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**HERBERT SPENCER, *THE MAN VERSUS THE STATE WITH SIX ESSAYS ON  
GOVERNMENT, SOCIETY AND FREEDOM* (1884)**

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**EDITION USED**

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Nock's Introduction is not available online for copyright reasons.

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### **PUBLISHER'S NOTE**

*The Man Versus The State* by Herbert Spencer was originally published in 1884 by Williams and Norgate, London and Edinburgh. The book consisted of four articles which had been published in *Contemporary Review* for February, April, May, June, and July of 1884. For collection in book form, Spencer added a Preface and a Postscript. In 1892 the book was reissued with the addition of a few notes in reply to criticism of the first edition.

This Liberty Fund edition contains the entire text of the 1892 edition.

*The Man Versus The State* was maintained in print for many years in various editions. In 1892 an edition was issued in the United States by D. Appleton and Company. In 1940 one was issued in Great Britain as part of The Thinker's Library.

Two editions have circulated in the United States in the last forty years. In 1940 Caxton Printers, Ltd., of Caldwell, Idaho, issued an edition with an Introduction by Albert Jay Nock. In this edition, two more essays, "Over-Legislation" and "From Freedom to Bondage," were added to the original four.

In 1969 Penguin Books issued an edition with an Introduction by Donald Macrae. In this edition, "From Freedom to Bondage" was also included along with three other essays, "The Social Organism," "Representative Government—What Is It Good For?," and "Specialized Administration."

For this Liberty Fund edition we have included the Introduction by Nock. In addition, we have

printed in a separate section the five essays included in either the Caxton or Penguin editions. Following in the tradition of these earlier publishers we have also added an essay, "The Proper Sphere of Government," which has not, to our knowledge, been reprinted in any book for over one hundred years. Data on original publication are provided at the beginning of each essay.

## **FOREWORD**

Herbert Spencer produced four major works in political philosophy plus numerous additional and important essays. The first of these works, *The Proper Sphere of Government* (1842) is the least well-known. The second is Spencer's most famous systemic treatise in this area, *Social Statics* (1851). *The Man Versus The State* (1884), which is the centerpiece of this volume, is the third major political work. This is a more polemical and quasi-sociological work than either the first two or Spencer's fourth major political study, "Justice," Part IV of *The Principles of Ethics* (1891).

In addition to presenting the first and third of these studies, the present volume makes available two of Spencer's relatively early political essays, "Over-Legislation" (1853) and "Representative Government" (1857); two of his important essays in political sociology, "The Social Organism" (1860) and "Specialized Administration" (1871); and "From Freedom to Bondage" (1891), which extends the polemical and analytic themes of *The Man Versus The State*.

Herbert Spencer was born in Derby, England on April 27, 1820.<sup>1</sup> He entered a family of dissenting clergymen and teachers in which a long opposition to State-Church ties and solid identification with the rising commercial classes had bred a strong anti-statist individualism. Both his father, George Spencer, and his uncle, the Rev. Thomas Spencer, were supporters of Church disestablishment, the anti-Corn Law Movement and the extension of the franchise. As autodidacts and teachers, Spencer's father and uncles looked to the sciences and their practical applications rather than to the classical tradition. Their anti-statist individualism and their scientifically oriented rationalism were passed on to Herbert Spencer. Spencer himself points to the possible Hussite and Huguenot origins of family as a partial explanation of his own individualism and disregard for authority. And he often recounts how his belief in a universe entirely governed by natural causal law grew out of his father's scientific interests and curiosity about the causes of natural phenomena.

Spencer's education was almost entirely in the hands of his father and, later, his uncles William and Thomas. The focus was on the natural and biological sciences. He gathered plants and insects, performed experiments, sketched and worked out problems in mathematics and attended lectures at the Derby Philosophical Society. When Spencer was in his teens his uncle Thomas sought to broaden his education with classics, languages and history. But his rebellious nephew proved to be relatively immune to such useless and dogmatic pastimes.

In November 1837, just after Victoria ascended to the throne, Spencer joined the engineering staff of the London and Birmingham Railway. Until 1841 and again from 1845 through 1848, working for a number of different firms, Spencer participated in the great expansive phase of railway construction. He appears to have been highly competent and successful at all the engineering tasks undertaken; during these years, and later, Spencer produced a variety of mechanical inventions, and between 1839 and 1842 he published seven articles in the *Civil Engineer's and Architect's Journal*. Only his greater interest in a literary career and, perhaps, the

difficulty that this sober and intense young man had in forming warm relations with his colleagues precluded a full-term career in civil engineering. In later years this spectacular growth of the British rail system was continually to serve Spencer as an example of progressive, non-governmental social co-ordination. And just as continually, he used the failure of municipal governments to restrict the noise of trains as an example of the failure of governments to carry out their proper negative functions.

