inches of a newspaper column of such matter, seems to have readily found a place in a recognised protectionist organ. This misconception regarding the policy of buying in the cheapest market—a policy which, it should be observed, every economist of note has advocated—reached its climax, when an ex-minister of the crown, of the colony of New South Wales, lately said: 'The introduction of goods, manufactured by cheap labour, should be checked *as if it were small-pox.*'

To turn now from these matters (which, though in themselves small, show the direction of the popular superstition), to those of higher and more serious import—let it be considered what extent of injury the whole civilised world has suffered and is now suffering, in consequence of the misconceived legislation of Germany and France in their short-sighted attempts to monopolise, or at least control an abnormal proportion of the sugar industry.

The principle of the 'division of labour' has been rightly classified as one of the first aids to the creation of wealth; for, as has been well said, 'a hive of men, harmoniously co-operating, can, without overstrain, produce indefinitely more than their joint requirements; whereas, all the efforts of a solitary individual can scarcely supply his most pressing wants.'¹⁶ Now, it is obvious that the *fullest application* of the principle of 'division of labour' can only be reached when there is *no isolation*: when there is a free and unrestricted intercourse and interchange between all men and all nations, all the world over; for 'then does this great wealth-creating agent put forth its *full* power and efficacy.'¹⁷

16. 'Wealth-Creation,' A. Mongredian, 1882, p. 19.

17. 'Wealth-Creation,' p. 19.

It has been conclusively ascertained that the two countries above mentioned, under such a system of 'free and unrestricted intercourse and interchange,' cannot compete with other parts of the world in the production of one particular article—sugar; that is to say, no person in either of those countries, can, unassisted, render remunerative, the production of that particular article of merchandise. Assuming that those two countries were wisely governed, and that one feature of their good government consisted in the careful recognition of economic principles, such persons would either produce sugar at a loss or abstain from any attempts at its cultivation. Unfortunately these countries (together with a great many more) are not wisely governed; for with some misconceived theory of national progress, their rulers have thought fit to disregard this primary economic law, and offer *rewards* or *bonuses*, that is to say, 'bounties,' out of the national revenue, to such persons as will undertake to produce sugar. The national revenue, of course, belongs to the whole people; so that the principle of bounties amounts to this—that every member of the community is compelled, by act of parliament, to contribute, annually, a sum of money towards compensating certain persons for the loss they sustain in the production of sugar. This touches one of the very first conditions of civilised society, viz., the protection of property. That is one of the fundamental objects of government; yet, in the case of bounties, we find the state actually confiscating portions of its citizens' property in order to subsidise a section of the community which chooses to occupy itself over an industry which could be more successfully prosecuted in other parts of the world. Almost every country is, from various causes—climatic, geological, or otherwise—better adapted than others to the production of some article of human necessity; and, as one of the purposes of the division of labour is that 'men in all countries should devote themselves to that particular work for which they have special opportunities or aptitudes,' it follows that directly this artificial aid, no matter out of whose pocket it may come, is offered to an otherwise unsuitable industry, a government 'compels producers to take their labour and capital away from the work which they are doing better than foreigners can, and apply the labour and capital so diverted to work which foreigners can do better than they can.... The wealth-creating power of the world is proportionately impaired.'¹⁸ Thus, we find that the system of bounties, as adopted by Germany and France, involves, in those countries themselves, a most distinct breach of the very first duty of government, by *confiscating* a portion of each citizen's property, which it should be the constant object of the state to *protect*.

The majority of such citizens may be said to have acquiesced in such a policy through their duly-elected representatives; but what of the minority? They have no remedy under 'government by majority.' The principle of 'might is right' has asserted itself, and the wrong must be endured, or recourse had to

18. 'Wealth-Creation,' p. 21.

physical force. But observe the injurious effect of this economic misconception outside the country itself. In consequence of the system being resorted to in Europe, the same industry which hitherto has been carried on, unaided, in one of the Australian colonies—Queensland—is ruined. Millions of capital have been lost, and thousands of persons of different nationalities, have been deprived of their livelihood by reason of their inability to compete with the artificially-bolstered industries of Europe.

The same principle was adopted for the first time some years ago with regard to the refining of sugar in France; and, in addition to the great wrong which was thereby done to the French citizens themselves, thousands of pounds were lost, and many hundreds of people were thrown out of employment in Bristol and other parts of England, where, previous to such artificial assistance, there had existed a payable and thriving industry, depending on no adventitious aid.

Let me mention one more interesting example of this class of legislative interference. Turning again to colonial instances of this injurious misconception, I find a prominent member of the Council of the Victorian Trades Unionists tabling a resolution to the effect that that body approved any action 'to secure a full measure of protection.' The mover admitted the 'highest regard for German colonists,' but 'protested against injury which would be done to the trades generally, if they were permitted to enter into *unwholesome competition* with colonial artisans.'

The representative of the brush-makers, sitting as a delegate in the above council, said that 'the brush-makers intended shortly waiting upon *the ministry*, with a view to securing *increased* protection;' and he gave as a reason that 'some of the large firms were importing brush-ware at a *large percentage less* than it could be turned out in the colony at first cost.' All this passes muster as sound and *patriotic* reasoning. The system of see-saw between wages and duty would, if carried out indefinitely, show its own absurdity; but that extreme would, of course, never be reached. An industry may be established, and a certain rate of duty fixed; then the workmen may demand a higher wage. That being obtained, the manufacturer finds his profits too small. He informs his men, and they may go to the ministry and get what the person, mentioned above, terms 'increased protection.' In these days, when, unfortunately, colonial *governments* are frequently *governed* from outside, the obtaining such an increase is by no means an unlikely event. Indeed, in the case of the woollen industry before mentioned, there was every appearance of the government giving way to the demand, until counter interests of some importance showed themselves. Supposing, therefore, that such an increase is obtained, an opening is at once made for another rise in wages—and so the process might go on until, if it were applied all round, the value of the sovereign might be reduced about one-half, and the cost of living in the colony would

be sufficiently high to drive all, who could go, out of it. Little consideration is of course given to the fact that every 'increase' of the kind means a further penalty upon the liberty of all citizens consuming the particular goods upon which that increase is sought.

But this system of 'self-help'—at other people's expense, is not confined to the working-classes. In November, 1886, a large meeting of saw-millers took place in the colony of Victoria, for the purpose of considering the depression in their trade. The result was a deputation to the government to ask for 'an increase of duty on imported timber.' The chairman pointed out to the minister that 'they *had no desire to prohibit* the importation of timber, but *simply wanted such a duty* put on it as would *prevent it entering into competition with hardwood*. It was admitted that in Tasmania, whence the obnoxious competition came, 'the men worked ten hours a day, and the wages were less;' and, further that 'the *facilities* for saw-milling in Tasmania were *much greater* than in Victoria.' The same speaker admitted also that 'the Tasmanian timber was *better* than Victorian.' The minister very properly refused to entertain the request, and a resolution was carried *unanimously* that 'an appeal be made to parliament direct.' Comment on such a state of things is unnecessary; for it may be added that all the persons who took part in the movement were sufficiently intelligent men—that is to say, in their own interest. That which is more significant, as indicating the bent of public opinion, is the fact that the proceedings elicited no surprise or condemnation from any section of the press, or of the community.

I venture to allude to one more interesting attempt at legislative interference, which fortunately was not realised by its authors.

A resolution was, in May of 1886, moved in the House of Commons, to the effect that it was expedient that the Indian Government should take measures to terminate gradually its direct connection with the culture of the poppy, and the manufacture of, and trade in opium; and that it should use the powers it possesses, to prohibit, in British India, the cultivation of the poppy, except to supply the legitimate demand for opium for medical purposes. In support of the resolution, the mover quoted, from missionaries and others, statements concerning the evils arising from the abuse of opium. It was admitted that such a prohibition as that aimed at in the resolution would entail an annual loss of £3,300,000 upon the Indian Exchequer, while others calculated it at upwards of five millions.

This movement was somewhat on a par with that of the total abstainers, who desire, because of the abuse by a limited number of persons, of the use of intoxicating liquors, to compel the whole world to abstain from the most limited use of them; disregarding the beneficial effect upon many persons which a judicious consumption of such articles may produce. Assuming that the passing of such a resolution would have led to the required action by the

Indian Government, and that the prohibition would have put an end to the use of opium; the result would have been that millions of persons who now use opium to a limited extent, with no injurious results, would have been hampered in their liberty of personal action, and *ten millions* of persons would have been thrown out of employment, merely to satisfy a certain section of the people who were, to please themselves, clamouring to interfere with the private affairs of others with whom they had no concern, either in the matter of race or nationality. As *The Times* rightly said on that occasion: 'If it is fair to suppress an Indian industry upon which *ten million of people depend for their daily bread*, merely because their product is ultimately misused by a *percentage* of its consumers, our own exports of small arms and munitions of war for use, in all kinds of unjustifiable enterprises, might surely attract the attention of conscientious philanthropists.'

The assumption, however, that if the Indian Government prohibited the growth of opium, its consumption would cease, was truly visionary; for, as *The Times* said, in the same article on the subject, 'The result of prohibiting the growth of the poppy in Bengal would be to increase its growth in the native states, and thus to enable the Indian government to recoup itself indirectly, while leaving our Indian subjects without a remedy for the loss of a lucrative industry.' The writer of the same article observes that 'opium is merely the stimulant appropriate to certain climates and races, used in moderation by *millions*, with no worse effects than millions at home experience from the moderate use of beer and tobacco,' and he concludes by observing: 'Nothing is more certain than that it is entirely beyond the power of the House of Commons to put down either the use or the abuse of opium in China or San Francisco,' and that 'in making the attempt it may cover itself with confusion, and deeply injure interests which it is bound to protect;' but that 'the average of Chinese vice will continue to be governed by conditions which are far older than the House of Commons, and may even survive, without appreciable alteration, the final extinction of its far-reaching but *not always wisely* directed activity.'¹⁹

I venture to think that of all the causes which are contributing in democratic communities, in the present day, towards the growth and dissemination of protectionist doctrines, none is more potent than that which results from the fact of workmen looking to the temporary interest of their own industry, and even seeking for it, in ignorance of the ultimate effect of an unwholesome artificial monopoly from the rest of the world. We see the saddler endeavouring to shut out from competition the manufactures of a community with which he admits that, 'on level ground,' he could not for a moment contend; we see the woollen manufacturer clamouring for an increased state 'fostering,' after having enjoyed twenty years of artificial bolstering, without yet being any nearer maturity than when the industry was started; we find the tanners

19. *The Times*, May 5, 1886.

equally eager for the exclusion of an article which admittedly they are unable to produce in competition with other countries, thousands of miles away; we see the timber dealer desiring to prevent competition with his own inferior production by an article which he admits to be *better* and *cheaper*. Yet, none of these classes, and there are scores of others following the same policy, seem to be aware of the simple fact that, if each industry in the community succeeds ultimately in gaining its point, the only effect will be an enormous waste of national wealth and energy, and in the end nothing gained but the bringing about of an artificial reduction in the value of the sovereign; for though each member of the community may succeed in getting higher wages for his labour, every article of daily use will have been so artificially raised in value that the whole of the increase in the wages will be absorbed in the increased cost of living; besides which, the community as a whole will be paying, in the aggregate, an immensely augmented price for all it consumes.

With these arguments, however, I am not here so much concerned; but rather with those which show that every feature of a protective policy involves a distinct interference, in the form of curtailment, with the liberty of the individual to do as he pleases with his own legally acquired property—that is to say, to expend his money where he chooses so long as, in doing so, he refrains from interfering with the like liberty of his fellow-citizens. It will be easily seen, however, that if each of the innumerable classes comprehended in a mixed community, which conceives itself to be suffering under some public disadvantage, whether of a monetary or other nature, is allowed to call in the assistance of the state to remove that disadvantage, or confer some corresponding benefit at the public expense, instead of being tutored to the principle of self-help; then, by the time each of those classes has established the required restriction, or the necessary imposition—as the case may be—upon the rest of the community, society will find itself hampered by a series of such restrictions and impositions which will render life well-nigh intolerable.

But let me now draw attention to another form which this infringing tendency has taken in the present day; still confining my illustrations to matters of commerce.

In July (1886) the English Foreign Office issued two important parliamentary papers, respecting 'the question of diplomatic and consular assistance to British trade abroad.' The London Chamber of Commerce had made a series of suggestions to the official head of the Foreign Office, with a view to obtaining 'more assistance' to British traders in foreign countries, by British diplomatic and consular officials. It appeared that the Germans and Americans had been securing the bulk of the Chinese trade; and the London Chamber of Commerce had come to the conclusion that the reason was to be found in the fact that 'these merchants are assisted in their undertakings by the moral, and frequently by the active personal support of their ministers.' The

matter had already been alluded to in the House of Commons; and attention was there called to the 'successful efforts of the German and other foreign governments, in pushing the trade of their respective countries in foreign markets, in competition with English manufacturers.'

The result of the movement was that the English merchants, through the London Chamber of Commerce, requested that the agents of the English government (diplomatic and consular officials), should be instructed to do the same kind of 'pushing' for English trade.

Shortly summarised, the English merchants asked that the government should undertake, of course at the expense of the national revenue:—

1. The publication of an official commercial newspaper, giving varied information to the commercial community.
2. The establishment of a commercial news office in London.
3. The establishment of 'sample and specimen rooms' in connection with the principal consulates abroad.
4. The establishment of 'commercial museums' in various parts of the United Kingdom.

Besides these there were other proposals, with which I need not here deal.

It will be apparent to everybody, who peruses these proposals, that if any government were to accede to them it would be guilty of a most distinct breach of the true principles of government, certainly of true 'Liberalism,' as I have endeavoured to define it. The public revenue, as I have already observed more than once, is the property of the *whole* people, and no one person, no government even, would be justified on sound principle, in using any part of that revenue for any purpose but such as comes properly within the functions of government. These proposals clearly aimed at affording facilities to the mercantile class, who carry on their business with no philanthropic motives, but for their *own personal gain*. To accede to such proposals, therefore, at the expense of the public revenue, would practically mean the *compelling every citizen in the kingdom to contribute towards the furtherance of institutions, conceived in the interests, and established for the material benefit of the mercantile classes*. This, if understood, would be objected to by every citizen, except those interested; and such an act on the part of any government would, therefore, amount to an infringement of individual freedom in the matter of security to property.

Fortunately this view, which I submit is the correct and scientific one, was adopted by Lord Rosebery, then Foreign Minister, who, in commenting upon the suggestions in their order, observed with regard to No. 2, that 'it will be *necessary to consider* whether effect should be given to it by *the government*, or whether the *commercial community* should not themselves take the initiative in creating such an institution.'

Regarding proposal No. 3, it was thought by the same authority that, if acceded to, it would 'tend to put consuls in the position of commercial agents', and that 'the maintenance and management of such rooms...would rather seem to devolve *primarily on the commercial community*.'

Lord Rosebery's comment upon the suggestion that the government should establish commercial museums is even more to the point. 'The cost of such museums (he says) *ought...to be borne by those for whose benefit they are created*.'

This, I contend, is the only just and scientific comment which could be passed on any such proposals; and I cannot refrain from adding here a short quotation from an admirable article which appeared in the columns of *The Times* upon the subject.

'It is not,' says that journal, 'to the government and its agents that our traders must look for their real support in the struggle against foreign competition. The gigantic fabric of English trade was *not built up by governments*. It was built up by *the enterprise, the energy, the watchfulness, the self-denial, the laborious efforts of individuals*. Moreover, if it was built by these, *by these it must be sustained*.'

It is certainly significant of the times in which we live that a body, so influential, and generally so sound in its grasp of broad mercantile principles as the London Chamber of Commerce, should have openly advocated so distinctly 'paternal' a policy for the government of the country, of which it is the very central commercial organisation.

One can, from the following incident, obtain some idea how quickly a government which acceded to such proposals would find itself inundated with others of a like character, from different sources. Within two months of the date at which the answers to the previous proposals had been published, attention was called in the House of Commons to 'the inadequacy of commercial training' in England, and the minister was actually asked whether he would 'enquire into the possibility of establishing some recognised centre of commercial education with proper tests of efficiency.' The minister very properly 'hesitated to offer any opinion on the matter.' The member who asked the question was evidently under the impression that the government would be quite justified in teaching its citizens the principles of commerce, presumably also those of law and medicine.

I turn now to the subject of legislation for the regulation of factories, of which a startling example already exists in the colony of Victoria; having been placed upon the statute-book within the last two years. The provisions of that Act have been conveniently summarised by one of the leading local manufacturing firms, for the ready comprehension of their employés. The following is that summary:—'*No one under thirteen* can be employed in a factory. *No female* can work more than forty-eight hours in a week. *No male under sixteen* can work more than forty-eight hours in a week. No one under sixteen can be employed

without an education certificate. *No one under sixteen* can be employed without a medical certificate. *No girl under sixteen* can be employed between the hours of *six in the evening* and *six in the morning*. *No boy under fourteen* can be employed between the hours of six in the evening and six in the morning. *No boy under sixteen* can work as a compositor between the hours of six in the evening and six in the morning. *No one under eighteen* shall be allowed to clean such parts of the machinery, in a factory, as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery. *No woman* shall be allowed to clean such parts of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery. *No one under eighteen* shall be allowed to work between the fixed and traversing parts of any self-acting machine, while the machine is in motion by the action of steam, water, or other power. *No person*, employed in a factory, shall be permitted to *take his or her meals* in any room therein, in which any manufacturing process or handicraft is then being carried on, or in which persons employed in such factory or workroom are then engaged in their employment.’ A volume might be written upon the ignorance of the political science, the ignorance of human nature, the misconception of legislative effects, and the indifference to commercial interests, displayed in the measure of which this is but a short summary.

The first observation which its provisions, as a whole, provoke, is as to the enormous curtailment of personal liberty which they involve. Shortly restated, and further summarised, they are as follow:—‘No parent, however poor or dependent, shall be allowed, even under the most favourable circumstances, to derive any monetary assistance from factory work performed by his or her children, unless they are *over thirteen* years of age.’

‘Every male or female *under sixteen*, and in some cases, *under eighteen*; also *every woman* who works in a factory of any kind, is assumed incapable of taking care of his or her own body.’

The state thus assumes a *quasi-parental* care of *all females, and all males under eighteen*; and in so doing, implants, in the minds of these two large classes, the injurious impression that they have a right to look to the state for guidance and assistance in certain matters of personal concern. Moreover, the state, at one blow, handicaps the manufacturers of Victoria against the whole world, by depriving them of the advantages of cheap labour, and of a full use of their property, such as is enjoyed by the manufacturers of many other competing countries.

Every citizen of the colony of Victoria is saddled with a proportion of an enormous expenditure for maintaining a large staff of inspectors to secure a close observance of the provisions of the act.

Lastly, but paramount in importance, *every woman, and every male* and female under sixteen, is deprived of the liberty of determining for himself or

herself the *times and extent of work* which he or she shall adopt *in the pursuit of a livelihood*.

The state, it will be seen, determines *where* every person engaged in a factory shall, or at least shall not, *eat his or her meals*. This is obviously on the score of health, lest the atmosphere of the factory workroom should become vitiated. Why should the state stop here? Why should it not determine *what* such persons should eat? This is equally important on the score of health. And if the state is about to *prevent injury to health*, on the ground that it is to the interest of the community that the bodily condition of its citizens should be supervised by the state, why not provide also for the *cure of ill-health* in factory people? This would lead to the establishment of national dispensaries and a national medical staff, the members of which would require to periodically visit and report upon the health of factory hands. Why, again, limit this state attention to factory people? What greater right have they to become recipients of state attention than other citizens? Thus a state of absolute socialism would be reached. Who, then, shall draw the line, when once this class of legislation is resorted to? Who shall say where this state-aid shall end? The fact is the true line was overstepped, the moment the state said what males or females should not do in the matter of working hours. Therein consists the fundamental breach of principle. If a parent abuses the helplessness of a child, by forcing it to work at a tender age, the parent might, and should be consistently punished for having denied to the child that liberty which it had every right to enjoy. In the case of women, for whom the state has thus displayed so tender a regard, they can speak for themselves; and they can and do *combine* for themselves, which they have a perfect right to do. In the case of children of tender age, the state would be justified in assuming that they *would* object to certain conditions of employment if they could make that objection heard. But, for a state to treat as *infants*, young persons of *sixteen and eighteen years* of age, when, at the same moment, they are considered by the same authority to be amenable to the complex provisions of the criminal law, and, three or four years later, subjected to all the duties and responsibilities of citizenship, is indeed inconsistent to a degree. If a youth of seventeen commits a crime, the state says he must be punished. He is considered capable of judging for himself. At the age of twenty-one he is considered an authority on government, and invested with an equal voice with other citizens. But the same wise authority prohibits him from doing certain other and simpler work, because, forsooth, it assumes that he is *not* capable of judging for himself. Strange to say, the working-classes are apparently pleased with this implied expression of doubt as to their ability to take care of their own bodies.

In England, in 1883, a Factories and Workshops' Amendment Bill was passed, notwithstanding considerable opposition. To such an extent has the state gone in that instance, in looking after the health and comfort of work-

people, that it subjects to a fine of £2 *any adult male*, in a white-lead factory, who *refuses* or *neglects* to use any gloves, boots, clothing, respirator, or other appliances, or omits to *drink the salts* or acidulated or other liquid to be provided by the employers, in accordance with the provisions of the bill. All these precautions are, of course, in the workman's behalf; yet the state, not content even to compel the employer to provide the necessary articles, must resort to the machinery of an act of parliament to compel the workman to 'take care of himself.' Would it be possible for legislation to be turned to a more absolutely ludicrous purpose?

Intimately connected with this subject of factory legislation is that which deals with the compulsory closing of shops. In the colony of Victoria, where this piece of legislation has first ripened, no other reason was given by the advocates of the measure, beyond what was deemed to be the necessity for 'preventing shop assistants from being needlessly overworked.' That, indeed, was stated by the 'Liberal' press to be the reason for its introduction. The act compels all shops (with a few admittedly necessary exceptions) to close at seven o'clock in the evening—Saturday evening being extended to ten. The practical effect of such a measure is this—that though one citizen may wish to purchase, and another may wish to sell certain articles of trade, the state steps in and says: 'No; your business shall be suspended at seven o'clock in the evening, because, by allowing you to carry it on after that time, you may overwork your assistants.' The obvious answer to this, if it were colloquialised, would be: 'My assistants are free agents, living in a free country; they have freely entered into a contract of service which they may terminate at any time if they so wish, and I shall use only such assistants as *are willing* to work in the evening.' This answer is perfectly and strictly true; yet, for some strange reason, the state, in the colony mentioned, has taken shop assistants 'under its wing,' though there are scores of other classes in an exactly similar position. Is it right, for instance, that a medical man should be called out of his bed in the early hours? Should the scores of printers, compositors, readers, reporters, editors, and sub-editors, who are engaged upon the preparation of our daily papers, be allowed to undermine their health, when an act of parliament could so easily remedy the matter by prohibiting such work from being continued after, or begun before certain hours? We should certainly not get our newspaper till late in the day, instead of in the early morning; but parliament would have the satisfaction of securing a *more comfortable and wholesome night's rest* to a large body of citizens! Should the government itself be allowed to run trains late at night, and, in some cases, all through the night, necessitating the work of drivers, stokers, pointsmen, porters, guards, and others? Surely it is thereby committing the same offence which it is legislating against in the shopkeepers! Even more reprehensible is it for the parliament itself to sit into the 'small' hours, in many cases doing more harm than good; keeping up numerous reporters, officials,

and, in many cases, the anxious wives of honorable members themselves! What, too, of cabmen, omnibus drivers, actors, and others who now work at night; and why should not sailors, and others occupied in seafaring life, be prevented from engaging in night work? An act of parliament would soon remedy the matter, by compelling vessels to anchor or 'lay to' at certain hours! But why dwell upon so gross an absurdity? Such legislation is a disgrace to our century. What more hard-worked class, for instance, than the domestic servant, who is (or ought to be) out of her bed in the morning, long before the average shop-assistant has wakened, and who is expected to attend to household matters up to a late hour at night? Yet no regard is had for this class. If parliament should deem it advisable to deal with them, it would be necessary to stop all fires at whatever hour was determined on, and in such case, society would have at once arrived at a condition of things not altogether far removed from that which resulted from the 'Curfew Bell' edict. The fact is, such legislation is absolutely indefensible. The public convenience requires many classes of people to be worked at night. There is the most absolute freedom in the matter. If some shopkeepers are willing to keep open for the purpose of selling their goods, and their customers are willing to buy; then, to prevent these parties from dealing together is to subject them to an inconvenience and a distinct curtailment of personal liberty. If shop assistants are *willing* to work at night, surely, to prevent them, by act of parliament, is to *curtail* their *liberty*, though it may *increase* their *leisure* at the expense of their pockets. If the public do not desire to shop after seven o'clock, they will not do so; and, so soon as that is the case, the shops would cease to have reason for remaining open.

The more one allows one's mind to dwell upon so short-sighted a measure, the more incomprehensible it appears that a body of even moderately intelligent men should have consented to place such a humiliating and unmeaning piece of legislation upon the statute-book of any free and civilised country. It stands as a permanent disgrace to an otherwise enlightened people.

Is such legislation, I ask, conducive to 'more liberty'? Is it calculated to promote 'self-reliance'? No doubt the draper's assistant gains his leisure for the evening, but he had already the liberty to take that, inasmuch as he could terminate his engagement and turn to other employment, or be idle, whenever he chose. The public, however, who buy, and the shop-keepers who are ready and anxious to sell, are deprived of their liberty; and they have no such chance of helping themselves, inasmuch as they are placed under a *state prohibition*. Such legislation is, therefore, nothing more nor less than what Mr. Herbert Spencer has called 'legislative tyranny.'

Mark now the result of this measure, as indicated by the expressions of public opinion which it has elicited.

A deputation representing the Shopkeepers' Union waited upon the minister to whose department the administration of the measure had been

allotted, and presented a carefully conceived, and carefully worded petition, in which the repeal of the objectionable measure was prayed for on the following, among other grounds:—

1. That it is a humiliating, and an unbearable deprivation of English freedom.
2. That it fails to achieve any object, beneficial either to assistant or employer; and is obnoxious to both.
3. That it oppresses, and causes serious (in some cases ruinous) loss to an inoffensive and struggling class, viz., the suburban and young shopkeepers.
4. That it diverts and partly destroys trade, benefits nobody, and sets class against class.
5. That it is the cause of great inconvenience to the public, especially to the working man.

The petition was signed by 3000 shopkeepers, concerning every signature of which the strictest scrutiny was challenged.

One of the petitioners stated that ‘absolute ruin had been inflicted in many instances through the enforcement of the law. Many businesses, which had formerly been carried on, principally at night, had been abandoned in consequence, and premises which had formerly let at good rentals had become empty, or the rentals had been reduced—in either case, much to the loss of property-owners and municipal councils.’

The minister who received this deputation found it necessary to make the humiliating confession that the petition would be presented to parliament, ‘because the *process of education* in the matter, from the shopkeepers’ point of view, had to be brought to bear upon *honourable members* as well as *on the government*.’

There is, indeed, evidence to show that some members of parliament did not require that *education*, for one of them stated that ‘The Shops and Factories Act was unworkable. It set the citizens at variance, so that they flew at each other’s throats. It was an act which only a despot would attempt.’ Since that, the leading organ, among those which advocated the measure, has found it necessary to confess that ‘*none of the three great classes of people* whom the early closing clause was *intended to benefit* is satisfied with what has been done to insure early closing as prescribed by law.’

Since the greater part of the above was written, this subject has undergone much discussion, and been viewed in the light of much later experience. The following is a short summary of an address delivered within a few weeks of the time at which I am writing, by the President of the Shopkeepers’ Union. ‘We have learned,’ he says, ‘at a terrible cost, what it is to endure the plague of over-legislation; and we also know, more than ever, the necessity of uniting with one common object, viz., the repeal of the most atrocious and disastrous law against trade that ever disgraced the statute-book of Victoria. Is there,’

he said, 'any sense in a law which allows drink and tobacco to be sold, but prohibits a man from buying bread and meat? And yet, so it is decreed by the legislators to whom we pay £300 a year to look after our interests, and that of the country in general. I venture to say that if our legislators were unpaid, and not so anxious to retain their seats, even by sacrificing an important interest, the shopkeepers of Victoria would never have had to suffer the gross indignity of being harassed and spied upon by the police, whom they support and maintain. One short year has brought painful evidence of the blighting influence of this precious piece of legislation. Shops—previously all occupied, are now empty by scores. Assistants are walking about in scores, if not in hundreds, without occupation. In proof of this, a shopkeeper recently advertised for two, at 30s. a week, of a class to which before this law he was able to pay 50s., and received 300 applications. The more the act is enforced, the more repulsive it becomes. To ensure the repeal of a bad law there is nothing like its strict enforcement.' The above is a valuable piece of testimony, the tenor of which has not been contradicted. It is evidence of the annoyance, irritation, and monetary loss which such a piece of legislation is capable of producing on a class; and it is evidence also of the fact that the very class it was intended to benefit, has, instead, been seriously *injured*. Indeed, as I have shown, the so-called 'Liberal' press admitted that '*none of the three classes whom it was intended to benefit was satisfied.*'

The conclusion to which one is forced concerning this matter is that which was arrived at by the late Rev. F. W. Robertson, of Brighton. He said as far back as 1849, when delivering an address on the subject of 'Early closing,' 'This law, like other laws, will be of advantage if it be in accordance with the feeling *produced already* in society; but if it be *super-imposed on society*, it must fail. Everything of legislation, *coercive*, and not *expressive of the mind and desire* of society, *must fail.*'²⁰

Closely connected with this feature of over-legislation, is the demand for a legal recognition of eight hours as a day's work. In the colony of Victoria that recognition has actually been obtained, and, in so many words, placed upon the statute-book of the country. When the matter was being discussed at the Intercolonial Trades' Union Congress of 1884, one delegate, from New South Wales, intelligently and courageously condemned the narrow views of his co-delegates, by observing that it 'seemed to him some of the speakers wished to go back to the dark ages, when, at the ringing of the Curfew bell, everybody had to put up his shutters and go to bed.' A good deal was said, while the 'eight hours' principle had not yet received legal recognition, about the sufficiency of that period of work 'for any man or woman,' as also regarding the wisdom of dividing the day into 'eight hours' work, eight hours' labour, and eight hours' recreation; yet, now that the legalisation has taken place, it is a matter

20. 'Addresses and Literary Remains,' p. 202.

of notoriety that workmen are willing to go on, much as before, with this *slight* difference—that after the expiration of the eight hours they expect to be paid *overtime!* Nor is this the only evidence of disregard for the principle upon which the legal recognition was based; for one of the most prominent of Australian trades' unionists said, at an eight hours demonstration banquet given in Sydney about two years ago, that, now the eight hours system was so widely recognised and acknowledged, it was about time they began agitating for a division of the day into *four periods of six hours*, one of which should be devoted to work.

The same spirit of legislative interference, which has inspired this confessedly unsuccessful measure in Victoria, has shown itself in the department of commercial shipping in older communities. Mr. Plimsoll, whose name is now known in every English-speaking country, chose for the subject on which he should found his reputation, that of shipowning abuses; and there can be little doubt that his efforts, though, like those of all enthusiasts, extreme and injuriously reactionary, did much good by drawing attention to the condition of some of the inferior and least seaworthy portion of English shipping property, by which the lives of many sailors and others were jeopardised, and in some cases needlessly lost.

Yet this same gentleman has done considerable harm by leading to the belief that matters were much worse than was really the case, and, by so doing, exciting a demand for legislative measures which have effected a good deal of injury to the shipping industry, as a branch of the national commerce of England.

In the somewhat heated desire for ensuring the safety and comfort of those who travel by sea, regulations have been made regarding the number of passengers which a ship shall carry; the number of cubic feet which each so carried should occupy; the number and measurement of boats provided for their safety in case of mishap; the number and quality of lifebelts, life-buoys, fire-buckets, fire-hose, and life-rafts, with which each ship should be provided; the position of load-line, down to which and no further than which, a vessel should be submerged, and many other provisions of a similar kind, too numerous to mention; all of which, though in some cases necessary to enforce, have nevertheless, on the whole, imposed upon shipowners an amount of expense in maintenance, in some cases wholly out of proportion to the risks provided against. No one, it is said, who has not had practical experience of the number and detailed expenditure on the almost illimitable requirements of vessels engaged in trade, can form any conception of the hampering effect which such legislation has had upon the commercial side of the shipping industry. A leading London weekly journal lately put the matter very forcibly, in the following somewhat ironical paragraph. 'With regard to passenger ships and the boats they carry, what strikes us is this—that if we are to make it a matter of legal obligation that the ship shall carry boats enough to

hold all the passengers and crew (and I suppose, something to eat and drink, for even in boats those things are necessary), it would be simpler, and on the whole safer, and infinitely more comfortable to have two ships. Then, if anything happened to the full ship, the passengers could betake themselves to the empty one, if it did not happen to be wrecked first, or simultaneously—a possibility which should not be taken to militate against my suggestion, for even as things are at present, a ship's boats are often lost or rendered useless before she herself comes to grief.'

Within the last few months, previous to the date of my writing, an influential deputation of shipowners waited upon the President of the Board of Trade with reference to certain regulations of that body upon the subject of the *freeing ports* of what are known as *well-decked vessels*.

The first speaker said 'they had been harassed from time to time with Board of Trade regulations, but the last straw that had broken their backs was an order issued in the spring of the year, 'compelling certain additional qualifications in well-decked vessels. The north-eastern ports of England,' he added, 'were largely engaged in the Baltic trade; and they had to compete with the Germans and the Danes, whose vessels, *not being under these restrictions*, were enabled to carry perhaps *100 tons more cargo*; and this, coupled with the lower wages of foreign sailors, *handicapped the English ship-owner* to such an extent that it was only a question of time for the trade to *pass into the foreigner's hands altogether*.'

This is an admirably clear illustration of the class of legislation which I have before instanced, in which the *immediate* effect only is considered by the legislator, and the remote ones ignored or entirely lost sight of. The ignorance of the average legislator on shipping matters is usually accompanied with an amount of confidence correspondingly great. Regulations may be piled up, one upon the other, for all time, each one seeming to benefit the public, who gradually cease to look after themselves or their own safety; but those who are thus contributing to the creation and enforcement of such regulations seldom think of the difficulties and expenses they are at the same time providing for the ship owner; and only the most far-seeing will reflect that, in time, that section of the industry upon which those regulations have legal force may be borne down altogether, and the trade driven into the hands of other persons, whose vessels, by sailing under another flag, are exempted from the paralysing and handicapping restrictions of their less fortunate neighbours.

I have before me some astounding instances of legislative ignorance in matters of the kind.

A few months ago, a fast and tolerably valuable steam vessel was lost upon the Australian coast during her passage from one colony to another. Unfortunately a good many lives were lost, under very painful and distressing circumstances. Public attention was called to the matter, and, for several days

the columns of the newspapers were filled with the usual demands for the 'most searching enquiry.' The mishap was accounted for in various ways, by the more omniscient section of the public; and even parliament took the matter up, though in a somewhat desultory fashion, and said what *should* be done to prevent a recurrence. Those expressions of opinion are interesting as showing the almost incredible ignorance which ordinary legislators may display; and, moreover, they give one a fair idea of the sort of legislation which might be expected if the desire for some reform had only been sufficiently long-lived.

One member, who has filled the position of a minister of the crown, attributed the breaking-up of the vessel, after she had struck on the rocks, to the fact of her being 'old;' and he is reported as having said: 'There *ought to be a law* to prevent *old* ships from being used for such important work.' The author of this safe generalisation might have learned, with a little enquiry, that the vessel in question had, as all other such vessels are compelled to do, been duly submitted, periodically, to a searching survey, provided for by the legislature itself, and that she possessed a certificate of 'sea-worthiness,' such as parliament itself required. A second law-maker, having satisfied himself that the vessel had chosen a course too near the coast, proposed that 'a line might be drawn on the chart, within which no vessel should be allowed to go nearer to the land.' He gave as a parallel case the fact that 'the steamships of the Cunard line followed *regular tracks* to and from America,' and, in the same easy-going way, advocated that '*more stringent* regulations were required to ensure greater safety.'

The idea of a 'line on the chart,' or a 'line round the coast,' was indulged in by other equally original advocates. A third member of the legislature was of opinion that 'it would be an easy matter to fix a *simple contrivance* on all lighthouses, by which a route, at a given distance from the shore, should be defined. The legislature could then provide that any captains or any owners who permitted their vessels to be taken within such a limit should be liable to *severe punishment*.' 'They could,' added a fourth, 'be *reported* by the *lighthouse-keepers*.'

The member who advocated the '*old ship*' theory expressed the novel opinion that the vessels were driven at the present dangerously fast rate in order to *save* coal; and he advocated parliament laying down a *minimum* time in which the passage should be done, so that if any vessel travelled faster than *allowed by act of parliament*, she should be compelled to postpone her entrance to the harbour of destination.

The first thought which must occur to anyone, on reading these expressions of opinion, is that a community, in the government of which such men take part, must indeed be in danger of being legislated out of existence. I have already mentioned a minister of the crown who boasted to his constituents of having added so many *inches* to the statutes of the country. These gentlemen

would measure statutes by the *yard*, and in a short time fill a library. It would certainly be necessary in a community, for which *so much* was done, that the old maxim that 'ignorance of the law is no excuse' should undergo some relaxation; otherwise it would be impossible for the citizens to do aught else but study the latest additions to the statute law.

It would be almost useless to suggest to these gentlemen that, probably, when they had spent some years in attempting to prevent shipwrecks, they would make the melancholy discovery that the rules and regulations, the surveys, and the lines round the coast—as also the 'simple apparatus' on the lighthouses—had *increased* instead of diminished the number of losses.

Mark, in support of this suggestion, the result of all the attempts at preventing shipwrecks in Great Britain—attempts, too, by men possessing a *somewhat* larger amount of brain-power than those to whom I have just referred. In a minute of the Board of Trade of November, 1883, it is said that since 'the Shipwreck Committee of 1836, scarcely a session has passed without some Act being passed, or some step being taken by the legislature or the government, with this object' (prevention of shipwreck); and that 'the multiplicity of statutes, which were all consolidated into one Act in 1854, has again become a scandal and a reproach:' each measure being passed because previous ones had failed. Here follows the melancholy but instructive admission that 'the loss of life and of ships has been *greater since 1876 than it ever was before.*' The cost of administration, meanwhile, had risen from £17,000 to £73,000 a year.²¹ If the colonial legislators, whom I have quoted, could have their way, and get their pet schemes enacted in a short and easy manner, it would probably be open to apply to them, a few years hence, the words which Edmund Burke used in speaking of the Board of Trade of his day:—'Even where they had no ill intentions, trade and manufacture suffered infinitely from their *injudicious tamperings.*' Mr. Joseph Chamberlain, who seems to be deeply impressed with the belief that the state has 'maternal' duties towards its citizens, thus explains the functions of the Board of Trade. 'They are,' he says, 'charged to watch over the *comfort* and security of our seamen *and* the safety of our ships.' This, indeed, is only an illustration of the false theory which runs through the whole of the spurious Liberal legislation of which I have been speaking. However unsophistical and simple-minded the typical sailor may have been in the days of Dibdin, he is now quite capable of taking care of himself: at least as well as thousands of other citizens for whom state sympathy has not yet been excited. 'Yet,' as Mr. Stanley Jevons has said, 'he is treated by the law, as if he were a mere child.' Mr. Chamberlain would have his *comforts* attended to by the Board of Trade, by which means that already cumbersome body would be able to pay less attention to its more legitimate and more necessary functions. It is this craving for distributing *comforts*, through the state, which is threatening

21. 'Man versus The State,' p. 59.

to handicap and paralyse English commerce in every branch. The report of the Royal Commission, which was lately appointed to enquire into the existing depression of trade and industry in Great Britain, contains the following confirmation of my contention. 'Our shipowners have an additional ground of complaint in the fact that foreign vessels, loading in our ports, are not subjected to the load-line, and other regulations of the Board of Trade, which, being enforced on British ships, impose *additional expense and trouble* upon their owners. Owners of foreign ships thus...enjoy in our ports, a latitude in regard to loading, and an exemption from other *troublesome regulations* which give them an *unfair advantage* in competition.' This is a point of view which the average legislator would probably consider and characterise as 'far-fetched' or 'theoretical.' Within the last few months, numerous other instances have occurred (in connection with this industry) of the same injurious practice of endeavouring to secure, by legislation, that which should be left to the ordinary economic laws of supply and demand. It would be impossible to enumerate them all here; but I venture to set forth a confession which was, not long since, uttered by Mr. Chamberlain himself, in connection with this particular subject of shipping legislation. 'I am sorry,' he said to a deputation which waited upon him, 'that I must tell you that *interference* has *not* produced the result it was *intended* to produce, in the security of the lives for which we are in some degree responsible.' He then admits that the loss of life at sea, notwithstanding the net-work of regulations which parliament has woven round the shipping industry, 'is an *increasing quantity*.'

Sir Frederick Bramwell, too, learned at Quebec, to which port English ships had been accustomed to be sent for timber, that the trade was being done between that port *and England* by *Swedish* ships, the reason being (he says) that 'the restrictions upon the working of English ships were such that they could *no longer compete with the Swedes*.'

The subject of licensing houses for the sale of intoxicating liquor is one upon which there has been the most profound misconception regarding the principles of true Liberalism. Legislators seem to have known no limit to the functions of a state, or to the right to interfere with individual liberty, when dealing with this apparently absorbing theme. When an attempt was lately made in the House of Lords by the Bishop of Durham, to secure the passage of an act entitled 'The Durham Sunday Closing Bill,' Lord Salisbury characterised the measure as an enactment which provided 'that on Sunday in every week, a certain portion of the population in the country shall abstain from one of their accustomed articles of diet, because a fraction of the population say that the temptation to consume too much of that article of diet is too strong for them.' As the *Times* said, in criticism of the measure, 'His [Lord Salisbury's] opposition was not directed against the advocates of temperance, for whom and for whose work he expressed unbounded admiration. On the contrary, it

was directed against those who came to parliament to ask for the secular arm to effect that which they had not done.'

In the colony of Victoria, within the last two years, an attempt was made, under this head of 'licensing,' to still further curtail the already limited chances which women possess of obtaining employment, by the introduction of a clause into a bill, then before parliament, intended to *absolutely prevent* them from working behind a bar. If ever there was an unjustifiable and cowardly attempt at undue state interference with the liberty of citizens, this was one. To make women as amenable to the law of the land as men, while denying them all right to take part in the making of such laws, is surely inequitable enough; but to say that women, who are obliged to earn their living, shall not get it by following a possibly honest and honourable occupation, is surely a piece of the most glaring despotism. Where could parliament find a justification for such a measure, either among the principles of legislation, or on grounds of the barest justice to our fellow-beings? What sort of reception, let me ask, would have been accorded to such a provision, if, instead of proposing to deal with one of the occupations of *women*, it had aimed at the prevention of certain work being performed by any particular class of *men*? Could such a proposal ever be reconciled with the liberal principle of 'equal opportunities'? Women are even now debarred from entering many channels of employment, in which they could take part with quite as much, if not more success than is achieved by men. To have passed such a measure would have simply rendered their already 'unequal opportunities' still *more unequal*.

Mr. Joseph Cowen has said, 'a clear and equal course, and victory to the wisest and the best.' Will anyone venture to say that a proposal to disqualify women from performing work behind a bar was not a most flagrant step towards rendering the 'course,' over which a woman's as well as a man's life must be run, more unequal than ever. If, as Mr. Broadhurst says, 'Liberalism seeks to remove obstacles of human origin which prevent all having equal opportunities,' then this proposal was not only lacking in a negative sense, but conceived in the very contrary direction. Such a measure would be a most distinct 'obstacle' to prevent women enjoying 'equal opportunities' with men; and, instead of being *removed* it would be erected in the very face of Liberal principles. It has been well said, regarding legislation of the licensing class, that it 'rests on the assumption, again and again disproved, that moral effects can be eradicated, or even partially amended by an act of parliament; and upon the want of recognition, or ignorance of the fact, that, wherever the state attempts this task, it either directly *increases the evil*, or forces it to reappear in another spot in a new form.' The following are some significant facts in connection with the Sunday-closing movement. In March, 1884, four Irish judges made the following statements to grand juries at the Irish assizes, in districts where the Sunday-closing movement had been tried:—

'At Ennis, Lord Justice Fitzgibbon said the cases of intemperance in county Clare had risen from 960 to 1511. At Nenagh, Baron Dowse said drunkenness had increased in the north riding of Tipperary from 512 to 1037 cases, a little over 100 per cent. At Limerick, Judge O'Brien said that intemperance had doubled in that county. At Cavan, Judge Harrison informed the grand jury that drunkenness had trebled in that county. In all these counties the Sunday Closing Act is in force.'²² It has been shown, by the same authority, that in the town of Cardiff, since the Welsh Sunday Closing Act has been in operation, drunkenness has increased fifty per cent.; and that in Scotland, where the Forbes-Mackenzie Sunday Closing Act has long been in force, the convictions for *drunkenness on Sunday* have been steadily increasing from 1886 in 1879, to 2530 in 1882. It is also affirmed, on the authority of the police in Glasgow, and other large centres of Scotland, that, 'notwithstanding all their exertions, the law has, throughout, been persistently defied by a yearly increasing number of unlicensed drinking-rooms, called 'shebeens'—secret, and therefore badly conducted places, with no character, nor stock-in-trade, but a few barrels of liquor to lose.'

The principle of 'local option,' as it is called, which enables a certain majority, in any district, to prevent the minority from having established, or indeed continuing in existence, in their midst, a place where wines or spirits can be purchased, is an undoubted instance of spurious Liberalism. The majority, it may be assumed, do not want such an establishment, and no one would be justified in attempting to compel them to frequent it; but an attempt to so *compel* them against their wish would be quite as justifiable as the counter attempt to *prevent* the minority from so doing. If the establishment of any such place in any district becomes a nuisance to the neighbours, there is, in existence, already, the proper legal machinery for abating it; and no one could, in such a case, raise an objection to the necessary steps being taken to punish the offender; but for a majority to claim the right to curtail the liberties of the minority for an act which, in no way, involves an interference with that majority's liberty, is nothing more than the despotism of the majority, and contrary to all the traditions of the Liberal party under whose banner it is so frequently but improperly classified.

This question of Sunday closing is very nearly allied to that of Sunday observance. The spirit of despotism, which would lead to a revival of the old laws under this head, is by no means so absent from our own time as many people think. There is an old act in the Statute-book, by which citizens could be prosecuted, and fined 5s., for not attending church on Sunday. If only there were some hope of securing a majority, there is every reason to believe an attempt would be made by the more 'pious' portion of English-speaking communities to resuscitate and refurbish its rusty provisions. Only

22. 'Socialism at St. Stephen's in 1883.'

as lately as September, 1885, a delegate at a Trades' Union Congress, held at Southport, England, moved: 'That, in the opinion of this Congress, all kinds of labour shall be suspended on Sunday; no train shall be permitted to run; no cabs, trams, or breaks shall ply or run for hire; no horses or private carriages shall be permitted to be used; no blast furnace shall be permitted to work; no mechanics do any repairs; nor shall any telegrams or letters be delivered, or any work be done in any printing office; nor any public or refreshment house be permitted to be opened; nor shall any park, museum, art gallery, or reading-room be opened, or any policeman be called upon to do duty on the Sunday.' This may seem, to some, too extreme to be seriously regarded, and so it was fortunately viewed by the Congress at which it was moved; but it has been proved before in modern history, that a very short time needs to elapse before what has previously been laughed at may be subsequently adopted in all seriousness. Given a majority, and its virtue being admitted, then we may have any absurdity forced upon us at any moment.

The subject of poor-law legislation would require a treatise in itself, to enable one to comprehensively deal with it and its dangerous surroundings. I shall find occasion, in the next chapter, to discuss fully the principles which are involved in its enactment. I shall show that, in the first place, even supposing it had succeeded in its objects—viz., to alleviate suffering arising from poverty, without at the same time encouraging idleness and offering a premium for improvidence—it involves the transgression of one of the first functions of government, in taking the property of citizens for other purposes than that of maintaining the security of their person and property; and I shall show, also, that according to the conclusions arrived at by the Poor Law Commissioners themselves, they have *aggravated* rather than prevented, the evils at which they were aimed. I shall then indicate to what extent, and under what circumstances only, it can be wisely continued.

One of the most startling instances of what I have termed 'spurious Liberalism' is that which was lately promulgated by Mr. Joseph Chamberlain and his disciple, Mr. Jesse Collings, and now known as the 'three acres' or 'agricultural allotments' bill. I purpose dealing with this proposal at some length, as well as the various criticisms which have been passed upon it, inasmuch as it marks a distinct epoch in English legislation, and has, in consequence, attracted more attention, and given rise to more careful analysis of political principles, than any other movement of this generation.

The proposal was made by Mr. Chamberlain, during the November (1885) general election in England, and was evidently intended as a sort of political 'bunch of carrots' for the two million 'agricultural' labourers who had recently been admitted to the franchise.

The proposal really took the form of a promise that, if the Liberal party should again come into power, an act of parliament would be passed, by which

municipal councils, or other local bodies, should be empowered to take the land belonging to other people, *nolens volens*, and at a price not acquiesced in by the seller (as is usual in ordinary sales), but to be determined by such local body. A further feature of the scheme was that such land, when acquired by the local body, should be sold or leased in small allotments, on the 'time payment' system, to agricultural labourers. When this political bribe was made for the first time, and, by a man who had already occupied an influential position in an English Cabinet, it naturally caused some uneasiness among thoughtful people. Every student of sociology is familiar with the growing symptoms of Socialism which, within the last few years, have been distinctly observable in several continental countries; and a proposal of the kind I mention, coming from so influential a quarter, was naturally calculated to shake the feelings of security among all who happened to be possessed of property of the class at which such a proposal was aimed. Mr. Chamberlain being at the time recognised as the leader of the Radical party in Great Britain, numbers of his followers were ready to take up any cry which he might start; but there were others among the Liberal party—Liberals of the genuine type—who at once repudiated the proposals, and gave clear reasons for so doing, with which I shall presently deal.

Mr. Gladstone himself, in drawing up the programme of the Liberal party previous to the election, completely ignored the proposal, and confined himself to four other points with which we are not here concerned. Lord Hartington, Mr. Bright, Mr. Goschen, Mr. Wm. E. Forster, and other sound Liberals followed in Mr. Gladstone's course, so far as this scheme was concerned; but, notwithstanding, there can be little doubt that Mr. Chamberlain's allotments proposal seriously injured the Liberal cause, by shaking the confidence of the propertied classes belonging to that party, and causing a large section of them to turn to the Conservative side of politics as a sort of political brake upon the impending excesses of the Radical section.

Some time has now elapsed since the proposal was first made; and, as a result of the very keen criticism which was passed upon it by a certain section of the press, and by many leading Liberal and Conservative statesmen, the authors of the scheme have, as I shall show, considerably modified their original proposals. There is, however, one principle involved in the scheme, which has never been altered or modified; and, as that is the particular one upon which my present objections turn, I need not spend time over other details. The scheme itself is set out at length in the small volume entitled the 'Radical Programme,' to which I have before referred, and to which a preface has been written by Mr. Chamberlain himself. I shall quote from that volume just so far as to guarantee having fairly represented the principle with which I desire to deal, as illustrating what I have termed 'spurious Liberalism.'

After setting forth the scheme at length, in its modified form, the writer of the work in question says: 'Land should be acquired where necessary, by the authorities, by *compulsory purchase*, at a fair market value.' And again: 'Any scheme of this sort should be *compulsory*.' One contention with regard to this feature—the cardinal feature in fact—of the proposal, is that it involves a return to those principles of class legislation which it has been the aim and the province of true Liberalism in the past, to prevent, and, where existing, to put an end to. To *compel* one citizen to sell to another citizen property which he has legally acquired, is, in the first place, to commit a national breach of faith; since the state of the law practically constituted a guarantee that every form of wealth obtained in conformity with its provisions should be protected and secured to the rightful possessor, and at all times peacefully enjoyed by him. The point upon which this proposal must be excluded from the category of true Liberalism, and classed, instead, with 'Toryism' of the democratic order, is this—that it is an *infringement of liberty for the benefit of a class*. The practice of resuming land *volens volens*, for public purposes, is, we are aware, now generally recognised, and acted upon in almost all English-speaking communities, and especially in certain British colonies, where parliament takes upon itself a much greater amount and variety of work than the legitimate functions of government justify—more particularly the construction and management of the system of railways throughout the country, which involve the frequent acquisition of so much land.

The difference between it and the allotments proposal is quite clear, and most important to be observed. In the one case—that of resuming land for government railways or other public purposes, the act of compulsory purchase is directly in the interests of the general public, since the reason for the departure from the ordinary security guaranteed to property, is put upon the ground of its being for 'public purposes,' that is to say, for purposes which are calculated to directly benefit the *whole community*. In the other case, however, the benefit sought to be conferred is of a 'class' character, and can in no way be justified on grounds of public policy.

It is practically conceived in the interests of the agricultural labourer, at the expense of entrenching upon one of the most valued traditions of the English people, viz., the respect, and security for all kinds of legally acquired property. It is remarkable, too, that if this is said to be conceived *indirectly* in the public interest, the necessity for such a proposal should, after being overlooked for so many years, be observed and provided for, just at the very moment when the particular class, in whose interests it is conceived, should have acquired political power to the extent of two million votes. This would surely be an unique coincidence! The truth is that, if Mr. Broadhurst's definition of Liberalism be a correct one, Mr. Chamberlain's proposal must be distinctly contrary to the principles of that policy; for the acquirement of

property, whether of a real or personal character, is as open to one man as to another—to the peasant as well as to the nobleman; and to clamour for the property itself, in addition to the freedom to acquire it by legal means, is to ask, not merely for 'equal opportunities,' but for 'equal possessions,' or for an approximation to that condition of things—in short, it is to cry for a system of Communism in a modified form.

As Mr. Cowen has well said, 'Equality of social condition is a speculative chimera that never can be realised.'

Men are not and cannot be equal; and, as Mr. Cowen again says, 'if they were so to-day, they would not be so to-morrow.' Nor, as Mr. Broadhurst's definition says, is Liberalism concerned to attempt to make them so. This proposal, however, does seek to take a step in that direction, by taking from one that which he would not otherwise part with, to give to another that which he would not otherwise be able to obtain.

All the talk in the world about a 'fair price' will not improve the aspect of the matter. If the price is less than the owner values his property at, or is *willing* to part with it for, it is not a *fair* price but an *unfair* price. If one man has property which he does not wish to part with; to take it from him at a less price than he is willing to sell it for is practically to rob him of the difference between the so-called 'fair' price, and that which he places upon it. It is, as I have said, 'class' legislation of the worst kind—a return to Toryism of the most pronounced character, but in the interest of the agricultural labourer, instead of as in days gone by, in the interests of the landowner. If the one is wrong and inequitable, so is the other.

Let me now set forth the most valuable and most influential of the criticisms which were passed upon this scheme in England, and further illustrate Mr. Chamberlain's erroneous notions of Liberalism, as displayed in his answers to those criticisms.

In September (1885) *The Times*, speaking of the new Radical programme as expounded by Mr. Chamberlain, said: 'A leading feature in it is the now familiar scheme for enabling local authorities to buy land, in order to create peasant proprietors, and give allotments to labourers. This he thinks at once so moderate, so just, so experimental, and so conformable to precedent, that he cannot conceive how any Liberal can object to it; and at the same time it is so vast in its scope, and so effectual in giving prosperity to the poor, that he relies upon it to give the needed impetus to the Liberal movement. We are further told that the great aim of the new electorate must be to abolish poverty, to level up, to destroy, by direct legislation, all the differences created among men by centuries of free play for individual qualities. In Mr. Chamberlain's view, the laws of political economy are not the expression of observed fact, and unvarying causation, but arbitrary arrangements for the distribution of wealth, invented by rich men and their selfish satellites for the oppression

of the poor. He is going to abolish them. He is going to destroy the checks upon laziness and incompetency, without discouraging industry. He is going to destroy the security of property, without affecting its accumulation and investment. He is going to enrich the poor without impoverishing the rich, to throw a whole set of new and expensive expenditures upon the national purse without affecting the national well-being, and, in fact, to obtain, in defiance of Liberals, Tories, and the laws of the universe, that the three-hooped pot should have ten hoops, and there shall be no more small beer. It is perhaps idle to expect Mr. Chamberlain to understand that men, not less benevolent than himself, have brooded over the painful riddle of the earth for ages, before he saw in it a means of exciting enthusiasm for his return to power. Probably it is equally hopeless to get him to understand that if they have not rushed at his empirical remedies, it is because they know their absolute worthlessness. We can only hope that the sobriety, which has brought Englishmen through so much, will be found to be the heritage of the new electors as well as the old; and that we may be spared experiments which will hurt us all, but none so much as the poor, who are unfortunate enough to be the counters of his game.'

The same journal, again referring to other equally impracticable promises made by Mr. Chamberlain in his numerous election addresses, speaks of him and others, as 'theorists,' who appear utterly 'unconscious that such things as invariable sequences of cause and effect exist in the sphere of economics, and are prepared to undertake the summary suppression, by act of parliament, of climate, history, the market, and human nature.' Again, on October 16 (1885), the same journal says in one of its leaders: 'If every political question were as simple as Mr. Chamberlain makes it out to be; if for every social evil there were a remedy, cut and dried, which needed only to be proposed and adopted in order to bring about a blessed change, his impatient dogmatism, supposing him to be always in the right, would be a potent instrument of reform. But *politics and society are full of complications*, and the statesman who does not recognise this; who is eager to try experiments in every direction, and who refuses to submit to the obligations of patience, caution, and reserve, will find that a large part of the nation, the soundest, and still perhaps the most influential part, will be slow to give him their implicit confidence.'

Mr. John Bright (one of England's greatest Liberals), speaking at Taunton on October 12 (1885), and referring to the same subject of land legislation, said: 'There is a danger I should like to point out to you. There is a danger of people coming to the idea that they can pull or drive the government along; that a government can do anything that is wanted; that in fact it is only necessary to pass an act of parliament, with a certain number of clauses, to make anyone well off. There is *no more serious mistake* than that.'

Lord Hartington (another great Liberal statesman), speaking at Rawtenstall, on the 10th October of the same year, and evidently referring, though not

directly, to Mr. Chamberlain's proposal, gave utterance to the following sound Liberal opinions: 'I have,' he said, 'no doubt that a parliament largely elected by the labouring classes will find a good deal to revise in legislation, which had been passed by former parliaments, in which the labouring classes were hardly represented at all. But I am not prepared to tell the working-men of this country that I believe that any legislation, which any parliament can effect, will suddenly and immediately improve their condition, except by enabling them, by *their own efforts*, to improve it themselves. What is it, after all, that the working classes of this country' (England) 'stand most in need of? They stand in need of good wages, cheap food, continuous employment, and cheap necessaries and comforts of life. Well, I believe that bad laws, bad legislation can do much to prevent them having these things; but I do not believe any legislation can certainly secure them; and they can only be secured by the state of *general prosperity* and *general activity* in trade. I believe, also, that *legislation in favour of any particular class is likely to prevent the general prosperity*; and I believe that *legislation, which is directly applied to the improvement of the condition of the labouring classes, can only be detrimental to other classes, and will be as likely to injure that prosperity as class legislation of any other kind*. I desire, therefore, not to attract so much the attention of the labouring classes, by promises of *legislation intended for their exclusive benefit*, as to ask them to join with us, and with all the other classes of the country, in bringing about that *general* state of prosperity, which *alone*, in my opinion, can improve their own condition.'

Views very similar to these were expressed some years ago by Mr. Gladstone, at a dinner in celebration of the 100th anniversary of the publication of Adam Smith's 'Wealth of Nations;' and although these views do not in any way criticise the particular proposal under consideration, they nevertheless lay down general principles which throw light upon it, and upon theories of a similar character.

Mr. Gladstone then said, speaking of this popular fallacy as to benefits derivable from acts of parliament: 'With reference to the state of the working classes, I think we have no right to complain of those, who have been so long under the power of those who were commonly called their betters, in respect to the regulation of wages; but I think it is a primary duty to make this allowance, because they, above all others, suffer from *their own want of knowledge*. I have observed this distinction between the working classes and other classes—that whereas the sins of the other classes were almost entirely in the interests of their class, and against the rest of the entire community, the sins of the working classes, many and great as they are, are *almost entirely against themselves*.'

These words, though uttered many years ago, and, therefore, as I have said, not directly applicable as a criticism on Mr. Chamberlain's proposal,

nevertheless express the principle by which it may be criticised. Mr. Goschen, however, who is one of the most able and thoughtful of modern Liberal statesmen, has ventured, in a speech delivered at Edinburgh, to express himself most openly regarding this proposal. 'I should like to know,' he says, 'why it is a sign of strength to *rely upon a corporate body to do certain duties, rather than to rely upon the individual himself?* I should like to know,' he continues, 'what there is in this system which so entitles it to the credit of being 'advanced.' I do not know how far it is a recommendation in its favour, but these new views have the advantage that they lend themselves very considerably to the approbation of Prince Bismarck. The municipal socialism, which has, now, both advocates in this room, and a great body of adherents in many parts of the country, has the approbation of Prince Bismarck. The Iron Chancellor likes these ways well. He likes regulation. He likes that regulation of labour, and of so many interests in individual life, which are involved in all these schemes of socialism—whether municipal socialism, whether state socialism, or socialism of any kind. But the *National Liberals* of Germany, the *Great Liberal party* in Germany, were opposed to this socialism, as *striking at the freedom of the working classes of the country.*'

'It is supposed,' he goes on, 'that it is an *advanced view, if you are not sound about the rights of property, but it is very unsound if you are.* But that view is not common to the whole of what one may call democratic communities. There are many democratic countries, where it is considered that *the sanctity of proprietary rights lies at the bottom of the foundation of society;* and it would be a strange thing indeed if, in this country, at this day, we should have to go to the United States for precedents as regards the protection of property. But the fact is, that the constitution of the United States places extraordinary guarantees against any transfer of property by an executive power, from one individual to another.'

The same authority, speaking on a subsequent occasion, said: 'It has been suggested that, by this system of allotments, you might so raise the whole status of the working classes as effectually to deal with the subject of pauperism. I wish it were so. . . . I know,' he continued, 'of no system of the division of land, or different distribution of land, to check a state of things like that, except by doing all you can to raise the self-esteem of the population, and that feeling of charity, and feeling of independence: that family feeling, which would make men and women turn rather to their kith and kin, than to any municipal incorporation.'

Thus it will be seen that, quite apart from the thoughtful Conservative utterances by which this Utopian scheme has been condemned, the greatest of English newspapers, and three of the greatest among English Liberal statesmen have characterised it as impracticable and injurious to the very class in whose behalf it has been conceived.

Mr. Gladstone, as I have already stated, absolutely ignored it in his Liberal programme, and has, in the extract quoted above, clearly condemned the principle of legislation upon which it hinges.

