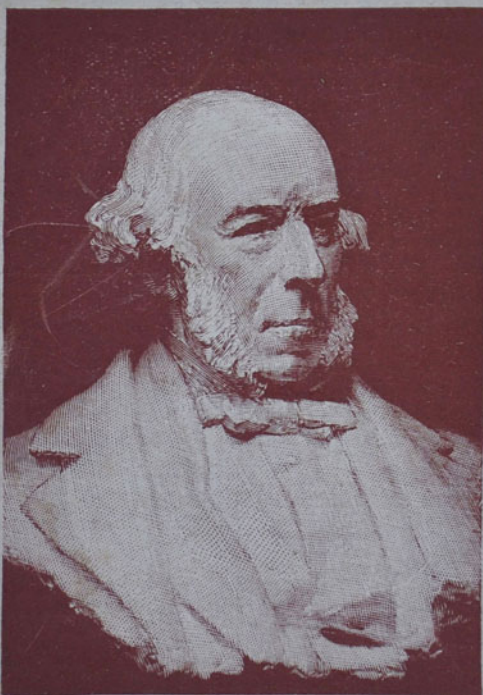


FINAL AND AUTHORISED EDITION

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# SOCIAL STATICS

BY  
HERBERT  
SPENCER



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SOCIAL STATICS

## NOTE

[Herbert Spencer's conclusions on social questions went through a process of evolution, and in later years he relinquished views which he had held at a less mature period of his intellectual life.

In a letter written by him to Mr. A. J. Balfour in 1901, he protested against the possibility of anybody publishing, seven years after his death, imperfect versions of his books of which the copyright had expired, though the authoritative versions were still copyright. "This," he added, "I should regard as a disaster."

Mr. Spencer's Trustees have therefore arranged for the publication of this cheap copyright edition of *Social Statics* in the only text which represents the author's final opinions.]



# SOCIAL STATICS

ABRIDGED AND REVISED

BY

HERBERT SPENCER

"In this revision [1892] of his first book, two main considerations guided him—the omission or modification of passages that no longer expressed his matured convictions, and the omission of parts treated more systematically in the *Principles of Ethics*."—DR. DAVID DUNCAN, *Life and Letters of Herbert Spencer*, 1908, p. 308.

[ISSUED BY ARRANGEMENT WITH THE HERBERT SPENCER TRUSTEES]

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1910





## PREFACE

PUBLISHED in December 1850, this work in its original form was entitled *Social Statics: or, the Conditions essential to Human Happiness specified, and the first of them developed*. A number of years passed—some ten, I think—before the edition was exhausted; and as the demand seemed not great enough to warrant the setting up of type for a new edition, it was decided to import an edition from America, where the work had been stereotyped. After this had been disposed of a third edition was similarly imported.

In the meantime I had relinquished some of the conclusions drawn from the first principle laid down. Further, though still adhering to this first principle, one of the bases assigned for it had been given up by me. To the successive editions I therefore prefixed the statement that some of the doctrines set forth needed qualification; but excused myself from making the changes called for, because they could not be made without suspending more important work. Eventually, it became manifest that the warning given did not prevent misinterpretations of my later beliefs; and therefore, ten years ago, after all copies of the third edition had been sold, I resolved not again to import a supply to meet the still-continued demand.

As, however, the fundamental idea enunciated, and many of the deductions, have survived in me, I have all along intended that these should be put in a permanently accessible form; and in 1890 at leisure times I went through the work, erasing some portions, abridging others, and subjecting the whole to a careful verbal revision. Its purely systematic division is now replaced by Part IV of *The Principles of Ethics: Justice*—a part in which the ethical doctrine originally set forth in an imperfect form, is freed from its crudities and made scientifically coherent. But *Justice* contains neither the discussions which, in *Social Statics*, preceded the constructive division, nor the series of chapters in which, towards the close, the political implications were pointed out. Both of these portions seem worth preserving.

I am desirous of preserving also certain passages containing ideas, and the germs of ideas, which, since 1850, have undergone large developments. These have a

certain biographico-historical interest, as indicating stages of growth in thoughts. The more significant of them will be found on p. 21, pp. 21-23, pp. 65-66, pp. 79-80, p. 95, pp. 107-8, p. 128, pp. 130-31, pp. 139-41.

In the latter part of the work, numerous references are made to the events of the day and to institutions existing when it was written. During the forty years which have since passed, social changes have diminished or destroyed the relevancy of some of these references. It has seemed best, however, to leave them as they were; partly because the arguments remain equally valid though their data are altered; partly because substituting other illustrations would entail on me more labour than I can now afford; and partly because, even were the illustrations brought up to date, lapse of years would soon make them out of date.

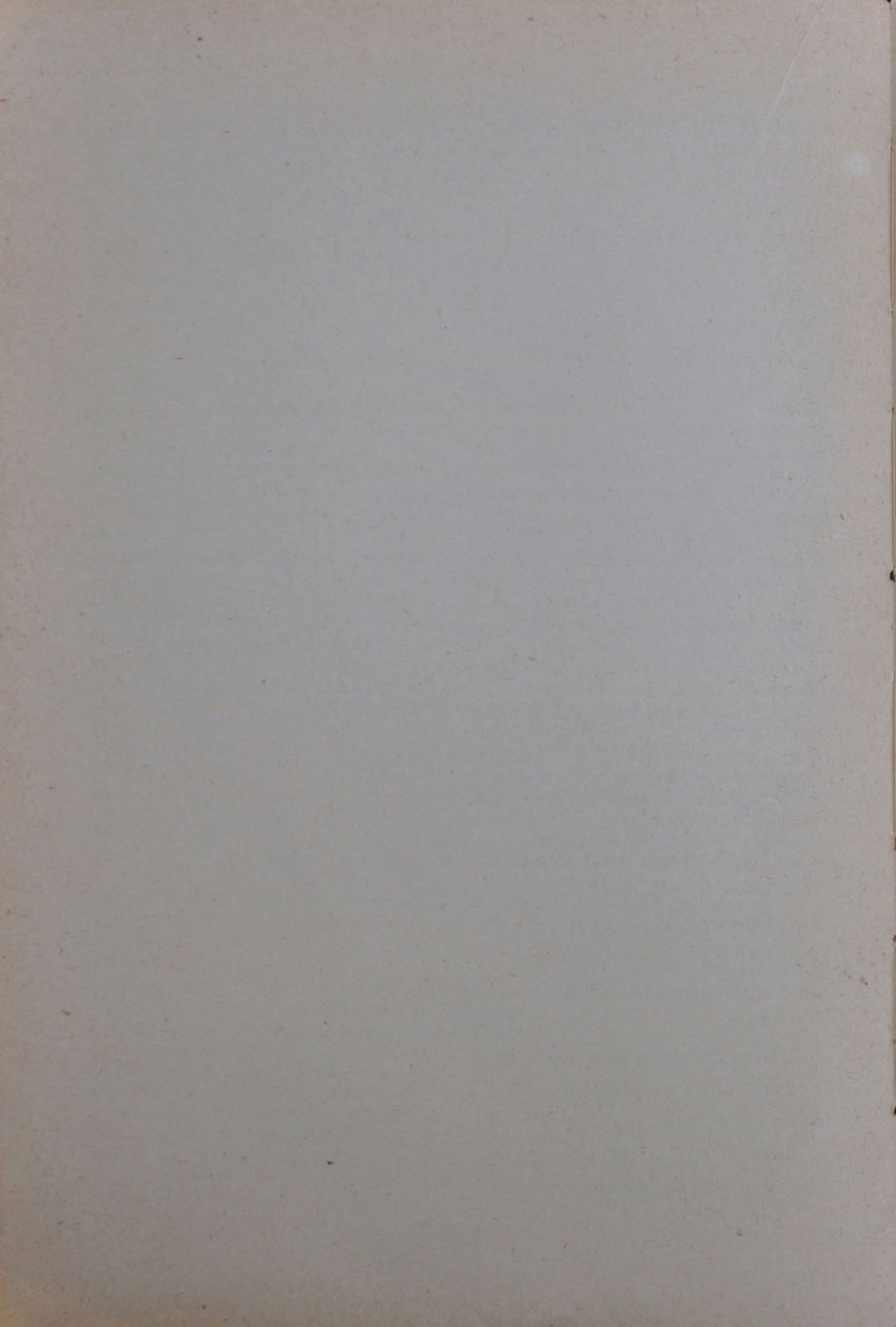
My first intention was to call this volume, or rather part of a volume, "Fragments from Social Statics," and afterwards, "Selections from Social Statics." Both of these titles, however, seemed to indicate a much less coherent assemblage of parts than it contains. On the other hand, to call it an abridgment is somewhat misleading; since the word fails to imply that large and constructively-important parts are omitted. No title, however, appears appropriate; and I have at length decided that *Social Statics, abridged and revised*, is the least inappropriate.

*London, January, 1892.*



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# SOCIAL STATICS

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## HAPPINESS AS AN IMMEDIATE AIM

ASSUMING it to be in other respects satisfactory, a rule, principle, or axiom, is valuable only in so far as the words in which it is expressed have definite meanings. We must therefore take it for granted that when he announced "the greatest happiness of the greatest number," or otherwise "the greatest happiness," as the canon of social morality, its originator supposed mankind to be unanimous in their conception of "greatest happiness."

This was an unfortunate assumption, for the standard of happiness is infinitely variable. In all ages—among every people—by each class—do we find different notions of it entertained. To the wandering gipsy a home is tiresome; whilst a Swiss is miserable without one. The heaven of the Hebrew is "a city of gold and precious stones, with a supernatural abundance of corn and wine"; that of the Turk—a harem peopled by houris; that of the American Indian—a "happy hunting ground." In the Norse paradise there were to be daily battles, with magical healing of wounds; while the Australian hopes that after death he shall "jump up a white fellow, and have plenty of sixpences." Descending to individual instances, we find Louis XVI. interpreting "greatest happiness" to mean—making locks; instead of which his successor read—making empires. To a miserly Elwes the hoarding of money was the only enjoyment of life; but Day, the philanthropic author of "Sandford and Merton," could find no pleasurable

employment save in its distribution. The ambitions of the tradesman and the artist are anything but alike; and could we compare the air castles of the ploughman and the philosopher, we should find them of widely different styles of architecture.

Generalizing such facts, we see that the idea of "greatest happiness" is as variable as the other elements of human nature. Between nations the differences of opinion are conspicuous enough. On contrasting the Hebrew patriarchs with their existing descendants, we observe that even in the same race the beau ideal of existence changes. The members of each community disagree upon the question. Neither, if we compare the wishes of the gluttonous schoolboy with those of the earth-scorning transcendentalist into whom he may afterwards grow, do we find any constancy in the individual.

The rationale of this is simple enough. Happiness signifies a gratified state of all the faculties. The gratification of a faculty is produced by its exercise. To be agreeable that exercise must be proportionate to the power of the faculty: if it is insufficient discontent arises, and its excess produces weariness. Hence, to have complete felicity is to have all the faculties exerted in the ratio of the several developments; and an ideal arrangement of circumstances calculated to secure this constitutes the standard of "greatest happiness." But the minds of no two individuals contain the same combination of elements.



There is in each a different balance of desires. Therefore the conditions adapted for the highest enjoyment of one, would not perfectly compass the same end for any other. And, consequently, the notion of happiness must vary with the disposition and character; that is, must vary indefinitely.

The allegation that these are hypercritical objections, and that for all practical purposes we agree sufficiently well as to what "greatest happiness" means, will possibly be made by some. This allegation is easily disposed of; for there are plenty of questions practical enough to satisfy such cavillers, about which men exhibit none of this assumed unanimity. For example:—

— What is the ratio between the mental and bodily enjoyments constituting "greatest happiness"? There is a point up to which increase of mental activity produces increase of happiness; but beyond which, it produces in the end more pain than pleasure. Where is that point? Some appear to think that intellectual culture and the gratifications derivable from it can hardly be carried too far. Others maintain that already among the educated classes mental excitements are taken in excess; and that were more time given to physical activities, a larger amount of enjoyment would be obtained. If "greatest happiness" is to be the rule, it becomes needful to decide which of these opinions is correct; and, further, to determine the boundary between the use and abuse of every faculty.

— Which is most truly an element in the desired felicity, content or aspiration? The generality assume that, as a matter of course, content is. There are others, however, who hold that but for discontent we should have been still savages. It is in their eyes the greatest incentive to progress. Nay, they maintain that were content the order of the day, society would even now begin to decay. It is required to reconcile these contradictory theories.

— And this synonym for "greatest

happiness"—this "utility"—what shall be comprised under it? The million would confine it to the things which directly or indirectly minister to the bodily wants, and in the words of the adage "help to get something to put in the pot." Others there are who think mental culture useful in itself, irrespective of so-called practical results, and would therefore teach astronomy, geology, anatomy, ethnology, &c., together with logic and metaphysics. Unlike some of the Roman writers who held practice of the fine arts to be vicious, there are now many who suppose utility to comprehend poetry, painting, sculpture, and whatever aids the refinement of the taste. While an extreme party maintains that music, dancing, the drama, and what are commonly called amusements, are equally worthy to be included. In place of all which discordance we ought to have agreement.

— Whether shall we adopt the theory of some that felicity means the greatest possible enjoyment of this life's pleasures, or that of others, that it consists in anticipating the pleasures of a life to come? And if we compromise the matter, and say it should combine both, how much of each shall go to its composition?

— Or what must we think of this wealth-seeking age of ours? Shall we consider the total absorption of time and energy in business—the spending of life in the accumulation of the means to live, as constituting "greatest happiness," and act accordingly? Or how shall we hold that this is to be regarded as the voracity of a larva assimilating material for the development of the future psyche?

Not only, therefore, is an agreement as to the meaning of "greatest happiness" theoretically impossible, but it is also manifest that men are at issue upon all topics which, for their determination, require defined notions of it. So that in directing us to this "greatest happiness of the greatest number," as the object towards which we should steer, our pilot "keeps the word of promise to



our ear and breaks it to our hope." What he shows us through his telescope is a *fata morgana*, and not the promised land. The real haven sought dips far

down below the horizon, and has yet been seen by none. Faith not sight must be our guide. We cannot do without a compass.

## UNGUIDED EXPEDIENCY

EVEN were the fundamental proposition of the expediency system not thus vitiated by the indefiniteness of its terms, it would still be vulnerable. Granting for the sake of argument, that the desideratum, "greatest happiness," is duly comprehended, its identity and nature agreed upon by all, and the direction in which it lies satisfactorily settled, there yet remains the unwarranted assumption that it is possible to determine empirically by what methods it may be achieved. Experience daily proves that an uncertainty like that which exists respecting the specific ends to be obtained, exists respecting the right mode of attaining them when supposed to be known. Let us look at a few cases.

When it was enacted in Bavaria that no marriage should be allowed between those without capital, unless certain authorities could "see a reasonable prospect of the parties being able to provide for their children," it was intended to advance the public weal by checking improvident unions, and redundant population: a purpose most politicians will consider praiseworthy, and a provision which many will think well adapted to secure it. Nevertheless this apparently sagacious measure has by no means answered its end. In Munich, the capital of the kingdom, half the births are illegitimate!

Those too were admirable motives, and cogent reasons, which led our Government to establish an armed force on the

coast of Africa for the suppression of the slave trade. What could be more essential to the "greatest happiness" than the annihilation of the abominable traffic? And how could forty ships of war, supported by an expenditure of £700,000 a year, fail to accomplish this? The results have, however, been anything but satisfactory. When the abolitionists of England advocated it, they little thought that such a measure instead of preventing would only "aggravate the horrors, without sensibly mitigating the extent of the traffic"; that it would generate fast-sailing slavers with decks one foot six inches apart, suffocation from close packing, miserable diseases, and a mortality of thirty-five per cent. They dreamed not that when hard pressed a slaver might throw a whole cargo of 500 negroes into the sea; nor that on a blockaded coast the disappointed chiefs would, as at Gallinas, put to death 200 men and women, and stick their heads on poles along shore, in sight of the squadron.<sup>1</sup> In short, they never anticipated having to plead, as they now do, for the abandonment of coercion.

The Spitalfields weavers afford us another case in point. No doubt the temptation which led them to obtain the Act of 1773, fixing a minimum of wages, was a strong one; and the anticipations of greater comfort to be secured by its

<sup>1</sup> See Anti-Slavery Society's Report for 1847; and Evidence before Parliamentary Committee, 1848.



enforcement must have seemed reasonable enough to all. Unfortunately, however, the weavers did not consider the consequences of being interdicted from working at reduced rates, and little expected that before 1793 some 4,000 looms would be brought to a stand in consequence of the trade going elsewhere.

To mitigate distress having appeared needful for the production of the "greatest happiness," the English people have sanctioned upwards of one hundred Acts of Parliament having this end in view; each of them arising out of the failure or incompleteness of Acts previously passed. Men are nevertheless still discontented with the Poor Laws, and we are seemingly as far as ever from satisfactory settlement of them.

But why cite individual cases? Does not the experience of all nations testify to the futility of these empirical attempts at the acquisition of happiness? What is the statute-book but a record of such unhappy guesses? or history but a narrative of their unsuccessful issues? And what forwarder are we now? Is not our Government as busy still as though the work of law-making commenced but yesterday? Nearly every parliamentary proceeding is a tacit confession of incompetence. There is scarcely a bill introduced but is entitled "An Act to amend an Act." The "Whereas" of almost every preamble heralds an account of the miscarriage of previous legislation.

The expediency-philosophy, however, ignores this world full of facts. Though men have so constantly been balked in their attempts to secure, by legislation, any desired constituent of that complex whole, "greatest happiness," it continues to place confidence in the unaided judgments of statesmen. It asks no guide;

it possesses no eclectic principle; but it assumes that after an inspection of the aggregate phenomena of national life, governments are qualified to devise such measures as shall be "expedient." It considers the interpretation of human nature so easy, the constitution of the social organism so simple, the causes of a people's conduct so obvious, that a general inspection can give to "collective wisdom" the insight requisite for law-making.

If, without any previous investigation of the properties of terrestrial matter, Newton had proceeded at once to study the dynamics of the solar system, and after years spent in contemplation of it and in setting down the distances, sizes, times of revolution, inclinations of axes, forms of orbits, perturbations, &c., of its component bodies, had set himself to digest this accumulated mass of observations, and to educe a physical interpretation of planetary motions, he might have cogitated to all eternity without arriving at the truth.

But futile as such a method of research would have been, it would have been less futile than the attempt to find out the principles of public polity, by an unguided examination of that intricate combination—society. Considering that men as yet so imperfectly understand *man*—the instrument by which, and the material on which, laws are to act—and that a knowledge of the unit—*man*, is but a first step to the comprehension of the mass—*society*, it seems obvious that to educe from the complicated phenomena presented by humanity at large a true philosophy of social life, and to found thereon a code of rules for the obtainment of "greatest happiness," is a task beyond the ability of any finite mind.



## THE MORAL-SENSE DOCTRINE

HAD we no other inducement to eat than that arising from the prospect of certain advantages to be thereby obtained, it is scarcely probable that our bodies would be so well cared for as now. One can quite imagine that were we deprived of that punctual monitor—appetite, and left to the guidance of some reasoned code of rules, such rules, were they never so philosophical, and the benefits of obeying them never so obvious, would form but a very inefficient substitute. Or, instead of that powerful affection by which men are led to nourish and protect their offspring, did there exist merely an abstract opinion that it is proper or necessary to maintain the population of the globe, it is questionable whether the annoyance, anxiety, and expense, of providing for a posterity, would not so far exceed the anticipated good, as to involve a rapid extinction of the species. And if, in addition to these needs of the body and of the race, all other requirements of our nature were similarly consigned to the sole care of the intellect—were knowledge, property, freedom, reputation, friends, sought only at its dictation—then would our investigations be so perpetual, our estimates so complex, our decisions so difficult, that life would be wholly occupied in the collection of evidence and the balancing of probabilities. Under such an arrangement the utilitarian philosophy would indeed have strong argument in nature; for it would be simply applying to society; that system of governance by appeal to calculated final results, which already ruled the individual.

Quite different, however, is the method of nature. Answering to each of the actions which it is requisite for us to perform, we find in ourselves some prompter called a desire; and the more essential the action, the more powerful is the impulse to its performance, and

the more intense the gratification derived therefrom. Thus, the longings for food, for sleep, for warmth, are irresistible; and quite independent of foreseen advantages. The continuance of the race is secured by others equally strong, whose dictates are followed, not in obedience to reason, but often in defiance of it. That men are not impelled to accumulate the means of subsistence solely by a view to consequences, is proved by the existence of misers, in whom the love of acquirement is gratified to the neglect of the ends to be subserved.

May we not then reasonably expect to find kindred instrumentalities prompting the conduct called moral? All must admit that we are guided to our bodily welfare by instincts; that from instincts also, spring those domestic relationships by which other important objects are compassed; and that certain prompters called sentiments secure our indirect benefit, by regulating social intercourse. Is it not then probable that a like mental mechanism is at work throughout; and that upright conduct in each being necessary to the happiness of all, there exists in us an impulse towards such conduct; or, in other words, that we possess a "Moral Sense"?

In bar of this conclusion it is urged, that did there exist such an agency, men would exhibit a more manifest obedience to its supposed dictates than they do. There would be a greater uniformity of opinion as to the rightness or wrongness of actions; and we should not, as now, find one man, or nation, considering as a virtue, what another regards as a vice—a Thug regarding as a religious act, that assassination at which a European shudders—an Egyptian piquing himself on his successful lying—a red Indian on his undying revenge.

Overwhelming as this objection appears, it may be met thus:—None



deny the universal existence of that instinct already adverted to, which urges us to take the food needful to support life; and none deny that such instinct is highly beneficial, and in all likelihood essential to being. Nevertheless there are not wanting infinite evils and incongruities, arising out of its rule. All know that appetite does not invariably guide men aright in the choice of food, either as to quality or quantity. Neither can any maintain that its dictates are uniform in different persons and peoples. Like irregularities may be found in the workings of parental affection. Among ourselves, its beneficial sway is tolerably regular. In many places, however, infanticide is practised now as it ever has been. During early European times, it was common to expose babes to the tender mercies of wild beasts. And it was the Spartan practice to cast all the newly-born who were not approved by a committee of old men, into a public pit provided for the purpose. If, then, it be argued that the want of uniformity in men's moral codes, together with the weakness and partiality of their influence, prove the non-existence of a sentiment prompting right actions, it must be inferred from analogous irregularities in men's conduct as to food and offspring, that there are no such feelings as appetite and parental affection. As, however, we do not draw this inference in the one case, we cannot do so in the other.

That we possess something which may not improperly be called a moral sense, may be best proved by evidence drawn from the lips of those who assert that we have it not. Bentham unwittingly derives his initial proposition from an oracle whose existence he denies. "One man," he remarks, speaking of Shaftesbury, "says he has a thing made on purpose to tell him what is right and what is wrong; and that it is called a *moral sense*: and then he goes to work at his ease, and says such and such a thing is right, and such and such a

thing is wrong. Why? 'because my moral sense tells me it is.'" Now that Bentham should have no other authority for his own maxim, is somewhat unfortunate for him. Yet, on putting that maxim into critical hands, we shall soon discover such to be the fact. Let us do this.

"And so you think," says the patrician, "that the object of our rule should be 'the greatest happiness of the greatest number'?"

"Such is our opinion," answers the petitioning plebeian.

"Well now, let us see what your principle involves. Suppose men to be, as they commonly are, at variance in their desires on some point; and suppose that those forming the larger party will receive a certain amount of happiness each, from the adoption of one course, whilst those forming the smaller party will receive the same amount of happiness each, from the adoption of the opposite course; then if 'greatest happiness' is to be our guide, it must follow, must it not, that the larger party ought to have their way?"

"Certainly."

"That is to say, if those who want what you do are a hundred, whilst those who want what I do are ninety-nine, your happiness must be preferred, should the individual amounts of gratification at stake on the two sides be equal."

"Exactly; our axiom involves that."

"So then it seems that as, in such a case, you decide between the two parties by numerical majority, you assume that the happiness of a member of the one party, is equally important with that of a member of the other."

"Of course."

"Wherefore, if reduced to its simplest form, your doctrine turns out to be the assertion, that all men have equal claims to happiness; or, applying it personally—that you have as good a right to happiness as I have."

"No doubt I have."



"And pray, sir, who told you that you have as good a right to happiness as I have?"

"Who told me?—I am sure of it; it is a manifest truth; I——"

"Nay, nay, that will not do. Give me your authority."

Whereupon, our petitioner is forced to confess, that he has no other authority but his own feeling—that he has simply an innate perception of the fact; or, in other words, that "his moral sense tells him so."

Whether it rightly tells him so, need not now be considered. All that demands present notice is the fact that, when cross-examined, even the disciples of Bentham have no alternative but to fall back on an intuition of this derided "moral sense," for the foundation of their own system.

But how, it may be asked, can a sentiment have a perception? how can an emotion give rise to a moral sense?

The objection seems a serious one; and were the term *sense* to be understood in its strict acceptation, would be fatal. But the word is in this case, as in many others, used to express that liking or aversion with which an emotional faculty comes to regard the deeds and objects it is related to; or rather that judgment which it causes the intellect to form of them. To elucidate this we must take an example.

Joined with the impulse to acquire property, there is what we call a *sense* of the value of property; and we find the vividness of this sense to vary with the strength of the impulse. Contrast the miser and the spendthrift. Accompanying his desire to heap up, the miser has a peculiar belief in the worth of money. The most stringent economy he thinks *virtuous*; and anything like ordinary liberality *vicious*; while of extravagance he has an absolute horror. Whatever adds to his store seems to him *good*: whatever takes from it, *bad*. And should a passing gleam of generosity

lead him to open his purse, he is pretty sure afterwards to reproach himself with having done *wrong*. Conversely, while the spendthrift is deficient in the instinct of acquisition, he also fails to realize the value of property; he has little *sense* of it. Hence, under the influence of other feelings, he regards saving habits as *mean*; and holds that there is something *noble* in profuseness. Now it is clear that these opposite *perceptions* of the propriety or impropriety of certain lines of conduct, do not originate with the intellect, but with the emotional faculties. The intellect, uninfluenced by desire, would show both miser and spendthrift that their habits were unwise; whereas the intellect, influenced by desire, makes each think the other a fool, but does not enable him to see his own folly.

This connexion is general. Every feeling is accompanied by a *sense* of the rightness of those actions which give it gratification—tends to generate convictions that things are good or bad, according as they bring to it pleasure or pain; and would always generate such convictions, were it unopposed. As, however, there are conflicts among the feelings, there results a proportionate incongruity in the beliefs—a similar conflict amongst these also. So that it is only where a desire is very predominant, or where no adverse desire exists, that this connexion between the instincts and the opinions they dictate, becomes distinctly visible.

Applied to the elucidation of the case in hand, these facts explain how from an *impulse* to behave in the way we call equitable, there will arise a *perception* that such behaviour is proper—a *conviction* that it is good. This instinct or sentiment, being gratified by a just action and distressed by an unjust action, produces in us an approbation of the one and a disgust towards the other; and these readily beget beliefs that the one is virtuous and the other vicious. Or, referring again to the illustration, we may say that as the desire to accumulate property is accompanied by a *sense* of the



value of property, so the desire to act fairly is accompanied by a *sense* of what is fair.

It will perhaps be needful here to meet the objection that whereas, according to the foregoing statement, each feeling tends to generate notions of the rightness or wrongness of actions towards which it is related; and whereas morality should determine what is right throughout conduct at large, it is improper to confine the term "moral sense" to that which can afford directions in only one department. This is true. Nevertheless, seeing that our behaviour towards one another is the most important part of our behaviour, and that in which we are most prone to err; seeing, also, that this same faculty is so purely and immediately moral in its function; we may with some show of reason continue to employ that term with this restricted meaning.

Still it may be again urged that the alleged monitor is a worthless guide, because its dictates are unlike in different times and places.

To this the reply is, as before, that if such a guide is unfit, because its dictates are variable, then must Expediency also be rejected for the same reason. If Bentham is right in condemning Moral Sense, as an "anarchical and capricious principle, founded solely upon internal and peculiar feelings," then is his own maxim doubly fallacious. Is not the idea "greatest happiness," a capricious one? Is not that also "founded solely upon internal and peculiar feelings"? (See page 9.) And even were the idea "greatest happiness" alike in all, would not his principle be still "anarchical," in virtue of the countless disagreements as to the means of achieving this "greatest happiness"? All utilitarian philosophies are liable to this charge of indefiniteness, for there ever recurs the same unsettled question—what is utility?—a question which, as every newspaper shows us, gives rise to endless disputes, both as to the goodness of each desired end and

the efficiency of every proposed means. At the worst, therefore, in so far as want of scientific precision is concerned, a philosophy founded on Moral Sense, simply stands in the same category with all other known systems.

But happily <sup>14</sup> is an alternative. The force of the objection above set forth may be <sup>15</sup> admitted, without in any degree invalidating the theory.

The error pointed out is not one of doctrine but of application. Those who committed it did not start from a wrong principle, but rather missed the right way from that principle to the sought-for conclusions. It was not in the oracle to which they appealed, but in their method of interpretation, that the writers of the Shaftesbury school erred. Confounding the functions of feeling and reason, they required a sentiment to do that which should have been left to the intellect. They were right in believing that there exists some governing instinct generating in us an approval of certain actions we call *good*, and a repugnance to certain others we call *bad*. But they were not right in assuming such instinct to be capable of intuitively solving every ethical problem submitted to it.

For the better explanation of this point, let us take an analogy from mathematics. The human mind takes cognizance of measurable quantity by a faculty which, to carry out the analogy, let us term a *geometric sense*. By the help of this we estimate the linear dimensions, surfaces, and bulks of surrounding objects, and form ideas of their relations to one another. But, in many cases, we find that little reliance can be placed on the unaided decisions of this geometric sense: its dicta are variable. On comparing notes, however, we discover that there are certain simple propositions upon which we all think alike, such as—"Things which are equal to the same thing are equal to one another;"—"The whole is greater than its part;"—and, agreeing upon these *axioms*, as we call them, we find it pos-



sible by successive deductions to settle all disputed points, and to solve complicated problems with certainty.<sup>1</sup> Now if, instead of adopting this method, geometricians had persisted in determining all questions concerning lines, angles, squares, circles, and the like, by the geometric sense—if they had tried to discover whether the three angles of a triangle are, or are not, equal to two right angles, and whether the areas of similar polygons are, or are not, in the duplicate ratio of their homologous sides, by an effort of simple perception, they would have made the same mistake that moralists make, who try to solve all the problems of morality by the moral sense.

The reader will at once perceive the conclusion towards which this analogy points; namely, that as it is the office of the geometric sense to originate a geometric axiom, so it is the office of the moral sense to originate a moral axiom,

<sup>1</sup> Whether we adopt the views of Locke or of Kant as to the ultimate nature of what is here, for analogy's sake, called the geometric sense, does not affect the question. However originated, the fundamental perceptions attaching to it form the undecomposable bases of exact science. And this is all that is now assumed.

from which reason may develop a systematic morality.

And, varying the illustration, it may be further remarked that just as erroneous notions in mechanics—for instance, that large bodies fall faster than small ones, that water rises in a pump by suction, that perpetual motion is possible—formed by unaided *mechanical sense*, are set aside by the conclusions deduced from those primary laws of matter which the mechanical sense recognizes; so may we expect the multitudes of conflicting beliefs about human duty dictated by unaided *moral sense*, to disappear before the deductions scientifically drawn from some primary law of man which the moral sense recognizes.

[NOTE.—It should be remarked that though in this chapter there is recognition of the truth that the judgments of the moral sense are variable, the recognition is not adequate. The facts that some races of men appear to have no consciences at all and that in other races of men conscience gives verdicts quite unlike, and sometimes opposite to, the verdicts it gives among ourselves, are not even hinted. The evidences of this were not at that time before me. To prevent misapprehension it may be well here to say that the foregoing views concerning the moral sense are applicable only to races which have been long subject to certain kinds of discipline.]

## WHAT IS MORALITY?

It is manifest that the moral law must be the law of the perfect man—the law in obedience to which perfection consists. There are but two propositions for us to choose between. It may either be asserted that morality is a code of rules for the behaviour of men as they are; or, otherwise, that it is a code of rules for the behaviour of men as they *should* be. Of the first alternative we must say, that any proposed system of morals which recognizes existing defects,

and countenances acts made needful by them, stands self-condemned; seeing that, by the hypothesis, acts thus excused are not the best conceivable, that is, are not perfectly *right*—not perfectly *moral*, and therefore a morality which permits them, is, in so far as it does this, not a morality at all. To escape from this contradiction is impossible, save by adopting the other alternative; namely, that the moral law, ignoring all vicious conditions, defects, and



incapacities, prescribes the conduct of an ideal humanity. Pure rectitude can alone be its subject matter. Its object must be to determine the relations in which men *ought* to stand to one another—to point out the principles of action in a normal society. It must aim to give a systematic statement of those conditions under which human beings may harmoniously co-operate; and to this end it requires as its postulate, that such human beings be perfect.

Treating, therefore, as it does on the abstract principles of right conduct, a system of pure ethics cannot recognize evil, or any of those conditions which evil generates. It knows no such thing as an infraction of the laws, for it is merely a statement of what the laws are. It simply says, such and such are the principles on which men should act; and when these are broken it can do nothing but say that they *are* broken. If asked what ought any one to do when another has knocked him down, it will not tell: it can only answer that an assault is a trespass against the law, and gives rise to a wrong relation. It is silent as to the manner in which we should behave to a thief: all the information it affords is, that theft is a breach of rectitude. We may learn from it that debt implies an infraction of the moral code; but whether the debtor should or should not be imprisoned, cannot be decided by it. To all questions which presuppose some antecedent unlawful action, such as—should a barrister defend any one whom he believes to be guilty? Ought a man to break an oath which he has taken to do something wrong? Is it proper to publish the misconduct of our fellows?—the perfect law can give no reply, because it does not recognize the premises. In seeking to settle such points on purely ethical principles, moralists have attempted impossibilities. As well might they have tried to solve mathematically a series of problems respecting crooked lines and broken-backed curves, or to deduce from

the theorems of mechanics the proper method of setting to work a dislocated machine. No conclusions can lay claim to absolute truth but such as depend upon truths which are themselves absolute. A geometrician requires that the straight lines with which he deals shall be veritably straight; and that his circles, and ellipses, and parabolas, shall agree with precise definitions. If you put to him a question in which these conditions are not complied with, he tells you that it cannot be answered. So likewise it is with the philosophical moralist. He treats solely of the *straight* man. He describes how the straight man comports himself; shows in what relation he stands to other straight men; shows how a community of straight men is constituted. A problem in which a *crooked* man forms one of the elements is insoluble by him. He may state what he thinks about it—may give an approximate solution; but anything more is impossible.

Or perhaps the point may be most conveniently enforced, by using the science of the animal man to illustrate that of the moral man. Physiology is defined as a classified statement of the phenomena of bodily life. It treats of the functions of our several organs in their normal states. It exhibits the mutual dependence of the vital actions; and describes the condition of things constituting perfect health. Disease it does not even recognize, and can therefore solve no question concerning it. To the inquiry—What is the cause of fever? or, what is the best remedy for a cold? it gives no answer. Such matters are out of its sphere. Could it reply it would be no longer Physiology, but Pathology or Therapeutics. Just so is it with a true morality, which might properly enough be called—Moral Physiology. Like its analogue, it has nothing to do with morbid actions and deranged functions. It deals only with the laws of a normal humanity, and cannot recognize a wrong, a depraved, or a disordered condition.



## THE EVANESCENCE [? DIMINUTION] OF EVIL

ALL evil results from the non-adaptation of constitution to conditions. Does a shrub dwindle in poor soil, or become sickly when deprived of light, or die outright if removed to a cold climate? it is because the harmony between its organization and its circumstances has been destroyed. Those experiences of the farm-yard and the menagerie which show that pain, disease, and death, are entailed upon animals by certain kinds of treatment, may be similarly generalized. Every suffering incident to the human body, from a headache up to a fatal illness, from a burn or a sprain up to accidental loss of life, is similarly traceable to the having placed that body in a situation for which its powers did not fit it. Nor is the expression confined in its application to physical evil. Is the bachelor unhappy because his means will not permit him to marry? does the mother mourn over her lost child? does the emigrant lament leaving his fatherland? The explanation is still the same. No matter what the special nature of the evil, it is invariably referable to the one generic cause—want of congruity between the faculties and their spheres of action.

Equally true is it that evil perpetually tends to disappear. In virtue of an essential principle of life, this non-adaptation of an organism to its conditions is ever being rectified; and modification of one or both, continues until the adaptation is complete. Whatever possesses vitality, from the elementary cell up to man himself, inclusive, obeys this law. We see it illustrated in the acclimatization of plants, in the altered habits of domesticated animals, in the varying characteristics of our own race. Accustomed to the brief arctic summer, the Siberian herbs and shrubs spring up, flower, and ripen their seeds, in the space of a few weeks. If exposed to the rigour

of northern winters, animals of the temperate zone get thicker coats, and become white. The greyhound which, when first transported to the high plateaus of the Andes, fails in the chase from want of breath, acquires, in the course of generations, a more efficient pair of lungs.