In the Spring of 1842 Spencer began a series of letters to the radical dissenting journal, the *Nonconformist*. Reprinted in pamphlet form *The Proper Sphere of Government* is in some respects his most radical political essay. Spencer maintains that justice construed as respect for natural rights and not any direct pursuit of the "general good" should be the guide for determining the sphere of governmental action. This standard requires of individuals only that they not engage in positive acts of oppression while it requires that the government act only to intervene against such positively oppressive actions.

The publication of *The Proper Sphere of Government* coincided with Spencer's only intense and sustained period of practical political involvement. He served as the secretary of the Derby branch of the Complete Suffrage Union and wrote numerous short tracts for this group as well as for the Anti-State-Church Association. The non-remunerative character of his literary activities during this period explains his return to railway engineering in 1845. In 1848, however, Spencer secured a post as a sub-editor of *The Economist*. At this time *The Economist* was the premier organ for free trade and laissez-faire, and Spencer's submission of a copy of *The Proper Sphere of Government* can hardly have prejudiced his application.

Spencer's five years at *The Economist* were spent at essentially non-ideological ordering of news items, but in *Social Statics* published during the third year, he deepened and systematized the doctrine of *The Proper Sphere of Government*.

The decade following the publication and moderate success of *Social Statics* was devoted to the composition of a number of crucial papers developing Spencer's Lamarckian-oriented evolutionary perspective and also of a series of important political and sociological essays. Though Spencer's health and finances continued to be in precarious condition, during this period he entered into friendships with many of England's most notable intellectual figures, including George Eliot, Thomas Huxley, George Lewes and John Stuart Mill. Spencer's status as a political heretic during this and succeeding decades should not obscure his broader role as a valued member of the scientific secularist intellectual community. In 1858 Spencer formulated the ambitious outline for his Synthetic Philosophy, on which he was to work, in the face of competing projects and recurring ill-health, for the next thirty-eight years. This scheme included his *First Principles* plus multi-volume works in the Principles of Biology, Psychology, Sociology and Ethics. To fund this project Spencer at first sought the income of some undemanding governmental post in the India administration, as a prison governor, as a postal official or even as a member of the consular service. No suitable posts were available; and, instead, Spencer developed a subscription arrangement to finance his great project. Crucial to this arrangement, as it developed, were the American subscriptions gathered by Spencer's greatest promoter, Edward L. Youmans. When in the mid-sixties this financial construction collapsed due to subscriber's non-payments and Spencer's delays in issuing sections of the Synthetic Philosophy, Mill offered to cover Spencer's immediate losses and to organize a subvention for Spencer's continued work. Spencer refused

this charitable aid. However, when Youmans organized a fund among American admirers which would either be paid to Spencer or revert to his American publishers, Spencer “who detested publishers more than he disliked charity, could not refuse.”<sup>2</sup>

The political essays of this decade following the publication of *Social Statics* which are reprinted here, “Over-Legislation” and “Representative Government,” can easily be read as elaborations upon the doctrine of *Social Statics*. We find a thoroughly general attack on the efficacy of governmental action and a faith that progress will bring the demise of superstitious belief in government omnipotence—albeit, this belief will “die hard.” We find a continued expectation that only general suffrage will block class legislation—“only in a general diffusion of political power, is there a safeguard for the general welfare.” But effective voter vigilance is possible only when representative government is confined to enforcing the simple and permanent “principles of equity” and not when that government attempts “the complex business of regulating the entire national life.”

The two sociological essays reprinted here, “The Social Organism” and “Specialized Administration” represent another, and not entirely compatible, side of Spencer’s thought. The relationship between Spencer’s political thought and both his general evolutionism and his evolutionary sociology are too intricate and confused to be untangled here—or perhaps anywhere. But a few points can be made with special regard to these two essays. The foremost is that the main purpose of the social organism metaphor is to emphasize the non-mechanical, non-intentional, yet mutually co-ordinated, character of the processes which give rise to and sustain any given society and its institutions and the pervasiveness, in any complex society, of social orders and structures which are, in Hayek’s recent language, the result of human action but not of human design. The metaphor also serves to highlight further parallels between, e.g., the physiological and the economic divisions of labor. It was no part of Spencer’s intention to advocate any form of moral or methodological organicism. Thus he asserts that in contrast to biological organisms, “The corporate life [of society] must be subservient to the lives of the parts instead of the lives of the parts being subservient to the corporate life.” Yet here too intention and result part company. For, within “The Social Organism,” we find Spencer proclaiming that “our Houses of Parliament discharge, in the social economy, functions which are in sundry respects comparable to those discharged by the cerebral masses in a vertebrate animal.” Such assertions clearly paved the way for T. H. Huxley to claim in “Administrative Nihilism” that an implication of the organism metaphor was that the economy can and occasionally should be the subject of Parliament’s intentional control and manipulation just as a biological organism’s body can and usually should be controlled and manipulated by that individual’s central nervous system.