Such quotations are rendered more valuable by the fact that they emanate from the very party to which the author of the proposal belongs; and they are of further value, as showing, out of the mouths of Liberals themselves, that legislation which aims at *equalising the conditions of men*, almost invariably leads to the injury of the very class whom it has been intended to benefit.

The quotation from Lord Hartington, which was mentioned a few pages back, while admitting that there may be scope for Liberal measures in repealing previous legislation conceived in a partial spirit, when the working classes were not sufficiently represented, nevertheless, lays down the general principle that the only hope for a better condition of the working classes depends upon the general prosperity of the whole community, and the cultivation of feelings of independence, self-reliance, self-respect, and, above all, self-help.

Mr. Chamberlain has, more than once, expressed his adherence to Bentham's somewhat vague phrase—'the greatest happiness of the greatest number;' and has even gone so far as to offer that somewhat inconclusive gauge of the political propriety of a measure in support of his allotments scheme: affirming it to be 'the foundation of the Liberal party.' I presume that he and his followers would be prepared to accept, with an equal degree of respect, Bentham's opinions upon the subject of the security of property. No man, certainly no writer on political matters, regarded the rights of property in a more sacred light. In that writer's treatise 'The Theory of Legislation,' under the head of 'Security,' he says 'law alone is able to create a fixed and durable possession which merits the name of property.... Nothing but law can encourage men to labours superfluous for the present, and which can be enjoyed only in the future.' *Sometimes* Mr. Chamberlain would appear to be quite in accord with Bentham up to this point, for he has himself said: '*nothing would be more undesirable than that we should remove the stimulus to industry, and thrift, and exertion, which is afforded by the security, given to every man, in the enjoyment of the fruits of his own individual exertions.*' 'Law,' says Bentham, 'does not say to man, labour and I will reward you; but it says: labour, and I will assure to you the enjoyment of the fruits of your labour—that natural and sufficient recompense which, without me, you cannot preserve. I will insure it, by *arresting the hand which may seek to ravish it from you.*' Let us see now what Bentham means when he uses the word 'security.' In his chapter, entitled 'Of Property,' he says: 'As regards property, security consists in receiving *no check, no shock, no derangement to the expectation*, founded on the laws, of enjoying such and such a portion of good,' and he adds: '*the legislator owes the greatest respect to this expectation, which he has himself produced.* When he does not contradict it, he does what is essential to the happiness of society; when

he disturbs it, *he always produces a proportionate amount of evil.*²³ To all of this, Mr. Chamberlain and his followers would, doubtless, reply, as in fact the former has done: 'It is the duty of the state...to *redress the inequalities* of our social condition.' Bentham, however, has anticipated such a contention, and has thus answered it. 'When security and equality are in conflict (he says) it will *not do to hesitate a moment. Equality must yield.* The first is the *foundation of life; subsistence, abundance, happiness, everything depends upon it.* Equality produces only a certain portion of good. Besides, whatever we may do, it will never be perfect; it may exist a day; but the revolutions of the morrow will overturn it. The establishment of perfect equality is a chimera. All we can do is to diminish inequality.... If equality ought to prevail to day, it ought to prevail always. Yet it cannot be preserved, except by *renewing the violence* by which it was established.'²⁴

In concluding that chapter of his work which is entitled 'Means of Uniting Security and Equality,' the same writer says: '*Security*, while preserving its place as the supreme principle, leads indirectly to *equality*; while equality, *if taken as the basis of the social arrangement, will destroy both itself and security at the same time.*' 'The word equality,' he says, elsewhere, becomes a mere pretext—a cover to the robbery which *idleness perpetrates upon industry.*'

So much then for the probable effect of this novel piece of legislation on the security of property. There is another feature of the scheme which is equally objectionable, on grounds of principle. It is proposed that the 'local authorities,' having power to compulsorily purchase this land, shall also have the right to grant these allotments to the agricultural labourers, on a sort of 'time-payment' system. The terms of such a system will either be such as could be obtained without its assistance, in the ordinary way of business, or, they will be terms of an *easier*, and to the purchaser, *less expensive* nature. If such terms are no better than could be obtained in the ordinary way of business; then, there is no object gained in the authorities burdening themselves with such troublesome duties. It would, in such a case, be far better to leave the purchaser to borrow elsewhere, and thus develop in him the self-respect which would be generated by the consciousness of having *helped himself*. But if, on the other hand, the terms are better, that is to say, easier than could be obtained in the ordinary business way; then every taxpayer who may be rendered liable for any loss which may be sustained, is being wronged by the state, to the extent of his liability. 'If,' said the late Professor Fawcett, 'the state makes loans in cases where they cannot be obtained from *ordinary commercial sources*, it is clear that, in the judgment of those best qualified to form an opinion, the state is *running a risk of loss.*' That risk of a loss is shifted from the shoulders of those, for whose benefit the state aid is being exerted, and is made to fall,

23. 'Theory of Legislation,' p. 110

24. 'Theory of Legislation,' p. 120.

instead, upon those of every honest independent, self-helping citizen who is liable to national taxation.

I pass away now from this proposal, which is sufficiently revolutionary, to another which is more so. The volume entitled 'The Radical Programme,' to which I have before referred, lays down the following proposal, taken, I believe, *verbatim*, from one of Mr. Chamberlain's speeches. 'When your property has grown to a magnitude that exceeds what, *in the opinion of the state*, is compatible with the public interest should be possessed by an individual, it will peremptorily discourage you from going farther. There is one way in which the state can execute such a revolution. It can provide for a *graduated probate duty* upon landed proprietors above a certain size.'

This may be taken as a fair sample of the spurious Liberalism with which we should be socially regulated, so soon as men of Mr. Chamberlain's school acquire sufficient power to turn the scale of political institutions. Under such a principle as that which the quotation contains, no member of the community would be allowed to transmit any advantages of his hard-earned and hardly-saved accumulations, unless they amounted to a sum *less* than what, *in the opinion of the state*, was *compatible with the public interest*; and since 'the state' would consist of *the majority*, that amount would obviously not be fixed very high. Everything beyond the amount limited would, of course, go into the coffers of the state, for the *general good*; and we should in a very short time find we had brought upon ourselves most of the demoralising effects of 'communism,' viz., loss of incentive to energy and enterprise, and apathy regarding future provisions; for since the state could claim the surplus, a consequent tendency to idleness or extravagant expenditure would soon display itself, and, as a result, a general degeneration would be produced in the national character.

When Mr. Chamberlain was asked, among the other 'reputed Liberals,' why he was of that party, he gave as an answer that which I have already mentioned, and which *The Times* characterised as a 'not very new truism.' He said, 'True Liberalism seeks constantly the greatest happiness of the greatest number.'

Mr. Chamberlain has probably read Bentham's 'Theory of Legislation,' from which I have been quoting, but evidently not with great care; for he has given, as a *definition* of Liberalism in politics, that which its author only intended as the *principle which should underlie all legislation*. They are very different things, and require careful distinction. Bentham has said that the principle which Mr. Chamberlain has given must underlie all legislation; but it by no means follows that all social movements which 'seek constantly the greatest happiness of the greatest number' should be brought about by, or would constitute legitimate subjects for legislation.

In fact, Bentham has expressed himself very distinctly upon this point in the opposite direction. '*Morality*, in general,' he says, 'is the art of directing the

actions of men in such a way as to produce the greatest possible sum of good. Legislation ought to have precisely the same object. But although these two arts, or rather sciences, *have the same end, they differ greatly in extent.*'

'All actions, whether public or private, fall under the jurisdiction of morals. It is a guide which leads the individual, as it were, by the hand, through all the details of his life, all his relations with his fellows. Legislation cannot do this, and if it could, it *ought not to exercise a continual interference and dictation over the conduct of men.* In a word, *legislation has the same centre with morals, but it has not the same circumference.*'

Can it be doubted that Mr. Chamberlain has seriously misread, and, unconsciously, misrepresented Bentham?

To claim the support of so great an authority, in the advocacy of such proposals, is to do that great writer an injustice, and to give to the proposals, among those who have not read for themselves, a force and influence which they do not merit.

If it were intended, as part of this proposal, to give the owners less than the value of the land, an obvious injustice would be done to them; if, on the other hand, it were intended to give the owners the *full* value, then legislation were unnecessary, for 'men will devote themselves to pursuits in which they can realise the greatest profits for their labour and capital;' and if the agricultural labourers, as a class, really want small holdings, and are willing to pay a full value for them, there would be found no difficulty in effecting the purchase in many parts of Great Britain.²⁵

Turning now from this very significant instance of the modern tendency in legislation, let us glance at another phase of the same subject. We have seen that the whole scope of present-day legislation is in direct contravention of the true principles of Liberalism, as scientifically understood. A further examination of what is passing around us will show that legislators themselves have, in one form or another, given up their own freedom of action, and even freedom of expression, in the exercise of their legislative functions. Who can

25. 'I am well aware of the distinction that has been drawn by jurists and others between the nature of real and personal property, and of the claim that is made that, in the case of the former, the state has a right at any time to take it, notwithstanding the unwillingness of the proprietor. 'It is,' says Cowen, 'argued by some that no compensation is due—that as all had equal rights to it, all still have. Admit the contention. What then? The original right was worthless. Land must be enclosed and cultivated and drained to give it value. The man or woman who did this first sold their improvements, or gave them to his or their successors—to a tribe or to a person. The land thus improved passed from one to another.... Then it may be traced back to its origin. Every successive owner did something, little or much, to add to its value, until what was once a rock became a garden, what was once a swamp or forest became a site of a factory or palace.... Some of these transfers may have come in questionable form, but purchase and possession have ripened into indefeasible titles, which can only be upset by robbers or revolution.' Cowen's 'Speeches,' p. 51.

have failed to observe the pitch to which party tactics have been carried in almost all English-speaking communities?

Mr. Joseph Cowen, one of the most scientific and high-principled of Liberals, and one, too, of the most ardent disciples of individual freedom, has been literally *driven* from public life by the bigotry of party despotism in his constituency. One of that eminent man's ablest addresses to his constituents commences with the following words: 'I am indifferent about party; but I try to be true to principles.... I cannot think for anyone.... There is no sacrifice of independence in accepting information or instruction, by whomsoever given; but there is in *accepting tutelage*.' 'Principles (he says elsewhere), should govern party, and party should not govern principles.' Again, 'I would (he says), subordinate the interests of party to that of the nation, the interest of classes to that of justice, the interest of sections to that of liberty, and the interest of all to the elevation of man.... We are witnessing too many of the newly-enfranchised, amidst hurraing and placarding, hurrying to equip themselves in the *prison uniform* of party—to speak to their leaders' briefs, rather than by undying principles, and to trust perishable names and interests, rather than realities.'

Mr. Joseph Cowen sacrificed himself on the altar of his principles; for, at the subsequent election to that at which these lofty sentiments were uttered, he positively declined to submit himself as a candidate for parliament, on account of the reprehensible extremes to which he had seen party tactics carried in the party organisations of his constituency.

In a touching letter, which he addressed to certain of his constituents, in answer to a request that he should allow himself to be again nominated for Newcastle-upon-Tyne, which he had represented for twelve years, he said: 'I claimed and exercised the liberty of thinking for myself, and voting as my convictions prompted me, on all matters of principle. I regarded myself as a representative of *all the electors*, and not a *delegate of a faction*.... But my procedure has secured for me the unappeasable animosity of our *organised Liberals*. They required me to blindly *follow their leaders, whether I thought them right or wrong*. They desired me also to act only as their spokesman; to *take my orders from them* and communicate with the people of Newcastle *through them*. I refused. I *preferred principle to party*, and the *constituency to the caucus*. And for so doing, they have done their level best to make my position intolerable. The caucus demands unqualified party obsequiousness, and given that, it is indifferent to other services.... What the caucus wants is a *machine*. *I am a man—not a machine*.'

These extracts, and the freedom and freshness of intellect which they indicate in him who uttered them, are one picture, on which it were pleasurable to dwell. But look now on the reality, as compared with the ideal.

'Some men,' says Sir Henry Maine, 'are Tories and Whigs by conviction, but thousands upon thousands of electors vote simply for yellow, blue, or purple,

caught at most by the appeals of some popular orator.'²⁶ And, again, 'Now-a-days, party has become a force, acting with vast energy on multitudinous democracies, and a number of artificial contrivances have been invented for facilitating and stimulating its action.'²⁷

'The fictitious authority and importance which opinions derive from being the formulas and cries of party, or the dicta of party leaders, is a *besetting evil of modern times*.'²⁸ But party government, party discipline, party despotism, call it what we will, has not yet run the lengths or reached the extremes which is the case in the United States. Almost everyone who has, in writing, dealt with political matters, as existing in that great democratic community, testifies to the *slavish* results which have followed upon the party organisation in its intense form as there developed. 'It is,' says an able writer upon American institutions, 'almost impossible for a man of independent opinions to obtain a seat in Congress. He must be 'endorsed' by a party, or it is useless for him to contest an election. Should any accepted member exhibit an opinion *of his own* in opposition to the *general party*, he is practically *driven out of its ranks*; he is assailed on all sides with a virulence and unscrupulousness, unknown elsewhere; he inevitably fails to receive a future nomination, and then he loses the next election. Within the walls of the legislature every voice is raised against him, and, outside, he has to confront the unprincipled assaults of the combined agents of a faction. Few public men in America can long contend in so unequal a struggle. Thus the power of Congress is securely concentrated in the hands of the leaders of the dominant party of the hour, who may be so actuated by personal ambition, or other unworthy motives, as to render them altogether unsafe guides for the nation. The discussions of this conclave are carried on in secret, and the mockery of a deliberative assembly is made complete by the systematic refusal to allow of full debate upon measures of the most momentous description.'²⁹ The same author quotes at length from a report of (what is termed) 'the Personal Representation Society of New York' to the Constitutional Convention of 1867. In that report the following passage occurs, with reference to party despotism:—'Under our present system of majority representation, the necessity of unification and consolidation of party, for the purpose of becoming the dominant power, is so urgent, as non-success means non-representation, that party discipline becomes almost as rigorous as that of an army; and all men of independence of thought, who agree with a strong minority of a majority upon some of the party measures, while disagreeing as to others, are either compelled to accept the party yoke, however uncomfortably it may fit, and sink their individual opinions, or

26. 'Popular Government,' p. 32.

27. 'Popular Government,' p. 102.

28. 'Influence of Authority in Matters of Opinion,' G. C. Lewis, p. 266.

29. 'Republican Government,' (L. L. Jennings), London, 1868, p. 83.

abstain from taking part in politics.’³⁰ ‘Never,’ says another eminent writer on American democracy, ‘Never, since our government was formed, has the tyranny of majorities been exercised to the same extent as at present.... The majority in the House are now *more enslaved than southern negroes* ever were, whose mouths never felt the gag. There will never be real freedom and independence in this country (America) until this tyranny—never attempted against us by the mother country—shall be effectually ended.’³¹

The former of these observations, being written by one who has filled several high positions in American politics, should have some authority. English communities have certainly not yet become so degraded; but there are not wanting signs that they are fast tending in that direction. I need scarcely ask here whether it is possible to get freedom of opinion among legislators themselves, under such a state of things; and it would seem to be even more hopeless to expect legislators to get the true principle of individual freedom recognised in legislation, when they openly sacrifice it at the very threshold of the institution where the laws, intended to secure it, are made. The immediate cause of this unfortunate result is to be found in the fact that, instead of ‘sacrificing party to principle’—as advocated by Mr. Joseph Cowen—principle is hurriedly and thoughtlessly sacrificed to party. ‘In all parties,’ says Sir George Cornwall Lewis, ‘whether political or otherwise, there is a tendency to forget the end for which the combination exists, and to prefer to it the means; to think only of the confederation and the body, and not of the purpose for which the body exists.’³²

The caucus is but the engine of despotism by which the party power is screwed up to its highest pitch of force and efficacy. ‘The caucus,’ says the same American writer whom I have quoted, ‘was originally little more important than the preliminary meeting of Conservatives or Liberals, which is held at the opening of the English session, at the houses of their respective leaders. It is now a distinct and important part of the governing power of the country. The whole business of the land, at the opening of a session, is practically at the disposal of a caucus. The deliberations of the body are conducted with closed doors, and the conclusions, which have been arrived at, are alone made known to the public papers, and often even that dole of information is withheld. The caucus cannot indeed make laws; but when it has decided upon a particular course, it has the power to carry it out, and the people do not learn the motives which led to its adoption.’³³

I have before me an excellent illustration of the injurious results which may, and do arise from caucus voting. Government by majority is questionable

30. ‘Republican Government,’ p. 165.

31. ‘Democracy in the United States’ (R. H. Gillet), New York.

32. ‘Influence of Authority,’ p. 266.

33. ‘Republican Government,’ p. 263.

enough as a means of obtaining wise legislative conclusions; but by adopting the caucus in democratic communities, a very small minority may possibly secure a result which, in open parliament, where men's opinions are not, as it were, 'gagged,' only an absolute majority could be effectual. About two years ago it became necessary to choose a leader for the so-called Liberal party in the parliament of the colony of Victoria. The 'caucus' was utilised with an instructive effect. I shall describe the process in the words of a member of the Victorian parliament, who, personally, took part in it. 'After the last parliament was prorogued,' he said, 'I received two letters inviting me to caucuses of the Liberal party. I could not conveniently attend the first caucus, but was present at the second, which was held for the election of a leader of the party. There were twenty-two members present. When the meeting was constituted, I asked the chairman if it was a meeting of the Liberal party, or only a section of it. The question was objected to, but I insisted upon it. It was never answered. I soon learned that the programme was cut and dried. A leader had already been chosen, before the meeting began. But parliament having been prorogued, with a view to dissolution, the meeting ought to have comprised prominent members of the Liberal party, not only in parliament, but out of it. My advice was contemptuously rejected; and, under the circumstances, I declined to have anything further to do with the meeting. When I left the room twenty-one remained. Out of the twenty-one, eight were expectant ministers, and there were only four vacancies for them in the government. The eight expectant ministers had no business to vote, being interested in the decision. That reduced the number really to thirteen. Out of those thirteen, three violently opposed the then proposed coalition. That reduced the number to ten. Three out of the ten were rejected, so that the position of the leadership of the 'Liberal' party had been decided by seven votes. Such a pyramid, standing on such a base!' adds the speaker, 'even in this age of shams, I know,' he says, 'of no greater sham.'³⁴

It is certainly significant that a leader of a 'Liberal' party should be chosen by a method so absolutely contrary to all principles of Liberalism. 'The caucus,' says Mr. Cowen, 'is *anti*-democratic. It substitutes fugitiveness for patriotism. It reduces politics to personalities, and agitation to a business. It plants, between the representatives and the people, an intermediary power, whose endeavours either galvanise them into frenzy, or produce an unreal tranquillity—the tranquillity of galley slaves, who row in cadence and in silence.'³⁵ The present English Home Secretary (the Right Hon. Henry Matthews), in addressing the electors of Birmingham, in August of last year, in regard to the party and caucus organisation of that city, told them that they should 'rely less upon those political organisations for which their town was so famous. It struck

34. Newspaper Report of Debates.

35. Speeches at Newcastle, 1885.

him (he said) that these political organisations were things *destructive of all honest, energetic, English opinion*. He trusted an honest Englishman to come to the right conclusion, especially upon a great national question, before all the associations and unions in the world.... If they pulled aside the veil, what did they find? Persons whom, in private life, they would not think much of. But when they hid themselves behind the title of an association or a federation, it looked so imposing that they really deluded simple men.³⁶

The result of this extreme use of party government, and the constant resort to that terrible engine of despotism—the caucus, is to reduce parliamentary representatives to mere puppets or automata, who are moved, in many instances, at the will of a mere handful of cunning and ambitious organisers. Freedom of opinion and liberty of open expression are stifled out of existence, and political conclusions, affecting a whole nation, are arrived at with as great an insensibility to reason and justice as was ever displayed in the judgments of the historical Star Chamber. The effect of all this has already begun to show itself in the servility and subserviency of many parliamentary representatives, when brought into close contact with those whose interests they have been elected to watch. A candidate may be elected by a body of constituents professing certain party tenets, and, though that party may be led, for reasons of political exigency, to advocate some measure quite contrary to its traditional principles, the representative who ventures to be true to his convictions will, in all probability, suffer the loss of his seat for his consistency. The knowledge of this possibility has led a large number of the members of every representative assembly to completely subordinate their judgment to the popular whim which is expressed by the masses. Thus, such representatives as are willing to sacrifice anything in order to retain their seat become mere delegates for the purpose of registering the wishes of the noisiest of their constituents. Mr. Chamberlain is a strong advocate for the caucus, and for the maximum of what he terms ‘organisation.’ ‘The *force* of democracy, (he says) to be strong must be concentrated.... It must not be frittered away into *numberless units*, each of them so *preciously independent* that no one of them can unite with another, even for a single day.’ In the same speech in which this truly anti-Liberal sentiment is expressed, he urges this concentration on the ground of his hearers’ ‘*eagerness for liberty*.’ Could paradox go further? Elsewhere he urges as ‘a necessity for future union and future success, that in each district there should be created a numerous, a powerful, a representative district council of the *Liberal Association*, and that to this district council *should be left* the duty of *selecting the candidates* for each of the localities.... Then these district councils might unite to form the United Liberal Association of Birmingham, which would be no longer an Eight Hundred, it would be more likely a Two Thousand, and would *alone have the power of collecting and expressing the*

36. Times Report, August 13, 1886.

opinion of the whole town.' All this from an apostle of *freedom*! Did Eastern despotism ever talk more imperiously? Were such words as 'freedom' and 'liberty' ever more disgracefully prostituted? Did hypocrisy and falsehood ever take a more impudent and audacious form than is involved in the assumption by this man of the title 'Liberal?' One is reminded of the high ideal set up before his constituents by Edmund Burke, which offers so striking a contrast to most modern electioneering utterances. 'Your representative,' he said, 'owes you, not his industry only, but *his judgment*; and he betrays, instead of serving you, if he sacrifices it to your opinion.' 'You choose a member, indeed,' he added, 'but when you have chosen him, he is not member for Bristol (that being Burke's constituency), but he is a member of *parliament*.' These words were spoken in 1774, more than a century ago, and things have much changed since then; for now-a-days 'the omnipotence of the majority creates a habit of adulation towards the people, which lowers the morality of public men, by rendering them servile and insincere, and, in short, by giving them the character of the mob courtier.'³⁷

The truth is, at the present day, 'Every candidate for parliament is prompted to propose or support some new piece of *ad captandum* legislation. Nay, even the chiefs of parties—those anxious to retain office, and those to wrest it from them—generally aim to get adherents, by outbidding one another. Each seeks popularity by promising more than his opponent has promised.... Representatives are unconscientious enough to vote for bills which they believe to be wrong in principle, because *party needs* and regard for the *next election*, demand it.'³⁸ Note the following instance of this propensity to promise indirect rewards for party support. A minister of the crown of one of the Australian colonies, a short time since, in an address to his constituents, made the following bid for public favour: 'The irrigation question,' he said, 'is one of the most important that could engage public attention. My colleagues agree with me in the matter, and they have placed before the public a proposal, which for *liberality and justice* could neither be *equalled nor surpassed*.... Under the existing law the Government could advance moneys to trusts, and *postpone the payment of interest* until the works were completed.' This offer may have been very *liberal* to the farming community, in the sense of foregoing interest to state debtors at the expense of the general public; but, whether it is, at the same time, capable of being '*equalled or surpassed*,' in '*justice*' to the rest of the community, is, I venture to think, quite a different question. I am inclined to view it as a very *unjust* method of purchasing political popularity and support, by offering money concessions to one class at the expense of the whole community.

Almost while I write, another instance is afforded in the same colony. A deputation waited upon a minister of the crown, with a view to acquaint

37. 'Influence of Authority,' p. 189.

38. 'Man versus The State,' p. 31.

him with the numerous proposals for celebrating Her Majesty's Jubilee. In the course of a somewhat desultory conversation which took place upon the subject, the minister in question himself proposed and pledged the support of his government to a vote of £20,000, *to provide an endowment for a workingmen's college*. The minister is of opinion that 'it would not be an unwise movement;' it would be 'a very good thing to do;' it would 'commemorate the Queen's Jubilee in a practical manner.' I venture to characterise this as one of the most bare-faced breaches of the principles of good government which could well be conceived. The working classes are a large and powerful body in the colony alluded to. They are as well off, comparatively speaking, as any section of society, and certainly as prosperous as, if not more so than, their own class in any other part of the world. That being the case, we find a minister of the crown, whose first duty it is to look to the interests of *every class* of citizens, proposing, and deliberately pledging his government to support a movement in parliament, which would have no other effect than that of taking £20,000 out of the *public revenue*, which belongs to *all citizens alike*, and using it for the purpose of endowing an *advanced educational establishment* for a *particular class* in the community. This is indeed a most loyal act on the part of a minister! To perform it involves no personal sacrifice. It would doubtless add greatly to the popularity of his ministry; but it means taking out of the pocket of every citizen a certain sum of money, in order to bestow the aggregate amount so taken upon a particular class in the community. And this breach of political principle is—to make the farce more complete—proposed to be done to *commemorate the Queen's Jubilee*. It would, I venture to think, be a greater compliment to Her Majesty to celebrate her jubilee by a *sounder observance*, rather than by so *glaring a breach*, of the true principles of good and equitable government. If the minister in question had read Mr. Gladstone's *Nineteenth Century* article on 'Locksley Hall and the Jubilee,' he would have found that statesman speaking of the legislation of the last fifty years as 'a process of setting free the individual man, that he may *work out his own vocation* without wanton hindrance;' and he would have found, as part of the context of those words, the following significant observation:—'If, *instead of this*, government is to *work out his vocation for him*, I, for one, am *not sanguine as to the result*.' Under such circumstances, is there much hope of sounder principles prevailing in democratic communities?

Another instance of the onward march of this spurious school of political thought is the attempt lately made in England to prevent freedom of contract between employers and employed on the subject of compensation for injuries. The law already provides that if an employé is injured in his master's service, through the negligence of his fellow-servant, the master shall, under certain circumstances, be as liable to that injured servant as if he were a perfect stranger. To avoid this liability, and the great and indefinite obligations under which it

places employers, that class has sought in many cases to avoid it, though by perfectly legitimate means. They have given a preference to those employes who were willing to exempt them from that liability in the drafting of their contract of service. In the competition for employment it has not always been difficult to make this arrangement, nor has it been unjust; for, with the wonderful growth of the institution of insurance, it is an easy matter for an employé to secure his family against any such contingency. Where this element has been introduced into a contract of service it has been a purely voluntary matter. Moreover, if the employé refused, he would either suffer a reduction of wages sufficient to enable the employer to secure himself against loss, or he would have to give place to those who *would* consent. Bearing this in view, an attempt has been made to introduce a measure to *prohibit* an employé from contracting himself out of the act; that is to say, an attempt has been made, by act of parliament, to prevent an employé from entering into such a contract of service as he may be anxious and willing to do. This I need scarcely say is a distinct breach of civil liberty. In 1884, when Mr. Thomas Burt endeavoured to pass the Bill through the Commons, a petition was presented from 1219 adult working miners, all being voters in that member's constituency. 'They objected to their freedom of contract being taken from them.' The bill was defeated, and the defeat attributed to the petition mentioned. In 1886 the measure was again brought forward, but so much opposition was offered by various organisations that it was again dropped.

Here is another form which this socialistic movement is taking. Mr. Hyndman, Grand Master of the Social Democratic Federation, writes in *The Times*, 'I hope that steps will *at once* be taken to meet the *demands* of the most important portion of our population, for the *organisation of labour upon the land*, for the *erection of artisans' dwellings, baths, washhouses, etc.*, in our great industrial centres; for the *reduction of the hours of labour in all government departments and in all monopolies*; and, in the meantime, for the *extension of out-door relief and temporary employment*, until arrangements have been made for this re-organisation.' Turn from this to another feature, in which Liberalism is drifting from its old moorings and forgetting its old traditions. No political party has ever shown greater *intolerance for independence of political thought* than the Liberal party of the present day, in Great Britain. Simply because a section of that party has differed in opinion, on the Irish question, with the bulk of the party following Mr. Gladstone, it has been subjected to an amount of bitter and offensive ridicule which would have been more in keeping with the treatment of opponents in a theological controversy of the middle ages. Sir Henry James, who has shown a constant and consistent regard for the true principles of the Liberal school, has commented severely on that intolerance. Speaking of the threat which had been made that the Unionist section was to be 'drummed out' of the Liberal party, he said: 'it meant that for the first time

in this country, an *arbitrary power* was to be applied to *men's judgments*, and applied in a manner and method, *contrary to all the instincts and the very faith of the Liberal party*. And,' (he added) 'this must and will bring upon this country great and serious political disaster.' In the reported proceedings of a Trades' Union Congress, held at Hull, in September of 1886, an attempt was made to affirm the principle of having a *minimum* rate of wages established *by the state*, 'which' (added the mover) 'will enable workmen to live decently and rear their families.' It is but fair to add that, though the resolution was much discussed, its wisdom was on the whole doubted, and the matter allowed to stand over; but, at the same Congress, it was resolved and carried 'that a bureau of labour should be established *in connection with the government*.'

Not many months ago a deputation of trades-unionists waited upon the Premier of the colony of South Australia, asking that his government would 'grant a block of land, on which to erect a Trades Hall,' or that, instead, they would 'place a sum of money on the estimates for the purpose.' These alternative proposals meant, practically, that a site for a Trades Hall, that is to say, a site for a building in which trades-unionists might more easily and more comfortably perfect their organisation, should be paid for out of the public revenue, or taken out of the public estate, in which every man, woman, and child in that colony has an interest. The effect would be to take from *everybody* in the community to give to a *class*. It is somewhat refreshing to find that the Premier of that colony knew something of political principles, and what is more rare, now-a-days, had the moral courage to say what he thought and felt upon the subject. 'This is (he said) a new idea—coming to government for every requirement.' The leader of the deputation interjected that 'though it was a new idea, it was a *growing one*,' to which the Premier replied, 'Yes, and I deeply regret the *tendency to make the government a milch cow*,' adding that it was '*a curse which was sapping the manhood of every country which practised it*.' It may be worth remarking that in the colony of Victoria, where politicians seem less capable of courageous public conduct of this kind, a large and valuable piece of ground has been already granted to the working-classes for a similar purpose. Events point to the conclusion that there is very little which they could, as a class, ask for in the latter colony, that the average run of that colony's legislators would have the courage to refuse. The working-classes number many thousands, at election time, and no government has appeared, during the last few years, possessing sufficient manly independence to treat them with the same courage and candour which is adopted towards other and less numerous classes of the community.

In the same colony (Victoria), only a short time ago, a prominent member of the Legislative Assembly asked the Postmaster-General to 'engage the services of a *sporting agent*, for the purpose of ascertaining the names of the first, second and third horses' in a certain race, 'in order that telegrams announcing

the result might be delivered as soon as possible after the race was run, at any telegraph office in the colony.' The request was at once acceded to. The effect of this extraordinary action on the part of a government was that that *portion* of the population who take an interest in horse-racing was supplied with the latest 'sporting news'; but, at the expense of the *whole* community, including those who take no such interest in that subject. The injustice of this is obvious, and would become even more so, if every section of the community claimed the right to use state-property (such as the telegraphic system) for its own class purposes. I might, indeed, mention a score of such departures into fields of enterprise, wholly foreign to the true functions of government.

One of the most serious aspects of this already sufficiently serious subject is the popular belief that municipalities can undertake many functions which it would be improper for parliament to undertake, and that, too, without any of the injurious results which might follow when the matter is undertaken by the legislature. This is a grievous error; for inasmuch as all municipal regulations, duly made in pursuance of an act of parliament, acquire the force of law; and inasmuch as some are actually so passed, those innumerable small bodies called municipal councils may be rendered capable of inflicting inestimable injury by means of a system of silent and unobserved overlegislation. The extent to which municipalities in Great Britain and elsewhere are widening their functions, in the present day, is becoming a matter for grave attention. I have before me particulars of a bill called the 'Hastings Improvement Bill.' The object of the measure is 'to confer *additional* powers' on the corporation named. It consists of 262 pages, containing 484 sections; and, in the words of a competent critic, 'it deals with every conceivable department of human activity.' This bill is only one of a type which is being sought for by all the principal municipalities of Great Britain; and I shall therefore venture to go somewhat into detail over it, in order that I may give the reader even a vague idea of the *rage* which it indicates for 'regulating' society into 'good and proper behaviour.'

I need scarcely explain that the class of men who fill the positions of town councillors in many of the less important English provincial towns, are usually small tradesmen of the busy-body type, who have lived for the greater part of their lives in a narrow groove, and whose knowledge of men and of the world is, as a consequence, almost invariably in an inverse ratio to their confidence in their own capacity. Their knowledge of the political science itself is an 'unknown quantity.' Observe now the duties which these persons would place upon their own shoulders. Take, as an instance, the town of Hastings, which I have mentioned. 'As traders, or regulators of trade, they will provide public weighing machines and measuring apparatus, with weights and measures, and appoint official weighers; they will erect, at a cost of £10,000, and maintain, public slaughter-houses. The costermonger or fish-wife will not

be allowed to sell any commodities, from door to door, without their licenses. A license will have to be procured by the payment of an annual fee, before the marine-store dealer, the itinerant rag and bone merchant, the bottle-collector, shoe-black, flower-girl, bill-sticker, bathing-machine proprietor, porter, messenger, commissionaire, or cats'-meat man, can enter upon their respective callings.... The conduct of the porter, the messenger, the commissionaire, and the shoeblack will be regulated, and appropriate badges will be assigned to them.... They (the councillors) will prescribe the times for the collection and removal of 'hogwash,' and will erect an engine... 'for the treatment by fire or otherwise,' of such of this commodity as goes begging, and of waste refuse of all kinds. They will fix the fares and prescribe the routes of omnibuses, and will supervise the conduct of the drivers, and the quantity and quality of their horses. They will see that the cranes, ropes, and tackle of merchants and tradesmen are 'proper and sufficient.' They will regulate the size, construction, and use of advertising vans, and the loading and unloading of goods in the street, as well as prohibit 'the practice of touting' for hotels, lodging-houses, carriages, or pleasure-boats. They will exercise special supervision over architects, builders, and contractors. The height of houses, and the manner of their foundations; the construction of cellars and chimney-flues, the size of timbers, the thickness of the inner and outer walls, the height of rooms and chimneys, be dimensions of hearth-stones, the ingredients of the mortar, and the quality of materials and workmanship generally, must all conform to the standard fixed by the municipal authorities; and they will superintend the erection of gipsies' tents and vans. A license will be required by any one who opens a bowling-green or skittle-alley, or who provides facilities for the games of bagatelle, dominoes, quoits, or brasses; and the hours of play will be fixed by the authorities. Similar conditions will be imposed upon any person who shall play for 'reward on any musical instrument'—the latter term including any barrel-organ, punch-and-judy show, marionettes, or performing animals. The corporation will appoint and regulate the number of oars and sails in pleasure-boats, and the places and times for the hiring of mules, donkeys, and bathing-machines; and, as regards the latter, will see that they are safe, and duly fitted with hand-lines and clothes-hooks.³⁹ It would be impossible for me to go through the thousand-and-one trivial details into which it is provided that this omniscient and omnipresent corporation shall enter. But I should fail to give an adequate idea of the extent to which human folly may go, when no limit is known or recognised to parliamentary or municipal interference with personal liberty, unless I were to add a few more of them. The municipality in question has, besides those duties above enumerated, these others following: The regulation of infectious diseases, local hospitals and dispensaries; processions; the speed of carts and carriages; and the hours

39. 'Municipal Socialism,' W. C. Crofts, pp. 10-14.

for driving sheep through the streets. On Sunday 'processions and parades,' excepting funerals and religious processions, are absolutely forbidden, and, in the cases allowed, there must not be 'any music, fireworks, discharge of cannon or firearms, or other disturbing noise.' Penalties are inflicted for throwing orange-peel on the pavement, or allowing one's servant to stand on the sill of a window for the purpose of cleaning it; for blowing any horn, ringing any bell, or using any other noisy instrument, or shouting or singing for the purpose of announcing or attracting persons to any sale, show, or entertainment; or 'for the purpose of hawking, selling, or collecting any article whatever.' The town council will inflict punishment for drowning cats and dogs; will buy and lay out recreation grounds, with refreshment sheds, and 'apparatus for games' and gymnastics. They will erect suitable statues and keep them 'in good order.' They will provide conservatories, cabmen's shelters, public libraries, and reading-rooms, baths, and wash-houses, illuminated clocks, museums, and picture galleries, stands for meteorological instruments, public bands of music, flag-staffs and weather charts, etc., etc. They will prohibit 'dangerous whirligigs and swings,' and will control the speed of such as are permitted. They will prescribe the opening and closing hours for entertainments, and punish anyone who 'discharges' a snowball, stone, or other missile, or who makes a bonfire or 'sets fire to fireworks.' Anyone who collects a crowd by flying pigeons, foot-racing, or singing, or 'who flies a kite, or uses a slide on ice or snow, or plays at pitch-and-toss, or other description of gaming, or trundles a wheel, hoop, or girth, or plays at football, quoits, pig, or other game or pastime, whether in *the street or elsewhere*, will only do so on sufferance. To complete this veritable *reductio ad absurdum* the corporation in question has taken powers in its act 'to maintain, at railway stations and other public places in the United Kingdom and France, *advertisements*, stating the *attractions* and *amusements* of the town!' As I have already said, this is no isolated instance of the extremes which are above enumerated. The measure is only a typical one, and it really contains a large number of other equally ridiculous provisions, which I cannot find space for here.⁴⁰

Turning again from municipal socialism to that of the state, let me enumerate some of the most modern instances which have attracted attention in Great Britain. During the 1886 session of the House of Commons, a bill was introduced to enable the tenant, under certain conditions, to *force* the owner to sell the freehold. After considerable opposition had been excited through the powerful influence of the English Liberty and Property Defence League, the bill was dropped. Two game bills and two land bills were likewise proposed. They have been aptly described as 'bills for legalising trespass, and for transferring to tenants the rights of the owners, without compensation,

40. I am indebted for all my information, under this head, to Mr. W. C. Croft's interesting pamphlet on 'Municipal Socialism.'

any agreement to the contrary notwithstanding.' These also were ultimately dropped.

A bill was introduced (Places of Worship Sites Bill), which, if passed, would have had the effect of enabling any twenty householders to *compel* an owner to sell a site for a religious place of worship. Another bill (Crofters No. 2), which actually passed in a modified form, had the effect of enabling tenants, in league with the Land Commission, to extort from the owner fixity of tenure, and additional land at 'regulation' rents. Seven other bills, all relating to land, were prepared for enactment, all tending in a greater or less degree to the suppression of freedom of contract, and to the substitution of *state regulation* in the management and transfer of land—steps in the direction of absolute 'land nationalisation,' in the place of qualified individual ownership. A Coal Mines Regulation Bill was also introduced, the effect of which was to subject the coal mining industry to *increased state regulation*. Four other mining bills were prepared, but ultimately abandoned: all of them being measures in various degrees and particulars exhibiting the same general tendency to the nationalisation of the mining industry. A Railway and Canal Traffic Bill was introduced, but ultimately withdrawn, the effect of which was to enable that already over-weighted body—the Board of Trade—by means of a Court of Railway Commissioners, to obtain official *control* over the *financial arrangements* of the various public railway companies. And a second bill, called the Railway Regulation Bill, was prepared, though ultimately abandoned, the effect of which would have been to enable the Board of Trade to acquire *additional control* over the practical working of railways. In the direction of shipping, a bill was introduced, though ultimately withdrawn, having for its object to enable the Board of Trade to enforce *more stringent regulations* on the sea-fishing service; and a further attempt was made at merchant shipping legislation, for the purpose of empowering the Board of Trade to prescribe for the merchant service *a code of regulations*, for the internal arrangement of the vessels, and for the management of the crews. Under the head of Manufactures and Trades, a Steam Engines and Boilers Bill was introduced, but ultimately dropped, which would, if passed, have empowered the Board of Trade to forbid the management of steam boilers on land by any person not holding a certificate. A Lunacy Acts Amendment Bill was introduced and also abandoned, by which it was proposed to close pauper private asylums without compensation. No less than six bills were introduced and ultimately withdrawn—all dealing with the subject of intoxicating liquors, and all of them being attempts on the part of the State to control the dealings and habits of buyers and sellers of alcoholic drink.⁴¹

41. I am indebted for the greater part of my material drawn from the 1886 session of the House of Commons to the annual report of the Liberty and Property Defence League of London.

These are only a portion of the attempts at socialistic legislation which were made during the sessions of 1886. They should sufficiently point to the overwhelming flood of socialism which is gradually gathering around us, and by which sooner or later our individual rights and liberties as citizens seem likely to be swept out of existence. There is, as Mr. Herbert Spencer says, a widespread assumption 'that it is the duty of the state, not simply to insure each citizen fair play in the battle of life, but to help him in fighting that battle, having previously taken money from his or some one else's pocket to pay the cost of doing it.' It is, in fact, expected that the state should not only 'guarantee men in the unmolested pursuit of happiness, but should provide the happiness for them and deliver it at the doors.'

Now, it is very necessary to remark that, in proportion as the state is more and more burdened with duties and functions, which do not properly belong to it, it will cease to carry out with the necessary degree of thoroughness, those which properly fall within its province. To be constantly watching the development of new classes of rights, in the increasingly rapid changes of modern times, and amid the increasingly complex ramifications of our highly artificial society—to provide sufficient and scientifically conceived checks to prevent those rights being ignored and abused, might, as an individual function, well occupy the time and attention of the most competent parliament. If, in addition to this, such a body is obliged to keep a watchful eye upon the outside world, and to be ever ready to meet the possible aggression of other nations, a parliament would find the fullest occupation for its deliberations. But when, in addition to these all-important duties, the parliament is called upon to supervise the management of an immense public estate, an equally immense system of public railways, a gigantic organisation for the collection of duties on imported goods, and for the payment of drawbacks on those which are exported, a national postal and telegraphic system, a national savings bank, public picture galleries and museums, the inspection of factories, of boilers, of vessels, of stock, of vineyards, of distilleries; the licensing of public-houses, and the regulation of their accommodation, an immense educational system comprehending hundreds of schools and their respective staffs, a gigantic water supply, all the necessary administration of a comprehensive irrigation scheme, and the maintenance of a large group of public charitable institutions, all of which parliament, as a body, is expected to be watching and scrutinising from time to time on the score of administration and expenditure, how is it to be expected the two first-named and only true functions can be properly or satisfactorily fulfilled? Nor are these all of the duties which modern colonial parliaments are being called upon to fulfil. Every day sees some new duty attempted to be cast upon the state—some duty, too, which could be much more perfectly and economically performed, and the expenditure of which would be more equitably distributed by means of private enterprise.

I have now spoken at length regarding the difficulties of the political science, of the social miscarriages which must and do inevitably result from its being so imperfectly understood; also of the injuries and injustices which are inflicted upon society as consequences of such want of knowledge. Most thoughtful men fully recognise all this, but answer that it is useless to attempt to stem the current of popular self-confidence. On the other hand, many intelligent—even some eminent men—follow the masses in their confident treatment of political matters, and rather encourage than otherwise, this state tampering, on the ground that it can ‘do no harm,’ and can be repealed if found unsuccessful.

They would seem to be under the impression that an act of parliament is a harmless sort of institution, that can be brought into existence as a mere experiment, and if discovered to be useless or injurious immediately repealed. This, as I have already pointed out, is not the case; for while it may take years to repeal, its influence, meanwhile, will be found to have worked incalculable injury, in directions which it is impossible to trace.

It is only about two years ago that Mr. Chamberlain advocated in the plainest terms this ‘experimental’ doctrine. ‘Now,’ he said, ‘that we have at last the government of the people by the people, we will go on, and we will make it government *for* the people, in which all shall co-operate to secure to every man his *natural rights*, his right of existence, and the *fair enjoyment* of life.... For such a purpose I do not pretend any one specific will be found. *We must try experiments*; we are bound to do it. Let us keep fast hold of the object in view and *let us try and try again till we succeed*.’⁴² That this view of political matters is erroneous, and most injurious to society, I find a host of authorities to testify. Lord Hartington, for instance, touched the core of the matter when he said, ‘I believe that legislation in favour of any particular class is likely to prevent the general prosperity, and I believe that legislation which is directly applied to the improvement of the condition of the labouring classes can only be detrimental to other classes, and will be as likely to *injure that prosperity* as class legislation of any kind.’⁴³ It must be remembered that experiments with legislation involve frequent repeals of acts of parliament which have failed to effect their intended purposes; and the future results are incalculable. Mr. Justice Kent, one of America’s most eminent jurists, has commented strongly upon this propensity to deal lightly with legislation, as if it were a matter which could be changed from time to time without effecting any injurious results. ‘A mutable legislation,’ he says, ‘is attended with a formidable train of mischiefs to the community. It weakens the government and increases the intricacy of the laws, hurts credit, lessens the value of property. It is an infirmity very incident to republican establishments, and has been a constant source

42. ‘Speech,’ Sep. 11th, 1885, (The Times.)

43. ‘Speech,’ The Times, Oct. 16, 1885.

of anxiety and concern to their most enlightened admirers. A disposition to multiply and change laws upon the spur of the occasion, and to be making *constant and restless experiments* with the statute code, seems to be a natural disease of popular assemblies.⁴⁴ The evil results of this disposition have been well elaborated by Mr. Herbert Spencer. 'We talk glibly,' he says, 'of such changes: we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious: some for a few years, some for tens of years, some for centuries.... Even to say that a law has been simply a hindrance is to say that it has caused needless waste of time, extra trouble, and additional worry; and among overburdened people extra trouble and worry imply, here and there, breaks-down in health, with their entailed direct and indirect sufferings. Seeing, then, that bad legislation means injury to men's lives; judge what must be the total amount of mental distress, physical pain, and raised mortality which...repealed acts of parliament represent.'⁴⁵

Thus it will be seen that the more one knows of legislation, the less it will be believed capable of actually *producing* happiness for the people, that is to say, happiness of a *positive* nature. It can prevent aggression and abuse by one citizen over another. It can guarantee to every citizen the freedom to do *his very best for himself*. But parliament possesses no mysterious power. It is nothing more than the *whole people*, concentrated, for purposes of practical *debate*. It can no more *make* wealth, or the comforts of life, than any other body of mere debaters. It cannot bestow comforts or luxuries on any *one* class, without taking them from some *other* class. Directly it commences such a process, it strikes a blow at the very tap-root of our social system; at the peace and goodwill which is even now maintained in the face of all the inevitable pains and anxieties of life; at that confidence in the security of property which constitutes the main incentive to work and accumulation. And, if it goes further, and inaugurates a *permanent* system of state interference with individual rights and liberties, upon which our civilisation has been reared, that too will inevitably fall, and with it will disappear all the motives of self-interest and self-help, the temperately restricted exercise of which has made the English the first and the greatest people in the world.

44. 'Commentaries,' Vol. i., p. 327.

45. 'Man versus The State.'

Chapter Nine

PRACTICAL APPLICATION OF THE PRINCIPLES OF TRUE LIBERALISM

‘If individuality has no play, society *does not advance*. If individuality *breaks out of all bounds, society perishes*.’—PROFESSOR HUXLEY.

‘The rule of our policy is that *nothing* should be done by the state which can be *better* or *as well* done by *voluntary effort*.’—W. E. GLADSTONE.—(*Liberal Manifesto*, 1885.)

‘If political science be *properly understood*; if it be confined within the limits of its *legitimate province*; if its vocabulary be well fixed by *sound definitions* and a *consistent usage*; there is no reason why it should not possess the same degree of certainty which belongs to other sciences founded on observation.’—SIR GEORGE CORNEWALL LEWIS.

I come, now, to a branch of my subject which I have approached with not a few misgivings. It is that of the practical application of the principles which I have been endeavouring to champion.

It, unfortunately, too often happens that theoretical politicians, who have certain convictions which they wish to make known, are content to commit their doctrines to paper, without sufficiently considering themselves, or at least demonstrating to their readers, in what way those doctrines are capable of practical application to the particular questions of their day. This is an objection which can fairly be urged against a very large portion of the political literature of our time; and, having had personal experience of its drawbacks, I am the more anxious to avoid the possibility of being charged with the same shortcoming. It is often believed, and not seldom publicly stated that, though a particular doctrine, whether political or otherwise, may be ‘very good in theory, it is useless in practice.’ I need not here comment upon the paradoxical nature of this statement. Every moderately accomplished student

of logic will know that the two things are contradictory; that, if a doctrine is not *practically sound*, it cannot be so *theoretically*, and *vice versa*; and as there is no subject in which theory and practice are popularly supposed to be more frequently antagonistic, than in that of politics, there is all the more reason for my showing that the doctrines which I am advocating are capable of the most ready and successful practical application to those very questions, over which the necessity for examining principles has arisen.

If I did not thus demonstrate the practicability of my proposals, I should fairly lay myself open to a very short and summary criticism. Advocates of socialist doctrines would be able, and only too ready, to dismiss my protest, by an off-hand use of the expression '*laissez faire*.' That would, of itself, be considered a sufficient explanation of my doctrines; and, as a result, many of those, whose enquiries into such a subject are hasty and superficial, would be content to regard my views as purely *doctrinaire*, and, on that ground, excuse themselves from the trouble of their perusal. I desire, however, that my theories should be guaged by their application to questions, the most *practical*, so long as the process of guaging is carried out in a broad and comprehensive spirit; that is to say, by taking other than a circumscribed and narrow view of the question under consideration, and by regarding the *remote*, as well as the immediate results of the contemplated legislative action, to which they are applied. The *remote* results of legislation are, in the present day, a completely neglected factor, in political discussion and deliberation; and I should certainly claim a much larger than the average amount of attention for them, in the application of my principles. The hasty and off-hand use of the term *laissez faire*, as usually applied, is nothing more nor less than the process of *reductio ad absurdum*, utilised for the purpose of throwing ridicule upon the doctrine of a limitation to state functions. If such a limit is advocated, there is an extreme readiness, on the part of those who take the socialist view, to say: 'Oh! of course; let everything alone! let things take their course! survival of the fittest and all that sort of thing! the weak must go to the wall, and the strong are to be allowed to crush the remainder out of existence.' I need not say that I distinctly repudiate such a view of society. To the April (1885) number of the *Contemporary Review*, M. Emile de Laveleye contributed an article, entitled: 'The State versus the Man,' in which he endeavoured to combat Mr. Herbert Spencer's views, as expressed in his (then) recently published work, entitled: 'The Man versus The State.' M. de Laveleye's paper was an attempt to show that the state was justified in 'appropriating state or communal revenues to the purpose of establishing a *greater equality among men*,' and he applied the *reductio ad absurdum* method of throwing discredit upon Mr. Spencer's theory of limited functions, by contending that, if the *laissez faire* doctrine were applied to all sociological matters, might would become right, and the physically

weak man would become the victim of the strong—that, as a consequence, society would be revolutionised. This is, of course, a very effective method of addressing careless thinkers and indifferently-read persons; but its use, as an argument, speaks badly for the merits of the cause of him who uses it. The truth is, the expression *laissez faire*, inasmuch as it does not properly express the theory to which it is frequently applied, is capable of being reduced to an absurdity of the most glaring character. The term is usually employed to describe that school of politics which recognises a *limit* to the functions of government, and which contends that, when that limit has been reached, the state should not further interfere with the free play of either mind or body among the individual citizens constituting the state. The politicians of that school contend that, *beyond a certain limit of interference*, the state should *leave the people alone*. The term *laissez faire*, however, says nothing about the limit up to which interference *is* allowed. It is simply a short term for ready application; and all who use it familiarly are supposed to know what it means. M. de Laveleye's object is, perhaps, better served by ignoring the range of interference, which even advocates of *laissez faire* approve, and, by taking the word in its literal and unrestricted sense, reducing the theory, which it represents, to an utter absurdity, by interpreting it as synonymous with *Anarchy*. Could not the same method be applied to any term which is used to shortly designate some particular school of thought? Would it, for instance, be fair or honest to attempt to render a man ridiculous who called himself an Utilitarian, by representing that he disapproved of art, literature, and all the refining influences of life because they could not be rendered *useful* in the popular sense of the term? Would it not be better for such a critic to study Bentham, Austin, and Mill, and, first, understand that the word *utility*, from which the larger term is derived, was intended to comprehend every quality which was calculated to contribute to the happiness of mankind, present or remote? Yet, this is a parallel case to that of M. de Laveleye, and many others, who are simply bent upon upholding their own theories before the general or magazine-reading public. The truth is, as the Earl of Pembroke says, in his article on 'Liberty and Socialism,' to which I have before referred:—'There is hardly one, of what are commonly called political principles, that will not lead to ruin and absurdity, if carried to its logical end, and which must not, therefore, be met at some point, and limited by its opposite.' To leave society alone; that is to say, for the legislature to *do nothing*, would simply mean anarchy. What we have to determine is whether state functions have a limit, and, if so, where that limit should be placed. All men agree that the state must do *something* to preserve *order* and thus secure *progress*. The point, as yet unsettled, is—Where should its interference stop? Mill said: 'When those, who have been called the *laissez faire* school, have attempted any definite limitation of the province of government, they have *usually* restricted it to the

protection of person and property against fraud.¹ Even this limitation would be far from leading to the brutal state of things, predicted by M. de Laveleye; but, as a fact, there is no stereotyped limit recognised among advocates of *laissez faire*. They differ, considerably, as to where that limit should be; and all they do agree upon is that there *should be a limit*.

As Mill says: 'Whatever theory we adopt respecting the foundation of the social union; and under whatever political institutions we live, there is a circle around every individual human being, which no government, be it that of one, of a few, or of the many, ought to be permitted to overstep. There is a part of the life of every person who has come to years of discretion, within which the individuality of that person ought to reign uncontrolled, either by any other individual, or by the public collectively. That there is, or ought to be, some space in human existence, thus entrenched around and held sacred from authoritative intrusion, no one, who professes the smallest regard to human freedom or dignity, will call in question: The *point to be determined is, where the limit should be placed*; how large a province of human life this reserved territory should include.'²

The recognition of a limit of some kind is, too, just now, rendered more than ever essential, since every movement, in the political world of the present day, points to a complete disregard for its existence, and threatens to invade the most inner circle of our individual and private activities. The whole tendency in modern politics in Great Britain, as also in many of her colonies, where responsible government exists, is to use the state as a means of interfering with the most personal of our civil liberties, as also of intruding upon the regulation and management of our private and legally acquired property, and, in some cases even conniving at its partial confiscation. The effect of such a policy, if persistently pursued, must inevitably prove disastrous to the progress of any community in which it is thus attempted. Capital, which really constitutes the 'tools of commerce,' is timid to a degree, and will invariably be found removing itself from such a community to others in which its security is regarded in a more sacred light. The withdrawal of capital, no matter how unpopularly that commodity may be viewed by those who do *not* possess it, is a calamity which no country and no government can regard with indifference. If capital can be properly regarded as I have ventured to suggest, viz., as constituting 'the tools of commerce,' then its partial removal from a community represents the deprivation of a corresponding proportion of the tools by which the labour of that community is enabled to find occupation. In the present age of the division of labour, the cultivation of the soil represents a very small proportion of the work which society requires to be carried on. Land itself cannot certainly be removed, but the capital by means of which

1. 'Principles of Political Economy,' p. 568.

2. 'Principles of Political Economy,' p. 569.

those who cultivate it are supported during production can be too easily diverted to a freer political atmosphere. And as to other industries in which machinery, fuel, plant, buildings, raw material, means of locomotion and other primary necessities of production are requisite—all of which come under the much condemned category of ‘capital,’ interference by the state in the shape of ‘regulation’ will very soon prevent those who own it from continuing to employ it in any particular community in which, as a result of such interference its ‘return’ is rendered less abundant than elsewhere. Upon the presence of capital in a community really depends the progress of that community. Hence, as M. Léon Say, the eminent French economist and statesman, has said, ‘If governments are allowed to over-leap the bounds of their normal functions, the first principles of civilisation will be in danger.’³ But any such abuse of functions has another undesirable result—it weakens the organism of government itself, and renders it less competent to fulfil such of its activities as are really legitimate. ‘Political theorists and statesmen, who, from an ignorance of the true limits to the practical powers of a government, extend its action beyond its proper province, not only waste its resources in vain efforts, but withdraw its effective powers from the subjects to which they are properly applicable, and thus diminish its activity in its own field.’⁴ It was said by a prominent English politician at the centenary of the publication of ‘The Wealth of Nations,’ that ‘there never was an age or a country in which the tendency to undue extension of the functions of government required so much to be enforced upon the minds and hearts of the people.’

It has been shown by Sir George Cornewall Lewis that in the earliest governments which have existed, everything was organised upon the principle of individual action,⁵ and the indispensibility, to human progress, of the free play of individual effort, has been testified to by the very highest authorities in philosophy and practical politics. Mill, himself, who took anything but a closely restricted view of state functions, nevertheless recognised, very vividly, the necessity for offering the greatest possible encouragement to individual effort. ‘There never was,’ he says, ‘more necessity for surrounding individual independence of thought, speech, and conduct, with the most powerful defences, in order to maintain that originality of mind and individuality of character, which are the only source of any real progress, and of most of the qualities which make the human race much superior to any herd of animals.’⁶ ‘There is,’ says Mr. Bright, ‘a danger of people coming to the idea that they can pull or drive the government along; that a government can do anything that is wanted—that, in fact, it is only necessary to pass an act of parliament,

3. ‘Municipal and State Socialism,’ 1886.

4. ‘Influence of Authority,’ (Sir Geo. C. Lewis) p. 217.

5. ‘Influence of Authority,’ p. 132.

6. ‘Principles of Political Economy,’ p. 570.

to make any one well off. *There is no more serious mistake than that ... I recommend the influencing of the opinions, and the actions of private persons, rather than dwelling upon the idea that everything can be done by an act of parliament.*⁷ Even Professor Sidgwick, who displays little sympathy with the advocates of *laissez faire*, is bound to admit that ‘no adequate substitute has, as yet, been found, by any socialistic reformer,’ for the motive of self-interest.⁸

The truth is, the struggle for existence, considered sociologically, is, as Mr Spencer has, in various parts of his writings shown, on the whole a health-giving process. It contributes, in the long run, to the well-being of society, even though in the struggle many unfortunate individuals are forced under. They are, what Mr. Goschen once called the ‘breakages’ of society; and individual effort, in the exercise of its humanitarian impulses, can well be left to lend a helping hand to those less fortunate ones, without adopting a means of amelioration, which at best will prove abortive, and which will, in all probability, stop the struggle altogether, by stamping out or suppressing the motive to enterprise, for which, as yet, no substitute has been found.

Endless thinkers have sounded the note of freedom, as the very starting-point of all our boasted progress. ‘The true end of man,’ says Humboldt, ‘or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers, to a complete and consistent whole. *Freedom,*’ he adds, ‘is the grand and indispensable condition, which the possibility of such a development presupposes,’⁹ and it is, therefore, the one principle, above all others, to preserve which the legislature should constantly aim. ‘The end of law,’ says Locke, ‘is not to abolish or restrain, but to *preserve and enlarge freedom*; and that freedom consists,’ according to the same writer, in the ‘liberty to dispose and order, freely, as he (every man) lists, his person, actions, possessions, and his whole property, within the allowance of those laws, under which he is; and therein not to be subject to the arbitrary will of another, but freely follow his own.’¹⁰ The ‘special function of government,’ then, is ‘to see that the liberty of each man to pursue the objects of his desires, is unrestricted, save by the like liberty of all.’ On the other hand, ‘to diminish this liberty, by means of taxes or civil restraints, more than is absolutely needful *for performing such function*, is,’ according to Mr. Spencer, ‘wrong, because adverse to the function itself.’¹¹ By means of this fuller freedom, the freest play will be given to the motive of self-interest, which, say what we will, and view it how we may, is the primary and fundamental force from which

7. ‘Speech,’ October 12, 1885.

8. ‘Economic Socialism,’ *Contemporary Review*, November, 1886.

9. ‘Sphere and Duties of Government,’ p. 11.

10. ‘Two treatises on Government,’ p. 219.

11. ‘Social Statics,’ p. 306.

all human activity, all human progress, and all human aspirations are derived. Few men of reading and reflection now recognise any distinction between what have been termed the egoistic and the altruistic impulses of human nature, when those impulses are traced to their source. Even the suckling of a child has been claimed, by one of our nineteenth century philosophers, to spring from a motive, primarily egoistic. Be that as it may, it is not difficult to see that human actions of every kind, even the (apparently) most unselfish, are traceable ultimately to the motive of self-interest. That, in truth, is the taproot of all human activity and advancement; nor should the reflection, as to its source, tend, in any way, to lower its value or importance, in our estimation. There is a higher, and a lower selfishness; the difference being that, in the former, the results are beneficial to those around us, though prompted by a selfish motive; while in the latter, though in the same way producing pleasure for self, the results involve injury to others. The effect of the former on society is good, while that of the latter is injurious. But the effect of the impulse has no connection with the source from which it springs. 'For all the desires and aspirations *of self* (as the Duke of Argyle has said) are *not selfish*. The interests of self, justly appreciated, and rightly understood, may be, nay, indeed, must be the interests also of other men—of Society—of Country—of the Church—and of the World.'¹² If, then, self-interest—for which it is admitted no substitute has, as yet, been found—is at the very root of human progress, and liberty is so indispensable to the successful exercise of that motive, then the security of that liberty (limited, of course, by a regard for others) not only becomes the first duty of the state; but the state neglects its duty so soon as it acts in such a way as to check that motive, except it be for the purpose of securing an equal freedom to all. No man of really sound mind has ever advocated absolute unchecked freedom; for it would mean absolute anarchy. Anarchy and freedom cannot be co-existent. As Locke says: 'Where there is no law, there is no freedom; for *who could be free*, when every other man's humour might domineer over him.'¹³ And Blackstone says, in much the same strain: 'No man, that considers a moment, would wish to retain the absolute and uncontrolled power of doing whatever he pleases; for, as every other man would also have the same power, there would be *no security* to individuals in any of the enjoyments of life.'¹⁴ It has been well said by one of the leading economists that 'let alone should be the rule in politics, and interference the exception;' and the same idea is expressed in the contention of an equally high authority, that government should secure to its citizens the '*maximum* of liberty' and should indulge in the '*minimum* of interference.' In all cases the burden of proof, that interference is necessary, should be thrown upon those

12. 'Reign of Law,' p. 370.

13. 'Two treatises on Government,' p. 219.

14. 'Commentaries,' Vol. ii., p. 500.

who are urging it. 'Even in those portions of conduct which do affect the interests of others, the onus of making out a case,' says Mill, 'always lies on the defenders of legal prohibitions.'¹⁵

There is no greater source of error, in the criticism of legislative proposals, than that of limiting one's investigations to the more *immediate* results of a measure. It frequently happens that a legislative proposal is unanimously approved, on the ground that it will benefit *some*, without immediately, injuring the *rest* of society; but, quite as often as not, such a measure, if sufficiently investigated, in its *ultimate* results, will be found to lead to a loss of character to those benefited—a demoralisation, in fact, of the spirit of self-help and independence, which, in the one case (non-interference) would have been exercised; in the other (interference) will be discouraged and weakened in its vigour. The average politician, and certainly a large proportion of the public themselves, give no heed to such considerations. Such people 'never look beyond proximate causes and immediate effects;...they, habitually, regard each phenomenon as involving but one antecedent, and one consequent. They do not bear in mind that each phenomenon is a link in an infinite series.'¹⁶

There is now a tolerably clear proposition before us. Admitting that liberty is essential to the well-being of society, upon which there is probably no difference of opinion, the question is—Whether *any* limit should be placed to the interference by the state with that liberty, and, if so, what that limit should be.