Man exhibits the same adaptability. He alters in colour according to habitat—lives here upon rice and there upon whale oil—gets larger digestive organs if he habitually eats innutritious food—acquires the power of long fasting if his mode of life is irregular, and loses it when the supply of food is certain—attains acute vision, hearing, and scent, when his habits of life call for them, and gets these senses blunted when they are less needful. That such changes are towards fitness for surrounding circumstances no one can question. When he sees that the dweller in marshes lives in an atmosphere which is certain death to a stranger—when he sees that the Hindoo can lie down and sleep under a tropical sun, while his white master with closed blinds, and water sprinklings, and punkah, can hardly get a doze—when he sees that the Greenlander and the Neapolitan subsist comfortably on their respective foods—blubber and macaroni, but would be made miserable by an interchange of them—when he sees that in other cases there is still this fitness to diet, to climate, and to modes of life, even the most sceptical must admit that some law of adaptation is at work. In the drunkard who needs an increasing quantity of spirits to intoxicate him, and in the opium eater who has to keep taking a larger dose to produce the usual effect, he may mark how the system gradually acquires power to resist what is noxious. Those who smoke, who take snuff, or who habitually use medicines, can furnish like illustrations.

This universal law of physical modification, is the law of mental modification



also. The multitudinous differences of capacity and disposition which have, in course of time, grown up between the Indian, African, Mongolian, and Caucasian races, and between the various subdivisions of them, must all be ascribed to the acquirement in each case of fitness for surrounding circumstances. Why all this divergence from the one original type? If adaptation of constitution to conditions is not the cause, what is the cause?

There are none, however, who can with anything like consistency combat this doctrine; for all use arguments that presuppose its truth. They do this when they attribute differences of national character to differences in social customs and arrangements; and again when they comment on the force of habit; and again when they discuss the probable influence of a proposed measure upon public morality; and again when they recommend practice as a means of acquiring increased aptitude; and again when they describe certain pursuits as elevating and others as degrading; and again when they talk of getting used to anything; and again when they teach that virtuous conduct eventually becomes pleasurable, or when they warn against the power of a long-encouraged vice.

We must adopt one of three propositions. We must either affirm that the human being is unaltered by the influences brought to bear on him—his circumstances; or that he tends to become *unfitted* to those circumstances; or that he tends to become fitted to them. If the first be true, then all schemes of education, of government, of social reform are useless. If the second be true, then the way to make a man virtuous is to accustom him to vicious practices, and *vice versâ*. Both of which propositions being absurd, we are compelled to admit the remaining one.

Keeping in mind these truths, that all evil results from the non-adaptation of constitution to conditions; and that where this non-adaptation exists it is

continually being diminished by the changing of constitution to suit conditions; we shall be prepared for comprehending the present position of the human race.

By the increase of population the state of existence we call social has been necessitated. Men living in this state suffer under numerous evils. By the hypothesis it follows that their characters are not completely adapted to such a state.

In what respect are they not so adapted? what is the special qualification which the social state requires?

It requires that each individual shall have such desires only, as may be fully satisfied without trenching upon the ability of other individuals to obtain like satisfactions. If the desires of each are not thus limited, then either all must have certain of their desires ungratified; or some must get gratification for them at the expense of others. Both of which alternatives, necessitating pain, imply non-adaptation.

But why is not man adapted to the social state?

Simply because he yet partially retains the characteristics appropriate to an antecedent state. The respects in which he is not fitted to society, are the respects in which he is fitted for his original predatory life. His primitive circumstances required that he should sacrifice the welfare of other beings to his own; his present circumstances require that he shall not do so; and in so far as his old attribute still clings to him, he is unfit for the social state. All sins of men against one another, from the cannibalism of the Fijian to the crimes and venalities we see around us; the felonies which fill our prisons, the trickeries of trade, the quarrellings of class with class and of nation with nation, have their causes comprehended under this generalization.

Man needed one moral constitution to fit him for his original state; he needs another to fit him for his present state; and he has been, is, and will



long continue to be, in process of adaptation. And the belief in human perfectibility merely amounts to the belief that, in virtue of this process, man will eventually become completely suited to his mode of life.

Progress, therefore, is not an accident, but a necessity. Instead of civilization being artificial it is a part of nature ; all of a piece with the development of an embryo or the unfolding of a flower. The modifications mankind have undergone, and are still undergoing, result from a law underlying the whole organic creation ; and provided the human race continues, and the constitution of things remains the same, those modifications must end in completeness. As surely as the tree becomes bulky when it stands alone, and slender if one of a group ; as surely as a blacksmith's arm grows large, and the skin of a labourer's hand thick ; as surely as the eye tends to become long-sighted in the sailor, and short-sighted in the student ; as surely as a clerk acquires rapidity in writing and calculation ; as surely as the musician learns to detect an error of a semitone amidst what seems to others a very babel

of sounds ; as surely as a passion grows by indulgence and diminishes when restrained ; as surely as a disregarded conscience becomes inert, and one that is obeyed active ; as surely as there is any meaning in such terms as habit, custom, practice ;—so surely must the human faculties be moulded into complete fitness for the social state ; so surely must evil and immorality disappear ; so surely must man become perfect.

[NOTE.—With the exception of small verbal improvements, I have let this chapter stand unaltered, though it is now clear to me that the conclusions drawn in it should be largely qualified. 1. Various races of mankind, inhabiting bad habitats, and obliged to lead miserable lives, cannot by any amount of adaptation be moulded into satisfactory types. 2. Astronomical and geological changes must continue hereafter to cause such changes of surface and climate as must entail migrations from habitats rendered unfit to fitter habitats ; and such migrations must entail modified modes of life, with consequent re-adaptations. 3. The rate of progress towards any adapted form must diminish with the approach to complete adaptation, since the force producing it must diminish ; so that, other causes apart, perfect adaptation can be reached only in infinite time.]

## GREATEST HAPPINESS MUST BE SOUGHT INDIRECTLY

It is for us to ascertain the *conditions* by conforming to which greatest happiness may be obtained. Unquestionably there must be in the nature of things some definite and fixed prerequisites to success. Man is a visible, tangible entity, having properties. In the circumstances which surround him there are unchanging necessities. Life depends on the fulfilment of certain functions ; and happiness is a particular

kind of life. Surely, then, if we would know how, in the midst of these circumstances, the being Man must live so as to achieve greatest happiness, we ought first to determine what the essential conditions are. To suppose that we may, in ignorance or disregard of them, succeed by some haphazard speculation, is folly. Only in one way can the desideratum be reached. What that one way is must depend on the fundamental



necessities of our position. And if we would discover it, our first step must be to ascertain those necessities.

At the head of them stands this unalterable fact—the social state. Men have multiplied until they are constrained to live more or less in presence of one another. That, as being needful for the support of the greatest sum of life, such a condition is preliminary to the production of the greatest sum of happiness, seems highly probable. Be that as it may, however, we find this state established; are henceforth to continue in it; and must therefore set it down as one of those necessities which our rules for the achievement of the greatest happiness must recognize and conform to.

In this social state the sphere of activity of each individual being limited by the spheres of activity of other individuals, it follows that the men who are to realize this greatest sum of happiness, must be men of whom each can obtain complete happiness within his own sphere of activity, without diminishing the spheres of activity required for the acquisition of happiness by others. For, manifestly, if each or any of them cannot receive complete happiness without lessening the spheres of activity of one or more of the rest, he must either himself come short of complete happiness, or must make one or more do so; and hence, under such circumstances, the sum total of happiness cannot be as great as is conceivable, or cannot be greatest happiness. Here, then, is the first of those fixed conditions to the obtainment of greatest happiness, necessitated by the social state. It is the fulfilment of this condition which we express by the word *justice*.

To this all-essential pre-requisite there is a supplementary one of kindred nature. We find that without trenching upon one another's spheres of activity, men may yet behave to one another in such ways as to produce painful emotions. And if any have feelings which

lead them to do this, it is clear that the total amount of happiness is not so great as it would be were they devoid of those feelings. Hence, to compass greatest happiness, the human constitution must be such that each man may fulfil his own nature, not only without diminishing other men's spheres of activity, but without inflicting unhappiness on other men in any direct or indirect way. This condition, as we shall by-and-by see, needs to be kept quite distinct from the foregoing one. The observance of it may be called *negative beneficence*.

Yet another requirement there is by fulfilment of which the happiness flowing from compliance with the foregoing ones is indefinitely increased. Let a race of beings be so constituted that each may be able to obtain full satisfaction for all his desires, without deducting from the satisfactions obtainable by others, and we have a state of things in which the amount of *isolated* happiness is the greatest conceivable. But let these beings be so constituted that each, in addition to the pleasurable emotions personally received by him, can sympathetically participate in the pleasurable emotions of others, and the sum-total of happiness becomes largely augmented. Hence, to the primary requisite that each shall be able to get complete happiness without diminishing the happiness of the rest, we must now add the secondary one that each shall be capable of receiving happiness from the happiness of the rest. Compliance with this requisite implies *positive beneficence*.

Lastly, there must go to the production of the greatest happiness the further condition, that, whilst duly regardful of the preceding limitations, each individual shall perform all those acts required to fill up the measure of his own private happiness.

These, then, are necessities. They are not matters of opinion, but matters of fact. Denial of them is impossible, for nothing else can be stated but what is self-contradictory. Schemes of government and culture which ignore them,



cannot but be essentially absurd. Everything must be good or bad, right or wrong, in virtue of its accordance or discordance with them. Our whole code of duty is comprehended in the endeavour to live up to these necessities. If we find pleasure in doing this, it is well; if not, our aim must be to acquire that pleasure. Greatest happiness is obtained only when conformity to them is spontaneous; seeing that the restraint of desires inciting to trespass implies

pain, or deduction from greatest happiness. Hence it is for us to habituate ourselves to fulfil these requirements as fast as we can. The social state is a necessity. The conditions to greatest happiness under that state are fixed. Our characters are the only things not fixed. They, then, must be moulded into fitness for the conditions. And all moral teaching and discipline must have for its object to hasten this process.

## DERIVATION OF A FIRST PRINCIPLE

IF men have like claims to that freedom which is needful for the exercise of their faculties, then must the freedom of each be bounded by the similar freedoms of all. When, in the pursuit of their respective ends, two individuals clash, the movements of the one remain free only in so far as they do not interfere with the like movements of the other. This sphere of existence into which we are thrown, not affording room for the unrestrained activity of all, and yet all possessing in virtue of their constitutions similar claims to such unrestrained activity, there is no course but to apportion the unavoidable restraint equally. Wherefore we arrive at the general proposition, that every man may claim the fullest liberty to exercise his faculties compatible with the possession of like liberty by every other man.

Upon a partial consideration this statement of the law will perhaps seem open to criticism. It may be thought better to limit the right of each to exercise his faculties, by the proviso that he shall not *hurt* any one else—shall not inflict *pain* on any one else. But although at

first sight satisfactory, this expression of the law allows of erroneous deductions. It is true that men, who fulfil those conditions to greatest happiness set forth in the foregoing chapter, cannot exercise their faculties to the aggrieving of one another. It is not, however, that each avoids giving pain by refraining from the full exercise of his faculties; but it is that the faculties of each are such that the full exercise of them offends no one. And herein lies the difference. The giving of pain may have two causes. Either the abnormally-constituted man may do something displeasing to the normal feelings of his neighbours, in which case he acts wrongly; or the behaviour of the normally-constituted man may irritate the abnormal feelings of his neighbours, in which case it is not his behaviour that is wrong, but their characters that are so. Under such circumstances the due exercise of his faculties is right, although it gives pain; and the remedy for the evil lies in the modification of those abnormal feelings to which pain is given.

To elucidate this distinction let us take a few illustrations. An honest man



discovers some friend, of whom he had previously thought well, to be a rogue. He has certain high instincts to which roguery is repugnant; and, allowing free play to these, he drops the acquaintanceship of this unworthy one. Now, though in doing so he gives pain, it does not follow that he transgresses the law. The evil must be ascribed, not to an undue exercise of faculties by him, but to the immorality of the man who suffers. Again, a Protestant in a Roman Catholic country refuses to uncover his head on the passing of the host. In so obeying the promptings of certain sentiments, he annoys the spectators; and were the above modified expression of the law correct, would be blameable. The fault, however, is not with him, but with those who are offended. It is not that he is culpable in thus testifying to his belief, but it is that they ought not to have so tyrannical an intolerance of other opinions than their own. Or again, a son, to the great displeasure of his father and family, marries one who, though in all respects admirable, is dowerless. In thus obeying the dictates of his nature, he may entail considerable distress of mind on his relatives; but it does not follow that his conduct is bad; it follows, rather, that the feelings which his conduct has wounded are bad.

Hence we see that in hourly-occurring cases like these, to limit the exercise of faculties by the necessity of not giving pain to others, would be to stop the proper exercise of faculties in some persons, for the purpose of allowing the improper exercise of faculties in the rest. Moreover, the observance of such a rule does not, in reality, prevent pain. For though he who is restrained by it avoids inflicting suffering on his fellows, he does so at the expense of suffering to himself. The evil must be borne by some one, and the question is by whom. Shall the Protestant, by showing reverence for what he does not revere, tell a virtual lie, and thus do violence to his conscientious feeling that he may avoid vexing the intolerant spirit of his Catholic

neighbours? or shall he give the rein to his own healthy sincerity and independence, and offend their unhealthy bigotry? Shall the honest man repress those sentiments that make him honest, lest the exhibition of them should give pain to a rogue? or shall he respect his own nobler feelings, and hurt the other's baser ones? Between these alternatives no one can well pause. And here indeed we get down to the root of the matter. For be it remembered the universal law of life is, that the exercise or gratification of faculties strengthens them; while, contrariwise, the curbing or inflicting pain on them, entails a diminution of their power. And hence it follows that when the action of a normal faculty is checked, to prevent pain being given to the abnormal faculties of others, those abnormal faculties remain as active as they were, and the normal one becomes weaker or abnormal. Whereas under converse circumstances the normal one remains strong, and the abnormal ones are weakened, or made more normal. In the one case the pain is detrimental, because it retards the approximation to that form of human nature under which the faculties of each may be fully exercised without displeasure to the like faculties of all. In the other case the pain is beneficial, because it aids the approximation to that form. Thus, that first expression of the law which arises immediately from the conditions to social existence, turns out to be the true one: any such modification of it as the above necessitating conduct that is in many cases mischievous.

And yet, on the other hand, when we seek to express the law by saying that every man has full liberty to exercise his faculties, provided always he does not trench upon the similar liberty of any other, we commit ourselves to an imperfection of an opposite character; and we find that there are many cases in which the above modified expression answers better. Various ways exist in which the faculties may be exercised to the aggrieving of other persons, without



the law of equal freedom being overstepped. A man may behave unamiably, may use harsh language, may annoy by disgusting habits; and whoso thus offends the normal feelings of his fellows, manifestly diminishes happiness. If we say that every one is free to exercise his faculties so long only as he does not inflict pain upon any one else, we forbid all such conduct. Whereas if we simply limit the liberty of each by the like liberties of all, we do not forbid it; seeing that he who exercises his faculties in this way, does not hinder others from exercising theirs in the same way, and to the same extent. How, then, are we to escape from this difficulty? Neither statement of the law quite fulfils our requirement, and yet we must choose one of them. Which must it be, and why?

It must be the original one, and for a very good reason. Limiting the liberty of each by the like liberties of all excludes a wide range of improper actions, but does not exclude certain other improper ones. Limiting the liberty of each by the necessity of not giving pain to the rest, excludes the whole of these improper actions, but excludes along with them many others that are proper. The one does not cut off enough; the other cuts off too much. The one is negatively erroneous; the other is positively so. Evidently, then, we must adopt the negatively erroneous one, seeing that its shortcomings may be made good by a supplementary law. And here we find the need for that distinction lately drawn between *justice* and *negative beneficence*. Justice imposes upon the exercise of faculties a primary series of limitations, which is strictly true as far as it goes. Negative beneficence imposes a secondary series. It is no defect in the first of these that it does not include the last. The two are, in the main, distinct; and, as we have just seen, the attempt to unite them under one expression leads us into fatal errors.

Yet another objection will probably be

started. By full liberty to exercise the faculties, is meant full liberty to do all that the faculties prompt, or, in other words, to do all that the individual wills; and it may be said that if the individual is free to do all that he wills, provided he does not trespass upon certain specified claims of others, then he is free to do things which are injurious to himself—is free to get drunk, for instance. To this it must in the first place be replied, as above, that while the law now laid down forbids a certain class of actions as immoral, it does not recognize all kinds of immorality—that the restriction it puts on the free exercise of faculties, though the chief, is not the sole restriction, and must be received without prejudice to further ones. Of the need for such further ones, the difficulty here raised furnishes a second instance.

Mark now, however, that these supplementary restrictions are of inferior authority to the original law. Instead of being, like it, capable of scientific development, they can be unfolded only into superior forms of expediency. The limit put to each man's freedom by the like freedom of every other man, is a limit almost always possible of ascertainment; for the respective amounts of freedom men assume can usually be compared, and the equality or inequality of those amounts recognized. But when we set about drawing practical deductions from the propositions that a man is not at liberty to do things injurious to himself, and that he is not at liberty (except in cases like those lately cited) to do what may give unhappiness to his neighbours, we find ourselves involved in complicated estimates of pleasures and pains, to the obvious peril of our conclusions. For example, though it is manifest that to get drunk is an injurious exercise of faculties, it is by no means manifest how much work is proper for us, and when work becomes detrimental; it is by no means manifest where lies the line between due and undue intellectual activity; it is by no means manifest what



amount of advantage will justify a man in submitting to unsuitable climate and mode of life; and yet in each of these cases happiness is at stake, and the wrong course is wrong for the same reason that drunkenness is so. Even were it possible to say of each private action whether the resulting gratification did or did not preponderate over the resulting suffering, there would still present itself this second difficulty, that we cannot in all cases distinguish suffering which is detrimental, from suffering which is beneficial. While we are as yet imperfectly adapted to our conditions, pain must inevitably arise from the repression of faculties that are too active, and from the overtaking of those that are not equal to their duties; and, as being needful to the development of the ultimate man, such pain cannot be held damnatory of the actions causing it. Thus, referring again to the instances just cited, it is evident that the ability to work is needful for the production of the greatest happiness; but the acquirement of this ability by the uncivilized man is so distressing, that only severe discipline will force him to it. The degree of intelligence which our existing mode of life necessitates, cannot be arrived at without ages of wearisome application, and perhaps cannot get organized in the race without a partial and temporary sacrifice of bodily health. Here, then, are cases in which men's liberties must not be limited by the necessity of not inflicting pain on themselves; seeing that it cannot be so limited without a suspension of our approach to greatest happiness. Similarly, we saw that there are cases in which, for the same reason, men's liberties must not be limited by the necessity of not inflicting pain on others. And the fact now to be noticed is, that we possess no certain way of distinguishing the two groups of cases thus exemplified, from those cases in which the doing what diminishes happiness, either in ourselves or others, is both immediately and ultimately detrimental, and therefore wrong.

As both of these supplementary limitations involve the term *happiness*, and as happiness is for the present capable only of a generic and not of a specific definition, they do not admit of scientific development.

And now we have arrived at an important truth touching this matter—the truth that only by exercise of this liberty of each, limited alone by the like liberties of all, can there arise a separation of those acts which, though incidentally and temporarily injurious to ourselves or others, are indirectly beneficial, from those acts which are necessarily and permanently injurious. For manifestly, all non-adaptation of faculties to their functions must consist either in excess or defect. Manifestly, too, in the wide range of cases we are now treating of, there exists no mode but a tentative one of distinguishing that exercise of faculties which produces suffering because it oversteps the conditions to normal existence, from that other exercise of faculties which produces suffering because it falls short of those conditions. And manifestly, the due employment of this tentative mode requires that each man shall have the greatest freedom compatible with the like freedom of all others.

That, on this course being pursued, there will happen a gradual cessation of the detrimentally painful actions, while the beneficially painful ones will be continued until they have ceased to be painful, may be made clear by a few illustrations. Thus, the change from the impulsive nature of the savage to that nature which enables the civilized man to sacrifice a present gratification for a future greater one, involves much suffering; but the necessities of social life demanding such a change, and continually visiting the lack of self-restraining power with punishment, ensure a constant though irksome endeavour on the part of all to acquire this power—an endeavour which must surely though slowly succeed. Conversely, the prevalence of a some-



what undue desire for food, entailing as it does unpleasant results, brings about such attempts at abstemiousness as must, by constantly curbing it, finally reduce this desire to normal intensity.<sup>1</sup> And what so manifestly happens in these simple cases, will happen in those complex ones above exemplified, where the good and bad results are more nearly balanced. For although it may be impossible in such cases for the intellect to estimate the respective amounts of pleasure and pain consequent on each alternative, yet will experience enable *the constitution itself* to do this; and will further cause it instinctively to shun that course which produces on the whole most suffering, or, in other words—most sins against the necessities of existence, and to choose that which least sins against them. Turning to those actions which put us in direct relation to other men, it must similarly happen that such of them as give no necessary displeasure to any one, will be persevered in, and the faculties answering to them developed; while actions necessarily displeasing to others, must, by virtue of the disagreeable reactions which they entail, be, in the average of cases, subject to some repression—a repression which must ultimately tell upon the desires they spring from. And now observe that in the course of this process there must continually be produced a different effect upon conduct which is *necessarily* painful to others, from that produced upon conduct that is *incidentally* painful only. Conduct which hurts *necessary* feelings in others will, as just explained, inevitably undergo restraint and consequent diminution. Conduct which hurts

<sup>1</sup> Why the appetite for food should now be greater than is proper, seems at first difficult to understand. On calling to mind, however, the circumstances of the savage, we find an explanation in the fact, that the irregularity in his supplies of food necessitated an ability to eat largely when food was attainable, and necessitated, therefore, a corresponding desire. Now that the supplies of food have become regular, and no contingent periods of long fasting have to be provided against, the desire is in excess and has to be abated.

only their *incidental* feelings, as those of caste, or prejudice, will not inevitably do so; but if it springs from necessary feelings, will be continued at the expense of these incidental feelings, and to the final suppression of them. Thus, the existing confusion of necessary and conventional feelings, necessary and conventional circumstances, and feelings and circumstances that are partly necessary and partly conventional, will eventually work itself clear.

If, then, the one thing needful to produce ultimate subordination to these secondary limits of right conduct is, that we should have the opportunity of coming in contact with them—should be allowed freely to expand our natures in all directions, until the available space has been filled and the true bounds have made themselves felt—if a development of these secondary limits into practical codes of duty can only thus be accomplished; then does the supreme authority of our first law—the liberty of each limited alone by the like liberties of all—become still more manifest; seeing that that right to exercise the faculties which it asserts, must precede the unfolding of this supplementary morality.

Nevertheless, it must still be admitted that in cases where the secondary limitations to the exercise of the faculties are undoubtedly transgressed, the full assertion of this law of equal freedom betrays us into an apparent dilemma. By drunkenness, or by brutality of manner, our own happiness, or the happiness of others is diminished; and that not in an incidental but in a necessary way. And if by affirming a man's liberty to do all that he wills so long as he respects the like liberty of every other, we imply that he is at liberty to get drunk or to behave brutally, then we fall into the inconsistency of affirming that he is at liberty to do something essentially destructive of happiness.

Of this difficulty nothing can be said, save that it seems due to the impossibility of making the perfect law recognize an

imperfect state. As matters stand, however, we must deal with it as best we may. There is clearly no alternative but to declare man's freedom to exercise his faculties. There is clearly no alternative but to declare the several limitations of that freedom needful for the achievement of greatest happiness. And there is clearly no alternative but to develop the first and chief of these limitations separately; seeing that a development of the others is at present impossible. Against the consequence of neglecting these secondary limitations, we must guard ourselves as well as we can: supplying the place of scientific deductions by such inferences as observation and experience enable us to make.

Finally, however, there is satisfaction

in the thought, that no such imperfection as this can vitiate any of the conclusions we are now about to draw. Liberty of action being the first essential to exercise of faculties, and therefore the first essential to happiness; and the liberty of each limited by the like liberties of all, being the form which this first essential assumes when applied to many instead of one: it follows that this liberty of each, limited by the like liberties of all, is the rule in conformity with which society must be organized. Freedom being the pre-requisite to normal life in the individual, equal freedom becomes the pre-requisite to normal life in society. And if this law of equal freedom is the *primary* law of right relationship between man and man, then no desire to get fulfilled a *secondary* law can warrant us in breaking it.

## SECONDARY DERIVATION OF A FIRST PRINCIPLE

THIS first and all-essential law, declaratory of the liberty of each limited only by the like liberties of all, is that fundamental truth of which the moral sense gives an intuition, and which the intellect has to develop into a scientific morality.

Quite independently of any such analytical examination as that just concluded, men perpetually exhibit a tendency to assert the equality of human rights. In all ages, but more especially in later ones, has this tendency been visible. In our own history we may detect it as early as the time of Edward I., in whose writs of summons it was said to be "a most equitable rule, that what concerns all should be approved of by all." How our institutions have been influenced by it may be seen in the judicial principle that "all men are equal

before the law." The doctrine that "all men are naturally equal" (of course not in their faculties, but only in their claims to make the best use of their faculties) has not only been asserted by philanthropists like Granville Sharpe, but, as Sir Robert Filmer, a once-renowned champion of absolute monarchy, tells us, "Heyward, Blackwood, Barclay, and others that have bravely vindicated the right of kings, . . . with one consent admitted the natural liberty and equality of mankind." In his essay on Civil Government Locke, too, expresses the opinion that there is "nothing more evident than that creatures of the same species and rank, promiscuously born to the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without sub-



ordination or subjection." Again, we find the declaration of American independence affirming that "all men have equal rights to life, liberty, and the pursuit of happiness." And those who wish for more authorities who have expressed the same conviction, may add the names of Judge Blackstone and "the judicious Hooker."

The sayings and doings of daily life continually imply some intuitive belief of this kind. We take for granted its universality when we appeal to men's sense of justice. It shows itself in such expressions as—"How would you like it?" "I've as good a right as you," &c. Nay, indeed, so spontaneous is this faith in the equality of human rights, that our very language embodies it. *Equity* and *equal* are from the same root; and equity literally means *equality*.

Not without meaning is the continued life and growth of this conviction. He must indeed have a strange way of interpreting social phenomena, who can believe that the reappearance of it, with increasing frequency, in law, books, agitations, revolutions, means nothing. If we analyze them, we shall find all beliefs to be in some way dependent on mental conformation—temporary ones upon temporary characteristics of our nature—permanent ones on its permanent characteristics. And when we find that a belief like this in the equal freedom of all men, is not only permanent but daily gaining ground, we have good reason to conclude that it corresponds to some essential element of our moral constitution: more especially since we find that its existence is in harmony with that chief pre-requisite to greatest happiness lately dwelt upon; and that its growth is in harmony with that law of adaptation by which this greatest happiness is being wrought out.

Such, at least, is the hypothesis here adopted. From the above accumulation of evidence it is inferred that there exists in man what may be termed an *instinct of personal rights*—a feeling that leads him to claim as great a share of natural privilege as is claimed by others—a feel-

ing that leads him to repel anything like an encroachment upon what he thinks his sphere of original freedom. By virtue of this impulse, individuals as units of the social mass, tend to assume like relationships with the atoms of matter; surrounded as these are by their respective atmospheres of *repulsion* as well as of attraction. And perhaps social stability may ultimately be seen to depend on the due balance of these forces.

But why, it may be asked, should there need any sentiment leading men to claim the liberty of action requisite for the due exercise of faculties, and prompting them to resist encroachments upon that liberty? Will not the several faculties themselves do this, by virtue of their desires for activity, which cannot otherwise be gratified? Surely there is no necessity for a special impulse to make a man do that which all his impulses conjointly tend to make him do.

This is not so serious an objection as it appears to be. For although, were there no such sentiments as this supposed one, each faculty in turn might impel its possessor to oppose a diminution of its own sphere of action, yet, during the dormancy of that faculty, there would be nothing to prevent the freedom requisite for its *future* exercise from being infringed upon. It may, perhaps, be rejoined, that the mere consciousness that there must again happen occasions for the use of such freedom will constitute a sufficient incentive to defend it. But plausible as this supposition looks, it does not tally with facts. We do not find on inquiry, that each faculty has a special foresight. We find, on the contrary, that to provide for the future gratification of the faculties at large, is the office of faculties existing solely for that purpose. Thus, referring once more by way of illustration to the acquisitive instinct, we see that, when this is wanting, the desires for food, for clothing, for shelter, together with those many other desires which property ministers to, do not of themselves prompt that accumulation of property



on which the continuance of their satisfactions depends. Each of them, when active, impels the individual to take means for its present fulfilment, but does not prompt him to lay by the means for its future fulfilment. Similarly, then, with liberty of action. It is argued that as each faculty does not look after its own particular fund of necessities, so neither does it look after its own particular sphere of activity; and that as there is a special faculty to which the providing of a general fund of necessities is consigned, so likewise is there a special faculty to which the maintenance of a general sphere of activity is consigned.

Seeing, however, that this instinct of personal rights is a purely selfish instinct, leading each man to assert and defend his own liberty of action, there remains the question—Whence comes our perception of the rights of others?

The way to a solution of this difficulty has been opened by Adam Smith in his *Theory of Moral Sentiments*. It is the aim of that work to show that the proper regulation of our conduct to one another, is secured by means of a faculty whose function it is to excite in each being the emotions displayed by surrounding ones—a faculty which awakens a like state of sentiment, or, as he terms it, “a fellow-feeling with the passion of others”—the faculty, in short, which we commonly call Sympathy. As illustrations of the mode in which the agent acts, he cites cases like these:—

“Persons of delicate fibres, and weak constitution of body, complain that in looking on the sores and ulcers which are exposed by beggars in the streets, they are apt to feel an itching or uneasy sensation in the corresponding part of their own bodies.” “Men of most robust make observe, that in looking upon sore eyes they often feel a very sensible soreness in their own.” “Our joy for the deliverance of those heroes of tragedy or romance who interest us, is as sincere as our grief for their distress,

and our fellow-feeling for their misery is not more real than that for their happiness.” “We blush for the impudence and rudeness of another, though he himself appears to have no sense of the impropriety of his behaviour.”

To these facts cited by Adam Smith, may be added many others of like import; such as that people—women especially—start or shriek on seeing an accident occur to others; that unpractised assistants at surgical operations often faint; that out of the soldiers drawn up to witness a flogging, usually several drop down in the ranks; that a boy has been known to die on witnessing an execution. We have all experienced the uncomfortable feeling of shame produced in us by the blunders and confusion of a nervous speaker; and probably every one has, some time or other, been put into a horrible tremor on seeing a person at the edge of a precipice. The converse action of the faculty is equally observable. Thus, we find ourselves unable to avoid joining in the merriment of our friends, while unaware of its cause; and children, much to their annoyance, are often forced to laugh in the midst of their tears, by witnessing the laughter of those around them. These and many like evidences prove that, as Burke says, “sympathy must be considered as a sort of substitution by which we are put into the place of another man, and affected in many respects as he is affected.”

In tracing our benevolent actions to the influence of such a faculty—in concluding that we are led to relieve the miseries of others from a desire to rid ourselves of the pain given by the sight of misery, and to make others happy because we participate in their happiness—Adam Smith puts forth what seems to be a quite satisfactory theory. But he has overlooked one of its most important applications. Not recognizing any such impulse as that which urges men to maintain their claim, he did not see that their respect for the claims of others, may be explained in the same



way. He did not perceive that the sentiment of justice is nothing but a sympathetic affection of the instinct of personal rights—a sort of reflex function of it. Such, however, must be the case, if that instinct exists, and if this hypothesis of Adam Smith be true. Here lies the explanation of those qualms of conscience, as we call them, felt by men who have committed dishonest actions. It is through this instrumentality that we receive satisfaction on paying another what is due to him. And with these two faculties also, originates that indignation which narratives of political oppression excite in us.

It was elsewhere hinted (p. 22) that though we must keep up the distinction between them, it is nevertheless true that *justice* and *beneficence* have a common root; and the reader will now at once perceive that the common root is—Sympathy. All the actions properly classified under the one, and which we describe as fair, equitable, upright, spring from the sympathetic excitement of the instinct of personal rights; while those usually grouped under the other, as mercy, charity, good-nature, generosity, amiability, considerateness, are due to the action of Sympathy upon one or more of the other feelings.

If it be true that men's perceptions of justice are generated in the way alleged, it will follow that, other things equal (*i.e.*, if there are equal amounts of sympathy), those who have the strongest sense of their own rights, will have the strongest sense of the rights of their neighbours. And, by observing whether this is the case or not, we may put the theory to the proof. Let us do this.

The first illustration that suggests itself is afforded by the Society of Friends. Ever since they appeared in the days of Charles I., the members of that body have been remarkable for their determined assertion of personal liberty. They have shown it in their continued resistance to ecclesiastical power; in the obstinacy with which

they successfully defied persecution; in their still-continued refusal to pay church-rates; and even in their creed, which does not permit a priesthood. Observe, now, how the sentiments which these peculiarities imply has manifested itself sympathetically. Penn and his followers were the only emigrants of their age who made any acknowledgment to the aborigines for the land they colonized. This same sect furnished sundry of the philanthropists who set up the agitation for abolishing the slave trade, and were most energetic in carrying it on. Among lunatic asylums, the York Retreat was one of the first, if not *the* first, in which a non-coercive treatment of the insane was adopted. They were Quakers, too, who years ago began publicly to exclaim against the injustice as well as the cruelty of war. And, while it may be true that in business they are firm in the assertion of their claims, it is not less true that on the whole they are remarkable for honest dealing.

Conversely, we find that those who have not a strong sense of what is just to themselves, are likewise deficient in a sense of what is just to their fellow men. This has long been a common remark. As one of our living writers puts it—the tyrant is nothing but a slave turned inside out. In earlier days, when feudal lords were vassals to the king, they were also despots to their retainers. In our own time, the Russian noble is alike a serf to his autocrat and an autocrat to his serf. It is remarked, even by school-boys, that the bully is the most ready of all to knock under to a bigger bully. We constantly observe that those who fawn upon the great are overbearing to their inferiors. That “emancipated slaves exceed all other owners (of slaves) in cruelty and oppression,”<sup>1</sup> is a truth established by numerous authorities.

One qualification must be made, however. There is no *necessary* connexion between a sense of what is due to self, and a sense of what is due to others. Sympathy and instinct of rights do not

<sup>1</sup> *Four Years in the Pacific*. By Lieut. Walpole.



always co-exist in equal strength any more than other faculties do. Either of them may be present in normal amount while the other is almost wanting. And, if devoid of sympathy, it is possible for a man who has a sufficient impulse to assert his own claims, to show no corresponding respect for the claims of his fellows. The instinct of rights being of itself entirely selfish, merely impels its possessor to maintain his own rights. Only by the sympathetic excitement of it, is a desire to behave equitably to others awakened; and when sympathy is absent such a desire is impossible.

Further proof may be found in the fact, that some of the peculiar moral notions traceable to these sentiments are perfectly in harmony with certain of the abstract conclusions arrived at in the preceding chapter. We find in ourselves a conviction, for which we can give no satisfactory reason, that we are free, if we please, to do particular things which it is yet blameable to do. Though it may greatly diminish his happiness, a man feels that he has a *right*, if he likes, to cut off a finger, or to destroy his property. While we condemn the want of consideration he shows towards some miserable debtor, we yet admit that the hard creditor is, in *strict justice*, entitled to the utmost farthing. Notwithstanding our disgust at the selfishness of one who refuses to afford some friendly accommodation, we cannot deny that he is quite *at liberty* to refuse. Now these perceptions which, if the hypothesis be true, are referable to the instinct of personal rights, acting in the one case directly and in the other cases sympathetically, quite accord with foregoing inferences. We found that the law of equal freedom is the fundamental law. We found (p. 24) that no other limitations of activity could be as authoritative as that which it sets up. And we found further (p. 25) that in this, our state of adaptation, it would be wrong to establish any fixed boundary to the liberty of each, save the similar liberties of others.

Such a correspondence between our instinctive beliefs and the conclusions previously arrived at, lends additional probability to the hypothesis here advanced.

There exists, however, a dominant set of politicians who treat with contempt this belief that men have any claims antecedent to those created by governments. As disciples of Bentham, consistency requires them to do this. Accordingly, although it does violence to their secret perceptions, they boldly deny the existence of "rights" entirely. Practically, if not professedly, they hold, with Thrasymachus, that nothing is intrinsically right or wrong, but that it becomes either by the dictum of the State. If we are to credit them, government determines what shall be morality, and not morality what shall be government. They believe in no oracular principle by whose yea or nay we may be guided: their Delphi is the House of Commons. By their account man lives and moves and has his being by legislative permit. His freedom to do this or that is not natural, but conferred. The question—Has the citizen any claim to the work of his hands? can be decided only by a parliamentary division. If "the ayes have it," he has; if "the noes," he has not. Nevertheless they perpetually betray a belief in the doctrines which they professedly reject. They inadvertently talk about *justice*, especially when it concerns themselves, in much the same style as their opponents. They draw the same distinction between *law* and *equity* that other people do. And when robbed or assaulted, or wrongly imprisoned, they exhibit the same indignation, the same determination to oppose the aggressor, utter the same denunciations of tyranny, and the same loud demands for redress, as the sternest assertors of the rights of man.