Spencer’s response in “Specialized Administration” is, unfortunately, both implausible and doctrinally corrosive. He maintains that both the higher biological organism and the higher social organism display systems of passive, negatively regulative, control over inner organs and their interrelations and systems of active, positively regulative, control over outer organs and the relationship of these organs to the external environment. But, in order to maintain the parallelism with respect to inner organs, Spencer must implausibly hold that functional inner parts of biological organisms are merely negatively regulated in accord with something like the principle of equal freedom and the enforcement of contracts. And, in order to maintain the parallelism with respect to outer organs, Spencer must hold that in foreign affairs the state is to go beyond the administration of justice into the realm of positive action. This appears to be inconsistent with

Spencer's rejection of offensive war, colonialism and government control of foreign trade. Spencer fails to see the implications of granting the government a positive regulatory function in external affairs because he confuses this significant concession with the truism (applicable to both internal and external affairs) that the government must have positive control over its own apparatus.

Spencer's growing fame and financial security through the 1870s and 1880s was matched neither by happiness nor good health. At least in part the personal tragedy of the second half of Spencer's life was due to his perception of an evolutionary regression after 1850 back toward a mercantilistic and warlike social order of the sort he labeled "militant." Although in one letter he described *The Man Versus The State* as the "finished form" toward which he had been working for forty-two years and as "a positive creed for an advanced party in politics,"<sup>3</sup> for the most part he was deeply pessimistic about stopping the drift to "Communism." By the time this work was composed Spencer no longer saw his task to be charting the course of progress which mankind would be following. Rather it was his duty to oppose the process of "re-barbarization." The essays of *The Man Versus The State* are Spencer's most sustained, brilliant and bitter act of resistance.

"The New Toryism" seeks to define true liberalism and to explain how the Liberal Party had come to advocate a new system of state power. "The Coming Slavery" offers a rich explanation of how increments to state power set in play a dynamic, the ultimate consequences of which are despotism and enslavement. "The Sins of Legislators" attacks legislators' ignorance both of economic laws which co-ordinate people's desires and efforts and evolutionary law which requires that in the course of progress "sufferings must be endured." Here we find an invocation of "the survival of the fittest" though it must be remembered that for Spencer the fittest are those well-adapted to cooperative social life and even those in whom spontaneous sympathy engenders aid to "the unfortunate worthy." "The Great Political Superstition" attacks the doctrine of unlimited governmental sovereignty, whether monarchical or parliamentary, and the associated doctrine that rights are created by the state and may, with equal ease, be abolished by the state. The latter portion of this essay stands as an impressive summary of Spencer's political worldview. The present volume closes with "From Freedom to Bondage," one of Spencer's best expositions of his contrast between voluntary, industrial society, the society of contract and compulsory, militant society, the society of status. We find here prophesies as vivid as Bakunin's about the plight of actual workers subordinated to an "army of officials, united by interests common to officialism."

Two of the issues that appear in these later essays operated to further Spencer's defensiveness and isolation. Spencer vehemently attacked Henry George and land-nationalizers and was, in turn, attacked for having abandoned his own belief in the societal ownership of land. George in particular criticized Spencer's alleged apostasy, which seemed to be epitomized by the disappearance of the chapter on "The Right to the Use of the Earth" from the 1892 edition of *Social Statics*. Spencer's angry response was that, in principle, his views had never changed. He continued to believe in the societal ownership of land *and* in just compensation to current landholders—at least for the costs of improvements. Since, however, he had come to realize (on the basis of reasoning that can only be classified as suspect) that society could not afford to pay this just compensation and since the current rampant officialism would translate social ownership into socialism, he rejected explicit social reappropriation under the existing circumstances. And further he declared that the whole issue was moot because everyone, including the author of "The Great Political Superstition," acknowledged Parliament's ultimate sovereignty over the land. The land question controversy has become one of the test cases for all theories about Spencer's

purported drift to conservatism. Satisfying answers to questions about whether or in what sense there was such a drift and about how such a drift might be explained are crucial to a full understanding of Spencer and are yet to be provided.