The modern tendency to disregard all such limits, and, even, to act as if there could be no possibility of any being required, has at last led to a reaction. There is fast springing up in Great Britain, a party of politicians deeply imbued with the belief that individual freedom will require to be more carefully guarded than it has been during the last quarter of a century. Such persons are beginning to adopt a new party-title—that of 'Individualists,' in order to distinguish themselves from the followers of the more popular Socialistic school. As Radicalism becomes more and more Socialistic in its tendencies, there will, naturally, be a disposition on the part of the more moderate Radicals to seek refuge among the Liberal party; and the more moderate Liberals, as also the Conservatives, many of whom are now favourable to the true principles of Liberalism, will be drawn into membership with the Individualist party, in their desire to recognise some sort of limit to democratic interference with individual freedom, with private enterprise, and with the rights of property. The principles which I have classed under the title of 'True Liberalism' are almost identical with those which an advocate of *laissez faire* (according to the proper meaning of the term) would approve. The only difference, of any consequence, among the advocates of that principle is as to *where* that limit

15. 'Principles of Political Economy,' p. 569.

16. 'Over-Legislation.' (Collected Essays), Herbert Spencer.

should be placed, beyond which state interference should not go. Socialism is, in effect, a struggling for equal or, at least, approximately equal wealth and social conditions. It is none the less so because of the impossibility of attaining to the extreme point desired, viz., *absolute* equality. That that attainment is impossible has been admitted by Mr. Chamberlain himself, but he nevertheless advocates, as I have shown in my opening chapter, the attempt at an approximation. The fundamental distinction which appears to be unobserved by the advocates of Socialistic legislation is that which exists between equal *wealth* or *social conditions* on the one hand, and equal *opportunities* on the other. No one now-a-days would seriously contend that one citizen should possess better opportunities than another. It is admitted, on all hands, that all should be equal in that respect, that is to say, that *every* citizen should be *free to attempt* anything which his fellow-citizens are allowed to do. But Socialists claim that every citizen should *have* or *possess* anything which his fellow-citizens possess. There is a great difference between giving a man the *liberty* to do anything, and supplying him with the *means* with which to do it. This distinction has been clearly stated by Hobbes in his own quaint way. He says, in the chapter of his 'Leviathan,' entitled 'The Liberty of Subjects:' 'When the impediment of motion is in the constitution of the thing itself, we use not to say, it wants the *liberty*, but the *power* to move, as when a stone lieth still, or a man is fastened to his bed by sickness.' True Liberalism would give to every man the *liberty* to do anything which his fellow-citizens are allowed to do; but Socialism is not content with liberty only: it wants the state to confer the *power* also, that is to say the means. If a man is incapable now-a-days of living as he would wish, it is not by reason of the existence of any aristocratic privileges. There is now no law of any kind, which restricts the liberty of the poor man, without also equally affecting the rich. There is, now, no legislative or enforcible social restriction which will dictate to the poorest citizen the quality of clothes he may wear, the amount of wages he may receive, the number and nature of the courses of which his meals may be constituted, the distances he may travel for work, or the nature of the arrangements for combination which he may enter into with his fellow-workmen. He may wear apparel as elaborate and as gaudy as that of Oliver Goldsmith in his most prosperous moments—if he possess it; he is at liberty to receive wages as large as the income of a Vanderbilt—if only he can earn them; he can live in true epicurean style—if only he be possessed of the viands; and he can, by combination with his fellow-workmen, lift his wages to unprecedented levels—if only the laws of supply and demand will admit of it. The state, far from interfering with him in the enjoyment of these liberties, has secured that enjoyment to him—provided he obtain for himself, and that lawfully, the material which is essential to such enjoyment. But while the state thus secures him that *liberty* of enjoyment of *his own* possessions, it stops short, or should stop short at that stage at which he asks for the material

itself. This is where Individualism and Socialism diverge; and it requires, I think, only a moment's reflection to see which is the only possible policy of the two. Socialism practically says, 'We have the liberty to dress and eat as we like, to be educated and to lift our wages as high as economic laws will allow—but we want you to supply us with the clothes, the food, the education, and the work itself even, out of that apparently inexhaustible fund known as the general revenue.'

I have said there is now no law restricting the poor and not the rich. That is so; but the converse is not the case. The incoming tide of Socialism has already begun to affect the propertied classes on behalf of the masses; to restrict the use of their private property, as well as to tax them on behalf of the less successful. It may be contended that wealth is an obstacle 'of human origin,' within the meaning of the definition laid down by Mr. Broadhurst. Now, in the first place, the possession of wealth by one man is *not* an obstacle to another, and really does not *prevent* anybody else from reaching the same goal, provided that the latter possesses the necessary qualifications for so doing. The possession of wealth by one citizen really removes him from the struggle for existence, and so lessens the competition which that struggle involves. In that respect the working classes are really benefited. But the possession of wealth by one citizen means, also, the enlisting, as it were, of a further stock of tools for the *employment* of labour, and a further competition among *capitalists* in the *demand* for labour. In this way again the labouring classes are benefited. The possession of wealth by one citizen certainly enables him to avoid some of the pains and inconveniences of the struggle for existence, which his poorer fellow-citizens have to encounter and bear; but the greater enjoyment by the one, does not, in any way, curtail the liberties of the other. All, then, that a citizen can ask for from the state, is that he may have secured to him as *free a course* as others have had in the struggle for existence.

After devoting an unusual amount of attention to the study of this and kindred subjects, I have come to the conclusion that the cardinal error lying at the very foundation of all the existing discontent with past and present social arrangements is the wide-spread belief that to be (what is popularly termed) 'well-off' is really man's *normal* condition; and that to be compelled to work, to be poor, and lacking many of the comforts enjoyed by those who have been more fortunate in the struggle for existence, is his *abnormal* condition.

The truth is that the primitively normal condition of man, even in a sparsely populated country, is one of a precarious and hand-to-mouth character; that by the knowledge and utilisation of that fundamental economic principle known as the 'division of labour,' and by the accumulation of property thus rendered possible, many of the dangers—such as famine and disease—to which man, in a primitive condition, is subjected, are averted; but that, nevertheless, it is equally necessary for man to labour, by hand and by head, in order that he

may live. This, then, is the *normal* condition of man, even after the 'division of labour' has secured us so many advantages. But it must be remembered also that the struggle for existence is more and more intensified with the increase of population, and the consequent lessening of the area of the earth's surface which each citizen may enjoy. That nearly forty millions of human beings should be able to exist, from year to year, within so small an area as that of Great Britain, is overwhelming evidence of the immense advantages which the division of labour, throughout the world, has secured to society. One can easily imagine what the normal condition would be, under such circumstances, if that principle were *not* observed, and if every one of that forty millions sought to supply themselves with all the necessaries of life. When that picture has been fully realised, it will become an easy matter to see that the condition of the *most discontented* even, among the poor of Great Britain, is *immeasurably superior* to that which would result from a return to a primitive method of living, such as I shall show is invariably resorted to in all would-be-ideal communities. The *normal* condition of man then, especially in closely populated countries, is *necessarily one of struggle and dependence*; and by the non-adoption of the principle of the 'division of labour' it would obviously be *much worse*. Now it so happens that in order that this beneficial principle of the division of labour may be fully utilised, society, in its myriad ramifications, has developed a large and necessarily intelligent class of men, called in general terms, 'middle-men.' The members of this class, whose ranks any citizen is at liberty to join—if he possess the ability to succeed—are enabled, by dint of superior capacity, to acquire possession of a surplus—over and above their daily wants—of what is commonly called 'wealth.' They immediately turn that to account, by using it as a means of further production, in which the further employment of labour is involved. Their *wealth*, or, in other words, their *savings*, thus converted into property of some kind conducive to production, multiply, and those of the class, who are successful in their enterprises, become possessed of a more than equal share of the world's accumulations. They are then called 'capitalists.' The cardinal error, of which I have spoken, consists in the poorer classes erroneously assuming that the condition of the capitalist is the *normal* one, and that they themselves, in being compelled to work on from day to day in order to live, are being deprived of some benefits to which they have a sort of right. In fact, the demands which are frequently made by Socialists, for a better condition of things, are almost invariably made upon the ground of their being the 'rights of labour.' There is a vague sort of belief among them that it is in some way possible, through the medium of parliament, to *level up*, as it were, and thus bring about a more satisfactory average condition of society. The schemes, by which this ideal state of things is hoped to be realised, are as various as they are numerous. All attempts at realisation have, so far, failed, as I shall show in the following chapter. The truth is that the social condition of the more

fortunate class alluded to—and which social condition is, unfortunately, made the standard to which Socialists *demand to be lifted*—is an abnormal one. As a class they are an indispensable accompaniment of the division of labour; for, in order to obtain an abundant and economical production of the numerous necessities of life, capital itself, in many forms, is indispensable.

The different forms of property which come under the term, must be owned and maintained by somebody—otherwise that abundant and economical production could not be carried on. Without capital, the advantages of the division of labour could not in fact be reaped. The class known as ‘capitalists’ is what may be termed a *naturally selected* one, and it is open to all comers. As a class they cannot be done without; and if the rewards, which their administrative ability now secures to them, were to be appropriated by the state, the incentive being gone, that ability would very soon cease to display itself, and society would lose the benefits of any such accumulations being worked by the most competent hands. Their social condition is certainly far above the normal level, and it is impossible for all to enjoy similar advantages. It is, moreover, the class among which all healthily constituted people are endeavouring to enrol themselves—not excepting even Socialists.

It is sometimes contended that the possession of wealth by one man is an ‘obstacle’ to the progress of another towards some legitimate goal; and it may possibly be contended that it is an obstacle of ‘human origin’ within the meaning of Mr. Broadhurst’s definition of Liberalism. But I deny that it is an obstacle. The possession of wealth by one man really cannot prevent a second from pursuing his own course. It certainly may give the possessor a *better chance* than his neighbour, who has none; but cannot really interfere with the neighbour’s liberty. All that a citizen can therefore ask for, from the state, is that he may have as *free a course* as others, to pursue his own chosen walk in life. If, however, one man is allowed to call in a majority of his neighbours (which he practically does, by utilising a majority in parliament,) to help him to take, from another neighbour, *part* even of what that neighbour has legally accumulated, the latter will very soon cease to accumulate; and, inasmuch as accumulation necessitates the exercise of mind and body, which none of us really like apart from what it leads to, men would, if such a course were systematically and persistently pursued, very soon cease to exert themselves beyond what was absolutely essential for their own immediate wants. By continuing the process, society would, undoubtedly, very soon find itself in a condition of primitive life. As Mr. Henry George has said, ‘Socialism, . . . society cannot attempt. We have passed out of the socialism of the tribal state, and cannot re-enter it again, except by a retrogression that would involve anarchy, and perhaps barbarism.’

Socialism practically aims at the *approximate equalisation of the conditions of living among citizens*. The Radicalism of the present day does the same, and it is

admitted to be synonymous with Socialism.¹⁷ The Radical party acknowledges no limit to state functions. Its advocates *boast*, in fact, that the 'death knell' of *laissez faire* 'has been sounded.'¹⁸ Liberalism can, therefore, have nothing in common with either Radical or Socialist doctrines. The struggle is between 'Individualism' and 'Socialism.' Lord Hartington speaks true Individualism, and also true Liberalism, when he says: 'What all Liberals, most strongly, most ardently desire, is that as large an amount of personal freedom and liberty as is possible should be secured for every individual, and for every class in the country.'¹⁹

Let us enquire now, how the true limit, beyond which the state should *not* go, is to be found. Is it capable of being found at all? Some writers say not—that no definite rule can be laid down, but that each case must depend on circumstances. The best way to settle the question, I venture to think, is to find out, first of all, what any such principles, if found, or attempted to be found, must depend upon. If the state is not to interfere beyond a certain point, why is it so? Is it a matter of *right*? That, in itself, is an important question, and one which has led to a large amount of controversy. If individual citizens possess *rights* against the rest of the community, it should be easy to ascertain what they are. When that is done, the limit of the rights of the state in the contrary direction—that is, against the citizen—will have been determined. There are two theories concerning the position of the citizen towards his fellow-citizens. One theory is that every man has what are termed 'natural rights'—rights irrespective of society, such as his earliest ancestors may be assumed to have enjoyed in their natural state. By a philosophic fiction, men are supposed to have agreed to live in communities, and, in pursuance of that agreement, to have *given up* a portion of their 'natural liberty,' in order to enable the community to be carried on harmoniously—the immediate objects of such a compact being the protection of the person, and the protection of private property. The other theory is that, inasmuch as man, in a state of nature, has no rights, except such as he is strong enough to enforce; by the formation of what is termed society, a new order of things is established; then each and every constituent member of that society is called upon to give obedience to the governing power, whatever form it may take, and henceforth possesses no rights, except such as are conferred upon him, and thereby undertaken to be guarded by that governing power.

The first of these views is founded upon the theory of an implied 'social contract,' and is adopted by many influential writers. Blackstone, for instance, whilst repudiating, as 'too wild,' the notion of men having actually met together, and entered into such a social contract, nevertheless contends that

17. 'Radical Programme,' p 13.

18. 'Radical Programme,' p. 13.

19. 'Speech,' July 12, 1886.

such a contract, 'though perhaps, in no instance, has it ever been formally expressed at the first institution of a state,' must 'in nature and reason, be *understood and implied* in the very act of associating together.' In his chapter on 'Royal prerogative,' he speaks thus unmistakably on the point: 'Man possesses a *right*, which may be denominated his *natural liberty*. But of this, every man *gives up* a part, in consideration of the advantages he gains, by becoming a member of society.'²⁰ And, again, he says: 'Political or civil liberty is no other than natural liberty, *so far restrained* by human laws (and no further), as is necessary and expedient for the general advantage of the public.'²¹ Mr. Herbert Spencer takes the same view—that is, as to rights existing irrespective of law; and he contends vigorously for its recognition, in his comparatively late, and most instructive work, 'The Man versus The State.' In his 'Social Statics,' first published when his name was little known, and which he has since declined to re-publish on account of its admitted crudeness in some details, he uses the term 'right' with unbounded freedom. He goes so far even as to speak of the *right* of an individual 'to ignore the state,' by 'relinquishing its protection, and refusing to pay towards its support.' The most summary way perhaps by which such a *right* could be tested would be by *trying it*, that is to say, by refusing to pay taxes, on the ground of not desiring the protection which it was required to maintain. It is probable, I venture to think, that the supposed *right* would be found to be a *wrong*. It was thought by some disciples of Mr. Spencer that this was probably one of the subjects upon which he had modified his views since the early publication referred to; but by his later work, which I have mentioned, he appears to still hold the theory unassailable.

The second view also has influential advocates. Professor Stanley Jevons, for instance, says: 'In practical legislation the first step is to throw aside all supposed absolute rights.'²² If there are any *natural* rights, one would think that of property, rightfully acquired, one of the surest; yet Bentham says: 'We shall see that there is no such thing as natural property, and that it is entirely the work of law.... Property and law are born together, and die together. Before laws were made, there was no property; take away laws and property ceases.'²³ Again, he says: 'The principal function of government is to guard against pains. It fulfils this object, by *creating* rights, which it confers upon individuals: rights of personal security; rights of protection for honour; rights of property; rights of receiving aid in case of need.... The law cannot *create* these rights, except by creating corresponding obligations...without creating offences.'²⁴

20. 'Commentaries,' Vol. ii., p. 500.

21. 'Commentaries,' Vol. ii., p. 500.

22. 'The State in Relation to Labour,' p. 8.

23. 'Theory of Legislation,' p. 113.

24. 'Theory of Legislation,' p. 95.

Austin—no mean authority on such a subject—very summarily disposes of the question. ‘Strictly speaking,’ he says, ‘there are *no rights*, but those which are the *creatures of law*.’²⁵ Burke says: ‘Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he *gives up his right* of determining what it is, in points, the most essential to him. That he may *secure* some liberty, he makes a surrender in trust of the *whole* of it.’²⁶ ‘Where there is no law, there is *no freedom*; for liberty is to be free from restraint, and violence from others, which cannot be where there is no law.’²⁷

Without presuming to rigorously criticise these various and conflicting views, I content myself with the adoption of the latter. There can be no right (I venture to think) which is not backed up, as it were, with some authority—some power of enforcing it. Austin says, of ‘natural and moral rights,’ that they are *imperfect*, because they are ‘not armed with the legal sanction, or cannot be enforced judicially.’

I have mentioned these two theories of rights, not because the discussion or the distinction seems to me to be of any great importance in itself, but because the adoption of the latter view cleared away for me, and I think might clear away for others, many of the most troublesome doubts regarding state functions.

If a man has *rights* against the state, irrespective of law, the rule which determines where the state should, and where it should not interfere with individual liberty, would, of necessity, be definite, and, once for all, ascertainable. The adoption of any such rule, if carried out in the strict letter, would lead to great practical inconvenience in many matters of every-day life. For instance, if every individual had, as Mr. Herbert Spencer claims the right ‘to ignore the state’ and repudiate his share of taxation, on the ground of his not desiring protection from the army, the navy, or the law, there would quickly grow up, in such a community, numerous sections of persons, each demanding differential treatment in matters of government, on the ground of their possession of such ‘natural rights.’ The latter method of viewing man’s position, which I have myself preferred, besides appearing sound, gets rid of all such difficulties. By its adoption, man is taken to have given up his natural liberty by becoming a citizen of any state. Henceforth he has *no rights*, except such as the state affords him, in common with all his fellow-citizens. Those *rights* are conferred, or, as Bentham says, *created*, by imposing *restrictions* on his fellows, who would be apt, otherwise, to interfere with him. Every right thus involves a restrictive law, and what is not so restricted is taken to be allowed, as far as the state is concerned. Here, now, is the important point to be determined, and one which clears away a host of difficulties which are involved in the adoption of

25. ‘Jurisprudence,’ Vol. i., p. 354.

26. ‘Reflections on the French Revolution,’ Vol. ii., Collected Works, p. 332.

27. ‘Two Treatises on Government,’ John Locke.

Mr. Spencer's theory. The state can do anything, that is to say, can make any law, unrestricted by 'natural rights,' 'natural liberties,' or anything of the kind. The test of all legislation, instead of being a matter of *right*, regarding which no two people are agreed, becomes one of simple *expediency*. Legislation is, by this theory, at once elevated into an art, founded upon the science of man and the science of society. It then becomes the duty of the legislator to consider the welfare of the whole community, and not merely those who now form it, but, also, those who are to come—that is to say, posterity. A community is continuous, and should be so viewed by legislators.

The test of legislation is not what the present generation would like, or even what might be beneficial to it alone; for we might all add indefinitely to our national debt, and, meanwhile, enjoy ourselves on the proceeds, throwing the burden on to those who come after us.

We must, therefore, view society very broadly; we must regard, with the greatest care and attention, the *remote*, the *ulterior* effects likely to arise from present action. We must, as Bastiat puts it, take into account 'what is not seen, as well as what is seen.' It is, for instance, ridiculously short-sighted for legislators of this generation to offer assistance to, or encourage idleness and indifference in a large section of the living generation (however much they may like it and praise them for it) if the probable, or even the possible effect will be to diminish the incentive to self-help and independence of spirit in the generations which are to succeed it. We must look carefully to the national character; to see that in nothing we do, is there any danger of removing the motives and inducements to thrift and providence among citizens. Mr. Stanley Jevons has well said: 'I conceive that the state is justified in passing any law, or even in doing any single act which, *without ulterior consequences*, adds to the sum total of happiness. Good done is sufficient justification of any act, in the *absence of evidence that equal or greater evil will subsequently follow*.' Even upon this basis of expediency, as the standard of legislation, it becomes essential, always, to consider what measures, or what abstention from measures is essential to the progress and development—the improvement and elevation of the people. Individual action, and individual liberty, upon which it depends, we have seen to be indispensable to human progress and improvement. The question to be considered is how far should that liberty be restrained? The natural tendencies of man to demoralisation are so numerous, that the study of him alone, as an individual, quite apart from the study of society as an organism, is complex almost beyond conception. The dangers which have to be guarded against are almost incalculable. When we consider how prone man is to idleness if not spurred on by constant necessity; how easily and quickly he inclines to disregard the rights of others, if not constantly and sometimes forcibly reminded; how widespread is the belief that the state is a huge organisation from which benefits can be drawn *ad infinitum*, and without the

necessity for being replenished; the extreme jealousy of many men at seeing others better off than themselves, and the consequent readiness to approve any scheme which promises to immediately lessen or remove the disparity; the liability of most men to believe, with the smallest amount of persuasion, that they are suffering some disadvantage or injury at the hands of their more fortunate fellow-citizens;²⁸ the temptation of men of quick aptitudes and low morals to trade on this tendency; the proneness to laxity in enterprise, if not accompanied with a spur to action, such as the necessity for dividends, which serve as a mirror to the economical working of the organism; the tendency to criticise all things hastily, to consider immediate results only, and neglect those which are more remote; the temptation to hastily utilise state help, without considering, sufficiently, the effect upon national character in the future. These and numerous other considerations are completely overlooked or cunningly utilised, as the case may be, by the average legislator, whose chief aim is served if he has pleased those who elected him to his position. The question, now, is whether, admitting expediency to be the test of legislation, it is possible to lay down any broad general principles which may serve as guides in its enactment. Some writers say that no definite lines can be laid down; but almost all, of any authority, admit that there is *some* limit. Almost all differ as to *where* that limit should be placed. I venture the opinion that the unsettled condition of this question, and the consequent non-existence of any universally recognised principle as to that limit, is mainly attributable to the want of unanimity regarding the more primary question concerning the existence of what are termed 'natural rights.' It seems inevitable that so long as one school of political thought continues to recognise a domain of 'natural rights,' the hard and fast boundaries of which the state has no justification for entrenching upon, while another school claims that the state can do anything which contributes to the general good, the subordinate question of a definite limit to state functions should remain a sort of undefined territory. But I accept the opinion, which has been expressed by Sir George Cornewall Lewis, that 'if political science be properly understood—if it be confined within the limits of its legitimate province, and if its vocabulary be well fixed by sound definitions and a consistent usage, there is no reason why it should not possess the *same degree of certainty* which belongs to other sciences founded on observation.'

Among those authorities who consider it impracticable to lay down any definite rules, as guides to legislators, are Professor Sidgwick, Professor Stanley Jevons, and the Earl of Pembroke (address on 'Liberty and Socialism'). M.

28. I have heard one of the most prominent of Australian politicians (who owes his reputation and success entirely to his having been considered 'the friend of the working man') confess that the surest road to popularity with that class was by *persuading them they were injured*. I hope the charge is not universally true, but I know that the method was adopted with great success by the politician mentioned.

Léon Say, too, confesses that ‘the proper limit of state action cannot be laid down in the same way as a boundary line on a map,’ because ‘it is a boundary which alters in accordance with the times, and the political, economical, and moral condition of the people.’ But, the same authority adds: ‘Though its position *is* subject to modifications, it is not, on that account, the less definite.’²⁹ This much can certainly be admitted; that, on account of the variety and complexity of human wants, it is impossible to provide any single principle, or even code of principles, which could be applied to legislative proposals, so as *at once* to gauge their value. But it is equally clear that there *are* some principles, to which men consciously or unconsciously refer, when called upon to determine whether any proposal is, or is not a legitimate and proper one to which to give legislative sanction. If this be so, it is surely possible to say what those principles are, and to lay them down, with some degree of definiteness, as a *partial* guide in legislative deliberations. All writers of any importance practically agree in saying that freedom should be the rule, and that interference should be the exception; that is to say, that when any one advocates a further interference by the state, he should have thrown upon him the obligation of proving the necessity for the proposed innovation.

We have seen, in a previous chapter, that the first necessity of human progress and development is freedom for the individual; that *absolute* freedom results in anarchy; and that, therefore, there must be a sufficient limitation to prevent that abuse. We have seen also that this result—this medium as it were, by which the benefits of liberty can be enjoyed, and the dangers of anarchy avoided—is most surely attained by affording to every citizen: (1) Security for the person. (2) Security for property; that is to say: (1) Liberty to do as one chooses (consistently with other persons’ liberties) with one’s own person, and one’s own individuality. (2) Liberty to do as one wishes with one’s own legally acquired property, subject to the same reservation.

Now, society has already framed laws, and at different periods of history elaborated them, in order to meet the fresh developments which have arisen over these identical wants; and it affords a strong confirmation of the soundness of the above conclusions, arrived at by a process of analysis, that the history of our law should show those two social wants to have been the first to be provided for. I take Blackstone as perhaps the most concise expositor of English law. In his Commentaries it will be found that Book I. is devoted to ‘Personal Rights,’ and Book II. to the ‘Rights of Property.’ Under ‘Personal Rights’ he includes ‘Personal Security’ and ‘Personal Liberty.’ Regarding the former he says: ‘The right of *personal security* consists in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation.’ Regarding the latter he says: ‘*Personal liberty* consists in the power of locomotion, of changing situation, or moving one’s person to whatsoever

29. ‘Municipal and State Socialism,’ p. 15

place one's own inclination may direct, without imprisonment or restraint, unless by due course of law. *The rights of property,*' he says, 'consist in a man's free use, enjoyment and disposal according to the laws of the community, of all his acquisitions in the external things around him.'

The fact that these two important branches of rights—those of the person and those of property—have been so carefully *created* and preserved in the past; that they are dealt with as the two *most* important of all; and that they were thus regarded, so early in the history of our race, are sufficiently strong evidence of their having been found essential to the progress of our ancestors, and of their being equally essential to our maintenance of the same standard of enterprise and excellence among men. From these rights, then; that is to say, from the most ancient laws of our nation's constitution, it seems possible to deduce, and lay down certain broad principles, which should serve as guides in future legislation. I do not contend that they should be inflexible or incapable of modification; but I do claim that whoever is venturesome enough to propose any radical departure from them, or any measure which involves an inroad upon their completeness, should be forced to give very convincing evidence of the necessity for such a step. Already we hear of proposed legislation, which, if adopted, threatens to subvert one of the first principles of our constitution. If, from time immemorial almost, an Englishman has possessed the right, as Blackstone puts it, of 'the free use, enjoyment, and disposal, according to the laws of his country, of all his acquisitions,' it is surely a grave proposal that one class in the community (as is proposed in England) should be enabled, through the medium of the legislature, to *force* others of their countrymen to sell portion of their landed property for the benefit of those others, and moreover against their will. Yet, such is the Allotments scheme, now somewhat popular in Great Britain. The broad principles, then, which I should venture to lay down as guides for any one assuming the reponsible position of a legislator are three in number.

1. The state should not *impose taxes*, or *use the public revenue* for any purpose other than that of *securing equal freedom to all citizens*.³⁰
2. The state should not interfere with the *legally acquired property* of any section of its citizens for any other purpose than that of *securing equal freedom to all citizens*; and in the event of any such justifiable interference amounting to appropriation; then, only conditional upon the lawful owner being *fully compensated*.
3. The state should not in any way restrict *the personal liberty* of citizens for any other purpose than that of *securing equal freedom to all citizens*.

30. I am well aware that the first of these three principles could, strictly speaking, be included within the second, for to impose taxes is really to interfere with property; and to use the public revenue, in which each and every citizen has an interest, practically produces a similar result; but inasmuch as the lapping of the two is not palpable, I have chosen to separate them.

I repeat that I do not offer these as *conclusive tests* of the wisdom of any proposed legislation. I claim for them this use, however, that they should, in every case, be applied to any such proposal; and if, on such application, the new rights sought to be conferred, and the restrictions on liberty which they must necessarily involve, do not conflict with either of the three principles, there can be little objection to its legislative sanction. If, however, any such proposal is found to come into conflict with either of those principles; then, I contend, a great responsibility is cast upon him or them who demand the interference of the legislature; and he or they should be forced to prove, conclusively, that the necessity for the proposal is *so urgent* that it overrides the consideration of its transgressing one of the fundamental principles upon which our social system has been built up. He should be compelled, too, to show a strong probability that the proposed means *will effect the desired end*, without producing an *equally or more injurious* result to society, in *some other direction*, or at *some other time*. The effect of the regular application of these principles to proposed measures would be, in the first place, to determine on which side the burden of proof lay; and then it would rest with those who have cast upon them the responsibility of giving the legislative sanction, to determine (1) whether the *necessity* has been proved; (2) whether, under all the circumstances of the case, that necessity is *sufficiently urgent* to justify the subversion of a principle which is immemorial, and which has for centuries served as one of the pillars of our social fabric; (3) whether it has been shown that the proposed measure will effect the purpose aimed at, without, at the same time, producing injurious results to society in *some other*, perhaps unsuspected, *direction*, or at *some other time*.³¹

I propose now, having arrived at this stage of my argument, and having placed myself in possession of a basis upon which to work, to apply these principles to certain of the more important practical questions—subjects of discussion in the present day. I do this, not so much with a view to determining the merits of those particular proposals, as for the purpose of fully explaining and illustrating the process by which, I submit, all practical legislation should be tested. I shall first ask, regarding each of them, whether it conflicts with either of the principles laid down; and, in the event of its so doing, I shall proceed to carefully examine its merits and alleged necessities, in strict accordance with the method which I have explained.

As the various subjects with which it is my purpose to deal are capable of classification under three heads, according to the respective principles to which I conceive them to apply, I have chosen to deal with them in that order.

31. 'It is not sufficient (says Professor Stanley Jevons) to show by direct experiment or other incontestable evidence that an addition of happiness is made. We must also assure ourselves that there is *no equivalent or greater subtraction* of happiness—a subtraction which may take effect either as regards *other people* or *subsequent times*.'

I shall, in the first place, take those which come under the first of the three principles, viz.,

The state should not impose taxes, or use the public revenue for any purpose, other than that of securing equal freedom to all citizens.

Poor Laws.—In order to carry out the process of criticism which I have already explained, it is, in the first place, necessary to consider whether the system known as the Poor laws transgresses the above principle. There can be little doubt that it does, for it involves the imposition of taxes; and the purpose is clearly *not* that of securing 'equal freedom' for all citizens. Every citizen has now secured to him the *liberty* to live as he chooses, but there is no such obligation on the state to supply the *means* by which that living can be enjoyed. The effect of the poor laws is to approximate, in a slight degree, to an equalisation of the conditions of life, by taking from one citizen to give to another. This is a process which, if carried to an extreme, would produce community of possessions, that is Communism; and although the approximation which it involves is small, in fact almost infinitesimal in degree, it is the 'thin end of the wedge,' and, in time, would be regarded by some as a *precedent* to justify a still further approximation.³²

The system, then, which is known by the name of the Poor Laws is clearly a transgression of this fundamental principle, and, in accordance with the method of criticism which I have advocated, it is now necessary to consider whether there is sufficient ground, in its surrounding circumstances, to justify so serious a departure from the broad principle which it so transgresses. In such an investigation, it is, above all things, necessary to remember that the burden of proof lies wholly upon the advocates of the system—that is to say, of Poor laws generally; and the amount of evidence in its favour should preponderate greatly, and its nature be unmistakable and unimpeachable, before the departure should be entertained. It is equally necessary to demand from its advocates satisfactory proof of the probable efficacy of such legislation, as also that the removal of the evils aimed at—poverty and distress—will not be followed by the creation of other evils in some *different direction*, (not perhaps dreamed of,) or at some *different time*. 'The object of a poor law (says Sir G. Cornwall Lewis) is to relieve the various forms of destitution and want, out of a fund created by compulsory taxation. Its principle is to take the

32. As an instance of the manner in which this principle of *prescription* may be abused, the author of 'The Radical Programme,' to which I have already referred, actually claims that, inasmuch as the state has already thrown on the community at large three-fourths of the burden of maintaining state-schools, it has 'admitted' that there is 'a *duty* to provide *the whole*': therefore that such schools should be free! If such a contention can come from such a quarter, one would have little cause for surprise at hearing it contended that the state had, for all time, *admitted the right of every poor man* and every idle man to receive support from his fellow-citizens. Mr. Chamberlain has in fact already spoken of the claim to such assistance as '*a right*.'

property of the wealthier classes, and to divide it among the poorer, upon the petition of the latter, and without obtaining from them and equivalent.³³ The same writer subsequently admits that ‘*severe* distress is a legitimate object of public policy, up to a *certain limit*, but requires *counteracting forces* to deter applicants.’ Otherwise, he thinks, it would ‘become a system of legal spoliation, which would impoverish one part of the community, in order to *corrupt* the remainder.’ No principle is here mentioned, by which the deduction as to the legitimacy of the object is arrived at. Mr. Herbert Spencer objects to poor laws, because ‘in demanding from a citizen contributions for the mitigation of distress—contributions not needed for the due administration of men’s rights—the state is *reversing its function*, and *diminishing* that liberty to exercise the faculties which it was instituted to maintain.’³⁴ The same writer says: ‘Those who made, and modified, and administered the old Poor Law, were responsible for producing an appalling amount of demoralisation, which it will take more than one generation to remove.’ He speaks, too, of the responsibility of ‘recent and present law-makers, for regulations which have brought into being a permanent body of tramps who ramble from union to union.’³⁵ Mill, too, sees many objections to the system. ‘In all cases of helping (he says) there are two sets of consequences to be considered: the consequences of the assistance itself, and the consequences of relying on the assistance. The former are generally beneficial, but the latter, for the most part, injurious; so much so, in many cases, as greatly to *outweigh the value of the benefit*.... There are few things, for which it is more mischievous that people should rely on the habitual aid of others, than for the means of subsistence, and, unhappily, there is no lesson which they more easily learn. The problem to be solved is, therefore, one of peculiar nicety, as well as importance; how to give the greatest amount of *needful* help, with the *smallest encouragement* to undue reliance on it.’ The same writer has, however, something to say in its favour, but ultimately lays down the following test: ‘If assistance is given in such a manner that the condition of the person helped is as desirable as that of the person who succeeds in doing the same thing without help, the assistance, if capable of being previously calculated upon, is *mischievous*; but if, while available to everybody, it leaves to every one a strong motive to do without it, if he can, it is then, for the most part, *beneficial*.’³⁶ The effect on motive has been dealt with, at some length, by Sir Henry Maine, in his able work on ‘Popular Government.’ ‘You have,’ he says, ‘only to tempt a portion of the population into temporary idleness, by promising them a share in a fictitious hoard, lying in an imaginary strong box which is supposed to contain all human wealth.

33. ‘Influence of Authority in Matters of Opinion,’ p. 164.

34. ‘Social Statics,’ p. 341.

35. ‘Man versus The State,’ p. 19.

36. ‘Principles of Political Economy,’ p. 584.

You have only to take the heart out of those who would willingly labour and save, by taxing them *ad misericordiam* for the most laudable, philanthropic purposes.³⁷ On reference to the most recent statistics I find that, in the county of Lancashire alone, the poor rate for the year 1885 amounted to £1,566,974, and that the county in that year contained 82,590 paupers. The poor rate alone for the year 1886, for the whole of Great Britain, amounted to no less than £10,247,443, or about *one-seventh* part of the whole public revenue. The number of paupers receiving assistance in Great Britain during the year 1885 is stated to be 1,346,394, that is to say about *three per cent.* of the whole population. From these figures some idea can be obtained of the gigantic proportions to which this eleemosynary system has developed. It is worthy of notice that, so far, the poor-law system has not been even attempted, upon the English lines, in any of the Australian colonies; and it is therefore not altogether labour in vain to discuss its merits and demerits as a system, and its claims, as a piece of state policy, to receive legislative sanction. If such a system had been commenced in the Australian colonies, and the same proportion of pauperism existed among them as is the case in Great Britain, there would be receiving support about 120,000 persons out of an aggregate population of three millions. The cost to the tax-payers of those colonies, estimated on the basis supplied by Great Britain, would be annually about £1,000,000. As a fact, the number accommodated at various benevolent asylums and other similar institutions—which are, to a great extent, supported by voluntary subscription—is almost infinitesimal; not amounting, indeed, to *half per cent.* of the population, and costing the state only about *one and a half per cent.* of its revenue. Few persons are aware of the magnitude of the operations of the poor-law system in Great Britain. Yet, according to Mr. Goschen, who was at one time President of the Poor-Law Board, a small proportion only of the paupers so supported are from the working-classes, or indeed capable of work. ‘It is frequently put,’ he says, ‘as if there were so many men or women out of work, as if they were men and women who ought to be employed.... I can tell you there are workhouses in this country containing 1000 to 2000 inmates, in which there are not forty able-bodied men or women, in which there are not 100 who come from what may be called the working-classes.... I admit,’ he adds, ‘that there is business here for legislators, but there is business, too, for every citizen—for the clergyman, for the reformer, for the minister, for every man who cares for the country.’³⁸ No doubt, in all countries there are deserving poor, that is, poor who are so from neither vice nor laziness; and it is this class which one must have in mind in considering this question. There are two ways in which the subject must be viewed; first, with reference to those communities in which the system is already in operation; secondly, with

37. ‘Popular Government,’ p. 49.

38. Speech at Edinburgh, October, 1885.

reference to those communities in which the system has not yet been attempted. Regarding Great Britain, the question to be determined is not whether the system should have ever been commenced, but, whether so gigantic an organisation, as it has become, should, after having been established for centuries, be swept away in the interests of a more scientific and equitable method of government. To adopt the latter course would involve the throwing of an enormous mass of absolutely helpless persons upon their own wretched resources. The occasion would be seized upon by innumerable impostors, and the system of mendicity would become intolerable. This is, of course, out of the question—the most conclusive of theories and doctrines notwithstanding. Regarding Great Britain, therefore, the broad question concerning the wisdom of the system itself is not open for consideration. But there are two subordinate questions which are, under the circumstances, almost equally important. They are: (1) Whether those, who must now be assisted, should receive what they require from the state; that is to say, by *compulsory* contribution, or should depend upon private and spontaneous benevolence to support the institutions in which they are accommodated; (2) whether, in the event of its being considered expedient for the state to continue to *enforce* contributions in the shape of a poor rate, it is not desirable to hedge the system round with a set of conditions which are calculated to discourage, as much as possible, its being depended upon and resorted to by future generations.

Mill uses one apparently very strong argument in favour of the state continuing its present support of this system. 'Since the state (he says) must necessarily provide subsistence for the criminal poor, while undergoing punishment, not to do the same for the poor, who have not offended, is to give a premium on crime.' Charles Dickens, also, once wrote:—'We have come to this absurd, this dangerous, this monstrous pass, that the dishonest felon is, in respect of cleanliness, order, diet and accommodation, better provided for and taken care of than the honest pauper.' The strength of this argument, however, depends upon the adoption, as a standard of treatment, of that which is accorded to the felon in the present day. If he undergoes treatment so mild, and his condition is made so comfortable that the 'honest pauper' would be satisfied with something similar; then the management of our criminal class must be of a very short-sighted character. If we hesitate about supplying every idle vagabond, who chooses to ask for them, with the necessaries of life, but recognise it as a *duty* of the state to clothe, feed and board one of the same class, so soon as he chooses to commit some serious offence against society, then we are indeed offering a premium on crime. It would be more consistent to render the conditions of the criminal class so objectionable and so unbearable that no 'honest pauper' would consent to be included among that class, in order to obtain the necessaries of life. This argument, then, instead of telling in favour of indiscriminate charity by the state, points to the necessity

for considerably increasing the severity of prison life. Let us now see what are the prospects that the poor-law system, as it at present exists, will diminish the amount of poverty among the people; for that has been the aim of most, if not all poor-law legislation. I have already quoted, from a report of the Poor-Law Commissioners, the following admission:—‘We find (they say) on the one hand that there is *scarcely one statute* connected with the administration of public relief which has *produced the effect designed by the legislature*, and that the *majority* of them have *created new evils and aggravated* those which they were *intended to prevent*.’³⁹

Legislation, then, so far, has practically failed in the attempt to mitigate the existing condition of things. The arguments, therefore, *against* its continuance appear to be the following:—

That, inasmuch as it involves the imposition of taxes for a purpose other than that of securing equal freedom for all citizens, it is subversive of one of the fundamental principles upon which our constitution and our society have been based.

That it has, from small beginnings, grown to enormous proportions, from which it may fairly be inferred that, under a continuance of similar administration, the tendency will be still further to increase.

That, from its being permanently established as a system, it is capable (to use Mill’s words) of being ‘calculated upon,’ and is therefore ‘mischievous,’ by tending to discourage providence.

That the fact of its being maintained by *compulsory* contributions (in the shape of poor rates) is calculated to sap the springs of the charitable and sympathetic motives among the people, which motives play a necessary and important part in the social organism, and which, therefore, it is highly undesirable for the state, in any way, to diminish or discourage.

The arguments *in favour* of the continuance of the present system appear to be the following:—

That, as a system, it is already *in existence*, and that, already, upwards of 1,200,000 persons are now wholly dependent upon its continuance—that, therefore, its sudden abolition would render about three per cent. of the population of Great Britain helpless and destitute, and thus supply dangerous material for social and political agitators, whose success is inimical to the order and progress of society itself.

That, inasmuch as all persons convicted of crimes are, under the present system of prison discipline, supplied with the necessaries of life; to refuse the same aid to those who are not so convicted would be, substantially, to offer a premium on crime.

That, by the maintenance of such a system, a sufficient ground is supplied for disallowing mendicity, which is inconvenient and objectionable to the

39. Quoted by Mr. Herbert Spencer in ‘The Man versus The State,’ p. 58.

giver, and demoralising to the recipient, and at the same time affords an unchecked and uncheckable encouragement to vagrants and impostors.

After carefully balancing the whole of these reasons, for and against the continuance of the system, I venture to think that the only conclusion which can be drawn from them is that those in favour of the continuance *are* sufficiently weighty to justify the prolonged departure from the fundamental principle which the system transgresses; but that the following safeguards should be rigidly regarded.⁴⁰

1. That, inasmuch as all attempts to mitigate the extent and intensity of destitution, by means of legislation, have failed, further attempts of the kind should not hastily be resorted to.
2. That poor-law rates should, in all cases, be *local*, so as to concentrate attention to abuses in those who pay for the maintenance of the system, and are thus immediately interested in its gradual abolition.
3. That poor rates should be levied *separately* from any other rate (police or otherwise), so that the amount of such rate may serve as a permanent gauge to taxpayers in each locality, as to the diminishing or increasing proportions of the system, and thus serve as a perpetual spur to its gradual reduction and abolition.
4. That all institutions, supported by poor rates, should be made, as far as possible, self-supporting, by the compulsory performance of easy but payable labour, by some at least of the inmates, according to their ascertained capabilities.
5. That the assistance afforded by such institutions should consist of the *bare necessities* of life, and that such supplies as afford more than a subsistence, as also what are termed luxuries, should be rigorously prohibited.
6. That any voluntary offers of such luxuries to inmates of such institutions, from outside sources, should be rigorously prohibited, inasmuch as the knowledge of their possibility tends to make such institutions attractive.
7. That mendicity of all kinds should be disallowed.
8. That inmates of all such institutions, recipients of poor-law rates, should be compelled to confine themselves to the precincts of the institution.
9. That every indulgence calculated to render such institutions attractive, and to cause them to be regarded as a sufficient last resource by possible inmates, should be rigorously discouraged.

40. Fawcett says, 'It would not be safe to conclude that the Poor law ought to be abolished because of the Socialism which attaches to the system. Such a question ought to be determined by a careful balancing of advantages and disadvantages; and we believe that when this is done the conclusion will be that the abolition of the poor law, from the stimulus which would be given to all the evils associated with indiscriminate charity, would produce consequences which would be far more serious than any mischief which results from a poor law system, when carefully and properly administered.' 'Principles of Political Economy,' p. 298.

Under such circumstances as these, it is more than probable that the system would be considerably reduced, without, at the same time, doing anything to shock the sense of charity and humanity which is possessed by the individual members of society. Recipients of poor law assistance should be admitted, as such, only in what Sir Geo. Cornwall Lewis calls 'severe' cases of distress; and all possible 'counteracting forces,' as he terms them, should be employed to discourage the system. In this way, the 'very smallest encouragement,' as Mill puts it, would be afforded to the poor, to avail themselves of it, and the workhouse or 'work'us,' as it is called, would soon cease to be looked upon as a sort of haven, into which aged men and women could creep, who had, through a knowledge of its comforts, neglected the most ordinary thrift and providence in life.

It will be observed that my remarks, under this head, are written more particularly with reference to Great Britain; but they apply equally well to younger countries, except that, so far, the system has, in most, if not all the colonies, *not* been established. This is a weighty consideration, and that fact alone should, I think, deter statesmen from entering upon the system, without the most mature reflection. The poor laws have been described by an able writer in the *Westminster Review* as 'a safety-valve against rebellion,' and there can be no doubt that, in times of severe distress, in thickly-populated communities, the capability of obtaining the bare necessities of life is a desirable outlet for intense discontent with the existing but inevitable inequalities of society. Looked at from this point of view, such a system would, under certain circumstances, really contribute to the greater security of liberties to the whole community.

In every case, however, the system, if it is established, or, (being established) is maintained, should be administered under all the most rigid restrictions calculated to discourage citizens from relying on it, or resorting to it.

State Education.—I have no hesitation in characterising the maintenance of state education as a distinct transgression of the first principle of the three which I have deduced from an analysis of man's wants as an individual member of society, viz., that the state should not *impose taxes, or use the public revenue* for any other purpose than that of *securing equal freedom to all citizens*. It is undoubtedly true that every citizen should have the liberty to be educated if he so wish; but state education, as now established in most English-speaking communities, involves a recognition of a right to be supplied with the *means* by which to secure such education. No one, I think, has ever seriously disputed the proposition with which I have opened this section of the present chapter. With the exception of Mr. Herbert Spencer's treatment of the subject in his 'Social Statics,' I do not think any other writer has recorded his objections to the system on that ground. Mr. Herbert Spencer, indeed, has dealt at great length with this subject, and he has handled it with even more

than his usual incisiveness. In the work to which I have just referred, he sets forth an imaginary conversation, which is supposed to take place between a government and a citizen of the same community. That conversation so clearly shows how such a system transgresses the fundamental rule, for a recognition of which I am contending, that I shall venture to set it forth as a portion of my own argument.

“Your taxes are heavier this year than last,’ complains a citizen to the government; ‘how is it?’

“The sums voted for these new school-houses, and for the salaries of the masters and mistresses, have increased the draught upon our exchequer,’ replies the government.

“School-houses, masters, and mistresses—what have I to do with these? You are charging me with the cost of them are you?’

“Yes.’

“Why? I never authorised you to do so.’

“True; but parliament, or in other words, the majority of the nation, has decided that the education of the young shall be entrusted to us, and has authorised us to raise such funds as may be necessary for fulfilling this trust.’

“But, suppose I wish to superintend the education of my children myself?’

“You may do as you please; but you must pay for the privilege we offer, whether you avail yourself of it or not. Even if you have no children you must still pay.’

“And what if I refuse?’

“You must agree to our terms, and pay your share of the new tax.’

“See now, what a dilemma you place me in.... I must either give you a part of my property for nothing; or, should I make a point of having some equivalent, I must cease to do that which my natural affections prompt. Will you answer me a few questions?’

“Certainly.’

“What is it that you, as a national executive, have been appointed for? Is it not to maintain the rights of those who employ you, or in other words, to guarantee to each the fullest freedom for the exercise of his faculties, compatible with the equal freedom of all others?’

“It has been so decided.’

“And it has been also decided that you are justified in diminishing this freedom, only to such an extent as may be needful for preserving the remainder, has it not?’

“That is evidently a corollary.’

“Exactly. And now let me ask what is this property, this money, of which, in the shape of taxes, you are demanding from me an additional amount? Is it not that which enables me to get food, clothing, shelter, recreation; or, to

repeat the original expression, that on which I depend for the exercise of most of my faculties?’

“It is.’

“Therefore, to decrease my property is to decrease my freedom to exercise my faculties, is it not?’

“Clearly.’

“Then this new impost of yours will practically decrease my freedom to exercise my faculties?’

“Yes.’

“Well, do you not now perceive the contradiction? Instead of acting the part of a protector, you are acting the part of an aggressor. What you were appointed to guarantee me and others, you are now taking away. To see that the liberty of each man to pursue the objects of his desires is unrestricted, save by the like liberty of all, is your special function. To diminish this liberty, by means of taxes, or civil restraints, more than is absolutely needful for performing such function, is wrong, because adverse to the function itself. Now, your new impost does so diminish this liberty, more than is absolutely needful, and it is, consequently, unjustifiable.”⁴¹

The logic of this dialogue is, I venture to think, unassailable, and it only confirms my primary contention under this head, viz., that the system of state education is, at the outset, subversive of the above principle. This conclusion throws the burden of proof on those who call for the state to interfere, or to continue its interference in this matter of education. What now are the arguments which are advanced in favour of its being admitted to the category of justifiable departures from that broad principle? Those arguments must come from the advocates of the system, and they must be of a somewhat overwhelming nature to justify such a departure. I shall enumerate them.

In the first place we are asked by the author of ‘The Radical Programme’ whether ‘it is not a duty which the state owes to the humblest of its subjects to guarantee their children a modicum of learning?’ And with the same fearless logic, he concludes: ‘If it is, then it must be a moral violation of that duty to perform it in a niggardly and grudging manner, *painful and intolerable* to English feeling.’⁴² This is, of course, a bold trifling with first principles; and, considering that Mr. Chamberlain has edited the volume, it is very unpardonable trifling. If the state owes the duty, let us ask who is the state? It is everybody. So that everybody owes to the children of every humble citizen a modicum of learning. But surely not to the children of *humble* citizens only. There is no special merit in being humble now-a-days, or even in being poor, though the Radical author would apparently so contend. People who are not ‘poor’ or ‘humble’ must have the same *right* for their children, and the

41. ‘Social Statics,’ p. 306.

42. ‘Radical Programme,’ p. 52.

proposition, made more plain, amounts to this: 'Everybody owes to everybody else's children a modicum of learning.' The proposition is simply puerile, and certainly unworthy the editor (Mr. Chamberlain), though, as I shall show, he has himself said much the same thing. Elsewhere the same writer says: 'One of the earliest measures for the *relief* of the rural poor should be to *secure free* education for their children.'⁴³ The English of this is that those who disapprove should be *made to pay*, and by act of parliament. Again he says: 'There are signs of a growing antagonism against the system, among the poor, and *compulsory education* is in danger of being regarded by *them as a tyranny*!' This is, indeed, very fine fooling. No regard seems to be had for the *tyranny of compulsory payment* by those whose children are *not* educated in state schools. The tyranny of *having to pay* for an acknowledged *benefit* for *another* seems to me to be much more unbearable than the tyranny of having to *receive* that benefit. Then we are told that those who are so poor as to be unable to pay for their children's education are dissatisfied with the 'stigma of pauperism' which the admission of inability involves! Surely this strong Radical plea for free schools is a much more insolent stigma of pauperism, cast, not upon individuals only, but on the *whole of the working classes*! These are really not arguments, and their repetition here is only intended to show the illogical nature of the Radical or Socialistic programme, as it touches this matter.

There are really two heads to this subject. (1) Whether the state should educate at all? (2) In the event of its doing so, who should pay for the education? I shall deal briefly with both, in the order in which they are stated.

In the first place, there is no difference of opinion as to the advantages of education, supposing it is of a proper character. The elevation of the race is a matter which the state should have a keen regard for, and there can be no two opinions that education, of the *proper* kind, must contribute towards that elevation. It would, of course, be out of place to teach a plough-boy, who had never touched a musical instrument, such subjects as harmony and thorough bass, or to instruct a shepherd in the science of acoustics. It would be equally contrary to the fitness of things to teach a young girl, who was going to spend her life in a cotton factory, Greek or algebra. But in all cases there must be nothing but good come out of the teaching of the rudiments—that is to say, the putting in possession of the intellectual tools by which all the higher branches of mind-cultivation are reached. To reading, writing, and simple arithmetic there can be no objection—nay, there can be nothing but approval; for, inasmuch as every citizen is assumed to know the law, and ignorance of it is not regarded as an excuse for its breach, everyone needs to be capable of reading a law when it is printed. It is equally requisite that he should be able to write his name and to calculate matters of every-day occurrence. Of course higher education is beneficial if adapted to the line of life in which the learner

43. 'Radical Programme,' p. 107.

is placed, or if it is likely to help him to get to a higher position among his fellow beings. But now, having admitted so much, I have yet to ask—should the state *supply* this education? Are there not a hundred things more necessary for all classes? However desirable reading, writing, and arithmetic may be, mankind succeeded without them. Is not food more important—is it not absolutely indispensable? So also clothing, shelter, warmth in winter, medicine in sickness. Is it not more important that the food we eat should be wholesome, than that our education should be good? Yet the state takes upon itself none of these wants. It does not undertake the supply of meat, bread, butter, or milk. It does not concern itself about the thickness or sufficiency of our clothing; about the temperature of our dwellings. Surely the proper feeding of the *body* is of as much importance as the feeding of the *mind*. Then why should education be undertaken by the state? While many hundreds of children, in Great Britain, are being taught to read and write, they are suffering from a want of clothing, and in some cases from an empty stomach. Why does the state not come to the rescue in those more important wants? There must surely be some other reason for state interference in this matter. Now, the advocates of state education have John Stuart Mill on their side. Let us then see what arguments he advances. In the first place, he justifies the state taking education in hand on the ground that it is one of those commodities which the consumer cannot judge for himself. He, therefore, claims it as an exception to the rule of allowing the individual to be the judge of his own wants. Practically, this means that every man, being a judge of butter, or sugar, or bread, or meat, or cloth, or linen, he should be left to look after his own interest; but in matters in which he is *not* a ‘competent judge’ it is ‘admissible in principle that the government should provide it’ for him. Considering the authority from which this doctrine comes, it is indeed extraordinary. Let us see where it would lead. Mill himself admits that even in ‘material objects produced for our use,’ it is ‘not true universally’ that the consumer is the best judge. If this is so, which we may assume on the admission, should the state provide for the stupid people? Should the state undertake the function of advising citizens what is, and what is not a good article? This is really what Mill’s doctrine would lead to. To go further; if the state is only to interfere when the inability of the consumer to judge the article is tolerably universal, why should not the state take in hand the work now performed by lawyers, physicians, and chemists? How many of the public are ‘competent judges’ of law or physic? How many of them are ‘competent judges’ as to whether they really want such advice? Surely the state should come in here also! I cannot follow up the illustrations of its unsoundness as an argument; but it applies to such subjects of ‘consumption’ as art, literature, the drama, and even the sciences. It is true that the masses are not ‘competent’ judges of the higher branches of culture; but is it not unreasonable to assume that their ignorance is so profound that they cannot

appreciate the advantages of reading the newspaper, writing a letter, and being able to correctly add up an account, or expeditiously check the money-change which they receive in their every-day transactions? Yet these are obvious results of the ordinary state-school curriculum, and if any part of the masses are so dense that they cannot really discern these advantages, I venture to think that when the schooling has been forced upon them it will not be to much purpose. But if this reason—the inability of the consumer to judge any commodity for himself—is a sufficient one for justifying the assumption by the state of the supply of that commodity, where is the result to terminate? Can, for instance, one out of a hundred of the masses judge in literature between elevating and unhealthy writing? Can one out of a hundred judge in the drama, as to the probable effect upon character of a particular plot or dialogue? Can one out of a hundred distinguish a chromo-lithograph from a water-colour? Can one out of a hundred judge as to the good or injurious effect on their minds of reading Mr. Tyndall's famous Belfast address, or the scientific works of Darwin, Huxley, Owen or Spencer? If not, then, according to Mill's doctrine, the state should provide and supply to the people their art, their literature, their theology, their science, and their dramatic entertainment, and a hundred other wants of which they, and many educated people even, are incapable of judging the merits or demerits. As a fact, the Russian Government proscribes certain scientific works which are calculated to 'unsettle' the minds of the people; and, in China, the government actually publishes a catalogue of works which *may* be read. Mill's doctrine would, if followed to its logical consequences, lead to the same and similar practices by the British Government. Mr. Herbert Spencer has dealt somewhat trenchantly with this doctrine. 'It is argued (he says) that parents, and especially those whose children most need instructing, do not know what good instruction is.' He then sets out Mill's principle, and comments upon it thus: 'It is strange that so judicious a writer should feel satisfied with such a worn-out plea. This alleged incompetency on the part of the people has been the reason assigned for all state interferences whatever. It was on this plea that buyers were unable to tell good fabrics from bad; that those complicated regulations, which encumbered the French manufacturers, were established. The use of certain dyes in England was prohibited, because of the insufficient discernment of the people. Directions for the proper making of pins were issued, under the idea that experience would not teach the purchasers which were best. Those examinations as to competency, which the German handicraftsmen undergo, are held needful as safeguards to the customers. A stock argument for the state-teaching of religion has been that the masses cannot distinguish false religion from true. There is hardly a single department of life, over which, for similar reasons, legislative supervision has not been, or may not be established.'⁴⁴

44. 'Social Statics,' p. 367.

But Mill advances other reasons in favour of state education. 'There are (he says) certain primary elements and means of knowledge,' which 'all human beings should acquire during childhood.' In the first place, he contends, the parents owe this to their children as a duty, and also 'to the community generally, who are all liable to suffer seriously from the consequences of ignorance and want of education in their fellow-citizens.'

The state, therefore, he says, should 'impose on parents the legal obligation of giving elementary instruction to children,' and he adds this 'cannot fairly be done, without taking measures to ensure that such instruction shall be always accessible to them, either *gratuitously*, or at a *trifling expense*.'

The question of determining who should pay I shall deal with afterwards. At present I merely wish to deal with the reason given for the state taking it in hand. This latter argument is practically that the want of education renders a man dangerous to the interests of his fellow-men, who, Mill says, are 'liable to suffer seriously from the consequences of ignorance.' This argument is an old one, and is very popular. I shall begin my criticism of its bearing on the matter by admitting its truth, that is to say for argument's sake. Suppose now the want of education is conducive to crime; is that a sufficient reason for the state taking upon itself to supply the want? How many crimes could be traced to an empty stomach? How many men and women have been transported for such offences as the theft of a pair of boots, which the thief intended to sell in order to buy bread with the proceeds? How many poachers, and how many sheep-stealers have been hanged for an offence committed by the promptings of hunger? How many thefts could be traced to a desire to obtain clothing for some poor unfortunate children? How many men have turned burglars, highwaymen, and even resorted to murder, in order to satisfy their bodily wants? Marcus Clarke's 'His Natural Life' will give some answers to these questions? Yet, I ask, should the state, in consequence, undertake to satisfy these wants *in anticipation*, in order to *prevent* the crimes which the wants *might* lead to? That is Mill's doctrine. If the state thus supplied every want, lest otherwise it *might* lead to crimes, the knowledge of the fact would operate as a splendid incentive to a variety of offences, cleverly conceived in order to obtain from the state the particular object desired. The contention so often urged that the education is for the good of the community and not for the individual, has already served as a ground for repudiating the liability of the parent to pay for it. 'It was *not intended* (says 'The Radical Programme,') that the *parent* should be taxed... to provide for a service which *the state imposed* upon them for the *general advantage of the community*.'

The force of the argument I have used—that if the state affords education it should afford food and clothing also—has at last dawned on the minds of the members of a school board.

In March, 1884, the London School Board 'resolved to apply for authority to use *local charitable funds* for supplying, gratis, *meals and clothing* to indigent children.'⁴⁵

Mr. Herbert Spencer adds:—'Presently, the definition of 'indigent' will be widened; more children will be included, and more funds asked for.'

It has been very properly pointed out that if the state takes out of the hands of the parent the trouble and expenses of education, and consistently follows up the principle, by doing the same with the subjects of feeding and clothing, the parental responsibility would be practically annulled. The system of state education is therefore only a small step towards a modified Communism. An able writer, in the pioneer number of *Scribner's Magazine*, in an article on 'Socialism,' points out that though 'the plea of a service to government in the way of reducing violence and crime, through the influence of the public schools, is often urged,' yet that it 'was not the real consideration and motive, which in any instance ever actually led to the establishment of the system, or which, in any land, supports public instruction now.' 'Indeed,' he says, 'the immediate effects of popular instruction, in reducing crime, are even in dispute,' and he adds, in a subsequent part of the same article 'in all its stages the movement has been *purely socialistic* in character, springing out of a conviction that the state would be stronger, and the individual members richer, and happier, and better, if power and discretion, in this matter of the education of children, were taken away from the family and lodged with the government.'

I go back now to my admission as to the anti-criminal effects of education. I made the admission for the time being, in order to show that, even if it did have that effect, there were numerous other wants, the supply of which by the state would do the same, yet which wants the state did not attempt to supply. I do not admit the contention that crime is rendered less likely by the imparting of the sort of instruction which is given in state schools. It is, I think, certain that the anti-criminal consideration was not an element in its inception as a system, and, even if it were, there should have been conclusive proof of its effect in that direction before the system was established. That has never been forthcoming. As the writer last referred to observes, 'the question is at the very most *unsettled*,' yet the system itself is in full operation. Macaulay said 'that whoever had the right to *hang* had the right to *educate*,' and, in a letter written by Miss Martineau, that accomplished woman said: 'As a mere police tax, this rating would be a very cheap affair. It would cost us much less than we now pay for juvenile depravity.'⁴⁶ Now, in both these utterances, there is the same assumption, viz., that there is this close connection between education and crime, which, to say the least, is yet unproved.

45. 'Man versus The State,' p. 27.

46. 'Social Statics,' p. 379.

Figures, I know, will prove anything, so that, for exactitude, I should not rely on them; but they are certainly useful for showing broad results.

I find by statistics at hand that the state school average attendance in England and Wales, in 1874, was 1,985,000; and that, in 1885, it had increased to 3,800,000—that is to say, the attendance had *doubled*. It will be admitted that, after 13 years of such widespread education, there should be some perceptible diminution in the statistics of crime. Yet, I find, the criminal convictions, which were, in 1874, 11,912, had not been reduced *four* per cent. though the attendance had increased *one hundred* per cent. Mr. Spencer quotes some very striking statistics to much the same effect. I do not, however, claim that these figures conclusively prove the non-effect of education as an influence in reduction of crime; but I do contend that if the justification for state education depends upon the soundness of this theory, then the system has been established very much in advance of the basis having been rendered certain. Von Humboldt says: ‘National education *fails* in accomplishing the object proposed by it, viz., the reformation of morals according to the model which the state considers most conducive to its designs.’⁴⁷ Mr. Spencer contends that if there is any education or training of the mind calculated to reduce crime, it would have to be of an *emotional* character; but, after giving reasons for that belief, he pertinently adds: ‘From all legislative attempts at emotional education may heaven defend us!’