But it is amusing when, after all, it turns out that the ground on which these philosophers have taken their



stand, and from which with such self-complacency they shower their sarcasms, is nothing but an adversary's mine, destined to blow the vast fabric of conclusions they have based on it into nonentity. This so solid-looking principle of "the greatest happiness of the

greatest number," needs but to have a light brought near it, and lo ! it explodes into the astounding assertion, that all men have equal rights to happiness (p. 14)—an assertion far more sweeping and revolutionary than any of those which are assailed with so much scorn.

## FIRST PRINCIPLE

THUS are we brought by several routes to the same conclusion. Whether we reason our way from those fixed conditions under which alone greatest happiness can be realized—whether we draw our inferences from man's constitution, considering him as a congeries of faculties—or whether we listen to the monitions of a certain mental agency, which seems to have the function of guiding us in this matter ; we are alike taught, as the law of right social relationships, that—*Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man.* Though further qualifications of the liberty of action thus asserted are necessary, yet we have seen that in the just regulation of a community no further qualifications of it can be recognized. Such further qualifications must remain for private and individual application. We must therefore adopt this law of equal freedom in its entirety, as the law on which a correct system of equity is to be based.

Some will, perhaps, object to this first principle, that being in the nature of an axiomatic truth—standing towards the inferences to be drawn from it in the position of one, it ought to be recognized by all ; which it is not.

Respecting the fact thus alleged, that there have been, and are, men impervi-

ous to this first principle, there can be no question. Probably it would have been dissented from by Aristotle, who considered it a "self-evident maxim that nature intended barbarians to be slaves." Cardinal Julian, who "abhorred the impiety of keeping faith with infidels," might possibly have disputed it. It is a doctrine which would scarcely have suited the abbot Guibert, who, in his sermons, called the free cities of France "those execrable communities, where serfs, against law and justice, withdraw themselves from the power of their lords." And perhaps the Highlanders, who in 1748 were reluctant to receive their freedom on the abolition of the heritable jurisdictions, would not have admitted it. But the confession that the truth of this first principle is not self-evident to all, by no means invalidates it. The Bushman can count only as high as three ; yet arithmetic is a fact, and we have a Calculus of Functions by the aid of which we find new planets. As, then, the disability of the savage to perceive the elementary truths of number is no argument against their existence, and no obstacle to their discovery and development ; so, the circumstance that some do not see the law of equal freedom to be an elementary truth of ethics, does not disprove the statement that it is one.

So far indeed is this difference in men's moral perceptions from being a difficulty in our way, that it serves to illustrate a doctrine already set forth. As already explained, man's original circumstances "required that he should sacrifice the welfare of other beings to his own"; whereas his present circumstances require that "each individual shall have such desires only as may be fully satisfied without trenching upon the ability of other individuals to obtain like satisfactions." And it was pointed out that, in virtue of the law of adaptation, the human constitution is changing from the form which fitted it to the first set of conditions to a form fitting it for the last. Now it is by the growth of those two faculties which together originate what we term a Moral Sense, that fitness for these last conditions is secured. In proportion to the strengths of sympathy and the instinct of personal rights, will be the impulse to conform to the law of equal freedom. And in the mode elsewhere shown (p. 15), the impulse to conform to this law will generate a correlative belief in it. Only, therefore, after the process of adaptation has made considerable advance, can there arise either subordination to this law or a perception of its truth. And hence any general recognition of it during the earlier stages of social development must not be looked for.

To the direct evidence which has been accumulated in proof of our first principle, may now be added indirect evidence furnished by the absurdities into which denial of it betrays us. He who asserts that the law of equal freedom is not true, that is, he who asserts that men have *not* equal rights, has two alternatives. He may either say that men have no rights at all, or that they have unequal rights. Let us examine these positions.

Foremost of those who deny rights altogether, stands that same Sir Robert Filmer already named, with his dogma that "men are not naturally free."

Starting thus, he readily finds his way to the conclusion that the only proper form of government is an absolute monarchy. For, if men are not naturally free, that is, if men have naturally no rights, then, he only has rights to whom they are specially given by God. From which inference to "the divine right of kings" is an easy step. It has become manifest in later times, however, that this divine right of kings, means the divine right of any one who can get uppermost. For since, according to its assertors, no man can be supposed to occupy the position of supreme ruler in opposition to the will of the deity, it follows that whoever attains to that position, whether by fair means or by foul, be he legitimate or be he usurper, has divine authority on his side. So that to say "men are not naturally free," is to say that though men have no rights, yet whoever can get power to coerce the rest has a right to do so!

For espousing the other alternative, namely, that men's rights are unequal, the assigned motive is a desire to ensure supremacy of the best. But even were it admitted that, to ensure supremacy of the best, liberty of action should be apportioned to men in the ratios of their merits, there remains the question—how are relative merits to be determined? We cannot appeal to public opinion, for it is not uniform. And were it uniform there is no reason to think that it would be correct. Can confidence be placed in the judgments of men who subscribe Hudson-testimonials, and yet leave the original projector of railways to die in poverty? Are those fit to decide on comparative greatness who have erected half-a-dozen public monuments to Wellington and none to Shakespeare or Newton?—an authority which awards to the door-keeper of its House of Commons £74 a year more than to its astronomer royal?

If, then, public opinion is so fallible a test of relative merits, where shall a trustworthy test be found? Clearly, if the freedom to which each is entitled



varies with his worth, some satisfactory mode of estimating worth must be discovered before any settlement of men's right relationships can become possible. Who will point out such a mode?

Even were a still further admission made—even were we to assume that men's respective claims could be fairly rated—it would still be impossible to reduce the theory of unequal rights to practice. We should yet have to find a rule by which to allot these different shares of privilege. Where is the scale that would enable us to mark off the portion proper for each individual? Sup-

posing a shopkeeper's rights to be symbolized by ten and a fraction, what number will represent those of a doctor? What multiple are the liberties of a banker of those of a seamstress? Given two artists, one half as clever again as the other, it is required to find the limits within which each may exercise his faculties. As the greatness of a prime minister is to that of a ploughboy, so is full freedom of action to—the desired answer. Here are a few out of numberless like questions. When a method of solving them has been found, it will be time enough to reconsider the theory of unequal rights.

## APPLICATION OF THIS FIRST PRINCIPLE

THE process by which we may develop this first principle into a system of equity is sufficiently obvious. We shall have to consider of every deed, whether in committing it, a man does, or does not, trespass on the freedom of his neighbour—whether, when placed side by side, the shares of liberty the two respectively assume are equal. And by thus separating that which can be done by each without trenching on the liberties of others, from that which cannot be so done, we may classify actions into lawful and unlawful.

Difficulties may now and then occur in the performance of this process. We shall occasionally find ourselves unable to decide whether a given action does or does not trespass against the law of equal freedom. But such an admission by no means implies any defect in that law. It merely implies human incapacity—an incapacity which puts a limit to our discovery of physical truth as well as of

moral truth. It is, for instance, beyond the power of any mathematician to state in degrees and minutes, the angle at which a man may lean without falling. Not being able to find accurately the centre of gravity of a man's body, he cannot say with certainty whether, at a given inclination, the *line of direction* will or will not fall outside the base. But we do not, therefore, take exception to the first principles of mechanics. In spite of our inability to follow out those first principles to all their consequences, we know that the stability or instability of a man's attitude might be accurately determined by them, were our perceptions competent to take in all the data of such a problem. Similarly, it is argued that, although there may arise out of the more complex social relationships, questions which are apparently not soluble by comparing the respective amounts of freedom the concerned persons assume, it must nevertheless be granted that, whether we see it or not, the claims they

make *are* either equal or unequal, and the dependent actions right or wrong accordingly.

[NOTE.—Up to the point now reached, the omissions and abridgments have not much disturbed the continuity of the general argument. But what here follows represents in only a fragmentary way the developed applications of the First Principle. These applications have since been replaced by those which in a matured

and completed form, constitute the greater part of division IV of *The Principles of Ethics, treating of Justice*. Sundry of the original chapters of *Social Statics*, which came next after the foregoing, are now omitted altogether; others are much shortened; and of the remainder I have reproduced only fragments. Throughout the last eight chapters of the work, however, the primitive continuity has been preserved: abridgments and revisions only having been made in them.]

## THE RIGHT OF PROPERTY

THE moral law, being the law of the social state, is obliged to ignore the pre-social state. Constituting, as the principles of pure morality do, a code of conduct for the perfectly civilized man, they cannot be made to adapt themselves to the actions of the uncivilized man, even under the most ingenious hypothetical conditions—cannot be made even to recognize those actions so as to pass any definite sentence upon them. Overlooking this fact, thinkers, in their attempts to prove some of the first theorems of ethics, have commonly fallen into the error of referring back to an imaginary state of savage wildness, instead of referring forward to an ideal civilization, as they should have done; and have, in consequence, entangled themselves in difficulties arising out of the discordance between ethical principles and the assumed premises. To this circumstance is attributable that vagueness by which the arguments used to establish the right of property in a logical manner, are characterized.

“Though the earth and all inferior creatures,” says Locke, “be common to all men, yet every man has a property in

his own person: this nobody has a right to but himself. The labour of his body and the work of his hands, we may say are properly his. Whatever then he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it that excludes the common right of other men. For this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least when there is enough and as good left in common for others.”

One might, in reply to this, observe that as, according to the premises, “the earth and all inferior creatures are common to all men,” the consent of all men must be obtained before any article can be equitably “removed from the common state nature hath placed it in.” It might be argued that the real question is overlooked, when it is said that, by gathering any natural product, a man “hath mixed his labour with it, and joined to it some-



thing that is his own, and thereby made it his property"; for the point to be debated is, whether he has any right to gather, or mix his labour with, that which, by the hypothesis, previously belonged to mankind at large. It may be quite true that the labour a man expends in catching or gathering, gives him a better right to the thing caught or gathered, than any *one* other man; but the question at issue is, whether by labour so expended, he has made his right to the thing caught or gathered, greater than the pre-existing rights of *all* other men put together.

Further difficulties are suggested by the qualification, that the claim to any article of property thus obtained, is valid only "when there is enough and as good left in common for others." A condition like this gives birth to such a host of queries, doubts, and limitations, as practically to neutralize the general proposition entirely. It may be asked, for example—How is it to be known that

enough is "left in common for others"? Who can determine whether what remains is "as good" as what is taken? How if the remnant is less accessible? If there is not enough "left in common for others," how must the right of appropriation be exercised? Why, in such case, does the mixing of labour with the acquired object, cease to "exclude the common right of other men"? Supposing *enough* to be attainable, but not all equally *good*, by what rule must each man choose? Out of which inquisition it seems impossible to liberate the alleged right, without such mutilations as to render it, from an ethical point of view, entirely valueless.

Thus, as already hinted, we find that the circumstances of savage life, render the principles of abstract morality inapplicable; for it is impossible, under pre-social conditions, to determine the rightness or wrongness of certain actions by comparing the amounts of freedom assumed by those concerned.

## SOCIALISM

THE doctrine that all men have equal rights to the use of the Earth, seems at first sight, to countenance a species of social organization, at variance with that from which the right of property has just been deduced;<sup>1</sup> an organization, namely, in which the public, instead of letting out the land to individual members of their body, shall retain it in their own hands; cultivate it by joint-stock agency; and share the produce; in fact, what is usually termed Socialism or Communism.

<sup>1</sup> Referring to an omitted part of the last chapter, the argument of which, with modifications, will now be found in Part IV of *The Principles of Ethics*.

Plausible though it may be, such a scheme is not capable of realization in strict conformity with the moral law. Of the two forms under which it may be presented, the one is ethically imperfect, and the other, although correct in theory, is impracticable.

Thus, if an equal portion of the earth's produce is awarded to each man, irrespective of the amount or quality of the labour he has contributed towards the obtainment of that produce, a breach of equity is committed. Our first principle requires, not that all shall have like shares of the things which minister to the gratification of the faculties, but that all shall have like freedoms to pursue

those things—shall have like scope. It is one thing to give to each an opportunity of acquiring the objects he desires ; it is another, and quite a different thing, to give the objects themselves, no matter whether due endeavour has or has not been made to obtain them. Nay more, it necessitates an absolute violation of the principle of equal freedom. For when we assert the entire liberty of each, bounded only by the like liberties of all, we assert that each is free to do whatever his desires dictate, within the prescribed limits—that each is free, therefore, to claim for himself all those gratifications, and sources of gratification, attainable by him within those limits—all those gratifications, and sources of gratification, which he can secure without trespassing on the spheres of action of his neighbours. If, therefore, out of many starting with like fields of activity, one obtains, by his greater strength, greater ingenuity, or greater application, more gratifications and sources of gratification than the rest, and does this without trenching upon the equal freedoms of the rest, the moral law assigns him an exclusive right to all those extra gratifications and sources of gratification ; nor can the rest take them from him without claiming for themselves greater liberty of action than he claims, and thereby violating that law. Whence it follows, that an equal apportionment of the fruits of the earth among all, is not consistent with pure justice.

If, on the other hand, each is to have allotted to him a share of produce proportionate to the degree in which he has aided production, the proposal, while it is abstractedly just, is no longer practicable. Were all men cultivators of the soil, it would perhaps be possible to form approximately true estimates of their

several claims. But to ascertain the respective amounts of help given by different kinds of mental and bodily labourers, towards procuring the general stock of the necessities of life, is an impossibility. We have no means of making such a division save that afforded by the balancing of supply and demand, and this the hypothesis excludes.

If, as M. Proudhon asserts, "all property is robbery"—if no one can equitably become the exclusive possessor of any article, or, as we say, obtain a right to it—then, among other consequences, it follows that a man can have no right to the things he consumes for food. And if these are not his before eating them, how can they become his at all? As Locke asks, "When do they begin to be his? when he digests? or when he eats? or when he boils? or when he brings them home?" If no previous acts can make them his property, neither can any process of assimilation do it : not even absorption of them into the tissues. Wherefore, pursuing the idea, we arrive at the curious conclusion, that as the whole of his bones, muscles, skin, &c., have been thus built up from nutriment not belonging to him, a man has no property in his own flesh and blood—has no more claim to his own limbs than he has to the limbs of another, and has as good a right to his neighbour's body as to his own! Did we exist after the same fashion as those compound polyps, in which a number of individuals are based upon a living trunk common to them all, such a theory would be rational enough. But until Communism can be carried to that extent, it will be best to stand by the old doctrine.



## THE RIGHT OF PROPERTY IN IDEAS

THAT a man's right to the produce of his brain is equally valid with his right to the produce of his hands, is a fact which has yet obtained but a very imperfect recognition. It is true that we have patent laws, a law of copyright, and acts for the registration of designs; but these, or at any rate two of them, have been enacted not so much in obedience to the dictates of justice, as in deference to the suggestions of trade-policy. "A patent is not a thing which can be claimed as a right," we are told by legal authorities, but it is intended to "act as a stimulus to industry and talent." It is not because the piracy of patterns would be wrong that legislators forbid it, but because they wish to afford "encouragement to manufacturers." Similar also are the current opinions. Measures of this nature are commonly considered by the public as giving to inventors a certain "privilege," a "reward," a sort of modified "monopoly."

The prevalence of such a belief is by no means creditable to the national conscience. To think that the profits which a speculator makes by a rise in the share-market, should be recognized as legally and equitably his property, and yet that some new combination of ideas, which it may have cost an ingenious man years of application to complete, cannot be "claimed as a right" by that man! To think that a sinecurist should be held to have a "vested interest" in his office, and a just title to compensation if it is abolished, and yet that an invention over which no end of mental toil has been spent, and on which the poor mechanic has laid out perhaps his last sixpence—an invention which he has completed entirely by his own labour and with his own materials—has wrought, as it were, out of the very substance of his own mind—should not be acknowledged as his property! To think that his title

to it should be admitted merely as a matter of convenience—admitted even then only on payment of some £400—and, after all, quashed on the most trifling pretences! What a thick-skinned perception of justice does this show! One would think that equity afforded no guidance beyond transactions in material things—weights, measures, and money. Let a shop-boy take from his master's till a visible, tangible, ponderable sovereign, and all can see that the rights of ownership have been violated. Yet those who exclaim with such indignant virtue against theft will purchase a pirated edition of a book without any qualms of conscience concerning the receipt of stolen goods. Dishonesty, when shown in house-breaking or sheep-stealing, is held up to eternal infamy; but the manufacturer who steals his foreman's improved plan for the spinning of cotton, or the building of steam engines, continues to be held in high respect. The law is active enough in apprehending the urchin who may have deprived some comfortable citizen of his pocket-handkerchief; but there is no redress for the poverty-stricken schemer who is robbed by some wealthy scamp of that which formed the sole hope of his life.

It is a common notion that the exclusive use by its discoverer of any new or improved mode of production, is a species of monopoly, in the sense in which that word is conventionally used. To let a man have the entire benefit accruing from the employment of some more efficient machine, or better process invented by him; and to allow no other person to adopt and apply for his own advantage the same plan, they hold to be an injustice. Nor are there wanting philanthropic and even thinking men, who consider that the valuable ideas originated by individuals—ideas which may be of great national advantage—



should be taken out of private hands and thrown open to the public at large.

"And pray, gentlemen," an inventor might fairly reply, "why may not I make the same proposal respecting your goods and chattels, your clothing, your houses, your railway shares, and your money in the funds? If you are right in the interpretation you give to the term 'monopoly,' I do not see why that term should not be applied to the coats on your backs and the provisions on your dinner tables. With equal reason I might argue that you unjustly 'monopolize' your furniture, and that you ought not in equity to have the 'exclusive use' of so many apartments. If 'national advantage' is to be the supreme rule, why should we not appropriate your wealth, and the wealth of others like you, to the liquidation of the State-debt? True, as you say, you came honestly by all this property; but so did I by my invention. True, as you say, this capital, on the interest of which you subsist, was acquired by years of toil—is the reward of persevering industry: well, I may say the like of this machine. While you were gathering profits, I was collecting ideas; the time you spent in conning the prices current, was employed by me in studying mechanics; your speculations in new articles of merchandise, answer to my experiments, many of which were costly and fruitless; when you were writing out your accounts I was making drawings; and the same perseverance, patience, thought, and toil, which enabled you to make a fortune, have enabled me to complete my invention. Like your wealth, it represents so much accumulated labour; and I am living upon the profits it produces me, just as you are living upon the interest of your invested savings. Beware, then, how you question my claim. If I am a monopolist, so also are you; so also is every man. If I have no right to these products of my brain, neither have you to those of your hands. No one can become the sole owner of any article whatever; and 'all property is robbery.'"

They fall into a serious error who suppose that the exclusive right assumed by a discoverer, is something taken from the public. He who in any way increases the powers of production, is seen by all, save a few insane Luddites, to be a general benefactor. The successful inventor makes a further conquest over nature. He economizes labour—helps to emancipate men from their slavery to the needs of the body. He cannot, if he would, prevent society from largely participating in his good fortune. Before he can gain any benefit from his new process or apparatus, he must first confer a benefit on his fellow-men—must either offer them a better article at the price usually charged, or the same article at a less price. If he fails to do this, his invention is a dead letter; if he does it, he makes society a partner in the new mine of wealth he has opened.

Let us remember, too, that in this, as in other cases, disobedience to the moral law is ultimately detrimental to all. It is a well-proved fact that the insecurity of material property which results from general dishonesty, inevitably reacts to the punishment of society. Industrial energy diminishes in proportion to the uncertainty of its reward. Those who do not know that they shall reap will not sow. Instead of employing it in business, capitalists hoard what they possess, because productive investments are dangerous. Hence arises a universal straitness of means. Every enterprise is crippled by want of confidence. And from general distrust spring general discouragement, apathy, idleness, poverty, and their attendant miseries, involving alike all grades of men. Similar in kind, and less only in degree, is the curse attendant upon insecurity of property in ideas. "If," argues the inventor, "others are to enjoy the fruits of these wearisome studies and these numberless experiments, why should I continue them? If, in addition to all the possibilities of failure in the scheme itself, all the time, trouble, and expense of my investigations, I am liable to be



deprived of my right, I ought to abandon the project at once." And although such reflections may often fail to extinguish the sanguine hope of an inventor, yet after having once suffered the losses which, ten to one, society will inflict upon him, he will take good care never again to enter on a similar undertaking. Whatever other ideas he may then or subsequently entertain will remain undeveloped and probably die with him. Were people duly to appreciate the consequent check put on the development of the means of production, and could they properly estimate the loss thereby entailed on themselves, they would begin to see that the recognition of the right of property in ideas, is only less important than the recognition of the right of property in goods.

In consequence of the probability, or perhaps we may say the certainty, that the causes leading to the evolution of a new idea in our mind, will eventually

produce a like result in some other mind, the claim above set forth must not be admitted without limitation. Many have remarked the tendency which exists for an invention or discovery to be made by independent investigators nearly at the same time. There is nothing really mysterious in this. A certain state of knowledge, a recent advancement in science, the occurrence of some new social want,—these form the conditions under which minds of similar characters are stimulated to like trains of thought, ending as they are prone to do in kindred results. Such being the fact, there arises a qualification to the right of property in ideas, which it seems difficult and even impossible to specify definitely.

The laws of patent and copyright express this qualification by confining the inventor's or author's privilege within a certain term of years. But in what way the length of that term may be found with correctness there is no saying.

## THE RIGHTS OF WOMEN

WHOSO urges the mental inferiority of women in bar of their claim to equal rights with men, may be met in various ways.

1. If rights are to be meted out to the two sexes in the ratio of their respective amounts of intelligence, then must the same system be acted upon in the apportionment of rights between man and man. Whence must proceed all those multiplied perplexities already pointed out. (See p. 35.)

2. In like manner it will follow that, as there are here and there women of unquestionably greater ability than the average of men, some women ought to have greater rights than some men.

3. Wherefore, instead of a certain fixed allotment of rights to all males and another to all females, the hypothesis itself involves an infinite gradation of rights, irrespective of sex entirely, and sends us once more in search of those unattainable desiderata—a standard by which to measure capacity, and another by which to measure rights.

Not only, however, does the theory thus fall to pieces under the mere process of inspection; it is absurd on the face of it, when freed from the disguise of hackneyed phraseology. For what is it that we mean by rights? Nothing else than freedom to exercise the faculties. And what is the meaning of the

assertion that woman is mentally inferior to man? Simply that her faculties are less powerful. What then does the dogma, that because woman is mentally inferior to man she has less extensive rights, amount to? Just this,—that because woman has weaker faculties than man, she ought not to have like liberty with him to exercise the faculties she has!

Men's wishes eventually get expressed in their faiths—their real faiths, that is; not their merely nominal ones. A fiery passion consumes all evidences opposed to its gratification, and fusing together those that serve its purpose, casts them into weapons by which to achieve its end. There is no deed so vicious but what the actor excuses to himself; and if the deed is often repeated the excuse becomes a creed. The vilest transactions—Bartholomew massacres and the like—have had defenders; nay, have been inculcated as fulfilments of the divine will. There is wisdom in the fable which represents the wolf as raising accusations against the lamb before devouring it. No invader ever raised standard, but persuaded himself that he had a just cause. Sacrifices and prayers have preceded every military expedition, from one of Cæsar's campaigns down to a border foray. God is on our side, is the universal cry. Each of two conflicting nations consecrates its flags; and whichever conquers sings a *Te Deum*. Attila conceived himself to have a "divine claim to the dominion of the Earth"; the Spaniards subdued the Indians under plea of converting them to Christianity, hanging thirteen refractory ones in honour of Jesus Christ and his apostles; and we English justify our colonial aggressions by saying that the Creator intends the Anglo-Saxon race to people the world! An insatiate lust of conquest transmutes manslaying into a virtue; and, in more races than one, implacable revenge has made assassination a duty. A clever theft was praiseworthy among the Spartans; and it is equally so among Christians, provided it be on

a sufficiently large scale. Piracy was heroism with Jason and his followers; was so also with the Norsemen; is so still with the Malays; and there is never wanting some golden fleece for a pretext. Among money-hunting people a man is commended in proportion to the number of hours he spends in business. In our day the rage for accumulation has apotheosized work. And even the miser is not without a code of morals by which to defend his parsimony. The monks held printing to be an invention of the devil; and some of our modern sectaries regard their refractory brethren as under demoniacal possession.

This sway of feeling over belief everywhere determines men's ideas about their relations to women, which are harsh in proportion as the social state is barbarous. Look where we will, we find that just as far as the law of the strongest regulates the relationships between man and man, does it regulate the relationships between man and woman. Despotism in the state is associated with despotism in the family. Turkey, Egypt, India, China, Russia, the feudal states of Europe—it needs but to name these to suggest hosts of illustrative facts.

The arbitrary rule of one human being over another, is fast becoming recognized as essentially rude and brutal. In our day, the man of refined feeling does not like to play the despot over his fellow. He is disgusted if one in humble circumstances cringes to him. So far from wishing to elevate himself by depressing his poor and ignorant neighbours, he strives to put them at their ease in his presence—encourages them to behave in a less submissive and more self-respecting manner. He feels that a fellow-man may be enslaved by imperious words and manners as well as by tyrannical deeds; and hence he avoids a dictatorial style of speech to those below him. Even paid domestics, to whose services he has obtained a right by contract, he does not like to address in a tone of authority. He seeks rather to



disguise his character of master ; to this end wraps up his commands in the shape of requests ; and continually employs the phrases, "If you please," and "Thank you."

In the conduct of the modern gentleman to his friend, we have additional signs of this growing respect for another's dignity. Every one must have observed the carefulness with which those who are on terms of affectionate intimacy, shun anything in the form of supremacy on either side, or endeavour to banish from remembrance, by their behaviour to each other, whatever of supremacy there may exist. Who is there that has not witnessed the dilemma in which the wealthier of two such is sometimes placed, between the wish to confer a benefit on the other, and the fear that in so doing he may offend by assuming the attitude of a patron? And who is there that does not feel how destructive it would be of the sentiment subsisting between himself and his friend were he to play the master over his friend, or his friend to play the master over him?

A further increase of this same refinement will show men that there is a fatal incongruity between the matrimonial servitude which our law recognizes, and the relation that *ought* to exist between husband and wife. Surely if he who possesses any generosity of nature dislikes speaking to a hired domestic in a tone of authority—if he cannot bear assuming towards his friend the behaviour of a superior—how utterly repugnant to him should it be, to make himself ruler over one on whose behalf all his kindly sentiments are specially enlisted, and for whose rights and dignity he ought to have the most active sympathy!

Command is a blight to the affections. Whatsoever of beauty—whatsoever of poetry, there is in the passion that unites the sexes, withers up and dies in the cold atmosphere of authority. Native as they are to such widely-separated regions of our nature, Love and Coercion cannot possibly flourish together. Love is sympathetic: Coercion

is callous. Love is gentle: Coercion is harsh. Love is self-sacrificing: Coercion is selfish. How then can they co-exist? It is the property of the first to attract, while it is that of the last to repel; and, conflicting as they thus do, it is the constant tendency of each to destroy the other. Let whoever thinks the two compatible imagine himself acting the master over his betrothed. Does he believe that he could do this without any injury to the subsisting relationship? Does he not know rather that a bad effect would be produced upon the feelings of both by the assumption of such an attitude? And confessing this, as he must, is he superstitious enough to suppose that the going through a form of words will render harmless that use of command which was previously hurtful?

There are many who think that authority, and its ally compulsion, are the sole agencies by which human beings can be controlled. Anarchy or government are, with them, the only conceivable alternatives. Believing in nothing but what they see, they cannot realize the possibility of a condition of things in which peace and order shall be maintained without force, or the fear of force. By such as these, the doctrine that the reign of man over woman is wrong, will no doubt be combated on the ground that the domestic relationship can only exist by the help of such supremacy. The impracticability of an equality of rights between the sexes will be urged by them in disproof of its rectitude. It will be argued that were they put upon a level, husband and wife would be forever in antagonism—that as, when their wishes clashed, each would possess a like claim to have his or her way, the matrimonial bond would daily be endangered by the jar of opposing wills, and that, involving as it would a perpetual conflict, such an arrangement of married life must necessarily be an erroneous one.

A very superficial conclusion this.



It has been already pointed out (p. 18), that there *must* be an inconsistency between the perfect law and an imperfect state. The worse the condition of society the more visionary must a true code of morality appear. The fact that any proposed principle of conduct is at once fully practicable—requires no reformation of human nature for its complete realization—is not a proof of its truth : is proof rather of its error. And, conversely, a certain degree of incongruity between such a principle and humanity as we know it, though no proof of the correctness of that principle, is at any rate a fact in its favour. Hence the allegation that mankind are not good enough to admit of the sexes living together harmoniously under the law of equal freedom in no way militates against the validity or sacredness of that law.

But the never-ceasing process of adaptation will gradually remove this obstacle to domestic rectitude. Recognition of the moral law and an impulse to act up to it, going hand in hand, as we have seen that they must do (p. 15), equality of rights in the married state will become possible as fast as there arises a perception of its justness. As elsewhere shown (p. 30), the same sentiment which leads us to maintain our own rights, leads us, by its sympathetic excitement, to respect the rights of our neighbours. A state in which every one is jealous of his natural claims, is not therefore a litigious state, because if there is a due fellow feeling there is of necessity a diminished tendency to aggression. Experience proves this. For, as it cannot

be denied that there is now a greater disposition among men towards the assertion of individual liberty than existed during the feudal ages, so neither can it be denied that there is now a less disposition among men to trespass against each other than was then exhibited. The two changes are co-ordinate, and must continue to be so. Hence, whenever society shall have become civilized enough to recognize the equality of rights between the sexes—when women shall have attained to a clear perception of what is due to them, and men to a nobility of feeling which shall make them concede to women the freedom which they themselves claim—humanity will have undergone such a modification as to render an equality of rights practicable.

Married life under this ultimate state of things will not be characterized by perpetual squabbles, but by mutual concessions. Instead of a desire on the part of the husband to assert his claims to the uttermost, regardless of those of his wife, or on the part of the wife to do the like, there will be a watchful desire on both sides not to transgress. Neither will have to stand on the defensive, because each will be solicitous for the rights of the other. Committing a trespass will be the thing feared, and not the being trespassed against.

[NOTE.—For the author's views concerning the political position of women, the reader is referred to Part IV of *The Principles of Ethics* treating of Justice, Chapters xx and xxiv.]



## THE RIGHTS OF CHILDREN

As an abstract truth we all admit that passion distorts judgment; yet we never inquire whether our passions are influencing us. We all decry prejudice, yet are all prejudiced. We see how habits, and interests, and likings, mould the theories of those around us; yet forget that our own theories are similarly moulded. Nevertheless, the instances in which our feelings bias us in spite of ourselves are of hourly recurrence. That proprietary passion which a man has for his ideas, veils their defects from him as effectually as maternal fondness blinds a mother to the imperfections of her offspring. An author cannot, for the life of him, judge correctly of what he has just written: he has to wait until lapse of time enables him to read it as though it were a stranger's, and he then discerns flaws where all had seemed perfect. It is only when his enthusiasm on its behalf has grown cold, that the artist is able to see the faults of his picture. While they are transpiring, we do not perceive the ultimate bearings of our own acts or the acts of others towards us: only in after years are we able to philosophize upon them. Just so, too, is it with successive generations. Men of the past quite misunderstood the institutions they lived under. They pertinaciously adhered to the most vicious principles, and were bitter in their opposition to right ones, at the dictates of their attachments and antipathies. So difficult is it for man to emancipate himself from the invisible fetters which habit and education cast over his intellect; and so palpable is the consequent incompetency of a people to judge rightly of itself and its deeds or opinions, that the fact has been embodied in the aphorism—"No age can write its own history."

If we act wisely, we shall assume that the reasonings of modern society are subject to the like disturbing influences. We shall conclude that, even now, as in

times gone by, opinion is but the counterpart of condition. We shall suspect that many of those convictions which seem the results of dispassionate thinking, have been nurtured in us by circumstances. We shall confess that as, heretofore, fanatical opposition to this doctrine and bigoted adhesion to that, have been no tests of the truth or falsity of the said doctrines; so neither is the strength of attachment or dislike which a nation now exhibits towards certain principles, any proof of their correctness or their fallacy.

We say that a man's character may be told by the company he keeps. We might similarly say that the truth of a belief may be judged by the beliefs with which it is associated. Given a theory universally current among degraded sections of our race—a theory received only with considerable abatements by civilized nations—a theory in which men's confidence diminishes as fast as society advances; and we may safely pronounce that theory to be a false one. On such, along with other evidence, the subordination of sex was lately condemned. Those commonly-observed facts, that the enslavement of woman is invariably associated with a low type of social life, and that, conversely, her elevation uniformly accompanies progress, were cited in part proof that the subjection of female to male is wrong. If now, instead of *women* we read *children*, kindred facts may be cited, and a kindred deduction may be drawn. If it be true that the dominion of man over woman has been oppressive in proportion to the badness of the age or the people, it is also true that parental authority has been stringent and unlimited in a like proportion. If it be a fact that the emancipation of women has kept pace with the emancipation of society, it is likewise a fact that the once despotic rule of the old over



the young has been ameliorated at the same rate.

Whoever wants illustrations of this alleged harmony between the political, connubial, and filial relationships, may discover them everywhere. Scanning those primitive states of humanity during which the aggressive conduct of man to man renders society scarcely possible, he will see not only that wives are slaves and exist by sufferance, but that children hold their lives by the same tenure, and are sacrificed to the gods when fathers so will. He may observe how, during classic times, the thralldom of five-sixths of the population was accompanied both by a theory that the child is the property and slave of its male parent, and by a legal fiction which regarded wives as children similarly owned. In China, under a government purely autocratic, there exists a public opinion which deems it an unpardonable offence for a wife to accuse her husband to the magistrate, and which ranks filial disobedience as a crime next in atrocity to murder. Nor is our own history barren of illustrations. On reviewing those times when constitutional liberty was but a name, when men were denied freedom of speech and belief, when the people's representatives were openly bribed and justice was bought—the times, too, with which the laws enacting the servitude of women were in complete harmony—the observer cannot fail to be struck with the harshness of parental behaviour, and the attitude of humble subjection which sons and daughters had to assume. Between the last century, when our domestic condition was marked by the use of *Sir* and *Madam* in addressing parents, and by the doctrine that a child ought unhesitatingly to marry whomsoever a father appointed, and when our political condition was marked by aristocratic supremacy, by the occurrence of church-and-king riots, and by the persecution of reformers—between that day and ours, the decline in the rigour of paternal authority and in the severity of political control, has been simultaneous. And

the like companionship of facts is seen, in the present rapid growth of democratic feeling, and the equally rapid spread of a milder system of juvenile training.

Considering what universal attention the culture of the young has lately received, there is reason for concluding that as the use of brute force for educational purposes has greatly declined, something radically wrong must be involved in it. But without dwelling upon this, which, like all inferences drawn from expediency, is liable to have its premises called in question, let us judge of coercive education not by the effects it is *believed* to produce, but by those it *must* produce.

Education has for a chief object the formation of character. To curb restive propensities, to awaken dormant sentiments, to strengthen the perceptions and cultivate the tastes, to encourage this feeling and repress that, so as finally to develop the child into a man of well-proportioned and harmonious nature—this is alike the aim of parent and teacher. Those, therefore, who advocate coercion in the management of children, must do so because they think it the best means of compassing the desired object—formation of character. Paternity has to devise some kind of rule for the nursery. Impelled partly by creed, partly by custom, partly by inclination, paternity decides in favour of a pure despotism, and exhibits the rod as the final arbiter in all disputes. And of course this system of discipline is defended as the one best calculated to curb restive propensities, awaken dormant sentiments, &c., as aforesaid. Suppose, now, we ask how the plan works. An unamiable little urchin is pursuing his own gratification regardless of the comfort of others—is perhaps annoyingly vociferous in his play; or is amusing himself by teasing a companion; or is trying to monopolize the toys intended for others in common with himself. Well; some kind of interposition is manifestly called for.



Paternity with knit brows and in a severe tone, commands desistance—visits anything like reluctant submission with a sharp “Do as I bid you”—if need be, hints at a whipping or the black hole. After sundry exhibitions of perverse feeling, the child gives in; showing, however, by its sullenness the animosity it entertains. Meanwhile paternity pokes the fire and complacently resumes the newspaper, under the impression that all is as it should be. Most unfortunate mistake!

If the thing wanted had been the mere repression of noise, or the mechanical transfer of a plaything, perhaps no better course could have been pursued. Had it been of no consequence under what impulse the child acted, so long as it fulfilled a given mandate, nothing would remain to be said. But something else was needed. It was not the deeds, but the feeling from which the deeds sprung that required dealing with. Here were palpable manifestations of selfishness—exhibitions on a small scale of that unsympathetic nature to which our social evils are mainly attributable. What, then, was the thing wanted? Clearly to generate a state of mind which, had it previously existed, would have prevented the offending actions. Or, speaking definitely, it was necessary to strengthen that sympathy to the weakness of which the ill behaviour was traceable.