In contrast, with the significant exception of Spencer's sometime acceptance of conscription in defensive war,<sup>4</sup> Spencer remained clearly and adamantly non-conservative in his opposition to militarism and imperialism. In the early 1880s Spencer returned to active politics in an unsuccessful attempt to build an influential Anti-Aggression League. It was to these futile efforts plus the demands of his American tour in the Summer and Fall of 1882 that Spencer ascribed a further breakdown in his health. Nevertheless, throughout the 1880s and 1890s Spencer attacked and tried to organize public opinion against aggressive British involvement abroad. In "The Sins of Legislators" his greatest ire is directed at those alleged liberal imperialists who, "though they cannot bear to think of the evils accompanying the struggle for existence as it is carried on without violence among individuals in their own society, contemplate with equanimity such evils in their intense and wholesale forms, when inflicted by fire and sword on entire communities." For Spencer it was the growth of explicit militarism which, through numerous channels, was the underlying cause of the social regression of the last decades of the nineteenth century. As he concludes in "From Freedom to Bondage," "Everywhere, and at all times, chronic war generates the militant type of structure, not in the body of soldiers only but throughout the community at large." The vision of a nation which had forfeited its historical opportunity and had thereby defeated Spencer's youthful hopes and prophecies dominated Spencer's declining years. The bitterness and the sadness of this vision show through in Spencer's final acts of resistance—his essays on "Regimentation," "Re-Barbarization," and "Imperialism and Slavery" published in 1902. When Herbert Spencer died on December 8, 1903 it was with the conviction that, at least as a political thinker and writer, his life had been in vain.

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## **ENDNOTES**

[1.] Two remarkably dry and impersonal accounts of Spencer's life are: *An Autobiography of Herbert Spencer* 2 volumes (New York: D. Appleton and Co., 1904); and D. Duncan's *Life and Letters of Herbert Spencer* 2 volumes (New York: D. Appleton and Co., 1908). D. Wiltshire's *The Social and Political Thought of Herbert Spencer* (Oxford: Oxford University Press, 1978) is the most systematic on the topic. It is personally sympathetic, highly informative, but too conventional in its own theoretical perspective and evaluation.

[2.] Wiltshire, p. 76.

[3.] Duncan, i, p. 324.

[4.] Cf., *The Principles of Ethics* (Indianapolis: Liberty Fund, 1978) ii p. 87. Yet in 1888 Spencer was still attacking conscription as the natural product of militarism and as an unjust imposition on the "working classes." Duncan, i, pp. 380–391.

## **PREFACE**

The *Westminster Review* for April, 1860, contained an article entitled "Parliamentary Reform: the Dangers and the Safeguards." In that article I ventured to predict some results of political changes then proposed.

Reduced to its simplest expression, the thesis maintained was that, unless due precautions were taken, increase of freedom in form would be followed by decrease of freedom in fact. Nothing has occurred to alter the belief I then expressed. The drift of legislation since that time has been of the kind anticipated. Dictatorial measures, rapidly multiplied, have tended continually to narrow the liberties of individuals; and have done this in a double way. Regulations have been made in yearly-growing numbers, restraining the citizen in directions where his actions were previously unchecked, and compelling actions which previously he might perform or not as he liked; and at the same time heavier public burdens, chiefly local, have further restricted his freedom, by lessening that portion of his earnings which he can spend as he pleases, and augmenting the portion taken from him to be spent as public agents please.

The causes of these foretold effects, then in operation, continue in operation—are, indeed, likely to be strengthened, and finding that the conclusions drawn respecting these causes and effects have proved true, I have been prompted to set forth and emphasize kindred conclusions respecting the future, and do what little may be done towards awakening attention to the threatened evils.

For this purpose were written the four following articles, originally published in the *Contemporary Review* for February, April, May, June and July of this year. To meet certain criticisms and to remove some of the objections likely to be raised, I have now added a postscript.

*Bayswater,*

*July, 1884*

Note—The foregoing preface to the original edition of this work, issued more than seven years ago, serves equally well for the present edition. I have to add only that beyond appending in a note one important illustration, enforcing my argument, I have done nothing to this edition save making various verbal improvements, and a small correction of fact.

*Avenue Road, Regent's Park,*

*January, 1892*

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## **THE NEW TORYISM**

Most of those who now pass as Liberals, are Tories of a new type. This is a paradox which I propose to justify. That I may justify it, I must first point out what the two political parties originally were; and I must then ask the reader to bear with me while I remind him of facts he is



familiar with, that I may impress on him the intrinsic natures of Toryism and Liberalism properly so called.