There are, yet, other grounds upon which the state is said to be justified in undertaking the functions of the school proprietor. Rousseau, in his famous ‘Contrat Social’ (liv. i., c. 1.), said: ‘The *right of voting* imposes the *duty of instruction* in its exercise’ (Le droit d’y voter suffit pour m’imposer le devoir de m’en instruire). The answer to this contention seems to me to be a very short one. The exercise of the franchise is certainly a right, that is, after the law has given it sanction; but it is not an *obligation*. Every citizen is at liberty to refrain from exercising that right. It is a liberty which the governing power concedes to him. Is there any known principle in law, or in morals, by which the granting of *one* concession entitles the person, to whom it is granted, to demand a *second*? Yet that is Rousseau’s doctrine. If the state *forced* a citizen to exercise the franchise, it might be said—‘Then you are bound to *qualify* him for the duty you *impose*.’ But the state says: ‘You *may, if you choose*, exercise the franchise; I leave *you* to judge for yourself whether you are competent to do so.’ But, even if such a concession did impose a duty, it would yet have to be proved that such education as the state gives would qualify a man as an elector—that is, would make him exercise the franchise more wisely. Indeed, the so-called ‘Liberal’ press of Victoria has lately admitted that the ‘electoral test of literacy is not, after all, much of a guarantee of intelligence.’ As a rule, the man who had no more education than that which the state gives

47. ‘Sphere and Duties of Government,’ p. 69.

would not read political works. He would probably read his daily paper only, and accept, as correct and unanswerable, most of the views expressed by the particular organ which he patronised; but whether such a course of reading would render him *wiser* in the use of the franchise is a question which would depend wholly upon the character of the newspaper. I venture to think that, inasmuch as newspapers are purely commercial undertakings, the matter which would be contained in a paper read by such a man would be of a character calculated to *please* rather than *instruct* him. The section of the press above referred to says: 'It is to be feared that the young Australian, to a large extent, restricts his reading very much to his newspaper.' In such a case, instead of correcting the crude and ill-digested opinions which he entertained, his daily reading would rather serve to confirm him in those opinions, because that would best please him; and, as a consequence, the only effect would be to render him more confident, and more dangerous to himself and those about him. I find this same idea dealt with by Mr. Spencer: 'Knowing rules of syntax,' he says, 'being able to add up correctly; having geographical information, and a memory stocked with the dates of kings' accessions, and generals' victories, no more implies fitness to form political conclusions than acquirement of skill in drawing implies expertness in telegraphing, or than an ability to play cricket implies proficiency on the violin.' And, in reference to the contention as to the uses of reading, he adds: 'Table talk proves that nine out of ten people read what *amuses* them or *interests* them, rather than what *instructs* them; and the last thing they read is something which tells them disagreeable truths or dispels groundless hopes.'⁴⁸ Mr. Huxley, too, has made some admirable remarks on this subject in a lecture on 'A Liberal Education,' delivered to the South London Working Men's College. Speaking of the education obtainable at the primary schools in England, he says: 'The child learns absolutely nothing of the history or the political organisation of his own country. His general impression is that everything of much importance happened a very long while ago; and that the Queen and the gentlefolks govern the country much after the fashion of King David and the elders and nobles of Israel—his sole models.' And then he adds: 'Will you give a man with this information a vote? In easy times he sells it for a pot of beer. Why should he not? It is of about as much use to him as a chignon, and he knows as much what to do with it for any other purpose. In bad times, on the contrary, he applies his simple theory of government, and believes that his rulers are the cause of his sufferings, a belief which sometimes bears remarkable practical fruit. . . . Teach a man to read and write, and you have put into his hands the great keys of the wisdom box. But it is quite another matter whether he ever opens the box or not. And he is *as likely to poison as to cure himself, if, without guidance, he swallows the first dose that comes to hand.*'⁴⁹

48. 'The Man versus The State,' p. 31.

49. 'Lay Sermons, Addresses, and Reviews' (Thomas Henry Huxley), 1870.

A further reason has been advanced in support of state education. It has been said that every child has a *right* to be educated, and for a parent to neglect giving it that education is to 'deprive the child of one of its most valuable *liberties*; thus the state, in providing education, protects the child.' This is certainly ingenious reasoning. It attacks Individualists or true Liberals with their own weapons. But let us examine it. Suppose we admit the *right*, for argument's sake. Then the state, without waiting, as it does in other matters, to see if there is an infringement of the right by the parent, comes in and takes the responsibility off the parent's shoulders. Why should this novel doctrine be confined to education? Every child has a claim on its parents for food and clothing—a *right* to be fed and clothed by them. Why should not the state step in (without waiting to see if there is any neglect) and take the feeding and clothing in hand, as it has done in the case of education? Every man has a *right* to have his contracts performed by the other contracting party. Why should not the state, upon the same principle, relieve that other party of the obligation, and do it for him. The carrying out of such a doctrine would lead to results at once absurd and impracticable. As Mr. Spencer says: 'No cause for such interposition can be shown, until the children's rights *have been* violated.'⁵⁰

It will be seen, therefore, that in whatever way we regard this question, no sound reason can be given in justification of the state assuming this function. Humboldt, in fact, says: 'National education seems to me to lie *wholly beyond* the limits within which political agency should properly be confined.'⁵¹

But there are many reasons why the state should *not* undertake this function. It can be performed *more economically* and *more efficiently* by private enterprise. And first on the score of economy. It is evident to anyone, who has had any experience of the system, that there is not the same incentive to economical working. The sums of money which have been spent in the erection, and are being regularly spent in the maintenance of the state schools, wherever the system is in force, are altogether out of proportion to the requirements. Private enterprise, which would be constantly subjected to the sharp spur of competition, would, while on the one hand prompted to consult the hygienic requirements of the buildings used, on the other hand be prompted to employ no more capital than requisite to maintain an approved standard of excellence. Those who did not conform to such requirements would have to retire from the contest. Mr. Gladstone, whose experience of such matters should carry great weight, said, in his Liberal Manifesto of September, 1885: 'The rule of our policy is that nothing should be done by the state which can be better or as well done by voluntary effort; and I am *not aware* that, either in its moral or even its literary aspects, the work of the state for education has as yet *proved*

50. 'Social Statics,' p. 361.

51. 'Sphere and Duties of Government,' p. 71.

its superiority to the work of the *religious bodies* or of *philanthropic individuals*. Even the *economical* considerations of *materially augmented* cost do not appear to be wholly trivial.⁵²

On the score of efficiency, the same remark may be made—that there is no incentive to give the consumer satisfaction, as there would be, and is, in schools started on a commercial or philanthropic basis. Adam Smith, more than a century ago, speaking of the necessity for education, says: ‘The *public* can establish in every parish or district a little school, where children may be taught for a reward so moderate that even a common labourer may afford it; the master being partly, but *not wholly paid* by the public; because if he was wholly or even *principally* paid by it, *he would soon learn to neglect his business.*’⁵² And again he says, in illustration of the want of some strong incentive: ‘A *private* teacher could never find his account in teaching either an exploded and antiquated system, of a science acknowledged to be useful, or a science universally believed to be a mere useless or pedantic heap of sophistry and nonsense. Such systems, such sciences, can subsist nowhere but in those incorporated societies for education, whose *prosperity and revenue* are, in a great measure, *independent of their industry.*’ Speaking of women’s education, for which there were then no *public* institutions, he said: ‘They are taught what their parents or guardians judge it *necessary or useful* for them to learn, and they are taught *nothing else.*’ Now, it may fairly be asked—What likelihood is there of the younger generations being educated, unless the state takes the schools in hand? I answer that it is possible and legitimate for the state to say: ‘We shall require every parent to see that his or her child is educated up to a certain standard, and we leave it to them to choose for themselves *where* the education shall be obtained.’ I have already contended that, after going through a certain process of analysis, the ultimate test of all legislation is *expediency*. I have laid down certain fundamental rules which I contend should be strictly observed, and in no case departed from, unless upon almost overwhelming evidence.

I admit that there are liberties possessed by children; and although I quite recognise the logic of Mr. Spencer’s contention that an infringement of liberty must be *active*, and that a neglect on the part of a parent is passive; yet, nevertheless, I am prepared to put education in the same category with food and clothing for children. A liberty is a *right*, created by the governing power, which gives it sanction. A child has a right to live, as against its parent who brought it into the world; and, as it cannot so live, except by having food and clothing supplied to it, the neglect by the parent, to satisfy those wants for it, is regarded by the law as an infringement of a right, for which a punishment is provided. I should regard education in the same way, as though not quite so necessary, nevertheless next in importance from the child’s own point of view. Locke was of opinion that ‘the power parents have over their children arises

52. ‘Wealth of Nations,’ p. 328.

from that duty which is incumbent on them to take care of their offspring during the imperfect state of childhood. To inform the mind (he said) and govern the actions of their yet ignorant nonage, till reason shall take its place, and ease them of that trouble, is what the children want, and the *parents* are *bound to*.' And Professor Fawcett says: 'The chief justification for the interference between parent and child, involved in compulsory education, is to be sought in the fact that parents, who incur the responsibility of bringing children into the world, ought to provide them with education; and that *if this duty is neglected*, the state interposes as the protector of the child.'

It is singular that Professor Fawcett should have offered this reason as a justification for the undertaking of education by the state. He says 'The state interposes as the protector of the child, if this duty (of the parent) is neglected.' The state has interposed; but has the duty been neglected? Before the Education Act came into force in England, the duty of educating one's children was only a moral one. The state therefore interposed, to fulfil a *moral* duty for certain indifferent citizens, and thereby imposed additional taxation on all parents who *did* regard that moral duty. Would it not have been better to have made that *moral* duty a *legal* one, and then punish the *negligent* parent, instead of, as now, imposing additional taxation on the citizens who *did* regard their duty? If the state required, by statute, a certain standard of education in every child, before it was allowed to be placed at work, there would be an incentive to reach that standard in order to acquire freedom. 'The public (says Adam Smith), can impose upon almost the whole body of the people the necessity of acquiring the most essential parts of education, by obliging every man to undergo an examination or probation in them, before he can obtain freedom in any corporation, or be allowed to set up any trade, either in a village or town corporate.'⁵³

Mill admits that the government 'would be justified in requiring, from all the people, that they shall possess instruction in certain things, but *not* in prescribing to them *how*, or *from whom* they shall *obtain it*.'⁵⁴ This is exactly what the state is now prescribing. It actually provides and charges for the commodity, *volens volens*. Such a demand as Mill does justify is only defensible on principle, if education be regarded as a liberty. Of course, under such a system, the parent should be looked to, to pay for the instruction given to the child, just as is now the case with its food and clothing. The arguments which go to strengthen this contention are the same as those which are applicable to the more practical question which is just now current, viz., whether state education should be free? Mill has supplied a reason in its favour; but it is, I think, quite unworthy of his great logical powers. He says: 'Inasmuch as parents do not practise the duty of giving instruction to their children at their

53. 'Wealth of Nations,' p. 329.

54. 'Principles of Political Economy,' p. 577.

own expense, and *do not* include education among those necessary expenses which their wages must provide for, *therefore* the general rate of wages is *not high enough* to bear their expenses, and they *must be borne* by some other source.⁵⁵ I should like to put an analogous case; and the unsoundness and impracticability of this doctrine will, I think, be at once apparent. For the working class, it will be admitted that life insurance is as essential a provision as education, especially where, otherwise, there is a liability to leave a large family of children unprovided for. Mill's argument is this: Inasmuch as parents *do not* practise the duty of insuring their lives in favour of their wife and children, at their own expense, and *do not* include insurance among those necessary expenses which their wages must provide for; therefore the general rate of wages is *not high enough* to bear those expenses, and they must be borne by some other source.' *Ergo*: The state should insure workmen's lives. This is by no means a strained analogy; yet, reflect where it would lead us. One would really have thought this piece of writing had been composed by Mill for electioneering purposes, instead of as part of a treatise on political economy. I think most people will prefer Mr. Gladstone's view of the matter. 'According to the habits of this country (he said), a contribution towards the cost of the article tends to its being more thoroughly valued by the receiver.'⁵⁶ Lord Hartington, about the same time, said: 'I think that the *sympathy* of every one must be enlisted in the direction of lessening the burden which is imposed upon the working classes, for the education they are compelled to give their children. But this is not a question entirely of *sympathy and feeling*. It is a question of justice; and it is also a question of expediency. As to justice, I cannot admit that there is any actual injustice in forcing any man to pay for that which is a decided benefit to himself and his family. And, when we talk of justice, (he added) we must remember that education must be paid for somehow; and we must consider whether, in relieving the labourer, who now pays for his children, we are not doing an injustice to the *general body of the taxpayers*, who will make good the amount of the relief.... You are aware (he continues) that the late Mr. Fawcett, a man who certainly could not be accused of any lack of sympathy with the labouring and working classes, was decidedly opposed to the principle of what is called free education, upon social and upon economical grounds.'⁵⁷ Professor Fawcett himself says: 'Great care ought to be taken to preserve some recognition of the individual responsibility which every parent owes to his children in reference to education; and, instead of entirely sweeping away the responsibility, the people should be rather encouraged to regard the present system only as a temporary arrangement, and that, as they advance, the portion of the charge...which can now be *shifted upon others*,

55. 'Principles of Political Economy,' p. 576.

56. 'Liberal Manifesto.' September, 1885.

57. 'Political Speech.' October, 1885.

should, instead of being increased, be gradually diminished.⁵⁸ Mr. Gladstone, even as late as January of this year (1887), has said, in his article on 'Locksley Hall and the Jubilee,' 'The entire people have good schools placed within the reach of their children, and are put under legal obligation to use the privilege and *contribute* to the charge.' Mr. Bright, too, takes a very similar view of this feature of the question. Speaking within a few days of the date upon which Lord Hartington uttered the words I have just quoted, he said: 'I think, as a mere burden upon parents, the payment of a penny, or twopence, or threepence, whatever it may be, for a child, for his week's education, is *not* a burden from which conscientious parents ought to shrink.... I suppose there are few labourers' families who pay more for the education of their children at a board school, than the price of a quart of beer in a week. I think that parents *have a duty* to perform towards their children, whether the law is disposed to enforce it or not.'⁵⁹ Even if education were made absolutely free, it is highly probable that the state expenditure would not end there, for in America it has lately been proposed that the government should supply children with *text-books, free*; and I have already mentioned the London School Board, as having applied for permission to use their funds for the purpose of distributing *clothing* and *food* among the children. This tendency is all in one direction—that of looking upon the state as a sort of 'milch cow,' from which an everlasting stream of positive benefits may be drawn; and no one, who has any knowledge of human nature, will doubt the wisdom of fostering a firm determination not to advance any further in so demoralising a course.

My analysis of this subject has been somewhat lengthy, which I have found unavoidable.

My conclusions are as follows:—

That state education, inasmuch as it involves the imposition of taxes for a purpose other than that of securing equal liberties for all citizens, is *subversive of one of the fundamental principles upon which our constitution and our society have been based.*

That the system, as at present administered, involves a most *inequitable* distribution of benefits, out of a fund in which all citizens have a *common* interest.

That experience points to the conclusion that the system could be *better* administered by *private enterprise.*

That the fact of the system being administered by the state, leads a large section of the parents of the children who attend the schools, to look for the education as a *gift*, the constant agitation for which, and the consciousness of receiving which, are demoralising.

58. 'Manual of Political Economy,' p. 299.

59. 'Political Speech.' October, 1885

On the other hand I consider:

That next to food and clothing, education is the most essential advantage which a child can receive; and that it is desirable, in the interests of the whole community, that all children should be educated up to a certain standard.

From these I draw the following further conclusion: That the *only* argument *in favour* of the system may be satisfied without transgressing any of those which are advanced *against* the system.

In order to do this, the state would have simply to require all children to be educated up to a certain standard, for which each child might receive a certificate before being allowed to be employed by its parents in other work. As a sort of safety-valve for absolute stupidity, an age might be fixed at which a child who had not been able to reach the standard could be regarded as weak-minded, and be allowed to begin the world with what knowledge he or she already possessed.

Such a scheme would give parents absolute liberty in the choice of a school, and religious and philanthropic bodies could and would take the matter in hand. Moreover, there would be a distinct encouragement to private industry, and the cost of providing children with what so many people regard as coming next in importance to food and clothing, would be thrown upon those who brought the children into the world, and were thus responsible for their maintenance. All of the foregoing, which I venture to lay down as a body of general principles, are somewhat upset by the fact that the government in Great Britain, and those in her various colonies have already spent some hundreds of thousands of pounds in the erection of schools, and have, besides, entered into important obligations with large staffs of teachers, inspectors, etc. It would be bold, and I am bound to admit impracticable, to suggest that the state should *suddenly* retrace all its steps in connection with this vast system, and resort to any proposals based on first principles. I have no hope or expectation of the happening of any such event. My only purpose here is to explain what, in my opinion, *should have been* done where such a system now exists, or what *should be* done in any new community where such a system has not yet been established. I am, however, of opinion, that if there should be in the future, as I believe there will be sooner or later, a tide of popular feeling against the socialistic principles which characterise present-day legislation, and which are involved in the existing educational system, the reform could be best effected by the state merely ceasing to carry on the work of education, and leasing the buildings to such individuals or such bodies as would be immediately forthcoming to carry on, by private enterprise, and at the cost of those for whom the benefit was provided, the work which had hitherto been done by the state at the cost of the whole of the people, irrespective of their deriving or not deriving any benefits therefrom.

The Housing of the Poor.—This is another development of the socialistic doctrine which has of late been making itself felt in Great Britain. It is not, apparently, considered sufficient to have established, at the annual cost (as I have shown) of upwards of £10,000,000, a system of relief for the poor, which extends from one end of the country to the other, and which already affords subsistence to 1,350,000 paupers in Great Britain; but it is now being further urged that the state should extend its assistance to the non-pauper class, in order to secure to them more comfortable houses than they at present enjoy. In order that I shall not be suspected of exaggerating the tone and character of this fresh demand, I shall resort to ‘The Radical Programme,’ from which I have already quoted. I have previously referred to Mr. Chamberlain’s speeches, in which he reminded his hearers that, by means of local government, they would ‘come into contact with the masses,’ and ‘be able to *increase their comforts, secure their health, and multiply their luxuries*’; and I have quoted from that part of ‘The Radical Programme’ in which the author speaks hopefully of ‘the intervention of the state, on behalf of the weak against the strong;...of labour against capital;...of want and suffering against luxury and ease.’ But, lest this should be considered too general to involve the advocacy of the ‘housing of the poor,’ I turn to another part of the same publication. ‘The alternative proposition, (says the author of that work) which the Radical party will put before the country, is that *the expense of making towns habitable for the toilers, who dwell in them, must be thrown on the land, which their toil makes valuable, without any effort on the part of the owners.*’⁶⁰ The English of this proposition is that that section of the community which happens to possess land (the act of doing which has lately been characterised as ‘immoral,’) is to have cast upon it the expenses of building and maintaining houses for another class (ingeniously called ‘toilers,’) who happen to have achieved for themselves less success in life. To effect this object, local taxation would be necessary. The first question which we are called upon to determine is as to whether the possession of a comfortable dwelling is a ‘liberty’; to which there can only be one answer. Every citizen has, already, the right secured to him of living *where* he likes, and for the most part *how* he likes, subject only to the condition that he shall not, in its exercise, interfere with the liberties of others. Subject to that condition, no other citizen will be allowed to interfere with him in the exercise of his own judgment. That is one of his many liberties. It is quite a different thing, however, for him to look to his fellow-citizens, and demand from them the *means* also, by which to live as he wishes. To tax any section of society, for the purpose of improving the dwelling which another citizen has obtained for himself, is to demand the *means*. It is, therefore, taxation for another purpose than that of securing ‘*equal freedom to all citizens.*’ Even if a comfortable home

60. The whole of this ‘alternative proposition,’ as it is called, is significantly printed in italics in the original.

were capable of being classed among 'liberties,' such a proposal would fail to comply with the admitted conditions of state interference; for it is not proposed to carry out this 'housing' for *all* citizens, but only for the 'toilers,' that is to say the 'physical' toilers. The *mental* toilers, of whom there is, I venture to suggest, a considerable number in Great Britain, are not even mentioned in this generous proposal! The 'housing of the poor' scheme is therefore one which is subversive of the fundamental principle with which we are, at present, dealing. We have now to consider whether there are circumstances, surrounding this demand, which, on examination, will be found to justify so serious a departure from that broad principle. It will be remembered that the burden of proving this is thrown upon those who advocate the interference of the state. In the first place, it is to be observed that the old question of the 'unearned increment' is made a sort of 'peg' on which to hang this (to Englishmen) extraordinary proposal. It does not seem to occur to those, who regard with so much jealousy the periodical increase in land values, that the anticipated increase is one of the most important elements in determining the price which the owner paid for it, and that the moment any such increase is definitely confiscated by the state, either directly or indirectly, from that moment it will have ceased to exist. Land, like every other commodity, is only worth what it will fetch in the market; and it may be taken as a foregone conclusion, that if land, originally worth (say) £100, would, in the ordinary course of things, have risen in value to (say) £120, the knowledge that the extra £20 is destined to be taken by local authorities in the form of taxation will prevent it from bringing more than the £100. The result will be a splendid illustration of the moral which is pointed in Æsop's fable of the 'Dog and the Shadow.' But, apart from that, it would be interesting to know why this principle of 'unearned increment' should be confined to land. If a man possesses a thousand pounds, which is bringing him in five per cent., or £50 a year, and he gives that larger sum for a piece of land, he at once parts with the income of £50 a year which goes with it. It is surely anomalous that the purchaser of the land should not be allowed to retain the £50 a year increase in the value of the land, although he would have been allowed to retain the £50 a year increment which the £1000 would have produced in the form of interest. The only effect of such a law, therefore, would be, as every man who possesses a modicum of commercial knowledge must know, to reduce enormously the value of landed property in Great Britain. Real property of different kinds now contributes more than one-third of the whole Income tax of the nation; and the immediate effect of such a reduction in the property values would be to correspondingly reduce the proportion of the Income tax derived from it, which would then have to be thrown on the other sources of income, viz., 'annuities and dividends,' 'trades and professions,' and 'public offices,' which three heads now contribute the other *two-thirds* of the Income tax. Professor Fawcett, commenting upon

the sanction which so great an authority as John Stuart Mill gave to this theory of increment, suggests a very grave difficulty in connection with it. 'If the state (says that writer) appropriates this unearned increment, would it not be bound to *give compensation* if land became *depreciated* through no fault of its owner?'⁶¹ But, let us turn again to 'The Radical Programme,' to discover some reasons for this new proposal. We shall find, amid the author's somewhat lugubrious attempts to excite the sympathy of his readers, data which, though offered for quite other purposes, nevertheless serve as a means of enabling us to get at some of the *real causes* of the discomfort of the present homes of the poor, from which the illustrations are drawn.

In describing the home of a 'working man, earning from 25s. to 30s. a week,' he says: the passage is 'narrow;' a man and woman are 'quarrelling;' the man is 'growling and swearing;' the walls are 'clammy with the *dirt of years*;' the chairs are rickety; there is 'a disagreeable *smell* from *dirt*, the washing of clothes, and the overcrowding of human beings;' the room is thirteen feet by twelve, and nine in height; the bed linen is '*of course, dirty*;' a half-grown girl of fourteen is 'putting some *ribbons* on a hat, by the light of the window;' 'the bed has not been aired for months;' the proprietor of the room pays 5s. a week for it, and on being asked *why he does not go farther away*, and get two rooms for the same money, he replies 'it is *so near* his work.'

In another part of London (Euston Square), the author 'enters a small street Knots of men are standing round the *public house* at the corner, all unkempt, *most* of them *half drunk* Women lean, *half dressed*, out of the windows, shouting to friends The language is *not to be described* The street doors are all open, the *filthy* passages on view Not a window can be seen in which brown paper does not take the place of glass. A room on the ground floor costs 3s. 6d. a week. The walls and ceilings are almost as black as the passage, and 'the windows seem never to have been washed.' On the beds, 'blankets and quilts are *all dirty*.'

A third part of London (Drury Lane), is visited. A yard is entered ten feet by eight feet, and a 'thin pale-faced woman' presents herself. 'She is followed by her husband just as *dirty*, as *slovenly*, as anæmic as is the woman.' The walls of the room 'are almost *black with dirt* as is the ceiling Some blankets, over which are thrown a *dirty* quilt; a quilt which is not grey, but *black* Whether we touch wall, or table, or chair, or bed, we feel the same moisture that seems to exude from every object The air is made noisome with the staleness of *old filth*, and with the breath of human beings. The man admits he earns 30s. a week as a tinsmith, but adds that 'work is often slack.'

There is much of the same kind. There is not a word about bad drainage, about dilapidations, about leaky roofs, or, in fact, about anything which seems incapable of cure with sobriety and cold water. Everywhere the walls,

61. 'Manual of Political Economy,' p. 286.

ceilings, and furniture, as also the bedding, are 'filthy,' 'black,' and 'sticky.' The people themselves are in a similar condition, and there is much evidence of drunkenness and immorality. Yet these are, admittedly, the people whom the Radical party are about to experiment upon, at the expense of the owners of land, in particular, and the public in general.

Mr. Chamberlain has already said that 'the idler, the drunkard, the criminal, and the fool must bear the brunt of their defects;' yet the class of people thus described, in the words of 'The Radical Programme' itself, are to be rendered clean, sober, and provident, by act of parliament! That there are poor in every country in the world, and deserving poor also, there can be no doubt; but if they are clean, sober, and provident, they do not remain in such localities as those from which the author of 'The Radical Programme' has drawn his illustrations. Drury Lane, and such places, are the social cesspits of London, and, speaking from personal knowledge of those places, I do not hesitate to say that the inhabitants of such localities would constitute a cesspit wherever they were placed.

Let us see, now, what is to be said on the other side. In 1882, a royal commission was appointed to report upon the subject of the condition of this class. The commission consisted of men of reputation and impartiality, and they reported that 'the labourers were never in a better position;' that 'they have better cottages, higher wages, and less work,' and that 'during the (then) recent depression, the labourer has had the best of it.' And Mr. Giffen, in his able pamphlet, entitled 'The Progress of the Working Classes,' published in 1884, shows, by the most undeniable figures that, 'while the individual incomes of the working classes have largely increased, the prices of the main articles of their consumption have rather declined; and the inference as to their being much better off, which would be drawn from these facts, is fully supported by statistics.' He concluded that the proportion of poor is comparatively much smaller; that individually the poor are 'twice as well off as they were fifty years ago,' and that they have had almost all the benefit of the great material advance of the last fifty years. Mr. Gladstone has characterised Mr. Giffen's 'treatise' as one of 'great care and ability,' and he apparently accepts his conclusions unreservedly. There can be little doubt of this: that any attempt on the part of the legislature to compel property-owners to supply a better article for less money will fail, just as lamentably as would an attempt to coerce the occupants of such houses to keep themselves, their clothes, and their bodies clean, by act of parliament.

The reasons, then, which can be advanced in favour of taxing the landed class, or any other class, or even the whole community, for the purpose of supplying the 'poor' with better dwellings, are wholly insufficient to justify so unmistakably socialistic a proposal, by which, also, the broad principle referred to would be transgressed.

The author of 'The Radical Programme' says: 'It should be made an offence punishable by heavy penalties to hold property unfit for human habitation;' and that there should be a heavy fine 'for allowing property to become a cause of disease or crime.' With the latter proposal the most rigid Individualist can find no fault. Every man has an equal right (as the law now stands) to enjoy the air, in such places as are open to him, in as pure and undefiled a condition as nature admits; and if any citizen, by neglect of drainage, or any other incident of his property, so pollutes the atmosphere that his neighbours are thereby injured, he is as guilty of a trespass as if he had struck them a blow on the body.

There is no evidence, however, in 'The Radical Programme' of any such state of things. It is perfectly certain that if the state were to enter upon a course of legislation such as that which this proposal involves, the attempt would, on the one hand, further sap the self-help and independence of the recipients, offer a premium for improvidence and idleness, and constitute a *precedent* in charity which would be shortly claimed as an *acknowledgment of a right*. On the other hand, it would operate as a severe blow at the rights of property, shake public confidence in individual possessions, and produce a distinct and formidable reduction in the national wealth.

Unemployed.—One of the most frequent illustrations of the growing feeling among the poorer class, in favour of socialistic principles, is the increasing practice by which large bodies of unemployed citizens appeal to the state for occupation. The custom is now becoming a common one, both in Great Britain and in the colonies; and each year the appeal is made with greater confidence, and with an apparently stronger sense of justification on the part of those who make it.

Everybody has become familiar with the published demands for work which appear from time to time in the press. As far as the colonies are concerned, it has begun to be looked upon as one of the 'duties' of government. I have before me, a report of a meeting of unemployed in Sydney, New South Wales; and it appears, from the short article which precedes it, that the system of distributing tickets for meals had been abused to such an extent that they were being obtained by people several times over, and then sold. One of the speakers, who was frequently cheered at the meeting in question, demanded that the government should give '6s. a day and guarantee work for twelve months.' He urged his hearers to 'demand recognition of their rights...not to submit to *insults to their independence*'...but to 'unite and conquer.'

This is the extreme from which the abuse takes—that is to say, it is *demande*d; while the cases in which it is *asked for* as a favour, are becoming very numerous in England and in the colonies. The practice involves a very simple, though a very vicious principle. When a number of men find themselves, for various reasons, out of employment, they at once resort to the government.

I do not know of a case in England in which the government has, in any direct way, encouraged the system; but in the colonies it is becoming an every-day practice. The government, in most cases, starts works for the purpose of affording employment. The work is generally such as the government would not otherwise have then executed, so it may be concluded that a sacrifice of the public revenue is made which would not otherwise have been the case.

Mr. Chamberlain has spoken very wildly, at different times, about 'natural rights'; but, so far, there is no recognised right in any man to have employment.⁶² It is not a 'liberty,' and even if it were, it is not sought for *all* citizens, but for a class. The practice is, therefore, contrary to the broad principle which I have laid down.

Are there, now, any circumstances which would justify a breach of that principle? Mr. Herbert Spencer has reduced the claim for work from the state, to an absurdity, by showing that any such obligation on the government, to find work for any citizen who happens to be out of employment, means that society generally (which the government represents), is under an obligation to provide work for all its individual members—hence, every man in a community is under an obligation to co-operate in finding work for his fellow-citizen. It would be really impossible to find any logical justification for this practice, which involves the thrifty tax-payer contributing to the support of those who have allowed themselves to drift into the last stage of destitution; and if, in all cases, men were to find a ready response to this call on a government, it would be practically educating such people in the sheerest improvidence. As an illustration of the confidence, and even impudence, with which this claim has come to be preferred in some of the colonies, in which it has been only too often and too easily responded to, I may mention that, within the last few months, a body of unemployed, in the colony of New South Wales, expressed their determination *not* to take 'five shillings a day.' They demanded 'six,' and, I believe they obtained it. That there are frequent cases in which sober, steady men, from among the working classes, find themselves among this body, there can be no doubt; but if one can believe the newspaper accounts which appear from time to time, while a period of depression is being undergone, they are very few in number. The bulk of these men are lazy, intemperate, and improvident. In London a very large proportion are criminals.

While I write, the following significant passage appears in the Victorian daily press, purporting to come from a Sydney correspondent:—'Although the number of disaffected, among the so-called unemployed, is small, some anxiety has been felt, in official quarters, lest, when they were under the

62. As an illustration of the absurd extremes to which this notion of 'rights' can be carried, under excitement, an American writer on the subject of Democracy, states that, in the manifesto of a new journal, published in Chicago in the working man's interest, it was broadly affirmed that 'there are no rights but the rights of labour.'

influence of drink, and incited by the unscrupulous, a serious assault on life and property might take place. The establishing of soup-kitchens, and the giving away of food, without getting work done in return, has been a great mistake. Worthless individuals, to whose minds the greatest calamity is to be forced to work, were quite satisfied to receive one meal a day, and to sleep in the park. Dozens of dirty, disgusting persons have been infesting the domain, where the seats, in many cases, are now swarming with vermin. The police complain that, lately, they have been compelled to do as much as eighteen hours' duty, to prevent an outbreak; while, at the same time, a great many of the drunkards, who have been locked up, are found to have been receiving government food.' The steady, sober men, who are unfortunately thrown among so motley a crowd, no one can fail to sympathise with; but they are not sufficiently numerous, and the effect of their not being so assisted is not sufficiently grave to justify the practice, and the necessary breach of the broad principle which it involves. In Great Britain, and in most of the colonies, trades organisations are apparently always ready to help a fellow-worker who has been thrown out of employment. In the colony of Victoria, the trade-unionists, as a body, have shown an extraordinary amount of *esprit de corps*, and, moreover, expressed it in a very substantial way, by supporting hundreds of families in one particular trade while a labour dispute was being fought out. This spirit of mutual assistance is sufficiently strong to prevent any steady, deserving workman, who is respected by his fellows, from being reduced to a condition of destitution. That being so, the effect of this practice is calculated to draw to the locality, in which it is carried on, the whole of the idle and improvident classes who can find means to reach the spot. The expense which it involves falls on the working-classes, as well as on the other classes of society, and it is really to their interest as much as to that of others, to discourage and discountenance it.

Payment of Members.—There is no 'point of the charter,' which has been more persistently claimed to come under the category of Liberal measures than that of Payment of Members. The system, for so many years urged in Great Britain, has been permanently adopted in several of the Australian colonies, and is now looked upon, in some of them, as a permanent institution.

The system is simply this—that every representative of the people is allowed to draw, from the general revenue of the country, a certain sum, annually, in consideration of his legislative services.

The scheme emanated from the working-classes, who long contended that their interests would never be properly regarded, or represented, except by the adoption of such a scheme as would enable them to send members of their own class into parliament.

In a previous chapter on 'Modern Liberalism' I dealt with that point of the Charter of 1848, in which it was sought to be provided that all monetary

qualifications for parliamentary membership should be abolished, and I freely admitted there, that it was a truly Liberal contention. Every citizen has a perfect right to sit in parliament, if properly chosen for the purpose, by any constituency. At one time, as I have shown, the fact of being a Catholic was a bar. That obstacle was one of *human* origin, and true Liberalism demanded its removal. At another time, the fact of being a Jew was considered a bar; but that, also, being an obstacle of human origin, had to give way. The monetary qualification also had to disappear, so that any man, be he rich or poor, of whatever creed, was rendered qualified to take part in the legislation of his country, if duly elected for the purpose. Now, it so happens that certain citizens cannot afford the leisure which parliamentary duties involve; and a demand is made for them by the *class* whose interests they wish to represent, that the *general public* should be called upon to *support* these men while they fill the position of legislator; that is to say, that every citizen should be compelled, by act of parliament, to contribute to the maintenance of certain other citizens, who happen to be chosen as parliamentary representatives for a certain class.

If, for such a person to put his hand into the pockets of other citizens, is a *liberty*, then it must be conceded to *all* citizens, and others should be allowed to do the same by the particular persons so favoured.

Every man no doubt has the liberty to enter parliament, irrespective of qualifications; but no rational person could contend, for a moment, that he has the right to be supplied with the *means* with which to support himself whilst filling the position.

The system of payment of members is, therefore, an indefensible breach of the broad rule with which we are at present dealing.

Let us now examine the reasons urged in its support, in order to determine whether they are sufficient to justify the encroachment on first principles.

The author of 'The Radical Programme' says: 'The payment of members is indispensable.' This is merely a re-statement. He says elsewhere, 'Politics, as a matter of fact, are a profession already, and, if lawyers, doctors, and professional men generally are paid, why not politicians?' The author in question, in this reasoning, as in most of what he has written, logically 'gives himself away.' Suppose what we term politics is a profession, and that it is proposed to put it on a level as to treatment with other professions; what would be the first step?—undoubtedly to compel every candidate to qualify himself, as is the case with doctors, lawyers, and other professional men. Are politicians qualified? Scores of men who enter parliament in the colonies have, it is to be feared, no more notion of the science of political economy than they have of solar chemistry, or the theory of spontaneous generation; and such appears to be the ignorance among many of them as a class, regarding political principles, that the mention, in parliament, of such names as Spencer or Bastiat would and does excite such comments as 'theorist' and 'doctrinaire.'

When Professor Huxley was addressing the members of the South London Working Men's College (in 1868) on the subject of 'A Liberal Education,' he said: 'You will very likely get into the House of Commons; you will have to take your share in making laws, which *may prove a blessing or a curse to millions of men*. But you shall not hear one word respecting the political organisation of your country; the meaning of the controversy between Free traders and Protectionists shall never have been mentioned to you; you shall not so much as know that there are such things as economic laws.'⁶³ Scores of the men who occupy their places in the colonial parliaments pride themselves on being 'practical,' 'to the point,' 'men of common sense,' and so forth. Of course there are, and have been in many colonial parliaments, men of education, culture, learning, and really great political ability; but they are in every case forced to the conclusion that in order to be regarded as 'useful' members, they must not 'push principles too far.' I am bound to say that I have known men, prominent in colonial politics, who were at heart perfectly sound on principles; but such was their craving for popularity with the masses, that they have prostituted their sounder knowledge, and associated their names with some of the most unscientific legislation ever placed upon a statute-book. Such men should, I think, be regarded more contemptuously than if they were absolutely ignorant of principles.

Now if this state of things is correct, which I consider myself fully qualified to assert, can 'politics,' as popularly understood, be said to be a profession? Would that they were so regarded, and that every candidate had to show some competency in the more general sociological laws, and the principles of political science. Then might politics be regarded as a profession, the practice of which entitled those who followed it to be fairly remunerated. If to *profess* certain knowledge constitutes a profession, then every tinker is a politician; but if to be a professor of any science is to *know* that science, then the number of politicians who go into parliament is indeed small. But let us deal further with the Radical author. He says: 'If professional men are paid, why should not politicians be?' I answer this, by saying that even doctors, lawyers, and others have not had their living *secured* for them *by act of parliament*. If any citizen wishes to do his own legal work, or his own doctoring, he is allowed to do so, although, as a rule, he finds in the end that he has had a fool for a client or patient, as the case may be. He can, nevertheless, do the work for himself. The law allows a man to appear for himself in court, and do, too, all that a lawyer is usually employed for; and the law does not say 'you shall pay this or that professional man, whether he looks after your interests or not.' But with politicians, in communities where 'payment of members' exists as a system, the law says: 'We compel every citizen to contribute so much to the support of the men who sit in parliament. They may neglect your interests, and give

63. 'Lay Sermons, Addresses, and Reviews,' p 47.

too much consideration to their own. They may do nothing, for that matter, and it may happen that certain citizens, not approving of the candidates for his constituency's representation, may refuse to take part in an election; yet, you must contribute towards his support.' I ask, is there any other 'profession' in the world, the qualifications for which are so small, and the security of an income for the members of which is made so safe as that of a politician? I think not. It is worthy of notice, too, that, although this system was established to assist the working-classes to send one of themselves into parliament, not five per cent. of the colonial assemblies are working-men in the popular sense; yet (with one or two exceptions, which are considered noteworthy) the richest men in parliament, even in Colonial Legislative *Councils*, for election to some of which there is a tolerably high money qualification, draw their annual income as if they were really in want of it, and were unconscious of its acceptance involving a breach of one of the first and fundamental principles of the political science. The author of 'The Radical Programme' has given as a reason for requiring payment of members of parliament, that 'business aptitudes are required in those who address themselves to the business of public affairs.' What guarantee is there of this? He himself has admitted that 'the English masses are nearly impervious to political ideas,' and that they only 'know vaguely what they want.'⁶⁴ If this be so, what guarantee is there that those whom they happen to think suitable to represent them will possess business aptitudes? Even in the Australian colonies, where the masses are in advance of those of England, in political knowledge and intelligence, there are innumerable instances of men being elected to parliament with no other 'aptitude for business' than a fatal glibness of speech. The best and only general test of the possession of 'business aptitudes,' is that of ascertaining whether the alleged possessor of them has *done anything in life for himself*, and I fear many colonial politicians, even of 'eminence,' would cut a sorry figure if subjected to such an enquiry. There have been, in history, men like Pitt, and Canning, and others, who neglected their private affairs in their zeal for those of their country; but such facts do not prove, as is too frequently supposed by needy candidates themselves, that a neglect of one's private affairs is evidence of the capacity of a Pitt or a Canning! It is a remarkable fact that there have been men holding high places in colonial politics, who had so 'managed' their own affairs that they had become insolvent, and even failed to obtain the usual clean discharge signified by the ordinary certificate; and I have even known an instance in which a ministry has contained two men whose 'business aptitudes' were thus guaranteed!

The colonies, in which payment of members has been established, have not been characterised by any larger percentage of working-class representation than those in which it has not been adopted; and as that was the only reason urged in favour of so signal a departure from the broad principle, the

64. 'The Radical Programme,' p. 32.

experiment may be said to have hopelessly failed, and to have been greatly abused by men who have no real need for it. I should, therefore, unreservedly, decide against it, on true Liberal grounds. I know of no reason, which has yet been advanced in its favour, which will in any degree justify the unfair and inequitable addition which it makes to present taxation.

Land Nationalisation.—This subject has, within the last few years, engaged the attention of many would-be reformers, and has undoubtedly been raised into the sphere of ‘possibilities,’ for the near future.

The object of its advocates is that the state should again get possession of all the land in the community in which the scheme is adopted, and lease it to the people, instead of selling it, as has already been done.

One may at once conclude that if such a proposal were ever adopted, the land would have to be *bought* from the present owners. The right to so purchase for great public purposes is acknowledged by all jurists, and it is a matter of even popular knowledge that the nature of freehold estate is such that the crown reserves to itself that right. The grant of a freehold by the crown, in old times, as well as now, gives no more to the grantee than the largest estate (as distinguished from estates for a term, for a life, or for a number of lives) which can be given; but the actual ownership always remains in the crown. The right to carry out such a scheme is, therefore, in the crown, should its realisation ever be desired. It has not been very clearly stated by the advocates of this proposal how such a purchase should be effected. Some have suggested absolute confiscation; but the suggestion has only met with ridicule from all honestly-constituted minds; and it is very doubtful whether the most prominent advocate of such a course ever made the suggestion except as a means to sudden and acute notoriety. Mr. Joseph Cowen has very properly said ‘land stands on a different footing from other property. It is not a product of human labour. A man’s coat is his own. He made it or he bought it, or had it given to him—and there is no power in the state to deprive him of it, however much it may be to the state’s advantage to possess it. But the same man’s land, which he values as much as he does his coat, the state can take, if it needs it, legally and forcibly. The difference of treatment, in the two classes of property, defines a principle which every jurist assents to, and which every parliament acts upon—that the holders of the land have only the usufruct—not the absolute possession of the soil. The suzerainty is so clogged with conditions that it may not be of much money value. But it unquestionably exists, and the nation can, and does act upon it, as it pleases. When, however, the state takes land, it must compensate the holders of it, for their interest in it—that is, for the labour and capital which they, or their predecessors in title have expended. To take property of a man, without it is for a public advantage, would be tyranny; and to take it without paying its market value, would be *theft*. It is argued (he says) by some, that no compensation is due—that as all had equal

rights to it, all still have. Admit this contention, what then? The original right was worthless. Land must be enclosed, and cultivated, and drained, to give it value. The man or men who did this first, sold their improvements, or gave them to his or their successors, to a tribe or to a person. The land, thus improved, passed from one to another, sometimes as the reward of honest toil, at others as the recompense for dishonest service; to this man by fair means, and to that by foul. Some worked for it, others played tricks, or told falsehoods, or cut throats for its possession. Thus it may be traced back to its origin. Every successive owner did something, little or much, to add to its value, until what was once a rock became a garden; what was once a swamp or forest became a site of a factory or a palace. The magic of ownership turns sand into gold, and the camping-place of savage warriors becomes the scene of industry's peaceful triumphs. Some of these transfers may have come in questionable form, but purchase and possession have ripened them into indefeasible titles, which can only be upset by robbery or revolution.⁶⁵ I have set this admirable passage out at some length, because it appears to me to put the whole thing in such a clear, concise, and convincing manner. The ideas regarding land, which are held by some writers and speakers, now-a-days, are indeed startling.

At a Trades' Union Congress, for instance, held at South-port (England), in September, 1885, the question of Land Nationalisation was closely debated, though from one standpoint only. A London delegate supported the proposed scheme as 'the *only thorough remedy* for the present difficulties.' One Glasgow delegate expressed his belief that 'in demanding land nationalisation, they were *fighting for a shadow*'; and another delegate (from London) supported the resolution in its favour, though he admitted that 'no one had really defined *what it really meant*.' He contended however, that 'the people were never in a *better position* for *getting possession* of the land than they were at present.'

Another Glasgow delegate 'was of opinion that legislative enactment was necessary to cancel all those rights given by Charles II. to his courtiers and others, and to insist that every one who could not show title-deeds to his property, should be compelled to give up the land he held. In his mind, compensation was the greatest difficulty.' A Norwich delegate said 'that the system of confiscation had gone on long enough'; and one other delegate held that 'God gave the land to the people, but the landowners—a minority of the people—said 'we are His people.' He would ask them who had given them power to repudiate the duties attaching to the land? Private ownership (he contended) had been tried, and it was a failure.'

Finally the motion in favour of nationalisation, was *rejected* by 69 votes, to 44 in its favour.

Some idea may be obtained from this curtailed report as to the currency of the belief in the scheme.

65. 'Collected Speeches,' p. 50, 51.

Now, in order that we may clearly ascertain the nature of the proposal, let us consider some of its other features. If the land is to be paid for, what form is such payment to take? Professor Fawcett, basing his calculation on figures supplied by Mr. Robert Giffen, the eminent statistician, estimates the value of the land of Great Britain at £2,000,000,000, or about three times the present national debt. This could not of course be paid at once; and there would, in consequence, be entailed on the whole nation, even calculated at 3%, a further amount of taxation to the extent of nearly £70,000,000 *annually*. We should by the time this stage had been reached have found it necessary to begin 'taxing the people,' and it would be essential to enquire whether the state was doing so in order to 'secure equal liberties for all citizens,' to which there could only be one answer—'No.' It would be impossible to show that, by such a scheme, citizens would have any greater liberty than they have now. If to be able to purchase land is a liberty; then every citizen is already in possession of it. Certainly if the land were thrown open and left unoccupied, every citizen might enjoy, for what it is worth, the liberty of going on to what had formerly been his neighbour's property, and, if he found pleasure in it, walking over garden-beds which he had previously regarded as sacred to the owner, upon the principle of 'an Englishman's house (and I suppose his lands) being his castle.'

But from an examination of the writings on this subject (I take those of Mr. Wallace, the eminent *naturalist*) I find that no such liberty is to be allowed. Among the conditions which that writer lays down (p. 192) as intended to regulate the state management when the scheme is carried out, is the following:—'Arrangements must be made by which the *tenure* of the holder of land must be *secure* and *permanent*, and *nothing* must be permitted to *interfere* with his free use of the land, or his certainty of reaping *all the fruits* of any labour or outlay he may bestow on it.' We should not be allowed then to run all over the kingdom. We should be at liberty to *lease* land; but we have that liberty now. Therefore there is no *new* liberty which this proposal would confer, and no *old* one which it would make more secure. It would be therefore a distinct breach of the broad principle, 'that the state should not impose taxes or use the public revenue for any purpose, other than that of securing equal liberties to all citizens.'

What now are the advantages to be gained by the scheme? Having ascertained those we may more easily determine whether they are of sufficient value and importance to justify the transgression of the broad principle with which we are at present dealing.

We have arrived at this stage—that, supposing the foregoing steps had been carried out, the state, having burdened itself with an almost overwhelming debt, would be in possession of all the lands of the kingdom. Let us see what is proposed to be done when that stage is reached.

Mr. Wallace says the present system is *objectionable*, and he certainly states a number of reasons for considering it so; but they are so lengthy, and of such a vague and intangible character, that it would be impossible to deal satisfactorily with them. The present system, he says, 'gives land-owners *despotic power* over the property, happiness, and even over the *lives* of their fellow-citizens, not landowners; enables landowners to absorb surplus profits, and to keep down wages; checks permanent improvement; limits the variety of crops, and diminishes production; perpetuates pauperism; interferes with the freedom of citizens, in preventing them from obtaining a healthy dwelling in any part of the country they may prefer; gives to individuals a large proportion of the wealth created by the community at large.' These are only a few of the reasons advanced; and it will be seen that, except by writing a separate volume, it would be impossible to meet such comprehensive and vague statements. Nor does Mr. Wallace show how things are going to be improved by the change. He completely shirks the financial difficulty, which is perhaps only wise, if he wishes to make his doctrines popular with the less practical section of politicians. He certainly confesses the land will have to be purchased, but passes over the question of method as '*detail*.' But to deal with the reasons stated above, it is difficult to understand that a leaseholder, under the Crown, would have less 'despotic power' than the present freeholder, because we are told (p. 192) that his tenure is to be 'secure and permanent,' and '*nothing* is to be permitted to interfere with his free use of the land or his certainty of reaping all the fruits of any *labour or outlay* he may bestow upon it.' It is difficult to understand how such a tenant would be prevented from 'absorbing surplus profits' in the same way as is now said to be done by the freeholder; how the tenant would be induced to more permanently improve the property than is now done by the freeholder. It is even more difficult to imagine how the present liberty of the citizen 'to obtain a healthy dwelling in any part of the country' would be *increased*, for we are told (p. 221) that the '*free* selection would be restricted to *once in a man's life*,' while under the present system every man can move about as often as he chooses. Mr. Wallace says this restriction will have the effect of 'making men *very careful* not to choose too early.' This is what Mr. Wallace calls an '*increase of freedom of choice*'!

The principal question we are concerned in asking here is: Will such a scheme *add* to the freedom of all citizens? They would not be able to select just where they liked, as there would be numerous applicants for the same piece; and when they did select, they would have to pay for the privilege at 'fair agricultural value.'⁶⁶ They would not be allowed (as I have shown) to roam

66. In the Times of August 12, 1886, there is a report of a meeting of the shareholders of 'The Small Farm and Labourers' Company,' by which it would appear that, without resort to state assistance, but by private enterprise, a number of small farmers had been settled upon the various subdivisions of a large estate which had been purchased and cut up for the purpose. The chairman announced that, in addition to the good they had done the small

about indiscriminately over other people's selections, for we are told that every man's selection shall be secured to him exclusively, free from all interference. They would not have even the same freedom to purchase and sell, and purchase again, as they do now; for, under the new system, they would be confined to *one* choice in a lifetime.

The arguments which I conceive to be capable of being urged against this scheme are numerous. In the first place, its inauguration would constitute a distinct breach of the broad rule that taxation should not be imposed for any other purpose than that of 'securing equal liberties to all citizens,' while no sufficient reasons have been shown by those upon whom the burden is cast, which would justify such a breach. The system would shoulder upon every citizen considerable additional taxation; for, even if the land let by the state should be re-let for the amount of interest being annually paid on the original purchase (which would leave no gain to those who are sought to be benefitted by nationalisation), a large part of the sum levied would be expended in collection, and would have to be made up by this taxation.⁶⁷

Further, 'if the Government owned the land, and once began letting it on any other terms than those which regulate the transactions of ordinary commercial life, there would be opened indefinite opportunities for state patronage and favoritism; and the demoralising corruption that would ensue, would be more far-reaching and more baneful in its consequences than even the pecuniary loss which the scheme would involve.'⁶⁸ And 'if some hundreds of thousands of small farmers were debtors to the state, it might not improbably happen that, in a period of agricultural depression, they would not encounter their difficulties by increased energy and enterprise, but would be encouraged to seek a remedy in the tortuous courses of political agitation. The state would be represented as a hard task-master, mercilessly exacting the uttermost farthing from the suffering and the impoverished; and political support might be given to those who would most deeply pledge themselves to secure a partial remission of the debts that had been incurred.'⁶⁹ Moreover such a system

settlers, they could pay a *dividend of five per cent.* to the shareholders. Lord Wantage, who spoke at the meeting, said: 'Messrs. Chamberlain and J. Collings were in favour of legislation on the subject, and they had promised to throw on the rates the risk and burden of doing for the labourers that which the labourers could *perfectly well do for themselves.*'

67. Figures have been published by the N. S. W. Government to show that the absolute alienation of the public lands had cost the state 16 per cent. of the whole *purchase* money. The percentage on collecting rents would be, of course, less, but would occur more frequently.

68. Professor Fawcett's 'Manual of Political Economy,' p. 284, 5.

69. This actual condition of things has been already realised in some of the Australian colonies. In New South Wales and Victoria, on more than one occasion, the question of whether a candidate would advocate 'remission of interest' on selections has been made the crucial test of his fitness for election; and as it has been found an inexpensive proceeding

as that which Mr. Wallace and others propose, by substituting the state as landlord, instead of private individuals, would not allow of the same elasticity of feeling between the landlord and the tenant. 'It not unfrequently happens' (says Professor Fawcett) 'that under the present system the claims of an old tenant for consideration are not ignored; and there are many landowners who would not think of displacing an old tenant, although it might very likely happen that, if the land were put into the market, a somewhat higher rent might be obtained. It cannot (he adds) be too strongly insisted upon that, in order to provide a security against favoritism and patronage, the state would have to administer his property according to *strictly defined rules*.'⁷⁰ There are innumerable considerations which it would be impossible for me to touch upon here, all of which tell very strongly against such a proposal being ever attempted realisation. Not one of the least is the consideration 'that at the present time the building societies in Great Britain have no less than 750,000 members, all of whom, by the setting aside of small savings, have either become or are in process of becoming the owners of the houses in which they dwell. There is,' adds Professor Fawcett, 'no surer way of drying up this great stream of self-help and self-reliance than to teach the working-classes that they should look, not so much to their own efforts, but to the state or the municipality, to provide them with the house accommodation they may need.'

Another effect of such a system would be to establish, in Great Britain, a stupendous lands department, the cost of carrying on, and the trouble and complications in managing which would be simply incalculable. The millions of interests, leases, surveys, conditions, allowances, distresses, ejections, delays, and abuses, which such a scheme would entail, are simply beyond imagining; and no one but the merest visionary could have ever thought such a scheme practicable.

Even the author of 'The Radical Programme,' who has displayed many qualities which should fit him for Utopia, has sufficient practical intelligence and foresight to reject such a proposal as out of the question; and for any scheme which, even superficially, promises to produce something for 'the masses,' to be rejected by such an authority, argues badly indeed for its merits.

'Short ways of reforming our system of land-tenure have (he says) recently been proposed by Mr. George and Mr. Wallace. There is (he adds) no need

to *promise* to be 'liberal' with other people's money, candidates have not been wanting to avail themselves of it. I believe in the latter colony the remission actually took place, and I have already referred to the case of a colonial minister practically promising *postponement of interest* on advances made to trusts for irrigating certain farm lands (see p. 405). The South Australian public records show that on one occasion a large number of balances of the actual *purchase money* owing on state lands were remitted by parliament, in response to political agitation, such as Professor Fawcett describes. The balances thus remitted, amounted in the aggregate, I believe, to upwards of *half a million of money*.

70. 'Manual of Political Economy,' p. 285.

to criticise them minutely now. *Truth and error, fallacy and fact* are combined in the treatises of the two authors...that the whole of the increase of wealth during the last half-century has gone into the pockets of the landowners is *conspicuously false*. Mr. Wallace and Mr. George insist that certain remedies, not only drastic, but alarming in their scope and magnitude, should be applied for the sake of a problematical gain. The least that might be asked is that they should *show the advantages* which they declare would accrue, if their scheme were adopted, to be absolutely certain. They *fail to do anything of the kind*.⁷¹

Some idea of Mr. Wallace's qualifications for dealing with 'practical politics' may be obtained from the fact that, not content with 'nationalising' land, he proposes that there should be a nationalisation of *house property*. If he could only add to these a further proposal for the nationalisation of *furniture*, we should have reached a condition of Communism, pure and simple.

Public Works.—It is very evident to those who take more than a passing interest in current political events, and who endeavour to deduce some general principle from the hundred and one small indications of the drift of public feeling, that there is a growing desire to see the state take more and more work upon its already overburdened shoulders. Mr. Herbert Spencer has laid down, in various parts of his writings, the very broad and equally true principle that 'whenever the state begins to exceed its office of *protector*, it begins to *lose protective power*'—in other words, that whilst attempting to serve the public by undertaking *supplementary* functions, it fails in its duty towards all who dissent, and that 'it does not really compensate for this by additional advantages afforded to the rest, to whom it merely gives, with one hand, less than it takes away with the other.'⁷²

This principle, so clearly and scientifically framed, goes to the very root of the question of the state undertaking the carrying out of works for which a public demand has arisen. It is very clear that the carrying out of any such work cannot in any way directly secure 'equal liberties for all citizens.' It is certainly possible that in some few cases the carrying out of such works may be incidental to, or may indirectly contribute towards such an object. Of those cases I shall make an exception. For instance, the punishment of any citizen who interferes with the liberty of any other citizen, by any act which brings him within the arm of the civil or criminal law, is one of the first functions of the state. In order to perform that function the state must be in possession of all the necessary machinery for effecting that punishment. This includes in the first place barracks and other buildings incidental to the establishment of a police force; court-houses, in which such offenders shall be duly and properly tried; gaols and reformatories in which such offenders as are found guilty shall be imprisoned. In addition to the function mentioned, there is another

71. 'The Radical Programme,' p. 55.

72. 'Social Statics,' pp. 306-308.

which consists in the collection of revenue. For this purpose, various public offices are requisite, the erection of all of which the state is justified, in a strict sense, in undertaking. A third function of the state is that of maintaining a sufficient army and navy to secure its citizens against foreign aggression. In order to properly perform this function, it is necessary to erect barracks, stores, batteries, fortifications, and various other buildings and works incidental to the former, as also docks, and buildings incidental to the latter.⁷³

In younger countries, buildings are required for other purposes of government, such as the sale and management of the public lands, including reserves, forests, etc. In addition to these, there are required such public buildings as parliament itself, mints, custom houses, and others, strictly within the province of the state to erect and maintain; and, under local expenditure, there is the construction of roads, bridges, etc. But above all these, there is a growing tendency towards the assumption, by government (either in its central or local form) of the proprietorship of such works as railways, gas-works, water-works, sanitary arrangements, as also the electric and telephonic communications, which play so prominent a part in modern commerce and society. I am aware that Mr. Spencer takes exception to the state originally undertaking even the national coinage; but that function is now so absolutely recognised, and one which it would be so obviously unwise to shift from the state into private hands, that I shall not here discuss its inclusion among allowable functions. Regarding custom houses: so long as any state maintains a system of protection, which, as I shall contend, is one of the most unjustifiable of interferences with individual liberty; or so long as it thinks fit to collect part of its revenue through the custom house for legitimate purposes, such an institution becomes necessary as a medium for collection.

The construction of roads and bridges by government sanction, through its local centres, is only justifiable on the grounds of expediency; for it is quite possible that there are many people who have no desire for, and do not personally use the public roads. Any expenditure on such works is therefore contrary to the broad rule I have laid down; but, as they are so obvious a necessity to almost everybody, the considerations in their favour are ample to justify the transgression, though only on the condition that the means for the construction of the same are contributed by persons who live in that particular division of the state in which the want arises; for, as a rule, they only are the persons directly benefitted, and their property only is thereby improved in value. It has been observed by a writer on the subject of '*Communism and Socialism*,' in *Scribner's Magazine*, that 'even when the state assumed the responsibility, it was a recognised principle that the cost of construction and

73. It must always be a matter for consideration whether, in the building and maintenance of vessels of war, and the manufacture of armaments, the state cannot fulfil its requirements more economically by private enterprise, than by the establishment of works of its own.

repair should be repaid by the members of the community, in the proportions in which they severally took advantage of this provision—the man who travelled much paid much—the man who travelled little paid little—the man who stayed at home paid nothing.’ The practice which long prevailed in some of the colonies, and even now prevails in some, by which all expenditure upon roads and bridges comes out of the general revenue, is not only contrary to the broad rule, but is in itself of so inequitable a character, and so open to the grossest abuse that, in my opinion, the reasons in its favour would not be sufficient to justify the breach of that rule.

The existence of such a system has, to my knowledge, led, in some colonies, to the most degrading scramble among members of parliament, and the most wanton and criminal extravagance in the expenditure which such works entailed. Constituencies have been known to choose as their representatives, in the parliament of the country, men whose only qualification was their ability to obtain from the existing government, in exchange for their indiscriminate support, the largest slice of the public revenue for expenditure within the four corners of their respective constituencies: hence arose the use of the now common term—‘Roads and bridges member.’ Under such circumstances, the most glaring injustice is done to those constituencies whose representatives decline to adopt such a course, and, as a consequence, a premium is constantly held out for representatives to prostitute their trust, in order to acquire the reputation of being ‘a good member for the district.’ It is, therefore, only on condition that such expenditure is obtained by taxation from those who are resident, or interested in the district in which it is to be laid out, that the departure from the broad principle could be reasonably justified.

In all the other works which I have enumerated, there is involved the same breach of principle. The right to be supplied with gas or water; to travel in any particular direction by rail; to despatch messages by telegraph or telephone; these are obviously not ‘liberties.’ That is conclusively proved by the fact that, even when any such institutions are utilised by a citizen, he is duly charged for the same by the state, as if it had been an ordinary mercantile transaction. The institution or maintenance, then, of either a railway, a gas or water works, or the necessary buildings and apparatus for the despatch of telegraphic or telephone messages, is a distinct transgression of the broad principle which we have under consideration. What now are the grounds capable of being advanced in their favour? Are they sufficient to justify such a transgression? And first of railways. Whether they pay or not, the result is inequitable to citizens. If they pay, the profits go into the public revenue, by which process those who have supported the railways will have contributed more towards the revenue than those who have not supported them. If, on the other hand, the venture should *not* pay, those who have availed themselves of the convenience they afford, will have paid *less* than that convenience cost the state, and

the remainder of the expenses will have been made up by the whole of the taxpayers, including many who have never, in any way, used the particular line of railway. There can be no doubt that railways have become an essential part of our modern social growth; but if there is one principle more than another which political economy teaches, it is that where a public want shows itself, there will inevitably follow a supply, provided that the public are willing to pay a remunerative price for it. This principle applies equally to railways. The system of railways in Great Britain is almost bewildering to contemplate, and it is absolutely certain that if the state were to attempt to manage one-tenth part of it, parliament would find little else to do but discuss the difficulties which arose. At the present time, the amount of capital sunk in railway construction and plant, in the United Kingdom, is £815,000,000; and from this an annual return is yielded of nearly £33,000,000. The number of persons actually employed in *working* these railways is 370,000, and the number of vehicles in use on the lines is over 500,000. The mileage of the whole of these railways is upwards of 19,000. Is there now any person, possessing a particle of knowledge of business, and of the thousands of complications and ramifications which such a system must involve, who would venture to suggest its being placed under government supervision, and managed by a government department? To add to the present government machinery of Great Britain, 370,000 civil servants, with all their grievances, their accidents, and their influences on members of parliament, would be, indeed, appalling in itself. Then add to this the settlement of claims for compensation, which in one year amounted to £181,000; the management of workshops in which 15,196 locomotives, and *half a million* carriages and trucks are maintained, and new ones manufactured; and we get a partial picture of the 'confusion worse confounded' which such a step would involve.