But sympathy can be strengthened only by exercise. No faculty whatever will grow, save by the performance of its special function—a muscle by contraction; the intellect by perceiving and thinking; a moral sentiment by feeling. Sympathy, therefore, can be increased only by exciting sympathetic emotions. A selfish child is to be rendered less selfish, only by arousing in it a fellow-feeling with the desires of others.

Observe, then, how the case stands. A grasping hard-natured boy is to be humanized; and to this end it is proposed to use frowns, threats, and the

stick? To stimulate that faculty which originates our regard for the happiness of others, we are told to inflict pain, or the fear of pain? The problem is to generate in a child's mind more fellow-feeling; and the answer is—beat it, or send it supperless to bed!

Let those who have no faith in any instrumentalities for the rule of human beings save the stern will and the strong hand, visit the Hanwell Asylum for the insane. Let all self-styled practical men, who, in the pride of their savage theories, shower sarcasms upon the movements for peace, for the abolition of capital punishments, and the like, go and witness to their confusion how a thousand lunatics can be managed without the use of force. Let these sneerers at “sentimentalisms” reflect on the horrors of madhouses as they used to be; where was weeping and wailing and gnashing of teeth, where chains clanked dismally, and where the silence of the night was rent by shrieks that made the belated passer-by hurry on shudderingly. Let them contrast with these horrors the calmness, the contentment, the tractability, the improved health of mind and body, and the not unfrequent recoveries, that have followed the abandonment of the strait-jacket *régime*:<sup>1</sup> and then let them blush for their creed.

And shall the poor maniac, with diseased feelings and a warped intellect, persecuted as he constantly is by the suggestions of a morbid imagination,—shall a being with a mind so hopelessly chaotic that even the most earnest pleader for human rights would make his case an exception,—shall he be amenable to a non-coercive treatment, and shall a child not be amenable to it? Will any one maintain that madmen can be managed by suasion but not children? that moral-force methods are best for those deprived of reason, but physical-force methods for those possessing it? Hardly. If

<sup>1</sup> See Dr. Conolly on Lunatic Asylums.



by judicious conduct the confidence even of the insane may be obtained—if even to the beclouded intelligence of a lunatic, kind attentions and a sympathetic manner will carry the conviction that he is surrounded by friends and not by demons—and if, under that conviction, even he, though a slave to every disordered impulse, becomes comparatively docile, how much more under the same influence will a child become so. Do but gain a boy's trust; convince him by your behaviour that you have his happiness at heart; let him discover that you are the wiser of the two; let him experience the benefits of following your advice and the evils that arise from disregarding it; and fear not you will readily enough guide him.

If we wish a boy to become a good mechanic we ensure his expertness by an early apprenticeship. The young musician, that is to be, passes several hours a day at his instrument. Initiatory courses of outline drawing and shading are gone through by the intended artist. For the future accountant, a thorough drilling in arithmetic is prescribed. The reflective powers are sought to be developed by the study of mathematics. Thus, all training is founded on the principle that culture must precede proficiency. In such proverbs as—"Habit is second nature," and "Practice makes perfect," men have expressed those net products of universal observation on which every educational system is ostensibly based.

What now is the most important attribute of man as a moral being? May we not answer—the faculty of self-control? This it is which forms a chief distinction between the human being and the brute. It is in virtue of this that man is defined as a creature "looking before and after." It is in their larger endowment of this that the civilized races are superior to the savage. In supremacy of this consists one of the perfections of the ideal man. Not to be

impulsive—not to be spurred hither and thither by each desire which in turn comes uppermost; but to be self-restrained, self-balanced, governed by the joint decision of the feelings in council assembled, before whom every action shall have been fully debated and calmly determined—this it is which moral education strives to produce.

But the power of self-government, like all other powers, can be developed only by exercise. Whoso is to rule over his passions in maturity, must be practised in ruling over his passions during youth. Observe, then, the absurdity of the coercive system. Instead of habituating a boy to be a law to himself, as he is required in after-life to be, it administers the law for him. Instead of preparing him against the day when he shall leave the paternal roof, by inducing him to fix the boundaries of his actions and voluntarily confine himself within them, it marks out these boundaries for him, and says—"cross them at your peril." Here we have a being who, in a few years, is to become his own master, and, by way of fitting him for such a condition, he is allowed to be his own master as little as possible. While in every other particular it is thought desirable that what the man will have to do, the child should be well drilled in doing, in this most important of all particulars it is thought that the less practice he has the better. No wonder that those who have been brought up under the severest discipline so frequently turn out the wildest of the wild.

Indeed, not only does the physical-force system fail to fit the youth for his future position; it absolutely tends to *unfit* him. Were slavery to be his lot—if his after-life had to be passed under the rule of a Russian autocrat, or of an American cotton planter, no better method of training could be devised than one which accustomed him to that attitude of complete subordination he would subsequently have to assume. But just to the degree in which such



treatment would fit him for servitude, must it unfit him for being a free man among free men.

But why is education needed at all? Why does not the child grow spontaneously into a normal human being? Why should it be requisite to curb this propensity, to stimulate the other sentiment, and thus by artificial means to shape the mind into something different from what it would of itself become? Is not there here an anomaly in nature? Throughout the rest of creation we find the seed and the embryo attaining to perfect maturity without external aid. Drop an acorn into the ground, and it will in due time become a healthy oak without either pruning or training. The insect passes through its several transformations unhelped, and arrives at its final form possessed of every needful capacity and instinct. No coercion is needed to make the young bird or quadruped adopt the habits proper to its future life: its character, like its body, spontaneously assumes complete fitness for the part it has to play in the world. How happens it, then, that the human mind alone tends to develop itself wrongly? Must there not be some exceptional cause for this? Manifestly: and if so a true theory of education must recognize this cause.

It is an indisputable fact that the moral constitution which fitted man for his original predatory state, differs from the one needed to fit him for this social state to which multiplication of the race has led. In a foregoing part of our inquiry it was shown that adaptation is effecting a transition from the one constitution to the other. Living then, as we do, in the midst of this transition, we must expect to find traits of nature which are explicable only on the hypothesis that humanity is at present partially adapted to both these states, and not completely to either—has only in a degree lost the dispositions needed for savage life, and has but imperfectly acquired those needed for social life.

The anomaly just specified is one of these. Those respects in which a child requires restraint are the respects in which he is taking after the aboriginal man. The selfish squabbles of the nursery, the persecutions of the playground, the lyings and petty thefts, the rough treatment of inferior creatures, the propensity to destroy—all these imply that tendency to pursue gratification at the expense of other beings, which qualified man for the wilderness, and which disqualifies him for civilized life.

We have seen, however, that the instincts of the savage must decrease from inactivity, while the sentiments called forth by the social state must grow by exercise. These modifications will continue until our desires are brought into conformity with our circumstances. When that ultimate state in which morality shall have become organic is arrived at, this anomaly in the development of the child's character will have disappeared. The young human being will no longer be an exception in Nature, but will spontaneously unfold into a form fitted for the requirements of after-life.

And here we are naturally led to remark once more the necessary incongruity between the perfect law and the imperfect man. Whatsoever of Utopianism there may seem to be in the foregoing doctrines, is due not to any error in them but to faults in ourselves. A partial impracticability must not perplex us—must, on the contrary, be expected. Just in proportion to our distance below the purely moral state, must be our difficulty in acting up to the moral law, either in the treatment of children or in anything else.

Meanwhile let it be remarked that the main obstacle to the right conduct of education lies rather in the parent than in the child. It is not that the child is insensible to influences higher than that of force, but that the parent is not virtuous enough to use them. Fathers and mothers who enlarge on the trouble which filial misbehaviour entails upon

them, strangely assume that all the blame is due to the evil propensities of their offspring and none to their own. Though on their knees they confess to being miserable sinners, yet to hear their complaints of undutiful sons and daughters you might suppose that they were themselves immaculate. They forget that the faults of their children are reproductions of their own faults. They do not recognize in these much-scolded, often-beaten little ones so many looking-glasses wherein they may see reflected their own selfishness. It would astonish them to assert that they behave as improperly to their children as their children do to them. Yet a little candid self-analysis would show them that half their commands are issued more for their own convenience or gratification than for corrective purposes. Uncover its roots, and the theory of coercive education will be found to grow not out of man's love of his offspring but out of his love of dominion. Let any one who doubts this listen to that common reprimand—“How dare you disobey me?”

and then consider what the emphasis means. No no, moral-force education is widely practicable even now, if parents were civilized enough to use it.

But of course the obstacle is in a measure reciprocal. Even the best samples of childhood as we now know it will be occasionally unmanageable by suasion; and when inferior natures have to be dealt with, the difficulty of doing without coercion must be proportionably great. Nevertheless patience, self-denial, a sufficient insight into youthful emotions, and a due sympathy with them, added to a little ingenuity in the choice of means, will usually accomplish far more than is supposed.

[NOTE.—These fragments of a chapter do not directly touch the question of the Rights of Children. A revised conception of these rights, duly qualified by recognition of the claims of parents, will be found in *The Principles of Ethics*, Part IV :—Justice.]

## POLITICAL RIGHTS

THERE have been books written to prove that the monarch's will should be the subject's absolute law; and if instead of monarch we read legislature, we have the expediency-theory. It merely modifies “divine right of kings” into divine right of majorities. It is despotism democratized. Between that old eastern *régime* under which the citizen was the private property of his ruler, having no rights at all, and that final *régime* under which his rights will be entire and inviolable, there comes this intermediate state in which he is allowed to possess rights, but only by sufferance of parlia-

ment. Thus the expediency-philosophy falls naturally into its place as a phenomenon attending our progress from past slavery to future freedom.

The self-importance of a Malvolio is sufficiently ludicrous; but we must go far beyond it to parallel the presumption of legislatures. Some steward who construed his stewardship into proprietorship, would more fitly illustrate it. Were such an one to argue that the estate he was appointed to manage had been virtually resigned into his possession—that to secure the advantages of his



administration its owner had given up all title to it—that he now lived on it only by his (the steward's) sufferance—and that he was in future to receive no emoluments from it, except at his (the steward's) good pleasure—then should we have an appropriate travesty upon the behaviour of governments to nations; then should we have a doctrine analogous to this fashionable one, which teaches how men on becoming members of a community, give up their natural rights for the sake of certain social advantages. Disciples of Hobbes and Bentham will doubtless protest against such an interpretation of it. Let us submit them to a cross-examination.

"Your hypothesis that, when they entered into the social state, men surrendered their original freedom, implies that they entered into such state voluntarily, does it not?"

"It does."

"Then they must have considered the social state preferable to that under which they had previously lived?"

"Necessarily."

"Why did it appear preferable?"

"Because it offered greater security."

"Greater security for what?"

"Greater security for life, for property, and for the things that minister to happiness."

"Exactly. To get more happiness: that must have been the object. If they had expected to get more unhappiness, they would not have willingly made the change, would they?"

"No."

"Does not happiness consist in the due satisfaction of all the desires? in the due exercise of all the faculties?"

"Yes."

"And this exercise of the faculties is impossible without freedom of action. The desires cannot be satisfied without liberty to pursue and use the objects of them."

"True."

"Now it is this freedom to exercise the faculties within specific limits, which we signify by the term 'rights,' is it not?"

"It is."

"Well, then, summing up your answers, it seems that, by your hypothesis, man entered the social state voluntarily; which means that he entered it for the sake of obtaining greater happiness; which means that he entered it to obtain fuller exercise of his faculties; which means that he entered it to obtain security for such exercise; which means that he entered it for the guaranteeing of his 'rights.' Wherefore, either way we find that the preservation of rights was the object sought."

"So it would seem."

"But your hypothesis is that men give up their rights on entering the social state?"

"Yes."

"See now how you contradict yourself. You assert that on becoming members of a society, men give up what, by your own showing, they joined it the better to obtain!"

Of the many political superstitions, none is so widely diffused as the notion that majorities are omnipotent. Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of our time feels that such power cannot rightly be exercised by any but the largest moiety of society. It interprets literally the saying that "the voice of the people is the voice of God"; and, transferring to the one the sacredness attached to the other, it concludes that from the will of the people, that is, of the majority, there can be no appeal. Yet is this belief entirely erroneous.

Suppose, for the sake of argument, struck by some Malthusian panic, a legislature duly representing public opinion were to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together—Celts and Saxons, for example—the most

numerous determined to make the others their slaves. Would the authority of the greater number be in such case valid? If not, there is something to which its authority must be subordinate. Suppose, once more, that all men having incomes under £50 a year, were to resolve upon reducing every income above that amount to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not it must be a third time confessed that there is a law to which the popular voice must defer. What,

then, is that law, if not the law of pure equity—the law of equal freedom? These restraints which all would put to the will of the majority, are the restraints set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and robbery are violations of that law—violations too gross to be overlooked. But if great violations of it are wrong, so also are smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any.

## THE CONSTITUTION OF THE STATE

It is a tolerably well-ascertained fact that men are still selfish. And that beings answering to this epithet will employ the power placed in their hands for their own advantage is self-evident. Directly or indirectly, either by hook or by crook, if not openly then in secret, their private ends will be served. Granting the proposition that men are selfish, we cannot avoid the corollary that those who possess authority will, if permitted, use it for selfish purposes.

Should any one need facts in proof of this, he may find them at every page in the nearest volume of history. Under the head "Monarchy," he will read of insatiable cravings after more territory; of confiscations of the subjects' property; of justice sold to the highest bidder; of continued debasements of coinage; and of a greediness which could even descend to share the gains of prostitutes.

He will find Feudalism exemplifying the same spirit by the cruelties inflicted upon serfs; by the right of private war; by the predatory incursions of borderers; by robberies practised on Jews; and by

the extortionate tribute wrung from burghers—all of them illustrations of that motto, so characteristic of the system—"Thou shalt want ere I want."

Does he seek like evidence in the conduct of later aristocracies? He may discover it in every state in Europe: in Spain, where the lands of nobles and clergy were long exempted from direct taxation; in Hungary, where, until lately, men of rank were free of all turnpikes, and only the mercantile and working classes paid; in France, before the first revolution, where the *tiers-état* had to bear all the State burdens; in Scotland where, less than two centuries ago, it was the custom of lairds to kidnap the common people, and export them as slaves; in Ireland where, at the rebellion, a band of usurping landowners hunted and shot the Catholics as they would game, for daring to claim their own.

If more proofs are wanted that power will be made to serve the purposes of its possessors, English legislation can furnish many such. Take, for example,



the significantly named "Black Act" (9th of George I.), which declares that any one disguised and in possession of an offensive weapon "appearing in any warren, or place where hares or conies have been, or shall be usually kept, and being thereof duly convicted, shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy." Instance again the Inclosure Laws, by which commons were divided among the neighbouring landowners in the ratios of their holdings, regardless of the claims of the poor cottagers. Notice also the manœuvre by which the land-tax has been kept stationary, or has even decreased, while other taxes have so enormously increased. Add to these the private monopolies (obtained from the King for "a consideration"), the perversion of the funds of public schools, the manufacture of places and pensions.

Nor is the disposition to use power for private ends less manifest in our own day. It shows itself in the assertion that an electoral system should give a preponderance to the landed interest. We see it in the legislation which relieves farmers from sundry assessed taxes, that they may be enabled to pay more rent. It is palpably indicated in the Game Laws. The conduct of the squire, who gets his mansion rated at one-third of its value, bears witness to it. It appears in the law enabling the landlord to anticipate other creditors, and to obtain his rent by immediate seizure of his tenant's property. We are reminded of it by the often-mentioned legacy and probate duties. It is implied by the fact that while no one dreams of compensating the discharged workman, gentlemen sinecurists must have their "vested interests" bought up if their offices are abolished. In the tracts of the Anti-Corn Law League it receives abundant illustration. It is seen in the votes of the hundred and fifty military and naval members of Parliament. And lastly, we find this self-seeking of those in authority

creeps out even in the doings of the "Right Reverend Fathers in God" forming the Ecclesiastical Commission, who have appropriated, for the embellishment of their own palaces, funds entrusted to them for the benefit of the Church.

But it is needless to accumulate illustrations. Though every historian the world has seen should be subpoenaed as a witness, the fact could not be rendered one whit more certain than it is already. Why ask whether those in power *have* sought their own advantage in preference to that of others? With human nature as we know it, they must have done so. It is this same tendency in men to pursue gratification at the expense of their neighbours which renders government needful. Were we not selfish, legislative restraint would be unnecessary. Evidently, then, the very existence of a State-authority proves that irresponsible rulers will sacrifice the public good to their personal benefit: all solemn promises, specious professions, and carefully arranged checks and safeguards, notwithstanding.

It is a pity that those who speak disparagingly of the masses have not wisdom enough, or candour enough, to make due allowance for the unfavourable circumstances in which the masses are placed. Suppose that, after carefully weighing the evidence, it should turn out that the working men *do* exhibit greater vices than those more comfortably off; does it therefore follow that they are morally worse? Are the additional temptations under which they labour to be left out of the estimate? Shall as much be expected at their hands as from those born into a more fortunate position? Ought the same demands to be made upon the possessors of five talents as upon the possessors of ten? Surely the lot of the hard-handed labourer is pitiable enough without having harsh judgments passed upon him. Consider well these endowments of his—these capacities, affections, tastes, and



the vague yearnings to which they give birth. Think of him now with his caged-up desires doomed to a daily, weekly, yearly round of painful toil, with very little remission save for food and sleep. Observe how he is tantalized by the pleasures he sees his richer brethren partaking of, but from which he must be for ever debarred. Note the humiliation he suffers from being looked down upon as of no account among men. And then remember that he has nothing to look forward to but a monotonous continuance of this till death. Is this a salutary state of things to live under?

It is very easy for you, O respectable citizen, seated in your easy chair with your feet on the fender, to hold forth on the misconduct of the people;—very easy for you to censure their extravagant and vicious habits;—very easy for you to be a pattern of frugality, of rectitude, of sobriety. What else should you be? Here are you surrounded by comforts, possessing multiplied sources of lawful happiness, with a reputation to maintain, an ambition to fulfil and the prospect of a competency for your old age. A shame indeed would it be if with these advantages you were not well regulated in your behaviour. You have a cheerful home, are warmly and cleanly clad, and fare, if not sumptuously every day, at any rate abundantly. For your hours of relaxation there are amusements. A newspaper arrives regularly to satisfy your curiosity; if your tastes are literary books may be had in plenty; and there is a piano if you like music. You can afford to entertain your friends, and are entertained in return. There are lectures, and concerts, and exhibitions, accessible if you incline to them. You may have a holiday when you choose to take one, and can spare money for an annual trip to the sea-side. And enjoying all these privileges you take credit to yourself for being a well-conducted man! Small praise to you for it! If you do not contract dissipated habits where is the merit? you have few incentives to do so. It is no honour to *you* that you

do not spend your savings in sensual gratification; you have pleasures enough without. But what would you do if placed in the position of the labourer? How would these virtues of yours stand the wear and tear of poverty? Where would your prudence and self-denial be if you were deprived of all the hopes that now stimulate you; if you had no better prospect than that of the Dorsetshire farm-servant with his 10s. a week, or that of the perpetually-straitened stocking-weaver, or that of the mill-hand with his not infrequent suspensions of work? Let us see you tied to an irksome employment from dawn till dusk; fed on meagre food, and scarcely enough of that; married to a factory girl ignorant of domestic management; deprived of the enjoyments which education opens up; with no place of recreation but the pot-house; and then let us see whether you would be as steady as you are. Suppose your savings had to be made, not, as now, out of surplus income, but out of wages already insufficient for necessities; and then consider whether to be provident would be as easy as you at present find it. Conceive yourself one of a class contemptuously termed "the great unwashed"; stigmatized as brutish, stolid, vicious; suspected of harbouring wicked designs; and then say whether the desire to be respectable would be as practically operative on you as now. Lastly, imagine that seeing your capacities were but ordinary, and your competitors innumerable, you despaired of ever attaining to a higher station; and then think whether the incentives to perseverance and forethought would be as strong as your existing ones.

After all it is a pitiful controversy, this about the relative vices of rich and poor. Two school-boys taunting each other with faults of which they were equally guilty, would best parody it. While indignant Radicalism denounces "the vile aristocrats," these in their turn enlarge with horror on the brutality of the mob,



Neither party sees its own sins. Neither party recognizes in the other, itself in a different dress. Neither party can believe that it would do all the other does if placed in like circumstances. Yet a cool bystander finds nothing to choose between them—knows that the class-recriminations are but the inflammatory symptoms of a uniformly-diffused immorality. Label men how you please with titles of “upper,” and “middle,” and “lower,” you cannot prevent them being units of the same society, acted upon by the same spirit of the age, moulded after the same type of character. The mechanical law that action and reaction are equal, has its moral analogue. The deed of one man to another tends ultimately to produce a like effect on both, be the deed good or bad. Do but put them in relationship, and no divisions into castes, no differences of wealth, can prevent men from assimilating. Whoso is placed among the savage will in process of time grow savage too; let his companions be treacherous and he will become treacherous in self-defence; surround him with the kind-hearted and he will soften; amid the refined he will acquire polish; and the same influences which thus rapidly adapt the individual to his society, ensure, though by a slower process, the general uniformity of a national character. This is no unsupported theory. Look when or where we please, thickly strewn proofs may be gathered. The cruelties of the old Roman rulers were fully paralleled by those over which the populace gloated in their arenas. During the servile wars of the middle ages, barons tortured rebels and rebels tortured barons, with equal diabolical ferocity. Those massacres which took place a few years since in Galicia, covered with infamy both the people who committed them and the government which paid for them at per head. The Assam chiefs, to whom the East India Company have allowed compensation for abandoning their established right of plunder, are neither better nor worse than the mass

of the people, among whom joint-stock robbing companies are common. A similar sameness is exhibited in Russia, where all are alike swindlers, from the Prince Marshal who cheats the troops out of their rations, the officers who rob the Emperor of his stores, the magistrates who require bribing before they will act, the police who have secret treaties with the thieves, the shopkeepers who boast of their successful trickeries, down to the postmasters and droshky-drivers with their endless impositions. In Ireland, during the last century, while the people had their faction fights and secret revenge societies, duelling formed the amusement of the gentry, and was carried to such a pitch that the barrister was bound to give satisfaction to the witness he had bullied, or to the client who was dissatisfied with him.<sup>1</sup> And let us not forget how completely this unity of character is exhibited by the Irish of to-day, among whom Orangemen and Catholics display the same truculent bigotry; among whom magistrates and people join in party riots; and among whom the improvidence of the peasantry is to be paralleled only by that of the landlords. Our own history furnishes like illustrations in plenty. The time when England swarmed with highwaymen and outlaws, and when the populace had that sneaking kindness for a bold robber, still shown in some parts of the Continent, was the time when kings also played the bandit; when they cheated their creditors by debasing the coinage; when they impressed labourers to build their palaces (Windsor Castle, for instance), obliging them under pain of imprisonment to take the wages offered; and when they seized and sold men's goods, paying the owners less than a third of what the goods realized. During the age of religious persecution, Papists martyred Protestants and Protestants

<sup>1</sup> “It is time,” said a veteran of this school, “to retire from the bar, since this new-fangled special pleading has superseded the use of gunpowder.”—*Sketches of Ireland Sixty Years Ago*.



martyred Papists, with equal cruelty; and Cavaliers and Roundheads treated each other with the same rancour. In the present day dishonesty shows itself not less in the falsification of dockyard accounts, or the "cooking" of railway-reports, than in burglary or sheep-stealing; while those who see heartlessness in the dealings of slop-tailors and their sweaters, may also find it in the conduct of rich landlords who get double rent from poor allotment holders,<sup>1</sup> and in that of responsible ladies who underpay half-starved seamstresses.<sup>2</sup> Changes in tastes and amusements are similarly common to all. The contrast between the Squire Westerns and their descendants has its analogy among the people. As in Spain a bull fight is still the favourite pastime of both the Queen and her subjects, so in England fifty years ago, the cock pit and the prize-ring were patronized alike by peer and pauper; and a reference to the sporting papers will show that the lingering instincts of the savage are at this moment exhibited by about an equal percentage of all classes.

<sup>1</sup> "Allotments are generally given on poor and useless pieces of land, but the thorough cultivation they receive soon raises them to a high pitch of fertility. The more fertile they become the more the rent of each portion is increased, and we were informed that there are at present allotments on the Duke's property which, under the influence of the same competition which exists with reference to farms, bring his Grace a rent of £2, £3, and even £4 an acre."—*The Times Agricultural Commissioner on the Blenheim Estates*.

<sup>2</sup> See letters on "Labour and the Poor." An Officer's widow says:—"Generally the ladies are much harder in their terms than the tradespeople; oh, yes, the tradespeople usually show more lenity towards the needle-women than the ladies. I know the mistress of an institution who refused some chemises of a lady who wanted to have them made at 9d. She said she would not impose upon the poor workpeople so much as to get them made at that price."—*Morning Chronicle*, November 16, 1849. A vendor of groundsel and turfs for singing birds says:—"The ladies are very hard with a body. They tries to beat me down, and particular in the matter of turfs. They tell me they can buy half-a-dozen for 1d., so I'm obligated to let 'em have three or four."—*Morning Chronicle*, November 20, 1849.

If by ignorance is meant want of information on matters which, for the due performance of his function, the citizen should understand (and no other definition is to the point), then it is a great error to suppose that ignorance is peculiar to the unenfranchised. Were there no other illustrations, sufficient proof that this ignorance is shared by those on the register, might be gathered from their conduct at elections. Much might be inferred from the tuft-hunting spirit exhibited in the choice of aristocratic representatives. Some doubts might be cast on the penetration of men who, while they complain of the pressure of taxation, send to parliament hordes of military and naval officers, who have an interest in making that taxation still greater. Or the pretensions of the present holders of political power to superior knowledge, might be tested by quotations from the debates of a farmers' market-ordinary, and from those of the assembly into which electoral wisdom is distilled. But without dilating upon these general considerations, let us examine a few of the opinions entertained by the mercantile classes upon State-questions, and see how far these opinions entitle them to a reputation for enlightenment.

"Money is wealth," was the dogma universally held by legislators and economists before the days of Adam Smith; and in conformity with it Acts of Parliament were, by general consent, framed to attract and retain in the country as much coin as possible. Mr. Mill, in the introduction to his *Principles of Political Economy*, assumes that the belief is now extinct. It may be so among philosophers, but it is still prevalent in the trading world. We continue to hear deeds praised as tending to "circulate money"; and, on analyzing the alarm periodically raised that "the money is going out of the country," we find such an occurrence regarded as a disaster in itself, and not simply as indicating that the country is poor in consumable commodities. Is



there not occasion for a little "enlightenment" here?

Again, no small number of respectable people on hearing of a fire, or the mad extravagance of a spendthrift, console themselves with the reflection that such things are "good for trade." Dangerous voters these, if sound political knowledge is a needful qualification.

Even a professed political economist—Doctor Chalmers—maintains that the revenues of landowners form no deduction from the means of society, seeing that the expenditure of such revenues consists "in a transference to the industrious of sustenance and support for their services"; which proposition amounts to this—that it matters not in the end whether A and his servants B, C, and D, live on the produce of their own industry or on the produce of other men's industry!<sup>1</sup>

There still survives alike amongst rich and poor the belief that the speculations of corn-dealers are injurious to the public. Their anger blinds them to the fact that were not the price raised immediately after a deficient harvest, by the purchases of these large factors, there would be nothing to prevent the people from consuming food at their ordinary rate; which would end in the inadequate supply being eaten up long before the ripening of the next crop. They do not perceive that this mercantile operation is analogous in its effect to putting the crew of a vessel on diminished rations when the stock of provisions is found insufficient to last out the voyage. A somewhat serious error this, for electors to labour under.

<sup>1</sup> No doubt the belief which Dr. Chalmers combats, viz., that the landlord's revenue is wholly consumed by him, is an erroneous one; for, as he points out, the greater portion of it goes to maintain those who directly or indirectly minister to the landlord's wants. But Dr. Chalmers overlooks the fact that did the landlord not exist, the services which such now render to him in return for "sustenance and support," would be rendered, in some other shape, to those producers from whom the landlord's revenue originally came.

What crude theories prevail also respecting the power of a legislature to encourage different branches of industry—"agricultural interests" and other "interests." It is not farmers only who labour under the mistake that their occupation can be made permanently more prosperous than the rest by act of parliament: educated towns-people, too, participate in the delusion; quite forgetting that the greater profitableness artificially given to any particular trade, inevitably draws into that trade such an increased number of competitors as quickly reduces its proffered advantages to the general level, and even for a time below that level. Is not the educator wanted behind the counter and on the farm, as well as in the workshop?

A democracy, properly so called, is a political organization modelled in accordance with the law of equal freedom. And if so, those cannot be called democracies under which, as under the Greek and Roman governments, from four-fifths to eleven-twelfths of the people were slaves. Neither can those be called democracies which, like the constitutions of mediæval Italy, conferred power on the burghers and nobles only. Nor can those even be called democracies which, like the Swiss states, have always treated a certain unincorporated class as political outlaws. Enlarged aristocracies these should be termed; not democracies.

In the earlier stages of civilization, before the process of adaptation has yet produced much effect, the struggle for political equality does not exist. There were no agitations for representative government among the Egyptians, or the Persians, or the Assyrians: with them all disputes were as to who should be despot. By the Hindoos a similar state of things is exhibited to the present hour. The like mental condition was shown during the earlier stages of our own progress. In the middle ages fealty to a feudal lord was accounted a duty, and the assertion of personal



freedom a crime. Rights of man were not then dreamed of. Revolutions were nothing but dynastic quarrels; not what they have been in later times—attempts to make government more popular. And if, after glancing at the changes which have taken place between the far past and the present, we reflect upon the character of modern ideas and agitations—on declarations of rights, liberty of the press, slave-emancipation, removal of religious disabilities, Reform Bills, Chartism, &c., and consider how through all of them there runs a kindred spirit, and how this spirit is manifesting itself, with constantly increasing intensity and universality, we shall see that these facts imply some moral change; and explicable as they are by the growth of this compound faculty responding to the law of equal freedom, it is reasonable to consider them as showing the mode in which such faculty seeks to place social arrangements in harmony with that law.

If a democracy is produced by this agency, so also is it rendered practicable by it. The popular form of government as contrasted with the monarchical, is professedly one which places less restraint upon the individual. In speaking of it we use such terms as *free* institutions, *self-government*, *civil liberty*, all implying this. But the diminution of external restraint can take place only at the same rate as the increase of internal restraint. Conduct has to be ruled either from without or from within. If the rule from within is not efficient, there *must* exist a supplementary rule from without. If, on the other hand, all men are properly ruled from within, government becomes needless, and all men are perfectly free. Now the chief faculty of self-rule being the moral sense, the degree of freedom in their institutions which any given people can bear, will be proportionate to the diffusion of this moral sense among them. And only when its influence greatly predominates can so large an instalment of freedom as a democracy implies become possible.

Lastly, the supremacy of this same faculty affords the only guarantee for the stability of a democracy. On the part of the ruled it gives rise to what we call a jealousy of their liberties—a watchful determination to resist anything like encroachment upon their rights; while it generates among the rulers such respect for these rights as checks any desire they may have to aggress. Conversely, let the ruled be deficient in the instinct of freedom, and they will be indifferent to the gradual usurpation of their privileges so long as it entails no immediate inconvenience upon them; and the rulers, in such case, being deficient in sympathetic regard for these privileges, will be, to a like extent, unscrupulous in usurping. Let us observe, in detail, the different modes in which men thus contra-distinguished comport themselves under a representative form of government. Among a people not yet fitted for such a form, citizens, lacking the impulse to claim equal powers, become careless in the exercise of their franchise, and even pride themselves on not interfering in public affairs.<sup>1</sup> Provided their liberties are but indirectly affected, they will watch the passing of the most insidious measures with vacant unconcern. It is only barefaced aggressions that they can perceive to be aggressions at all. Placing, as they do, but little value on their privileges, they are readily bribed. When threatened, instead of assuming that attitude of dogged resistance which the instinct of freedom dictates, they truckle. If tricked out of a right of citizenship, they are quite indifferent about getting it again; and, indeed, when the exercise of it conflicts with any immediate interest, are glad to give it up,—will even petition, as in times past did many of the corporate towns, both in England and Spain, that they may be excused from electing representatives. Meanwhile, in accordance with that law of social homogeneity lately dwelt upon, those in authority are

<sup>1</sup> Instance the behaviour of the Prussian electors since the late revolution,



in a like ratio ready to encroach. They intimidate, they bribe, they plot; and by degrees establish a comparatively coercive government. On the other hand, among a people sufficiently endowed with the faculty responding to the law of equal freedom, no such retrograde process is possible. The man of genuinely democratic feeling loves liberty as a miser loves gold, for its own sake and quite irrespective of its apparent advantages. What he thus highly values he sleeplessly watches; and he opposes aggression the moment it commences. Should any assume undue prerogatives, he straightway steps up to them and demands their authority for so doing. Transactions that seem in the remotest degree underhand awaken his suspicions, which are not laid so long as anything remains unexplained. If in any proposed arrangement there be a latent danger to the liberties of himself and others, he instantly discovers it and refuses his consent. He is alarmed by such a proposal as the disfranchisement of a constituency by the legislature; for it at once occurs to him that the

measure thus levelled against one may be levelled against many. To call that responsible government under which a cabinet-minister can entangle the nation in a quarrel about some paltry territory before they know anything of it, he sees to be absurd. It needs no chain of reasoning to show him that the assumption, by a delegated assembly, of the power to lengthen its own existence from three years to seven, is an infraction of the representative principle; and no plausible professions of honourable intentions can check his opposition to the setting up of so dangerous a precedent. Still more excited is he when applied to for grants of public money, with the understanding that on a future occasion he shall be told how they have been spent. Flimsy excuses about "exigencies of the State," and the like, cannot entrap him into so glaring an act of self-stultification. Thus is he ever on the watch to stop encroachment. And when a community consists of men animated by the spirit thus exemplified, the continuance of liberal institutions is certain.

## THE DUTY OF THE STATE

OUR system of jurisprudence takes a very one-sided view of the reciprocal claims of State and subject. It is stringent enough in enforcing the claim of the State against the subject; but as to the correlative claim of the subject against the State it is comparatively careless. That it recognizes the title of the tax-payer to protection is true; but it is also true that it does this but partially. From certain infringements of rights, classed as criminal, it is ready to defend every complainant; but

against others, not so classed, it leaves every one to defend himself. The most trifling injury, if inflicted in a specified manner, is cognizable by the magistrate, and redress may be obtained for nothing; but if otherwise inflicted, the injury, no matter how serious, must be passively borne, unless the sufferer has plenty of money and a sufficiency of daring. Let a man have his hat knocked over his eyes, and the law will zealously espouse his cause—will mulct his assailant in a fine and costs, and will



do this without charge. But if, instead of having been bonneted he has been wrongfully imprisoned, he is politely referred to a solicitor, with the information that the offence committed against him is actionable; which means, that if rich he may play double or quits with Fate; and that if poor he must go without even this chance of compensation. Against picking of pockets, as ordinarily practised, the ruling power grants its lieges gratuitous protection; but pockets may be picked in various indirect ways, and it will idly look on unless costly means are taken to interest it. It will rush to the defence of one who has been deprived of a few turnips by a half-starved tramp; but as to the estate on which these turnips grew, that may be stolen without risk, so long as the despoiled owner is left friendless and penniless.<sup>1</sup> Some complaints need only to be whispered, and the State forthwith plays the parts of constable, lawyer, judge, and gaoler; while to others it turns a deaf ear unless they are made through its bribed hangers-on. Now it is the injured man's champion; and now it throws down its weapons and seats itself as umpire, while oppressor and oppressed run a tilt at each other.

That men should sit down as apathetically as they do under the present corrupt administration of justice, is not a little remarkable. That we, with all our jealousy of abuses, with all our opportunities of canvassing, blaming, and amending the acts of the legislature, with all our readiness to organize and agitate, with the Anti-Corn-Law, Slavery-Abolition, and Catholic-Emancipation victories fresh in remembrance—that we, the independent, self-ruling English, should daily behold the abominations of our judicial system, and yet do nothing

to rectify them, is really quite incomprehensible. It is not as though the facts were disputed; all men are agreed upon them. The dangers of law are proverbial. The names of its officers are used as synonyms for trickery and greediness. The decisions of its courts are typical of chance. In all companies you hear but one opinion; and each person confirms it by a fresh illustration. Now you are informed of £300 having been expended in the recovery of forty shillings' worth of property; and again of a cause that was lost because an affirmation could not be received in place of an oath. A right-hand neighbour can tell you of a judge who allowed an indictment to be objected to, on the plea that the words, "in the year of our Lord," were not inserted before the date; and another to your left narrates how a thief lately tried for stealing a guinea-pig was acquitted, because a guinea-pig was shown to be a kind of rat, and a rat could not be property. At one moment the story is of a poor man whose rich enemy has deliberately ruined him by tempting him into litigation; and at the next it is of a child who has been kept in prison for six weeks, in default of sureties for her appearance as witness against one who had assaulted her.<sup>1</sup> This gentleman had been cheated out of half his property, but dared not attempt to recover it for fear of losing more; while his less prudent companion can parallel the experience of him who said that he had only twice been on the verge of ruin—once when he had lost a law-suit, and once when he had gained one. On all sides you are told of trickery and oppression, and revenge, committed in the name of justice; of wrongs endured for want of money wherewith to purchase redress; of rights unclaimed because contention with the powerful usurper was useless; of chancery-suits that outlasted the lives of the suitors; of fortunes swallowed up in settling a title; of estates lost by

<sup>1</sup> It is true that a plaintiff who can swear that he is not worth £5, may sue *in forma pauperis*. But this privilege is almost a dead letter. Actions so instituted are usually found to fail, because those who conduct them, having to plead gratuitously, plead carelessly.