Dating back to an earlier period than their names, the two political parties at first stood respectively for two opposed types of social organization, broadly distinguishable as the militant and the industrial—types which are characterized, the one by the régime of status, almost universal in ancient days, and the other by the régime of contract, which has become general in modern days, chiefly among the Western nations, and especially among ourselves and the Americans. If, instead of using the word “cooperation” in a limited sense, we use it in its widest sense, as signifying the combined activities of citizens under whatever system of regulation; then these two are definable as the system of compulsory cooperation and the system of voluntary cooperation. The typical structure of the one we see in an army formed of conscripts, in which the units in their several grades have to fulfil commands under pain of death, and receive food and clothing and pay, arbitrarily apportioned; while the typical structure of the other we see in a body of producers or distributors, who severally agree to specified payments in return for specified services, and may at will, after due notice, leave the organization if they do not like it.

During social evolution in England, the distinction between these two fundamentally-opposed forms of cooperation, made its appearance gradually; but long before the names Tory and Whig came into use, the parties were becoming traceable, and their connexions with militancy and industrialism respectively, were vaguely shown. The truth is familiar that, here as elsewhere, it was habitually by town-populations, formed of workers and traders accustomed to cooperate under contract, that resistances were made to that coercive rule which characterizes cooperation under status. While, conversely, cooperation under status, arising from, and adjusted to, chronic warfare, was supported in rural districts, originally peopled by military chiefs and their dependents, where the primitive ideas and traditions survived. Moreover, this contrast in political leanings, shown before Whig and Tory principles became clearly distinguished, continued to be shown afterwards. At the period of the Revolution, “while the villages and smaller towns were monopolized by Tories, the larger cities, the manufacturing districts, and the ports of commerce, formed the strongholds of the Whigs.” And that, spite of exceptions, the like general relation still exists, needs no proving.

Such were the natures of the two parties as indicated by their origins. Observe, now, how their natures were indicated by their early doctrines and deeds. Whiggism began with resistance to Charles II and his cabal, in their efforts to re-establish unchecked monarchical power. The Whigs “regarded the monarchy as a civil institution, established by the nation for the benefit of all its members”; while with the Tories “the monarch was the delegate of heaven.” And these doctrines involved the beliefs, the one that subjection of citizen to ruler was conditional, and the other that it was unconditional. Describing Whig and Tory as conceived at the end of the seventeenth century, some fifty years before he wrote his *Dissertation on Parties*, Bolingbroke says:

*The power and majesty of the people, and original contract, the authority and independency of Parliaments, liberty, resistance, exclusion, abdication, deposition; these were ideas associated, at that time, to the idea of a Whig, and supposed by every Whig to be incommunicable, and inconsistent with the idea of a Tory. Divine, hereditary, indefeasible right, lineal succession, passive obedience, prerogative, non-resistance, slavery, nay, and sometimes popery too, were*

*associated in many minds to the idea of a Tory, and deemed incommunicable and inconsistent, in the same manner, with the idea of Whig.—Dissertation on Parties, p. 5.*

And if we compare these descriptions, we see that in the one party there was a desire to resist and decrease the coercive power of the ruler over the subject, and in the other party to maintain or increase his coercive power. This distinction in their aims—a distinction which transcends in meaning and importance all other political distinctions—was displayed in their early doings. Whig principles were exemplified in the Habeas Corpus Act, and in the measure by which judges were made independent of the Crown; in defeat of the Non-Resisting Test Bill, which proposed for legislators and officials a compulsory oath that they would in no case resist the king by arms; and, later, they were exemplified in the Bill of Rights, framed to secure subjects against monarchical aggressions. These Acts had the same intrinsic nature. The principle of compulsory cooperation throughout social life was weakened by them, and the principle of voluntary cooperation strengthened. That at a subsequent period the policy of the party had the same general tendency, is well shown by a remark of Mr. Green concerning the period of Whig power after the death of Anne:

*Before the fifty years of their rule had passed, Englishmen had forgotten that it was possible to persecute for differences of religion or to put down the liberty of the press, or to tamper with the administration of justice, or to rule without a Parliament.—Short History, p. 705.*

And now, passing over the war-period which closed the last century and began this, during which that extension of individual freedom previously gained was lost, and the retrograde movement towards the social type proper to militancy was shown by all kinds of coercive measures, from those which took by force the persons and property of citizens for war-purposes to those which suppressed public meetings and sought to gag the press, let us recall the general characters of those changes effected by Whigs or Liberals after the re-establishment of peace permitted revival of the industrial régime and return to its appropriate type of structure. Under growing Whig influence there came repeal of the laws forbidding combinations among artisans as well as of those which interfered with their freedom of travelling. There was the measure by which, under Whig pressure, Dissenters were allowed to believe as they pleased without suffering certain civil penalties; and there was the Whig measure, carried by Tories under compulsion, which enabled Catholics to profess their religion without losing part of their freedom. The area of liberty was extended by Acts which forbade the buying of negroes and the holding of them in bondage. The East India Company's monopoly was abolished, and trade with the East made open to all. The political serfdom of the unrepresented was narrowed in areas, both by the Reform Bill and the Municipal Reform Bill; so that alike generally and locally, the many were less under the coercion of the few. Dissenters, no longer obliged to submit to the ecclesiastical form of marriage, were made free to wed by a purely civil rite. Later came diminution and removal of restraints on the buying of foreign commodities and the employment of foreign vessels and foreign sailors; and later still the removal of those burdens on the press, which were originally imposed to hinder the diffusion of opinion. And of all these changes it is unquestionable that, whether made or not by Liberals themselves, they were made in conformity with principles professed and urged by Liberals.