But to leave Great Britain, and turn to our colonies. We find, in each of them, a system which is fast growing, and (in some) fast becoming unmanageable. It is a notorious fact that the railways of New South Wales are annually incurring a large loss; that is to say, are not paying the interest which the country is indebted on the loans out of which they have been built. In the colony of Victoria things are in a better condition; but the improvement never took place, in the latter colony, until the government placed at the head of the whole railway system a board of commissioners practically removed from all political influences, and included, among their number (three), one practical authority who was induced to leave the service of one of the largest and most successful of English public companies.

There can be no doubt that, if the railways of New South Wales and Victoria were placed in the hands of public companies, the non-success of the former would be at an end, and the partial success of the latter would be increased. It is often urged, by so-called 'practical' politicians, that, in a young

country, it is necessary for the state to undertake the construction of railways. From this I altogether dissent. It is quite certain that if every encouragement be given to private enterprise, as soon as the necessity has arisen for a railway to any part of the country—that is to say as soon as the prospects, even the remote prospects, are sufficiently clear, private enterprise will be forthcoming to carry out the necessary work. And there will be all the more incentive to begin the work early, from the fact that, as time passes, the land, over which it will have to be constructed, will have acquired a higher market value at which it would have to be bought.

To this it will be replied that the country must be ‘opened up’; but it is forgotten that this ‘opening up’ will most benefit those to whose locality the lines are run, while the cost of maintaining the lines, so long as they do not pay, will fall on thousands of hard-working taxpayers who are deriving none but an indirect and very remote advantage from them.

Even if it were expedient for the government of a very young country to undertake railway construction, in the infancy of its history, it should dispose of all such public works when it has reached a more mature stage of growth, and with the proceeds, discharge the national debt which it has incurred in order to construct them in the first place.

On the subject of public works generally, there can be only one opinion as to the greater economy which is possible under the supervision of persons actuated by self-interest or private enterprise, as distinguished from state proprietorship. In the first place, the managing body of state property is not interested to nearly the same extent as is the case with those who are looked to to produce a profit, as with public companies: and that no one is so capable as those *interested* has been testified to by Mill.⁷⁴ Under state management, there is nothing like the same degree of fitness of parts to functions, and, therefore, nothing like the same degree of perfection in organisation. Governments have not either the extent or amount of knowledge which is possessed by the various heads of a public company, each of which has been trained or chosen with a view to perfecting his part of the organism.⁷⁵ As Professor Fawcett says, ‘the expenditure by the state, of large sums upon public works, disturbs the natural flow of labour. Great masses of workmen are aggregated in particular districts, and, when expenditure begins to slacken, they are naturally eager for fresh employment, and the government, in order to appease political discontent, may not improbably be forced to commit itself to still further outlay.’⁷⁶

Under a system of private enterprise, stupidity is detected, by means of periodical tests, and comparisons with other enterprises of a similar

74. ‘On Liberty,’ p. 64.

75. See ‘On Liberty,’ p. 64, Mill’s ‘Political Economy,’ p. 577. Collected Essays, by Herbert Spencer, Vol. ii., p. 87, ‘Wealth of Nations,’ p. 280.

76. ‘Political Economy,’ p. 289.

kind by means of comparative statements, dividends, and other suggestive results.⁷⁷ Macaulay said, in 1830, 'In a bad age the fate of the public is to be robbed outright. In a good age it is merely to have the dearest and the worst of everything.' And, he added: 'Buildings for state purposes, the state must erect. And here we think that in general the state ought to stop. We firmly believe that five hundred thousand pounds, subscribed by individuals for railroads or canals, would produce more advantage to the public than five millions voted by parliament for the same purpose. There are certain old saws about the master's eye, and about everybody's business, in which we place very great faith.'⁷⁸

The whole of the above remarks apply to public works generally, whether they take a central or a local form, and whether the object be the supply of gas or water, or the offering of conveniences in the shape of the telegraph or the telephone.

Regarding the first of these latter two objects, it has been stated that the 'Board of Trade returns (1884) of gas undertakings, in the case of thirty-eight *municipal* monopolies, and an equal number of private companies, in contiguous districts in Lancashire and the West Riding of Yorkshire, point to a *distinct superiority* of the latter over the former, in economy of production: the private companies extracting 12 1/2 per cent. more gas out of a given amount of capital than the municipal monopolies.'⁷⁹ Regarding water supply, it has been stated that 'the corporation of Manchester, since it first acquired the monopoly of supplying the city with water, in 1858, have, up to September last (1883), contrived to lose £110,000 in the experiment.'⁸⁰ On the subject of electric lighting the same conclusions cannot be drawn on account of the want of data; but it has been stated (as evidence of the blighting effect which legislation can produce on private enterprise) that 'the Electric Lighting Act 1882, in Great Britain, which empowers municipal authorities to take over the plant of electric lighting companies at the end of twenty-one years, at the values then existing, has completely dried up the flow of private capital

77. Some idea of the incentives to economy and safety, in the management of the railway companies of Great Britain, may be obtained, by a glance at the numerous annual comparative tables which are published in Whittaker's Almanac, concerning the periodical results of those companies. The managing body of each is constantly being spurred into increased activity and better judgment, by seeing their own results, side by side with those of others, not only as to the amount of dividends paid, but as to the *percentage of the working expenses on the earnings* (carried out even to decimals); the number of lives lost and persons injured; the amount of compensation paid; and a number of other particulars, which I have not room to detail—all of which constitute an ever-present gauge[sic], as to what *can be done*.

78. 'Southey's Colloquies on Society' (Collected Essays), p. 109.

79. 'Municipal Socialism' (W. C. Crofts), p. 39.

80. 'Over-Legislation in 1884,' p. 38.

into that channel of investment,' and that 'within twelve months after the act came into operation, a *dozen or more* electric lighting companies in London alone, either wound up, or transferred their 'business to the continent.'⁸¹ The Marquis of Salisbury, in speaking in the House of Lords on the subject of an amendment of this state of the law, confessed that 'the legislation passed in 1882 had absolutely *stifled the enterprise* of those who wished to introduce the electric light into this country.' As an instance of the comparison between the enterprise and progress which spring from self-interest, and the sluggishness of government management, it has been shown that, while 'the Post Office within an area of *twelve* miles from the General Post Office (London) sends a weekly average of 290,927 telegraphic messages over its wires, at an average cost per message of *eightpence*, the United Telephone Company, within an area of *five* miles from the same centre, in one week of December transmitted 449,696 telephonic messages at an average cost of *three-farthings* each.'⁸² John Stuart Mill has contended that, in the cases of gas and water companies, inasmuch as the monopoly which they practically enjoy is never as a fact broken in upon, they 'become more irresponsible and unapproachable by individual complaints than the government.' This may be the case in some districts, especially under the not unfrequent, but short-sighted system by which a public company is granted a statutory monopoly. If such be done, then, undoubtedly, there is just the same tendency to inactivity and indifference which characterises the majority of state and municipal undertakings; but if such a monopoly is *not* granted, then although, as Mill says, competition really does not take place, the fact of its being possible will always act as a wholesome spur to the existing company, and prevent any glaring abuses, calculated to excite public comment and complaint. The City of Melbourne (Victoria) affords an example in which a large and powerful gas company, enjoying a practical monopoly, drifted into a condition of apathy regarding the public requirements. The result was that an opposition company was floated, and the larger concern was forced to buy out the shareholders at a total cost of nearly £20,000; and, in addition, enter into undertakings to prevent a recurrence of the abuses which had led to the proposed opposition. The possibility of such action on the part of an indignant public will always have this wholesome effect, if care is taken not to confer a monopoly. The compulsory payment of such a sum as £20,000 will, in the case mentioned, doubtless prove a wholesome lesson for some time to come.

Closely connected, in some respects, with this subject of gas and water supply is that of drainage, sewage, paving, etc. I say 'in some respects,' because there is a real distinction between them. Water and gas are distinct commodities, without which no citizen can well do, and their supply is a

81. 'Municipal Socialism' (W. C. Crofts), p. 42.

82. '*Jus*' (Individualist Newspaper), January 7, 1887.

matter of such a definite nature, that no difficulty is likely to arise between any public company and any citizen, as to whether the latter is deriving any benefit therefrom. If a citizen require either supply, he must have it *laid on* to his establishment. Whether he then avails himself of that supply or not, is a matter about which there can be no doubt; and there is this further fact about them, that each citizen will be called upon to pay, in proportion to the use he makes of them.

Regarding drainage, sewage, paving, and the lighting of streets, no such definiteness can be guaranteed. If such works were attempted to be carried out by public companies, endless disputes would arise with citizens desirous of evading payment; and if rates were fixed for any such company, the element of competition, which is the chief advantage to be gained from private enterprise, would be removed. It would be open to certain citizens to say they did not wish the streets to be lighted; that they did not want the street paved; and there would be a strong temptation to citizens to neglect the all-important subject of drainage, rather than pay the cost of its being done by any such company.

On these and other grounds, there can be no objection to such matters being carried out by a municipality, and a rate being levied for the purpose. It is obviously essential to the well-being of every thickly-populated district that it should be lighted at night; that the footpaths should be well and uniformly paved; that the streets should be drained and made capable of receiving the drainage of citizens by a system of sewage or otherwise. If these are all recognised wants, they should be carried out, and with some uniformity.⁸³ That can only be done, equitably, by each citizen contributing in proportion to the value of his property thereby benefitted; and, as those values are already in the hands of municipalities for other necessary purposes, it can best be done by that means. Even if the carrying out of these obvious necessities costs a little more than would be the case by private enterprise, the difference would be counterbalanced by other advantages. The distinction between these matters, and those of water and gas, is so marked that, in the latter, where it is really practicable, the element of private enterprise should be allowed to operate, in order that wherever it is possible any breach of broad principles is obviated.

There is one feature about the subject of drainage which calls for greater attention than it has yet received. The modern development of 'germ diseases,' or (what is perhaps more correct) the more careful classification of certain maladies under that head, has brought the subject of sanitary supervision into

83. Certain suburbs of one particular Australian city afford an example of the effect of municipalities confining themselves to saying that every citizen shall pave the footpath in front of his house, without themselves carrying out the work. The result is that as many as six different kinds of pavement may be seen opposite contiguous houses. Some uniformity is at least desirable in such a matter.

much greater prominence. It is now more vividly realised, than ever it was before, that some of the greatest enemies to man are invisible; that, in the broad daylight, an otherwise healthy and vigorous person may be suddenly dealt a blow, which, though unfelt, and even unconsciously inflicted, carries with it sickness and death. The fact of such an enemy being unseen, renders it impossible to trace it with absolute certainty to its source; yet, nevertheless, we now know sufficient to satisfy us that diseases, so produced, are traceable with more or less certainty to neglect of sanitary provisions.

It has been well said that 'there is a far heavier assault than can be made with a bludgeon; and men may, in the broad daylight, deal each other typhus, diphtheria, or smallpox more murderously than ever a bravo deals blows with a dagger under cover of darkness.'

Mr. Herbert Spencer says very properly, 'He who contaminates the atmosphere breathed by his neighbour is infringing his neighbour's rights. Men having equal claims to the free use of the elements—having faculties which need this free use of the elements for their due exercise—and having that exercise more or less limited by whatever makes the elements more or less unusable, are obviously trespassed against by any one who unnecessarily vitiates the elements, and renders them detrimental to health or disagreeable to the senses; and, in the discharge of its function as protector, a government is obviously called upon to afford redress to those so trespassed against.'⁸⁴ In accordance with this principle, and having regard to the fact that it is almost impossible to prove that any particular citizen was the immediate cause of such an injury, when actually committed, I hold that either through the medium of municipal law, or through parliament itself, the neglect of drainage should be regarded as one of the most serious offences against society, and that, to insure the minimum of such neglect, the most severe punishment should be inflicted for a breach of such laws.

I come now to a class of interferences by the state, which must be classified under the second of the three fundamental principles which I have ventured to lay down.

That rule is as follows: *The state should not interfere with the legally acquired property of any section of its citizens, for any other purpose than that of securing equal freedom to all citizens; and, in the event of such interference being necessary for that purpose, and amounting to appropriation, only on condition of the lawful owner being fully compensated.*

Under this heading would properly come the proposal to enable agricultural labourers to acquire possession of allotments, by means of the state *compulsorily* acquiring the property from its present holders, as suggested by Mr. Joseph Chamberlain. I have, however, already dealt with the subject, in the chapter on 'Spurious Liberalism,' and I shall, therefore, do no more here

84. 'Social Statics,' p. 406.

than to show, in general terms, that it is a class of legislation calculated to inflict great injury upon society, by involving a distinct breach of the above rule, without, at the same time, producing sufficient good results to counterbalance that consideration. I have already admitted the distinction which is capable of being drawn between landed property and personal property, in regard to the right of the state to resume the former from any citizen for strictly *public purposes*, and at such value as it would fetch in the public market, under ordinary circumstances. It is proposed, in this scheme, to take the land from one citizen, not for strictly *public* purposes, but in order to give or sell to *another citizen*, on such terms as could *not* be obtained in an ordinary business way. Such a proposal cannot, therefore, be properly brought within the exception which applies to land. 'The Radical Programme' lays down, in the words of Mr. Chamberlain, the basis upon which land, taken as thus proposed, should be valued. 'The value,' says the writer of that work, 'which a willing seller would obtain in the *open* market from a *private* purchaser, with *no allowance for prospective value or compulsory sale*.

The proposal involves a double breach of the broad principle above laid down. In the first place, the property is proposed to be interfered with, for a purpose 'other than that of securing equal freedom to all citizens.' It is proposed to be taken from *one* citizen in order to confer the exclusive benefits which it carries with it on *another* citizen. In the second place, it is proposed to give the lawful owner less than the full compensation to which he is entitled.

An enquiry, as to whether there are any or sufficient circumstances to justify such a breach, will, I venture to think, result in a decided negative. The chief reason urged for such a step, if one may judge from the text of 'The Radical Programme,' in which the proposal is repeated, is that the agricultural labourer, in whose behalf the scheme is conceived, 'has *no means* of helping himself.' Here again, the 'Radical' author lands himself in a logical quagmire. It will be at once conceded that the agricultural labourer possesses, *in more or less abundance*, the same qualifications for success in life which are possessed by his fellow-citizens. The author in question has already admitted that 'the English masses are nearly impervious to political ideas,' and only 'know vaguely what they want,' though his party have clamoured long and loudly for their admission to the franchise. But, admitting all this to be true, it is impossible to show that the 'means of helping himself,' which the agricultural labourer lacks, have been taken from him by any interference with *his* liberty. If that which he lacks is the *degree* of intelligence which other citizens possess, then for the state to confer on him the privilege of an allotment on such an account, is simply an attempt to equalise the 'conditions' of men, which Mr. Chamberlain himself has, in one breath, condemned, in another advocated. But, on another ground, the proposal is indefensible, by Mr. Chamberlain's own showing. As a fact, if it must be said, the cause which prevents the English agricultural labourer

from 'helping himself'; which renders him 'impervious to political ideas'; and which accounts for his knowing only vaguely what he wants, is—in plain words—a want of intelligence: in less polite language, stupidity. No sensible person would blame him for this, any more than he would praise another for being clever. If any member of the agricultural-labourer class were not stupid, he would, in all probability, cease to be an agricultural labourer, and would soon lift himself into some higher sphere of employment. Now, what has Mr. Chamberlain to say about stupid people? Does he approve of the state coming to their assistance, in order to compel the intelligent to contribute towards their support? He said: 'I have never supposed you could equalise the *capacities* of men...the fool *must bear the brunt of his defects.*'

The 'three-acre' proposal, then, involves two breaches of acknowledged first principles. The chief reason urged in favour of the proposal is that it will help, and make more comfortable, a class 'who cannot help themselves.' That inability is not traceable to any legislative or social restriction which can be removed, but is the natural result of a want of intelligence. Mr. Chamberlain himself, as I have shown, deprecates any attempt to equalise the 'capacities' of men, and freely admits that any deficiency in mental capacity must bear its own brunt. Such being the facts, there are really no reasons whatever in favour of this suggested scheme—nay, all reasons are against it, for it would be a distinct step in the direction of an equalisation of the *conditions* of life.

The second head of interference with property, with which I shall deal, is that of legislation affecting shipping.

The end aimed at by all shipping legislation has been to ensure the *safety* of citizens at sea. To be free, and to be safe, are quite different things. To be *free* is to be at liberty to go to sea, or to stay away, as we choose; to sail in this vessel, or that, as we think best. All such freedom, every citizen already possesses. To be *safe* is to be out of danger. If the state were to seriously assume the function of supervising the safety of its citizens it would do little else. It would involve the inspection of the clothes we wear to ensure their being sufficient to prevent our taking cold; the inspection of our food to prevent our being poisoned, or serious injury being inflicted on our digestive organs; the inspection of our houses and our linen to secure us against damp; the supervision of our daily life lest we should acquire irregular habits, and thus throw our system out of order; the ordering of our reading and the choosing of our company, lest we should become immoral. And even, limiting our considerations to the sea, it would necessitate the state determining when vessels should go to sea; how fast they should go; how much sail they should carry; what latitude they should be limited to. These, and a hundred and one other duties would have to be performed by the state, if it assumed the function named. These are not liberties—they do not touch the question of our freedom. Then obviously shipping legislation (that is to say state-interference with shipping-property)

which is aimed at securing the *safety* of citizens, involves a breach of the rule which requires the state to abstain from interference with a citizen's property, except for the purpose of securing equal *freedom* to all citizens.

What then are the circumstances in its favour? It will be admitted that one of the strongest arguments against such interference is the fact that it *always fails in its object*. Such is in truth the case. I have already referred to a minute of the Board of Trade (Nov. 1883) in which it was said that since 'the Shipwreck Committee of 1836, scarcely a session has passed without some act being passed, or some step being taken by the legislature or the government, with this object' (prevention of shipwrecks); and that the 'multiplicity of statutes, which were all consolidated into one act in 1854, had again become a *scandal and a reproach*,' each measure being passed *because previous ones had failed*. It is then confessed that 'the loss of life, and of ships, has been *greater since 1876 than it ever was before*.' 'Meanwhile,' adds Mr. Herbert Spencer, from whom I borrow the quotation, 'the cost of administration has been raised from £17,000 a year to £73,000.' Mr. Chamberlain himself has admitted that the result of past legislation on this subject has been, not only a failure, but actually harmful. 'I am sorry,' he said, 'that I must also tell you that interference has not produced the result it was *intended* to produce in the security of the lives for which we are in some degree responsible.' 'I have,' he adds, 'had the loss of life at sea taken out, for the last six years, and I am sorry to say it is an *increasing quantity*.' There can be little doubt, then, that this class of legislation, in addition to its involving a breach of first principles, has, so far, always failed in its purpose.

I have, in the chapter on 'Spurious Legislation,' given data in support of the contention that such legislation really hampers trade, and thus *inflicts an injury* on citizens, instead of protecting them. Sir Frederick Bramwell, in his admirable address on 'State Monopoly or Private Enterprise,' said: 'I do trust, in the true interests of the sailor, that care will be taken not to burden the shipowner with such conditions, that he cannot afford to carry freight at a price which will compete with foreign nations.' He then mentions that, while at Quebec, he was struck with the large number of *exclusively Swedish* vessels lying there to take timber freight, all being bound to *England* when loaded. He was there informed that 'the restrictions upon the working of *English* ships were such, that they could no longer compete with the Swedes.' Much the same thing is stated in the instances of interference with shipping which I have given in a previous chapter. Why the state should thus interfere with one class of property, and, by so doing, cause serious injury to certain citizens, as also to an important national industry, it is hard to determine. There are, as I have pointed out, a hundred other ways in which the state could interest itself in the *safety* of its citizens, if it were once admitted to be correct in principle. As Mr. Stanley Jevons very pertinently observes: 'The seaman is treated by the law as if he were a mere child.'

There is really no special reason to justify this class of legislation, which involves so distinctly and so admittedly injurious a breach of first principles. For the state to step in, and judge for the sailor or the public, whether a ship is safe and seaworthy, is to deliberately discourage such citizens from satisfying themselves, and thus 'helping themselves.' If the state confined itself to *punishing* severely every case in which injury to life occurs by reason of the negligence of shipowners, it would effect its purpose far better than at present. That the state cannot, in the long run, judge the seaworthiness of vessels for the public, better than the public could do that for itself, is proved by the fact that there are now more wrecks and losses than ever, notwithstanding the precautions taken by the state. Meanwhile, the public are *trusting* to state supervision, and ceasing to criticise for themselves. Shipowners do just what is required, and thereby *avoid responsibility*. Thus the public entrust a personal duty to the state; and the state does not perform it for them—or performs it indifferently.

The inspection, by government, of steam boilers, is another instance of a departure from true Liberal principles. The author of 'Over-Legislation in 1883,' says: 'Manufacturers are to be worried with a thoroughly characteristic 'short act of parliament' called the Steam Boilers (Persons in Charge) Bill. Every boiler is to be looked after by a person who is provided with a proper certificate of qualification, issued by the Board of Trade, and specifying, among other things, the colour of the grantee's hair and eyes, the state of his complexion, etc.' This is another interference intended to secure the 'safety' of citizens. Where would the exercise of such a function end? If carried to its logical limits, would it not involve the examination of every cab axle, and every railway carriage axle, by a government inspector? Would it not involve the inspection of every lift in every large warehouse? Would it not involve the presence of an inspector on every locomotive to guard against rash engine-driving? These are not liberties; and the dealing with them, as such, leads to the veriest absurdity. The state is made up of the people, so that when the state begins to provide for our safety, we are all looking after one another—each citizen is in fact taking part in and contributing towards the care of every other citizen—everybody is in short, minding everybody else's business!

The true function of the state would be to leave everybody to look after himself; and when any accident does occur, through the negligence of the owner of a steam boiler, he should be treated just in the same way as anyone who had kept in his possession, and neglected to properly manage any dangerous weapon. Severe punishment for any such breach of the liberties of any other citizen would be the proper function of government. Sir F. Bramwell pointed out that such a law as the Steam Boilers Act would restrain progress and invention, by leading to the form and construction of boilers becoming stereotyped. 'Inspectors, having nothing to gain, and something to

lose by trying new experiments, would prefer to pass engines and boilers of the old type, rather than take the trouble to understand a new construction, or run the risk of sanctioning without understanding it.' The same eminent engineer suggested that 'while anything in the shape of government inspection would *bar progress*, the *best prevention* of boiler explosions would be to compel coroners to call to each such inquiry two independent engineers of standing.'

Under this head, I may again refer to some of the applicable illustrations which I have set out in the previous chapter on 'Spurious Liberalism—Present-day Instances.'

The subject of Contracts I place under this head. It is one which I think has been much misunderstood in its relation to the state. Mill, even, seems to be doubtful as to whether it is the duty of a government to enforce contracts between citizens. As a fact, the enforcement, by the state, of a contract, between two or more citizens, through its legal machinery, is just as important, and just as legitimate as the prevention of one citizen from appropriating the property of another citizen. When two citizens enter into a contract, each one undertakes to do or abstain from doing something. From the moment that any such contract is properly entered into, each of the parties becomes possessed of some right which he did not possess before. If the contract is one for the sale of merchandise by A to B, from the moment of its completion, B becomes the real owner of the merchandise, and A becomes the real owner of the money or whatever else B contracted to give, in exchange for that merchandise. If the contract is one of service, by which A engages to work for B for a certain time, for certain pay, directly the contract is complete and any stipulated conditions are fulfilled, B becomes the owner of A's services, and A becomes the owner of B's money. Now, in each case, directly either party to the contract fails or declines to fulfil his part, he fails or declines to give up to the other contracting party his rightful property—that is to say, he detains it. The proper function of the state is to step in and compel the offending party to desist from a continued interference with the property of his fellow-citizen, and to compel him, further, to deliver it up, or afford adequate compensation for the wrong.

In the case of A having engaged to serve B; directly A refuses to work, he is interfering with B's liberty. B is entitled to A's services, and even A himself has no right to deprive him of those services. In the same way A is entitled to B's money (as agreed), and, directly B fails to pay him, B is interfering with A's liberties, which in this case consist of the right to do what he likes with his own money. The true and only function of the state is to see that no such interference takes place—that, in fact, the contract being once entered into, each party under it is allowed the full enjoyment of his property thus acquired. The state, then, possesses for one of its first duties that of rectifying any breach of contract brought under its notice.

Closely connected with this subject of contracts, is one very extraordinary form of legislation, in which the state not only deliberately *abstains* from a performance of its duty as a guardian of the people's rights and liberties, but deliberately *connives* at the breach of contract by one citizen towards another. I refer to that class of legislation which provides that certain contracts, freely and deliberately entered into between certain classes of citizens, shall be *void*. The object of those would-be philanthropists, who have advocated such legislation, is no doubt to protect the person who is conceived to be the weaker of the two parties so contracting, from the consequences of his own act, by saying that though, as a free man, he has entered into certain obligations, which under ordinary circumstances would definitely bind him, he shall be excused from their performance; or in other words that the state will decline to assist the other contracting party in enforcing those obligations. In 1875, an act was passed in England to provide for certain matters pertaining to the leasing of certain agricultural holdings. The unsuitability of the act, for the classes for whose benefit it was intended, was soon proved by the fact that tenants contracted with their landlords to *exclude* the operation of the act from their mutual arrangements. It was not many years after, however, before a bill was introduced into parliament, the object of which was to provide that any such contracts, entered into between a tenant and his landlord, should be *void*, notwithstanding that such a contract had been, as I have said, voluntarily and deliberately executed by the parties concerned. The bill practically said, 'You, as a farmer, are incapable of managing your own affairs; you need looking after, to see that you do not act contrary to your own interests. We (parliament) shall therefore come to your assistance, and cancel any unwise agreements you may enter into.' This principle had already been forced upon the landlords of Ireland; and when it was sought to be introduced into England, in 1883, some very determined steps were taken to endeavour to stop its passage through parliament. It was then argued that, 'whereas in commerce freedom of contract is the very breath of its nostrils, the soul of its being; and whereas the commercial transactions in land—that is, the bargains between landlord and tenant—are, in the aggregate, greater than those of any two or three of the other largest British commercial interests; these bargains are not only to be forbidden in the future, but broken in the past,' for that is what the bill provided. Numerous petitions were presented against the principle involved in the measure, and it was broadly stated by the petitioners that the bill would 'deprive those engaged in agriculture, both landowners and tenants, of the liberty heretofore enjoyed, to make such voluntary agreements as may seem to them best.' They contended further, 'that industrial progress depends, above all things, upon the maintenance of freedom of contract, and upon immunity from state interference with private commercial relations.' They finally submitted that 'in the foremost industrial country in the world, an

attack upon the great principle of freedom of contract, and the substitution of state-regulation for private agreement, cannot but be regarded, by all members of the community, with disapprobation and alarm.' The Employer's Liability Bill provided that under certain conditions the employé should have certain remedies against the employer for injury received, even though it were done by a fellow-servant. Many masters began to enter into contracts of service with their employés, to the effect that such a liability against them should be foregone. It is now proposed that employés should be *prohibited* from contracting out of the Employer's Liability Act, and that such agreement shall be *void*. This is, as I have said, a most startling reversal of government functions; and there does not appear to be any argument in its favour, except a tendency for the legislature to attempt to manage its citizen's affairs for them.

Shops-closing.—Under this term may be classed those proposed interferences by the legislature with the liberty of the citizen to buy or to sell certain articles of merchandise after certain hours of the day. In the colony of Victoria, this legislative interference has actually taken place. Parliament has stepped in, and boldly enacted that, after seven o'clock in the evening (and a somewhat later hour on Saturday), no shop or place of business shall be kept open for the sale of goods. There are a few businesses excepted. I have dealt at some length with this question in a previous chapter, and, therefore, shall touch on it here in general terms only. It must be at once evident that such an enactment involves a two-fold interference by the state; (1) with the *property* of its shop-keeping citizens, by preventing them from making a full use of the same, even though, in so doing, they would not prevent other citizens from enjoying equal liberties; (2) with the *individual liberty* of the whole of those citizens who, otherwise, would have chosen the prohibited hours for the purpose of making purchases. In both cases the interference has been exercised for a purpose other than that of 'securing equal freedom to all citizens.' It has indeed been contended, as a sort of justification for this piece of distinctly socialistic legislation, that it *does* confer *additional liberty* upon the *shop assistants*; but, even if this were so, those, who thus argue, have certainly failed to regard the principle stated by Mr. Stanley Jevons as being transgressed by legislators, who are satisfied to see, in prospect, an *addition* to the liberty of certain citizens, without assuring themselves that there is no *subtraction*, 'as regards *other people*, or other times.' It is true that, by legislating for the closing of all shops after a certain hour, an additional amount of leisure is afforded to shopmen and shopwomen; but there is involved a *subtraction* of actual *liberty* from another class, and of much more serious proportions. In order to confer that leisure on the *one class*, the whole population have their *liberty* curtailed, by being prevented from shopping after a certain hour; and, what is even more serious, the privilege—for it is nothing else—is conferred on the one class at the cost of an interference with, and a consequent depreciation of

value in, the *property* of another class of citizens. The quotation which I have made in a previous chapter, from an address of the president of a shop-keepers' union in the colony referred to, will show what an enormous amount of injury and injustice has thus been effected. It is worthy of mention that almost all the municipal councils, to whom was delegated by parliament the duty of determining the amount of the fine for a breach of this act, were unanimous in fixing it at one shilling—the minimum! The act has, therefore, been in some respects reduced to an absurdity, and, by attracting frequent attention from the public on that account, has constituted an instructive monument to the stupidity of the legislators who helped to place it upon the statute-book. But, as far as the effect of the act is concerned, it really confers no additional liberty on the shop-assistants, which they could not have secured for themselves; and it would, as I have said, be just as unreasonable to advocate the stoppage of all railways, omnibuses, cabs and other vehicles, on the ground that, by so doing, all the drivers, porters, and others engaged in connection with them would 'have more liberty.' As a fact they would not have more liberty, but only more *leisure*; for no one of these classes, even now, could be prevented from absenting himself from his occupation at any moment if he so chose. Therefore, the proposals for such laws, and the laws themselves (where they are in force) are distinctly contrary to the first principles with which we have been dealing, and as there is really no evidence yet forthcoming (as I have shown in a previous chapter) which would justify a transgression of those principles, the movement stands condemned by the test of true Liberalism. While I write, I have had brought under my notice a report of a prosecution of a shop-keeper under this act of parliament. It is some evidence of the intensity of the public disapproval which the measure has provoked, that counsel for the *prosecution*, though appearing in support of its provisions, nevertheless characterised it as 'the most worthless piece of legislation ever passed through parliament, and a gross interference with the rights of the people.' It was, he pertinently added, an instance of 'legislation run mad.'⁸⁵

Factory Acts.—Under this head we have a distinct instance of interference with property. Certain citizens have expended large sums of money in the erection of mills and other manufactories, which come within the meaning of the provisions of the Factory Acts. In the absence of such interference, the lawful owner of such property would be enabled to use it to the best possible advantage. He would be enabled to compete with foreign manufacturers in the same industry, both in the number of hands employed, and the number of hours worked. He would be allowed to do nothing, however, which prevented

85. NOTE.—Although I have mentioned here the effect this legislative interference has had upon the individual liberty of the citizen wishing to purchase or to sell, my chief reason for dealing with it under the second of the three principles which I have laid down is to show in what way, and to what extent it interferes with the *property* of citizens.

other citizens (including his employés) enjoying equal freedom. Therefore he would not be allowed to impose upon his work-people any conditions of working which they were not prepared to consent to. Thus both the employer and employés would be free agents. But the legislature steps in. Parliament says: 'We shall not leave the workmen and workwomen to look after themselves; we shall treat them as if they were incapable of watching and protecting their own interests. We shall fix the hours of their work, and the size and character of the workrooms in which they are engaged. We shall determine what amount of ventilation they require, and where it is desirable for them to eat their meals.'⁸⁶ By adopting this course, the state practically renders the property of a class of citizens, engaged in manufacture, less valuable, according to the extent of the restrictions which these regulations place upon its use.

As Mr. Stanley Jevons says:—'To lessen the day's labour by one hour is to lessen the supply of labour by one-ninth or one-tenth part; and to the same extent to *waste the efficiency of all machinery*, and of the *fixed capital* connected therewith.' Any act of parliament, therefore, which in any way curtails the time during which factories of any kind may be used, or limits in any way the number of work-people which the owner of such property is able to induce to enter into service in any such factory, involves an interference with the property of citizens. Let us ask, now, whether such an interference would or would not be justified by its result—by its securing 'equal liberties to all citizens.' *To some extent* I think it *would*. I have already admitted, under the head of state education that children, while under a certain age, have a claim against the parent for such necessaries as food, lodging, clothing—and (I am ready to admit) education. In order that this last may be obtained, the child should not be compelled to occupy its mind or body, for any length of time, over such work as it would be put to in mills and factories. I should therefore regard the employment of such a child in a factory as an invasion of the *child's liberty*, not by the employer, for he owes it no duty, but by *the parent*. Therefore in order that such invasion may not take place it would be perfectly justifiable to provide for the punishment of the *parent* by whom the invasion is committed. Thus it would 'secure equal liberties to all citizens.' All adults have the right to refuse work if they are not fitted to it. A child should have the same right; and as it cannot, while a child, protect itself, the state is justified in championing its cause. On the question of what is a child, I should certainly differ with Victorian legislators, who treat as such, young persons of even 16 and 18 years of age!

The question of the employment of women in factories is a difficult one. I have held that the principles of true Liberalism demand the same freedom in life for women as for men; and that would include the franchise. I see

86. This has reference to the Victorian act, which prohibits the work-people from eating their dinner in the workroom.

no reason, supposing women enjoyed that equal freedom, why they should be dealt with by the legislature differently to men. I see no reason why any legislative restrictions should be placed upon the hours of their work by the legislature. In the colony of Victoria, women have shown themselves as capable as men in the matter of combination; and it has lately been stated in the press that the Female Operatives' Union of that colony comprehends nearly 4000 members. I regard this proof of self-help as a most healthy omen. There is, therefore, for the recognition of true Liberal principles, no reason why parliament should treat women, as Mr. Jevons says it treats sailors—'as if they were mere children.'⁸⁷ But there is one distinction which I think should be observed, and that is the occupation of married women, already become, or likely to become mothers. I have, elsewhere, contended that the state must sometimes extend its regard beyond the present generation—in fact, it does do so, in a hundred and one ways. I have contended, too, for the liberties of *children*. I think it necessary to extend the meaning of that term to the same *early* period which the law reaches in matters connected with an heir-at-law. In short, I think that it would be highly undesirable, in the interests of the coming generation, and, what is more to the point, would involve a breach of *latent* liberties, to allow a married woman unrestricted freedom in factory work. Though in such a case it would be the *woman* who was transgressing the rights and liberties of her offspring, the legislature would more effectually gain its end by restricting the *employer* in the occupation, on certain classes of work, of 'child-bearing women,' as they have been called by certain economists.

Such women, therefore, and children, are the only exceptions which should, in my opinion, be made to the non-interference principle. It is worthy of notice how carefully legislation of this character needs to be dealt with; for there is reason to believe that, though the prohibition thus placed on married women would have a beneficial effect on the physique of future generations, the fact of drawing so broad a distinction between married and unmarried women, by allowing the latter to earn wages at certain classes of work, and preventing the former, might act as a powerful deterrent to marriage itself, and thus produce a large amount of injury to society in another direction. On the other hand, Mr. Stanley Jevons is of opinion that the fact that a mother could add to the takings of her husband, by earning her own living, is likely to 'promote improvident marriages.' This is a good illustration of the difficulties which surround legislators, immediately they enter upon a course of interference.

I pass now to certain questions which come under the third of the principles which I have ventured to lay down as guides in determining the propriety of

87. The late Professor Fawcett protested (Speech, July 30, 1873), against state-interference with adult women's labour, on the ground that there was no more justification for it than there was for interfering with the labour of men.

legislative proposals. That rule is as follows:—*The state should not restrict the individual liberty of citizens for any other purpose than that of securing equal liberties to all citizens.*

Protection.—I have already dealt with this question under the head of ‘Spurious Liberalism,’ as also under the head of ‘Modern Liberalism.’ I cannot undertake to enter, here, into a lengthy dissertation upon so much disputed a subject. There can be no doubt that the right to purchase anything we may require, wherever we can do so with most advantage to ourselves, is one of the simplest and most undisputed of our liberties. The system of protection to home industries practically imposes a penalty upon every citizen who exercises that right, and by so doing, interferes, through the medium of the state, with that particular liberty. The purpose of that policy is certainly not to ‘secure equal liberties for all citizens.’ By some of its most ardent advocates it is claimed to secure greater *national wealth* for the community in which it is practised, though such advocates have never followed up their theory to its logical sequel by applying it to counties and towns also. However, even if an accession to national wealth *could* be so obtained, that would be no justification for a system which imposed a penalty upon those only who thought fit to consume foreign goods. Protection, then, involves a distinct breach of this third principle, and it only remains to consider whether there are any special circumstances in connection with it which would justify such a breach being made. I have certainly never heard of one which will stand analysis, and, whatever others may be inclined to think, I have no hesitation in pronouncing ‘Protection’ to be an unqualified transgression of one of the first principles of government, and an *unjustifiable* interference of the state with our civil liberty.⁸⁸

Licensing.—The subject of licensing is one which many people are apt to overlook as involving a breach of civil liberty. It comes to some extent under the same category as the subject of protection. In a country where no such system exists—Holland, I believe, is an example—every citizen who chooses to do so, has the right to sell ‘fermented and spirituous liquors.’ Every citizen, also, is allowed to purchase any of such commodities from any other citizen, at the cheapest price at which it is obtainable. The element of competition (to which we are so much indebted in every other branch of commerce), is allowed to operate; and, as a result, there is a healthy rivalry between dealers, by which the quality is calculated to be improved, and the price has a tendency to fall.

What now is the position of affairs in most, if not all English-speaking communities? The state, for some misconceived reason, steps in, and, upon the principle of Queen Elizabeth’s state monopolies, grants the right to sell the particular articles, in consideration of a certain payment made to

88. For further treatment of this subject, see p. 228 et seq.

the government. The state, in fact, makes of liberty a sort of commercial commodity. It first takes it from *all* citizens, and then *sells* it to a *class*, who happen to have secured a licensed house. Thus the state sells to a class, what it is its duty to *secure* to *all* citizens. The result is that a monopoly is created; the license money has to be ultimately paid by the consumers of these commodities, and an artificial value is thereby placed upon certain citizens' property by reason of this monopoly. Further interference has followed in this direction. Thousands of the citizens of every community are now prohibited by the state from purchasing any of these commodities on one particular day in the week; and another, and even more tyrannical scheme has been adopted in certain countries, by which the *majority* in any town may reduce the number of established houses at which such commodities are sold, and prevent the establishment of new ones. I refer to the scheme known by the term 'Local Option.' In the colony of Victoria the 'Local Option' party have secured such a footing, and carried their despotic philanthropy to such a pitch, that *one-third* only of the voters in any district are required to go to the poll, to enable them to close up what they may deem to be superfluous houses for the supply of intoxicating liquors. It will scarcely be believed that even this extent of power, which so far has proved insufficient to secure their ends, has failed to appease their voracious craving for converts; for they have only lately waited as a deputation on the government for a further increase of power, by the adoption of a reduced test. Having failed to get *one-third* of the voters to record their protest against the existing houses, they clamour for the power to *force* their convictions on the majority, on the strength of a still further reduced proportion! Lord Salisbury put the Sunday-trading restriction in a very terse way, when he defined the proposal as an enactment 'that, on Sunday in every week, a certain portion of the population in the country shall abstain from one of their accustomed articles of diet, because a fraction of the population say that the temptation to consume too much of that article is too strong for them.' The whole of the licensing system is, in short, a series of breaches of the principle under which I am treating it. But some will urge that there are justifiable grounds for such a breach. What are they? Is not the chief reason advanced in its favour, the contention that such a law will have the effect of rendering men more moral. Yet, under the head of 'Spurious Liberalism,' I have shown that in innumerable instances the law has been persistently defied, and an encouragement thus offered to fraud and deceit. I have shown also that in numerous cases, in which the Sunday Closing Acts have been in force, the amount of intemperance has *increased one hundred*, and even *two hundred* per cent. This is another illustration of the rule, which should, by this time, be sufficiently proved—that people cannot be made moral by act of parliament.

I have now gone through sufficient of the principal subjects in connection with which legislation has been attempted or is contemplated, in order to

illustrate the principles which I am advocating. There are many others which the limits of my space will not enable me to dwell upon. I have shown that, by the application of the three rules which I ventured to lay down, a tolerably complete gauge[sic] can be taken of the numerous proposals with which I have dealt. Those which have been admitted to be legitimate for the legislature to deal with, notwithstanding their involving a breach of the rule, will, I think, be found, on a very close examination, to really come within one or other of them, though I should not desire to, in any way, strain language in attempting it.

I have admitted that, with certain important qualifications, the state is justified in taxing citizens for the purpose of affording aid to the severely distressed portion of our population, and I have yet admitted that such state action does *not* secure 'equal liberties' for all citizens. But I am prepared to show that in one sense—that is by regarding the poor laws as a 'safety-valve against rebellion'⁸⁹—the expenditure under them does, in a great measure, 'secure equal liberties.' Rebellion is only an *internal* form of what, from *without*, we should call 'invasion.' The state is admitted to be justified in expending its revenue in *guarding against* invasion. It would surely be equally justified in guarding against *rebellion*.

The danger of this argument is that it might induce too wide an interpretation, and too elastic a use. But, even if adopted, the very greatest care should be taken not to extend the system of poor laws beyond the strict limits which will guarantee that nothing is done but that which is absolutely necessary for the public safety, and in such a manner as to discourage citizens from resorting to it or counting upon it as a substitute for thrift and providence in early life.

On the subject of education I have admitted an exception, viz., the right of a state to *compel* a *parent* to educate his children; though without *itself* undertaking the providing of that education. But if children's liberties are to be regarded by their parents, and every child really has a claim on its parent for education, the compulsion on the parent by the state would be nothing more than a securing of liberties for the children, who otherwise might be wronged by neglect. It would, so viewed, not be an exception.

The subject of sanitary matters may also, by a little subtlety, be brought within the definition of 'equal liberties.' It has been the habit of the advocates of *laissez faire* to limit the *sources* of aggression to our liberties, to *our own species*, and to regard always as a matter for *individual* care, aggression from *other sources*. This I venture to think is an unnecessary and undesirable limitation. If any community is threatened with attack from a foreign people, no question is asked as to the right of the state, as representing the whole body of citizens, to undertake the work of resistance; and, even before such an attack is threatened, we are in the habit of contributing uncomplainingly to the revenue, in order

89. 'The Basis of Individualism' (Wordsworth Donisthorpe), *Westminster Review* July, 1886.

that a peaceful foreign policy may be maintained, and foreign aggression thus *obviated*. I venture to think that great and malignant *diseases* may justly be regarded in the same way. The plague of London probably produced more death and misery than would have been produced by the success of the Spanish Armada; yet, while the prevention of the latter would be justified by even so rigid a critic as Mr. Herbert Spencer, the prevention of the former would be condemned. I venture to think, therefore, that, without any undue straining of words, the sewage and drainage of cities and towns can be consistently undertaken by the state, through its deputies—the municipalities.

I have now completed my attempt to show the *practical* capabilities of my theories. I am fully aware, as I have said, of the danger of laying down any hard-and-fast rules in connection with such a complex and difficult subject as that with which I have been dealing; but I am sanguine enough to believe that a due regard for the principles which I have put forward would guard against a very large portion of the increasingly socialistic legislation which characterises the present day.

In all cases, I claim for legislation scientific treatment—a recognition of broad principles, and a careful and even exact investigation of all the surrounding circumstances which rightly concern the subject under consideration.

I may summarise my arguments, so far, as follows:—Man originally lived in a state of anarchy. He had the liberty to do anything he wished, compatible with his mental and bodily capabilities. Under such a condition of society (if society it could be called), there was unrestricted play for the law of the ‘survival of the fittest.’ While such a state of things existed, men enjoyed no safety for themselves, or for whatever of the necessities of life they might have, over and above their daily wants. As a result, there was little, if any encouragement or incentive to accumulation: to meet the irregularities of nature, such as bad seasons, scarcity of game, prevalence of disease among the food-winners of the tribe. As a result of this, there would be no such thing as prolonged leisure; and consequent upon that again, there would be no opportunities for the employment of the mind, on pursuits other than those which produce food, clothing, and shelter. Such features of civilisation as (in a highly-developed state) we call art, science, literature, etc., would be unknown, and man would remain stationary.

Men come together and set up, first a chief, then a king, and ultimately a council or parliament representing themselves. Each of these governing powers, in his or their turn, makes laws, by which it is tacitly admitted that all members of the community are bound—each one being allowed to do anything which is not by that authority prohibited. The law then soon becomes sufficiently comprehensive to provide a practical limit to the exercise of the powers of each member of the community.

I claim, therefore, that upon a philosophical investigation of man’s nature as an individual, and of society as an aggregation of individuals, it will be found

that his (man's) immediate and remote happiness (that is to say the happiness of present and future generations) is best consulted by allowing each individual the maximum of liberty, compatible with the same degree being enjoyed by his fellows. We find that the happiness of man, that is of humanity, present and to come (for many of us very properly, though unconsciously, have regard for the interests of future generations), depends upon the care of our bodies, and the cultivation of our minds, in some direction or other. These, again, depend upon our having a fair amount of liberty and leisure for the latter, and as many as possible of the comforts of life around us for the former purpose.⁹⁰ The comforts of life (which term may include everything which contributes to man's happiness), and the possession of leisure, involve prior accumulation. That accumulation again necessitates our having the maximum of liberty to acquire it, and the maximum of security to prevent its being wrested from us by others. Over and above all this we need protection from outside aggression.

It follows, from this chain of reasoning, that, in order to attain the largest amount of happiness, it is essential that we should possess the largest possible amount of liberty, compatible with its like enjoyment by all, upon which our own really depends. I am fully aware that, by pursuing a policy such as I have sketched, much misery, much want, much unhappiness, and much suffering will ensue in the struggle for existence. That I am prepared to admit. But I am also aware, nay, convinced, that the amount of that misery and want, and of that unhappiness and suffering, will, under such a policy, be *infinitely less* than would ensue if man were to definitely break away from these broad fundamental principles of social order and progress. I am satisfied also that, as man is constituted, and as nature is ordained, a certain, and a large amount of want, misery, and unhappiness is absolutely inevitable and unavoidable; and that any attempts to obviate it, by means of legislative encroachments upon the incentives to progress in the more fortunate of our fellow-citizens, will result in disappointment and failure. If the poor are to be helped; if the sick are to be tended; if the hungry are to be fed; that assistance must flow from humanitarian springs, and not from the iron hand of an act of parliament. The struggle for existence does not dry up those springs, but only causes us to forget their existence. If human nature is only properly appealed to, and allowed to feel that such assistance is *spontaneous*, the sources of such feelings as charity and brotherly love will not be sought for in vain. But every fresh attempt to *force* such assistance by the iron hand of a majority, will surely sap such feelings, and incite, in their place, that of a determined resistance, to an unjust compulsion.

90. It will, of course, be understood that I am not attempting to prescribe, what may be considered, the 'spiritual requirements' of a 'happy' life. Considerations of that nature are distinctly supplementary to those of a purely mundane character, to which I have confined my observations.

Chapter Ten

SOCIALISM AND COMMUNISM

A short enquiry concerning the principal theories and practical experiments of ancient and modern times, in the search for an ideal form of Commonwealth.

‘If the elaborate schemes for regulating everything, and finding a place for everybody, could be carried out, we should have a state of society resembling that of ancient Peru, or that which, to their eternal honour, the Jesuits instituted and so long maintained in Paraguay.... We have passed out of the socialism of the tribal state, and cannot re-enter it again, except by a retrogression that would involve anarchy, and perhaps barbarism.’—HENRY GEORGE, *Progress and Poverty*.

‘To try to make men equal, by altering social arrangements, is like trying to make the cards of equal value by shuffling the pack.’—SIR JAMES FITZJAMES STEPHEN, *Liberty, Equality, and Fraternity*.

‘The great error of the majority of Socialists is that they do not sufficiently take into consideration the fact that the great incentive to labour and economy is individual interest.’—M. DE LAVELEYE, *The Progress of Socialism*.—*Contemporary Review*, April, 1883.

In the preface to this work, I affirmed that the tendency of modern legislation was in the direction of certain forms of society, known as Communism and Socialism; and I undertook to show, as one of the links in the chain of my reasoning on behalf of true Liberalism or Individualism, that, wherever and whenever these forms of society had been resorted to, the result had invariably been—by reason of the necessary elimination of the element of self-interest—to sap the energies of the people constituting the community, and to reduce them all to the dead level of the tribal form of society, in which the conditions

of life are of the most primitive, and progress, in the higher developments of man's nature, as in art, science, philosophy, and literature, almost unknown. That undertaking I now purpose to fulfil.

The bearing of such an exposition upon the other portions of my work is obvious. I have personally done my utmost, and I have brought to my aid some of the greatest authorities in political literature to show that man, as an individual, and society, as an aggregation of individuals, can reach a high state of civilisation and progress, only by possessing the largest amount of liberty for the development of the bodily and mental powers, compatible with the like amount being enjoyed by each and all.

The forms of society with which I purpose dealing, have, of necessity, as I shall show by actual evidence, the effect of stunting and discouraging that development, by requiring the able, the industrious, and the provident, to share with the stupid, the idle, and the improvident, whatever may be obtained as the reward of that energy and those virtues.

In the one form of society, the governing power says:—'Be up and doing; if you have any faculty, be it bodily or mental, discover it; foster it, cultivate it, exercise it, and we shall secure to you all the honestly obtained rewards which those faculties have enabled you to acquire; and we shall secure to you also the peaceful unmolested enjoyment of such rewards when so obtained. We impose one condition—that you shall, in every way, assist us to secure the same liberties to all your fellow-citizens.'

In the other form of society, the governing body says:—'Be up and doing. If you have any faculty, be it bodily or mental, and *it be, in our opinion, capable of benefitting the community*, we shall require you to cultivate it and exercise it. Then, whatever fruits may result from that exercise, we shall require you to *add to the common stock, so that those who are less gifted, less intelligent, less inclined to exert themselves, may not, in consequence, be less comfortably provided for than yourself.*

Can any man or woman, who knows anything of this subject, question the fairness of my contrast? Can any man or woman, who has a sound healthy brain, as well as a sound, healthy body, fail to see, at a glance, why such a form of society as that which the latter picture portrays, should quickly *starve* and ultimately *kill* the best and the noblest of man's activities and aspirations? To say to a man 'You shall exercise your faculties, but the reward, in addition to a bare subsistence, shall be only a wreath of myrtle' would not perhaps be fatal to all our energies; for the love of enterprise, the desire for health, and the sense of self-respect, would of themselves, and for a time, prompt many of us to an otherwise unrewarded activity; but to be told: 'You *shall* exercise your faculties, *in order that you may assist to keep alive, and render more comfortable, the stupid, the idle, and the improvident,*' would produce in the mind of every man of spirit, feelings of rebellion against such flagrant injustice; and, as a result, such

men would drop to the minimum of exertion, in sheer protest against such a grossly inequitable system of society. The two forms, then—that which I am endeavouring to champion, and that which I am endeavouring to condemn—produce a discord. They are absolutely inharmonious; and that fundamental incompatibility consists in the presence, in the one system, and the absence in the other, of that life-giving element which is known, unfavourably, by the term ‘self-interest.’

It becomes, therefore, almost essential to my defence of the existing state of society, that I should show that those forms, towards which we are fast drifting, are, at once, impossible of realisation and distinctly injurious, in proportion as they are approximated to. This I shall do; though with every desire to be faithful to the text of those who have advocated such forms of society, as well as true to the facts which are connected with the various experiments which have been already tried.

I have little hope or expectation that any weak effort of mine, or even those of abler men in the same direction, will make themselves felt upon the overwhelming current of Socialism which is now sweeping over the civilised world. The human mind in the aggregate is ever tending towards some imaginary goal; and that it has now a decided set in the direction of such a form of society there can be no rational doubt. That tendency, too, has been brought about, among the less favoured in the struggle for existence, by the sometimes sincere, but always carelessly formed conviction that there are ‘better times’ in store for everybody, but certainly for themselves, if only *some change* can be made.

What chances there are of a turn in the current of public opinion, I shall speak of in closing the chapter. Everything, meanwhile, points in one direction. The parliament of Great Britain, as it now consists, is elected by five millions of men, of whom *three-fifths* belong to the working-classes. It is admitted by the Radical party that ‘the English masses are *nearly impervious to political ideas*;...and know vaguely what they want.’ If that be the case (and what political party should know better concerning the intellectual condition of the masses?) is it to be expected that they should fail to be attracted by the many promises of ‘better times’ which are held out to them? The author of ‘The Radical Programme’ rightly says, ‘there never was a time when instruction was more needed on these (political) topics;’ yet, in the same breath, he says it is for ‘the people’s leaders to indicate to them the precise methods and instruments by which *their wishes* may be realised.’ This is just the sort of ‘instruction’ which is likely to precipitate a continued system of class legislation, by which the prosperous and the well-to-do will be encroached upon in every direction, in the matter of their liberties, and their property. But the ‘signs of the times’ are numerous and equally various. ‘The set of civilisation (says the ‘Liberal’ press of the colony of Victoria) is in the direction of the abolition of private

property of all kinds, and of all the instruments of industry being acquired and monopolised by the state. The state is daily doing for its citizens what they have been in the habit of doing for themselves. The Socialist claims this as a concession to the philosophy of his principles; and he is sanguine that *the individual will wither more and more, and the state be more with us, in every department of life, from the cradle to the grave.* It will not only inspect our mines and dwellings for us, and take charge of our savings, and educate us, and secure to labour the rights it claims; but it will displace the capitalist in the scheme of things, cultivate our farms, keep our manufactories going, and take in hand, in fact, the work of production and distribution for the community. All this it will do through the magic aid of the co-operative principle. Under that beneficent principle, labour has been able to obtain a share in the profits which otherwise went into the pockets of the individual capitalist; and what the Socialist expects is that the same good results will accrue when it is worked by the state for the benefit of the entire community, as is ascribed to it when in the hands of an individual or a company. The only difference is that, in the one case, it means that society depends upon self-help, and, in the other, upon state-help. Self-help has given to England its co-operative stores; to France its co-operative factories; and to Germany its co-operative credit banks. For this self-help, shall we substitute state-help? That is the question which the Socialist answers in the affirmative.' There is, about the latter part of this quotation, very strong evidence of doubt, on the part of the writer, either as to which is the wiser 'ism' for society to adopt, or as to which is the most politic to preach from the newspaper point of view. However that may be, the quotation serves my purpose, inasmuch as it is a *sympathetic* summary of the Socialist doctrines. That the drift of public opinion is in that direction can be too easily seen from a mere perusal of the long list of interferences with individual liberty, with private enterprise, and with the rights of property, a number of which I have enumerated in an earlier chapter on 'Modern Instances of Spurious Liberalism.' Each of those instances may in itself appear, to some persons, of little importance or seriousness; but it must be remembered that the sea is made up of drops, and the universe of atoms. It would require an infinitely less proportion of such interferences to completely disorganise and revolutionise commerce and industry, and to subvert society itself. All of those interferences, moreover, set in one direction, viz., towards an *equalisation of social conditions*, which can only be brought about by taking from one class and bestowing upon another. Let me draw attention to a few of the 'signs' which indicate the gathering clouds of unreasoned dissatisfaction and discontent, now showing themselves in almost every portion of the civilised world. In September of 1886, several French anarchists were put upon their trial in Paris, for using revolutionary language. The Avocat-Général enumerated 'the well-known doctrines of the Socialist school to which the accused belonged.' One of the

accused admitted having said that 'The Republic requires, in order to live, *not only liberty, but equality and fraternity*.... Let the working-men (he said) combine, if they do not wish to be always made use of. Let them form an army of *the robbed against the robbers, of the murdered against the murderers*; and, if we are driven to extremities, if we are provoked, if we are compelled to resort to the gun, then, *so much the worse for those who give the provocation*.' A second of the accused inveighed (to the jury, in his own defence) against financiers, capitalists, and 'the *king of plunderers—Rothschild*.' He said, 'he and his friends wished to *make them disgorge*, as was done under the old monarchy; and in doing so they would not be plunderers, but the *enemies of the plunderers*.' He told the jury that they had to pronounce against *the robbers*, or against the robbed; but, whatever they did, they (the jury) might rest assured that they and their friends would continue, with zeal, the propoganda they had begun; and, when they came to form the government, they would *send the financiers to execution*. 'This,' says the report, '*was received with applause from the back of the court*.' A third of the accused told the jury that what he and his friends—the Collectivists—wished, was to put an end to the *legal murder and pillage*, to which society was a prey. Their part was to tell the people that they were *made tools of and plundered*. That would continue until the *proletariat* had its 1789, as the *bourgeoisie* had had theirs. The bankers (he continued), like M. de Rothschild and the others, rob our robbers, and personally are neither friendly nor hostile to us. In the pockets of *prolétaires*, where there is nothing, finance loses its rights. We are told that we desire plunder; but the social revolution has for its object the *suppression of plunder*. We are reproached with having spoken of 'liberating guns.' Were the revolutions of 1789, and 1830, brought about with broom handles? *All the administrations, the public institutions, and the army are schools of murder*.' These utterances, it must be observed, are chiefly speeches by the accused themselves, *in their own defence*. I have, in one case only, touched upon the original language, which is even more revolutionary. The above, however, more fully and clearly explains some of the revolutionary purposes of the particular Socialist school to which the accused belonged. The most significant feature of the whole trial, as showing how widespread such views of society must be in large continental cities like Paris, is the fact that 'the jury, after 20 minutes' deliberation, *acquitted* the accused—the verdict being *applauded* by part of the audience.'¹ I am well aware that these are very extreme instances of Socialist views, and I may as well say, at once, that I am not quoting them for the purpose of illustrating the principles of that school of politics, but only to show to what a pitch of intensity dissatisfaction with the existing order of society has already been excited. I mention these utterances as an illustration also, from one section of society, of the tendency of public opinion. I shall have to mention several others, showing the existence of the

1. *The Times* (Paris Correspondent).

same discontent in other and quite different directions. If we turn to the 'Principles' of the Knights of Labour of the United States, we find there proposed, schemes certainly less drastic, but equally impracticable. Here are a few of them:

'To bring *within the folds of organisation every department of productive industry*: making knowledge a standpoint for action, and industrial moral worth, not wealth, the true standard of individual and national greatness.'

'To secure to *the toilers* a proper share of the wealth that they create; more of the leisure that rightfully belongs to them; *more society advantages; more of the benefits, privileges and emoluments* of the world; in a word, all those rights and privileges necessary to make *them* capable of *enjoying*, appreciating, defending and perpetuating the blessings of good government.'

'The *revising* of the public lands—the heritage of the people—for the actual settler; not another acre for railroads or corporations.

'The abolition of the contract system, on national, state, and municipal work.

'The reduction of the hours of labour to eight per day; so that the labourers may have more time for social enjoyment, and intellectual improvement, and be enabled to reap the advantages conferred by the labour-saving machinery which *their brains* have created.

'To prevail upon governments to establish a purely national circulating medium: issued directly to the people, without the intervention of any system of banking corporations; which money shall be a legal tender in payment of all debts, public or private.'

There are of course other and unobjectionable principles, to which I need not refer. Those who can read between the lines will at once see, in such of the principles as I have set out, the same tendency to carp and sneer at wealth, private enterprise, and social advantages. Yet, it will also be observed, while depreciating them on the one hand, they demand a *greater share* on the other. *All* 'productive industry' must be brought 'within the folds of organisation,'—whatever that may mean. 'Wealth' is not to be the standard of greatness. No sensible man has ever claimed it to be; but the knights, nevertheless, want what they term a 'proper share' of it; they want also 'more society advantages,' and more of the 'benefits, privileges, and emoluments' of the world. They want, in addition, everything necessary to make *them* capable of enjoying the blessings of good government. The 'revising' of public lands can mean nothing but a redistribution; and such public institutions as railroads are not to have another acre. A modest desire is that which requires work done for the state, or for municipalities, *not* to be competed for. These principles show, with tolerable clearness, the drift of public opinion in the United States, among the working-classes. The Knights of Labour, who embrace those principles, have been stated, in *The Times* of October, 1886, to have first organised in

1869, and to number, at the present time, 111,395 members, grouped in 1610 lodges. They are thus a political factor of no inconsiderable importance. But this organisation, and the principles which its members have adopted, are by no means the most alarming 'sign of the times' in the United States. It was there, indeed, that the notorious revolutionist, John Most, who was actually 'expelled from the social democratic party in Germany on account of his *extreme* views,' was so readily welcomed. He has been spoken of by a competent authority as having been 'warmly received, and listened to with favour, by large bodies of workmen, while uttering counsels of war and bloodshed.'² He expressed his belief, thus publicly, that emancipation would be brought about by violence, as all great reforms in the past had been. He consequently advised them 'to buy a musket, as it was (he said) a *good thing to have*. If it was not needed now (he continued) it could be placed in a corner, and it occupied but little space.'

The presiding officer, in closing one of his meetings, emphasised this part of Most's address, and 'told the labourers that a piece of paper would never make them free; that a musket was worth a hundred votes; and then he closed the meeting with the line:—

'Lead and powder alone can make us free.'

There can be no doubt,' concludes Professor Ely, 'that a considerable portion of his hearers sympathised with his views. They listened approvingly, and applauded his fiercest remarks most loudly.'³ That such a man, holding and advocating such views, should appear in the United States, is significant of nothing; but that an audience of citizens, in a great industrial community such as it is, should have allowed views of that character to be unequivocally expressed, and should have even applauded them, is indeed significant of a state of public feeling among certain classes of the community which bodes evil for the future. It is said that New York alone possesses *three* social democratic newspapers, two of which are published in the German, and one in the English language—two out of the three being dailies. The motto of one of the German papers is: 'All measures are legal against tyrants.' We may fairly infer that these publications are self-supporting; and with that further fact before us, we can tolerably well imagine the widespread currency of such views as they would promulgate. Turn now to Great Britain, and though we shall find much less evidence of such revolutionary views being widely entertained, nevertheless the late Socialist meetings held in Trafalgar Square, and the subsequent revolutionary raid which was made upon the property of a large number of citizens, point to the presence of a deep-seated discontent in the minds of thousands of the less provident classes of that, and probably many

2. 'French and German Socialism' (Professor R. T. Ely), p. 27.