<sup>1</sup> The case occurred at Winchester in July, 1849.



an informality. And then comes a catalogue of victims—of those who had trusted and been deceived; gray-headed men whose hardly-earned savings went to fatten the attorney; threadbare and hollow-cheeked insolvents who lost all in the attempt to get their due; some who had been reduced to subsist on the charity of friends; others who had died the death of a pauper; with not a few whose anxieties had produced insanity, or who in their desperation had committed suicide. Yet, while all echo one another's exclamations of disgust, these iniquities continue unchecked!

There are not wanting, however, men who defend this state of things—who actually argue that government should perform but imperfectly what they allow to be its special function. While, on the one hand, they admit that administration of justice is the vital necessity of civilized life, they maintain, on the other, that justice may be administered too well! "For," say they, "were law cheap, all men would avail themselves of it. Did there exist no difficulty in obtaining justice, justice would be demanded in every case of violated rights. Ten times as many appeals would be made to the authorities as now. Men would rush into legal proceedings on the slightest provocation; and litigation would be so enormously increased as to make the remedy worse than the disease."

Such is the argument: an argument involving either a gross absurdity or an unwarrantable assumption. For observe, when this great multiplication of law-proceedings under a gratuitous administration of justice, is urged as a reason why things should remain as they are, it is implied that the evils attendant upon the rectification of all wrongs, would be greater than are the evils attendant upon submission to those wrongs. Either the great majority of civil aggressions must be borne in silence as now, or must be adjudicated upon as then; and the allegation\* is that the first alternative is

preferable. But if ten thousand litigations are worse than ten thousand injustices, then one litigation is worse than one injustice. Which means that, as a general principle, an appeal to the law for protection is a greater evil than the trespass complained of! Which means that it would be better to have no administration of justice at all! If, for the sake of escaping this absurdity, it be assumed that, as things now are, all *great* wrongs are rectified,—that the costliness of law prevents insignificant ones only from being brought into court, and that consequently the above inference cannot be drawn; then, either denial is given to the obvious fact that, by the poverty they inflict, many of the greatest wrongs incapacitate their victims from obtaining redress, and to the obvious fact that the civil injuries suffered by the masses, though *absolutely* small are *relatively* great; or else it is taken for granted that on nine-tenths of the population, who are too poor to institute legal proceedings, no civil injuries of moment are ever inflicted!

Nor is this all. It is not true that making the law easy of access would increase litigation. An opposite effect would be produced. The prophecy is vitiated by that very common mistake of calculating the result of some new arrangement on the assumption that all other things would remain as they are. It is taken for granted that under the hypothetical *régime* just as many transgressions would occur as at present. Whereas any candid observer can see that most of the civil offences now committed, are committed *in consequence* of the inefficiency of our judicial system;

"For sparing justice feeds iniquity."

It is the difficulty which he knows there will be in convicting him which tempts the knave to behave knavishly. Were not the law so expensive and so uncertain, dishonest traders would never risk the many violations of it they now do. The trespasses of the wealthy against the poor would be rare, were it not that the



aggrieved have practically no remedy. Mark how, to the man who contemplates wronging his fellow, our legal system holds out promises of impunity. Should his proposed victim be one of small means, there is the likelihood that he will not be able to carry on a law-suit: here is encouragement. Should he possess enough money, why, even then, having, like most people, a great dread of litigation, he will probably bear his loss unresistingly: here is further encouragement. Lastly, our plotter remembers that, should his victim venture an action, judicial decisions are very much matters of accident, and that the guilty are often rescued by clever counsel: here is still more encouragement. And so, all things considered, he determines to chance it. Now, he would never decide thus were legal protection efficient. Were the administration of law prompt, gratuitous, and certain, those probabilities and possibilities which now beckon him on to fraudulent acts would vanish. Only in cases where both parties sincerely believed themselves right, would judicial arbitration be called for; and the number of such cases is comparatively small. Litigation, therefore, so far from *increasing* if justice were made easy of obtainment, would probably *decrease*.

But, after all, it is not the setting up of this or that system of jurisprudence which causes the intercourse of men with one another to be equitable or otherwise. The matter lies deeper. As with forms of government, so with forms of law, it is the national character that decides. The power of an apparatus primarily depends, not on the ingenuity of its design, but on the strength of its materials. Be his plan never so well devised, yet if our engineer has not considered whether the respective parts of his structure will bear the strains to be put upon them, we must call him a bungler. Similarly with the institution-maker. If the people with whom he has to deal are not of the exquisite quality, no cleverness in his

contrivance will avail anything. Let us not forget that institutions are *made* of men, and that frame them together as we may, it is their nature which must finally determine whether the institutions can stand. These social forms which we regard as all-potent, are things of quite secondary importance. What mattered it that the Roman plebeians were endowed with certain privileges, when the patricians prevented them from exercising those privileges by ill-treatment carried even to the death? What mattered it that our statute-book contained equitable provisions, and that officers were appointed to enforce them, when there needed a Magna Charta to demand that justice should neither be sold, denied, nor delayed? What matters it even now, that all men are declared equal before the law, when magistrates are swayed by class-sympathies, and treat a gentleman more leniently than an artisan? If we think that we can rectify the relationships of men at will, we deceive ourselves. What Sir James Mackintosh says of constitutions—that they are not made but grow—applies to all social arrangements. It is not true that once upon a time men said—"Let there be law"; and there was law. Administration of justice was originally impracticable, Utopian, and has become more and more practicable only as men have become less savage. The old system of settling disputes by personal contest, and the new system of settling them by State-arbitration, have co-existed throughout all ages: the one little by little taking the place of the other—outgrowing it. The feudal baron with castle and retainers maintained his own rights, and would have considered himself disgraced by asking legal aid. Even after he had agreed to regard his suzerain as umpire, it was still in the lists, and by the strength of his arm and his lance, that he made good his cause. And when we remember that equally among lords and labourers this practice long lingered,—that until lately we had duels, which it was thought dishonourable for



gentlemen to avoid by applying to a magistrate, and that even still we have pugilistic fights, which the people try to hide from the police; we are taught that it is impossible for a judicial system to become efficient faster than men become good. It is only after public morality has gained a certain ascendancy, that the civil power gets strong enough to perform its simplest functions. Before this it cannot even put down banditti; border forays continue in spite of it; and it is bearded in its very strongholds, as, among ourselves, by the thieves of Whitefriars but two centuries ago. Under early governments the officers of law are less friends than enemies. Legal forms are commonly used for purposes of oppression. Causes are decided by favouritism, bribery, and backstairs intrigue. The judicial apparatus breaks down under the work it has to do; and shows us in a Jonathan Wild, a Judge Jeffries, and even a Lord Chancellor Bacon, how inevitably its several parts are rendered inoperative by a generally-diffused wickedness. And when we read of Orange magistrates who become aggressors rather than protectors; of policemen who conspire with one another to obtain convictions that they may be promoted; and of the late Palace Court, whose officers habitually favoured the plaintiff, with the view of inducing men to enter suits there, we find that now, as of old, judicial protection is vitiated by the depravity of the age.

The civil power no more does what to the careless eye it seems to do, than the juggler really performs his apparent miracles. It is impossible for man to create force. He can only alter the mode of its manifestation, its direction, its distribution. The power which propels his steamboats and locomotives is not of his making; it was all lying latent in the coal. He telegraphs by an agent set free during the oxidation of zinc, but of which no more is obtained than is due to the number of atoms that have combined. The very energy he expends in

moving his arm is generated by the chemical affinities of the food he eats. In no case can he do anything but avail himself of dormant forces. This is as true in ethics as in physics. Moral feeling is a force—a force by which men's actions are to be restrained within certain bounds; and no legislative mechanism can really increase its results. By how much this force is deficient, by so much must its work remain undone. In whatever degree we lack the qualities needful for our state, in the same degree must we suffer. Nature will not be cheated. Whoso should think to escape the influence of gravitation by throwing his limbs into some peculiar attitude, would not be more deceived than are those who hope to avoid the weight of their depravity by arranging themselves into this or that form of political organization. Every jot of the evil must in one way or other be borne—consciously or unconsciously; either in a shape that is recognized, or else under some disguise. No philosopher's stone of a constitution can produce golden conduct from leaden instincts. No apparatus of senators, judges, and police, can compensate for the want of an internal governing sentiment. No legislative manipulation can eke out an insufficient morality into a sufficient one. No administrative sleight of hand can save us from ourselves.

But must not this imply that government is of no use whatever? Not at all. Although unable to alter the sum-total of injustice to be supported, it can still alter its *distribution*. And this is what it really does. By its aid, men to a considerable extent equalize the evil they have to bear—spread it out more uniformly over the whole community, and over the life of each citizen. Entire freedom to exercise the faculties, interrupted by entire deprivations of it, and marred by the perpetual danger of these deprivations, is exchanged for a freedom on which the restrictions are constant but partial. Instead of those losses of life, of limb, or of the means of subsist-



ence, which, under a state of anarchy, all are liable to, and many suffer, a political organization commits universal aggressions of a comparatively mild type. Wrongs that were before occasional but crushing, are now unceasing but bearable. The system is one of mutual insurance against moral disasters. Just as men, while they cannot prevent fires and shipwrecks, can yet guarantee one another against ruin from these, by bearing them in common, and distributing the injuries entailed over long periods of time; so, although by uniting together for judicial purposes men cannot diminish the amount of injustice to be borne, they can, and do, insure themselves against its otherwise fatal results.

When we agreed that it was the essential function of the State to protect—to administer the law of equal freedom—to maintain men's rights; we virtually assigned to it the duty, not only of shielding each citizen from the trespasses of his neighbours, but of defending him, in common with the community at large, against foreign aggressions. An invading force may violate people's rights as much as, or far more than, an equal body of felons; and our definition requires that government shall resist transgression in the one case as much as in the other. Protection,—this is what men seek by political combination; and whether it be against internal or external enemies matters not. Unquestionably war is immoral. But so likewise is the violence used in the execution of justice; so is all coercion. Ethical law is as certainly broken by the deeds of judicial authorities as by those of a defensive army. There is, in principle, no difference whatever between the blow of a policeman's baton and the thrust of a soldier's bayonet. Both are infractions of the law of equal freedom in the persons of those injured. In either case we have force sufficient to produce submission; and it matters not whether that force be employed by a man in red or by one in blue. Policemen are soldiers who act

alone; soldiers are policemen who act in concert. Government employs the first to attack in detail ten thousand criminals who separately make war on society; and it calls in the last when threatened by a like number of criminals in the shape of drilled troops. Resistance to foreign foes and resistance to native ones having consequently the same object—the maintenance of men's rights, and being effected by the same means—force, are in their nature identical; and no greater condemnation can be passed on the one than on the other. The doings of the battle-field merely exhibit in a concentrated form that immorality which is inherent in government, and attaches to all its functions. What is so manifest in its military acts is true of its civil acts,—it uses wrong to put down wrong.

Defensive warfare (and of course it is solely to this that the foregoing agreement applies) must therefore be tolerated as the least of two evils. There are indeed some who unconditionally condemn it, and would meet invasion by non-resistance. To such there are several replies.

First, consistency requires them to behave in like fashion to their fellow-citizens. They must not only allow themselves to be cheated, assaulted, robbed, wounded, without offering active opposition, but must refuse help from the civil power; seeing that they who employ force by proxy, are as much responsible for it as though they employed it themselves.

Again, such a theory makes pacific relationships between men and nations look needlessly Utopian. If all agree not to aggress, they must as certainly be at peace with each other as though they had all agreed not to resist. So that, while it sets up so difficult a standard of behaviour, the rule of non-resistance is not one whit more efficient as a preventive of war, than the rule of non-aggression.

Moreover, this principle of non-resistance is not deducible from the moral



law. The moral law says—Do not aggress. It cannot say—Do not resist; for to say this would be to presuppose its own precepts broken. As explained at the outset, Morality describes the conduct of perfect men; and cannot include in its premises circumstances that arise from imperfection. That rule which attains to universal sway when all men are what they ought to be, must be the right rule, must it not? And that rule which then becomes impossible of fulfilment must be the wrong one? Well, in an ideal State the law of non-aggression is obeyed by all—is the vital principle of every one's conduct—is fully carried out, reigns, lives; whereas in such a State the law of non-resistance necessarily becomes a dead letter.

Lastly, it can be shown that non-resistance is absolutely wrong. We may not carelessly abandon our dues. We may not give away our birthright for the sake of peace. If it be a duty to respect other men's claims, so also is it a duty to maintain our own. That which is sacred in their persons is sacred in ours also. Have we not a faculty which makes us feel and assert our title to freedom of action, at the same time that, by a reflex process, it enables us to appreciate the like title in our fellows? Did we not find that this faculty can act strongly on behalf of others, only when

it acts strongly on our own behalf? And must we assume that, while its sympathetic promptings are to be diligently listened to, its direct ones are to be disregarded? No: we may not be passive under aggression. In the due maintenance of our claims is involved the practicability of our duties.

Of international arbitration we must say, as of a free constitution, or a good system of jurisprudence, that its possibility is a question of time. The same causes which once rendered all government impossible have hitherto forbidden this widest extension of it. A federation of peoples—a universal society, can exist only when man's adaptation to the social state has become tolerably complete. We have already seen that in the earliest stage of civilization, when the repulsive force is strong, and the aggregative force weak, only small communities are possible. A modification of character causes these *gentes*, and tribes, and feudal lordships, and clans, to coalesce into nations; and a still further modification will allow of a still further union.

Meanwhile, in looking forward to some all-embracing federal arrangement, we must keep in mind that the stability of so complicated a political organization depends, not upon the fitness of one nation but upon the fitnesses of many.

## THE LIMIT OF STATE-DUTY

A FUNCTION to each organ and each organ to its own function, is the law of all organization. To do its work well, an apparatus must possess special fitness for that work; and this implies *unfitness* for any other work. The lungs cannot digest, the heart cannot respire,

the stomach cannot propel blood. Each muscle and each gland must have its own particular nerve. There is not a fibre in the body but what has a channel to bring it food, a channel to take the surplus away, an agency for stimulating it to perform its peculiar duty, and a



mechanism to take away effete matter. Between creatures of the lowest type and creatures of the highest, we similarly find the essential difference to be, that in the one the vital actions are carried on by a few simple agents, while in the other the vital actions are severally decomposed into their component parts, and each of these parts has an agent to itself. In organizations of another order the same principle is apparent. When the manufacturer discovered that by confining each of his workmen wholly to one process, he could greatly increase the productive powers of his establishment, he did but act on this same rule of one function to one organ. If we compare the mercantile arrangements of a village with those of a city, we shall find that the hucksters of the one carry on many trades each, while most shopkeepers of the other confine themselves to single trades; showing us how a highly-developed apparatus for the distribution of commodities is similarly distinguished by the subdivision of duties. Language, too, exemplifies the same truth. Between its primitive state, in which it consisted of nothing but nouns, used vaguely to indicate all ideas indiscriminately, and its present state, in which it consists of numerous "parts of speech," the process of growth has been that of gradually separating words into classes serving different purposes; and just as fast as this process has advanced, has language become capable of adequately fulfilling its end.<sup>1</sup>

May we not, then, suspect that the assigning of one function to one organ, is the condition of efficiency in all instrumentalities? If, as far as we can see, such is the law not only of natural organizations, but of what, in a superficial sense, we call artificial ones, does it not seem probable that it is the

universal law? Will it not be the law of institutions? Will it not be the law of the State? Must we not expect that with a government also, special adaptation to one end implies non-adaptation to other ends? And is it not likely that by devolving on a government additional functions, the due discharge of its peculiar function will be sacrificed? And would not this imply that a government ought not to undertake such additional functions?

But laying aside analogy, let us inquire whether it is not the fact that in assuming any office besides its essential one, the State begins to lose the power of fulfilling its essential one. So long as our joint-stock protection-society confines itself to guaranteeing the rights of its members, it is pretty certain to be co-extensive with the nation; for while such an organization is needed at all, most men will sacrifice something to secure its guardianship. But let an additional duty be assigned to it, and there will immediately arise more or less schism. Observe how the matter stands between the government and the dissentient citizen. Says the citizen:—

"What is it that you, as the ruling agency, 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 for a further purpose? 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?"

<sup>1</sup> Until now (1890) that I am re-reading *Social Statics* for the purpose of making this abridgment, the above paragraph had remained for these 40 years unremembered. It must have been written in 1849; and it shows that at that date I had entered on the line of thought which, pursued in after years, led to the general law of evolution



"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 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 needful, and is consequently unjustifiable."

It will perhaps be urged, however, that the evil done by a government, when it thus oversteps its original duty, is only an apparent one; seeing that although it diminishes men's spheres of action in one direction, it adds to them in another. All such supplementary functions, an objector may say, subserve in some way or other the wants of society; that is, they facilitate the satisfaction of men's desires; that is, they afford to men greater freedom for the exercise of their faculties. For if you argue that taking away a man's property diminishes his freedom to exercise his faculties, because it diminishes his *means* of exercising them, then you must in fairness admit that, by procuring for him certain of the objects he desires, or by taking away the obstacles that lie between him and those objects, or by otherwise helping him to his ends, the State is increasing his power to exercise his faculties, and hence is practically increasing his freedom.

To all which the answer is, that cut-

ting away men's opportunities on one side, to add to them on another, is at best accompanied by a loss. Let us remember that the force by which a society, through its government, works out certain results, is not increased by administrative mechanisms, but that part of it escapes in friction. Government evidently cannot *create* any facilities for the exercise of faculties; all it can do is to re-distribute them. Set down the amount of power to satisfy his wants, which it takes from a citizen in extra taxes; deduct the serious waste occurring under official manipulations; and the remainder, transformed into some new shape, is all that can be returned to him. The transaction is consequently a losing one. So that while, in attempting to serve the public by undertaking supplementary functions, a government fails in its duty towards all who dissent; 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.

But in truth the transaction is a yet more detrimental one than it thus appears, for even the gift is a delusion. The expediency-philosophy, of which this general State-superintendence is a practical expression, embodies the belief that government ought not only to guarantee men the unmolested pursuit of happiness, but should provide the happiness for them. Now no scheme could be more self-defeating. Man, as briefly delineated at the outset (p. 13), consists of a congeries of faculties qualifying him for surrounding conditions. Each of these faculties, if normally developed, yields to him, when exercised, a gratification constituting part of his happiness; while in the act of exercising it, some deed is done subserving the wants of the man as a whole, and affording to the other faculties the opportunities of performing in turn their respective functions, and of producing every one its peculiar pleasure: so that,



when healthily balanced, each subserves all and all subserve each. We cannot live at all unless this mechanism works with some efficiency; and we can live entirely only when the reciprocity between capacities and requirements is perfect. Evidently, then, one who is thus rightly constituted cannot be helped. To do anything for him by some artificial agency, is to supersede certain of his powers—is to leave them unexercised, and therefore to diminish his happiness.

"But men are *not* complete; they are *not* healthily developed; they have *not* capacities in harmony with their wants; and therefore, as matters stand, a government does *not* by its interpositions pre-occupy offices which there are faculties to fill." Very true; but next to being what we ought to be, the most desirable thing is that we should become what we ought to be as fast as possible. We have to lose the characteristics which fitted us for our original state, and to gain those which will fit us for our present state; and the question to be asked, respecting these mechanical remedies for our deficiencies, is, do they facilitate the change? A moment's thought will convince us that they retard it. Demand and supply is the law of life as well as the law of trade. Would you draw out and increase some feeble sentiment? Then you must set it to do, as well as it can, the work required of it. It must be kept ever active, ever strained, ever inconvenienced by its incompetence. Under this treatment it will, in the slow course of generations, attain to efficiency; and what was once its impossible task will become the source of a healthy, pleasurable, and desired excitement. But let a State-instrumentality be thrust between such faculty and its work, and the process of adaptation is at once suspended. The embryo agency now superseded by some commission—some board and staff of officers, straightway dwindles; for power is as inevitably lost by inactivity as it is gained by activity. Hence, humanity no longer goes on moulding itself into harmony with the natural requirements of the

social state; but begins, instead, to assume a form fitting these artificial requirements. And thus, as before said, not only does a government reverse its function by taking away more property than is needful for protective purposes, but even what it gives, in return for the excess so taken, is in essence a loss.

There is indeed one faculty, or rather combination of faculties, for whose shortcomings the State, as far as in it lies, may advantageously compensate—that, namely, by which society is made possible. It is clear that any being whose constitution is to be moulded into fitness for new conditions of existence, must be placed under those conditions. This granted, it follows that as man has been, and is still, deficient in those feelings which prevent the recurring antagonisms of individuals and their consequent disunion, some artificial agency is required by which their union may be maintained. Only by the process of adaptation itself can be produced that character which makes social equilibrium spontaneous. And hence, while this process is going on, an instrumentality must be employed, firstly, to bind men into the social state, and secondly to check all conduct endangering the existence of that state. Such an instrumentality we have in a government.

And now mark that whether we consider government from this point of view, or from that previously occupied, our conclusions respecting it are in essence identical. For when government fulfils the function here assigned it, of retaining men in the circumstances to which they are to be adapted, it fulfils the function which we on other grounds assigned it—that of protector. To administer justice,—to mount guard over men's rights,—is simply to render society possible. And seeing that the two definitions are thus at root the same, we shall be prepared for the fact that, in whichever way we specify its duty, the State cannot exceed that duty without defeating itself. For, if regarded as a protector, we find that the



moment it does anything more than protect, it becomes an aggressor instead of a protector; and, if regarded as a help to adaptation, we find that when it does anything more than sustain the social state, it retards adaptation instead of hastening it.

To the assertion that the boundary line of State-duty as above drawn is at the wrong place, the obvious rejoinder is—show us where it should be drawn. This appeal the expediency-philosophers have never yet been able to answer. Their alleged definitions are no definitions at all. As was proved at the outset, to say that government ought to do that which is “expedient,” or to do that which will tend to produce the “greatest happiness,” or to do that which will subserve the “general good,” is to say just nothing; for there are countless disagreements respecting the natures of these desiderata. A definition of which the terms are indefinite is an absurdity. Whilst the practical interpretation of “expediency” remains a matter of opinion, to say that a government should do that which is “expedient” is to say that it should do, what we think it should do!

Still then our demand is—a definition. Between the two extremes of its possible action, where lies the proper limitation? Shall it extend its interference to the fixing of creeds, as in the old times; or to overlooking modes of manufacture, farming operations, and domestic affairs, as it once did; or to commerce, as of late—to popular education, as now—to public health, as already—to dress, as in China—to literature, as in Austria—to charity, to manners, to amusements? If not to all of them, to which of them? Should the perplexed inquirer seek refuge in authority, he will find precedents not only for these but for many more such interferences. If, like those who disapprove of master tailors having their work done off the premises, or like those who want to prevent the produce of industrial

prisons displacing that of the artizans, or like those who would restrain charity-school children from competing with seamstresses, he thinks it desirable to meddle with trade-arrangements, there are plenty of exemplars for him. There is the law of Henry VII., which directed people at what fairs they should sell their goods; and that of Edward VI., which enacted a fine of £100 for a usurious bargain; and that of James I., which prescribed the quantity of ale to be sold for a penny; and that of Henry VIII., which made it penal to sell any pins but such as are “double-headed, and their head soldered fast to the shank, and well smoothed; the shank well shaven; the point well and round-filed and sharpened.” He has the countenance, too, of those enactments which fixed the wages of labour; and of those which dictated to farmers, as in 1533, when the sowing of hemp and flax was made compulsory; and of those which forbade the use of certain materials, as that now largely-consumed article, logwood, was forbidden in 1597. If he approves of so extended a superintendence, perhaps he would adopt M. Louis Blanc’s idea that “government should be considered as the supreme regulator of production”; and, having adopted it, push State-control as far as it was once carried in France, when manufacturers were pilloried for defects in the materials they employed, and in the textures of their fabrics; when some were fined for weaving of worsted a kind of cloth which the law said should be made of mohair, and others because their camlets were not of the specified width; and when a man was not at liberty to choose the place for his establishment, nor to work at all seasons, nor to work for everybody. Is this considered too detailed an interference? Then, perhaps, greater favour will be shown to those German regulations by which a shoemaker is prevented from following his craft until an inspecting jury has certified his competence; which disable a man who has chosen one calling from ever



adopting another ; and which forbid any foreign tradesman from settling in a German town without a licence. And if work is to be regulated, is it not proper that work should be provided, and the idle compelled to perform a due amount of it? In which case how shall we deal with our vagrant population? Shall we take a hint from Fletcher of Saltoun, who warmly advocated the establishment of slavery in Scotland as a boon to "so many thousands of our people who are at this day dying for want of bread"? or shall we adopt the analogous suggestion of Mr. Carlyle, who would remedy the distresses of Ireland by organizing its people into drilled regiments of diggers? The hours of labour too—what must be done about these? Having acceded to the petition of the factory-workers, ought we not to entertain that of the journeyman-bakers? and if that of the journeyman-bakers, why not, as Mr. Cobden asks, consider the cases of the glass-blowers, the nightmen, the iron-founders, the Sheffield knife-grinders, and indeed all other classes, including the hardworked M.P.'s themselves? And when employment has been provided, and the hours of labour fixed, and trade regulations settled, we must decide how far the State ought to look after people's minds, and morals, and health. There is this education question: having satisfied the prevalent wish for government schools with tax-paid teachers, and adopted Mr. Ewart's plan for town libraries and museums, should we not canvass the supplementary proposal to have national lecturers? and if this proposal is assented to, would it not be well to carry out the scheme of Sir David Brewster, who desired to have "men ordained by the State to the undivided functions of science"—"an intellectual priesthood," "to develop the glorious truths which time and space embosom"?<sup>1</sup> Then having established an "intellectual priesthood" to keep company with our religious one, a priesthood

<sup>1</sup> See Address to the British Association at Edinburgh, in 1850.

of physic, such as is advocated by certain feeless medical men, and of which we have already the germ in our union doctors, would nicely complete the trio. And when it had been agreed to put the sick under the care of public officials, consistency would of course demand the adoption of Mr. G. A. Walker's system of government funerals, under which "those in authority" are "to take especial care" that "the poorest of our brethren" shall have "an appropriate and solemn transmission" to the grave, and are to grant in certain cases "gratuitous means of interment." Having carried out thus far the communist plan of doing everything for everybody, should we not consider the people's amusements, and taking example from the opera-subsidy in France, establish public ball-rooms, and *gratis* concerts, and cheap theatres, with State-paid actors, musicians, and masters of the ceremonies: using care at the same time duly to regulate the popular taste, as indeed, in the case of the Art-Union subscribers, our present Government proposed to do? Speaking of taste naturally reminds us of dress, in which sundry improvements might be enforced; for instance—the abolition of hats: we should have good precedents either in Edward IV., who fined those wearing "any gown or mantell" not according to specification, and who limited the superfluity of people's boot-toes, or in Charles II., who prescribed the material for his subjects' grave-clothes. The matter of health, too, would need attending to; and, in dealing with this, might we not profitably reconsider those ancient statutes which protected peoples' stomachs by restricting the expenses of their tables; or, remembering how injurious are our fashionable late hours, might we not advantageously take a hint from the old Norman practice (otherwise prompted), and fix the time at which people should put out their fires and go to bed; or might we not with benefit act upon the opinion of M. Beausobre, a statesman who said it was "proper to watch during



the fruit season, lest the people eat that which is not ripe"? And then, by way of making the superintendence complete, would it not be well to follow the example of the Danish king who gave directions to his subjects how they should scour their floors and polish their furniture?

Multiply these questions; add to them the endless subordinate ones to which they must give rise; and some idea may be formed of the maze through which the expediency-philosopher has to find his way. Where now is his clue? If he would escape the charge of political empiricism, he must show us some test by which he can in each case ascertain whether or not State-superintendence is desirable. Between the one extreme of entire non-interference, and the other extreme in which every citizen is to be transformed into a grown-up baby, there lie innumerable stopping places; and he who would have the State do more than protect, is required to say where he means to draw the line, and to give us reasons why it must be just there and nowhere else.

After the difficulty of finding out the thing to be done, comes the other difficulty of finding out the way to do it. Let us excuse the expediency-philosopher one half of his task—let us assume something to be unanimously agreed to as a proper undertaking; and now suppose we inquire of him—How about your means of accomplishing it? Are you quite sure that your apparatus will not break down under its work? quite sure that it will produce the result you wish? quite sure that it will not produce some very different result? There is no lack of warnings. "Let us put down usury," said to themselves the rulers of the middle ages. They tried, and did just the reverse of what they intended; for it turned out that "all regulations interfering with the interest of money render its terms more rigorous and burdensome." "We will exterminate Protestantism," whispered the Continental Catholics to one another. They tried,

and instead of doing this they planted in England the germs of a manufacturing organization which has to a great extent superseded their own. "It will be well to give the labouring classes fixed settlements," thought the Poor-Law legislators; and, having acted out this thought, there eventually grew up the clearance system, with its overcrowded cottages and non-resident labour-gangs. "We must suppress these brothels," decided the authorities of Berlin in 1845. They did suppress them; and in 1848, the registrar's books and the hospital returns prove matters to be considerably worse than before.<sup>1</sup> "Suppose we compel the London parishes to maintain and educate their pauper children in the country," said statesmen in the time of George III.; "it would greatly tend to the preservation of the lives of the infant parish poor." So they passed the 7 George III., c. 39; and by-and-by there began the business of child-farming, ending in the Tooting tragedy. Are not such warnings worthy of attention?

Then as to his administrative mechanisms—can he answer for the satisfactory working of them? The common remark that public business is worse managed than all other business, is not altogether unfounded. To-day he will find it illustrated in the doings of a department which makes a valuable estate like the New Forest, a loss to the country of £3,000 a year; which allowed Salcey Forest to be wholly cut down and made away with by a dishonest agent; and which, in 1848, had its accounts made up to March, 1839, only. To-morrow he may read of Admiralty bunglings—of ships ill-built, pulled to pieces, re-built, and patched; and of a sluggishness which puts the national dockyards "about seven years" behind all others. Now the exposure is of an extravagance which erects gaols at a cost of £1,200 per prisoner; and now of a carelessness which permits important legal records to rot among rubbish.

<sup>1</sup> Reports of Dr. Fr. J. Behrend. See *Medical Times*, March 16, 1850.



Here is a sailor of whom the State demanded sixpence a month towards a hospital which was never provided, and whose pension from the Merchant-Seamen's Fund is nothing like what it would have been from an ordinary insurance society; and there, on the other hand, is a Mintmoneyer who gets more than £4,000 a year for doing what a tithe of the amount would amply pay for. Official delay is seen in the snail-paced progress of the Museum Catalogue; official mismanagement in the building of Houses of Parliament not fit for speaking in; and official perversity in the opposition always made to improvements by the Excise, the Customs, and the Post-Office authorities. Does the expediency-philosopher feel no apprehensions on contemplating such evidence? Or, as one specially professing to be guided by experience, does he think that on the whole experience is in his favour?

"It is a gross delusion to believe in the sovereign power of political machinery," says M. Guizot. True: and it is not only a gross delusion but a very dangerous one. Let a people believe in government-omnipotence, and they will be pretty certain to get up revolutions to achieve impossibilities. Between their exorbitant ideas of what the State ought to do for them on the one side, and its miserable performances on the other, there will surely be generated feelings extremely inimical to social order.

But this belief in "the sovereign power of political machinery" is not born with men; they are taught it. And how are they taught it? Evidently by these preachers of universal legislative superintendence, and by having seen, from their childhood, all kinds of functions undertaken by government officials. The idea which, in his comment upon the late events in France, M. Guizot calls a "gross delusion," is an idea which he, in common with others, has been practically inculcating. He has kept in action, and in some cases even extended, that

system of official supervision to which this idea owes its birth. Was it not natural that men living under the regulation of legions of prefects, sub-prefects, inspectors, controllers, intendants, commissaries, and other civil employés to the number of 535,000—men who were educated by the government, and taught religion by it—who had to ask its consent before they could stir from home—who could not publish a handbill without a permit from the authorities, nor circulate a newspaper after the censor's veto—who daily saw it dictating regulations for railways, inspecting and managing mines, building bridges, making roads, and erecting monuments—who were led to regard it as the patron of science, literature, and the fine arts, and as the dispenser of honours and rewards—who found it undertaking the manufacture of gunpowder, superintending the breeding of horses and sheep, playing the part of public pawnbroker, and monopolizing the sale of tobacco and snuff—who saw it attending to everything, from the execution of public works down to the sanitary inspection of prostitutes; was it not natural that men so circumstanced should acquire exalted ideas of State power? And, having acquired such ideas, were they not likely to desire the State to compass for them unattainable benefits; to get angry because it did not do this; and to attempt by violent means the enforcement of their wishes?<sup>1</sup> Evidently the reply must be affirmative. And if so, it is not too much to say that this overstepping of the proper sphere of government, leading as it does to

<sup>1</sup> Just in time—just while I have before me these pages of this revised edition, there comes a striking verification. *A propos* of the measures now being taken for dealing with the famine, and the effects produced on the minds of the peasants, a report from Russia in *The Standard* for 28th November, 1891, says:—"The peasant says to himself that the Czar has fed him up to now, and shall continue to feed him. In one case I hear that an official who endeavoured to explain the impossibility of this was met by the reply,—'If our Czar cannot feed us, we will have a Czar who can,'"



that "gross delusion," a belief in "the sovereign power of political machinery," is the natural forerunner of such schemes as those of Blanc and Cabet, and of that confusion which the attempt to realize them by State-agency must produce.

There are other modes, too, in which social stability is endangered by this interference system. It is a very expensive system. The further it is carried the larger become the revenues required; and we all know that heavy taxation is inseparable from discontent. Moreover, it is in its nature essentially despotic. In governing everything it unavoidably cramps men; and, by diminishing their liberty of action, angers them. It galls by its infinity of ordinances and restrictions; it offends by professing to help those whom it will not allow to help themselves; and it vexes by its swarms of dictatorial officials, who are for ever stepping in between men and their pursuits. Those regulations by which the French manufacturers were hampered during the last century, when the State decided on the persons to be employed,

the articles to be made, the materials to be used, and the qualities of the products—when inspectors broke the looms and burnt the goods that were not made according to law; when improvements were illegal and inventors were fined; had no small share in producing the great revolution. Nor, among the causes which conspired to overthrow the government of Louis Philippe, must we forget the irritation generated by an analogous supervision, under which a mine cannot be opened without the permission of the authorities; under which a bookseller or printer may have his business suspended by the withdrawal of his licence; and under which it is penal to take a bucket of water out of the sea.

Thus, if we regard government as a means of upholding the social state, we find that, besides suffering a *direct* loss of power to perform its duty on attempting anything else, there are several subsidiary ways in which the assumption of additional functions endangers the fulfilment of its original function.

## THE REGULATION OF COMMERCE

In putting a veto upon any commercial intercourse, or in putting obstacles in the way of any such 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 and trade-restrictions not only do not secure this freedom, but they take it away. So that in enforcing them the State is transformed from a maintainer of rights into

a violator of rights. If it be criminal in a civil power commissioned to shield us from murder to turn murderer itself; if it be criminal in it to play the thief, though set to keep off thieves; then must it be criminal in it to deprive men, in any way, of liberty to pursue the objects they desire, when it was appointed to insure them that liberty.

We saw that as unjust institutions derive their viciousness from moral defects in the people living under them, they must be *uniformly* pervaded by that viciousness—that as social laws,



creeds, and arrangements consist merely of solidified character, the same character will be shown in *all* the social laws, creeds, and arrangements which co-exist; and, further, that any process of amelioration will affect them simultaneously. We saw that tyranny in forms of government, tyranny in the conduct of lord to serf, tyranny in religious organizations and discipline, tyranny in the marital relationship, and tyranny in the treatment of children, regularly flourish together and regularly decrease at like rates. In the same category we must now put—tyranny in commercial laws. Sinking those minor irregularities which pervade all Nature's processes, we shall find that from the days when exportation was a capital crime, down to our own free-trade era, there has been a constant ratio kept between the stringency of mercantile restraints and the stringency of other restraints, as there has also been the increase of commercial liberty and the increase of general liberty.