But why do I enumerate facts so well known to all? Simply because, as intimated at the outset, it seems needful to remind everybody what Liberalism was in the past, that they may perceive its unlikeness to the so-called Liberalism of the present. It would be inexcusable to name these various measures for the purpose of pointing out the character common to them, were it not that in our day men have forgotten their common character. They do not remember that, in one or other way, all these truly Liberal changes diminished compulsory cooperation throughout social life and increased voluntary cooperation. They have forgotten that, in one direction or other, they diminished the range of governmental authority, and increased the area within which each citizen may act unchecked. They have lost sight of the truth that in past times Liberalism habitually stood for individual freedom *versus* State-coercion.

And now comes the inquiry—How is it that Liberals have lost sight of this? How is it that Liberalism, getting more and more into power, has grown more and more coercive in its legislation? How is it that, either directly through its own majorities or indirectly through aid given in such cases to the majorities of its opponents, Liberalism has to an increasing extent adopted the policy of dictating the actions of citizens, and, by consequence, diminishing the range throughout which their actions remain free? How are we to explain this spreading confusion of thought which has led it, in pursuit of what appears to be public good, to invert the method by which in earlier days it achieved public good?

Unaccountable as at first sight this unconscious change of policy seems, we shall find that it has arisen quite naturally. Given the unanalytical thought ordinarily brought to bear on political matters, and, under existing conditions, nothing else was to be expected. To make this clear some parenthetical explanations are needful.

From the lowest to the highest creatures, intelligence progresses by acts of discrimination; and it continues so to progress among men, from the most ignorant to the most cultured. To class rightly—to put in the same group things which are of essentially the same natures, and in other groups things of natures essentially different—is the fundamental condition to right guidance of actions. Beginning with rudimentary vision, which gives warning that some large opaque body is passing near (just as closed eyes turned to the window, perceiving the shade caused by a hand put before them, tell us of something moving in front), the advance is to developed vision, which, by exactly-appreciated combinations of forms, colours, and motions, identifies objects at great distances as prey or enemies, and so makes it possible to improve the adjustments of conduct for securing food or evading death. That progressing perception of differences and consequent greater correctness of classing, constitutes, under one of its chief aspects, the growth of intelligence, is equally seen when we pass from the relatively simple physical vision to the relatively complex intellectual vision—the vision through the agency of which, things previously grouped by certain external resemblances or by certain extrinsic circumstances, come to be more truly grouped in conformity with their intrinsic structures or natures. Undeveloped intellectual vision is just as indiscriminating and erroneous in its classings as undeveloped physical vision. Instance the early arrangement of plants into the groups, trees, shrubs, and herbs: size, the most conspicuous trait, being the ground of distinction; and the assemblages formed being such as united many plants extremely unlike in their natures, and separated others that are near akin. Or still better, take the popular classification which puts together under the same general name, fish and shell-fish, and under the sub-name, shell-fish, puts together crustaceans and molluscs; nay, which goes further, and regards as fish the cetacean mammals. Partly because of the likeness in

their modes of life as inhabiting the water, and partly because of some general resemblance in their flavours, creatures that are in their essential natures far more widely separated than a fish is from a bird, are associated in the same class and in the same sub-class.

Now the general truth thus exemplified, holds throughout those higher ranges of intellectual vision concerned with things not presentable to the senses, and, among others, such things as political institutions and political measures. For when thinking of these, too, the results of inadequate intellectual faculty, or inadequate culture of it, or both, are erroneous classings and consequent erroneous conclusions. Indeed, the liability to error is here much greater; since the things with which the intellect is concerned do not admit of examination in the same easy way. You cannot touch or see a political institution: it can be known only by an effort of constructive imagination. Neither can you apprehend by physical perception a political measure: this no less requires a process of mental representation by which its elements are put together in thought, and the essential nature of the combination conceived. Here, therefore, still more than in the cases above named, defective intellectual vision is shown in grouping by external characters, or extrinsic circumstances. How institutions are wrongly classed from this cause, we see in the common notion that the Roman Republic was a popular form of government. Look into the early ideas of the French revolutionists who aimed at an ideal state of freedom, and you find that the political forms and deeds of the Romans were their models; and even now a historian might be named who instances the corruptions of the Roman Republic as showing us what popular government leads to. Yet the resemblance between the institutions of the Romans and free institutions properly so-called, was less than that between a shark and a porpoise—a resemblance of general external form accompanying widely different internal structures. For the Roman Government was that of a small oligarchy within a larger oligarchy: the members of each being unchecked autocrats. A society in which the relatively few men who had political power, and were in a qualified sense free, were so many petty despots, holding not only slaves and dependents but even children in a bondage no less absolute than that in which they held their cattle, was, by its intrinsic nature, more nearly allied to an ordinary despotism than to a society of citizens politically equal.