3. 'French and German Socialism' (Professor R. T. Ely), p. 27.

other large cities. But, putting aside the consideration of such views, which are of course discountenanced by everybody having a 'visible (and regular) means of support,' and dealing with the next class of expressed discontent, we find such prominent statesmen even as Mr. Chamberlain boldly promulgating doctrines almost as subversive of existing institutions as those of the knights of labour. In advocating local government, he says: 'It will bring you into contact with the masses. By its means you will be able to *increase their comforts*, to *secure their health*, to *multiply the luxuries* which they may enjoy in common; to carry out a *vast co-operative system for mutual aid and support*; to *lessen the inequalities of our social system*, and to raise the standard of all classes in the community.' Again, 'It belongs to the...duty of the state...to *protect the weak*, and to *provide for the poor*; to *redress the inequalities* of our social system;...to *raise the average enjoyment* of the population.' How is all this to be done? Only by taxation. The poor cannot be taxed; so 'the comforts,' 'the health,' 'the luxuries,' and the 'enjoyments' of those *who have not*, are to be paid for by those *who have*. This is unmistakable Socialism, and Mr. Chamberlain himself, and his exponent in 'The Radical Programme' have, as I have shown, admitted the fact. Observe, too, the *extent* to which *professed* Socialism has developed in England. Mr. Hyndman, one of the leaders, if not *the* leader, of the movement in England, says:—'Socialism has become as familiar in Great Britain as Radicalism, and is advancing among the working-classes in particular, almost too fast for our organisation to keep pace with it.'⁴ At the present time there is 'one rapidly increasing Socialist organisation—the Social Democratic Federation—with *fifteen* active branches in London alone, besides those in the principal industrial centres throughout the provinces.'⁵ Again he says:—'Not only are our actual numbers of registered and paying members increasing daily, but thousands, who dare not openly join our ranks, gather round us gladly, in any emergency, and show at all our great meetings. We are, in fact, voicing a general and deepening discontent with the present state of society among the working-classes, and giving a form to those aspirations for better things, which, but for us, would infallibly break out in sheer destructive anarchism and revenge, at the critical moment. What renders our movement the more serious is the undoubted fact that the army reserve men, everywhere, sympathise with us, owing partly to the inconsiderate manner in which they have been treated, and partly to the fact that they share the bitter feeling which is growing among their own class.... Hitherto we have devoted ourselves, almost exclusively, to education and agitation, delivering more than 2,000 lectures and addresses on Socialism, last year, in London alone.'⁶ Mr. Hyndman mentions six Socialist journals published in London. Allowing for

4. 'Socialism in England' (H. M. Hyndman), *North American Review*, Sept. 1886.

5. 'Socialism in England' (H. M. Hyndman), *North American Review*, Sept. 1886.

6. 'Socialism in England' (H. M. Hyndman), *North American Review*, Sept. 1886.

a fair percentage of exaggeration in this account of Socialist progress, it is sufficiently evident that the tendency is wide-spread and growing. If we turn from the *proletariat* of France, the working-classes of America, and the Radical and Socialist parties of Great Britain, to calmer and less biased sources, we find the same desire for altered social arrangements, and, unfortunately, the same belief in the theories known as Socialism and Communism, as promising a better condition of things—in fact ‘better times’ for everybody! M. de Laveleye, who has given a large amount of attention to the history and growth of Communistic societies in different parts of the world, and in different ages, has published the result of his researches in a volume entitled ‘*De la Propriété et de ses Formes Primitives*’ (‘Primitive Property’.) To have made so close a study, as he has done, of so special a department of political science, is to have acquired the reputation of ‘an authority’ among those who have not the time or inclination to pursue the investigation for themselves. And any expressions of opinion in favour of institutions so carefully investigated, coming from such an authority, count for much among their less studious advocates. M. de Laveleye does not openly champion Socialism or Communism as desirable systems, but he certainly says as much in their favour as he can do, without committing himself to such open advocacy. It will be part of my duty to criticise, in a subsequent part of this chapter, many of his comments and conclusions. I mention one or two here merely as further evidence of the drift of public opinion. ‘Caste and its privileges,’ he says, ‘are abolished; the principle of the equality of all, in the eye of the law, is everywhere proclaimed; the suffrage is bestowed on all; and still *there is a cry for equality of conditions*.’⁷ Again, ‘economists reiterate that all property is the result of labour; and yet, as before, under the empire of existing institutions, those who labour have no property, and, with difficulty, gain the bare means of existence, while those who do not labour live in opulence and own the soil. As the former class compose the great majority, how can they be prevented from using, some day, the preponderance at their disposal, in an endeavour to alter the laws which regulate the distribution of wealth, so as to carry into practice the maxim of St. Paul: ‘*qui non laborat, nec manducet*’? The destiny of modern democracies is already written (he continues) in the history of ancient democracies. It was the struggle between the rich and the poor which destroyed them, just as it will destroy modern societies, *unless they guard against it*.’⁸ The last five words of this quotation are safely vague. M. de Laveleye will be found, by those who read his work, to be sufficiently iconoclastic as regards existing and time-honoured institutions. He is, however, not fertile in suggesting remedies. He has nothing to say as to how the destruction of modern society by Socialism is to be ‘guarded against,’ except it be in a few approving comments on the

7. ‘Primitive Property.’ Preface, p. xxvi.

8. ‘Primitive Property.’ Preface.

primitive, in some cases almost barbarous constitutions of certain of the communities dealt with in his work referred to. The fact that so learned an authority as M. de Laveleye should, as I shall further show him to have done, *tacitly recommend* Communistic and Socialistic principles, is an important sign of the times, as to the wide reception which those principles are receiving in our own day. Strongest of all, as a source of encouragement to Socialists, and highly valuable to them as a pillar of their school, is the fact that so careful and impartial a thinker as John Stuart Mill should have spoken in terms favourable to their cause. Mill's extreme fairness has, indeed, led to much harm, if to say so is not a paradox. It would be more correct to say his method of showing that fairness. It has more than once happened that, in his desire to do justice to both sides of an argument, he has set out carefully whatever can be said on either side. Having become a considerable authority on economic questions, enthusiasts are eager to get from his writings any quotation which appears to help their cause. His writings happen to offer every opportunity for such persons to extract a quotation from what Mill deemed the favourable side of their argument, but which should, to do him justice, be read only in connection with the context. Mill has in this way given material to Communists; but I think I can show subsequently that the conditions upon which he approved such a scheme of society were such as to render it impossible. Socialists have not failed to use the quotations which appear to suit them; but they have carefully omitted the conditions referred to. 'If,' says Mill, 'the choice were to be made between Communism, with all its chances, and the present state of society with all its sufferings and injustices; if the institution of private property necessarily carried with it, as a consequence, that the produce of labour should be apportioned as we now see it, almost in an inverse ratio to the labour—the largest portions to those who have never worked at all, the next largest to those whose work is only nominal, and so on in a descending scale, the remuneration dwindling as the work grows harder and more disagreeable, until the most fatiguing and exhausting bodily labour cannot count with certainty on being able to earn even the necessaries of life; if this or Communism were the alternative, *all the difficulties, great or small, of Communism, would be but as dust in the balance.*'⁹ Again, 'The restraints of Communism would be freedom, in comparison with the present condition of the majority of the human race.'¹⁰ This is indeed splendid material for Socialist advocates. I shall subsequently deal with the conditions which follow on these quotations. But it can now be sufficiently seen how the drift of public opinion is setting. As M. de Laveleye says in his preface, 'everywhere Socialism makes rapid progress.... In Germany Socialism is an organised party, which has its journals, carries on a struggle in all the large towns, and sends to the Reichstag

9. 'Principles of Political Economy,' p. 128.

10. 'Principles of Political Economy,' p. 129.

an increasing number of representatives. In Austria, Spain, and England, the masses of working men are penetrated with its ideas; and, what is more serious, even professors of political economy became *Katheder Sozialisten*.⁷ On the Continent, in the United States, and in Great Britain, we discover the principles of the school to be widely entertained; and we find also men of research, like M. de Laveye, and thinkers like Mill, consciously or unconsciously transforming theories into settled convictions, in the minds of its disciples, by virtue of the authority which attaches to their writings. It is now sufficiently evident from the foregoing facts, and from the tendency which I have fully illustrated in previous chapters that, throughout Europe,¹¹ and throughout all English-speaking communities, there is going up, as M de Laveye says, 'a cry for *equality of conditions*.' I propose now to analyse that cry in two ways; first, through the medium of the works of the principal of its advocates; and secondly, by the light of practical experience, gained from actual experiments in ancient and modern times.

It will be a sufficiently remote point from which to commence my brief and hurried survey, to deal with theories and communities prior to, and contemporary with Aristotle. The political wisdom of that writer is, unfortunately, more proverbial than intimately known, even among those who claim to make a 'profession' of the subject. It would indeed be fortunate if his writings were more frequently and more widely studied; for there is scarcely a form of government, there is scarcely a political movement connected with modern history, which does not seem to have had its counter part, even *prior* to his time, and to have been commented upon by him, upon the principle expressed by Bolingbroke—that 'history is philosophy, teaching by example.'¹² Having regard to the immense range of Aristotle's knowledge, as well as to his comprehensive grasp of whatever he touched, it may readily be inferred how large an amount of political experience had preceded his time, to have led him to affirm that 'almost all things have already been found out.' Certainly a study of his writings will show that very little has occurred in history since his time, which involves any new political principle, notwithstanding that upwards of *twenty-two centuries* have passed away.

In the fifth chapter of the second book of his 'Politics,' we have a short but almost exhaustive treatise on the subject of 'Community of Property,' and a criticism of the various ideal commonwealths which had been evolved from

11. What I have shown to be the condition of public opinion among the masses in Paris, can be shown also regarding Germany and Russia, though in the former the expressions of discontent have not taken so violent a form.

12. This very observation of Bolingbroke's has, in a different form, been anticipated by Aristotle. 'The legislator (he says) ought to know that he should *consult the experience of long time, and of many years*, which would *plainly enough inform him* whether such a scheme is useful: *for almost all things have already been found out.*' 'Politics,' book ii., Ch.5.

the minds of Socrates, Plato, Phaleas and Hippodamus; as also an analysis of the constitution of society adopted by the Spartans. In this chapter, we have the various stages of community of property, from Socialism to extreme Communism, discussed and criticised from almost every point of view. The attractions and advantages of such forms, as also the inconveniences, the impracticability, and the proneness to sap the virtues, are all fully dealt with. As they have to do with times long prior to the more detailed theories which are influencing the new growth of this particular school, I shall deal shortly with them here. The chapter referred to opens with a statement of the question, as to how property should be regulated under the 'most perfect form of government?' 'Is it better,' he says, 'that not only the *possessions*, but also the *produce* of them should be *in common*, or that the soil should belong to a particular owner, but that its produce should be brought together and used as one common stock, as *some nations at present do*; or, that the soil should be common, and be cultivated in common, whilst the produce is divided among individuals for their special use, as is said to be the practice among some of the barbarians; or whether both the soil and the fruit should be in common.' Human nature has not altered much since Aristotle's time. 'If (he says) there be not an equal proportion between their labour and what they consume, those who labour hard, and have but a small proportion of the produce, will, of necessity, complain against those who take a large share, and do but little labour. Upon the whole, it is difficult to live together as a community, and thus to have all things that man can possess in common.... This (he continues) is evident from the partnerships of those who go out to settle a colony; for *nearly all* of them *have disputes* with each other upon the most common matters, and come to blows upon trifles.' It is evident, from this, that the experiments, which had, in and before Aristotle's age, been attempted, had not shown Communism to be capable of producing a millennial condition of things, such as is now frequently predicted as likely to result from its establishment. Aristotle then says: 'The manner of life which is now established, more particularly when embellished with good morals and a system of upright laws, is *far superior* to it; for it will embrace the advantages of both.... For the fact that *every man's attention is employed on his own particular concerns*, will prevent mutual complaints; and prosperity will increase as each person labours to improve his own private property; and it will then happen that, from a principle of virtue, they will perform good offices to each other, according to the proverb, 'All things are common among friends.'" Elsewhere, he says: 'With respect to pleasure, it is unspeakable how advantageous it is that a man should think he has something of his own.' The effect on the virtues of benevolence or liberality, by the establishment of community of property, is also touched upon. 'It is (he observes) very pleasant to oblige and assist our friends, and companions, and strangers, which *cannot*

be unless property be private; but this cannot result where they make the state too entirely one.... They *destroy* the offices of two principal virtues, modesty and liberality liberality as it relates to private property, without which no one can appear liberal, or do any generous action; for the office of liberality consists in imparting to others what is our own.¹³

Aristotle admits, as every one must do, the attractiveness of the social picture which Communism presents to the imagination; and I shall show, subsequently, how great an influence the imagination has had upon some of its most celebrated advocates in France and Germany. 'This system of polity (says Aristotle) does indeed recommend itself by its *good appearances* and *specious pretences* to humanity; and the man who hears it proposed will receive it gladly, concluding that there will be a wonderful bond of friendship between all its members; particularly when any one censures the evils which are now to be found in society, as arising from property not being common; as for example, the disputes which arise between man and man, upon their contracts with each other; the judgments passed to punish perjury, and the flattering of the rich; *none of which arise from properties being private*, but from the *corruption of mankind*.' This passage might have been written in the nineteenth century A.D., instead of in the *fourth* century B.C. Every word of it is applicable to our own day. I shall be able to show, in corroboration of Aristotle's conclusion regarding the corruption of mankind, that, in almost all of the instances in which Communistic experiments in the United States have failed, the leaders have attributed the fact to exactly the same cause. Here follows a very valuable conclusion, apparently based on actual historical experience. 'We see (says Aristotle) those who live in one community, and have *all things in common*, disputing with each other *oftener* than those who have their property *separate*; but we observe fewer instances of strife, because of the very small number of those who have property in common, compared with those where it is appropriated. It is also but right to mention (he adds) not only the evils from which they who share property in common will be preserved, but also the advantages which they will lose; for, viewed as a whole, this manner of life will be found *impracticable*.' So much, then, for the deductions of the *most practical* philosopher of ancient times, regarding the Communistic experiments which had been made, and the theories which had been propounded prior to, and during his own age.

13. There is an excellent note to this part of the text, in my edition of Aristotle's 'Politics.' It is so pertinent that I quote it. 'We have here,' says the Editor (Dr. Gillies), 'almost a Christian argument against the ideal community of goods proposed by Socrates. In a state, where the principle of unity is thus carried out, it will be impossible to exercise the social duties of liberality, kindness, etc.; and there will be no room for the virtues of benevolence, charity, modesty, etc. But virtue cannot exist, if its proper objects are withdrawn; this result, then, shows that, however fair and plausible such an Utopian theory may be, it is *contrary to the nature of man*, and therefore false in principle.'

I purposely pass by Aristotle's criticism of the ideal commonwealths pictured by Socrates, Plato, and others, as also his comments upon certain features of the government of Sparta. To dwell upon those subjects would involve more space than I have for that purpose, at my disposal, and would not, after all, have much bearing upon the modern school of Socialism, with which I desire more especially to deal.

I come now to what has been termed 'Early Christian Communism,' which comprehends various attempts at a state or condition of society, more strictly in accordance with the principles of simplicity and fraternity taught by Christ and His followers.

As Mr. Kaufmann has said, 'The moral enthusiasm, which springs from religious convictions, is a prime motor in all social reform; and hence there came into action a powerful influence on European society, as Christianity gradually spread throughout the Roman Empire.'¹⁴ A century before Christ, all the property of the city of Rome was held by about two thousand families, the remainder of the population, numbering about a million and a quarter, consisting principally of paupers. The ownership of the lands was confined to a small number of proprietors, and the cultivation of the soil was, for the most part, carried on by slaves. Certain senators possessed enormous fortunes for those times, which excited the envy of many of the less successful, and served as splendid material for the agitator and the Socialist dreamer. The luxury of the wealthy had become a bye-word; and the reckless extravagance, on pleasures of the most enervating and ephemeral nature, had brought the affluent classes into hatred and contempt. 'The hour for reform (says a writer of Roman history) had surely come.' Christianity came, with its extremely altruistic teachings; and Christ himself has since been claimed by prominent Communists, such as Cabet, to have 'proclaimed, preached, prescribed and practised' Communism. 'The Communism practised by the early Church was not so much a rigid logical deduction from the teachings of Christ, as it was the result of spontaneous love of the brethren, who were all united by the same common bond, and all equally ready to devote their goods and possessions to the common welfare.'¹⁵ The fact that 'the end of all things' was said and considered to be at hand, constituted an important factor in producing a disregard for worldly wealth and comforts; which disregard would obviously conduce to the adoption of Communistic practices. Mr. Kaufmann speaks of the early establishment of a 'Commonwealth of Love' as an experiment; but he adds that, after an ephemeral existence, it had to be abandoned. Another attempt of a similar character is recorded as having taken place in Jerusalem. The society was called 'The Poor Saints.' It also failed; and Mr. Kaufmann gives, as a reason, the fact that 'an equal share

14. 'Socialism and Communism' (Rev. M. Kaufmann, M. A.), p. 7.

15. 'Socialism and Communism,' p. 12.

of all, in the enjoyment of property, demands an equal amount of common labour and skill in all. As that is not possible (he adds), ruin follows, when all the available surplus of accumulated capital is consumed ‘among so many,’ not to speak of the effect of ‘idleness, selfishness, and unthrift,’ the rocks on which any ordinary communistic society would most probably founder.¹⁶ I purposely pass over the social organisation of the Essenes, notwithstanding that they embraced many of the principles peculiar to Communism. I do so because, as a community, they are acknowledged to have been established and to have adopted their self-denying mode of life, quite irrespective of any influence from the teachings of Christ. Speaking generally, ‘the Communism of the early Christians was the result of religious ardour, the first-fruits, so to speak, of the newly embraced faith, manifesting itself in a premature attempt at social reform.’ That the mode of life, to which Communists themselves claim that Christ’s teaching would practically lead, did not become more general, has been attributed to the ‘ambition and worldliness of the Church, as it increased in power.’ ‘Christian Socialism’—that is to say, those social experiments which may be said to have sprung directly from Christ’s teaching, form but a small part of the material for a history of this subject. Nevertheless it is a very important part; for modern Communists, such as Cabot and others, affirm that Communism itself is the logical outcome of the equality of men, implied, if not actually taught by Christ. There is one feature, however, in connection with Christian Socialism, which many Socialists completely lose sight of; and I shall have occasion to point out that the same feature characterises all the existing Communistic societies of the United States. It is, that the act of joining such a community was purely *voluntary*. The modern tendencies to Socialism and Communism, against which I have had occasion to protest in the earlier chapters of this work, all involve the *compulsory* confiscation, by act of parliament, of a part of the property of certain citizens, who happen to be better off than their neighbours. Where the aggregation of the large or small accumulations of a number of persons is voluntarily entered into, there can be no possible objection. The fact that it is so entered into is the strongest possible evidence that each and all of those, so uniting, see, in such an act, some end, some goal, some purpose to be attained, which they deem more valuable than the possibilities of other results, such as might arise from the retention of the same accumulations as separate individuals. In the one case the principle of self-interest is just as active as in the other. The leaning to the one form of society may have been regarded, from the Christian Socialists’ point of view, as ‘worldliness’: but the leaning to the other form, viz., that in which individual wealth and other mundane considerations were subordinated to what were deemed higher and better aspirations, regarded from a more temporal standpoint, might be with equal reason termed (in

16. ‘Socialism and Communism,’ p. 19.

the words of Oliver Wendell Holmes) ‘*other-worldliness*.’ This distinction, however, between *voluntary* Communism, such as was practised as the result of Christ’s teaching, and the modern attempts at a *compulsory* approximation to equal social conditions, is very important to observe.

Mr. Kaufmann has said that ‘With every new revival of religious feeling, similar tendencies (to a system of social equality and a community of goods) prevailed’; and that ‘similar attempts were made to reintroduce Communistic institutions, because they were supposed to be in keeping with the spirit of primitive Christianity.’¹⁷ It is said that during the first four centuries of the Christian era, ‘the fathers of the Church’ often looked back regretfully to the Apostolic age, when the brethren ‘had all things in common.’ St. Chrysostum, with becoming mildness, said: ‘If we ourselves adopted in our own day this mode of life, the result would be an immense addition of happiness to rich and poor alike; both would have an equal share of advantage.’ And St. Ambrose, in somewhat more confident terms, laid it down that ‘Nature has given all things in common to all men. Nature has established a common right, and it is usurpation which has produced a private claim.’ Besides, these, however, there are many other utterances, equally strong, in support of the *rights of property*. ‘In none of them (says Mr. Kaufman) is there any encouragement of schemes for a *violent* reconstruction of society on purely communistic principles, such as are put forward by modern Socialists.’ During the particular period with which I am now dealing (the middle ages), the most definite experiments in communistic principles were those which were attempted in the establishments of the monastic orders. These orders were numerous—the Beghards, Fratricelli, the Cathari, the Brothers of the Common Lot, and others, ‘who all more or less practised Communism, on religious grounds, and as a protest against the abuses of private property, which they denominated ‘that accursed vice of property.’ The practice of Communism in these monasteries was an undoubted success, that is to say, *under the circumstances*. Standing out prominently, as they did, in contrast with the oppression and tyranny which characterised the feudalism of those times, they may well be said to have ‘served as a model for a reformed society.’ Mr. Kaufmann himself admits that ‘the moral government of ecclesiastical communities secured the triumph of law and order over the violence of the feudal lords...the principles of association, co-operation, and a fair division of labour and enjoyment, fraternal love, and devotion to the common good, lawful obedience under free institutions and a spirit of beneficence towards those without—in fact, the leading principle of all Utopias—found some realisation in these monastic institutions before the dawn of modern civilisation.’ But how was all this brought about? What were the circumstances under which this apparent triumph of Communism took place? In the first place, they were not altogether self-supporting. ‘Without

17. ‘Socialism and Communism,’ p. 23.

the existence of a larger outer world (says Mr. Kaufmann) which, to a certain extent, *ministered to the wants* of these recluses, their societies... could not have stood the test of time.' There was, moreover, another, and a very exceptional reason for their continued existence; one, too, that could never be availed of in any other social organisation. I refer to the rule of celibacy which prevented the usual increase in numbers. It will be seen from these two facts that their continued existence is really no evidence of the practical possibilities of Communism applied to society in its normal condition of existence. Communists certainly point to these establishments as patterns for modern society; but there is no doubt that, as Mr. Kaufmann says, 'their constitution cannot serve as a pattern to the world at large, which is *not* ready for the austerities of the cloister, or abstinence from the material enjoyments of life, which formed the leading principles of monachism.' With the secularisation of the Church and the increase of wealth among the monasteries, principally derived from outside sources, even these social oases in the desert of feudalism became demoralised and disorganised.

Among the numerous sects which flourished during this period may be mentioned the Brothers of the Common Lot, or the Brothers of the Common Life, and the Apostolici. These two most call for attention. The former originated in the younger Florentius, vicar of Deventer, asking of his superior, 'what harm would it do were I and these clerks, who are here copying, to put our weekly earnings into a *common fund* and live together,' to which no objection, but encouragement was offered. The society grew into great proportions. Their object, it is necessary to observe, was to 'extend the usefulness of practical Christianity, by the *simplicity* of their common life, by their rigorous code of morality, and by the introduction of a higher spiritual tone of devotion.' Female societies were formed on similar lines, and the members engaged in sewing, weaving, and other forms of manual labour. These institutions 'spread rapidly, and increased in importance and prosperity.' Mr. Kaufmann says: 'When they had fulfilled their mission, they passed away without a struggle;' but, he adds that 'their success, as far as it went, proves the possibility of active co-operation on Communistic principles, *if* accompanied by the affectionate association of mind and heart, actuated by the *highest motives of morality, the spirit of pietism and self-surrender.*' But he adds, as he might well do, that 'the application of such principles to the Utopian schemes of most modern Communists, who make material enjoyment and self-indulgence, irrespective of moral considerations, the *summum bonum* of existence, is therefore, out of the question.' Such societies teach us 'that the development and success of co-operative association depend on the growth of a higher motive power; manifesting itself in acts of self-denial and brotherly love among all classes of society.'¹⁸ Can any scheme for the regeneration of society which depends on such virtues be fairly termed 'practicable'?

18. 'Socialism and Communism,' p. 39.

We have seen how the equalising influences of the Church were gradually lessened and ultimately destroyed by reason of the growth of wealth and luxury in the Church itself; and how, out of this one important departure from the precepts of Christ, it gradually drifted into a condition of extravagance and vice, which, by the law of social oscillation, to which I have referred in a previous chapter, ultimately led to that great counter movement known as the Reformation. Numerous sects at first appeared, 'all protesting against the wealth and corruption of the clergy.'

Numerous social reformers, such as Fra Dolcino, and many political agitators such as Arnold of Brescia, for the most part men of unsullied virtue and reputation, now appeared upon the scene.

These were men who, as Dean Milman says, combined the qualities of the monk and the republican. They were admirers, also, of the simple and lowly mode of life which was associated with Christ's teaching. In addition to these aids to the impending social changes, there existed certain spiritual societies animated by much the same desires. The Waldenses and the Minorities¹⁹ were the most important of these. They professed 'rigid *evangelical poverty*, and *avoided* the pursuits by which wealth might be gained.' The former were looking for the early re-appearance of the Messiah, when they expected absolute equality to be established.

Some idea may be obtained of the style of life which they led, from the following description by a monk belonging to another and contemporary order. 'They have no settled place of abode. They go about barefoot, two by two, in woollen garments, *possessing nothing*, but like the apostles having *all things in common*: following, naked, Him who had not where to lay his head.' Their Socialism was purely *voluntary*. The existing condition of the Church, in those times, naturally caused them and their peculiarly pure, pious, and simple mode of life, to be regarded with disapproval. They underwent considerable persecution, and were in time broken up. Some of them joined the Hussites, of whom I shall speak hereafter.

The Lollards were another community who numbered at one time as many as 24,000, and who are described by Mr. Kaufmann as having had a 'strong communistic tendency.'

'There is (says the same writer), no evidence to show that any of their tenets favoured *compulsory* Communism, or encouraged a subversion of society.'²⁰ It is true that John Ball, the 'mad priest of Kent,' who was connected with the Lollards, entertained and gave expression to unmistakable socialistic opinions. He proclaimed, for instance, the 'original equality of mankind,' and asserted

19. 'The former of these are said to have derived their name from Peter Waldo, a Lyons merchant, who led an influential party, eager for a reform in the corruptions of the clergy. The latter also derived their name from their founder—Fratres Minores.

20. 'Socialism and Communism,' p. 55.

that 'as they were governed by the laws of nature, they kept upon even ground, and maintained this blessed purity.' He affirmed that 'all those distinctions of dignity and degree are inventions of oppression; tricks to keep people out of their ease and liberty; and, in effect, nothing else but a conspiracy of the rich against the poor.' But, as Mr. Kaufmann observes, Ball had probably no more the sympathy of the upper class of Lollards, than have the violent spirits of the social democracy at the present moment of the higher clergy and the educated classes in Prussia. Be this as it may, the history of the Lollards, as an association of people, supplies us with no evidence of the practical success of Socialism or Communism, as advocated in our own day. That, indeed, is the only question with which I am concerned in this chapter.

The Taborites, who constituted a society of Christian Communists, built the town of Tabor, and spread their political and social ideas throughout the kingdom of Bohemia. Mr. Kaufmann says that with the establishment of this new Christian republic, on the principle of a community of goods, 'the second advent of Christ was expected, and, along with it, a final restitution of things.' The same writer says: 'Multitudes hastened to lay their property at the feet of the clergy, as in the days of the Apostles; and a state of society, *free from pain and bodily necessities* was looked forward to, as on the eve of appearing.... They called each other brothers and sisters; they divided equally among themselves their substance, after the pattern of the early Christians; their life was grave, and similar to that of the most rigid Puritans.' It appears that, as results of this Utopian experiment, there were 'no contentions, no speculations, and no boisterous festivities.' The Taborites were now drawn into fierce conflict with the Hussites (of whom it is said, they had degenerated into a herd of 'ferocious and desperate fanatics'), and on account of the ravages and the devastation which the country underwent, 'manufactures and commerce came to an end; the manners and habits of the people became coarse and violent; and the Taborite forces, recruited with foreign adventures, lost their religious character.' When Piccolomini visited Tabor, to confer with the Bohemians on some matters in dispute between themselves and the Emperor of Germany, he found the people rough and uncultured. Their clothes and dwellings (the latter composed of wood and clay) indicated *poverty and social stagnation*. They had lived for a time upon the spoil which they had obtained on their marauding expeditions, but, as Mr. Kaufmann says, 'they had at last found it necessary' to *return to commerce*, and to *abandon the principle of community of goods*.²¹

The same writer, who, in the volume from which I have quoted, as also in others dealing with the same subject, has proved himself a specialist in such matters, says, in regard to this particular community: 'Such was the unsatisfactory result of an ill-organised society, modelled on the plan of a

21. 'Socialism and Communism,' p. 64.

Communitic Utopia.... Ignorance of economic laws, and a consequent inability of the leaders to organise the new society on a satisfactory basis, prevented the establishment of industrial institutions which would provide a means of livelihood in times of peace. Social competency, not to say social progress, under such circumstances, was out of the question. When the available wealth of the Taborites had been divided equally among all, and consumed; when the spoils of war had ceased to replenish the stores of the community, want and necessity made their appearance, followed by the consciousness that a *return to the old order had become necessary to preserve the people from starvation.*' Speaking, generally, of the different sects and brotherhoods which existed between the seventh and the fourteenth centuries, Mr. Kaufmann says: 'If we follow these efforts at social reform, from the exodus of the Paulicians out of Pontus and Capadocia, when, driven by persecution westwards, they settled in Bulgaria, Croatia, and Dalmatia, presently to appear in Italy, France, Germany, England, and Hungary, under the various names of Cathari, Apostolicals, Fratricelli, Belguins, Waldenses, Albigenses, Lollards, and Hussites, we shall find a recurrence of the same cycle of ideas, exhibited in similar effects, and meeting with similar rebuffs on the part of the outer world, and being *finally dissolved, on account of faulty internal organisation.*'²² I pass now to another Socialist community known as the Moravian Brotherhood—an association which has been described as 'peacefully developing, out of similar beginnings, but making Christian self-sacrifice for the common good, the rule of life: thus introducing lasting and beneficent social reforms, while avoiding Socialistic revolutions.'²³

This brotherhood, in its modern organisation, was founded by Count Zinzendorf about 1750. The 'United Brethren' (the more comprehensive title under which the former may be included) are constantly being referred to by modern Socialist writers, as affording encouragement to similar efforts for the reconstruction of society. They consisted of two distinct branches: the Hutterites and the Herrnhuters. The followers of Hutter settled in Moravia. They 'established a community of goods,' and were distinguished for their 'purity of manners, and the earnestness of their religious convictions.' To start with, therefore, they were a *specialy selected class*, such as could not be obtained by any indiscriminate congregation of the masses in a modern state. We are told, moreover, that 'none but men of *blameless lives and devout characters* were admitted into the community.' This, also, is a condition which renders any success they may have attained, as a community, absolutely inapplicable to any modern experiment, such as is being advocated by Socialists in our own day. Imagine, for instance, the effect of mixing, in one community, a number of men with 'blameless lives and devout characters' with an equal

22. 'Socialism and Communism,' p. 66.

23. 'Socialism and Communism,' p. 91

number of such men as those I have referred to in the account of the Paris prosecutions! It is not difficult to predict the result which would at once follow. The rules of this brotherhood were extremely rigid. 'Meals were taken together in silence; the food was frugal, and the clothing of the simplest kind, and uniform in appearance. Work was done noiselessly, and feasts and festivals were totally abolished.' The first rule of the society was *not to suffer any idle persons among the brethren*. No one was exempt from work of some sort, and the worst offenders were *expelled* from the communities and thrust *back into the world!* Notwithstanding all these rigid conditions, and these exceptional aids to success, 'internal dissensions and religious disputes arose, and undermined the foundations of the newly-formed communities, and *they had to be dissolved.*'²⁴ Many members returned to their original homes in Germany and Switzerland, and 'became objects of public charity.' So great a failure was this (Hutterite) experiment considered, that the Zurich authorities prohibited further emigration for a similar purpose, on the ground that 'the emigrants returned to the states, and became a burden to their relatives.' The last vestiges of this particular brotherhood disappeared in 1620. Another branch of the Moravian Brethren, known as the *Unitas Fratrum*, which was established on the confines of Moravia and Silesia, came to an end by persecution and other violent means, about the same time. At first they met with great success, and rapidly increased in numbers. They were held in great esteem by the outside world; and their escape from the persecution of the times was so remarkable that many persons, then and since, have regarded them as having received special divine protection. In the year 1500 they numbered 200 parishes. Their particular history is, however, not of much consequence to my present purpose, for Mr. Kaufmann says: 'There is no proof of the actual establishment among them of a community of goods,' and, in fact, quotes authorities in support of the contrary position. From the disappearance of this branch, nothing is heard of the Brethren until nearly a century later. Indeed, they seemed to have become extinct; but, as a fact, their religious and social institutions were carefully preserved by a few adherents, who remained here and there in secrecy and retirement. The condition of Europe, during the century which followed, became again such as is calculated to prompt a certain class of minds to yearn for the peace, retirement, repose, and simplicity of life, which were impossible in the midst of society as then existing. Monarchical power was at high tide; the principal countries of Europe were, or had just been engaged in war; taxation was heavy on the people, and questions of social reform seemed doomed to be disregarded. Count Zinzendorf, who was occupying a post of honour in the council chamber of Saxony, disgusted with the enormities of government which he saw around him, and anxious for 'peace of mind, away from the vices of society,' withdrew to the quiet hamlet of Herrnhut. The

24. 'Socialism and Communism,' p. 95.

remnant of the Brethren, who had, meanwhile, been living in Bohemia and Moravia, joined him, and they, together, formed the nucleus of the new society of the United Brethren, 'whose settlements,' Mr. Kaufmann says, 'now extend over almost every part of the habitable globe.' I shall accept the fact that this organisation exists, as a proof of the *soundness* of the constitution under which its members live. We have yet to see, however, whether that constitution, and the conditions of life, are such as to justify the belief that society, as a whole, could exist and prosper under similar conditions. And, further, it is necessary to see to what extent Socialistic or Communistic principles are regarded and acted upon among them.

In the first place, it will be observed that admission to membership was purely *voluntary*; that is to say, there was no movement made to draw members into it, such as can in any way be considered analagous to the modern Socialist attempts to *force* a division of property, and an equalisation of the conditions of living, by means of the iron hand of the legislature. It will be observed, also, that the association had an essentially religious foundation; for we are told by Mr. Kaufmann that 'this settlement was intended as a standing protest against the corruptions of civil life, and the decadence of true religion in Germany.' Now, it is necessary to observe, further, that in all the modern schemes for the regeneration of society, by the adoption and practice of Socialist principles, that 'corruption of civil life,' and the indifference to religious observances, which constituted the 'decadence' spoken of—all these infirmities, which the Brethren were so careful to *exclude* from their community, would, in the realisation of the more modern schemes, have to be taken in as part and parcel of the community. Whether similar results could then be hoped for, it is for the student of human nature and of society to determine. But, let us see further, whether the mode of life would be possible in an indiscriminately populated state. Zinzendorf himself underwent hardships, trials, and disappointments, in his spiritual ardour for the good of his organisation. He traversed Europe, Great Britain, and even parts of America, in his eagerness to extend the brotherhood. He died in 1760. The immense development of the organisation seems to have necessitated some important constitutional alterations 'in favour of self-government.' 'Thus,' says Mr. Kaufmann, 'the society was preserved from splitting up.' The same writer adds: 'Although not actually Communists in their social organisation, they aimed at *comparative equality*;²⁵ but he quotes (from a Moravian authority) as a note to this observation, that the 'comparative equality' is aimed at *now*, only to *some extent*, solely in *spiritual* matters, and touches *secular* relations only in *so far* as is at once desirable and inevitable.'

The organisation appears to be very elaborate in the regulation of the daily life of its members. 'Accumulation of capital is rendered practically

25. 'Socialism and Communism,' p. 104.

impossible, since the superfluities of the more wealthy are expected to be devoted to the wants of the needy.' That principle would suit the modern Socialist in all conscience; but I fear some of the conditions of living, which I shall in a moment enumerate, would not meet with so ready an acceptance. 'The general prosperity of the state,' says Mr. Kaufmann, 'is greatly dependent on the spirit of *Christian self-denial* and *devotion to the missionary cause* which exists among them.' 'No one,' says one of its historians, '*thought of living to himself; but only for the Lord and His Church*; everywhere might be witnessed a *severe temperance*; all were prepared to be satisfied with the *most frugal fare*, narrow house accommodation, and furniture of the most simple kind.... In a word, the *love of poverty*, side by side with continued labour, were the sources of comparative wealth; so that no one lacked the necessaries of life, while no one enjoyed any superfluities. If any one sought external ease and comfort, or wished to amass property, not being disposed to follow the Saviour in His *poverty* and holiness, one could soon discover that he was not fit to remain a member of the society.'

I might pause here, and ask whether that one condition, viz., of 'loving poverty' would suit the typical modern Socialist? If it would; then he has no cause for discontent with the existing condition of society! I venture to think however, that this is the whole point at issue. The Socialist *dislikes* poverty, and he is bent on a greater, if not absolute equalisation of wealth and social conditions; not because he desires his neighbour to have less—for that, *per se*, can do him no good—but in order that *he himself* may *have more*. He is, in fact, crying out for a change in social arrangements, because he does *not love poverty*. No one can blame him for that; but he would do well to infer from the fact (1) *that he is not qualified to become one of the Brethren!* and (2) that the constitution under which that sect live *would not work successfully, except under that and other equally difficult conditions*. If, too, Socialists are sincere in their conviction that such a state of society is practicable with a mixed population, and they feel perfectly content to live under such conditions, it may fairly be asked why they do not join them, instead of disturbing the existing society, by demanding that it also should be altered to a similar pattern?

About the middle of the eighteenth century this sect numbered in all 70,000. In 1852 their number was estimated at 18,000 only. Mr. Kaufmann estimates their present number at 30,969, irrespective of the various missions numbering 76,642. The same writer, in concluding his interesting sketch of the history of the Moravian Brotherhood, indulges in some interesting philosophical reflections, suggested by a study of that history. 'We have seen (he says) how *religious fervour*, in its most simple form, has all along been the *main source* of strength in the still existing branch, the success of which, numerically and financially, has depended *entirely* on the *rigour and purity of the religious life*. The abatement, therefore, of religious ardour, or the

development of religious animosities, might, at any time, prove a serious danger to the society. How, then (he asks) could any large body of human beings, say a nation or aggregate of nations, be held together socially, in the presence of religious differences, and the animosities they would be sure to engender among its component members?' I venture upon another valuable quotation regarding the success of this great and laudable organisation, with every word of which I heartily agree. 'It still remains a doubtful proposition, whether the civilisation and contented simplicity of the Moravians is the *highest possible* condition to be sought for by social reformers. Have their general culture and mental development reached that height of perfection which we, in the age of refined intellectualism, regard as the highest ideal? Have progress in the arts and sciences, and the enlightened toleration which accompanies such advancement, been the distinguishing mark of this excellent society? What would happen if their patriarchal simplicity became the general rule for all mankind? Retrogression, rather than progress, would be the result. The dull monotony of life, deprived of that which embellishes and gives the charm of novelty and variety to existence, would soon become unsupportable. The regular tread of the companies of workers, proceeding, day after day, to their labour, in mute self-absorption, acquitting themselves of the task rigorously assigned to them by authority; the uniformity of sombre dress and furniture, with its oppressive influence on the senses; and the passive obedience to orders, without the exercise of spontaneity and individual discovery, would deaden the mental activities, and reduce the rational creature to the condition of a self-acting machine.... They have not produced, as yet, any real genius; and their social status has never passed the point of *respectable mediocrity*.... They may (he concludes) serve as models of self-devotion,...but, while human nature remains as it is, their social organisation, as a whole, can never serve as a pattern for the reconstruction of the society of the future.'²⁶ One of the most remarkable experiments in Communism which have yet been attempted is that which is known as the Christian Republic of Paraguay. Its history and results, cursorily viewed, would seem to constitute it an almost complete realisation of the dreams in which Communist theorists have from time to time indulged; for Voltaire, even, has spoken of it as, 'in some respects, the triumph of humanity.' Whether, on a closer scrutiny of the facts, it is entitled to be so regarded I shall hereafter question. It is a remarkable exception to the almost invariable rule, by which such experiments have consisted in an attempt to *maintain*, in a condition of Communism, the same standard of civilisation and worldly comfort which prevails in a highly prosperous society, conducted in accordance with what I may term the principles of individualism. The Christian Republic at Paraguay consisted in the application of Communistic principles, by a civilised race, to 'a people just emerging from barbarism'—the

26. 'Socialism and Communism,' p. 115.

element of religion being employed as one of, if not the chief among its auxiliaries. This community was established in the New World, towards the end of the sixteenth century, some time before the Pilgrim Fathers set out to found their home in New England. The Spanish Jesuits, to whom the credit of this so-called 'triumph' must be awarded, were apparently perfect masters of human nature, and of organisation and discipline. The natives themselves, of whom this community was formed, seem to have been peculiarly disposed and adapted to benefit by the influences which this superior body of men were about to bring to bear upon them. They have been described as 'of a gentle and docile disposition: to a certain extent the result of their mild and genial surroundings; easily made amenable to religious instructors, and perhaps rendered prone to superstition by awe-inspiring natural phenomena, such as terrible thunderstorms and lightning. Averse to commercial enterprise... they retained a natural simplicity, and a hospitable and even generous disposition, though somewhat wanting in moral fibre and vigorous independence.' The nature of the country in which they lived, and by which they were surrounded, has also been graphically represented by the same writer. 'A fertile soil, irrigated by two noble rivers and their tributaries; possessing no difficulties of transit, owing to the absence of lofty mountains; navigable rivers, encouraging inland communication; abundant variety in native produce, and wood in plenty for building both houses and ships—natural conditions, all favourable to the social experiments of the invaders.'²⁷ Climate, soil, natural advantages, people—everything seems to have favoured the establishment of an ideal commonwealth upon the principles of community of property, that is, if any stable community can be permanently founded on such principles. The primitive condition of the people was a further advantage, since the reaching of a certain condition of living, which might have been regarded by emigrants from a civilised society as inferior to what had gone before, would be by them regarded as an *advance* from what they had been accustomed to. Moreover, they were ignorant of the condition of extreme wealth and luxury in which certain classes of European society were living; and, thus, were removed from the influence of one of the most important elements of discontent among the poorer sections of a civilised community. Such being the conditions which favoured the work undertaken by the Jesuit missionaries, they 'collected the scattered bands of natives who had been roaming in forests and living in caverns, strangers to the pleasures of home, and the security and sweet enjoyments of a civilised life.' They provided them with food and shelter; 'established a guild of weavers to manufacture European stuffs for clothing the natives; opened an apothecary's shop, a public library, and educational establishments to instruct their new converts in the principles of religion and the arts of life; they encouraged native industry, and taught the rudiments of

27. 'Socialism and Communism,' p. 120.

a commercial system, applied to inward traffic; and they established agencies for the exportation of goods.... At the same time, they carefully preserved the natives from competition among themselves, by establishing a community of goods;...they gained a powerful ascendancy over the native mind...and secured their affection and admiration.²⁸ Within fifty years of the establishment of this community, it had increased to over thirty settlements, and the population amounted to upwards of 100,000 natives. The Jesuits were careful to retain the teaching and the magistracy of the community in their own hands. In the adjoining provinces there dwelt a population of lawless settlers, to be proof against whose incursions, a large number of the natives were trained in the arts of self-defence and fortification. The settlements were not unfrequently attacked by these lawless neighbours, and the natives in many instances displayed considerable powers of defence. Let us now glance at the mode of life which resulted from this carefully and ingeniously organised social scheme, which, it must be observed, was started on its career, favoured with *every advantage* which nature could possibly bestow; and then let it be asked whether such a mode of life would be acceptable, or even bearable to the average European citizen? In the first place, it appears to have been essentially religious, the standard being maintained by a strict and rigid discipline. The sexes were kept apart in public places, and the marriages were arranged by ecclesiastical authority. It has been said by one writer that the greatest *inequality* existed between the mode of life and social condition of the natives, and those of the Jesuits themselves; that while the former was expected to be content with a mud hut and the most limited supply of domestic comforts, the padres luxuriated in all the most modern conveniences of an European home; that while the former toiled hard for the meagre supplies which were conceded to him, the latter accumulated the profits derived from the exportation of his produce, and thus amassed immense funds for their Order. On the other hand, it has been said of the missionaries that—‘Nobles by birth, and learned men, fresh from the universities of Europe, might be seen acting as shepherds, masons, and carpenters, and carrying on all manner of common trades for the purpose of teaching and stimulating the natives.’ Be this as it may, the average standard of life among these people, notwithstanding their climate, soil, rivers, and other natural advantages, seems to have been no higher than that of the most needy English agricultural labourer. The cultivation of the mind and the intellect, through such channels as art, literature, science, philosophy, music, and other of the distinctly elevating influences of our daily life, seem to have been forgotten factors in their humdrum and homespun existence. The ‘*common level*’ of the inhabitants, which seems to be the ideal of almost all Communist theorists, was certainly attained; but that level was no higher than the *lowest* level of society in every other rural community in which the

28. ‘Socialism and Communism,’ p. 122.

principles of Individualism are allowed to operate. It is true that, in such a community, with all their simplicity and regularity of life, *none* was allowed to sink to the 'lowest depths' which are reached by the dregs of great cities; but it must be at once apparent that there can be no possible analogy between two such communities. A race of people who attempted to live together according to such principles in a large city like London or Paris, would undergo revolution or disintegration in a less number of hours than the society under consideration lasted years. The success (if so it may be called) of such an association of men, under all the favourable influences which I have mentioned, can have no application to society as it exists in even the most fertile portions of Great Britain. The whole population, as we have seen, amounted to no more than 100,000, spread, too, over an immense virgin territory of the most fertile and favoured character. Under the existing system of society, which is so much denounced by Socialists and others, that number can be concentrated in a mere suburb of a city like London, and, notwithstanding, all sufficiently enjoy life to prefer it to the primitive and clock-work existence which the natives of Paraguay seem to have undergone. And if so much territory and so many natural advantages were required to enable 100,000 persons to be maintained as they were; what proportion of the *universe*, let me ask, would be required to maintain the *forty millions* or so who are now inhabiting the comparatively limited territory of Great Britain and Ireland, or, further, to maintain the 200,000,000 or more, who are at present finding a home and a living in four countries alone—Great Britain and Ireland, France, Germany, and the United States? It must be remembered, too, that this community was, from its initiation to its disintegration, in a perpetual condition of leading strings. As Southey²⁹ says, in his tale of Paraguay—

‘Their *inoffensive* lives in *pupilage*
Perpetually, but peacefully, they led.’

One of the most indispensable conditions of soundness in any social constitution is the inherent capability to resist any possible aggression from without. That condition has never yet been found to be present in any society based on Communist principles; nor is the community we are now considering any exception to that rule. When diplomatic arrangements were made between Spain (under the suzerainty of which these settlements were held) and Portugal, by which a considerable portion of the population of Paraguay fell as hostages into the hands of the Portuguese, the Jesuits, having failed to avert the exchange, roused their population to rebellion and civil war. The war was continued, intermittently, for some years, but the natives of Paraguay were finally subdued. The conquered people were treated as slaves,

29. Southey had considerable sympathy with Socialist principles, as can be seen by a reference to his ‘Colloquies on Society,’ which were so severely handled by Macaulay.

or compelled to retire to the forests from which their ancestors had been originally drawn. Mr. Kaufmann says: 'The settlements, entirely deprived of the patriarchal government of the priests after the final expulsion of the Jesuits in 1768, consequent upon their suppression in Europe, *soon returned to their original condition.*' And the same writer observes elsewhere: 'When this controlling authority was removed, the whole elaborately constructed scheme fell to pieces.... The people, who had been held in a state of helpless tutelage for a century and a-half, lacked the power of self-government, and the once splendid edifice of an Utopian Republic rapidly crumbled to pieces.'³⁰

I have alluded, in a former chapter, to that important principle observable in the history of society, philosophically considered, by which communities are frequently diverted from the path of true and permanent progress, by reason of the errors which have been committed in their organisation and subsequent government. Mr. Kaufmann has, in my opinion, put his finger on the weak spot in the course of his diagnosis of the constitution of the Paraguay community. 'Community of goods (he says) weakens the motives for exertion, and retards economic progress. The low level of mediocrity was rarely surpassed by the natives, simply because their was *no inducement offered for extra exertion.* The men and women of the settlement did what the 'fathers' bid them do, and received with thankfulness the necessaries of life and scanty creature comforts in return; but nothing stirred them up into greater activity, when their immediate wants had been supplied. The spiritual authority once removed, nothing but the slave whip of Spanish government inspectors would accelerate their movements; and, when freed from this latter bondage, their *natural indolence*, and the *insecurity of acquired possessions* lamed every further effort towards industrial progress among the independent natives.'³¹ Washburn, in his history of Paraguay, has said much the same thing. 'It was only after the influence of the Jesuits had emasculated the general mind of all *sense of responsibility*, and every feeling of *personal reliance*, that the whole race became the willing forgers of their own fetters.'³² The amount of freedom which these people enjoyed in personal matters can be readily inferred from the fact that the most important and far-reaching of all steps in life, whether for a man or a woman, that of choosing for life a domestic partner 'for better or for worse,' was taken out of the domain of individual judgment, and left to the discretion of the *padres*.

John Stuart Mill, in his chapter on 'Communism,' has shortly expressed himself regarding this community. After reviewing the facts and circumstances connected with its establishment, he says: 'That it could be brought into action at all, was probably owing to the immense distance, in point of knowledge and

30. 'Socialism and Communism,' p. 135.

31. 'Socialism and Communism,' p. 138

32. 'History of Paraguay' (C. A. Washburn, New York, 1871) Vol. i., p. 66.

intellect, which separated the few rulers from the whole body of the ruled, without any intermediate orders, either social or intellectual. In *any other circumstances*, it would probably have been a *complete failure*.³³

I pass now to a review of quite another series of Communist attempts, which have been made at different times in Europe and Asia. These have all been carefully investigated by M. Emile de Laveleye, through the medium of a number of other works by writers who have made special studies of the respective communities therein dealt with. I have before referred to M. de Laveleye's work. I shall now pass in brief review the various social constitutions treated of by that writer; and, in doing so, offer comments from time to time on his deductions.³⁴

M. de Laveleye is quite evidently a Socialist at heart; and one can easily discern, throughout his work, a somewhat unscientific tendency to 'make the best' of his data in the Socialist cause. He says: 'Modern democracies will only escape the destiny of ancient democracies, by adopting laws such as shall secure the distribution of property among a larger number of holders, and shall establish a *very general equality of conditions*. The lofty maxim of justice, 'to every one according to his work,' must be realised, so that property may actually be the result of labour, and that the well-being of each may be proportional to the co-operation which he gives to production.' This is nothing more or less than the now stereotyped Socialist cry, about *capital belonging to the labourers*. If one labourer, in this generation, thinks fit to display some providence and self-denial, in order that he may provide against the many contingencies of our daily life, and thus saves a little money, the next or following generation of labourers, who happen to be contemporary with the fortunate possessor of his father's or grandfather's hard-earned savings, turn round and exclaim: 'You have no right to that money—it is the *result of labour*, and, as we happen to be the labourers of *this* generation, we claim to have part of the savings of a labourer of *two or three generations ago*.' Socialists do not use those exact words; but they fairly represent the summarised logic of their arguments. The *saved* wages of one generation are dubbed 'capital' in the next, and claimed to be public property. If such a theory were right, the first, and in fact only moral to be drawn from it would be: 'Don't save—don't make any provision for your own old age, or for anybody who comes after you.' The effect of a whole community living up to such a moral can be easily imagined.

33. 'Principles of Political Economy,' p. 131. NOTE.—I take this opportunity of acknowledging my great indebtedness to Mr. Kaufmann for the facts contained in his interesting volume.

34. I am bound to say, at the risk of being considered presumptuous, that although willing to admit the industry and research involved in M. de Laveleye's work I cannot but think that the subject is anything but philosophically treated.

M. de Laveleye's treatise should have more than the usual interest for Australian colonists; for he has, in his preface, expressed a hope that the citizens of those colonies will not adopt what he terms 'the strict and severe right of property,' but rather 'return to the traditions of their ancestors.' Let us now see what they were, and what condition of life and civilisation they produced for those who adopted them as social guides, so that we may judge as to the merits of a system of society, thus held up as a model for imitation.

In the opening chapter of his work, M. de Laveleye makes the confession that 'it is only after a series of *progressive* evolutions, and at a comparatively recent period, that individual ownership, as applied to land, is constituted.'

In dealing with the 'Village Communities in Russia,' he tells us that 'the members of the same group or community join together their agricultural implements, and collectively cultivate their land, and manage the capital—that is the cattle—destined to make it productive. There the system of common property is a direct consequence of the pastoral life and the family organisation.'³⁵ These conditions appear to be all which a Socialist could wish; for not only the land, but the stock, and even the implements, are held in common. The aggregation of the inhabitants of a village, thus possessing in common the land attached to it, is called the 'Mir.'

M. de Laveleye has devoted a chapter to what he terms the 'economic results of the Russian *Mir*;' and from that it will be seen what condition of society has been attained under its form of government. That those results are regarded with some satisfaction, is shown by the fact that 'the Panslavists believe that the community of the *Mir* will ensure the future greatness of Russia.'³⁶

If M. de Laveleye had entitled this particular chapter referred to, 'Some infirmities of the Mir,' it would have been more consistent with what he has therein written.

It seems to be admitted that the people who live under this form of government are little, if any, better off than the most poorly paid and most uncultured agricultural labourer of Ireland. The soil is admittedly badly cultivated, and M. de Laveleye says: 'If the soil of Russia is badly cultivated by the peasants, it is because, until lately, bowed beneath the yoke of serfage, they *want instruction, motive, energy*.' And he adds: 'In all Western Europe, we have to admire the marvels accomplished by *private ownership*; while, in Russia, agriculture *abides by the processes of two thousand years ago*.'³⁷ He says, elsewhere, that this is the 'result of a want of information': apparently forgetful of the fact that information, regarding a better condition of things, cannot be forthcoming, until that 'better condition of things' is realised, which, by his own showing, has not been the case even after *two thousand years of experience!*

35. 'Primitive Property,' p. 7.

36. 'Primitive Property,' p. 26

37. 'Primitive Property,' p. 30.

The advantages and disadvantages of the *Mir* have been summed up by M. de Laveleye himself; and I venture to think that the summary itself is a more than sufficient condemnation of the whole system which he impliedly recommends. The alleged advantages are shortly these: 'Every able labourer has a right to claim a share in the land,' by means of which 'a proletariat, with all its miseries, cannot arise.' 'The children do not suffer for the idleness, the misfortune, or the extravagance of their parents.' 'Each family being proprietor, there exists an element of order, of conservatism, and tradition, which preserves the society from social disorders.' 'The soil remaining the inalienable patrimony of all the inhabitants, there is no ground to fear the struggle between capital and labour.' 'The *Mir* is favourable to colonisation.' These are the *sum total* of the 'advantages' of this system of government, as claimed by one of its strongest advocates; but it is a significant fact that Schedo-Ferroti (from whom M. de Laveleye has drawn much of his information regarding the *Mir*,) 'wishes to reform the system, by giving each family the *hereditary* enjoyment of his parcel, which it *might sell, devise or lease*.' In this significant admission the whole Socialist fabric falls to the grounds; for, at once, that objectionable element—*capital*—would be created. M. de Laveleye admits that 'the point really calculated to alarm economists' is that 'it removes every obstacle to the increase of population, and even offers a premium for the multiplying of offspring.' He admits, also, that the mortality among young children is 'large'; and he puts the proportion at 1 to 26 of the population, as compared with 1 to 49 in England. The cause of this has, he informs us, been ascertained to be that 'the *mothers are overburdened with work*,' which fact is a further illustration of the degraded condition of society under the system. M. de Laveleye himself admits that 'the system is opposed to the progress of intensive agriculture, because it *prevents capital being sunk in the land*;' that 'the intermingling of the parcels of land leads to compulsory agriculture, and so *favours routine*, and maintains the old methods of cropping;' that 'the *joint* responsibility of all the members of the commune, for recruits, and for the payment of the taxes, tends to *make the industrious pay the share of the idle, and so weakens the motive of individual interest*;' and he adds, with somewhat ingenuous candour, evidently unmindful that in doing so he is taking away the very foundation of his arguments for Socialism: 'The moment this motive is weakened, it must be replaced by constraint, that the social life may not stop; so that the peasant, if no longer the serf of the lord, is still the *serf of the commune*. *Individual interest (he adds) not being sufficiently brought into play, men become idle, and the whole social body is in a state of stagnation.*'³⁸ Could an advocate make a more damaging confession?

M. de Laveleye claims that 'Pauperism, the bane of Western societies, is unknown in the *Mir*,' but he supplies an answer also to that claim. 'It has been replied (he says) that if it prevents a real *proletariat* from being developed, it is by

38. 'Primitive Property,' p. 35.

keeping everyone in poverty, and so creating a nation of proletarians.' It is argued, he says, that 'the condition of the Russian peasant is hardly better than that of the agricultural labourer of the West; that he is neither better clothed, better lodged, nor better fed; that equality is maintained, but that it is the *equality of destitution.*' This I certainly should argue; and M. de Laveleye's only reply is as follows: 'The wants of the Russian peasant are simple and few in number, but they are *satisfied*; his mode of life is not refined, but he *knows no other and is content!*' If such a condition of living is satisfactory to M. de Laveleye, as the be-all and end-all of mundane existence, it is to be feared that that distinguished writer has set up a poor and humiliating standard regarding man's mission in the world. And if a system of government, which produces such a low type of humanity, as is thus pictured, is preferable to that which has produced the wealth, the comfort, the culture, the refinement, and the aspirations of the middle classes of Western Europe, then, indeed, has mankind laboured in vain.

'The Russian (says M. de Laveleye), *resigned to his lot*, attached to ancient tradition, always *ready to obey* the orders of his superiors, full of *reverence for his priests* and his emperor, and content with *an existence*, which he *never seeks to improve*, is *perhaps* happier and more light-hearted than the enterprising and unsettled Yankee in the midst of his riches and his progress.'

The above is obviously the ideal which M. de Laveleye sets up for society to aspire to; and in such case it is not difficult to understand why the social conditions realised under the Russian *Mir* should find a champion in him. But yet, that writer has a somewhat contradictory leaning towards the much-despised Western civilisation. He can apparently see some room for improvement in the condition of this Russian Communist; but it involves the adoption of Western ideas! 'Suppose (he says), that the Russian peasants...were to receive such *instruction* as is given in the *American school*, and that they were *put on a level* with the *recent progress* of agriculture.' It would be indeed interesting to know how M. de Laveleye supposes the 'American schools' are enabled to give instruction; and how he imagines the 'recent progress in agriculture' has been rendered possible. A knowledge of agricultural chemistry is certainly not intuitive. It has to be *learnt by experience*; and men must have accumulated that much-abused element called 'capital,' before they can afford the leisure to study such a subject. The modern agricultural machinery, the advantages of which M. de Laveleye so much desires to see enjoyed by the Russian Communists, means much more even than the chemical knowledge. It means, in the first place, the saving and accumulation of wealth, to train men as engineers; the saving and accumulation of wealth, to erect workshops and machinery; the existence of a 'demand,' by a prosperous community of agriculturalists, of such machinery; and, at the back of all this, some *security for property*, and some *incentive to exertion and invention*, to induce men to attain such results. A very slight knowledge of human nature will enable one to determine whether such

results would or could ever be obtained, if all men were, as M. de Laveleye describes his ideal Russian Communist, a 'serf of the Commune,' 'weakened in the motive of self-interest,' and 'content with an existence which he never seeks to improve;' as also member of 'a social body in a state of stagnation'! This writer would evidently have one-half the world live in the degraded and poverty-stricken, yet 'contented' condition of the Russian Communist, while the other half of the world went on, under the present conditions of society, and supplied the former with 'instruction in the most recent progress of agriculture'! I can, I think, with confidence, ask whether a system, which produces such results as those of the Russian *Mir*, is worthy of being held up to Australian colonists, or to any other civilised community, as a model for society?

I have dealt, at some length, with this first form of Communist societies, as treated by M. de Laveleye, in order that some idea may be obtained of the extremely illogical and unphilosophical manner in which the whole subject has been treated in the work referred to. I shall now pass more rapidly through the other illustrations, by which he attempts to justify his partiality for such forms of society. The second illustration which he has offered, concerning the advantages to be derived from what he terms 'a very general equality of conditions,' is that supplied by 'The Village Communities in Java and India.' 'The magnificent Dutch colony of Java, (he says) with more than seventeen millions of inhabitants, possesses a communal organisation similar to that of Russia.'³⁹ I need not go into detail, as to the form of that organisation. My object is merely to show what social results have obtained under its working. The people, we are told, 'cultivate principally rice, which forms almost the *sole food* of the Javanese.' The social arrangements are evidently similar to those of the Russian *Mir*, in the matter of an improvident increase of population. The population increases there 'more rapidly than in any other country in the world.' It has been so rapid, indeed, that each peasant only obtains '1 1/2 to 2 1/2 roods of land,' out of which he evidently has to get his living. M. de Laveleye quotes M. Berysma (an authority on this branch of the subject) as having asserted that 'the system will soon result in converting all the Javanese into a *people of proletarians*; that there will still be equality, but that it will be an *equality of misery*.'⁴⁰ 'In India,' M. de Laveleye says, 'the primitive community no longer exists,' from which we may fairly infer that, as a system, it did not answer. It has certainly not survived. The Javanese are described by M. de Laveleye as being, 'like all Asiatics, improvident;' but he adds that they also are 'happy and contented'! To be ignorant of Western civilisation, and to be *contented*, appears to be M. de Laveleye's ideal; for speaking of the Russian peasant, he says: 'He *knows* no other mode of life and is content.' Europeans, Americans, and colonists *do* know another mode of life, and it is therefore quite

39. 'Primitive Property,' p. 44.

40. 'Primitive Property,' p. 57.

another question whether this humiliating ideal would render *them* content! The only point regarding the Javanese, and their system of Communism, in which we are here interested, is as to whether that daily life, in which their sole food is rice, and their sole occupation its cultivation, *would* satisfy the people of existing civilised communities, as a condition which they might reach by a resort to similar principles. I venture to think not.