A few facts will sufficiently exemplify this. Take as one the instance just alluded to, in which associated with autocratic rule in Church, in State, and in feudal hall, we find Edward III., for the purpose of making foreigners come and buy in our markets, prohibiting his subjects from sending abroad any staple goods, "under penalty of death and confiscation"; and further enacting "that the law should be unalterable either by himself or his successors." Observe, too, how this same despotic spirit was exhibited in the regulations requiring these Continental traders to reside during their stay with certain inspectors, commissioned to see the cargoes sold within a specified time and the proceeds reinvested in English goods; and charged to transmit to the Exchequer periodical statements of each merchant's bargains: regulations, by the way, of which the abandonment was in after times lamented by the venerators of ancestral wisdom, much as the abolition of the sliding scale is mourned over by

a certain party of our own day. Note again how, under the same *régime*, labourers were coerced into working for fixed wages; and then how, to keep the balance even, shopkeepers had the prices of provisions dictated to them. Mark, further, that when the most tyrannical of these ordinances fell into disuse, there still continued the less burdensome ones; such as those usury laws, orders to farmers, prescribing of the material for grave-clothes, instructions to manufacturers, &c., referred to in the last chapter. But without going into further detail—without enlarging upon the fact that those intolerable restraints once borne by the manufacturing classes of France were contemporary with intense despotism at court, and a still lingering feudalism in the provinces—without tracing the parallelism that exists between the political and commercial bondage under which, in spite of their revolutions, the French still live—without pointing out at length the same connexion of phenomena in Prussia, in Austria, and in other similarly-ruled countries—without doing all this, the evidence adduced sufficiently shows that the oppressiveness of a nation's mercantile laws varies as the oppressiveness of its general arrangements and government.

Many much-reverenced social instrumentalities have originated in the primitive necessity of ascribing all causation to special workers—the inability to detach the idea of force from an individual something. Just in proportion as natural phenomena are regarded by any people as of personal instead of impersonal origin, will the phenomena of national life be similarly construed; and, indeed, since moral sequences are less obvious than physical ones, they will be thus construed even more generally. The old belief that a king could fix the value of coinage, and the cry raised at the change of style—"Give us our eleven days," obviously implied minds incapable of conceiving social affairs to be regulated by other than visible, tangible agencies.



That there should be at work some unseen but universally-diffused influences determining the buyings and sellings of citizens and the transactions of merchants from abroad, in a way the most advantageous to all parties, was an idea as foreign to such minds as was that of uniform physical causation to the primitive Greeks; and, conversely, as the primitive Greeks could understand the operations of Nature being performed by a number of presiding individualities, so, to the people of the middle ages, it

was comprehensible that a proper production and distribution of commodities could be ensured by acts of Parliament and government officials. While the due regulation of trade by natural indestructible forces was inconceivable to them, they could conceive trade to be duly regulated by forces resident in some material instrumentality put together by legislators, clothed in the robes of office, painted by court-flatterers, and decorated with "jewels five words long."

## RELIGIOUS ESTABLISHMENTS

EVERY State-church is essentially popish. *We*, also, have a Vatican—St. Stephen's. It is true that our arch-priest is a composite one. It is true that with us the triple tiara is separated into its parts—one for monarch, one for peers, and one for commons. But this fact makes no difference. In substance, popery is the assumption of infallibility. It matters not in principle whether this assumption is made by one man or by an assembly of men. No doubt the astounding announcement—"You must believe what we say is right, and not what you think is right," comes less offensively from the lips of a parliamentary majority than from those of a single individual. But there still arises the question—By what authority do these men assert this?

Before State-paid ministers can be set to preach, it must first be decided *what* they are to preach. And who is to say? Clearly the State. Either it must itself elaborate a creed, or it must depute some man or men to do so. It must in some way sift out truth from error, and cannot escape the responsibility attend-

ing this. If it undertakes itself to settle the doctrines to be taught, it is responsible. If it adopts a ready-made set of doctrines, it is equally responsible. And if it selects its doctrines by proxy, it is still responsible; both as appointing those who choose for it, and as approving their choice. Hence, to say that a government ought to set up and maintain a system of religious instruction, is to say that it ought to pick out from amongst the various tenets that men hold or have held, those which are right; and that, when it has done this—when it has settled between the Roman Catholic, the Greek, the Lutheran, and the Anglican creeds, or between High Church, Broad Church, and Evangelical ones—when it has decided whether we should be baptized during infancy or at a mature age, whether the truth is with Trinitarians or Unitarians, whether men are saved by faith or by works, whether pagans go to hell or not, whether ministers should preach in black or white, whether confirmation is scriptural, whether or not saints' days should be kept, and (as we have lately seen it

debating) whether baptism does or does not regenerate—when, in short, it has settled all those controversies which have split mankind into innumerable sects, it ought to assert that its judgment is beyond appeal. There is no alternative. Unless the State says this, it convicts itself of the most absurd inconsistency. Only on the supposition of infallibility can its ecclesiastical doings be made to seem tolerable. How else shall it demand rates and tithes of the dissenter? “Are you quite sure about these doctrines of yours?” inquires the dissenter. “No,” replies the State; “not quite sure, but nearly so.” “Then it is just possible you may be wrong, is it not?” “Yes.” “And it is just possible that I may be right, is it not?” “Yes.” “Yet you threaten to inflict penalties upon me for nonconformity! You seize my goods; you imprison me if I resist; and all to force from me the means to preach up doctrines which you admit may be false, and, by implication, to preach down doctrines which you admit may be true!”

Evidently, therefore, if the State persists, the only position open to it is that its judgment *cannot* be mistaken. And now observe, that if it says this, it stands committed to the whole Roman Catholic discipline as well as to its theory. It is bound to put down all adverse teachers, as usurping its function and hindering the reception of its unquestionable doctrine—is bound to use as much force as may be needful for doing this—is bound, therefore, to imprison, to fine, and, if necessary, to inflict severer penalties, so that error may be exterminated and truth be triumphant. If, rather than punish a few on Earth, it allows many to be eternally damned for misbelief, it is manifestly culpable. Evidently it must do all, or it must do nothing. If it does not claim infallibility, it cannot in reason set up a national religion; and if, by setting up a national religion, it does claim infallibility, it ought to coerce all men into the belief of that religion. Thus, as we said, every State-church is essentially popish.

## POOR-LAWS

THE notion popularized by Cobbett, that every one has a right to a maintenance out of the soil, leaves those who adopt it in an awkward predicament. Ask for some precise definition of the right—inquire “What is a maintenance?” They are dumb. “Is it,” say you, “potatoes and salt, with rags and a mud cabin? or is it bread and bacon, in a two-roomed cottage? Will a joint on Sundays suffice? or does the demand include meat and malt liquor daily? Will tea, coffee, and tobacco be expected? and if so, how many ounces of each? Are bare walls and brick floors

all that is needed? or must there be carpets and paper-hangings? Are shoes considered essential? or will the Scotch practice be approved? Shall the clothing be of fustian? if not, of what quality must the broadcloth be? In short, just point out where, between the two extremes of starvation and luxury, this something called a maintenance lies.” Again they are dumb. There is no possible reply for them. Opinions they may offer in plenty; but not a precise unanimous answer. One thinks that a bare subsistence is all that can fairly be demanded. Here is another who hints



at something beyond mere necessities. And some of the more consistent, pushing the doctrine to its legitimate result, will rest satisfied with nothing short of community of property. Who now shall decide among these conflicting notions?

The right to labour—that French translation of our poor-law doctrine—may be similarly treated. A criticism parallel to the foregoing would place its advocates in a parallel dilemma. But there is another way in which the fallacy of this theory, either in its English or its Continental form, may be made manifest.

When the artizan asserts his right to have work provided for him, he presupposes the existence of some power on which devolves the duty of providing such work. What power is this? The government, he says. But the government is not an original power, it is a deputed one, and can be held responsible for nothing save the performance of its employer's behests. Who is its employer? Society. Strictly speaking, therefore, the assertion of our artizan is, that it is the duty of society to find work for him. But he is himself a member of society, and has hence a share in the *duty* of finding work for every man. And hence, if we indicate his fellows alphabetically, his theory is that A, B, C, and the rest of the nation, are bound to find work for him; that he is bound, in company with B, C, and the rest, to find work for A; that he is bound, in company with A, C, and the rest, to find work for B; and so on with each individual of the many millions, of whom the society may be composed!

Most of the objections raised by the dissenter to an established religion tell with equal force against established charity. He asserts that it is unjust to tax him for the support of a creed he does not believe. May not another as reasonably protest against being taxed for the maintenance of a system of relief he disapproves? He denies the right of any bishop or council to choose for him which doctrine he shall accept and which

he shall reject. Why does he not also deny the right of any commissioner or vestry to choose for him who are worthy of his charity and who are not? If he dissents from a national church on the ground that religion will be more general and more sincere when voluntarily sustained, should he not similarly dissent from a poor-law on the ground that spontaneous beneficence will produce results both wider and better? Might not the corruption which he points out as neutralizing the effects of a State-taught creed, be paralleled by those evils of pauperism accompanying a State-provision for the poor? Whoso believes that spiritual destitution is to be remedied only by a national church, may with some show of reason propose to deal with physical destitution by an analogous instrumentality. But the advocate of voluntarism is bound to stand by his principle in the one case as much as in the other.

Whether the sufferings of the unfortunate shall be soothed in obedience to the gentle whisperings of benevolence, or whether fear of the harsh threats of law shall be the motive for relieving them, is indeed a question of no small importance. In deciding how misery is best alleviated, we have to consider, not only what is done for the afflicted, but what is the reactive effect upon those who do it. The relationship that springs up between benefactor and beneficiary is, for this present state of the world, a refining one. The emotion accompanying every generous act adds an atom to the fabric of the ideal man. As no cruel thing can be done without character being thrust a degree back towards barbarism, so no kind thing can be done without character being moved a degree forward towards perfection. Doubly efficacious, therefore, are all assuagings of distress instigated by sympathy; for not only do they remedy the particular evils to be met, but they help to mould humanity into a form by which such evils will one day be precluded.



Far otherwise is it with law-enforced plans of relief. These exercise just the opposite influence. "The quality of mercy (or pity) is not strained," says the poet. But a poor-law tries to make men pitiful by force. "It droppeth as the gentle rain from heaven," continues the poet. By a poor-law it is wrung from the unwilling. "It blesses him that gives, and him that takes," adds the poet. A poor-law makes it curse both; the one with discontent and recklessness, the other with complainings and often-renewed bitterness.

This turning of balm into poison must have been remarked by the most careless. Watch a ratepayer when the collector's name is announced. You shall observe no kindling of the eye at some thought of happiness to be conferred—no relaxing of the mouth as though selfish cares had for the moment been forgotten—no softening of the voice to tell of compassionate emotion: no, none of these; but rather will you see contracted features, a clouded brow, a sudden disappearance of what habitual kindness of expression there may be. The tax-paper is glanced over half in fear and half in vexation; there are grumbings about the short time that has elapsed since the last rate. The purse comes slowly from the pocket; and after the collector, who is treated with bare civility, has made his exit, some little time passes before the usual equanimity is regained. Is there anything in this to remind us of the virtue which is "twice blessed"? Note, again, how this act-of-parliament charity perpetually supersedes men's better sentiments. Here is a respectable citizen with enough and to spare: a man of some feeling; liberal, if there is need; generous even, if his pity is excited. A beggar knocks at his door; or he is accosted in his walk by some way-worn tramp. What does he do? Does he listen, investigate, and, if proper, assist? No; he commonly cuts short the tale with—"I have nothing for you, my good man; you must go to your parish." And then he shuts

the door, or walks on, as the case may be, with evident unconcern. Thus does the consciousness that there exists a legal provision for the indigent, act as an opiate to the yearnings of sympathy. Had there been no ready-made excuse, the behaviour would probably have been different. Commiseration, pleading for at least an inquiry into the case, would most likely have prevailed; and, in place of an application to the board of guardians, ending in a pittance coldly handed across the pay-table to be thanklessly received, might have commenced a relationship good for both parties—a generosity humanizing to the one, and a succour made doubly valuable to the other by a few words of consolation and encouragement, followed, it may be, by a lift into some self-supporting position.

In truth, there could hardly be found a more efficient device for decreasing fellow-feeling, than this system of State-almsgiving. Being kind by proxy!—could anything be more blighting to the finer instincts? Here is an institution through which, for a few shillings periodically paid, the citizen may compound for all kindness owing from him to his poorer brothers. Is he troubled with twinges of conscience? here is an anodyne for him, to be had by subscribing so much in the pound on his rental. Is he indifferent as to the welfare of others? why then in return for punctual payment of rates he shall have absolution for hardness of heart. Look: here is the advertisement. "Gentlemen's benevolence done for them, in the most business-like manner, and on the lowest terms. Charity doled out by a patent apparatus, warranted to save all soiling of fingers and offence to the nose. Good works undertaken by contract. Infalible remedies for self-reproach always on hand. Tender feelings kept easy at per annum."

Thus we have the gentle, softening, elevating intercourse that should be habitually taking place between rich and poor, superseded by a cold, hard, lifeless mechanism, bound together by dry parch-



ment acts and regulations—managed by commissioners, boards, clerks, and collectors, who perform their respective functions as tasks—and kept going by money forcibly taken from all classes indiscriminately. In place of the music breathed by feelings attuned to kind deeds, we have the harsh creaking and jarring of a thing that cannot stir without creating discord—a thing whose every act, from the gathering of its funds to their final distribution, is prolific of grumblings, discontent, anger—a thing that breeds squabbles about authority, disputes as to claims, brow-beatings, jealousies, litigations, corruption, trickery, lying, ingratitude—a thing that supplants, and therefore makes dormant, men's nobler feelings, while it stimulates their baser ones.

And now mark how we find illustrated in detail the truth elsewhere expressed in the abstract, that whenever a government oversteps its duty—the maintaining of men's rights—it inevitably retards the process of adaptation. For what faculty is it whose work a poor-law so officiously undertakes? Sympathy. The very faculty above all others needing to be exercised. The faculty which distinguishes the social man from the savage. The faculty which originates the idea of justice and makes men regardful of one another's claims. Of this faculty poor-laws partially supply the place. By doing which they diminish the demands made upon it, limit its exercise, check its development, and therefore retard the process of adaptation.

Pervading all Nature we may see at work a stern discipline which is a little cruel that it may be very kind. That state of universal warfare maintained throughout the lower creation, to the great perplexity of many worthy people, is at bottom the most merciful provision which the circumstances admit of. It is much better that the ruminant animal, when deprived by age of the vigour which made its existence a pleasure, should be killed by some beast of prey,

than that it should linger out a life made painful by infirmities, and eventually die of starvation. By the destruction of all such, not only is existence ended before it becomes burdensome, but room is made for a younger generation capable of the fullest enjoyment; and, moreover, out of the very act of substitution happiness is derived for a tribe of predatory creatures. Note, further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

The development of the higher creation is a progress towards a form of being, capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions to that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity and the unfolding of it into this ultimate perfection, are both secured by that same beneficial though severe discipline, to which the animate creation at large is subject. It seems hard that an unskilfulness which with all his efforts he cannot overcome, should entail hunger upon the artizan. It seems hard that a labourer incapacitated by sickness from competing with his stronger fellows should have to bear the resulting privations. It seems hard that widows and orphans should be left to struggle for life or death. Nevertheless, when regarded not separately but in connexion with the interests of universal humanity, these harsh fatalities are seen to be full of beneficence—the same beneficence which brings to early graves the children



of diseased parents, and singles out the intemperate and the debilitated as the victims of an epidemic.

There are many very amiable people who have not the nerve to look this matter fairly in the face. Disabled as they are by their sympathies with present suffering, from duly regarding ultimate consequences, they pursue a course which is injudicious, and in the end even cruel. We do not consider it true kindness in a mother to gratify her child with sweetmeats that are likely to make it ill. We should think it a very foolish sort of benevolence which led a surgeon to let his patient's disease progress to a fatal issue, rather than inflict pain by an operation. Similarly, we must call those spurious philanthropists who, to prevent present misery, would entail greater misery on future generations. That rigorous necessity which, when allowed to operate, becomes so sharp a spur to the lazy and so strong a bridle to the random, these paupers' friends would repeal, because of the wailings it here and there produces. Blind to the fact that under the natural order of things society is constantly excreting its unhealthy, imbecile, slow, vacillating, faithless members, whose unthinking, though well-meaning, men advocate an interference which not only stops the purifying process, but even increases the vitiation—absolutely encourages the multiplication of the reckless and incompetent by offering them an unfailing provision, and discourages the multiplication of the competent and provident by heightening the difficulty of maintaining a family. And thus, in their eagerness to prevent the salutary sufferings that surround us, these sigh-wise and groan-foolish people bequeath to posterity a continually increasing curse.

Returning again to the highest point of view, we find that there is a second and still more injurious mode in which law-enforced charity checks the process of adaptation. To become fit for the social state, man has not only to lose his savageness but he has to acquire the

capacities needful for civilized life. Power of application must be developed; such modification of the intellect as shall qualify it for its new tasks must take place; and, above all, there must be gained the ability to sacrifice a small immediate gratification for a future great one. The state of transition will of course be an unhappy state. Misery inevitably results from incongruity between constitution and conditions. Humanity is being pressed against the inexorable necessities of its new position—is being moulded into harmony with them, and has to bear the resulting unhappiness as best it can. The process *must* be undergone and the sufferings *must* be endured. No power on Earth, no cunningly-devised laws of statesmen, no world-rectifying schemes of the humane, no communist panaceas, no reforms that men ever did broach or ever will broach, can diminish them one jot. Intensified they may be, and are; and in preventing their intensification the philanthropic will find ample scope for exertion. But there is bound up with the change a *normal* amount of suffering, which cannot be lessened without altering the very laws of life. Every attempt at mitigation of this eventuates in exacerbation of it. All that a poor-law or any kindred institution can do, is to partially suspend the transition—to take off for a time, from certain members of society, the painful pressure which is affecting their transformation. At best this is merely to postpone what must ultimately be borne. But it is more than this: it is to undo what has already been done. For the circumstances to which adaptation is taking place cannot be superseded without causing a retrogression; and as the whole process must some time or other be passed through, the lost ground must be gone over again, and the attendant pain borne afresh.

At first sight these considerations seem conclusive against *all* relief to the poor—voluntary as well as compulsory; and it is no doubt true that they imply a condemnation of whatever private charity



enables the recipients to elude the necessities of our social existence. With this condemnation, however, no rational man will quarrel. That careless squandering of pence which has fostered into perfection a system of organized begging—which has made skilful mendicancy more profitable than ordinary manual labour—which induces the simulation of diseases and deformities—which has called into existence warehouses for the sale and hire of impostors' dresses—which has given to pity-inspiring babes a market value of 9d. per day—the unthinking benevolence which has generated all this cannot but be disapproved by every one. Now it is only against this injudicious charity that the foregoing argument tells. To that charity which may be described as helping men to help themselves, it makes no objection—countenances it rather. And in helping men to help themselves, there remains abundant scope for the exercise of a people's sympathies. Accidents will still supply victims on whom generosity may be legitimately expended. Men thrown off the track by unforeseen events, men who have failed for want of knowledge inaccessible to them, men ruined by the dishonesty of others, and men in whom hope long delayed has made the heart sick, may, with advantage to all parties, be assisted. Even the prodigal, after severe hardship has branded his memory with the unbending conditions of social life to which he must submit, may properly have another trial afforded him. And, although by these ameliorations the process of adaptation must be remotely interfered with, yet, in the majority of cases, it will not be so much retarded in one direction as it will be advanced in another.

Objectionable as we find a poor-law to be, even under the supposition that it does what it is intended to do—diminish present suffering—how shall we regard it on finding that in reality it does no such thing—cannot do any such thing? Yet, paradoxical as the assertion looks, this is absolutely the fact. Let but the observer

cease to contemplate so fixedly one side of the phenomenon—pauperism and its relief, and begin to examine the other side—rates and the *ultimate* contributors of them, and he will discover that to suppose the sum-total of distress diminishable by act-of-parliament bounty is a delusion.

Here, at any specified period, is a given quantity of food and things exchangeable for food, in the hands or at the command of the middle and upper classes. A certain portion of this food is needed by these classes themselves, and is consumed by them at the same rate, or very near it, be there scarcity or abundance. Whatever variation occurs in the sum-total of food and its equivalents, must therefore affect the remaining portion, not used by these classes for personal sustenance. This remaining portion is paid by them to the people in return for their labour, which is partly expended in the production of a further supply of necessities, and partly in the production of luxuries. Hence, by how much this portion is deficient, by so much must the people come short. A redistribution by legislative or other agency cannot make that sufficient for them which was previously insufficient. It can do nothing but change the parties by whom the insufficiency is felt. If it gives enough to some who else would not have enough, it must inevitably reduce certain others to the condition of not having enough.

Should there be any to whom this abstract reasoning is unsatisfactory, a concrete statement of the case will, perhaps, remove their doubts. A poor-rate collector takes from the citizen a sum of money equivalent to bread and clothing for one or more paupers. Had not this sum been so taken, it would either have been used to purchase superfluities, which the citizen now does without, or it would have been paid by him into a bank, and lent by the banker to a manufacturer, merchant, or tradesman; that is, it would ultimately have been given in wages either to the producer of



the superfluities or to an operative paid out of the banker's loan. But this sum having been carried off as *poors'-rate*, whoever would have received it as wages must now to that extent go without wages. The food which it represented having been taken to sustain a pauper, the artizan to whom that food would have been given in return for work done, must now to that extent lack food. And thus, as at first said, the transaction is simply a change of the parties by whom the insufficiency of food is felt.

Nay, the case is even worse. Already it has been pointed out that, by suspending the process of adaptation, a poor-law increases the distress to be borne at some future day; and here we shall find that it also increases the distress to be borne now. For be it remembered that of the sum taken in any year to support paupers, a large portion would otherwise have gone to support labourers employed

in new reproductive works—land-drainage, machine-building, &c. An additional stock of commodities would by-and-by have been produced, and the number of those who go short would consequently have been diminished. Thus the astonishment expressed by some that so much misery should exist, notwithstanding the distribution of fifteen millions a year by endowed charities, benevolent societies, and poor-law unions, is quite uncalled for, seeing that the larger the sum gratuitously administered, the more intense will shortly become the suffering. Manifestly, out of a given population, the greater the number living on the bounty of others, the smaller must be the number living by labour; and the smaller the number living by labour, the smaller must be the production of food and other necessities; and the smaller the production of food and other necessities, the greater must be the distress.

## NATIONAL EDUCATION

IN the same way that our definition of State-duty forbids the State to administer religion or charity, so likewise does it forbid the State to administer education. Inasmuch as the taking away, by Government, of more of a man's property than is needful for maintaining his rights, is an infringement of his rights, and therefore a reversal of the Government's function towards him; and inasmuch as the taking away of his property to educate his own or other people's children is not needful for the maintaining of his rights; the taking away of his property for such a purpose is wrong.

Should it be said that the rights of the children are involved, and that

State-interposition is required to maintain these, the reply is that no cause for such interposition can be shown until the children's rights have been violated, and that their rights are not violated by a neglect of their education. For, as repeatedly explained, what we call rights are merely arbitrary subdivisions of the general liberty to exercise the faculties; and that only can be called an infringement of rights which actually diminishes this liberty—cuts off a previously existing power to pursue the objects of desire. Now the parent who is careless of a child's education does not do this. The liberty to exercise the faculties is left intact. Omitting instruction in no way



takes from a child's freedom to do whatsoever it wills in the best way it can; and this freedom is all that equity demands. Every aggression, be it remembered—every infraction of rights, is necessarily *active*; whilst every neglect, carelessness, omission, is as necessarily *passive*. Consequently, however wrong the non-performance of a parental duty may be, it does not amount to a breach of the law of equal freedom, and cannot therefore be taken cognizance of by the State.

Were there no direct disproof of the frequently-alleged right to education at the hands of the State, the absurdities in which it entangles its assertors would sufficiently show its invalidity. Conceding for a moment that the Government is bound to educate a man's children, then, what kind of logic will demonstrate that it is not bound to feed and clothe them? If there should be an act-of-parliament provision for the development of their minds, why should there not be an act-of-parliament provision for the development of their bodies? The reasoning which is held to establish the right to intellectual food will equally well establish the right to material food: nay, will do more—will prove that children should be altogether cared for by Government. For if the benefit, importance, or necessity, of education, be assigned as a sufficient reason why Government should educate, then may the benefit, importance, or necessity, of food, clothing, shelter, and warmth be assigned as a sufficient reason why Government should administer these also. So that the alleged right cannot be established without annulling all parental responsibility whatever.

Should further refutation be needful, there is the ordeal of a definition. We lately found this ordeal fatal to the assumed right to a maintenance; we shall find it equally fatal to this assumed right to an education. For what is an education? Where, between the teaching of a dame-school and the most comprehensive university *curriculum*, can

be drawn the line separating that portion of mental culture which may be justly claimed of the State, from that which may not be so claimed? What peculiar quality is there in reading, writing, and arithmetic which gives the embryo citizen the right to have them imparted to him, but which quality is not shared in by geography, and history, and drawing, and the natural sciences? Must calculation be taught because it is useful? why so is geometry, as the carpenter and mason will tell us; so is chemistry, as we may gather from dyers and bleachers. Where is the unit of measure by which we may determine the respective values of different kinds of knowledge? Or, assuming them determined, how can it be shown that a child may claim from the civil power knowledge of such and such values, but not knowledge of certain less values?

A sad snare would these advocates of legislative teaching betray themselves into, could they substantiate their doctrine. For what is meant by saying that a Government ought to educate the people? Why should they be educated? What is the education for? Clearly to fit the people for social life—to make them good citizens. And who is to say what are good citizens? The Government: there is no other judge. And who is to say how these good citizens may be made? The Government: there is no other judge. Hence the proposition is convertible into this—a Government ought to mould children into good citizens, using its own discretion in settling what a good citizen is, and how the child may be moulded into one. It must first form for itself a definite conception of a pattern citizen; and having done this, must elaborate a system of discipline which seems best calculated to produce citizens after that pattern. This system of discipline it is bound to enforce to the uttermost. For if it does otherwise, it allows men to become different from what in its judgment they should become, and therefore



fails in that duty it is charged to fulfil. Being thus justified in carrying out rigidly such plans as it thinks best, every Government ought to do what the despotic Governments of the Continent and of China do. That regulation under which, in France, "private schools cannot be established without a licence from the minister, and can be shut up by a simple ministerial order," is a step in the right direction, but does not go far enough; seeing that the State cannot permit its mission to be undertaken by others, without endangering the due performance of it. The forbidding of all private schools whatever, as until recently in Prussia, is nearer the mark. Austrian legislation, too, realizes with some consistency the State-education theory. By it a tolerably stringent control over the mental culture of the nation is exercised. Much thinking being held at variance with good citizenship, the teaching of metaphysics, political economy, and the like, is discouraged. Some scientific works are prohibited. And a reward is offered for the apprehension of those who circulate bibles—the authorities in the discharge of their function preferring to entrust the interpretation of that book to their employes the Jesuits. But in China alone is the idea carried out with logical completeness. There the Government publishes a list of works which may be read; and, considering obedience the supreme virtue, authorizes such only as are friendly to despotism. Fearing the unsettling effects 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. There are "rules for sitting, standing, walking, talking, and bowing, laid down with the greatest precision. 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."

Now a minute dictation like this,

which extends to every action and will brook no nay, is the legitimate realization of this State-education theory. Whether the Government has erroneous conceptions of what citizens ought to be, or whether the methods of training it adopts are injudicious, is not the question. According to the hypothesis it is commissioned to discharge a specified function. It finds no ready-prescribed way of doing this. It has no alternative, therefore, but to choose that way which seems to it most fit. And as there exists no higher authority, either to dispute or confirm its judgment, it is justified in the absolute enforcement of its plans, be they what they may. As from the proposition that Government ought to teach religion, there springs the other proposition, that Government must decide what is religious truth, and how it is to be taught; so, the assertion that Government ought to educate, necessitates the further assertion that it must say what education is, and how it shall be conducted. And the same rigid popery which we found to be a logical consequence in the one case, follows in the other also.

There are few sayings more trite than this, that love of offspring is one of our most powerful passions. To become a parent is an almost universal wish. The intensity of affection exhibited in the glistening eye, the warm kiss, and the fondling caress—in the untiring patience, and the ever ready alarm of the mother, is a theme on which philosophers have written and poets have sung in all ages. Every one has remarked how commonly the feeling overmasters all others. Observe the self-gratulation with which maternity witnesses her first-born's unparalleled achievements. Mark the pride with which the performances of each little brat are exhibited to every visitor as indicating a precocious genius. Consider again the deep interest which in later days a father feels in his children's mental welfare, and the anxiety he manifests to get them on



in life: the promptings of his natural affection being oftentimes sharpened by the reflection that the comfort of his old age may, perchance, be dependent upon their success.

Now "servants and interpreters of nature" have usually supposed these feelings to be of some use. Hitherto they have thought that the gratification a mother feels from the forwardness of her little ones serves as an educational stimulus—that the honour which the father expects to derive from the distinction of his sons acts as an incentive to their improvement—and that the anticipation by parents of the distress which ill-trained children may one day entail constitutes an additional spur to the proper management of them. It would appear, however, according to the State-educationists, that they have been mistaken. It seems that this apparatus of feelings is insufficient to do the needful work. And so, in default of any natural provision for supplying the exigency, legislators exhibit to us the design and specification of a State-machine, made up of masters, ushers, inspectors, and councils, to be worked by a due proportion of taxes, and to be plentifully supplied with raw material, in the shape of little boys and girls, out of which it is to grind a population of well-trained men and women.

But it is argued that parents, and especially those whose children most need instructing, do not know what good instruction is. "In the matter of education," says Mr. Mill, "the intervention of Government is justifiable; because the case is one in which the interest and judgment of the consumer are not sufficient security for the goodness of the commodity."

It is strange that so judicious a writer should feel satisfied with such a worn-out excuse. This alleged incompetency on the part of the people has been the reason assigned for all State-interferences whatever. It was on the 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 here 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 consumers. There is hardly a single department of life over which, for many reasons, legislative supervision has not been, or may not be, established. Here is Mr. H. Hodson Rugg, M.R.C.S., publishing a pamphlet to point out the injury inflicted upon poor ignorant householders by the adulteration of milk, and proposing as a remedy that there shall be Government officers to test the milk, and to confiscate it when not good—police to inspect the ventilation of cow-sheds and to order away invalid cattle—and a Government cow-infirmery, with veterinary surgeon attached. To-morrow some one else may start up to tell us that bad bread is still more injurious than bad milk, equally common, quite as difficult to distinguish, and that, consequently, bakehouses ought to be overlooked by the authorities. Next there will be wanted officials with hydrometers and chemical re-agents, to dabble in the vats of the porter-breweries. In the wake of these must, of course, follow others, commissioned to watch the doings of wine merchants. And so on until, in the desire to have all processes of production duly inspected, we approach a condition somewhat like that of the slave States, in which, as they say, "one-half of the community is occupied in seeing that the other half does its duty." And for each additional interference the plea may be, as it always has been, that "the interest and judgment of the consumer are not sufficient security for the goodness of the commodity."

Should it be said that the propriety of legislative control depends upon circumstances; that respecting some articles the judgment of the consumer *is* sufficient,



while respecting other articles it is not ; and that the difficulty of deciding upon its quality, places education among these last ; the reply again is, that the same has been said on behalf of all meddlings in turn. Plenty of trickeries, plenty of difficulties in the detection of fraud, plenty of instances showing the inability of purchasers to protect themselves, are cited by the advocates of each proposed recourse to official regulation ; and in each case it is urged that here, at any rate, official regulation is required. Yet does experience disprove these inferences one after another, teaching us that, in the long run, the interest of the consumer is not only an efficient guarantee for the goodness of the things consumed, but the best guarantee. Is it not unwise, then, to trust for the hundredth time in one of these plausible but deceptive conclusions ? Is it not wise, rather, to infer that however much appearances are to the contrary, the choice of the commodity education, like the choice of all other commodities, may be safely left to the discretion of buyers ?

Still more reasonable will this inference appear on observing that the people are not, after all, such incompetent judges of education as they seem. Ignorant parents are generally quick enough to discern the effects of good or bad teaching : will note them in the children of others, and act accordingly. Moreover it is easy for them to follow the example of the better instructed, and choose the same schools. Or they may get over the difficulty by asking advice ; and there is generally some one both able and willing to give the uneducated parent a trustworthy answer to his inquiry about teachers. Lastly, there is the test of price. With education, as with other things, price is a tolerably safe index of value ; it is one open to all classes ; and it is one which the poor instinctively appeal to in the matter of schools ; for it is notorious that they look coldly at very cheap or gratuitous instruction.

But even admitting that while this defect of judgment is not virtually so great

as is alleged, it nevertheless exists, the need for interference is still denied. The evil is undergoing rectification, as all analogous ones are or have been. The rising generation will better understand what good education is than their parents do, and their descendants will have clearer conceptions of it still. Whoso thinks the slowness of the process a sufficient reason for meddling, must, to be consistent, meddle in all other things ; for the ignorance which in every case serves as an excuse for State-interposition is of very gradual cure. The errors both of consumers and producers often take generations to set right. Improvements in the carrying on of commerce, in manufactures, and especially in agriculture, spread almost imperceptibly. Take rotation of crops for an example. And if this tardiness is a valid argument for interference in one case, why not in others ? Why not have farms superintended by Government, because it may take a century for farmers generally to adopt the plans suggested by modern science ?

When, in the matter of education, "the interest and judgment of the consumer" are said not to be "sufficient security for the goodness of the commodity" ; and when it is argued that Government superintendence is therefore needful ; a very questionable assumption is made : the assumption, namely, that "the interest and judgment" of a Government *are* sufficient security. Now there is good reason to dispute this ; nay, even to assert that, taking the future into account, they offer much less security.

The problem is how best to develop minds : a problem among the most difficult—may we not say, *the* most difficult ? Two things are needful for its solution. First, to know what minds should be fashioned into. Next, to know how they may be so fashioned. From the work to be done, turn we now to the proposed doers of it. Men of education (as the word goes) they no



doubt are ; well-meaning, many of them ; thoughtful, some ; philosophical, a few : men, however, for the most part, born with silver spoons in their mouths, and prone to regard human affairs as reflected in these—somewhat distortedly. Very comfortable lives are led by the majority of them, and hence “things as they are” find favour in their eyes. For their tastes—they are shown in the subordination of national business to the shooting of grouse and the chasing of foxes. For their pride—it is in wide estates or long pedigrees ; and should the family coat of arms bear some such ancient motto as “Strike hard,” or, “Furth fortune, and fill the fetters,” it is a great happiness. As to their ideal of society—it is either a sentimental feudalism ; or it is a state under which the people shall behave “lowly and reverently to all their betters” and “do their duty in that state of life unto which it shall please God to call them” ; or it is a state arranged with the view of making each labourer the most efficient producing tool, to the end that the accumulation of wealth may be the greatest possible. Add to this, that their notions of moral discipline are shown in the sending of their sons to schools where fagging and flogging are practised, and where they themselves were brought up. Now can the “judgment” of such respecting the commodity education, be safely relied on? Certainly not.

Thus, even were it true that in the matter of education “the interest and judgment of the consumer are not sufficient security for the goodness of the commodity,” the wisdom of superseding them by the “interest and judgment” of a Government is by no means obvious. It may, indeed, be said that the argument proves only the unfitness of existing Governments to become national teachers, and not the unfitness of a Government normally constituted ; whereas the object of inquiry being to determine what a Government *should* do, the hypothesis must be that the Government is what it *should* be. To this the

reply is, that the nature of the allegation to be met necessitates a descent to the level of present circumstances. It is on the defective “interest and judgment” of the people, *as they now are*, that the plea for legislative superintendence is based ; and, consequently, in criticizing this plea we must take Government *as it now is*. We cannot reason as though Government were what it should be ; since, before it can become such, any alleged deficiency of “interest and judgment” on the part of the people must have disappeared.

The impolicy of setting up a national organization for cultivating the popular mind, and commissioning the Government to superintend this organization, is further seen in the general truth that every such organization is in spirit conservative, and not progressive. All institutions have an instinct of self-preservation growing out of the selfishness of those connected with them. Their roots are in the past and the present ; never in the future. Change threatens them, modifies them, eventually destroys them. Hence to change they are uniformly opposed. On the other hand, education, properly so called, is closely associated with change—is always fitting men for higher things, and *unfitting* them for things as they are. Therefore, between institutions whose existence depends upon man continuing what he is, and true education, which is one of the instruments for making him something other than he is, there must always be enmity.

From the time of the Egyptian priesthood downwards, the conduct of corporations, whether political, ecclesiastical, or educational, has given proof of this. Some 300 years B.C., unlicensed schools were forbidden by the Athenian senate. In Rome, the liberty of teaching was attacked twice before the Christian era ; and again, afterwards, by the Emperor Julian. The existing Continental Governments show, by their analogous policy, how persistent the



tendency is. In the universality of censorships we see the same fact further illustrated. The celebrated saying of the Empress Catharine to her prime minister, well exhibits the way in which rulers regard the spread of knowledge. And whenever Governments have undertaken to educate, it has been with the view of forestalling that spontaneous education which threatened their own supremacy. Witness the case of China, where diligently-impressed ideas, such as—"O! how magnificent are the affairs of Government!" "O! what respect is due to the officers of Government!" sufficiently indicate the intention. Witness, again, the case of Austria, where, in accordance with the will of the Emperor Francis, the training of the popular mind was entrusted to the Jesuits, that they might "counteract the propagandism of liberty, by the propagandism of superstition." Nor have there been wanting signs of a like spirit here in England. The attempt in Cobbett's day to put down cheap literature, by an Act which prevented weekly publications from being sold for less than sixpence, unmistakably indicated it. It was again exhibited in the reluctance with which the newspaper stamp-duty was reduced, when resistance had become useless. And we may still see it in the double-facedness of a legislature which professes to favour popular enlightenment, and yet continues to raise a million and a quarter sterling yearly from "taxes on knowledge."