Passing now to our special question, we may understand the kind of confusion in which Liberalism has lost itself: and the origin of those mistaken classings of political measures which have misled it—classings, as we shall see, by conspicuous external traits instead of by internal natures. For what, in the popular apprehension and in the apprehension of those who effected them, were the changes made by Liberals in the past? They were abolitions of grievances suffered by the people, or by portions of them: this was the common trait they had which most impressed itself on men's minds. They were mitigations of evils which had directly or indirectly been felt by large classes of citizens, as causes to misery or as hindrances to happiness. And since, in the minds of most, a rectified evil is equivalent to an achieved good, these measures came to be thought of as so many positive benefits; and the welfare of the many came to be conceived alike by Liberal statesmen and Liberal voters as the aim of Liberalism. Hence the confusion. The gaining of a popular good, being the external conspicuous trait common to Liberal measures in earlier days (then in each case gained by a relaxation of restraints), it has happened that popular good has come to be sought by Liberals, not as an end to be indirectly gained by relaxations of restraints, but as the end to be directly gained. And seeking to gain it directly, they have used methods intrinsically opposed to those originally used.

And now, having seen how this reversal of policy has arisen (or partial reversal, I should say, for the recent Burials Act and the efforts to remove all remaining religious inequalities, show continuance of the original policy in certain directions), let us proceed to contemplate the extent to which it has been carried during recent times, and the still greater extent to which the future will see it carried if current ideas and feelings continue to predominate.

Before proceeding, it may be well to say that no reflections are intended on the motives which prompted one after another of these various restraints and dictations. These motives were doubtless in nearly all cases good. It must be admitted that the restrictions placed by an Act of 1870, on the employment of women and children in Turkey-red dyeing works, were, in intention, no less philanthropic than those of Edward VI, which prescribed the minimum time for which a journeyman should be retained. Without question, the Seed Supply (Ireland) Act of 1880, which empowered guardians to buy seed for poor tenants, and then to see it properly planted, was moved by a desire for public welfare no less great than that which in 1533 prescribed the number of sheep a tenant might keep, or that of 1597, which commanded that decayed houses of husbandry should be rebuilt. Nobody will dispute that the various measures of late years taken for restricting the sale of intoxicating liquors, have been taken as much with a view to public morals as were the measures taken of old for checking the evils of luxury; as, for instance, in the fourteenth century, when diet as well as dress was restricted. Everyone must see that the edicts issued by Henry VIII to prevent the lower classes from playing dice, cards, bowls, etc., were not more prompted by desire for popular welfare than were the acts passed of late to check gambling.

Further, I do not intend here to question the wisdom of these modern interferences, which [Conservatives and Liberals vie with one and other in multiplying](#), any more than to question the wisdom of those ancient ones which they in many cases resemble. We will not now consider whether the plans of late adopted for preserving the lives of sailors, are or are not more judicious than that sweeping Scotch measure which, in the middle of the fifteenth century, prohibited captains from leaving harbour during the winter. For the present, it shall remain undebated whether there is a better warrant for giving sanitary officers powers to search certain premises for unfit food, than there was for the law of Edward III, under which innkeepers at seaports were sworn to search their guests to prevent the exportation of money or plate. We will assume that there is no less sense in that clause of the Canal-boat Act, which forbids an owner to board gratuitously the children of the boatmen, than there was in the Spitalfields Acts, which, up to 1824, for the benefit of the artisans, forbade the manufacturers to fix their factories more than ten miles from the Royal Exchange.

We exclude, then, these questions of philanthropic motive and wise judgment, taking both of them for granted; and have here to concern ourselves solely with the compulsory nature of the measures which, for good or evil as the case may be, have been put in force during periods of Liberal ascendancy.