The third illustration offered by M. de Laveleye is that afforded by 'The Allmends of Switzerland.' That writer says: 'They (the Allmends) have secured the inhabitants from the most remote times, in the enjoyment of *liberty, equality, and order, and as great a degree of happiness as is compatible with human destinies;*' and he adds: 'This exceptional good fortune is attributable to the fact that *ancient communal institutions* have been preserved, and, with them, the *communal ownership.*'⁴¹ As an opening sentence to an account of a Communist experiment, this certainly appears promising. We shall see how far the facts accord with it. In the first place, there is an *utter absence* of equality among the residents of the 'Cantons,' as they are called—there is an inequality, in fact, which consists in a system of aristocratic privileges, such as would never be tolerated by modern Socialists. 'Mere habitation within the commune (says M. de Laveleye), or even the exercise of political membership, is not sufficient to constitute a title to the enjoyment of the common domain; *descent from a family*, which has possessed the right from time immemorial, or at least from before the commencement of the present century, being necessary. Collective succession is based on succession in the family; that is to say, descent in a *privileged family* gives the right to a share in the collective inheritance.'⁴² Again, he says: 'Side by side, in the same village, with a group of persons using the communal land, may be found inhabitants *excluded from all the advantages* which so materially improve the position of the former.' Even in the ordinary matter of wood-supply, taken from the 'communal forests,' the inhabitants of a village are divided into *four classes*; and the wood is distributed among them in *unequal* portions, according to that classification. In a particular district known as Uri, the distribution of what is contradictorily called the *communal possessions*, is most unequal. It is not even as M. de Laveleye would have it—'To every one according to his *work*'—but, as he himself says, 'to every one according to his *wants*.' 'It follows (he says) that the *rich are benefited* and the *poor sacrificed.*'⁴³ These inequalities have apparently led to differences. It is, in fact, anything but an Utopian community; for, in the words of M. de Laveleye himself, 'Here, for long past, as in Florence, Athens, or Rome, the great and the small, the fat and the lean, have been at issue.'⁴⁴ The occupation of the

41. 'Primitive Property,' p. 62.

42. 'Primitive Property,' p. 72.

43. 'Primitive Property,' p. 77.

44. 'Primitive Property,' p. 78.

people seems to be for the most part agricultural, from which fact the social condition can be fairly inferred. *Private* property seems to be an established institution; and it would appear that the *use*, even of the communal property, is divided, not equally, but according to the extent of that private property in each owner's hands. The people are described as 'simple.' They appear to live a routine life; for 'every member of the Commune' is compelled to devote a certain number of days' labour to the bottling of the communal wine, and to take part in cultivating the communal corn lands. The members cannot, moreover, claim their share in the communal property, even on marriage and coming of age. 'They have to wait *eight years*, and then only have a quarter of their entire share.'⁴⁵ Every inhabitant may send 'a cow and some goats' on to the common pasturage, and receive 'two cubic metres of timber, and one hundred faggots.' 'If he grow tobacco on his plot of arable' (says M. de Laveleye) the produce is *sufficient* for his whole maintenance; and he adds: 'It follows from this system that there is no pauperism.' The facts concerning the social life of these people would rather suggest that thousands are certainly no better off than the most badly provided agricultural labourer. Under the head of 'Advantages of the Allmend,' M. de Laveleye says, 'It is to be regretted that so many thousands of men depend for their daily subsistence on a *single occupation*, which is *liable to interruption*, from time to time, by *every kind of crisis*;' but he claims that '*when they have a small field* to cultivate, they can bear a stoppage of their trade, without being reduced to the last extremity.' This is certainly not much to boast about in a community which, in M. de Laveleye's opinion, has 'secured as great a degree of happiness as is compatible with human destinies.' Their happiness certainly appears to be of a very primitive order. 'Part of the communal revenue,' M. de Laveleye tells us, 'is spent in the purchase of *cheese*.' The 'basis of their banquets consists of wine and bread,' and 'the women are often present and moderate the excessive drinking.'⁴⁶ M. de Laveleye contends that the workmen in 'great modern industries' are often 'cosmopolitan wanderers,' lacking patriotism, while, to the commoner under the Allmend, the native soil is 'a veritable *alma parens*—a good foster-mother.' 'The patriotism of the Swiss (he says) works wonders,' and 'brings him *from the ends of the world* home to his native place.'⁴⁷ M. de Laveleye has not given any reason to account for the 'contented Swiss' having *gone* to 'the ends of the world'! Is it quite consistent with the Utopian contentment with his own national arrangements that he should thus wander away to lands where, what M. de Laveleye terms, the 'unsettled Yankee,' and, I might add, the restless Australian, are ever struggling towards an advanced social position? In order to show how happy and prosperous the commoner

45. 'Primitive Property,' p. 86.

46. 'Primitive Property,' p. 82.

47. 'Primitive Property,' p. 97.

of the Swiss Allmend is, M. de Laveleye has resorted to two somewhat unfair contrasts. First he compares him with the Manchester mechanic, and, of course, draws a double picture in which the former has much the advantage. But it must be remembered that in any comparison between two societies, under systems of Communism and Individualism respectively, it is only fair and reasonable that the *average* of each society should be taken as illustrations. The Manchester mechanic can scarcely be taken as representing the average human production of the existing English social system. That system produces, in the first place, a refined and cultured aristocracy, and a remarkable list of poets, philosophers, scientists, artists, sculptors, engineers, architects, lawyers, divines, and littérateurs. It enables society to accumulate property of all kinds, conducive to man's comfort and enjoyment, in quantities and value which the mind cannot grasp; it substitutes for the mere but of the primitive agriculturalist every form and character of dwelling, from the classic and ornate palaces of the sovereign, to the simple thatched home of the cottager; it furnishes those dwellings in such a manner that the humblest of them contains, in the hundred and one results of the division of labour, more comfort than any single man could produce for himself in a whole lifetime; it puts us within reach of the accumulated and corrected knowledge of centuries, in medicine and science, by means of which diseases and scourges, which at one age were fatal to whole peoples, are now under man's almost complete control; it enables man to be supplied with luxuries and amusements which in a primitive community it would be impossible to possess; it supplies us with a literature which bridges centuries of history, and comprehends the thoughts and feelings of the greatest minds of all ages; it supplies us, either in our homes or in our public galleries, with works of art which no primitive people could possibly imagine to exist; it has, by offering incentives to industry, supplied man with materials, productive of happiness, to an extent, and in a variety which would bewilder the primitive mind. But such systems as those with which I have been dealing—what have they done? They have enabled the members of them to obtain a bare subsistence—and nothing more. They have given no protection or encouragement to the institution of private property; and in doing that they have removed from the individual the most powerful spring of action—self-interest; by means of which, they have reduced him to a condition of 'social stagnation.' Is it then a fair test, to compare a Manchester mechanic with the *best* type of men such as have been produced under the Swiss Allmends? But M. de Laveleye is not content with even such a comparison. In a subsequent part of his work,⁴⁸ he has drawn a contrast between what he terms a 'proud, active, independent, and industrious commoner of the Swiss Allmend,' and a 'degraded inmate' of an English workhouse! It would be about as fair on the other side to compare the highest

48. 'Primitive Property,' p. 99.

product of Western civilisation—say a philosopher like Mr. Herbert Spencer, or a famous writer, such as M. de Laveleye himself, with one of the most degraded and destitute members of a Swiss Canton!

I have, I think, said enough, regarding the condition of living under the Swiss Allmends, to show that the system—almost an exclusively agricultural one—would be in every way entirely unsuited to the industrious and thickly-populated countries of Western Europe, where territory is limited, and the people are to be counted in tens of millions.

‘The German Mark’ is the next form of Communism with which M. de Laveleye has dealt, in the work to which I have referred. Whatever merit may be claimed for this form of village communities, which existed in ‘Ancient’ Germany only, it is now an institution of the past. It did not, in fact, survive; and, since the Germans, as a people, are themselves one of the most progressive races in the world, we may reasonably infer that the social organisation which existed in ancient times, under the name of the *Mark*, so far failed to harmonise with that progressive element in the national character, as to lead to its absolute abandonment. This fact, in itself, raises a strong presumption against its economic merits. But, let us see what M. de Laveleye has to say in its favour. The constitution of this form of communities seems to have been familiar to those of Russia and Java.⁴⁹ The element of private property was not altogether unknown under it, for we are told that ‘*hereditary* ownership applied to the house and enclosure belonging to it,’ though the rest of the territory was ‘the undivided property of the clan.’ M. de Laveleye, going as far back as the date of ‘Cæsar’s Commentaries,’ for an account of the social condition of the inhabitants of these communities, quotes from such writings as follows:—‘Those who remain in the country cultivate the soil for themselves, and, in their turn, take arms the next year, while the others remain at home.... They consume *little corn*, but live chiefly on *milk and the flesh of their herds* and devote themselves to the chase.’⁵⁰ The chase, and the rearing of their herds, provide the greatest part of their food; agriculture takes but the third place.’ M. de Laveleye offers a somewhat picturesque comparison between the ‘German peasant of to-day’ and a member of one of these village communities, in which the former is disposed of in two lines, and, by an ingenious literary touch made to appear a miserable down-trodden creature; whereas, by a fine use of somewhat poetic phraseology, the latter is decked out in all the characteristics of the hero and the victor. ‘How great,’ he says, ‘is the difference between a member of one of these village communities and the German peasant who occupies his place to-day! The former lives on animal food, venison, mutton,

49. ‘Primitive Property,’ p. 102.

50. This quotation from Cæsar really refers to the Suevi; but M. Laveleye adds—‘These are the *habitual features* characteristic of the economic condition of the *German tribes*,’ so I am justified in using the extract as descriptive of the condition of things under the German Mark.

beef, milk, and cheese; while the latter lives on rye bread and potatoes; meat being too dear, he only eats it very rarely, on great holidays. The former made his body hardy and his limbs supple by continual exercise; he swam rivers, chased the wild ox the whole day through, in the vast forests, and trained himself in the management of arms. He considers himself the equal of all, and recognises no authority above him. He chooses his chiefs as he will, and takes part in the administration of the interest of the community; as juror he decides the differences, the quarrels, and the crimes of his fellows; as warrior he never lays aside his arms, and, by the clash of them, signalises the adoption of any important resolution. His mode of life is *barbarous*, in the sense that he never thinks of providing for the refined wants begotten by civilisation, but he brings into active use and so develops *all* the faculties of man—strength of body first, then will, foresight, reflection.⁵¹ Where, I may ask, is this fine specimen of humanity now? He appears to have had plenty to eat, and a diet, too, of a somewhat invigorating nature. He is said to have possessed a fine physique, and to have developed *all* his faculties, in fact, ‘all the faculties of man.’ Surely, it is a melancholy confession that, with all these advantages around him, and with what M. de Laveleye considers such an enviable social organisation, he should have ‘died out!’ The much despised ‘German peasant of to-day’ shows no such signs of decay, notwithstanding M. de Laveleye’s sympathy for him. The former was the product of a communal form of government; the latter is the product of the ‘strict and severe right of property,’ which he so distinctly deprecates. M. de Laveleye would do well to reflect whether these two sets of circumstances are illustrations of *propter hoc* or *post hoc*.

M. de Laveleye’s ideal of a citizen is difficult to understand. In picturing the lot of the Russian peasant, whom he *holds up* as a *model result* of the *Mir*, he describes him as ‘*resigned to his lot*, attached to *ancient tradition*, always ready to obey the orders of *his superior*, full of *veneration for his priests*, and content with an existence which he *never seeks to improve*.⁵² On the other hand, in picturing the lot of the ‘German peasant of the present day,’ whom he regards as the *pitiabile result* of ‘the strict and severe right of property,’ he describes him as ‘*lazy*; overwhelmed by the powerful hierarchies, political, judicial, administrative, and ecclesiastical, which tower above him; he is not his own master; he is an appendage of society, which disposes of him as of other property. He trembles before his pastor or the rural guard; on all sides are authorities which command him and which he must obey.’⁵³ Might these not be descriptions of the same class; the one being clothed in the language of the advocate, the other in the language of the opponent? The one is ‘lazy’ whilst the other is ‘resigned to his lot, and content with an existence which

51. ‘Primitive Property,’ p. 117.

52. ‘Primitive Property,’ p. 19.

53. ‘Primitive Property,’ p. 116.

he never seeks to improve;’ the one is ‘not his own master,’ but surrounded on all sides with ‘authorities which command him, and which he must obey,’ whilst the other is ‘always ready to obey the orders of his superiors.’ The one ‘trembles before his pastor,’ whilst the other is ‘full of veneration for his priest.’ The one is ‘overwhelmed by the powerful hierarchies, political, judicial, administrative,’ whilst the other is attached to ancient tradition, ready to obey the orders of his superiors and full of veneration for his emperor, and is, in fact, ‘the serf of the commune.’ Yet the one class is condemned by M. de Laveleye, and the other held up as a model for imitation! Mere words would seem to be capable of deceiving even those who use them most deftly. In the concluding portion of M. de Laveleye’s chapter on the German Mark, that writer says: ‘Modern societies possess a collective power incomparably greater than that of *primitive societies*; but *in the latter, when they escaped conquest, the individual was endowed with far superior energy.*’ This is certainly not borne out by M. de Laveleye’s own statements in the same work. He admits that, while ‘in all *Western Europe*, we have to admire the marvels accomplished by private ownership, in Russia agriculture abides by the *processes of two thousand years ago.*’ He admits that the American is ‘unsettled and enterprising,’ living in the midst of ‘riches and *progress*,’ that he is ‘*eager for change and action*, a thirst for gain, always in search of novelty; accustomed to count on nobody but himself, and a finished type of Individualism;’ but he, in the same breath, describes the Russian as ‘content with an existence which he never seeks to improve and wanting in ‘instruction, motive, and energy.’ Moreover, M. de Laveleye himself has admitted that under this system of primitive property, ‘individual interest is not brought into play, men become idle, and the whole social body is in a state of stagnation.’⁵⁴ He may well observe, as he has done, that ‘to estimate the relative value of the *collective* principle, and the principle of *Individualism*, we need only compare Russia and the United States.’⁵⁵ Yet, the writer of this and the previous admissions contends that, in the *primitive societies*, the individual was endowed with ‘*far superior energy*’!

The German Mark then, according to M. de Laveleye’s own showing, never succeeded in producing any higher form of manhood than that of the ‘heroic barbarian;’ and notwithstanding that he spent the whole day in training himself in the management of arms, it did not even succeed in enabling him to survive the advances of other less heroic forms of society!

I need not, I think, dwell upon the utter impossibility of such a form of society being maintained (in which unlimited territory would be required to afford hunting-grounds for such a people) among a community, so large as that of Germany, the population of which is now nearly *fifty millions*. The whole territory of the German empire (208,000 square miles) would give to

54. ‘Primitive Property,’ p. 35.

55. ‘Primitive Property,’ p. 35.

each member of the population about 2 1/2 acres, which would be hardly sufficient to maintain a race who 'chased the wild ox the whole day,' and 'never laid aside their arms.'

I may then, I imagine, conclude, so far as I have gone, that if the Communist's millennium is ever going to be realised, it will not be by a return to the form of society which was produced by the Russian Mir, the Swiss Almends, or the Swiss Mark.

But M. de Laveleye has other illustrations to offer of the beneficial results of Communist principles. He devotes a few pages to the agrarian system of the Irish Celts, concerning whom the little knowledge we possess shows 'that the same institutions existed originally among them as among other nations—joint property, and even community of wives, and cannibalism.'⁵⁶ As a Communist organisation, that system came to an untimely end, by reason of just the same cause which would make any primitive form of society impracticable in any European country. M. de Laveleye quotes authorities to show that 'It was the increase of the population which *put an end* to the periodic re-distribution of the collective property.'

Under the head of 'Agrarian Communities, among the Arabs and other nations,' M. de Laveleye shows that by the system existing at Algeria 'the Arabs have (now) arrived at very much the same point in economic evolution as the Germans had in *the time of Tacitus*!' There is nothing there said which would be at all likely to cause the citizens of any European or colonial community to emulate the system of society which has been thus realised. M. de Laveleye has generalised his data so far as to have concluded that 'the same institutions produce among all races similar results.'⁵⁷ And in a subsequent chapter he endeavours to show how universal is the rule that family communities *succeed* to village communities. 'We have seen everywhere,' he says, 'in India or Java, as in Peru or Mexico, alike among the negroes of Africa and the Aryans of Europe, the *elementary* social group was the village community, which was in possession of the land, and divided equally, among all the families, its temporary enjoyment. At a later period, when common ownership with periodical partition *fell into disuse*, the soil did not immediately become the private property of individual owners, but it was held as the hereditary inalienable patrimony of separate *families*, who lived in common under the same roof, or within the same inclosure.'⁵⁸ M. de Laveleye has not attempted to bridge the chasm which exists between the two systems, and which is summarily described above by the expression 'fell into disuse.' Why did the communal system fall into disuse? That is a question which requires answering; and the burden of finding a satisfactory answer is thrown upon those who affirm the success

56. 'Primitive Property,' p. 122.

57. 'Primitive Property,' p. 133.

58. 'Primitive Property,' p. 177.

of the institution thus 'fallen into disuse' or given up. Until that answer is forthcoming, we are justified, by a knowledge of man himself, by a knowledge of the process of evolution, by a knowledge of history itself, in inferring that it became *unsuited* to those who had previously practised it and lived under it.

Lest I should be suspected of misunderstanding M. de Laveleye, in representing him as an advocate for the Communist principles which primitive communities followed, I venture the following further quotations from his preface. 'If,' he says, 'Western societies had preserved equality, by consecrating the natural right of property, their normal development would have been similar to that of Switzerland. They would have escaped the feudal aristocracy, the absolute monarchy, and the demagogic democracy with which we are threatened. The communes, inhabited by *free men, property holders, and equals*, would have been allied by a federal bond to form the state; and the states, in their turn, would have been able to form a federal union such as the United States.' To show further that he is quite serious in his occasional observations expressive of approval of the communal system, I quote the following, also from his preface. 'The knowledge of *primitive forms of property* may be of direct interest to new colonies which have immense territories at their disposal, such as Australia and the United States, for it *might be introduced* there in *preference* to quiritary property.'⁵⁹

M. de Laveleye has thus undertaken to show, from actual facts, that Communist principles are sound and practicable. Has he succeeded? I think not; for, out of all his illustrations, there is not one which does not prove its own absolute impracticability for any people limited in territory, or desiring any ordinary standard of enterprise and activity.

I shall pass now to a review of the theories of the more modern Socialists of France and Germany, and endeavour to present their merits and demerits with equally fair prominence. I shall, in that review, touch upon the various schemes proposed by Owen, St. Simon, Karl Marx, Fourier, Louis Blanc, Cabet, Proudhon, Lasalle, Baboeuf, and Rodbertus. I shall then investigate, with fitting brevity, the Socialist and Communist experiments which have been attempted, and are (some of them) now being continued in the United States. I shall then close the chapter with a few concluding generalisations on the results of my investigations.

Professor Ely, to whose careful, impartial, and comprehensive treatise,⁶⁰ I am greatly indebted, in connection with this branch of my subject, very properly insists upon the necessity of distinguishing between the Communism and Socialism of the middle ages, (with which I have already dealt) and those of a more modern date: that is to say, from the latter part of the eighteenth

59. 'Primitive Property' (Preface), p. xlii.

60. 'French and German Socialism in Modern Times' (Richard P. Ely, Ph. D.), Trübner and Co., 1885.

century; and he quotes Schäffle⁶¹ as having said of the latter that 'it would not have been understood among the ancients and the oppressed classes of the middle ages.' In the former parts of this chapter, I have had frequent occasion to draw attention to the fact, that in all the Communist schemes (if so they may be called) of the middle ages, or of more modern times, such as those with which I have already dealt, the participation in the communal system was purely voluntary. And that appears to be the distinction between the modern theories and those of former times. As Professor Ely says, speaking of all the Communist organisations which existed previous to the Revolution of 1789, 'No attempt was made by their authors or any group of immediate disciples to regenerate the world by *substituting* them for existing social and economic organisations.'⁶² Even those speculations which immediately preceded the Revolution differ from those which followed it in that respect— such, for instance, as those of Mably, Morelly, Brissot de Warville, and Rousseau. It is true that Brissot (as Professor Ely puts it) 'tickled the palates of those, craving literary and philosophical sensation, by declaring private property to be *theft*,' but it is equally true that he defended private property in the National Convention of 1792. Rousseau, too, had in his writings characterised the claimants of property as enemies to the human race; nevertheless, in his 'Political Economy,' he regards property as the basis of the social compact, the first condition of which was that every one should be fully protected in its enjoyment. Mr. John Morley, indeed, says of Rousseau, that he 'never thought of the subversion of society, or its reorganisation on a Communistic basis.'⁶³

The Revolution of 1789 seems, then, a fairly distinct epoch from which to date the rise of the modern schools of Socialism and Communism. In the language of French political writers, since that epoch, the working-classes are spoken of in different and more dignified terms. The poor man is now a *proletarian*, and the class to which he belongs is spoken of (in the aggregate) as the *proletariat*. It would be interesting, had I the space at my command, to investigate with some detail the various causes which led to the new departure in the nature of social schemes, after the Revolution epoch. I cannot, however, do so, and must be content to observe that when the complete subversion of existing institutions occurred, as a consequence of the Revolution, men found themselves alone and isolated as citizens of a great but disorganised community. They were very much in the position of a regiment of soldiers which had been kept together and held in discipline by the presence and control of their commander, who had suddenly been removed from that control, and thus left them in an isolated straggling condition. The disorganisation of existing institutions had deprived citizens of the binding and controlling influences of

61. 'Socialism as presented by Kaufmann.'

62. 'French and German Socialism,' p. 3.

63. 'Rousseau' (John Morley, 1873), Vol. i., p. 192.

society. There was no standard; no acknowledged gauge[sic] by which to test the propriety of individual action. A period of the most complete individualism set in, and men of all kinds were (to use an expressive phrase) 'put upon their metal.' Professor Ely says: 'Each one was left free to pursue his own interests in his own way;' and he adds: 'Commerce and industries took a wonderful start, and, by the aid of inventions and discoveries, expanded in such a rapid and all-embracing manner as to astound the world.'⁶⁴ Unfortunately, far too favourable results were expected. The theories of a sound Liberalism had to some extent been realised; but too much was anticipated from it. Those doctrines had, as Professor Ely says, 'been expected to usher in the millennium, and, instead of that, they beheld the same wretched, unhappy, sinful world, which they thought they had left.'⁶⁵ Enthusiasts and dreamers; men who allowed the poetic side of their minds to obtain too great an influence over their judgment in mundane affairs—these, all, were disappointed, and of course followed up that disappointment by picturing a brighter and a better condition of things. But they were only *pictures*. It requires some resolution to enable the mind to face the most ugly facts concerning human nature. The fertile imagination passes them lightly over; for the recollection of them blurs and discolours the dreams and pictures of the fancy. To look for a millennium, as human nature is constituted and situated, involves the omission, in our mental calculations, of some of the most permanent factors in the operation. And this is, as I shall sufficiently show, what has led to both the conception and the ultimate abandonment of almost every Utopian scheme of modern times. What we call 'wretchedness, unhappiness, and sin,' are the inevitable results of the gap which does, and must always exist between our powers and our aspirations—between our capabilities and our most laudable desires. We must *all* work if we would be even moderately happy. The labourer works for a living, and finds pleasure in *physical* rest and relaxation. The capitalist works mentally in the worry and anxiety lest his possessions should be lost or become lessened; and he finds pleasure in *mental* rest and relaxation. The *apparently* idle man, in many cases, works harder than them all, in the absolute pursuit of pleasure; and, in many cases, he never secures it! But all have their disappointments; their causes for unhappiness; and their times of wretchedness; and it will require either a new world for humanity to live in, or a radical alteration in human nature itself, before the dreams or hopes of the poetic mind are, or can be realised. The most we can hope for and seek to produce, is the minimum of *human* pain and anxiety, not in our own generation only, but in *our race*, of which *innumerable generations have to follow us*; and that can only be realised by looking the world in which we live, and human nature itself, just as it *is*, *straight in the face*, and, after the most careful investigation of its characteristics and its

64. 'French and German Socialism,' p. 7.

65. 'French and German Socialism,' p. 11.

wants, *immediate and remote*, as also its *ever-present infirmities*, basing our social and political theories, not upon the material of which we should *like* human nature to be made, but on that of which it *is* made—in short, upon *fact*, not upon *fancy*. The French Revolution produced innumerable *prose poets*, some of whom contributed to the literature of their age, whilst many were content to give their Utopian theories the more ephemeral existence which is afforded by unrecorded human speech. The law of social oscillation here performed its part with unerring fidelity. The pendulum of men's minds, after a time, swung back from the belief in a pure individualism such as had prevailed, to a longing for the other extreme of a 'regenerated society'—'a golden age,' in which '*humble simplicity* and *trustful dependence* on the part of the labourers,' were expected to be met by '*generous benevolence* and *protective care* on the part of the master.'

Let us now examine the various schemes by which these fond hopes were claimed to be capable of realisation. Professor Ely has well said that 'in order to obtain an adequate idea of Socialism, and of the justice of its claims, we must imagine ourselves, for the time being, labourers, with all their trials and sufferings. We must endeavour to *think ourselves* into their condition.' This, every fairly disposed mind would do, so long as the point of view is not so entirely exclusive as to involve the neglect of the interests of the numerous other classes who go to make up society as a whole. And it is necessary to remember, always, that every scheme which aims at increased human happiness, must have regard to the next and following generations, which may be weakened and demoralised in their self-helping faculties, by the unwise indulgence of the existing one. That is an element of enormous importance: too frequently lost sight of in our political calculations.

We would do well, too, to remember that the greatest Socialist authorities of modern times have not been, as many suppose, mere worthless penniless demagogues, or lazy fluent agitators, who find it easier to talk than to work. As a fact, many or most of the leading authorities have been 'men of character, wealth, talent, and even high social standing.'⁶⁶ But this fact 'cuts two ways'; for it will be found that the easiness of their circumstances had, in several cases, obviated the necessity for their coming into contact with the less poetic side of human nature, a knowledge of which would, perhaps, have convinced them of the impracticable nature of their schemes.

I have spoken hitherto of Communism and Socialism jointly, as if there were very slight differences between the two schools. It is necessary that I should now explain the difference between them, according to the latest acceptance of the terms. Mill says: 'The word *Socialism*, which originated among the English Communists, and was assumed by them as a name to designate their own doctrine, is now, on the Continent, employed in a larger sense; not necessarily implying Communism, or the entire abolition of private

66. 'French and German Socialism,' p. 20

property, but applied to any system which requires that the *land* and the *instruments of production* should be the property, not of individuals, but of *communities*, or *associations*, or of *the government*.⁶⁷ Elsewhere, the same writer speaks of the Communistic doctrine, as forming the '*extreme limit of Socialism*, according to which not only the *instruments of production*, the *land and capital*, are the joint property of the community, but the produce is divided and the labour apportioned, as far as possible, equally.'⁶⁸ These definitions seem very clear—indeed too clear; for it would apparently be impossible to find two minds which understand the former term—Socialism—with exactly the same limitations. M. de Laveleye, in a comparatively late article,⁶⁹ has said: 'I never yet met with a clear definition, or even with any precise indication as to the meaning of the word;' and Proudhon, when interrogated by the magistrate, in 1848, concerning his political creed, replied, 'Certainly I am a Socialist,' and on being further asked to explain its meaning replied, 'Socialism is any aspiration towards the amelioration of society.' If the latter definition were strictly correct, Socialism could certainly do little harm. There could not be any possible objection to the indulgence, by any and every citizen, in his *aspirations* for the amelioration of society. We all have such aspirations. But the real point at issue is whether any and every citizen, or even a majority of citizens, should be allowed to *force* his or their *schemes* for that 'amelioration' upon the remainder of his fellows, by aid of the iron hand of parliament. Proudhon's definition, if such it may be called, is useless in another sense. Socialism seeks the *immediate* amelioration, without sufficient regard for the morale and the mental and bodily discipline of future generations. Moreover, that amelioration is assumed to be realisable by providing the poor with more of the comforts of life, which are first to be taken from the well-to-do—forcibly. I can see very plainly, from a tolerably comprehensive reading of Socialist literature, that the term itself is now understood to include *all legislative attempts at the equalisation of social conditions*, that is to say, such as involve interference by the state beyond the limits at which that *interference is necessary to secure equal liberties or equal opportunities*. This conclusion is confirmed by M. de Laveleye in the article referred to, where, in criticising the vague definition previously mentioned, he says: 'Proudhon's definition is too wide; he omits two most important characteristics of Socialism. The first is, that the *great aim* of the system is to *equalise social conditions*; and the second is that it endeavours to effect this through the medium of *the law or the state*. The aim of Socialism (he adds) is equality; and it will not admit that liberty alone could lead to a reign of justice.' It is quite possible that there may be many persons who, not having given this subject a large amount of attention,

67. 'Principles of Political Economy,' p. 125.

68. 'Principles of Political Economy,' p. 130.

69. *Contemporary Review*, April, 1883.

may be inclined to consider that a 'small extent' of the levelling, which the adoption of such principles would involve, would not do 'much harm;' and they may therefore view the school, as I have defined it, as a not very dreadful danger. To such persons I can only say that, from that line which I have drawn as a limit to state interference up to pure Socialism and pure Communism, there is *no acknowledged halting-place*. If once the principle is introduced, there is no intermediate principle upon which the interference can be curtailed. The system of confiscation—for it involves that from the moment of its departure from the true limits—will go on without restraint, except it be of a physical nature;⁷⁰ and the disorganisation of society, on its present basis, will have commenced. I shall have an opportunity, in a subsequent part of this chapter, of mentioning some of the most extreme and impracticable of the demands of the Socialist party, in which still further confirmation will be afforded of my definition. It is quite possible that, when Mill published his 'Principles of Political Economy,' his definition may have been sufficiently broad; but twenty years or more have made a great difference in the attitude and tone of the Socialist school; and I shall subsequently show that he even much altered his views on the whole subject. It will now be found, as I have said, to include *all legislative attempts at the equalisation of social conditions —other than those which have the effect merely of securing equal liberties or opportunities to all citizens*. The following passage from Professor Ely's interesting work will, I think, fully explain the attitude of the most modern form which Socialism has taken. 'Socialism (he says) is the opposite to Individualism. A Socialist is one who looks to society, organised in the state, for aid in bringing about a *more perfect distribution of economic goods*, and an elevation of humanity. The Individualist regards each man, *not as his brother's keeper, but as his own*, and desires every man to work out his own salvation, material and spiritual.'

One of the most interesting figures among the prominent advocates of Socialism in France is that of Count Henry de Saint-Simon. He was born at Paris, in 1760, and is said to have belonged to a noble family of France, which could trace its origin to Charlemagne. The family produced many distinguished nobles and commoners. Professor Ely says of him that 'he did not desire the dead and uninteresting level of Communism, but placed before him, as an ideal, a social system which should *more readily* render to man the just fruits of his own individual exertions, than does our present society.'⁷¹ There is one fact concerning Saint-Simon, which is observable in connection with almost every one of the most ardent advocates of the more complete and elaborate

70. I have already referred to De Tocqueville's statement, in which he said: 'If ever the free institutions of America are destroyed, that event may be attributed to the *unlimited authority* of the *majority*, which may at some future time urge the minorities to desperation, and oblige them to have recourse to *physical force*.'

71. 'French and German Socialism,' p. 53.

Communist and Socialist schemes, viz., that their enthusiasm bordered, if not frequently trespassed, on the domain of mental unsoundness. Through a family quarrel St. Simon lost titles and an immense fortune. This he seems to have regarded somewhat philosophically, merely observing, 'I have lost the titles and fortune of the Duke of SaintSimon, but I have inherited his passion for glory.' In order that he might not forget what he conceived to be the grand destiny in store for him, he ordered his servant to awaken him every morning with the words, 'Arise, Monsieur le Comte; you have grand deeds to perform.'⁷² He entered the army, and subsequently fought in the American war under Washington. Although promoted to the rank of colonel in the French army, at the age of twenty-three, he gave up the military career. He claimed to have closely studied American society and its institutions while there. 'The life purpose which I set before me (he said) was to study the movements of the human mind, in order that I might then labour for the perfection of civilisation.'⁷³

That he was not content to do the very small and insignificant part which even the greatest of men must be satisfied to contribute to the world's progress and improvement, is shown by the somewhat ill-digested schemes which he promulgated. He proposed the building a canal to unite the Atlantic with the Pacific. A few years later he formed designs for connecting Madrid with the sea; but the French Revolution then occurring, he turned his attention to matters of more immediate concern. He sided with the people, and was elected president of the Commune, where his property was situated. In his address to the electors, he stated his intention of giving up his title, as he regarded it as inferior to that of an ordinary citizen. He was, notwithstanding the real bent of his sympathies, imprisoned on account of his rank. Then followed an event, which I venture to think conclusive, as to his lacking the soundness of mind essential to the discussion or investigation of sociological and political matters. He had a *vision*—his ancestor, Charlemagne, appeared to him, and encouraged him with a prophecy of future greatness. The language of the prophecy consisted of the usual style of phraseology adopted by spectres. 'Since the world has existed (said Charlemagne) no family has enjoyed the honour of producing a hero and a philosopher of the first rank; this honour has been reserved for my house. My son, thy success as a philosopher will equal mine as a warrior and politician.' Having made some very successful investments in the purchase of confiscated national lands, he devoted seven years to preparatory study of physiology and the physical sciences. Professor Ely says: 'What he had in view was a science of the sciences; a science to classify facts derived from all sciences and to unite them into one whole'; and he adds: 'It was from him that his scholar Auguste Comte derived his idea of founding a universal science.'

72. 'French and German Socialism,' p. 54.

73. 'French and German Socialism,' p. 55.

It is a remarkable fact that Comte himself was visionary enough to believe that the 'regeneration of society,' as the result of *his* 'system,' would come in his life time; and he actually fixed the dates at which the different European countries should separately undergo the change in government, in order that European society should not be inconvenienced by the sudden transformation! His enthusiasm carried him so far that he wrote of the 'Great Western Republic' which was to be formed of the five advanced nations—the French, Italian, Spanish, British and German, as if it were about to immediately become an accomplished fact; and he even designed an European flag which was to be used when all of the above nations had thus merged under the fraternising influences of the 'Religion of Humanity.'⁷⁴ Saint-Simon lost all his money, and ultimately became a copyist at about £50 a year. 'He copied nine hours a day, and robbed himself of sleep in order to develop his philosophical and social system.'⁷⁵ Although he wrote several other works, it is from that entitled 'Nouveau Christianisme'—The new Christianity—that his disciples principally draw their teaching. Comte and other of his pupils and admirers were around his death-bed, and the scene was both touching and dramatic. One of the last sentences uttered by him was addressed to his favourite scholar, Rodrigues, and clearly shows that, notwithstanding all his schemes for the regeneration of society, he clearly recognised the absolute necessity of affording free play to human faculties. 'Rodrigues (he said) do not forget, but remember that to accomplish grand deeds you must be enthusiastic. *All my life is comprised in this one thought: to guarantee to all men the freest development of their faculties.*'⁷⁶ Let us see how this principle, which is compatible with the soundest Individualism or Liberalism, was reconciled with his theories of Socialism. One of the first steps in Saint-Simon's scheme was that *universal peace* was to be guaranteed. Here we at once see distinct evidences of the poet and the dreamer. In order to realise this Utopian condition of things, an *European parliament* was to be formed, composed of *true leaders*, whose business it would be to arbitrate between nations. 'Secondly (says Professor Ely) leadership is to establish universal association, guaranteeing labour to all, and a reward *in proportion to services rendered*. Equality is to be *avoided*, as involving *greater injustice* than our present economic life. Recompense *in proportion to merit* is the true maxim; but, as all are to be guaranteed work, all *must work*, either mentally or physically.... An idler is a parasite.... Wealthy idlers are thieves; another class of idlers consists of beggars, and this last class of do-nothings, Saint-Simon considered scarcely less contemptible and dangerous than the first.'⁷⁷ In Saint Simon's kingdom, everything which was good, and true, and beautiful, was to

74. See 'General View of Positivism,' Auguste Comte. Trubner and Co., 1865.

75. 'French and German Socialism,' p. 59.

76. 'French and German Socialism,' p. 61.

77. 'French and German Socialism,' p. 64.

be encouraged; it was to be essentially religious, and its chiefs were to be its priests. Saint-Simon considered revolution injurious, and regarded it as unfitted to secure social regeneration; because it is *destructive*, while what is sought is a *constructive* power. Reform, in his view, must be brought about by *public opinion*, and public opinion should be enlightened by printed and spoken word. The king was to take the title of the 'First industrial of his kingdom.' Professor Ely says that though authority is to be found in the works of Saint-Simon for all the fundamental ideas of his followers, nevertheless he is not accountable for some of their later extravagances. He regards it as almost impossible to separate his teaching from that of his followers. 'The New Christianity' was the Bible of the Saint-Simon religion. In it Saint-Simon contended that all morality must be derived immediately from the principle that men *ought* to regard each other as brothers. The economic features of this school are shortly as follow: *Production* was to be carried on *in common*, and the *fruits* of labour to be divided according to an *ideal standard*. The Saint-Simonians were dissatisfied with the ill-regulated distribution under the existing *régime* most people are— and they believed it possible to remedy this evil by the substitution of state property for private property. In this, most practical and reasonable men will differ from them. They certainly disapproved any *equal distribution* of labour's product; for they recognised that the effect of such a practice would be to reward the energetic and the intelligent, no more than the idle and the stupid. They held that men were, by nature, *unequal*, and should accordingly be rewarded for the exercise of their superior abilities in the general interest. Caste was not intended to be abolished; for society was to consist of priests, servants, and industrials: the latter consisting of those engaged in manufactures, agriculture, and commerce. The government was to consist of the chiefs of the priests, the chiefs of the servants, and the chiefs of the industrials. All property was to belong to the state. Professor Ely observes that it is not clearly stated how the ruling body was to be selected, whether by popular vote or otherwise; but it would seem that the Saint-Simonians assumed that the *good, and the wise, and the best* would be voluntarily, and without dissension, selected as leaders—an assumption (adds Professor Ely very pertinently) scarcely warranted by the world's experience with universal suffrage.

Inheritance was absolutely excluded from this scheme of regeneration. When the Saint-Simonians were charged, in 1830, by the Chamber of Deputies, with advocating community of goods, and of wives, they put their defence in the form of a pamphlet, from which we can obtain some interesting data concerning their tenets. Some of the principles there expressed are compatible with the most absolute Individualism, and it is presumed would be rejected by the still more modern Socialist school.

'The system of community of goods (they say) means a division among all the members of society, either of the means of production, or of the fruits

of the toil of all. The Saint-Simonians *reject* this *equal* division of property, which would constitute in their eyes a *more* reprehensible act of violence, a more revolting injustice than the present unequal division.... They believe in the *natural inequality* of men, and regard this inequality as the very basis of association, as the indispensable condition of social order.... Each one should rank according to his capacity, and be rewarded according to his works. But, in virtue of this law, they demand the abolition of all privileges of birth... the destruction of inheritance. They demand that land, capital, and all the instruments of labour should become common property, and be *so managed*⁷⁸ that each one's portion should correspond to his capacity, and his reward to his labours.' The new faith gained a large number of adherents. A 'Sacred College of Apostles' was formed; missions and bishoprics were established; organs, for the dissemination of their doctrines were started; a distinguishing costume (blue) was adopted, varied in shade according to rank, and ultimately, in the craving for symbols, they resorted to a kind of waistcoat 'so contrived that no one could put it on or take it off without assistance,' the object being 'to represent the dependence of man upon his fellow-man.' The whole school now became involved in a species of mock sentimentality. One of the 'fathers' of the regular assemblies, together with a number of other disciples, withdrew from the association, in consequence of the second 'father' endeavouring to introduce principles much akin to *free-love*. A female Messiah was then looked for, and from one extravagance to another the association broke up, and the members became scattered.

Mill, speaking of Communist societies, says: 'The two of the highest intellectual pretension are those which, from the names of their real or reputed authors, have been called St. Simonism and Fourierism; the former defunct as a system, but which, during the few years of its public promulgation, sowed the seeds of nearly all the Socialist tendencies which have since spread so widely in France.'⁷⁹

I pass now to a notice of François Noël Babœuf, who was born in 1764. He also was of a good family, his father having held the rank of major in the Austrian Army. He entered, at an early age, into the civil service, but was arrested on a charge of forgery, for which he received a sentence of twenty years' imprisonment. He, however, escaped to Paris, and threw in his lot with the revolutionary movement. He had studied the Greek and Roman Socialist institutions, and founded the pioneer Socialist paper called the *Tribune of the People*. Through this medium, under cover of the *nom de plume* 'Caius

78. These two words occupy a small space, but they beg the whole question. One can imagine what that 'so managed' would be in a country like America, with its *fifty millions* of people to have allotted to them 'each according to his works.' The contemplation alone is bewildering.

79. 'Principles of Political Economy,' p. 125.

Gracchus,' he attacked existing institutions. He was ultimately imprisoned (1795) for giving expression to revolutionary projects. As soon as he obtained his release, he (with others) organised a conspiracy (called the conspiracy of Babœuf) to overthrow existing institutions, and to establish the Communistic millennium, which he and his colleagues (who had been fellow-prisoners) had arranged, in theory, while undergoing sentence. They called themselves 'Equals.' Their success was so great that, in 1796, as many as seventeen thousand men were ready to co-operate with them in the subversion of the Directory, and the establishment of a Communist government. One of the most prominent among them exposed the conspiracy, and the principals were arrested. Babœuf himself, and another, were condemned to death. Babœuf was executed in 1797.

He never published any systematic work, and the theories of his proposed scheme of Communism must be gleaned from his articles, and from other sources, such as the 'Manifesto of the Equals,' and Buonarroti's 'History of the Conspiracy for Equality.' In the latter work, Babœuf's views are largely expounded. The leading principle of the school is that 'the aim of society is the happiness of all, and happiness is considered to consist in equality.'⁸⁰ The doctrine of equality, as here understood, was absolute. No single man must be richer or more powerful than his fellows. This was considered indispensable. The first and fundamental article of the manifesto ran thus: 'Nature has given to every man an equal right to the enjoyment of all goods.' They did not propose a 'general division' of existing property, and then to go on as before; nor was everything necessary to the scheme to be carried out at once. Deliberation and consideration were by no means disregarded. It was, in fact, estimated that it would occupy fifty years before *all* property would be nationalised. At first, only corporate bodies and public institutions were to be nationalised, and the property of living persons was to follow, only on their demise. All was to become common property. Every one was to work in the common interest, in proportion to his capabilities. People were to be classified according to their employment, and each class was to choose a leader. Each commune was to have its assembly of delegates, and the assembly or council was to determine the capacity and occupation of all its constituents, subject to the supervision of the central council. The manufactured goods were to be stored up in public magazines, and subsequently distributed. The trade with foreign countries was to be maintained; and, with that view, storehouses were to be erected near the frontier. The surplus products were to be kept in reserve for times of want. *Over-exertion was to be avoided!* Citizens were to live in villages, as the crowding in large cities was considered unnatural, and detrimental to morals. Everybody was to have accommodation in a comfortable dwelling-house, and wearing apparel of the same make and shape. The food was to be frugal,

80. 'French and German Socialism,' p. 34.

and luxury was to be stringently prohibited, as interfering with man's proper mission. Agriculture was to receive most attention, while the industrial pursuits and the arts were to be restricted to such as had the aptitude to acquire them speedily. All literary productions were to undergo careful examination before publication and dissemination. Children were to be removed from the family at an early age, so as to avoid the beginnings of inequality.⁸¹ As Mr. Kaufmann has observed, 'The fatal errors implied in this system scarcely require a refutation.... The total suppression of individual liberty; the establishment of a complete despotism; the trampling under foot of the arts and sciences—in fact, all that raises society.' One is inclined to ask, How long would such a system last? And, even if it did last, what would become, in a few generations, of human energy, human enterprise, ambition, refinement, culture, and the aspirations for a still better and happier existence, which, though doomed to produce for us constant disappointment, nevertheless supply us with an ideal to which we are ever making some infinitesimal approximation. Such feelings would, inevitably, be eradicated, or, at least, so completely suppressed as to reduce everyone to the mere animal existence. 'The whole scheme,' says Professor Ely, 'is dreary and monotonous.... All must be dressed alike, all must eat the same quantity of the same kind of food, and all must be educated alike.... All things are contrived to level down, and not to level up; to bring the highest down to the plane of stupid self-satisfied mediocrity, and not to elevate the less fortunate to higher thoughts, feelings, and enjoyments;' and the same authority adds, 'This most cheerless of all Communistic schemes fitly took its origin among those sunk in the most degraded materialism of the French Revolution'⁸²

I pass now to a scheme of social reform which Mill has characterised as worthy of being counted 'among the most remarkable productions of the past and present age.'⁸³ I refer to that of Charles Fourier. It has been said that 'Saint-Simon was a man of impulse and feeling; Fourier was a man of the understanding and logic. The former founded a religion; the latter a science.' Fourier was born in 1772, and sprang from the middle classes. He combined, in his younger years, an unusual love of the practical and the beautiful. He visited several continental countries as a commercial traveller, and, on his father's death, inherited about £5000, all of which he lost during the siege of Lyons. He was taken prisoner; but subsequently, being released, joined the army, from which, after two years, he was compelled to retire on the score of ill-health. He is said to have lacked the qualities which secure great worldly success. At the age of thirty-six he published his first work, consisting of a rough outline of a

81. I am indebted for most of the above summary to the Rev. M. Kaufmann's interesting work, 'Socialism: its Nature; its Dangers; and its Remedies considered.'

82. 'French and German Socialism,' p. 38.

83. 'Principles of Political Economy,' p. 131.

social scheme which his mind had, at an early age, begun to evolve. During the following five years, he had not secured a single disciple. He communicated with Robert Owen, but received no encouragement. The Saint-Simonians, even, are said to have regarded him with contempt. His knowledge of the world does not seem to have been great; for he began his search for disciples by publicly announcing 'that he would be at home every day at noon to meet any one disposed to furnish *a million francs* for an establishment, based on the principles he had published.'⁸⁴ As might be expected, nobody came, though, it is said, he kept the appointment every day for *twelve years*. One would, at the first blush, pronounce as impracticable, a scheme for regenerating the *whole* of society which required on a *small* experiment a million francs but, during his life, an experiment was made. A philanthropic member of the Chamber of Deputies offered an estate for the purpose, and the necessary number of converts was accordingly found. Fourier himself was not satisfied with the management, and the experiment failed. By this time, however, he had won over many disciples, and he is said to have thus obtained the means of living in comfort. There is a purely scientific side to his theories which I need not go into at great length. His work 'The Theory of the Four Movements and the General Destinies,' represents society, animal life, organic life, and material, as being subject to one law—that of gravitation. He applied to those four elements the same theory which Newton discovered regarding matter. This discovery, in the opinion of Fourier, provided for 'the sudden passage from social chaos to *universal harmony*.' Here again we see the dreamer and the idealist. Professor Ely, to whom I am indebted for most of my information regarding this, as well as the other short sketches of the most prominent of the French and German Socialists, says of this particular work—'The Four Movements'—that 'the fantastic notions and ridiculous *prophecies* contained in it were the subject of so much ridicule, that, for a long time, he (Fourier) would not mention the book, and was unwilling to hear others speak of it.'⁸⁵ His chief work was his 'Treatise on Domestic Agriculture, or Industrial Gravitation.' In this, he gave a complete exposition of his system, which was indeed sufficiently comprehensive, since it included 'man and the earth, and the heavens above, and the waters under the earth.'⁸⁶ Much of the subject matter is suggestive of the abstruse and useless speculations regarding first principles, which were indulged in by such philosophers as Pythagoras and Heraclitus. They are full of such phrases as 'eternal and indestructible principles;' 'acting and moving principles;' 'passive principles.' Some of the *prophecies* which he indulged in, as the result of calculations in figures, are strangely suggestive of a disordered mind. He, for instance, made an estimate which induced him to affirm that the

84. 'French and German Socialism,' p. 85.

85. 'French and German Socialism,' p. 87.

86. 'French and German Socialism,' p. 87.

human race was limited in its earthly existence to eighty thousand years. That period was divided as follows: Infancy, 5,000 years; growth, 35,000; decline, 35,000; dotage, 5,000. As might be expected, the transition from infancy to growth was to be contemporaneous with the adoption of his theories! Much of the matter is of the most childish and ridiculous nature. Professor Ely speaks of them (and mentions a good many of them) as 'nonsensical speculations.' It is to his 'New Industrial and Social World' that we must look for the more practical and useful side of his philosophy. But even that is pregnant with useless divisions and subdivisions of the senses, and the feelings of the mind and body. These punctilious classifications remind one of the lengthy and unscientific divisions and subdivisions of the modern popular phrenologist. Fourier, somewhat differently to other Socialists, claimed free-play for the *passions*, which our present form of society did not in his opinion allow. He aims always at what he calls 'harmony.' How he reconciles a greater free-play of passions than society has hitherto enjoyed, with harmony, there is no means of learning. The number of persons who were to dwell together in one building, in his ideal community, was regulated by a calculation, based on the *number of our passions*, which he estimated at twelve. By some arithmetical method of his own, he fixed upon a number, varying from four hundred to two thousand. A *larger* number would, he considered, produce discord. That such an event *might* happen with two thousand people in one building (a sort of gigantic boarding-house) does not seem to have appeared likely! He contended that all labour became pleasant, so long as it was voluntary, and upon that assumption much of his system is based. I shall, subsequently, show that Mill even regarded this as a most valuable feature in his system. He relied much on unrewarded rivalry, and evidently anticipated that the era of the 'myrtle wreath' would be repeated and universally welcomed. Some idea of his mental condition can be obtained from the fact that he entered into, and made known the results of a calculation, by which he showed that if England would adopt his theories, the labour would become so productive as to enable her to pay off the national debt in six months, by the sale of *hen's eggs!*

'We are going (he said) to extinguish the colossal English debt on a fixed day, with half of the eggs produced during a single year. We shall not lay violent hands on a single fowl, and the work of accomplishing our purpose, instead of being burdensome, will be an amusement for the globe.'⁸⁷ Professor

87. 'French and German Socialism,' p. 95. NOTE.—Professor Ely has set out at length Fourier's calculation. One might almost imagine, on reading it, that Fourier intended to apply his Socialist theories to the fowls themselves. It does not appear to have occurred to him that the production of nearly a *billion pounds* worth of eggs would *somewhat* glut the market! Nor does it seem to have occurred to him that, if so much money could be so easily made out of eggs, he had wasted his time by waiting *twelve years* for a million francs to enable him to make his first experiment. Moreover, if money were so easily made, it is difficult to understand why he was so anxious to interfere with existing institutions!

Ely says: 'Such amusing and ridiculous passages in his writings do not give us any sufficient ground for condemning the cardinal principles of Fourierism.' I venture, however, to think that if writers like Mill or Spencer had indulged in the publication of such nonsense, few thoughtful men would care to spend much time in studying their remaining productions. The one principle which seems to lie at the root of his more rational theories, is that of co-operation. He objects to the waste of time and energy in the maintenance of hundreds of retail shops; in the fact of two lines of railway running in the same direction; in the cooking of four hundred *small* dinners where one *large* one would do. But there is a reason for all that. Experience shows that institutions of all kinds can become top-heavy; that organisations, when grown beyond a certain size, can be less economically managed than small ones; and, regarding dinners, people are prepared to set off the extra trouble and exertion, or the extra expenditure, against the privacy which is enjoyed by dining alone with one's family. No one, I think, can study the writings, and the system of Fourier, without feeling that it will utterly fail in pleasing the modern school. I shall have occasion, subsequently, to refer to certain practical experiments which have been made upon the principles of Fourierism, as the system is called. The most remarkable was that at Brook Farm. There are thirty-four experiments recorded,⁸⁸ all of which failed.

It is worthy of observation, too, as showing that the most perfect harmony does not exist among Socialists themselves, that among the later of Fourier's writings was a severe attack on the principles of the Saint-Simonians and the Owenites. Mill has, in his treatise on Political Economy, thus summarised Fourier's principles, omitting all the useless portions which I have felt bound to record, in order to give an impartial account of his writings. 'This system (he says) does not contemplate the abolition of private property, nor even of inheritance; on the contrary, it avowedly takes into consideration, as an element in the distribution of the produce, capital as well as labour. It proposes that the operations of industry should be carried on by associations of about two thousand members, combining their labour on a district of about a square league in extent, under the guidance of chiefs selected by themselves. In the distribution, a certain minimum is first assigned for every member of the community, whether capable or not of labour. The remainder of the produce is shared in certain proportions, to be determined beforehand, among the three elements—labour, capital, and talent.' The element of co-operation, which I have before mentioned as being an important factor in the system, was expected to do away with the *middle-man*, and thus produce further economy.

The thirty-four trials, or experiments, which the system has undergone, should certainly constitute a fair test of its practicability and advantages.

88. See 'History of American Socialism' (J. H. Noyes), 1870.

Regarding the latter, they seem to be confined to the guaranteeing of a *bare living to everybody*; and one is inclined to ask why so much should be disorganised to produce so small a result? To reorganise society, so that it might be divided into what are termed phalanxes of two thousand individuals, each of which is to be self-contained and self-supporting, would involve the most complete subversion and reconstruction of all existing institutions. And, after all, is it not a very moot question, whether it would, in the end, benefit society to establish a form of government, by which a livelihood was *guaranteed* to everybody, irrespective of his or her deserts?

The name of Etienne Cabet is well known as a Socialist writer. His parentage was exceedingly humble, but he received a good education and practised as a lawyer in Paris. He became Attorney-General of Corsica, at the age of forty two. He was afterwards elected to the Chamber of Deputies. He published a journal called *Le Populaire*, in which he advocated moderate Communistic principles. He was sentenced to two years' imprisonment for a disloyal article, but escaped to London. He is said to have been much influenced by his perusal of More's 'Utopia.' He subsequently published his 'Voyage to Icaria,' which he called a philosophical and social romance. He therein pictured a country, in every way ideal—in which all the virtues were abundant and crime was unknown. He himself described it as 'a second promised land, an Eden, an Elysium, a new terrestrial paradise.' The object of the work was to show that Communism is practicable! Cabet, in short, believed he could establish such a society as he described. He, in fact, made the attempt, having obtained a grant of a large tract of land on the Red River, in Texas. The history of that experiment I shall briefly relate when I come to treat of other American experiments. Suffice it to say, here, that it was a melancholy failure. Cabet's ideas were altogether wild and incapable of realisation. When the community was established, Cabet himself spent much of his time in writing an account of what he *could do* in the community if he only *had a million dollars!* He proposed to have a theatre, parks, gasworks, hot and cold baths to the houses, and other comforts and indulgences, which are usually subjects for condemnation with most of his school. Cabet's principles were simple. 'Fraternity' was the key-note to his whole scheme. He required fifty years for the transition of society from the existing form to that of Communism. He proposed to begin by moving much in the same direction as that toward which society appears to be now-a-days tending—by legislating for the training of children; for the exemption of the poor from taxation; for the progressive taxation of the rich; also for a minimum of wages. He generously offered society this consolation—that 'the system of absolute equality, of community of goods and of labour, will not be obliged to be applied completely, perfectly, universally, and definitely, until the expiration of fifty years'! The political organisation of his ideal community was to be a democratic republic. There was to be a parliament, very much like our

present one. The Icarians, as the inhabitants were called, were to choose their representatives, who were to make laws, and to provide amusements for the people. Uniformity was to be a prominent feature in the community, and this was to apply even to the clothes, except that a little liberty would be allowed in the matter of colour! Women were to be accorded high considerations. Work was to be common. If there were too many applicants for any particular class of work, the choice was to be made by competitive examination. Men were to be superannuated at the age of sixty-five, and women at fifty. Everybody was to work seven hours a day in summer, and five in winter. In this scheme, unlike many others, machinery was to be regarded favourably, for it was proposed to do all the 'dirty work' by that means. Art in every form was to be encouraged. It will be seen that the whole scheme, which is said to have been the result of a dream, is devoid of any novel or leading principle from which any great accession of human happiness could be expected. Cabet is another of the instances in which an improperly balanced mind arrived at fanciful and impracticable conclusions. I shall give a short account of his Communist experiments in a subsequent part of the chapter.

Pierre-Joseph Proudhon is a prominent figure among French Socialists. He also was of humble parentage—in fact, came from the masses; and he was proud of the fact. He followed, successively, the callings of an agricultural labourer, a cow-herd, a waiter, a publisher's reader, and an author. He undertook the problem of uniting 'absolute and unqualified individualism with perfect justice in the production of goods, and in their distribution.'⁸⁹ He undertook, in fact, to reconcile two schools which are really irreconcilable—Socialism, which is ever aiming at equal social conditions; and Individualism, which recognises the inequality of social conditions as one of the most wholesome spurs to individual development and social progress. One of the most suggestive doctrines which he sought to promulgate, was that which regarded property as *theft*, and property-holders as *thieves*. Professor Ely says: 'Proudhon was the first to prove directly and scientifically that private property *per se* was a monstrosity—was robbery;' but it can scarcely be said that he *proved* it. He certainly tried hard to do so. He admitted that he *hated* the rich, and all the existing institutions which result from the recognition of private property; but subsequently his mind modified this feeling into one of *contempt* only! He also attacked the Saint-Simonians and Fourierists, and had little mercy for the political economists. It may be well said of Proudhon, that he only did half of that which he undertook to do. He said: 'I will destroy and I will build up again.' Indeed, he adopted that as his motto. (*Destruam et ædificabo.*) But he did little else except abuse and expose existing institutions. He contributed little in their place. He purposely eschewed practical politics, because he knew no existing form which corresponded with or approached his ideal. He was,

89. 'French and German Socialism,' p. 125.

however, elected, ultimately, to the Constituent Assembly; and an opportunity presented itself for him to propose a positive measure of social reform. It took the shape of an organisation of state credit, on which no interest was to be charged. It was ignominiously rejected by 691 votes to 2. Having failed to secure state assistance for his scheme, he endeavoured to dispense with its assistance, and, accordingly, founded a bank, which collapsed after an existence of a few weeks. 'Thus,' says Professor Ely, 'ended the attempt of the last French Socialist to carry out a scheme of social and economic regeneration. He was then imprisoned for three years for breaches of the press laws, and, during his imprisonment, wrote an important theological work, which went through six editions. The book was seized, and he was again sentenced to three years' imprisonment, but managed to escape to Belgium. Proudhon insists on the soil being the common property of mankind, and denies the right of any authority to dispose of it. He denies, also, that anyone can claim property in anything he does not produce. He claims free access to the soil, and to the *instruments of labour*. But he seems to lose sight altogether of the element of exchange, by which one man who has produced (say) an acre of wheat, exchanges it for a dray or a plough, by which the latter would become his, just as if he had produced them. But Proudhon would not return to Communism. He considers that a robbery of the strong by the weak. 'Property (he says) is exploitation of the weak by the strong. Community is exploitation of the strong by the weak.... In the system of property, inequality of conditions results from force, under whatever name it may disguise itself—force, physical and intellectual; force of circumstances, hazard, fortune; force of acquired property, etc. In community inequality springs from mediocrity of talent and of labour elevated to an equality with force; and this injurious equation is revolting to conscience, and causes merit to labour.' In short, Proudhon would allow no one to possess or control anything which he did not actually make or produce for himself. He says, elsewhere, 'I am an anarchist.... Anarchy—the absence of master, of sovereign.' This he seems elsewhere to somewhat contradict, for he proposes a 'Department of Statistics,' by which every question of internal politics ought to be solved.... The science of government belongs of right (he says) to one of the sections of the Academy of Sciences.... Since every citizen may address a *mémoire* to the Academy, every citizen is a legislator; but the opinion of no one counts, except in so far as it is demonstrated to be true.' From this it would certainly appear that the 'Academy of Sciences' would be 'the master,' and 'the sovereign,' and, moreover, a very despotic one; for it would take hints from citizens, but not be bound to adopt them. The measures he proposed to enact on this basis were: (1) A national bank for the exchange of products, without intermediates, but through the medium of paper money. This paper would measure value by labour-time. Professor Ely considers Proudhon 'inconsistent' and 'paradoxical.' He gives him credit

for honesty of purpose, but considers his schemes as 'utterly impracticable.' The following 'appeal to the Deity,' with which he closes his first *mémoire*, will, I think, convince most persons that he, too, like many of his school, was mentally unsound; and that fact, from which I see no escape, will account for what appears to me the absolute incomprehensibility of his proposals. 'Thou God (he says), who has placed in my heart the sentiment of justice, *before my reason comprehended it*, hear my ardent prayer. Thou hast dictated that which I have written. Thou has formed my thought; thou has directed my studies; thou has separated my spirit from curiosity, and my heart from attachment, in order that I should publish the truth, before the master and the slave,' and so on. He concludes this 'appeal,' by picturing the future, in which 'the great, the small, the rich, and the poor, will unite in *one ineffable fraternity*; and all together, chanting a *new hymn*, will re-erect thy altar, O God of liberty and of equality!'

Another recognised authority in the field of Socialist and Communist literature is Karl Rodbertus, born in 1805. He differs from those, concerning whose theories I have already spoken, in being a German. He began life as a jurist, and subsequently became a farmer. He took a practical part in the politics of Prussia, in the years 1848 and 1849, and became Prussian Minister of Education and Public Worship. He soon abandoned the more active life, and retired to the country, to secure the leisure and retirement necessary to the pursuit of scientific and literary subjects. Professor Ely speaks of Rodbertus as 'one of the ablest Socialists who ever lived, and perhaps the best representative of pure theoretical Socialism.'

His writings were principally directed toward solving the two great problems of pauperism, and the evils arising from over production. He starts with the principle which has been so much emphasised by Mr. Henry George, in his 'Progress and Poverty,' viz., that 'All economic goods are to be regarded as the products of labour, and cost nothing more than labour.' This no one will contradict; but it is quite another matter to contend that, therefore, 'all economic goods belong to the labourers.' This is really what Mr. Henry George and other Socialists contend. They seem to forget that a labourer can and does *sell* his labour for money, called *wages*; and that when he does this the *result* of that labour becomes the honestly acquired property of him who so bought it.