How unfriendly all ecclesiastical bodies have been to the spread of education every one knows. The obstinacy shown by the Brahmin in fighting against the truths of modern science—the fanaticism with which the Mahometan doctor ignores all books but the Koran—the prejudice fostered by the religious institutions of our own country against the very name of philosophy; are kindred illustrations of the conduct which this self-conserving instinct produces. In that saying of the monks—"We must put down printing

or printing will put down us," the universal motive was plainly expressed; as it was, again, through the mouth of that French bishop who denounced the Bell and Lancaster systems as inventions of the devil. Nor let any one conclude that the educational zeal latterly manifested by Church-clergy indicates a new animus. Those who remember the bitterness with which Sunday schools were at first assailed by them, and those who mark how keenly they now compete with Dissenters for the children of the poor, can see clearly enough that they are endeavouring to make the best of a necessity—that, having a more or less defined consciousness that educational progress is inevitable, they wish to educate the people in allegiance to the Church.

Still more manifest becomes this obstructive tendency on considering that the very organizations devised for the spreading of knowledge, may themselves act as suppressors of it. Thus it is said that Oxford was one of the last places in which the Newtonian philosophy was acknowledged. We read again, in the life of Locke, that "there was a meeting of the heads of houses at Oxford, where it was proposed to censure and discourage the reading of this essay (*On the Human Understanding*); and, after various debates, it was concluded that without any public censure each head of a house shall endeavour to prevent its being read in his own college." At *Eton*, too, in Shelley's time, "Chemistry was a forbidden thing," even to the banishment of chemical treatises. So uniformly has it been the habit of these endowed institutions to close the door against innovations, that they are among the last places to which any one looks for improvements in the art of teaching, or a better choice of subjects to be taught. The attitude of the universities towards concrete science has been that of contemptuous non-recognition. College authorities have long resisted, either actively or passively, the making of physiology,



chemistry, geology, &c., subjects of examination; and only of late, under pressure from without, and under the fear of being supplanted by rival institutions, have new studies been reluctantly taken to in small measure.

Now although *inertia* may be very useful in its place—although the resistance of office-holders has its function—although we must not quarrel with this instinct of self-preservation which gives to institutions their vitality, because it also upholds them through a lingering decrepitude, we may yet wisely refuse to increase its natural effect. It is necessary to have in our social economy a conservative force as well as a reforming one, that there may be progress for the *resultant*; but it is impolitic to afford the one an artificial advantage over the other. To establish a State-education is to do this, however. The teaching organization itself, and the Government which directs it, will inevitably lean to things as they are; and to give them control over the national mind is to give them the means of repressing aspirations after things as they should be.

Did the reader ever watch a boy in the first heat of a gardening fit? The sight is amusing, and not un instructive. Probably a slice of a border—some couple of square yards or so—has been made over to him for his exclusive use. No small accession of dignity, and not a little pride of proprietorship, does he exhibit. So long as the enthusiasm lasts he never tires of contemplating his territory; and every companion, and every visitor with whom the liberty can be taken, is pretty sure to be met with the request—"Come and see my garden." Note chiefly, however, with what anxiety the growth of a few scrubby plants is regarded. Three or four times a day will the little urchin rush out to look at them. How provokingly slow their progress seems to him! Each morning on getting up he hopes to find some marked change, and lo, everything appears just as it did the

day before. When *will* the blossoms come out? For nearly a week has some forward bud been promising him the triumph of a first flower, and still it remains closed. Surely there must be something wrong! Perhaps the leaves have stuck fast. Ah! that is the reason no doubt. And so ten to one you will some day catch our young florist busily engaged in pulling open the calyx, and, it may be, trying to unfold a few of the petals.

Somewhat like this childish impatience is the feeling exhibited by not a few State-educationists. Both they and their type show a lack of faith in natural forces—almost an ignorance that there are such forces. In both there is the same dissatisfaction with the normal rate of progress. And by both, artificial means are used to remedy what are conceived to be Nature's failures. Within these few years men have been awakened to the importance of instructing the people. That to which they were awhile since indifferent, or even hostile, has suddenly become an object of enthusiasm. With all the ardour of recent converts—with all a novice's inordinate expectations—with all the eagerness of a lately-aroused desire—do they await the hoped-for result; and are dissatisfied because the progress from general ignorance to universal culture has not been achieved in a generation. One would have thought it sufficiently clear to everybody that the great changes taking place in this world of ours are uniformly slow. Continents are upheaved at the rate of a foot or two in a century. The deposition of a delta is the work of tens of thousands of years. The transformation of barren rock into life-supporting soil takes countless ages. If any think society advances under a different law, let them read. Did it not require the whole Christian era to abolish slavery and serfdom in Europe? Did not a hundred generations live and die while picture-writing grew into printing? Have not science and commerce and mechanical skill increased at a similarly tardy



pace? Yet are men disappointed that a pitiful fifty years has not sufficed for popular enlightenment! Although within this period an advance has been made far beyond what the calm thinker would have expected—far beyond what the past rate of progress in human affairs seemed to prophesy; yet do these impatient people condemn the voluntary system as a failure! A natural process—a process of self-unfolding which the national mind had commenced—is pooh-poohed because it has not wrought a transformation in the course of what constitutes but a day in the life of humanity! And then, to make up for Nature's incompetence, the unfolding must be hastened by legislative fingerings!

There is, indeed, one excuse for attempts to spread education by artificial means, namely, the anxiety to diminish crime, of which education is supposed to be a preventive. "We hold," says Mr. Macaulay, "that whoever has the right to hang has the right to educate."<sup>1</sup> And in a letter relative to the Manchester district-system, Miss Martineau writes—"Nor can I see that political economy objects to the general rating for educational purposes. 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."

Now the truth of these assumptions may be disputed. We have no evidence that education, as commonly understood, is a preventive of crime. Those perpetually re-iterated newspaper paragraphs, in which the ratios of instructed to uninstructed convicts are so triumphantly stated, prove just nothing. Before any inference can be drawn, it must be shown that these instructed and uninstructed convicts, come from two *equal* sections of society, alike in *all other respects* but that of knowledge—similar in rank and occupation, having similar advantages, labouring under similar temptations. But this is not only not

the truth; it is nothing like the truth. The many ignorant criminals belong to a most unfavourably circumstanced class; while the few educated ones are from a class comparatively favoured. As things stand it would be equally logical to infer that crime arises from living in badly-ventilated rooms, or from wearing dirty shirts; for were the inmates of a gaol to be catechised, it would be found that the majority of them had been placed in these conditions. Ignorance and crime are not cause and effect; they are concomitant results of the same cause. To be wholly untaught is to have moved among those whose incentives to wrong-doing are strongest; to be partially taught is to have been one of a class subject to less urgent temptations; to be well taught is to have lived almost beyond the reach of the usual motives for transgression. Ignorance, therefore (at least in the statistics referred to), simply indicates the presence of crime-producing influences, and can no more be called the cause of crime than the falling of a barometer can be called the cause of rain.

So far, indeed, from proving that morality is increased by education, the facts prove, if anything, the reverse. Thus we are told, in a report by the Rev. Joseph Kingsmill, head chaplain of Pentonville Prison, that the proportion borne by the educated to the uneducated convicts is fully as high as that which exists between the educated and the uneducated classes in the general population; although, as just explained, we might reasonably expect that, having had fewer temptations, the educated convicts would bear a smaller ratio to their class. Again, it has been shown from Government returns—"That the number of juvenile offenders in the Metropolis has been steadily increasing every year since the institution of the Ragged School Union; and that whereas the number of criminals who *cannot* read and write has *decreased* from 24,856 (in 1844) to 22,968 (in 1848)—or no less than 1,888 in that period—the number

<sup>1</sup> Quoted from a speech at Edinburgh.



of those who *can* read and write imperfectly has *increased* from 33,337 to 36,229—or 2,892—in the same time.”—*Morning Chronicle*, April 25, 1850. Another contributor to the series of articles on “Labour and the Poor,” from which the above statement is quoted, remarks that “the mining population (in the North) are exceedingly low in point of education and intelligence; and yet they contradict the theories generally entertained upon the connexion of ignorance with crime by presenting the least criminal section of the population of England.”—*Morning Chronicle*, Dec. 27, 1849. And, speaking of the women employed in the ironworks and collieries throughout South Wales, he says—“their ignorance is absolutely awful; yet the returns show in them a singular immunity from crime.”—*Morning Chronicle*, March 21, 1850.

If these testimonies are thought insufficient, they may be enforced by that of Mr. Fletcher, who has entered more elaborately into this question than perhaps any other writer of the day. Summing up the results of his investigations, he says:—

“1. In comparing the gross commitments for criminal offences with the proportion of instruction in each district, there is found to be a small balance *in favour* of the most instructed districts in the years of most industrial depression (1842-3-4), but a greater one *against* them in the years of less industrial depression (1845-6-7); while in comparing the more with the less instructed portions of each district, the final result is against the former at both periods, though fourfold at the latter what it is at the former.

“2. No correction for the ages of the population in different districts, to meet the excess of criminals at certain younger periods of life, will change the character of this superficial evidence against instruction; every legitimate allowance of the kind having already been made in arriving at these results.

“3. Down to this period, therefore,

the comparison of the criminal and educational returns of this, any more than of any other country of Europe, has afforded no sound statistical evidence in favour, and as little against, the moral effects associated with instruction, as actually disseminated among the people.”<sup>1</sup>

The fact is, that scarcely any connexion exists between morality and the discipline of ordinary teaching. Mere culture of the intellect (and education as usually conducted amounts to little more) is hardly at all operative upon conduct. Creeds pasted upon the mind, good principles learnt by rote, lessons in right and wrong, will not eradicate vicious propensities; though people, in spite of their experience as parents and citizens, persist in hoping they will. Intellect is not a power, but an instrument—not a thing which itself moves and works, but a thing which is moved and worked by forces behind it. To say that men are ruled by reason is as irrational as to say that men are ruled by their eyes. Reason *is* an eye—the eye through which the desires see their way to gratification. And educating it only makes it a better eye—gives it a vision more accurate and more comprehensive—does not at all alter the desires subserved by it. However far-seeing you make it, the passions will still determine the directions in which it shall be turned—the objects on which it shall dwell. Just those ends which the instincts or sentiments propose, will the intellect be employed to accomplish: culture of it having done nothing but increase the ability to accomplish them. Probably some will urge that enlightening men enables them to discern the penalties which naturally attach to wrong-doing; and in a certain sense this is true. But it is only superficially true. Though they may learn that the grosser crimes commonly bring retribution in one shape or other, they will not learn that the subtler ones do. Their

<sup>1</sup> *Summary of the Moral Statistics of England and Wales, 1849.* By Joseph Fletcher, Esq., Barrister-at-Law, one of Her Majesty's Inspectors of Schools.



sins will merely be made more Machiavellian. If, as Coleridge says, "a knave is a fool with a circumbendibus," then, by instructing the knave, you do but make the circumbendibus a wider one. Did much knowledge and piercing intelligence suffice to make men good, then Bacon should have been honest, and Napoleon should have been just. Where the character is defective, intellect, no matter how high, fails to regulate rightly, because predominant desires falsify its estimates. Nay, even a distinct foresight of evil consequences will not restrain when strong passions are at work. How else does it happen that men will get drunk, though they *know* drunkenness will entail on them suffering and disgrace, and (as with the poor) even starvation? How else is it that medical students, who *know* the diseases brought on by dissolute living better than other young men, are just as reckless, and even more reckless? How else is it that the London thief, who has been at the treadmill a dozen times, will steal again as soon as he is at liberty?

It is, indeed, strange that with the facts of daily life before them in the street, in the counting-house, and in the family, thinking men should still expect education to cure crime. If armies of teachers, regarded with a certain superstitious reverence, have been unable to purify society in all these eighteen centuries, it is hardly likely that other armies of teachers, not so regarded, will be able to do it. If natural persuasion, backed by supernatural authority, will not induce men to do as they would be done by, it is hardly likely that natural persuasion alone will induce them. If hopes of eternal happiness and terrors of eternal damnation fail to make human beings virtuous, it is hardly likely that the commendations and reproofs of the schoolmaster will succeed.

There is, in fact, a quite sufficient reason for failure—no less a reason than the impossibility of the task. The expectation that crime may presently be cured, whether by State-education, or

the silent system, or the separate system, or any other system, is one of those Utopianisms fallen into by people who pride themselves on being practical. Crime is incurable, save by that gradual process of adaptation to the social state which humanity is undergoing. Crime is the continual breaking out of the old unadapted nature—the index of a character unfitted to its conditions; and only as fast as the unfitness diminishes can crime diminish. Reforming men's conduct without reforming their natures is impossible; and to expect that their natures may be reformed, otherwise than by the forces which are slowly civilizing us, is visionary. Schemes of discipline or culture are of use only in proportion as they organically alter the national character, and the extent to which they do this is by no means great. It is not by humanly-devised agencies, good as these may be in their way, but it is by the never-ceasing action of circumstances upon men—by the constant pressure of their new conditions upon them—that the required change is mainly effected.

Meanwhile it may be remarked, that whatever moral benefit *can* be effected by education, must be effected by an education which is emotional rather than intellectual. If, in place of making a child *understand* that this thing is right and the other wrong, you make it *feel* that they are so—if you make virtue *loved* and vice *loathed*—if you arouse a noble *desire*, and make torpid an inferior one—if you bring into life a previously dormant *sentiment*—if you cause a sympathetic *impulse* to get the better of one that is selfish—if, in short, you produce a state of mind to which proper behaviour is *natural, spontaneous, instinctive*, you do some good. But no drilling in catechisms, no teaching of moral codes, can effect this. Only by repeatedly awakening the appropriate *emotions* can character be changed. Mere ideas received by the intellect, meeting no response from within, are quite inoperative upon conduct, and are quickly forgotten after entering into life.



Perhaps it will be said that a discipline like this now described as the only efficient one, might be undertaken by the State. No doubt it might. But from all legislative attempts at emotional education may Heaven defend us!

Yet another objection remains. If, before agitating the matter, men had taken the precaution to define education, they would probably have seen that the State can afford no true help in the matter.

Of all qualities which is the one men most need? What is the quality in which the improvident masses are so deficient? Self-restraint—the ability to sacrifice a small present gratification for a prospective great one. A labourer endowed with due self-restraint would never spend his Saturday-night's wages at the public-house. Had he enough self-restraint, the artizan would not live up to his income during prosperous times and leave the future unprovided for. More self-restraint would prevent imprudent marriages and the growth of a pauper population. And were there no drunkenness, no extravagance, no reckless multiplication, social miseries would be trivial.

How is the power of self-restraint to be increased? By a sharp experience alone can anything be done. Those in whom this faculty needs drawing out—*educating*—must be left to the discipline of Nature, and allowed to bear the pains attendant on their defect of character. The only cure for imprudence is the suffering which imprudence entails. Nothing but bringing him face to face with stern necessity, and letting him feel how unbending, how un pitying, it is, can improve the man of ill-governed desires. All interposing between humanity and the conditions of its existence—cushioning-off consequences by poor-laws or the like—serves but to neutralize the remedy and prolong the evil. Let us never forget that the law is—adaptation to circumstances, be they what they may. And if, rather than allow men to come in contact with the real circumstances of

their position, we place them in factitious circumstances, they will adapt themselves to these instead; and will, in the end, have to undergo the miseries of a re-adaptation to the real ones.

Now of all incentives to self-restraint, perhaps none is so strong as the sense of parental responsibility. And if so, to diminish that sense is to use the most effectual means of preventing self-restraint from being developed. We have ample proof of this in the encouragement of improvident marriages by a poor-law; and the effect which a poor-law produces, by relieving men from the responsibility of maintaining their children, must be produced in a smaller degree by taking away the responsibility of educating their children. The more the State undertakes to do for his family, the more are the expenses of the married man reduced, at the cost of the unmarried man, and the greater becomes the temptation to marry. Let not any think that the offer of apparently gratuitous instruction for his offspring would be of no weight with the working man deliberating on the propriety of taking a wife. Whoever has watched the freaks which strong passion plays in the councils of the intellect—has marked how it will bully into silence the weaker feelings that oppose it—how it will treat slightly the most conclusive adverse evidence, while, in urging the goodness of its own cause, “trifles light as air are confirmations strong”—whoever has marked this, cannot doubt that, in the deliberations of such an one, the prospect of free training for children would in no small degree affect the decision. Nay, indeed, it would afford a positive reason for giving way to his desires. Just as a man at an expensive dinner will eat more than he knows is good for him, on the principle of having his money's worth, so would the artizan find one excuse for marrying in the fact that, unless he did so, he would be paying education-rates for nothing.

Nor is it only thus that a State-education would encourage men to obey



present impulses. An influence unfavourable to the increase of self-control would be exercised by it throughout the whole of parental life. That restraint which the desire to give children schooling now imposes on the improvident tendencies of the poor, would be removed. Many a man who, as things are, can but just keep the mastery over some vicious or extravagant propensity, and whose most efficient curb is the thought that if he gives way it must be at the sacrifice of that book learning which he is anxious to give his family, would fall were this curb weakened—would not only cease to improve in power of self-control as he is now doing, but would retrograde, and bequeath his offspring to a lower instead of a higher state of life.

Hence, a Government can educate in one direction only by *uneducating* in another—can confer knowledge only at the expense of character. It retards the development of an all-important quality, universally needed, that it may give a smattering of information.

What a contrast is there between these futile contrivances of men and the silent-working agencies of Nature! With a perfect economy, Nature turns all forces to account. She makes action and re-action alike useful. This strong affection for progeny becomes in her hands the agent of a double culture, serving at once to fashion parent and child into the needful form. Yet this powerful instrumentality statesmen propose to dislocate; confidently opining that their own patent apparatus will answer a great deal better!

[NOTE.—Shortly after the publication of *Social Statics* Mr. Samuel Morley, the well-known philanthropist, requested me to let him reprint the foregoing chapter in the form of a pamphlet for distribution. I willingly assented. When, after a short time, a second edition of the pamphlet was called for, I took the opportunity of adding some further arguments, which I here append.]

The majority of those who vehemently

object to a State-religion are disabled from seeing that their favourite measure, State-education, is objectionable on similar grounds.

To the argument that, as all truths, whether religious or secular, form parts of one consistent whole, it seems strange that the State should be held incompetent to communicate certain of them, but competent to communicate others, the reply is that, concerning the one order of truths there is extensive disagreement, whereas concerning the other there is universal agreement. It is urged that while men are at issue upon every point of religious doctrine, they are unanimous upon the alphabet, upon spelling, upon the rules of arithmetic, upon grammar, upon geography, and so forth; and it is argued that, as the injustice attendant on State-preaching consists in the fact that all men do not subscribe to the creed preached, it follows that, as there is no difference of opinion respecting secular knowledge, there is no injustice in the State-propagation of it, and that, therefore, the analogy does not hold.

The position is doubtless a plausible one. It must be conceded, that the distinction drawn between the *beliefs* dealt out from the pulpit, and the *truths* communicated over the schoolmaster's desk, is in the main valid. But this admission by no means implies an abandonment of the point contended for. Perhaps a parallel will best indicate the right point of view.

"You see these stones, this wood, these slates, and this lime?" "Yes." "You admit that these are the materials of which houses are to be made?" "I do." "Then, of course, there can be no disagreement between us on the subject of building?" "I beg your pardon; we may disagree as to the size of the house, as to its plan, as to the proportions in which the materials shall be used, as to the dressing of them, as to the process of building, and as to endless matters of detail."

Such, by analogy, is the argument of the State-educationists; and such is the



reply to which they are open. Pointing to a heap of school books, they ask whether you admit the facts contained in them. They follow up your assent with the further question, whether these are not the facts out of which knowledge is to be organized. And, on your affirmative answer, they straightway base the conclusion that education is a subject respecting which there can be no dissent! They forget that to agree about the raw materials involves no agreement as to the manipulation of them.

That anything like an agreement as to the right way of conducting education is possible in our existing state, few, if any, will pretend. On the choice of subjects to be taught, on the order in which they should be taught, on the manner in which they should be taught, on the moral discipline that should accompany the teaching, on every step that can be taken, from the treatment of our infants up to a college examination, conflicting opinions exist. How strong and how well grounded are these contradictions of belief, we shall best perceive by glancing at a few of the specific objections to be raised.

"Gentlemen," may say some thoughtful citizen, "your synopsis of instruction contains much that I think comparatively valueless, and entirely leaves out subjects which seem to me of more importance than nearly all others. History occupies a prominent position in your list; but I see no mention of Physiology. Now, as my children will have but a few years' schooling, I deny the propriety of occupying their time in learning all about people who lived ages ago (a knowledge which will be of no daily benefit), when the time might otherwise be occupied in learning how their own bodies are made, and how they should be treated. No man's life was ever saved by knowing when the battle of Agincourt was fought, or how many wives Henry VIII. had; but every day, thousands go to their deaths from unwittingly sinning against the laws of their constitutions. You think him

grossly ignorant who cannot say whether it was Charles I. or Charles II. who was beheaded. I tell you that, judged by any rational standard, he is much more grossly ignorant who knows nothing about the nature and functions of the frame he lives in. What *you* call ignorance is harmless; what *I* call ignorance is often fatal. No, no; with such an absurd selection of subjects you shall educate no son of mine."

"It seems to me," objects another, "that your system is utterly unphilosophical in arrangement. Following the old precedent, you propose to begin with the alphabet; and, passing on from reading to writing and arithmetic, take the other subjects in turn. Yet this course, which you think so reasonable, I believe to be radically vicious. To me it is quite clear that the mind, like the body, has a natural order in which its faculties unfold; and that we must inquire what that order is, and conform to it. You would think him a foolish parent who tried to make his child's limbs and viscera develop in some particular succession which he fancied the best. You would tell him that if he but afforded the nourishment and exercise Nature craved, she would do the rest much better than he could. Nevertheless, this empirical scheme of culture in which, for aught I see, you have not at all consulted Nature, involves a similar folly; and what you would say in the analogous case, I now say to you; namely, that the true function of the teacher is to observe the order of evolution of the faculties, and constantly to supply that kind of knowledge which the mind shows itself fit to assimilate. A partial recognition of this truth is shown in the modern practice of beginning education with the discipline of the perceptions; and it will presently be seen that the same truth applies throughout. Now as your scheme ignores all this, and as I do not choose that my children should be stinted of facts for which their intellects hunger, while they are made to take in facts



which their intellects cannot properly digest, I must decline the tuition you offer."

"This learning by rote is a barbarism," a third exclaims. "So far from strengthening the memory, I hold that it weakens it. A good memory is one which retains an idea after a single impression; a bad memory is one which cannot retain an idea until after many repetitions of the impression. Now, from the universal law that faculties can become strong only by exercise, and will become weak when not exercised, it follows that the memory must be strengthened by inducing a constant effort to remember facts, words, or expressions, after once hearing or reading them; while, on the other hand, it follows that the memory must be weakened by rendering this effort needless. Your system of learning by rote *does* render it needless. With his lesson-book lying before him, and with the consciousness that he can refer to it as often as he likes, the schoolboy has no incentive to concentrate his attention. He allows his mind to wander off into every train of ideas that suggests itself; knowing that he can come back to his task when he pleases. This habit grows upon him: he frequently almost loses the ability to control his erratic thoughts; and finally falls into the practice of repeating the words he is learning in a semi-conscious way—half thinking of them, and half of something else. Thus, the power of mental concentration being comparatively unnecessary, diminishes. Hence the impressions received become less vivid; that is, the memory becomes weaker. I cannot, therefore, avail myself of a course of culture which, like yours, is vitiated by so bad a method."

"To my mind," remarks a fourth, "your discipline seems faulty. I disapprove of managing children by rewards and punishments. In common with many others, I think that the love of praise is a sentiment already too strong in nearly all men; and hence I object to a treatment which, by often gratifying

it, must make it still stronger. Equally to be deprecated are your modes of correction. Apparent perversities, both moral and intellectual, are in many cases more due to the teacher than the pupil: resulting, as they usually do, either from a non-adaptation of the subject to the age, or from a bad method. And when the pupil really is to blame, I hold that your harsh measures are nearly always detrimental. If lack of ability is the defect, a little sympathy and a few words of encouragement will do more than frowns and abuse; and in cases of misbehaviour, a grave rebuke, kindly given by a master who makes himself the friend of his scholars, will succeed better than the blows of one who is regarded with enmity. Thinking thus, as I do, you must see that your system is quite unacceptable."

"I unite in all the objections," adds a fifth, "and entertain others of my own. With me, resistance is a point of conscience. These children of mine I regard as beings with whose welfare, bodily and mental, I stand charged; and I conceive that I am acting unconscientiously if I allow them to be treated in a manner which I believe hurtful. Now to me your scheme of education seems, in many respects, essentially vicious. Would it not, then, be a gross breach of duty in me to put my children under your care? I pity you, if you say no. And if it *would* be a breach of duty, what am I to do but resist? Am I to pay your education-rates and get nothing in return? Perhaps you will answer, yes. I must tell you, however, that my conscience will no more permit me to do this than it will permit me to use your schools. Not only should I be aiding you to mis-educate my neighbour's children, which my desire for human welfare forbids, but I should be submitting to an injustice which I feel bound to oppose. Would you not consider it a duty to resist those who tried to enslave you? Knowing how destructive of happiness slavery is, would you not look on yourself as a traitor to



humanity did you passively allow its establishment in your person? Of course you would. Well, on like grounds I must withstand this encroachment on my liberties. Believing, as I do, that it is for the well-being of mankind that the freedom of each should be unlimited save by the equal freedoms of all, I cannot conscientiously acquiesce in your aggressions. I tell you, therefore, that I will *not* put my children under your management. I tell you that I will *not*, at your dictation, pay towards other men's school-bills. And further, I tell you, that if you *will* have my property, you shall rob me of it; as the Church does."

Now, whatever he may think of these several grounds for nonconformity, the last of which has already been practically assumed in America, the advocate of State-education must admit that they are quite possible ones. He must admit, too, that such differences of opinion on juvenile culture have been increasing, and will probably continue to increase. He must admit that as, when men began to discuss theological questions, the original unity of belief gave place to divisions which have augmented with growing rapidity; so, now that education has become a subject of thought, the past uniformity of practice has been superseded by a variety of methods which promise to multiply still further. He must admit that, until psychology, of which we yet know but little, has been reduced to scientific co-ordination, and is universally understood, no general agreement as to the right conduct of education can become possible. He must further admit that the daily increase of enlightenment, by making men more alive to the importance of mental training, will render them more averse to putting their children under a questionable discipline. And, lastly, he must admit that, conspiring with this, the continued growth of that sense of personal rights which distinguishes modern civilization, will in course of time produce a determined dissent.

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Hence, its advocates cannot but confess that State-education is unjust. By seeking to draw a distinction between it and State-religion, they tacitly admit that, were there no distinction, State-education would be inadmissible. We have found that the assumed distinction does not hold good. Though, as regards belief in the things taught, the alleged want of parallelism exists, yet, as to modes of teaching, the same nonconformity is common to both. And if disapproval of its organization or government, its ceremonial forms or discipline, is allowed to be valid ground for dissent from a State-religion, it must be allowed that an analogous disapproval of its routine, methods, or course of culture, is valid ground for dissent from a State-education—an admission which can leave it no consistent supporters save churchmen.

The members of the Public School Association, and their rivals, the supporters of Mr. Richson's scheme, exhibit an energy and munificence much to be admired. Donations from £500 downwards testify to no small zeal for popular enlightenment. They who devote valuable time to the writing of tracts, newspaper letters, and leading articles, must have a strong interest in the success of their projects. Tired men of business, who give up their leisure to attend committees, show a praiseworthy spirit of self-sacrifice. The getting-up of public meetings, the preparation and delivery of lectures and speeches, the devising of Acts of Parliament, the obtaining signatures to petitions, the forming of local organizations, and the many other kinds of labour which these gentlemen undertake in the carrying on of their extensive agitation, prove how great a desire they have for the spread of knowledge. There is no law compelling them to act thus. No tax-gatherer comes round for their subscriptions, saying—"Your money or your goods." No penalty attaches to non-attendance at committees and meetings;



nor are the onerous offices many of them fill undertaken because refusal would entail a fine. All that they do they do willingly. Moreover, they expect to generate in the mass of the community a similar disinterested zeal. They issue books and pamphlets, deliver lectures and speeches, with a view to make men join and help them. And by persevering in this course—by raising more subscriptions, acquiring more members, having more meetings, circulating more reports, issuing more tracts, getting-up more petitions, and so, gradually increasing the number of those who will devote time or money to the cause, they hope ultimately to create a public opinion strong enough to embody their project in law.

Bearing in mind which facts, let these gentlemen, when next they estimate the efficiency of voluntarism, include in their estimate what *they* have done and hope to do. Let them remember that the agency by which they expect to rouse the indifferent, unite the jealous, persuade the adverse—in short, to *educate* the people into their views—is the agency which they think so ridiculously inadequate to educate the people's children. To determine what this agency can do, they must assume legislative aid to be out of the question, and then add all their own energy to the energy of their opponents. That this energy is of the same nature in both, they cannot deny. Zeal for popular enlightenment is the motive force in each case; in each case this zeal produces active efforts; and though different means are chosen, yet these efforts are directed to the same end. Clearly, therefore, to judge how far knowledge may be diffused without State-aid, all the energy now directed, and to be hereafter directed, to the

obtaining of State-aid, must be added to the energy expended in our present teaching organizations.

If the State-educationists are startled at being thus classed as practical though unconscious voluntaries, they will be yet more startled on finding how much they expect voluntarism to achieve. They wish to have, throughout the kingdom, a system of schools under local control, but supported by compulsory rates. This system they seek to establish by law. So to establish it they are carrying on an active agitation, in the hope of, by-and-by, inducing a majority of the people to think with them. And, when the majority demands it, their project is to receive legislative realization. To what state of feeling, then, do they hope to bring the majority? They hope so to interest them on behalf of this plan, so to impress them with the importance of education, so to rouse their sympathy for the uncultured and their pity for the depraved, that they may say to the Government—"Let us be taxed that there may be enough schools and teachers." This is what the advocates of State-education hope by their voluntary efforts to make the majority say: no small feat, too, if they succeed in it. But now let them just ask themselves whether it is not possible that the same persevering persuasion which shall make the majority say,—“Let us be taxed that there may be enough schools and teachers,” might as readily make them say,—“Let us provide schools and teachers ourselves.” If the majority may be made so anxious for the spread of enlightenment as to wish the State to put its hands in their pockets, may not a little more persuasion make them put their own hands in their pockets?



## GOVERNMENT COLONIZATION

A COLONY being a community, to ask whether it is right for the State to found and govern colonies, is practically to ask whether it is right for one community to found and govern other communities. And this question not being one in which the relationships of a society to its own authorities are alone involved, but being one into which there enter the interests of men external to such society, is in some measure removed out of the class of questions hitherto considered. Nevertheless, our directing principle affords satisfactory guidance in this case as well as in others.

That a Government cannot undertake to administer the affairs of a colony, and to support for it a judicial staff, a constabulary, a garrison, and so forth, without trespassing against the parent society, scarcely needs pointing out. Any expenditure for these purposes, be it like our own some three and a half millions sterling a year, or but a few thousands, involves a breach of State-duty. The taking from men property beyond what is needful for the better securing of their rights, we have seen to be an infringement of their rights. Colonial expenditure cannot be met without property being so taken. Colonial expenditure is therefore unjustifiable.

An objector might indeed allege that, by maintaining in a settlement a subordinate legislature, the parent legislature does not discharge towards the settlers its original office of protector; and that the settlers have a claim to protection at its hands. But the duty of a society towards itself, that is, of a Government towards its subjects, will not permit the assumption of such a responsibility. For, as it is the function of a Government to administer the law of equal freedom, it cannot, without reversing its function, tax one portion of its subjects at a higher rate than is needful to protect them, that it may give

protection to another portion below prime cost; and to guard those who emigrate, at the expense of those who remain, is to do this.

In one way, however, legislative union between a parent State and its colonies may be maintained without breach of the law; namely, by making them integral parts of one empire, severally represented in a united assembly commissioned to govern the whole. But, theoretically just as such an arrangement may be, it is too palpably impolitic for serious consideration. To propose that, while the English joined in legislating for the people of Australia, of the Cape, of New Zealand, of Canada, of Jamaica, and of the rest, these should in turn legislate for the English and for each other, is much like proposing that the butcher should superintend the classification of the draper's goods, the draper draw up a tariff of prices for the grocer, and the grocer instruct the baker in making bread.

It was exceedingly cool of Pope Alexander VI. to parcel out the unknown countries of the Earth between the Spaniards and Portuguese, granting to Spain all discovered and undiscovered heathen lands lying West of a certain meridian drawn through the Atlantic, and to Portugal those lying East of it. Queen Elizabeth, too, was somewhat cool when she empowered Sir Humphrey Gilbert "to discover and take possession of remote and heathen countries," and "to exercise rights, royalties, and jurisdiction, in such countries and seas adjoining." Nor did Charles II. show less coolness, when he gave to Winthrop, Mason, and others, power to "kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment, or



annoyance of the inhabitants," of the proposed plantation of Connecticut. Indeed, all colonizing expeditions down to those of our own day, with its American annexations, its French occupations of Algiers and Tahiti, and its British conquests of Scinde and of the Punjaub, have borne a repulsive likeness to the doings of buccaneers. As usual, however, these unscrupulous acts have brought deserved retribution. Insatiate greediness has generated very erroneous beliefs, and betrayed nations into most disastrous deeds. "Men are rich in proportion to their acres," argued politicians. "An increase of estate is manifestly equivalent to an increase of wealth. What, then, can be clearer than that the acquirement of new territory must be a national advantage?" So, misled by the analogy, and spurred on by acquisitiveness, we have continued to seize province after province, in utter disregard of the losses entailed by them. In fact, it has been inconceivable that they do entail losses; and though doubt is beginning to dawn upon the public mind, the instinctive desire to keep hold is too strong to permit a change of policy. Our predicament is like that of the monkey in the fable, who, putting his hand into a jar of fruit, grasps so large a quantity that he cannot get his hand out again, and is obliged to drag the jar about with him, never thinking to let go what he has seized. When we shall attain to something more than the ape's wisdom remains to be seen.

While the mere propensity to thieve, commonly known under some grandiloquent alias, has been the real prompter of colonizing invasions, from those of Cortez and Pizarro downwards, the ostensible purpose of them has been either the spread of religion or the extension of commerce. In modern days the latter excuse has been the favourite one. To obtain more markets—this is what people have said aloud to each other, was the object aimed at.

And, though second to the widening of empire, it has been to the compassing of this object that colonial legislation has been mainly directed. Let us consider the worth of such legislation.

Those holy men of whom the middle ages were so prolific, seem to have delighted in exhibiting their supernatural powers on the most trifling occasions. It was a common feat with them, when engaged in church-building, magically to lengthen a beam which the carpenter had made too short. Some were in the constant habit of calling down fire from heaven to light their candles. When at a loss where to deposit his habiliments, St. Goar, of Treves, would transform a sunbeam into a hat-peg. And it is related of St. Columbanus that he wrought a miracle to keep the grubs from his cabbages. Now, although these examples of the use of vast means for the accomplishment of insignificant ends, are not quite paralleled by the exertions of Governments to secure colonial trade, the absurdity attaching to both differs only in degree. An expenditure of power ridiculously disproportionate to the occasion is their common characteristic. In the one case, as in the other, an unnatural agency is employed to effect what a natural agency would effect as well. Trade is a simple enough thing that will grow up wherever there is room for it. But, according to statesmen, it must be created by a gigantic and costly machinery. That trade only is advantageous to a country which brings in return for what is directly and indirectly given, a greater worth of commodities than could otherwise be obtained. But statesmen recognize no such limit to its benefits. Every new outlet for English goods, kept open at no matter what cost, they think valuable. Here is some scrubby little island, or wild territory—unhealthy, or barren, or inclement, or uninhabited even—which by right of discovery, conquest, or diplomatic manœuvring, may be laid hands on. Possession is forthwith taken; a high-salaried governor is appointed; officials collect round him;



then follow forts, garrisons, guardships. From these by-and-by come quarrels with neighbouring peoples, incursions, war; and these again call for more defensive works, more force, more money. And to all protests against this reckless expenditure, the reply is—"Consider how it extends our commerce." If you grumble at the sinking of £800,000 in fortifying Gibraltar and Malta, at the outlay of £130,000 a year for the defence of the Ionian Islands, at the maintenance of 1,200 soldiers in such a good-for-nothing place as the Bermudas, at the garrisoning of St. Helena, Hong Kong, Heligoland, and the rest, you are told that all this is needful for the protection of our commerce. If you object to the expenditure of £110,000 per annum on the Government of Ceylon, it is thought a sufficient answer that Ceylon buys manufactures from us to the gross value of £240,000 yearly. Any criticisms you may pass upon the policy of retaining Canada, at an annual cost of £800,000, are met by the fact that this amounts to only 30 per cent. upon the sum which the Canadians spend on our goods.<sup>1</sup> Should you, under the fear that the East India Company's debt may some day be saddled upon the people of England, lament the outlay of £17,000,000 over the Afghan war, the sinking of £1,000,000 a year in Scinde, and the swallowing up of untold treasure in the subjugation of the Punjaub, there still comes the everlasting excuse of more trade. A Bornean jungle, the deserts of Kaffraria, and the desolate hills of the Falkland Islands, are all occupied upon this plea. The most profuse expenditure is forgiven, if but followed by an insignificant demand for merchandise: even though such demand be but for the supply of a garrison's necessities—glass for barrack windows, starch for officers' shirts, and lump-sugar for the governor's table: all of which you shall find carefully included in

Board of Trade Tables, and rejoiced over as constituting an increase in our exports!

But not only do we expend so much to gain so little, we absolutely expend it for nothing: nay, indeed, in some cases to achieve a loss. All profitable trade with colonies will come without the outlay of a penny for colonial administration—must flow to us naturally; and whatever trade will not flow to us naturally, is not profitable, but the reverse. If a given settlement deals solely with us, it does so from one of two causes: either we make the articles its inhabitants consume at a lower rate than any other nation, or we oblige its inhabitants to buy those articles from us, though they might obtain them for less elsewhere. Manifestly, if we can undersell other producers, we should still exclusively supply its markets were the settlement independent. If we cannot undersell them, it is equally certain that we are indirectly injuring ourselves and the settlers too; for, as M'Culloch says:—"Each country has some natural or acquired capabilities that enable her to carry on certain branches of industry more advantageously than any one else. But the fact of a country being undersold in the markets of her colonies, shows conclusively that, instead of having any superiority, she labours under a disadvantage, as compared with others, in the production of the peculiar articles in demand in them. And hence, in providing a forced market in the colonies for articles that we should not otherwise be able to dispose of, we really engage a portion of the capital and labour of the country in a less advantageous channel than that into which it would naturally have flowed." And if, to the injury we do ourselves by manufacturing goods which we could more economically buy, is added the injury we suffer in pacifying the colonists, by purchasing from them commodities obtainable on better terms elsewhere, we have before us the twofold loss which these much-coveted monopolies entail.

<sup>1</sup> For these and other such facts, see Sir W. Molesworth's speeches delivered during the sessions of 1848 and 1849.



Thus are we again taught how worthy of all reverence are the injunctions of equity, and how universal is their applicability. Just that commercial intercourse with colonies which may be had without breaking these injunctions, brings gain, while just that commercial intercourse which cannot be so had, brings loss.

Passing from home interests to colonial interests, we still meet nothing but evil results. It is a prettily sounding expression, that of mother-country protection, but a very delusive one. If we are to believe those who have known the thing rather than the name, there is but little of the maternal about it. In the Declaration of American Independence we have a candid statement of experience on this point. Speaking of the king—the personification of the parent State—the settlers say:—

“He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

“He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

“He has kept among us in times of peace standing armies, without the consent of our legislatures.

“He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their pretended acts of legislation:—

“For quartering large bodies of armed troops among us.

“For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states.

“For cutting off our trade with all parts of the world.

“For imposing taxes upon us without our consent.

“For depriving us in many cases of the benefits of trial by jury,” &c., &c., &c.

Now, though tyrannies so atrocious as these do not commonly disgrace colonial legislation in the present day, we have but to glance over the newspapers published in our foreign possessions, to see that the arbitrary rule of the Colonial Office is no blessing. Two outbreaks in fifteen years pretty plainly hint the feeling of the Canadas. Within the same period the Cape Boers have revolted thrice; and we have just had a tumultuous agitation and a violent paper war about convicts. In the West Indies there is universal discontent. Jamaica advices tell of stopped supplies, and State-machinery at a dead lock. Guiana sends like news. Here are quarrels about retrenchment; there, insurrectionary riots; and anger is everywhere. The name of Ceylon calls to mind the insolence of a titled governor on the one side, and on the other the bitterness of insulted colonists. In the Australian settlements, criminal immigration has been the sore subject; while from New Zealand there come protests against official despotism. All winds bring the same tale of a negligence caring for no expostulations, impertinence without end, blunderings, disputes, delays, corruption. Canadians complain of having been induced by a proffered privilege to sink their capital in flour-mills, which subsequent legislation made useless. With an ever-varying amount of protection, sugar-planters say they do not know what to be at. South Africa bears witness to a mismanagement that at one time makes enemies of the Griquas, and at another entails a Kaffir war. The emigrants of New Zealand lament over a seat of government absurdly chosen, money thrown away upon useless roads, and needful works left undone. South Australia is made bankrupt by its governor's extravagance; lands are apportioned so as to barbarize the settlers by dispersion; and labourers are sent out in excess, and left to beg. Our Chinese trade gets endangered by the insulting behaviour of military officers to the natives; and the authorities of



Labuan make their first settlement in a pestilential swamp.

Nevertheless, these results of mother-country protection need not surprise us, if we consider by whom the duties of maternity are discharged. Dotted here and there over the Earth, at distances varying from one thousand to fourteen thousand miles, and to and from some of which it takes three-quarters of a year to send a question and get back an answer, are forty-six communities, consisting of different races, placed in different circumstances. And the affairs of these numerous, far-removed communities—their commercial, social, political, and religious interests, are to be cared for—by whom? By six functionaries and their twenty-three clerks, sitting at desks in Downing Street! being at the rate of 0·13 of a functionary and half a clerk to each settlement!

Great, however, as are the evils entailed by government colonization upon both parent State and settlers, they look insignificant when compared with those it inflicts on the aborigines of the conquered countries. The people of Java believe that the souls of Europeans pass at death into the bodies of tigers: and it is related of a Hispaniolan chief that he hoped not to go to heaven when he heard there would be Spaniards there. Significant facts these: darkly suggestive of many an unrecorded horror. But they hint nothing worse than history tells of. Whether we think of the extinct West-Indian tribes, who were worked to death in mines; or of the Cape Hottentots, whose masters punished them by shooting small shot into their legs; or of those nine thousand Chinese whom the Dutch massacred one morning in Batavia; or of the Arabs lately suffocated in the caves of Dahra by the French; we do but call to mind solitary samples of the treatment commonly received by subjugated races from so-called Christian nations. Should any one flatter himself that we English are guiltless of such barbarities, he may soon be shamed

by a narrative of our doings in the East. The Anglo-Indians of the last century—"birds of prey and of passage," as they were styled by Burke—showed themselves only a shade less cruel than their prototypes of Peru and Mexico. Imagine how black must have been their deeds, when even the Directors of the Company admitted that "the vast fortunes acquired in the inland trade have been obtained by a scene of the most tyrannical and oppressive conduct that was ever known in any age or country." Conceive the atrocious state of society described by Vansittart, who tells us that the English compelled the natives to buy or sell at just what rates they pleased, on pain of flogging or confinement. Judge to what a pass things must have come when, in describing a journey, Warren Hastings says, "most of the petty towns and *serais* were deserted at our approach." A cold-blooded treachery was the established policy of the authorities. Princes were betrayed into war with each other; and one of them having been helped to overcome his antagonist, was then himself dethroned for some alleged misdemeanour. Always some muddled stream was at hand as a pretext for official wolves. Dependent chiefs holding coveted lands were impoverished by exorbitant demands for tribute; and their ultimate inability to meet these demands was construed into a treasonable offence, punished by deposition. Even down to our own day kindred iniquities are continued.<sup>1</sup> Down to our own day, too, are continued the grievous salt-monopoly, and the pitiless taxation which wrings from the poor ryots nearly half the produce of the soil. Down to our own day continues the cunning despotism which uses native soldiers to maintain and extend native subjection—a despotism under which, not many years since, a regiment of sepoys was deliberately massacred for refusing to march without proper clothing. Down to our own day the police authorities

<sup>1</sup> See Sir Alexander Burns' despatches.



league with wealthy scamps, and allow the machinery of the law to be used for purposes of extortion. Down to our own day, so-called gentlemen will ride their elephants through the crops of impoverished peasants; and will supply themselves with provisions from the native villages without paying for them. And down to our own day, it is common with the people in the interior to run into the woods at sight of a European!

No one can fail to see that these cruelties, these treacheries, these deeds of blood and rapine, for which European nations in general have to blush, are mainly due to the carrying on of colonization under State-management, and with the help of State-funds and State-force. It is quite needless to point to the recent affair at Wairau in New Zealand, or to the Kaffir war, or to our perpetual aggressions in the East, or to colonial history at large, in proof of this, for the fact is self-evident. A school-boy, made overbearing by the consciousness that there is always a big brother to take his part, typifies the colonist, who sees in his mother-country a bully ever ready to back and defend him. Unprotected emigrants, landing among a strange race, and feeling themselves the weaker party, are tolerably certain to behave well; and a community of them is likely to grow up in amicable relationship with the natives. But let these emigrants be followed by regiments of soldiers—let them have a fort built and cannons mounted—let them feel that they have the upper hand; and they will no longer be the same men. A brutality will come out which the discipline of civilized life had kept under; and not unfrequently they will prove more vicious than they even knew themselves to be. Various evil influences conspire with their own bad propensities. The military force guarding them has a strong motive to foment quarrels; for war promises prize-money. To the civil officials, conquest holds out a prospect of more berths and quicker promotion—a fact which must bias them in favour of it. Thus an

aggressive tendency is encouraged in all, and betrays colonists into those atrocities that disgrace civilization.

As though to round off the argument, history gives proof that while Government-colonization is accompanied by endless miseries and abominations, colonization naturally carried on is free from these. To William Penn belongs the honour of having shown men that the kindness, justice, and truth of its inhabitants are better safeguards to a colony than troops and fortifications and the bravery of governors. In all points Pennsylvania illustrates the equitable, as contrasted with the inequitable, mode of colonizing. It was founded not by the State but by private individuals. It needed no mother-country protection, for it committed no breaches of the moral law. Its treaty with the Indians, described as "the only one ever concluded which was not ratified by an oath, and the only one that was never broken," served it in better stead than any garrison. For the seventy years during which the Quakers retained the chief power, it enjoyed an immunity from that border warfare, with its concomitant losses, and fears, and bloodshed, to which other settlements were subject. Contrariwise, its people maintained a friendly and mutually-beneficial intercourse with the natives; and, as a natural consequence of complete security, made unusually rapid progress in material prosperity.

That a like policy would have been similarly advantageous in other cases, may reasonably be inferred. No one can doubt, for instance, that had the East India Company been denied military aid and State-conferred privileges, both its own affairs and the affairs of Hindostan, would have been in a far better condition than they now are. Insane longing for empire would never have burdened the Company with the enormous debt which paralyzes it. The energy perpetually expended in aggressive wars would have been employed



in developing the resources of the country. And had the settlers thus turned their attention wholly to commerce, and conducted themselves peaceably, as their defenceless state would

have compelled them to do, England would have been better supplied with raw materials and the markets for her goods would have enlarged.

## SANITARY SUPERVISION

THE current ideas respecting legislative interference in sanitary matters, do not seem to have taken the form of a definite theory. The Eastern Medical Association of Scotland does indeed hold "that it is the duty of the State to adopt measures for protecting the health as well as the property of its subjects"; and *The Times* lately asserted that "the Privy Council is chargeable with the health of the Empire";<sup>1</sup> but no considerable political party has adopted either of these dogmas by way of a distinct confession of faith.

That it comes within the proper sphere of government to repress nuisances is evident. He who contaminates the atmosphere breathed by his neighbour, is infringing his neighbour's rights. Men have equal claims to the free use of the elements, 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 called upon to afford redress to those so trespassed against.

Beyond this, however, it cannot lawfully go. As already shown in several kindred cases, for a government to take from a citizen more property than is needful for the efficient defence of that citizen's rights, is to infringe his rights. And

hence all taxation for sanitary superintendence coming, as it does, within this category, must be condemned.

The theory which Boards of Health and the like imply, is not only inconsistent with our definition of State-duty, but is open to strictures similar to those made in analogous cases. If, by saying "that it is the duty of the State to adopt measures for protecting the health of its subjects," it is meant (as it *is* meant by the majority of the medical profession) that the State should interpose between quacks and those who patronize them, or between the druggist and the artizan who wants a remedy for his cold—if it is meant that to guard people against empirical treatment, the State should forbid all unlicensed persons from prescribing; then the reply is, that to do so is directly to violate the moral law. Men's rights are infringed by these, as much as by all other, trade-interferences. The invalid is at liberty to buy medicine and advice from whomsoever he pleases; the unlicensed practitioner is at liberty to sell these to whomsoever will buy. On no pretext can a barrier be set up between the two, without the law of equal freedom being broken; and least of all may the Government, whose office it is to uphold that law, become a transgressor of it.

Moreover this doctrine, that it is the duty of the State to protect the health of its subjects, cannot be established, for the same reason that its kindred doctrines

<sup>1</sup> See *The Times*, October 17, 1848.



cannot, namely, the impossibility of saying how far the alleged duty shall be carried. Health depends on the fulfilment of numerous conditions—can be “protected” only by insuring that fulfilment. If, therefore, it is the duty of the State to protect the health of its subjects, it is its duty to see that all the conditions to health are fulfilled by them. The legislature must prescribe so many meals a day for each individual; fix the quantities and qualities of food, for men, women, and children; state the proportion of fluids, when to be taken, and of what kind; specify the amount of exercise, and define its character; describe the clothing to be employed; determine the hours of sleep; and to enforce these regulations it must employ officials to oversee every one’s domestic arrangements. If, on the other hand, a universal supervision of private conduct is not meant, then there comes the question—Where, between this and no supervision at all, lies the boundary up to which supervision is a duty?

There is a manifest analogy between committing to Government-guardianship the physical health of the people, and committing to it their moral health. If the welfare of men’s souls can be fitly dealt with by acts of parliament, why then the welfare of their bodies can be fitly dealt with likewise. The disinfecting society from vice may naturally be cited as a precedent for disinfecting it from pestilence. Purifying the haunts of men from noxious vapours may be held quite as legitimate as purifying their moral atmosphere. The fear that false doctrines may be instilled by unauthorized preachers, has its analogue in the fear that unauthorized practitioners may give deleterious medicines or advice. And the prosecutions once committed to prevent the one evil, countenance the penalties used to put down the other. Contrariwise, the arguments employed by the dissenter to show that the moral sanity of the people is not a matter for State-superintendence, are applicable, with a

slight change of terms, to their physical sanity also.

Let no one think this analogy imaginary. The two notions are not only theoretically related; we have facts proving that they tend to embody themselves in similar institutions. There is an inclination on the part of the medical profession to get itself organized after the fashion of the clergy. Little do the public at large know how actively professional publications are agitating for State-appointed overseers of the public health. Take up the *Lancet*, and you will find articles written to show the necessity of making poor-law medical officers independent of Boards of Guardians, by appointing them for life, holding them responsible only to central authority, and giving them handsome salaries from the Consolidated Fund. The *Journal of Public Health* proposes that “every house on becoming vacant be examined by a competent person as to its being in a condition adapted for the safe dwelling in of the future tenants”; and to this end would raise by fees, chargeable on the landlords, “a revenue adequate to pay a sufficient staff of inspectors four or five hundred pounds a year each.” A non-professional publication, echoing the appeal, says—“No reasonable men can doubt that if a proper system of ventilation were rendered imperative upon landlords, not only would the cholera and other epidemic diseases be checked, but the general standard of health would be raised.” While the *Medical Times* shows its leanings by announcing, with marked approbation, that “the Ottoman Government has recently published a decree for the appointment of physicians to be paid by the State,” who “are bound to treat gratuitously all—both rich and poor—who shall demand advice.”

The most specious excuse for not extending to medical advice the principles of free trade, is the same as that given for not leaving education to be diffused under them; namely, that the judgment of the consumer is not a sufficient guar-



antee for the goodness of the commodity. The intolerance shown by orthodox surgeons and physicians towards unordained followers of their calling, is to be understood as arising from a desire to defend the public against quackery. Ignorant people, say they, cannot distinguish good treatment from bad, or skilful advisers from unskilful ones: hence it is needful that the choice should be made for them. And then, following in the track of priesthoods, for whose persecutions a similar defence has always been set up, they agitate for more stringent regulations against unlicensed practitioners, and descant upon the dangers to which men are exposed by an unrestricted system. Hear Mr. Wakley. Speaking of a recently-revived law relating to chemists and druggists, he says—"It must have the effect of checking, to a vast extent, that frightful evil called counter-practice, exercised by unqualified persons, which has so long been a disgrace to the operation of the laws relating to medicine in this country, and which, doubtless, has been attended with a dreadful sacrifice of human life." (*Lancet*, September 11, 1841.) And again, "There is not a chemist and druggist in the empire who would refuse to prescribe in his own shop in medical cases, or who would hesitate day by day to prescribe simple remedies for the ailments of infants and children." . . . "We had previously considered the evil to be of enormous magnitude, but it is quite clear that we had under-estimated the extent of the danger to which the public are exposed." (*Lancet*, October 16, 1841.)

Any one may discern through these ludicrous exaggerations much more of the partizan than of the philanthropist. But let that pass. And without dwelling upon the fact that it is strange a "dreadful sacrifice of human life" should not have drawn the attention of the people themselves to this "frightful evil,"—without doing more than glance at the further fact, that nothing is said of those benefits conferred by "counter-practice," which would at least form a

considerable set off against this "evil of enormous magnitude"; let it be conceded that very many of the poorer classes *are* injured by druggists' prescriptions and quack medicines.<sup>1</sup> The allegation having been thus, for argument's sake, admitted in full, let us now consider whether it constitutes a sufficient plea for legal interference.

Inconvenience, suffering, and death, are the penalties attached by Nature to ignorance, as well as to incompetence—are also the means of remedying these. Partly by weeding out those of lowest development, and partly by subjecting those who remain to the never-ceasing discipline of experience, Nature secures the growth of a race of men who shall both understand the conditions of existence, and be able to act up to them. It is impossible in any degree to suspend this discipline by stepping in between ignorance and its consequences, without, to a corresponding degree, suspending the progress. If to be ignorant were as safe as to be wise, no one would become wise. And all measures which tend to put ignorance upon a par with wisdom, inevitably check the growth of wisdom. Acts of Parliament to save silly people from the evils which putting faith in empirics may entail on them, do this, and are therefore bad. It is best to let the foolish man suffer the penalty of his foolishness. For the pain—he must bear it as well as he can: for the experience—he must treasure it up, and act more rationally in future. To others as well as to himself will his case be a warning. And by multiplication of such warnings, there cannot fail to be generated a caution corresponding to the danger to be shunned.

A sad population of imbeciles would our schemers fill the world with, could their plans last. A sorry kind of human constitution would they make for us—a

<sup>1</sup> The infliction of such injuries is not peculiar to quacks. During the last four years (I add this note in 1890) I have had occasion to consult seven medical men, and six out of the seven did me harm!



constitution continually going wrong, and needing to be set right again—a constitution ever tending to self-destruction. Why the whole effort of Nature is to get rid of such—to clear the world of them, and make room for better. Mark how the diseased are dealt with. Consumptive patients, with lungs incompetent to perform the duties of lungs, people with digestive organs that will not take up enough nutriment, people with defective hearts which break down under effort, people with any constitutional flaw preventing due fulfilment of the conditions of life, are continually dying out, and leaving behind those fit for the climate, food, and habits to which they are born. Even the less-imperfectly organized who, under ordinary circumstances, manage to live with comfort, are still the first to be carried off by adverse influences; and only such as are robust enough to resist these—that is, only such as are tolerably well adapted to both the usual and incidental necessities of existence, remain. And thus is the race kept free from vitiation. Of course this statement is in substance a truism; for no other arrangements of things is conceivable. But it is a truism to which most men pay little regard. And if they commonly overlook its application to body, still less do they note its bearing upon mind. Yet it is equally true here. Nature just as much insists on fitness between mental character and circumstances, as between physical character and circumstances; and radical defects are as much causes of death in the one case as in the other. He on whom his own stupidity, or vice, or idleness, entails loss of life, must, in the generalizations of philosophy, be classed with the victims of weak viscera or malformed limbs. In his case, as in the others, there exists a fatal non-adaptation; and it matters not in the abstract whether it be a moral, an intellectual, or a corporeal one. Beings thus imperfect are Nature's failures, and are recalled by her when found to be such. Along with the rest they are put

upon trial. If they are sufficiently complete to live, they *do* live, and it is well they should live. If they are not sufficiently complete to live, they die, and it is best they should die. And however irregular the action of this law may appear—however it may seem that much chaff is left behind which should be winnowed out, and that much grain is taken away which should be left behind; yet due consideration must satisfy every one that the *average* effect is to purify society from those who are, *in some respect or other*, essentially faulty.

Of course, in so far as the severity of this process is mitigated by the spontaneous sympathy of men for one another, it is proper that it should be mitigated: albeit there is unquestionably harm done when sympathy is shown, without any regard to ultimate results. But the drawbacks hence arising are nothing like commensurate with the benefits otherwise conferred. Only when this sympathy prompts to a breach of equity—only when it originates an interference forbidden by the law of equal freedom—only when, by so doing, it suspends in some particular department of life the relationship between constitution and conditions, does it work pure evil. Then, however, it defeats its own end. It favours the multiplication of those worst fitted for existence, and, by consequence, hinders the multiplication of those best fitted for existence—leaving, as it does, less room for them. It tends to fill the world with those to whom life will bring most pain, and tends to keep out of it those to whom life will bring most pleasure. It inflicts positive misery, and prevents positive happiness.

Turning now to consider these impatiently-agitated schemes for improving our sanitary condition by Act of Parliament, the first criticism to be passed on them is that they are needless, inasmuch as there are already efficient influences at work gradually accomplishing every desideratum.

Seeing, as do the philanthropic of our



day, like the congenitally blind to whom sight has just been given, they form very crude and very exaggerated notions of the evils to be dealt with. Some, anxious for the enlightenment of their fellows, collect statistics exhibiting a lamentable amount of ignorance; publish these; and the lovers of their kind are startled. Others dive into the dens where poverty hides itself, and shock the world with descriptions of what they see. Others, again, gather together information respecting crime, and make the benevolent look grave by their disclosures. Whereupon, in horror at these revelations, men keep thoughtlessly assuming that the evils have lately become greater, when in reality it is they who have become more observant of them. If few complaints have hitherto been heard about crime, and ignorance, and misery, it is not that in times past these were less widely spread, for the contrary is the fact; but it is that our forefathers thought little about them, and said little about them. Overlooking which circumstance, and forgetting that social evils have been undergoing a gradual amelioration, many entertain a needless alarm lest fearful consequences should ensue, if these evils are not immediately remedied, and a visionary hope that immediate remedy of them is possible.

Such are the now prevalent feelings relative to sanitary reform. We have had a multitude of blue-books, Board of Health reports, leading articles, pamphlets, and lectures, descriptive of bad drainage, overflowing cesspools, festering graveyards, impure water, and the filthiness and humidity of low lodging houses. The facts thus published are thought to warrant, or rather to demand, legislative interference. It seems never to be asked, whether any corrective process is going on. Although the rate of mortality has been gradually decreasing, and the value of life is higher in England than elsewhere—although the cleanliness of our towns is greater now than ever before, and our spontaneously-

grown sanitary arrangements are far better than those existing on the Continent, where the stinks of Cologne, the uncovered drains of Paris, the water-tubs of Berlin,<sup>1</sup> and the miserable footways of the German towns, show what State-management effects; yet it is perversely assumed that by State-management only can the remaining impediments to public health be removed. Surely the causes which have brought the sewage, the paving and lighting, and the water-supply of our towns, to the present state, have not suddenly ceased. Surely that amelioration which has been taking place in the condition of London for these two or three centuries, may be expected to continue. Surely the public spirit which has carried out so many urban improvements since the Municipal Corporations Act gave greater facilities, can carry out other improvements. One would have thought that less excuse for meddling existed now than ever. Now that so much has been effected; now that the laws of health are beginning to be generally studied; now that people are reforming their habits of living; now that the use of baths is spreading; now that temperance, and ventilation, and due exercise are getting thought about—to interfere *now*, of all times, is surely as rash and uncalled-for a step as was ever taken.

And then to think that, in their haste to obtain by law healthier homes for the masses, men should not see that the natural process already commenced is the only process which can eventually succeed! The Metropolitan Association for improving the Dwellings of the Labouring Classes is doing all that is possible in the matter. It is endeavouring to show that, under judicious management, the building of salubrious habitations for the poor becomes a profitable employment of capital. If it

<sup>1</sup> For putting out fires in Berlin they depend on open tubs of water that stand about the city at certain points, ready to be dragged where they are wanted. [Since 1850 an English firm has changed all this.]



shows this, it will do all that needs to be done; for capital will quickly flow into investments offering good returns. If it does *not* show this—if, after due trial, it finds that these Model Lodging Houses do not pay, then Acts of Parliament will not improve matters.<sup>1</sup> These plans for making good ventilation imperative; insisting upon water-supply, and fixing the price for it, as Lord Morpeth's Bill would have done; having empty houses cleansed before re-occupation, and charging the owners of them for inspection—these plans for coercing landlords into giving additional advantages for the same money are nothing but repetitions of the old proposal, that "the three-hooped pot shall have ten hoops," and are just as incapable of realization. The first result of an attempt to carry them out would be a diminution of the profits of house-owners. The interest on capital invested in houses no longer being so high, capital would seek other investments. The building of houses would cease to keep pace with the growth of population. Hence would arise a gradual increase in the number of occupants to each house. And this change in the ratio of houses to people would continue until the demand for houses had raised the profits of the landlord to what they were, and until, by overcrowding, new sanitary evils had been produced to parallel the old ones.<sup>2</sup>

<sup>1</sup> I ought to have said that Acts of Parliament can remove the evils complained of only by inflicting other evils; but at that time no one dreamed that the advance of Socialism would be so rapid that in 40 years municipal governments would make rate-payers pay part of the rents of working-class houses; for this is what is done when by public funds they are supplied with better houses than they would otherwise have.

<sup>2</sup> Such results have actually been brought about by the Metropolitan Buildings Act. While this Act has introduced some reform in the better class of houses (although to nothing like the expected extent, for the surveyors are bribed, and moreover the fees claimed by them for inspecting every trifling alteration operate as penalties on improvement), it has entailed far more evil, just where it was intended to confer benefit. An architect and surveyor describes it as having worked after the following manner.

If, by building in larger masses and to a greater height, such an economy can be achieved in ground-rent, the cost of outer walls, and of roofing, as to give more accommodation at the same expense as now (which happily seems probable); then the fact only needs proving, and, as before said, the competition of capital for investment will do all that can be done; but if not, the belief that legislative coercion can make things better is a fit companion to the belief that it can fix the price of bread and the rate of wages.

Let those who are anxious to improve

In those districts of London consisting of inferior houses, built in that insubstantial fashion which the New Buildings Act was to mend, there obtains an average rent, sufficiently remunerative to landlords whose houses were run up economically before the New Buildings Act passed. This existing average rent fixes the rent that must be charged in these districts for new houses of the same accommodation—that is, the same number of rooms, for the people they are built for do not appreciate the extra safety of living within walls strengthened with hoop-iron bond. Now it turns out upon trial, that houses built in accordance with the present regulations and let at this established rate, bring in nothing like a reasonable return. Builders have consequently confined themselves to erecting houses in better districts (where the possibility of a profitable competition with pre-existing houses shows that those pre-existing houses were tolerably substantial), and have ceased to erect dwellings for the masses, except in the suburbs where no pressing sanitary evils exist. Meanwhile, in the inferior districts above described, there has resulted an increase of overcrowding—half-a-dozen families in a house—a score lodgers to a room. Nay, more than this has resulted. That state of miserable dilapidation into which these abodes of the poor are allowed to fall, is due to the absence of competition from new houses. Landlords do not find their tenants tempted away by the offer of better accommodation. Repairs, being unnecessary for securing the largest amount of profit, are not made. And the fees demanded by the surveyor, even when an additional chimney-pot is put up, supply ready excuses for doing nothing. Thus, while the New Buildings Act has caused some improvement where improvement was not greatly needed, it has caused none where it was needed, but has instead generated evils worse than those it was to remove. In fact, for a large percentage of the very horrors which our sanitary agitators are now trying to cure by law, we have to thank previous agitators of the same school.



the health of the poor, through the indirect machinery of law, bring their zeal to bear *directly* upon the work to be done. Let them appeal to men's sympathies, and again to their interests. Let them show that the productive powers of the labourer will be increased by bettering his health, while the poor's-rates will be diminished. Above all, let them demand the removal of those obstacles which existing legislation puts in the way of sanitary improvement.<sup>1</sup> Their efforts thus directed will really promote progress. Whereas their efforts as now directed are either needless or injurious.

It is in this case, as in many others, the peculiarity of what are oddly styled "practical measures," that they supersede agencies which are answering well by agencies which are not likely to answer well. Here is a heavy charge of inefficiency brought against the drains, cesspools, stink-traps, &c., of England in general and London in particular. The evidence is voluminous and conclusive, and by common consent a verdict of proven is returned. Citizens look grave and determine to petition Parliament about it. Parliament promises to consider the matter; and after the usual

amount of debate, says—"Let there be a Board of Health." Whereupon petitioners rub their hands, and look out for great things. They have unbounded simplicity—these good citizens. Legislation may disappoint them fifty times running, without at all shaking their faith in its efficiency. They hoped that Church abuses would be rectified by the Ecclesiastical Commission: the poor curates can say whether that hope has been realized. Backed by an Act of Parliament, the Poor-Law Commissioners were to have eradicated able-bodied pauperism: yet, until checked by the recent prosperity, the poor's-rates have been rapidly rising to their old level. The New Buildings Act was to have given the people of London better homes; whereas, as we lately saw, it has made worse the homes that most wanted improving. Men were sanguine of reforming criminals by the silent system, or the separate system; but, if we are to judge by the disputes of their respective advocates, neither of these plans is very successful. Pauper children were to have been made into good citizens by industrial education; from all quarters, however, come statements that a very large percentage of them get into gaol or become prostitutes, or return to the workhouse. The measures enjoined by the Vaccination Act of 1840 were to have exterminated small-pox; but the Registrar-General's reports show that the deaths from small-pox have been increasing. Yet scarcely a doubt seems to arise respecting the competency of legislators to do what they propose. From the times when they tried to fix the value of money down to our own day, when they have just abandoned the attempt to regulate the price of corn, statesmen have been undertaking all kinds of things, from prescribing the cut of boot-toes, up to preparing people for Heaven; and have been constantly failing. Nevertheless such inexhaustible faith have men that, although they see this, and although they are daily hearing of imbecilities in public departments—of

<sup>1</sup> Writing before the repeal of the brick-duty, the *Builder* says—"It is supposed that one-fourth of the cost of a dwelling which lets for 2s. 6d. or 3s. a week is caused by the expense of the title-deeds and the tax on wood and bricks used in its construction. Of course the owner of such property must be remunerated, and he therefore charges 7½d. or 9d. a week to cover these burdens." Mr. C. Gatliff, secretary to the Society for Improving the Dwellings of the Working Classes, describing the effect of the window-tax, says—"They are now paying upon their institution in St. Pancras, the sum of £162 16s. in window-duties, or 1 per cent. per annum upon the original outlay. The average rental paid by the Society's tenants is 5s. 6d. per week, and the window-duty deducts from this 7½d. per week."—Deputation to Lord Ashley, see *The Times*, January 31, 1850. Mr. W. Voller, a master-tailor, says—"I lately inserted one of Dr. Arnott's ventilators in the chimney of the workshop, little thinking I should be called upon by Mr. Badger, our district surveyor, for a fee of 25s."—*Morning Chronicle*, February 4, 1850.



Admiralty Boards which squander three millions a year in building bad ships and breaking them up again—of Woods and Forests Commissioners who do not even know the rental of the estates they manage—of bungling excise-chemists who commit their chiefs to losing prosecutions, for which compensation has to be made; yet Government needs but to announce another plausible project, and men straightway hurrah, and throw up their caps, in the full expectation of getting all that is promised.

But the belief that Boards of Health, and the like, will never effect what is hoped, needs not wholly rest either on abstract considerations, or on our experience of State-instrumentalities in general. We have one of these organizations at work, and, as far as may be at present judged, it has done anything but answer people's expectations. To condemn it because choked sewers, and open gully-holes, and filthy alleys remain much as they were, would, perhaps, be unreasonable; for time is needed to rectify evils so widely established. But there is one test by which we may fairly estimate its efficiency; namely, its conduct before and during the late pestilence. It had more than a year's notice that the cholera was on its way here. There were two whole sessions of Parliament intervening between the time when a second invasion from that disease was foreseen and the time when the mortality was highest. The Board of Health had, therefore, full opportunity to put forth its powers, and to get greater powers if it wanted them. Well, what was the first step which might have been looked for from it? Shall we not say the suppression of intramural interments? Burying the dead in the midst of the living was manifestly hurtful; the evils attendant on the practice were universally recognized; and to put it down required little more than a simple exercise of authority. If the Board of Health believed itself possessed of authority sufficient for this, why did it

not use that authority when the advent of the epidemic was rumoured? If it thought its authority not great enough (which can hardly be, remembering what it ultimately did), then why did it not obtain more? Instead of taking either of these steps, however, it occupied itself in considering future modes of water-supply, and devising systems of sewage. While the cholera was approaching, the Board of Health was cogitating over reforms from which the most sanguine could not expect any considerable benefit for years to come. And then, when the enemy was upon us, this guardian in which men were putting their trust, suddenly bestirred itself, and did what, for the time being, made worse the evils to be remedied. As was said by a speaker, at one of the medical meetings held during the height of the cholera, "the Commissioners of Public Health had adopted the very means likely to produce that complaint. Instead of taking their measures years ago, they had stirred up all sorts of abominations now. They had removed dunghills and cesspools, and added fuel tenfold to the fire that existed. (Hear, hear.) Never since he could recollect had there been such accumulations of abominable odours as since the Health of Towns Commission had attempted to purify the atmosphere. (A laugh, and Hear, hear.)" At length when, in spite of all that had been done (or, perhaps, partly in consequence of it), the mortality continued to increase, the closing of graveyards was decided upon; in the hope, as we must suppose, that the mortality would thereby be checked. As though, when there were hundreds of thousands of bodies decomposing, the ceasing to add to them would immediately produce an appreciable effect!

Even could State-agency compass for our towns the most perfect salubrity, it would be in the end better to remain as we are, rather than obtain such a benefit by such means. It is quite possible to



give too much even for a great desideratum. However valuable good bodily health may be, it is dearly purchased when mental health goes in exchange. Whoso thinks that Government can supply sanitary advantages for nothing, or at the cost of more taxes only, is woefully mistaken. They must be paid for with character as well as with taxes.

Let it be again remembered that men cannot *make* force. All they can do is to avail themselves of force already existing, and employ it for working out this or that purpose. They cannot increase it; they cannot get from it more than its due effect; and as much as they expend of it for doing one thing, must they lack of it for doing other things. Thus it is now becoming a received doctrine, that what we call chemical affinity, heat, light, electricity, magnetism, and motion, are all manifestations of the same primordial force—that they are convertible into one another; and, as a corollary, that it is impossible to obtain in any one form of this force more than its equivalent in the previous form. Now this is equally true of the agencies acting in society. It is quite possible to divert the power at present working out one result, to the working out of some other result. But you cannot make more of it, and you cannot have it for nothing. Just as much better as this particular thing is done, so much worse must another thing be done.

Or, changing the illustration, and regarding society as an organism, we may say that it is impossible artificially to use up social vitality for the more active performance of one function, without diminishing the activity with which other functions are performed. So long as society is let alone, its various structures will go on developing in due subordination to one another. If some of them are very imperfect, and make no appreciable progress towards efficiency, it is because still more important organs are equally imperfect, and because the growth of these involves cessation of

growth elsewhere. Be sure, also, that whenever there arises a special necessity for the better performance of any one function, or for the establishment of some new function, Nature will respond. Instance, in proof of this, the increase of particular manufacturing towns and seaports, or the formation of incorporated companies. Is there a rising demand for some commodity of general consumption? Immediately the organ secreting that commodity becomes more active, absorbs more people, begins to enlarge, and secretes in greater abundance. To interfere with this process by producing premature development in any particular direction, is inevitably to disturb the due balance of organization, by causing somewhere else a corresponding atrophy. At any given time the amount of a society's vital force is fixed. Dependent as is that vital force on the extent to which men have acquired fitness for a co-operative life—upon the efficiency with which they can combine as elements of the social organism, we may be quite certain that, while their characters remain constant, nothing can increase its total quantity. We may be also certain that this total quantity can produce only its equivalent of results; and that no legislators can get more from it, although by wasting it they may get less.

Already, in treating of Poor-Laws and National Education, we have examined in detail the reactions by which these attempts at a multiplication of results are defeated. In the case of sanitary administrations, a similar reaction may be traced; showing itself, among other ways, in the checking of social improvements which demand popular enterprise.

Should proof of this be asked, it may be found in the contrast between English energy and Continental helplessness. English engineers (Manby, Wilson, and Co.) established the first gas-works in Paris, after the failure of a French company; and many of the gas-works throughout Europe have been constructed by Englishmen. An English engineer