When a workman has bought a table or chair with the money he got in exchange for his own labour (say) as a bricklayer, he will not be found willing to admit that the table or the chair belongs to the carpenter who made it. Nor, if a labourer, by saving his earnings, were able to put his son in possession of a comfortable cottage, would he willingly admit that the son was less entitled to it than the builders who erected it. He would properly argue, in such a case, that what he had saved was his own; that he had the right to give it to his son,

in the form of a cottage; that the builders of the cottage had fairly exchanged it for his accumulated wages; and that, therefore, they had given up all control or claim upon it. This simple illustration involves the history of all legally-acquired property; yet Socialists speak of it, when it has reached that form, as 'capital,' and dwell upon the fact that, inasmuch as it was the product of labour, therefore it should belong to the labourers. No one would object to Rodbertus' fundamental principle; but there is every reason to object to the illogical inferences and deductions which are drawn from it. The economic theories of Rodbertus are very elaborate and very ingenious; but I cannot enter into them here, except so far as they bear upon the scheme he proposed as an alternative to the existing condition of society. He proposed to prevent the recurrence of poverty and commercial panics by state interference of such a character as to *secure* to labourers 'a share in the national products.'⁹⁰ This was expected to be realised, by estimating the value of the products of society during the year; then apportioning that value between the capitalist and the labourer. All the products of the year would be first *deposited in magazines* provided for the purpose; and the labourers, having been first paid in labour-time money, that is to say a kind of paper money representing so many *hours* of labour, according to the proportion allotted to him, would be allowed to present that paper money, and get goods from the magazines in exchange, on the same valuation as that upon which they had been paid. 'This,' says Professor Ely, 'is the solution of the problem of securing for the labourers a fixed share of production, and an amount of goods which increases with increased production.' The same authority says that many *practical* men have regarded the scheme with favour, and quotes the opinion of a German *architect* who had prepared a table of proportions to facilitate the division. I venture, however, to say that any manufacturer or any practical business man would at once condemn the scheme as involving waste, and materially increasing cost. The object of the scheme (beyond that of securing a fixed share of the products for the labourer) is to obviate the necessity of what are now termed middle-men; but, in this respect, it would inevitably fail. The middle-man is he who singles out the most successful and the most economical manufacturer, and, having purchased from him large quantities of his products, makes it his business to preserve them in good order, and hold them in readiness for sale, in smaller quantities, to the actual consumers. This, it is presumed, would all be done by the public magazines; but the questions which need to be answered are: Would it be done more economically? Would it be done as thoroughly? Magazines would have to be built, and the expense of doing so would correspond to the building of the stores and warehouses of middle-men. Large numbers of men and women would have to be employed to receive, to classify, to keep in order, to distribute to the consumers, to keep accounts with the

90. 'French and German Socialism,' p. 166.

manufacturers. All these services would have to be paid for, as is now the case with the middle-man. Like all great state undertakings, the cost would be greatly increased, as compared with the cost of the same work carried out by private enterprise. There would have to be heads of departments, and again, boards, having jurisdiction over those heads. Such persons would correspond with the existing middle-men under the existing system. The heads of large departments would have to be men of ability, and they would have to be paid accordingly. Under the existing system, such men become merchants and shopkeepers, and by means of the ever-prevailing competition, the extra cost of an article, in consequence of passing through the middleman's hands, is determined by and reduced to the cost of rent, labour, services of clerks, insurance, interest on money, *and the lowest amount* which such merchant or shopkeeper is willing to give his services for to the business world. If large profits are being made, more men are drawn into the business, until the profits are so small that some are driven out by reason of the remuneration being considered insufficient. Hence the charges which the consumer has to pay, over and above the cost from the producer, would almost exactly correspond with the cost of the labour above mentioned in connection with the *magazines*. And competent heads of departments would require just as much as the merchants and shopkeepers receive under the present system, that is to say, when there had been deducted from the merchant's profits that which represented interest on his capital. Besides all this, however, it must be remembered what a great increase of cost is involved in state work, as compared with that done by private and interested persons. The supervision is less keen; the stimulus is considerably reduced; the wants of the public are not so much consulted; and there are not by any means so many incentives to economy or thoroughness. Again, the manufacturer would have to be paid for his goods when received into the magazine, which would involve an enormous sum of money, or he would have to *materially increase* his prices for the produce, to compensate him for the loss of interest pending the sale of the goods so lodged in the magazine. The truth is, the more the scheme is considered in the light of business experience, the more crude and impracticable it appears. Rodbertus did not expect to see his scheme realised immediately. He expected it to occupy *one or two centuries!* He recognised three stages in economic progress. (1) The stage of private property in human beings—slavery. (2) The stage of private property in capital, i.e., the instruments and means of labour. (3) The stage of private property in income alone. In the third stage each was to enjoy the full fruits of his labour. Even when the third stage was reached, many people would save their income; and thus the envy of human nature would be still excited. Professor Ely says that Rodbertus 'waged no crusade against land or capital,' and adds that 'all the leading Socialists of to-day, to whatever Socialistic group they may belong, have been influenced greatly by Rodbertus.' I pass

now to another prominent member of the school. Louis Blanc was an author, politician, and Socialist. He was born in 1813, and first earned a living as a copyist and teacher, subsequently becoming a writer. His first Socialistic work—‘Organisation of Labour’—appeared in 1840, in serial form, but it subsequently reached a ninth edition. He was prominent in the Revolution of 1848, and was a member of the Provisional Government of that year. He endeavoured by virtue of that position, though unsuccessfully, to introduce a number of his Socialistic theories. Louis Blanc considered happiness and development the end and aim of our earthly existence, with which most persons will agree; but he contended (and here he parts company with most thinkers) that society, as a whole, was under an obligation to secure the means to those ends, to every individual constituting it. Want and misery, in his opinion, were the result of a neglect to fulfil this obligation. Individualism, private property, private competition, he considered, should be abandoned, and a spirit of fraternity adopted as a substitute. ‘Fraternity (he says) means that we are all common members of one great family; that society, the work of man, ought to be organised on the model of the human body, the work of God; and found the power of governing upon *persuasion*—upon the *voluntary consent* of the *hearts* of the governed.’ This is all very pretty; it is, indeed, poetic! but is it not a most impracticable theory, involving the avoidance of the most ugly side of human nature? In one place he speaks of ‘demanding that the right to live should be regulated, should be *guaranteed*.’ In another place he speaks of guaranteeing *work* only. He contends that ‘the poor cannot combine and produce for themselves, without the intervention of capitalists, because they lack the instruments of labour.’⁹¹ He then contends that the state, acting as the poor man’s banker, should furnish these. It might be asked here what would the state do, supposing *all* men neglected to save means, and thus became poor. Would the state become everybody’s banker, and, if so, where would the state obtain *its* means? Throughout Louis Blanc’s proposals there seems to be the same misconception of which I have spoken elsewhere, *viz.*, the belief that ‘the state really possesses some creative powers: some mysterious means of doing more for the people than they can do for themselves. He proposed that *the state* should grant credit, *without charging interest*, and that the money required for the purpose should be raised by taxation, by the profits derived from state railways, and from other public enterprises, such as mines, insurances, and banks. It will be seen by this, that it was contemplated to obtain money by loan or taxation from citizens, and re-lend it to citizens. It was to be lent *without interest*, but loans from citizens were to be repaid *with interest*. We are not informed what precaution would be taken to prevent citizens from thus borrowing for nothing, and re-lending, through third persons, the same money to the state on interest.

91. ‘French and German Socialism,’ p. 119.

Louis Blanc provided, as part of his scheme, that everyone should, in the first place, use his *best exertions* on behalf of the community. He held that a man's various abilities were not given him that he should exercise them solitarily—they are but 'the supreme indication of that which each one owes to society.' If one man is twice as strong as his neighbour, that was, in his opinion, a 'proof that nature had destined him to bear a double burden.' Weakness, he held, was a creditor of strength; ignorance, a creditor of learning. The more a man can do, the more he ought. Louis Blanc, it will be seen, was sanguine enough to believe that, under such a regime as he proposed, men and women would enjoy the same incentives to put forth their best efforts. What then did he propose to reward them with? 'Each one' was to 'produce *according to his faculties*, and *consume according to his wants*.' By what all-seeing authority the *wants* of each were to be determined, I am unable to discover. The whole scheme reads rather like a dream, than as the serious proposal of a man of the world. As Professor Ely says:—'It is a glorious ideal, but (he asks) will it ever become a reality this side of the Golden Gates of Paradise?'

Karl Marx was born in 1818. He was of good family, and was educated for the profession of the law. He abandoned the more lucrative and practical profession for the study of philosophy. He drifted into newspaper work, and became editor of the *Rhenish Gazette*, which was, on account of its principles, suppressed. In Paris, to which he removed, he again attracted the notice of the authorities by his revolutionary writing. He was, thereupon, banished, and next went to Brussels. In 1847 he formulated a manifesto for the Communistic party, the concluding words of which were, 'The Communists scorn to conceal their views and purposes. They declare openly that their aims can be attained only by a *violent overthrow of the existing social order*. Let the ruling classes tremble before a Communistic revolution. The proletarians have *nothing to lose* except their chains. They have a *world to gain*. Proletarians of all lands unite!'

Marx's work, entitled 'Capital,' was left unfinished, but the two volumes which he completed have been spoken of as 'the Bible of the Social Democrats.' Professor Ely says it deserves the name, for 'it defends their doctrines with acuteness of understanding and profundity of learning, and ranks among the ablest politico-economic treatises ever written.'⁹²

Marx dwells, like most of his school, upon the proportions of the value of produce which go to the capitalist and the workman respectively. 'The foundation (he says) of the capitalistic method of production is to be found in that theft which deprived the masses of their rights in the soil, in the earth, the common heritage of all.' The objections which Marx raised to existing institutions were based on economic contentions of a somewhat abstruse character. But he was sanguine enough to believe that under an altered

92. 'French and German Socialism,' p. 173.

condition of things, such as he wished to see realised, idlers would disappear from the earth. Of course he included in that the idle rich.

Some idea regarding his ideal condition of society can be best obtained from the principles of the International Working-men's Association, of the general council of which he was the guiding spirit. That association was based on social democratic principles, and was made sufficiently comprehensive to embrace *all* labourers, in *all* countries, 'without regard to colour, creed, or nationality.' I confess I am unable to extract from the accounts before me of Marx's teachings, any clear and definite scheme of social redemption from the evils with which he charges existing institutions; but he thought the time had come when the *proletariat* must take the reins into their own hands.

The last figure with which I shall deal, among French and German Socialists, is that of Ferdinand Lassalle. He was born in 1825. He devoted himself principally to philology and philosophy at the German universities. Some of his earlier writings elicited the most profound admiration. It was not till 1862 that his enthusiasm for the working-classes first found expression. The formation of the German Social Democratic party was the result. It is said that, previous to that time, German labourers 'had been considered contented and peaceable,' and that whatever might be done among English and French workmen, 'it was hopeless to attempt to move the phlegmatic German.'⁹³ Lassalle, however, disappointed this expectation; but he did it, not so much by any original matter or proposals, as by popularising and simplifying the writings of Rodbertus and Marx. He dwelt, again and again, upon the wages theory propounded by Ricardo, which he stigmatised as the 'iron law of wages.' He regarded that law as the primary cause of what he and others considered the unjust method of distributing the produce of the world between the capitalist and the workman. He, of course, viewed unfavourably, the present system of wages, and he therefore wished to see some more equitable method substituted for it; but he did not develop any clear and satisfactory proposal. His dearth of resource, in the nature of practical reform, is indeed proved by the fact that he suggested the governments aiding the working-classes in borrowing a sum equal to about fourteen millions of English money, in order to establish co-operative associations for production. It has been said that Lassalle never seriously believed in this proposal, but merely used it as a means to popularity with the working-classes. It is also recorded that, in writing to Rodbertus, he expressed his willingness to abandon the proposal if anything better could be suggested.⁹⁴ This, if true, would indeed point to a want of resource, both in himself and Rodbertus; for it is only fair to assume that Lassalle had read everything Rodbertus had written. Professor Ely says that even this proposal for productive co-operative associations was borrowed from

93. 'French and German Socialism,' p. 168.

94. 'French and German Socialism,' p. 102.

Louis Blanc. Lassalle, like a good many more Socialist writers, complains of capital being based on theft; and he reiterates the somewhat stale contention 'that labour alone is the source of wealth, and if capitalists and landlord were swept out of existence, the entire social product would go to the labourer.'⁹⁵ Lassalle cannot be said to have left behind him any definite theory of society. He was, however, the first to stir up the contented and apathetic character of the German working-classes. The effect of Lassalle's teaching on the German workmen has been summed up as follows:—'They hold that *they* are *the* state; that all political power ought to be *of, and through, and for them*; that *their* good and amelioration ought to be the aim of the state; that *their* affair is the affair of *mankind*; that *their* personal interest moves and beats with the pulse of history, with the living principle of moral development.'⁹⁶ This passage, I venture to think, is in some degree applicable to other than the German working-classes. It, in truth, describes the confident and self-sufficient tone of a large portion of the English-speaking working-classes, who have been led, by their *united* success, to take a much exaggerated view of their own importance as a section of society. The mere application of the term *working-classes* has led to a false belief that they alone contribute to the *production* of the world's wants. There is an utter disregard for the fact that the existence of all the other classes, who undergo just as much wear and tear as themselves, though it may be mentally instead of bodily, has the effect of enabling them to confine their attention *wholly and solely* upon their particular work. If no men were trained as doctors, each working-man would be compelled to become his own 'medicine-man;' and, as a consequence, he would be compelled to perform less of his own work in order to have the leisure to perform any such function and obtain the medicine, whatever it might be, which he judged desirable. If there were no merchants, or 'middle-men,' as they are disparagingly called by many Socialists, each farmer would have to grind his own wheat, and hawk it round to bakers; perhaps make it into bread, and sell it by the loaf. Instead of this, he now sends the wheat in to the merchant, or his local agent, and in due time receives his account sales. The merchant, again, having a connection among millers or exporters, is able to realise at once, thus saving the farmer endless time and loss of concentration. If it were not for the existence of the manufacturer, who provides capital, and organises large works, each workman would, instead of going regularly, year after year, to the same spot, and getting regular employment, be compelled to seek a livelihood from house to house, and in many cases he would find the result precarious and disappointing. The same remarks apply to all mental occupations which are called for by the complicated wants of society. The merchant, in fact, exchanges with the farmer

95. 'French and German Socialism,' p. 202.

96. John Rae, *Contemporary Review*, June, 1881. Quoted by Professor Ely ('French and German Socialism').

some of his financial knowledge and administrative ability for some of the latter's knowledge concerning, and exertion expended upon, the cultivation of his farm land. The proprietor of a factory practically exchanges with his workmen a portion of the benefits of his capital and organising power, for a portion of their manual work. In that way, every member of the community, who performs for society any work, though it be of the most *special* character, is just as much a labourer as the railway navvy, or the bricklayer's hodman. It is certainly time that this false and mischievous cry about the rights of labour was properly studied.

The present sketch of the history of Socialism and Communism would be unmistakably incomplete without some reference to the work and enthusiasm of Robert Owen. His theories do not call for refutation, for they have long since been subjected to the strictly logical test of practical experiment, and failed—as utterly as it is possible for any Utopian scheme to fail. I shall refer to the history of the communities themselves, in dealing with others connected with the United States. A moment's reflection concerning his theories would enable any practical work-a-day mind to have predicted failure for such a scheme.

In Robert Owen's work, entitled 'Lectures on an Entirely New State of Society,' he says: 'In this new state of society, there is to be no necessity for individual responsibility.'⁹⁷ Elsewhere he says, in the form of question and answer, 'What do you understand by a new and superior state of society? I understand...an improved condition of the human race, in which there will *be neither ignorance nor poverty*; and in which *sin and misery* will be unknown.'⁹⁸ Could enthusiasm and imagination go further? Owen wrote another work, entitled 'New Views on Society, or, an Essay on the Formation of Human Character.' In it, he contended that 'all men are equal,'—whatever that may mean. He also claimed that all men have a right to an equal share of those external natural goods, granted by God to man. And he contended, likewise, that all men have equal requirements. Upon these principles, as a basis, he built up a theory, and established a community. The latter was, as I have said, a painful failure. It tumbled about its author's ears in a less number of weeks, than it took him years to conceive the theories upon which it was based. Do such theories need further criticism?

I come now to the subject of Socialist and Communist *experiments*. There is, connected with actual experiment a value which is peculiar to itself. Every man has had, at some time of his life, personal experience of the futility of controversy on certain subjects. The subject of man's rights, and that of the possibilities of social regeneration are undoubtedly among the number. An enthusiastic Socialist, and an unimpulsive and strictly logical Individualist,

97. 'Lectures on an Entirely New State of Society,' Robert Owen, p. 57.

98. Lecture, p. 145.

might spend days and weeks in controversy, with a view to determining the merits and demerits of the two schools. It is highly probable that, in the end, they would part company, only strengthened in their original opinions. The real points of controversy would be: (1) Whether the new scheme was really practicable; (2) whether, if practicable, it produced for immediate purposes, and guaranteed to future generations, as much happiness as the existing arrangements of society. The enthusiast would, in his eagerness for his theory, see a way out of every difficulty which the Individualist raised. He would take a most favourable view of human nature, and would expect every individual member of the community to be as eager for the success of the scheme as himself. He would picture good seasons, good crops, modest demands, and much sweet forbearance and patience among the members. The enthusiast would not concern himself much about the future generations, who might not be so wrapped up in the theory as himself; and he would consider permanent happiness to be inevitable with a simple prosaic life. How is it possible to reason on such matters? The differences of opinion would be found to go back even to first principles—probably to the rules of reasoning itself. But with experiment all is different. The ‘ifs’ and the ‘buts’ of controversy are put aside. The test is not what *would* happen, but what *does* happen. The human nature, the climate, the soil, the means at the disposal of the experimentalists, are no longer what either the Communist or the Individualist chooses to picture them. They are what they are. The results are now worked out according to the relentless logic of fact, and controversy becomes redundant. The practical experiments which have taken place in the United States, viewed in connection with their results, constitute the most serious and the most convincing blow that Socialist and Communist theories have ever undergone. They are worth volumes: even whole libraries of verbal criticism, as evidence of the demoralising and degrading effect of such schemes upon human nature, as compared with the results of a judiciously-guarded free play of individual interest and individual effort among men.

It is necessary to observe, in regard to the whole of these experiments, that they possessed two enormous advantages, in comparison with such communities as would be forth-coming as the result of a *legislative* change from the existing form of society. First: They have been formed exclusively of *volunteers*; that is to say, of men and women who *voluntarily and cheerfully* entered into the new social compact. The old saying, that ‘one volunteer is worth half-a-dozen pressed men,’ applies with equal force to social experiments as to human warfare. If an ideal scheme of society is found incapable of producing for its members an increase of happiness in the first few generations, when every member is a willing and perhaps even an enthusiastic citizen, what sort of result is to be looked for in a community of people, the bulk of whom have been *forced* into membership by physical or legislative revolution, and

who are therefore filled with feelings of discontent, and seized with a desire for revenge on those who have wrested from them, for the use of others, their lawfully acquired possessions? One might, I venture to think, as well expect the disturbed and enraged occupants of a ravaged beehive to peacefully re-swarm on the hand of their disturber. But there is yet another incalculable advantage, which the members of these experimental societies have enjoyed; that is, the *almost unlimited territory* which they have possessed, as a field for their primitive industries, on which they have invariably had to fall back. It will be seen that, in almost every case, the establishment of such communities was favoured by the possession of an amount of territory, which the whole world itself could scarcely supply to the population of Europe, in the same proportion. Some idea may be obtained, from the following figures, of the amount of land requisite for an *universal* experiment on the same scale.

The Shakers community, which, in 1875, numbered 2415 souls in all, occupied 100,000 acres, which gives 41 acres to each individual. In order that the people of Great Britain might be possessed of similar territory they would require 2,500,000 square miles, or about thirty times the area of the whole of Great Britain itself. It will be seen from this that, even if the communities in question could be pronounced successes, they would still have failed to prove the possibility of all European communities being dealt with in the same way. In fact, the people of Great Britain, instead of possessing *forty-one* acres, each would have to earn a living off *one and a-half!*

Let me now proceed to a short account of the communities as they are, or rather were, in 1874 or 1875. It will be observed that, in the majority of the cases with which I am about to deal, the religious spirit has constituted an important and favourable factor, in rendering the members of such bodies more amenable to the self-sacrifice and self-denial which become indispensable under the primitive circumstances which have invariably surrounded such associations. Some of the communities have certainly dispensed with that element; but, as Mr. Kaufmann says, 'those experiments have been most successful which have been inaugurated under religious auspices, while those lacking that element have enjoyed only an ephemeral existence.'⁹⁹

One of the most important of the American associations to which I have referred is that which took the name of the *Amana Community*. The inhabitants of this community are also known by the name of the Inspirationists, on account of their belief in the influence of direct inspiration in determining their movements. They came originally from Germany, in 1842, and settled in Iowa, United States. They were not Communists in the first place, but adopted those principles, under the impression that they 'were commanded, by inspiration, to put all their means together and live in community;' to which they add that they 'soon saw they could not have got on or have kept together

99. 'Socialism and Communism,' p. 147.

on any other plan.¹⁰⁰ In 1875, or a short time previous, they numbered 1450, owning 25,000 acres. They numbered in 1873 1600, and owned 30,000 acres. Their is the largest and richest community in the United States. According to Mr. Charles Nordhoff, they live in a most rigid, pious, and primitive way. The males and the females take their meals apart, in order, according to their own rules, 'to prevent silly conversation and trifling conduct.' This latter fact will give some idea of the rigid nature of their mode of living. They seem to deny themselves many of the most ordinary comforts of life which even the poorest workman can afford now-a-days; for Mr. Nordhoff mentions that, at meal time, they used no table-cloth; and that they have no carpets to their floors. They live also an extremely hum-drum existence, unrelieved by any outbursts of gaiety. Their conduct too, would seem to be regulated with as much monotony as is the case with the inmates of a charitable institution; for each person has a ticket which contains directions as to what he or she is to do, and the costumes are all of a dingy colour, and of a monotonous uniformity. The women work very hard, and all ornaments are forbidden. The greatest care seems to be exercised to keep the sexes apart; and this rule is observed even during the hours of leisure. Even the children are not allowed to mix together. The boys and girls, Mr. Nordhoff says, are permitted to take a walk on Sunday afternoon, but the former are sent one way and the latter another. They profess misogamy, having been advised, by one of their teachers, 'to fly from intercourse with women, as a very highly dangerous magnet and magical fire;' but many are unable to follow this advice, and do marry. As a consequence, they are degraded in the estimation of their fellows, and henceforth occupy a lower status in the society. Some idea may be obtained of the rigour of the discipline which membership involves. Among the rules for daily life are the following:—'To avoid unnecessary words—not to disturb your serenity or peace of mind—neither to desire nor to grieve—to have no intercourse with worldly wise men—to fly from the society of women-kind as much as possible—to avoid dinners, weddings, feasts, entirely—to constantly practise abstinence and temperance, so as to be as wakeful after eating as before it.' The community contains no library, but a few newspapers are taken. The principal reading consists of the Bible, and their own 'inspired' records. Mr. Nordhoff considered that they led a plain dull life, but concluded that they were quiet, industrious, contented. Bearing in view the extremely low expenditure which the life of an individual must involve under such a *régime*, the fact that the community has continued in existence is not surprising; especially when it be remembered that they occupy about sixteen acres for every member. They employ hands from outside the community, and seem to avail themselves of the outside world in many respects, by purchasing numerous articles of daily want. One of the foremen of the community made a candid admission to Mr.

100. 'Socialism and Communism,' p. 167

Nordhoff, which is valuable, as showing the effect of such a system upon the motives to energy. He said that *three* hired hands from without the community would do as much work as *five* or *six* members. The question is, Can such a life be called success? They are *contented!* That would satisfy M. de Laveleye! But is that a test? The Australian aborigine is contented, so long as white men will leave him alone! This however, is very certain, that such a race and such a community must inevitably die out. Even if they increase in numbers, in the face of their professed misogamy, their territory must become in time insufficient for them, inasmuch as they rely principally upon agriculture for their support. But, even supposing that and the other contingencies did not happen, can they be said to be a success as a people? Are they progressing in the scale of human development? Will their posterity be better off or as well off as themselves? If not, they cannot be considered a success. Moreover, would it be other than childish to expect a *forced* form of society of the same kind to be content with the meagre fare and the hum-drum, homespun, and positively dreary existence which they seem to lead?¹⁰¹

The second community with which I shall deal is that of the Shakers of Lebanon. The sect seems to have originated in the year 1747, by a Quaker, who alleged he had had supernatural dreams and revelations. They were joined, in 1758, by one Ann Lee, a blacksmith's daughter of Manchester, who ultimately became a prominent leader, subsequent to the establishment of the sect in America. She was then known as 'Mother Ann.' Mr. Nordhoff dates their settlement in the Mount Lebanon district at 1792. When he visited them, shortly before 1875, the date of the publication of his work, he found them numbering 2415 souls, with an acreage of 100,000 in land. Mr. Kaufmann mentions that one of the branches has since been disbanded. In the first place, it is noticeable that the religious element played, and continues to play an important part in their cohesion as a community. They are Spiritualists, and receive strange communications from the spirit-land, during their religious services.

'Their habits of life (says Mr. Kaufmann) are frugal. They rise at half-past four in summer, and five in winter; breakfast between six and seven, dine at twelve, and sup at six; by nine, or half-past, they are all in bed and lights are out.... They eat in the general hall, and the preparation of food is left to the sisters, who take it in turn, as they also do the washing, ironing, and other light work. Their diet is simple. All turn to work after breakfast, under the leadership of caretakers or foremen, who are subordinate to the deacons.'¹⁰² 'They have an uniform style of dress, call each other by their first name, say 'yea' and 'nay,' but not 'thee' and 'thou.'... Their social habits have led them to a generally

101. I am indebted principally to Mr. Charles Nordhoff's 'Communitistic Societies of the United States' (1875) for the greater part of my information regarding these communities.

102. 'Socialism and Communism,' p. 152.

similar style of architecture, whose peculiarities are in seeking the useful only, and caring nothing for grace and beauty, and avoiding ornament.¹⁰³ On the whole, they appear to live a simple, prosaic, uninteresting, and unvaried life. Everything they use and consume is of the simplest and plainest description; and they appear never to indulge in what we term amusements of any kind. The most rigid severance is practised between the sexes—‘they eat apart, labour apart, worship apart.’ They find consolation in having ‘no scandal, no tea-parties, no gossip.’ They mortify the body; few eat meat; they have ‘no pet animals, but cats for killing rats,’ and smoking is prohibited. ‘Since they cannot perpetuate themselves, on account of their celibate life, and have also ceased to reinforce their ranks by the adoption of children, the rate of increase in membership has *not kept pace* with the vast accumulation of wealth, mainly in landed property. The society, therefore, seems in danger of painless extinction, unless new religious revivals, among other sects, replenish their dwindling numbers.’¹⁰⁴ Regarding the intellectual side of life, it is to be feared that this community has under gone a retrograde movement. Their architecture is plain and uninteresting. ‘They are not a reading people, and the libraries of their most cultivated leaders are of extremely limited range.’¹⁰⁵ They have *one* music-room at one of their branches. The largest library contains only 400 volumes of history, voyages, and travels; but it contains ‘*no novels* and only a few stories for children.’ One society is distinguished for its love of flowers; but Mr. Kaufmann adds that he had been told they do not cultivate any. He says, also, that ‘the walls of the rooms are not adorned with pictures, but are lined, instead, with wooden pegs for hats, cloaks, and shawls, the useful being preferred to the ornamental. From this (he adds), we may conclude that a taste for natural beauty, art, and literature is but imperfectly cultivated among the people.’ Harriet Martineau once visited Mount Lebanon, and speaks in high terms regarding their prosperity, industry, and cleanliness; and concludes by saying, ‘If happiness lay in bread and butter and such things, these people have attained the *summum bonum*.’¹⁰⁶ Mr. Kaufmann says, ‘such a mode of life tends to hinder social progress and mental development. It keeps all on the same plane of rigid uniformity by means of rules and regulations, and prevents the expansion of the intellect into the regions of imagination and discovery. Dullness and monotony characterise their daily life.’ The principal features in connection with these people, which permanently exclude the possibility of their condition being used as an argument in favour of an *universal* and *compulsory* Socialism or Communism in older societies, are the following:—

103. ‘Communitic Societies of the United States.’

104. For interesting accounts of this sect see Hepworth Dixon’s ‘New America’ and Mr. Howell’s charming novel, ‘The Undiscovered Country.’

105. ‘Socialism and Communism,’ p. 154.

106. Quoted by Mr. Kaufmann.

(1), They possess territory of an exceptionally fine quality, in quantity which would equal forty-one acres to each individual, as compared with *one and a half* in countries populated as thickly as Great Britain. (2), They lead a celibate life, as a consequence of which the population has had, and will continue to have a constant tendency to *decrease*. (3), Their life is one of exceptional frugality and simplicity, so that the cost of living has been reduced to a minimum, which could never be maintained in a mixed society. (4), They have the economic advantage of a strong religious element in their midst, by which that simplicity and frugality are constantly inculcated, and by which the tendency to discontent and dissatisfaction with their simple lot is securely counteracted. (5), Membership of the community is purely voluntary. (6), They do not strictly regard Communistic principles; for they purchase many of the necessities of their already primitive life *outside* the community, and thus augment the comforts of their sufficiently monotonous existence, by means of conveniences and improvements resulting from the institution of separate property.

It would be superfluous to dwell upon the impossibility of such a life satisfying, or even being capable of continuance by the class who give loud and threatening expression to their dissatisfaction with existing institutions.

The Harmony Society of Pennsylvania, historically considered, is entitled to rank as one of the more important of these communities. It was founded by George Rapp in 1805. He had to commence with 300 converts, who followed him from Baltimore to the Far West. The first purchase of land consisted of 50,000 acres, or about 170 acres to each individual. It was agreed among them to 'throw all their possessions into a common fund; to adopt a uniform dress and style of house; to keep, thenceforth, all things in common, and to labour for the common good of the whole body.' The principle of their constitution was that they should assign everything to Rapp, and submit to his government; he, in return, guaranteeing to supply them with all the necessaries of life. Anyone who chose to withdraw, could do so at any time, and have his money or property returned. Rapp was an excellent business man, and things went on very prosperously. In time, like the Shakers, they adopted the rule of celibacy. Twelve years after being established, they sold their land for 100,000 dollars. They then removed to Indiana; but, not being satisfied with their purchase, they sold the land to Robert Owen for 150,000 dollars, and bought another called Economy, on the Ohio, near Pittsburg. Economy has been described as 'a model of a well-built, well-arranged country village.' In 1832, there arose some internal differences, and a number of members seceded, and were paid out to the sum of 15,000 dollars. On making their second move, they had agreed to burn the books showing what each had put into the association. Then they agreed to adopt as a maxim—'Mine is thine.' The religious element played a prominent part in this community. Rapp early inculcated

the duties of 'humility, *simplicity of living, self-sacrifice*, love to neighbour, *regular and persevering industry*, prayer and self-examination.' Their daily life was consistent with this teaching. The men, and sometimes the women, laboured in the field; they wore a very plain dress and no jewellery; they were opposed to dancing, or any such frivolous amusement; but they enjoyed all the comforts of a simple life. They interested themselves in music and flowers; they possessed a small library and took in newspapers from the outside world. Some idea of their standard of worldly happiness may be obtained from the following expressions of one of the members to Mr. Nordhoff. 'As each labours for all,' he said, 'and as the interest of one is the interest of all, there is no occasion for selfishness, and no room for waste. We were brought up to be economical—to waste is to sin. We live simply, and each has enough, all that we can *eat and wear*, and no man can do *more than that*.'¹⁰⁷ The funds of the association have increased greatly, and they are viewed by the outside world as a prosperous community. But though at one time numbering 1000, they have dwindled in number to 100, and most of these are old. Mr. Kaufmann says:—'The young people, on reaching maturity, were allowed to decide between becoming full members of the society or leaving it, or remaining as *wages labourers*. Many *prefer* the *latter* alternative, though, in such cases, required to conform to the customs of the society, including celibacy.'¹⁰⁸ This is not favourable evidence as to the happiness and contentment which is produced. But the following is even much less so:—'The greatest number prefer a life of complete independence to the restraints of Communism, hence the rapidly diminishing numbers.... Their large factories are closed, for there are no people to man them; and some of their other outlying works are carried on by means of Chinese labour and hired servants.' It will be seen from the above particulars that the community bids fair to die out. That the greater number should prefer a life of complete independence is a strong piece of evidence against their organisation and all its cramping effects upon the intellect, the sentiments, the affections, and the energies of human nature. It must be again observed that, with this community, as with that of the Shakers, there are several circumstances which quite exclude it from the category of examples of what *might* result from a *forced* Communism or Socialism, made up of a mixed and partly unwilling population. (1) All who joined it did so of their own free will, and with a knowledge of, and willingness to conform to the simple, primitive, and self-denying life which membership involved. (2) They had, to start with, about *twenty-eight times* the territory that each man, woman, and child, could be allotted in a country like Great Britain. (3) They adopted a life of celibacy, and thus produced a constant reduction instead of an increase in their numbers. (4) They entertained beliefs which greatly assisted them

107. Quoted by Mr. Kaufmann.

108. 'Socialism and Communism,' p. 162.

in becoming reconciled to a mechanical and colourless existence, viz., the belief in the speedy appearance of Christ, and in the necessity for making a preparation for that event—their chief aim in life. (5) They did not really conform to Communistic principles; for Mr. Nordhoff tells us that ‘their means gave employment to many hundreds of people in different parts of Western Pennsylvania.’

The Separatists of Zoar, Ohio, are a community over which I need not spend much time. They prove even less than those I have dealt with. They were founded in 1817, on a religious basis. At first, they prohibited marriage, but in time that regulation broke down. They, however, live a somewhat rigid life, the sexes sitting apart, on all occasions. They consist of 300 or more members. The life they have led and still lead, is one of the most extreme frugality and roughness. Mr. Nordhoff says, ‘The people would not attract attention anywhere; they dress and look like common labourers. Their leader even might anywhere be taken for a German farm-hand.’¹⁰⁹

The Perfectionists of Oneida and Wallingford can scarcely be classified as Communists; for, although they hold their property in common, they employ a large number of persons outside their own body, and put all the mere drudgery on the hired people; so that any success they may have attained can have even less application, as an illustration of what an *universal* and *forced* Communism or Socialism would effect. This association arose from a combination of religious influences, and the currency in America of the Communist theories of Fourier. The leader was John Humphrey Noyes. Beginning with a few relations, on forty acres of land, and with a reserve of 2000 dollars, they progressed, by dint of great labour, and the manly submission to many drawbacks, until, in 1876, they numbered 283 members, and possessed about 900 acres. They carried their Communism to such an extreme as to apply it to the sexes; holding that there is no intrinsic difference between property in things, and property in persons. Hence arose the practice of ‘Free love.’ This has, however, been changed, and marriage or celibacy is optional. They have a common dwelling-house, with a large hall for the evening gatherings of the community, furnished with a stage for musical and dramatic performances. They have a library of 4000 volumes. They avail themselves of the most modern literature, the most modern printing machinery; they send some of the young women to New York to receive musical instruction, and their young men to the Yale University. They study classics and the sciences. Their ranks include lawyers, clergymen, merchants, physicians, teachers, farmers, and mechanics; but they are now closed against the outside world. They profess the principles of self-denial and self-restraint; but, on the whole, seem to live a tolerably indulgent life. It will be of course observed that the circumstances of such a community can have little, if any application, to the universal theories of Communist

109. ‘Communistic Societies of the United States.’

advocates; for their mode of existence would require schools of science on one side, established by the private enterprise of another community, schools of music on another side, a labouring class outside themselves, willing to do the drudgery of their work, and a large literary class also outside themselves, as well as manufacturers of musical instruments, and printing and other machinery, composers of music, and a hundred other conveniences, all developments of an individualistic form of society. To properly illustrate the probable result of Communism, pure and simple, all these wants must be supplied from within; otherwise they must be dispensed with. Mr. Kaufmann says, speaking of this, and certain other communities, 'The commercial successes of these settlements must be attributed to the fact that they are in a great measure trading communities, in a new country, where the demand generally exceeds the supply...in fact, owe their prosperity to the existence of a larger society resting on the old foundation, and are dependent on the egotistic principle of competition, as a supplement to their own Socialism. Not only (he adds), are all surplus commodities sold to these outsiders, but the drudgery work of the Communistic society is in most cases, now at least, performed by hirelings from the same source; so that the social problems which make the introduction of Communism so difficult, viz., how the commercial risks of society may be forestalled, and the lowest work of drudgery be provided for, in a society of equals, wanting the ordinary stimulus of exertion—have not as yet been solved by these fraternities.'¹¹⁰

The Aurora and Bethel Communes originated in the secession of a number of dissatisfied members from Rapp's Economy. They, at first, placed themselves under an adventurer, who called himself Count Leon; but he having deserted them, they afterwards placed themselves under a Dr. Keil, who was desirous of forming a sect of his own. Keil had been a man-milliner in Germany. Subsequently he posed as a mystic, and professed a sufficient knowledge and command of magnetism to enable him to cure diseases. He professed, also, to have in his possession a mysterious volume, written in human blood, and containing receipts for the cure of various diseases. Finally, he became a Methodist, and then burned the book in question, amid a much studied ceremony. He left the Methodists, in order to form the sect in connection with which he is most known. The nucleus of the Bethel Communes consisted of ten or twelve families, who settled in Washington Territory; but they soon increased in numbers. The Communes of Aurora and Bethel are separate, but a description of one will sufficiently explain the nature and condition of the other.

The fundamental principle of the associations was that all interest, and all property, should be absolutely common. That, in fact, was the interpretation which Keil placed upon the injunction 'Love one another.' Another rule

110. 'Socialism and Communism,' p. 177.

which was carefully observed was that there should be *no compulsion* upon anyone. If any member complained that he had put more than any other into the common fund, he could have it back, and sever his connection with the association. Their mode of living is now of the very plainest. Rigid economy is, in fact, impressed upon every one as a duty owing to the whole. Fourier's plan of changing work is practised. No man is allowed to confine himself to any particular occupation. If the brickmakers are needed, and the shoemakers are not busy, the trowel has to be substituted for the awl. After harvest they turn their attention to the saw-mills or the workshops. The houses and apartments are without carpets, and the clothing is of the cheapest description; that of the women consisting of calico, with sun-bonnets. They have no sofas or easy-chairs. Their seats consist of hard-wood benches. They have no pictures, no books, except the Bible and a hymn-book; in fact, nothing to please the tastes. Mr. Nordhoff says: they have 'few amusements.... There is so little social life that there is not even a hall for public meetings in the whole village. Apple parings and occasional picnics in the summer; the playing of a band; a sermon twice a month, and visiting among the families are the chief, indeed the only *excitements* in their monotonous lives.' The same writer says elsewhere: 'It seems to me that I saw in the faces and forms of the people the results of this too monotonous existence. The young women are mostly pale, flat-chested and somewhat thin. The young men look good-natured, but aimless.... The young women were undersized; not robust or strong, with no rosy cheeks, and a subdued air throughout.'¹¹¹

'Occasionally,' Mr. Nordhoff was told, 'they have idle or drunken men, who are duly admonished of their wrong, and, if they are incorrigible, are made to leave the place. It is quite evident that beyond securing for themselves a bare existence, with which they seem satisfied, they are in a state of social stagnation. As to intellectual progress, they scarcely seem to know what it means. When spoken to, in reference to the subject of art, and their apparent neglect of the beautiful, they replied: 'We have all that is necessary—we have duties to do. We must support our widows, our orphans and our old people, who can no longer produce.' Keil was asked, also, by Mr. Nordhoff, what they would do with a young member who wanted to go to college; to which he replied, 'We don't labour to support persons in such undertakings.' Mr. Nordhoff says they seem to be satisfied; but he adds 'what surprised me most was to find a considerable number of people, in the United States, satisfied with *so little*.' He admits, however, that they have had no criminals, sent no one to gaol, had no law-suit, no insane, nor any blind, deaf or deformed. The immunity from crime is accounted for by the rigid discipline and the practice of exclusion for grave offences. The immunity from law-suits results from the community of property; and the absence of insane, blind, deaf or deformed is

111. 'Communitistic Societies of the United States.'

not surprising, as the whole community only comprehended from eighty to ninety families. Mr. Nordhoff attributed their indifference to art, literature, and other branches of culture, to 'the stern repression of the whole intellectual side of life by their leader.' As showing that even this community is inclined to turn away from the rigid observance of its first principle, Mr. Nordhoff 'had reason to believe that a little selfish earning of private spending money is winked at.' They certainly purchased some 'comforts' *outside* the community, as for instance tobacco. Keil himself was apparently not quite sure that they would hold together as a community; for in 1872, though all the property was in his name, he, finding himself getting old, and 'being urged (Mr. Nordhoff imagines) by some of the leading men,' made a *division* of the whole estate, and gave a title deed to each.

The last Communist experiment with which I shall here deal, is that of the Icarians. This association was established by Cabet, concerning whose principles I have elsewhere spoken, in my brief review of French and German Socialism. After various vicissitudes, to which I have already referred, he selected Texas as a field for his operations, and in accordance with the scheme which had been revealed to him in dreams, he induced a number of people to sail for the Red River country—in all 69. They were attacked with yellow fever, and suffered considerable loss. He took out a second contingent, and established them in the town of Nauvoo, in Illinois, which township the Moravians had deserted. At one time the community numbered 1500. Cabet was, from the first, a most unpractical man. He instituted a printing office almost immediately after establishing the settlement, and published a somewhat contradictory pamphlet, showing what he *could* do if *only* he had *half a million dollars!* One of the opening sentences of this now celebrated production runs thus: 'If I had five hundred thousand dollars, this would open to us an *immense credit*, and, in this way, vastly *increase our means.*' He drew an attractive picture, in the same production, of 'dwellings supplied with gas and hot and cold water; of factories fitted up on the largest scale; of fertile farms under the best culture; of schools high and elementary; of theatres and other places of amusement; of elegantly kept pleasure grounds, etc.'¹¹² It is unnecessary to go into the history of this association, which was short-lived. For a time, they were successful in the cultivation of their land, and the carrying on of their various trades. It is said that Cabet developed a dictatorial spirit. Whether this is so or not, the Icarians failed to agree, and all were scattered save 50 or 60, who followed Cabet to St. Louis, where he died. The new community experienced a hard struggle, but ultimately grew into a more prosperous condition; though there is nothing to be said concerning them, which shows that Cabet's ideas in regard to the regeneration of society were more sound than those of the many others, whose theories and experiments

112. 'Communitic Societies of the United States.'

I have dealt with. One somewhat unsophistical writer has said: ‘*If there had been harmony and no division, I think that Icaria would have been prosperous to-day*’; and, again, ‘The difficulty of Frenchmen living harmoniously in a commune seems the great source of disaster. . . . A Frenchman has a great deal of individualism, and not a great deal of patience and forbearance.’ Even those who are members of the remaining association do not now adhere to the strict principles of Communism; for ‘the directors buy the goods needed by them twice a year at wholesale.’¹¹³ They have no servants and ‘are too poor for the enjoyment of luxuries.’¹¹⁴

Professor Ely quotes from a letter written by a gentleman to Mr. Nordhoff, when he heard that the latter had visited Icaria and intended to describe it. ‘Please (said the correspondent) deal gently and cautiously with Icaria. The man who sees only the chaotic village and the wooden shoes, and only chronicles those, will commit a serious error. *In that village* are buried fortunes, noble hopes, and the aspirations of good and great men like Cabet.’ Surely the ‘chaotic village and the wooden shoes’ are a truth—pitiable, but nevertheless real. And does not that *truth* deserve to be—is there not an obligation that it *should be*—widely known, and held up to all ages, in order that ‘fortunes, noble hopes, and the aspirations of good and great men like Cabet’ may be *no more* ‘buried’ in futile and fruitless attempts at the realisation of the dreams and visions of hyper-sanguine, even disordered minds!

Those communities, with which I have dealt, are all whose history, condition, and comparative success, as bearing upon the soundness of Communistic theories, it is my intention to review. They are the principal ones, and show better than any others can do what is the maximum of success which has been attained by the adoption of such principles. There have been others with less success, an account of which would only strengthen the evidence against the possibility of disciplining men into equality.

Mr. Noyes concludes his interesting work¹¹⁵ with a chapter entitled, ‘Reviews and Results,’ and it contains many sad but instructive confessions. He speaks of the ‘almost entire unanimity in the witnesses, who testify as to the causes of the failure’ of many of these defunct communities.

‘Macdonald (he says) confesses, after seeing stern reality, that he had imagined mankind better than they are.’

‘Owen, accounting for the failure of the New Harmony, said ‘he wanted honesty, and he got dishonesty; he wanted temperance, and got intemperance; he wanted cleanliness, and he found dirt.’

‘The Yellow Spring community, though composed of ‘a very superior class,’ found in the short space of three months, that ‘self-love was a spirit that

113. ‘English and French Socialism,’ p. 48.

114. ‘English and French Socialism,’ p. 48.

115. ‘American Socialisms,’ (Trübner) 1870.

would not be exorcised. Individual happiness was the law of nature, and it could not be obliterated.”

‘The trustees of the Nashoba community, in abandoning Francis Wright’s original plan of common property, acknowledged their conviction that such a system *cannot succeed*, without the members composing it are *superior beings*. That which produces in the world only commonplace jealousies and every-day squabbles, is sufficient to destroy a community. The spokesman of the Haverstraw community at first attributed their failure to ‘dishonesty of managers;’ but, afterwards, to the fact that they had lacked men and women with a knowledge of themselves, and a disposition to command and be commanded. They intimate that ‘the sole occupation of the men and women, they had, was parade and talk.’ The historian of the Coxsackie community says, ‘they had many persons engaged in talking and law-making, but did not work at any useful employment.’”¹¹⁶

These are a few of the melancholy confessions which have been candidly made by the spokesman of more ‘buried hopes and aspirations.’ Surely there is a lesson in them all. But it has yet to be learnt by many would-be leaders of men. Communist and Socialist views are still spreading in the very face of such failures. I shall show to what extent, by a brief review of two magazine articles by M. de Laveye and Mr. H. M. Hyndman, respectively. The former is a recognised authority on the historic side of the subject, and therefore his opinions as to the *modern growth* of the school are valuable, however much we may fail to value his method of analysing its foundation and principles. Mr. Hyndman is known, principally, as being the recognised leader of the Social Democratic party, which has made itself notorious by certain excesses in and about the neighbourhood of Trafalgar Square, London. Mr. Hyndman has published a work entitled, ‘The Historical Basis of Socialism.’ I have carefully perused the book, in order to discover a *scientific* basis, in which I have hitherto considered that school so lamentably deficient. I am bound to say I failed to find any basis whatever, unless it were a number of vague, unfounded allegations, regarding capital and capitalists. The work is, I venture to say, exceedingly unsatisfactory, not only in its subject matter, but even in its own construction and method of treatment.

In the earlier part of this chapter, I referred to a passage in Mill, which has, more than once, been quoted by Socialists in support of their doctrines. I expressed an opinion that that passage needed to be read in connection with its context, which was usually omitted. I shall refer to it now. First, Mill said that ‘if the choice lay between Communism and the present state of society...all the difficulties of the former would be but as dust in the balance.’ And again he said: ‘The restraints of Communism would be freedom, in comparison with the present condition of the majority of the human race.’ The continuation

116. ‘American Socialisms,’ page 647.

of the first quotation is as follows: 'But to *make the comparison applicable* we must compare Communism at its best with the *régime* of individual property, not as it is, but as it might be. The principle of *private property has never had a fair trial in any country*; and less so, perhaps, in this country (England) than in some others.'¹¹⁷ If the various attempts at 'social regeneration' which I have endeavoured to describe, fairly illustrate the general effects of Communism or Socialism upon the human mind, and the human energies, then, the following quotation from the same chapter should, once for all, exclude such schemes from future speculations as to a *better* condition of society. Speaking of the conjectures which are indulged in, as to the ultimate form which society will take, he says: 'The decision will probably depend mainly upon one consideration, viz: which of the two systems is consistent with the *greatest amount of human liberty*. After the means of subsistence are assured, the next in strength of the personal wants of human beings is *liberty*; and (unlike the physical wants which, as civilisation advances become more moderate and more amenable to control) it *increases* instead of diminishing in intensity, as the intelligence and the moral faculties are more developed. The *perfection*, both of *social arrangements* and of practical morality, would be to secure to all persons *complete independence and freedom of action, subject to no restriction but that of not doing injury to others*; and the education which taught, or the social institutions which required them to exchange the control of their own actions for any amount of comfort or affluence, or to *renounce liberty for the sake of equality*, would *deprive them of one of the most elevated characteristics of human nature*.'¹¹⁸ Further, Mill says: 'It is yet to be ascertained whether the Communistic scheme would be consistent with that *multiform development of human nature*, those *manifold unlikenesses*, that *diversity of tastes and talents*, and *variety of intellectual points of view*, which, not only form a great part of the interest of human life, but, by bringing intellects into a *stimulating collision*, and, by presenting to each innumerable notions that he would not have conceived of himself, are the *mainsprings of mental and moral progression*.'¹¹⁹ The question is, he continues, 'Whether there would be any asylum left for *individuality of character*; whether public opinion would not be a tyrannical yoke; whether the absolute dependence of each on all, and surveillance of each by all, would not grind all down into a *tame uniformity of thoughts, feelings and actions*.'¹²⁰

I venture to say that a careful study of the history, and the condition of the various communities with each of which I have been compelled to deal very shortly, in the preceding sketch, will conclusively prove that *all* the

117. 'Principles of Political Economy,' p. 128.

118. 'Principles of Political Economy,' p. 129.

119. 'Principles of Political Economy,' p. 130.

120. 'Principles of Political Economy,' p. 130.

characteristics which Mill has mentioned, as *indispensable* to a progressive society, will be found wanting; and all the *infirmities*, which he enumerates as *fatal to that progression*, will be discovered to have attached themselves to the numerous peoples who formed the materials for those social experiments. Instead of what Mill calls a 'multiform development of human nature,' we find no development at all; instead of 'manifold unlikenesses,' we find everywhere likeness, uniformity, stereotype; instead of a 'diversity of tastes and talents,' we find taste and talent almost eradicated. And what has been preserved? Nothing more than a degenerated form of that which was developed in the outside world. Mill speaks, too, of 'a variety of intellectual points of view;' but not only is there no variety, but scarcely any intellect (in the proper sense of the term) remaining. The 'stimulating collision' is not only impossible to be found, but strictly avoided, as one of the discords which Communism seeks to obviate; and, instead, the tame uniformity of thoughts, feelings, and actions, which Mill would deprecate, finds a complete and permanent realisation. As Sir Erskine May well says: 'The natural effect of such theories would be to repress the energies of mankind; and it is their avowed object to proscribe all the more elevated aims and faculties of individuals, and all the arts and accomplishments of life.... The individual man is no more than a mechanical part of the whole community; he has no free will, no independence of thought or action. Every act of his life is prescribed for him. Individual liberty is surrendered to the state; everything that men prize most in life is to be taken out of their hands. Their religion, their education, the management of their families, their property, their industry, their earnings, are dictated by the ruling powers. Such a scheme of government, if practicable, would create despotism, exceeding any known in the history of the world.'¹²¹

But I wish to go further in the matter of Mill's opinion. His 'Principles' were published in 1848, and it was not till much later in life that he gave this question of a regenerated society, the close attention and study which it requires. In 1869, he had given the subject much more consideration, and, as a result, he wrote three papers, in which he dealt somewhat exhaustively with its sociological and philosophical aspects. These papers were kept by him during his life, with the intention, I believe, of being expanded and elaborated into a volume. They were, however, posthumously published, with a preface by Miss Helen Fawcett, from which it will be seen that Mill himself considered the papers sufficiently complete for publication. They appeared in the February, March, and April numbers of the *Fortnightly Review* for 1879, under the title of 'Chapters on Socialism.' They contain so much of importance that I shall venture to quote several passages from them. Dealing, first, with the interest which the subject calls for, he says: It is of the utmost importance that all reflecting persons should take into early consideration what these popular

121. 'Democracy in Europe.' Introduction, p. lxxv.

political creeds are likely to be, and that every single article of them should be brought under the fullest light of investigation and discussion, so that, if possible, when the time shall be ripe, whatever is right in them may be adopted and what is wrong rejected, by general consent; and that, instead of a hostile conflict, physical or only moral, between the old and the new, the best parts of both may be combined in a renovated social fabric.¹²² In looking forward to the moment of choice between the Socialist and the Individualist *régimes*, Mill takes a somewhat Utopian view of the tribunal by which, or the frame of mind in which such a choice *should* be made. He says: 'It should be the object to ascertain what institutions of property would be established by an unprejudiced legislator, absolutely impartial between the possessors of property, and the non-possessors.' From what we have seen of the constitution of the House of Commons, and the proportion which the masses bear to the propertied classes, it is sufficiently evident that the determination will lay with the masses *up to that point at which the propertied class will* (to use De Tocqueville's words) '*have recourse to physical force.*' Indeed, it is not at all likely that those who thus possess the balance of power will calmly delegate the settlement of an (at first sight) apparently easy conflict, to so mild and impartial a tribunal. They have the power, though they have not quite realised it; and when the realisation does fully come, we may expect to see it used. I have, in an early chapter, spoken of the naturalness of the tendency on the part of the masses to look for a continuous flow of benefits from Liberal legislation. I find Mill has expressed much the same thought: 'Having, after long struggles, attained in some countries, and nearly attained in others, the *point at which, for them at least, there is no further progress to make* in the department of purely *political rights*, is it possible that the less fortunate classes should not ask themselves *whether progress ought to stop there?*'¹²³ The masses themselves, in the older communities, are, or seem to be, allowing themselves to be persuaded that they are still suffering injury at the hands of the capitalist class. Mr. Hyndman, whom they do not repudiate as a leader, says, regarding the manner in which '*the great evolution and revolution will be brought about,*' 'The emancipation of the last *slave class*, the *wage-slave proletariat* of the great machine, industry, is the work of the immediate future.' Against this somewhat windy and grandiloquent piece of braggartism it would be useless to quote the somewhat unanswerable figures of Mr. Giffen, the valuable testimony of Mr Gladstone in his 'Jubilee Essay,' or the recent report of the Royal Commission on commercial depression, all of which point to a distinct advance in the social condition of the working-classes of Great Britain. These facts are far too economic, too unpoetic, for the Socialist mind. Mill even says: 'Society as at present constituted, is *not* descending into that abyss, but gradually, though

122. 'Chapters on Socialism' (J. S. Mill).—Fortnightly Review, February, 1879.

123. 'Chapters on Socialism.'

surely, *rising out of it*; and this improvement is likely to be progressive, *if bad laws do not interfere with it*.' Again he says: 'The present system is *not*, as many Socialists believe, hurrying us into a state of general indigence and slavery, from which only Socialism can save us. The evils and injustices suffered under the present system are great, but they are not increasing; on the contrary, the general tendency is towards their slow diminution. There is not any one abuse or injustice now prevailing in society, by merely abolishing which, the human race would pass out of suffering into happiness.'¹²⁴ And, elsewhere, he observes: 'As far as concerns the motives to exertion in the general body, Communism has no advantages which may not be reached under private property, while as regards the managing heads, it is at a considerable advantage.'

The competition which we hear so much deprecated is, indeed, one of the most important elements in producing this hopeful result; for every day we find the progress of manufacture producing important reductions in the cost of every-day wants. The masses, who thus decry one of the most health-giving and life-giving influences of our social organisation, shut their eyes to one-half of its effects. As Mill says: 'The most enlightened of them have a very imperfect and one-sided notion' concerning it. 'They forget that it is a cause of high prices and values, as well as low; that the *buyers of labour*, and of commodities, compete with one another, as well as the *sellers*.'¹²⁵ In concluding these 'Chapters,' Mill says: 'The one certainty is that Communism, *to be successful*, requires a high standard of both moral and intellectual education, in *all* the members of the community. It is for Communism to prove, by practical experiment, its power of giving that training. Experiments alone can show whether there is, as yet, in any portion of the population, a sufficiently high level of moral cultivation to make Communism succeed, and *to give to the next generation, among themselves, the education necessary to keep up that high level permanently*. If Communist associations show that they can be durable and prosperous, they will multiply, and will probably be adopted by successive portions of the population of the more advanced countries, as they become morally fitted for that mode of life. But, to *force unprepared populations* into Communist societies, even if a political revolution gave the power to make such an attempt, would end in disappointment. If practical trials are necessary to test the capabilities of Communism, they are no less required for those other forms of Socialism, which recognise the difficulties of Communism, and contrive means to surmount them.'¹²⁶

The future is indeed a matter for speculation. Everything seems to point to great social changes, especially in the Old World. It is to be feared, however, that the drift is only in the direction of destroying existing institutions, and

124. 'Chapters on Socialism.'

125. 'Chapters on Socialism.'

126. 'Chapters on Socialism.'

that there is nowhere yet conceived any substitute by which the inevitable 'ills which flesh is heir to' can be avoided or even mitigated. We have, as Lord Derby lately said, 'got new masters. We don't know exactly what they wish, or what they intend, possibly for the excellent reason that they do not quite know themselves. It is important for us (he adds) if many of us begin parting with more capital than we can easily spare, to wish to see how the new governing class is going to treat property in the thousand ways in which property is affected by legislation.'¹²⁷ We have, every day, dinned into our ears such phrases as the 'rights of labour.' There seem to exist, too, some strangely exaggerated notions as to the nature and extent of those rights; but in any case the masses are looking for an epoch in history, which is described in such vague terms as 'the emancipation of labour,' the 'enfranchisement of the proletariat,' the 'unshackling of the wage-slave,' and so forth. The so-called 'Liberal' press of the colony of Victoria, (ever sanguine regarding the masses), speaking of this looked-for industrial millennium, says, (one would think almost in irony) 'Whatever may have been the blunders, or even the crimes of the working-classes, *if* they will only rise above the gross materialism that can worship merely muscle and brute strength; *if* they will have faith, and only accept as leaders, men who are prophets of the soul, and not charlatans; *if* they will seek to use and not abuse the time that they have gained for leisure and recreation, *then* much of the future is in their hands, and we can trust them to use it well. *If* the average Australian working-man is steadily tending towards the higher ideal, leaving behind him the prejudices and passions of a class: *if* capital and labour are in the future to work harmoniously, seeing that they are mutually dependent; *if* from the old position of mere slavery there is to arise a new, and wiser, and nobler, and purer harmony; *if* those banners may float before the army of pioneers as they march to the temple of honour, truth and virtue, *then, indeed*, we may all welcome and rejoice in—The Triumph of Labour.' This is indeed a series of beautiful hypotheses! If, forsooth, 'The Triumph of Labour,' as a subject for welcome, is to depend upon the realisation of all of them, then, either the 'triumph' must be indefinitely prolonged, or the prediction bodes trouble!

I have now finished the task which I undertook to perform. I venture to think I have fairly fulfilled the promises which I had the hardihood to make in my earlier chapters.

I have, in the first place, shown that, in our own day, the term 'Liberalism' has altogether ceased to convey the meaning which attached to it, as a political term, during its earlier currency—that is to say, *freedom for the individual*. I have shown, further, how, in the present day, that, and other terms, each of which originally signified some tolerably distinct political policy, have had

127. Speech at Liverpool, October 19th, 1886.

attached to them meanings as numerous as they are contradictory—all of which confusion has arisen from a neglect to regard first principles, and a vain desire to protect human nature from its own ineradicable infirmities, by means of ill-digested and impracticable legislative schemes, calculated to prevent *the fittest* from making greater progress than is achieved by *the unfittest* of their kind. I have shown how, by the application to such schemes of terms otherwise favourably associated, much that is in itself unjust and retrogressive has passed among the thoughtless as sound and desirable. That the term ‘Liberalism,’ and the preceding political party titles, for which, as I have shown, it served as a substitute, did involve the principle of *liberty for the individual*, as opposed to the trammels of a despotic form of government—whether of the monarch or of an aristocracy—I have, I think, sufficiently demonstrated, in the chapter on ‘The Origin and History of Party Titles.’ Next, I have shown, in the two chapters, entitled respectively, ‘Historic Liberalism’ and ‘Modern Liberalism,’ that *liberty for the individual* was the fundamental principle which inspired the efforts of those whom we now justly regard as the noblest and most worthy of our ancestors; and that, but for their continuous recognition of, and persistent demand for that great principle, the English, as a people, would not in our day have occupied their present proud position among the nations of the world.

In striking contrast with the growth of civil freedom, and the spirit of true Liberalism in historic times, I have shown how vain were the occasionally well-meant, but ignorantly-conceived attempts to increase the national prosperity, by means of legislative interference with the various human activities of a progressive people. I have then endeavoured to indicate how little hope current events afford of an improved condition of political thought, under the existing system of democratic government; and, in further confirmation of this somewhat pessimist view, I have subsequently shown the unmistakable tendency of modern and impending legislation, and attempted to portray, as vividly as my limited powers will admit, the great wave of Socialism which has already distinctly shown itself on the political horizon, and now threatens to sweep over the whole face of organised society; to wipe out the most valued of its existing land-marks; and to subvert many of the most deeply founded institutions of its highest civilisation.

I have carefully guarded myself against the possible charge of confining my efforts to mere negative criticism, by endeavouring to show that the necessity for the *maximum liberty of each citizen, subject to the equal liberty of all*, has an unquestionably scientific basis—that in fact, human progress and social development, as also the intellectual advancement of the human race, depend mainly, if not absolutely, upon the recognition of that, as one of the first of sociological principles.

Finally, and as an indispensable complement of my earlier contentions, I have investigated the whole history of Socialism and Communism, from the

Christian era to the present day, as also examined the doctrines of the most modern and influential leaders of those schools in Germany and France. I have, I think, shown that whenever and whenever those doctrines have been rigidly and honestly practised, they have invariably resulted in reducing *the whole* of the individuals, who participated in such experiments, down to the dead level of the modern and *much commiserated* agricultural labourer, and by abolishing almost every class, but those actually engaged in physical work, deprived the members of the society, thus organised, of all the refining and elevating influences which flow from the study of art, literature, science, philosophy, and the higher and truer phases of religious feeling and belief.

The untried doctrines of ardent theorists, such as those of the French and German schools, cannot, until actually practised, be conclusively *proved* unworkable, or injurious to society; but, regarding those which have not yet been so tested, I venture to believe that a perusal of such of their principles as I have been able to enumerate will lead most of my readers to agree with me in judging them to be wild and impracticable, and conceived without due regard for the incurable infirmities of human nature, as well as without a proper recognition of the vanity of attempting to equalise either the wants, the capabilities, or the aspirations of mankind.

The future will, however, tell its own tale. If 'the people,' in their vain desire to thus equalise social conditions, are about to continue the already commenced course of legislation, aimed at 'increasing the comforts, securing the health, and multiplying the luxuries' of those who fail to secure such advantages for themselves; then, indeed, the prospect is far from being bright. Hear the admission of *The Pall Mall Gazette*—that *suddenly converted* exponent of virtue—'It is the feeblest, the least moral, and most worthless classes of the community which multiply the most rapidly. It is the pauper and the criminal class which supplies the human rabbits who multiply in the warrens of our own great cities. The educated and the well-to-do increase much less rapidly. Hence, the annual increase in the population proceeds mainly from the classes which add no strength to the nation; and those who are constantly within half-a-crown of starvation are those who bring forth the multitude of the diseased and incapable children, who bubble out of the ground for torment in this world, if not in the next.... Statesmen should no longer stand idly by, watching the multiplication of *the unfit*, and the survival of the weakest and worst of the community.'

In concluding, I can only say that I vividly realise the truth of the following note of warning, sounded by Sir Henry Maine:—'If (he says) I am in any degree right, popular government, especially as it approaches the democratic form, will tax to the utmost *all the political sagacity and statesmanship of the world, to keep it from misfortune*. If the 'Socialist Revolution' is at hand, as predicted by writers of the Hyndman stamp, it is as well that the minority should know

of its approach. But I venture to think that it will not be 'reasoned, orderly and peaceful,' as he and other Socialists have hoped! If existing institutions are to be subverted, and legally-acquired private property confiscated by the masses, in their desire to 'equalise social conditions,' it will not be *completed* by peaceful legislation; for there is, I imagine, enough spirit left in the breasts of the provident and self-helping classes to lead them, as a last resort, to a more fundamental law than legislation! Socialists may, I think, count upon this—that if the enfranchised masses in European countries prove their incapability to wield with judgment the legislative power which their mere numbers give them, and, instead, use that power regardless of principle, and with the brute force of which it is capable, they will find those, whom they would drag down with them, ready converts to the more primitive method of contention, the resort to which will have been forced upon them in defence of their common liberties!

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