To bring the illustrations within compass, let us commence with 1860, under the second administration of Lord Palmerston. In that year, the restrictions of the Factories Act were extended to bleaching and dyeing works; authority was given to provide analysts of food and drink, to be paid out of local rates; there was an Act providing for inspection of gas-works, as well as for fixing quality of gas and limiting price; there was the Act which, in addition to further mine-

inspection, made it penal to employ boys under twelve not attending school and unable to read and write. In 1861 occurred an extension of the compulsory provisions of the Factories Act to lace-works; power was given to poor-law guardians, etc., to enforce vaccination; local boards were authorized to fix rates of hire for horses, ponies, mules, asses, and boats; and certain locally-formed bodies had given to them powers of taxing the locality for rural drainage and irrigation works, and for supplying water to cattle. In 1862 an Act was passed for restricting the employment of women and children in open-air bleaching; and an Act for making illegal a coal-mine with a single shaft, or with shafts separated by less than a specified space; as well as an Act giving the Council of Medical Education the exclusive right to publish a Pharmacopoeia, the price of which is to be fixed by the Treasury. In 1863 came the extension of compulsory vaccination to Scotland, and also to Ireland; there came the empowering of certain boards to borrow money repayable from the local rates, to employ and pay those out of work; there came the authorizing of town-authorities to take possession of neglected ornamental spaces, and rate the inhabitants for their support; there came the Bakehouses Regulation Act, which, besides specifying minimum age of employes occupied between certain hours, prescribed periodical lime-washing, three coats of paint when painted, and cleaning with hot water and soap at least once in six months; and there came also an Act giving a magistrate authority to decide on the wholesomeness or unwholesomeness of food brought before him by an inspector. Of compulsory legislation dating from 1864, may be named an extension of the Factories Act to various additional trades, including regulations for cleansing and ventilation, and specifying of certain employes in match-works, that they might not take meals on the premises except in the wood-cutting places. Also there were passed a Chimney-Sweepers Act, an Act for further regulating the sale of beer in Ireland, an Act for compulsory testing of cables and anchors, an Act extending the Public Works Act of 1863, and the Contagious Diseases Act: which last gave the police, in specified places, powers which, in respect of certain classes of women, abolished sundry of those safeguards to individual freedom established in past times. The year 1865 witnessed further provision for the reception and temporary relief of wanderers at the cost of ratepayers; another public-house closing Act; and an Act making compulsory regulations for extinguishing fires in London. Then, under the Ministry of Lord John Russell, in 1866, have to be named an Act to regulate cattle-sheds, etc., in Scotland, giving local authorities powers to inspect sanitary conditions and fix the numbers of cattle; an Act forcing hop-growers to label their bags with the year and place of growth and the true weight, and giving police powers of search; an Act to facilitate the building of lodging-houses in Ireland, and providing for regulation of the inmates; a Public Health Act, under which there is registration of lodging-houses and limitation of occupants, with inspection and directions for lime-washing, etc., and a Public Libraries Act, giving local powers by which a majority can tax a minority for their books.

Passing now to the legislation under the first Ministry of Mr. Gladstone, we have, in 1869, the establishment of State-telegraphy, with the accompanying interdict on telegraphing through any other agency; we have the empowering a Secretary of State to regulate hired conveyances in London; we have further and more stringent regulations to prevent cattle-diseases from spreading, another Beerhouse Regulation Act, and a Sea-birds Preservation Act (ensuring greater mortality of fish). In 1870 we have a law authorizing the Board of Public Works to make advances for landlords' improvements and for purchase by tenants; we have the Act which enables the Education Department to form school-boards which shall purchase sites for schools, and may provide free schools supported by local rates, and enabling school-boards to pay a child's fees, to compel parents to send their children, etc.; we have a further Factories and Workshops Act,

making, among other restrictions, some on the employment of women and children in fruit-preserving and fish-curing works. In 1871 we met with an amended Merchant Shipping Act, directing officers of the Board of Trade to record the draught of sea-going vessels leaving port; there is another Factory and Workshops Act, making further restrictions; there is a Pedlars Act, inflicting penalties for hawking without a certificate, and limiting the district within which the certificate holds as well as giving the police power to search pedlars' packs; and there are further measures for enforcing vaccination. The year 1872 had, among other Acts, one which makes it illegal to take for hire more than one child to nurse, unless in a house registered by the authorities, who prescribe the number of infants to be received; it had a Licensing Act, interdicting sale of spirits to those apparently under sixteen; and it had another Merchant Shipping Act, establishing an annual survey of passenger steamers. Then in 1873 was passed the Agricultural Children's Act, which makes it penal for a farmer to employ a child who has neither certificate of elementary education nor of certain prescribed school-attendances; and there was passed a Merchant Shipping Act, requiring on each vessel a scale showing draught and giving the Board of Trade power to fix the numbers of boats and life-saving appliances to be carried.

Turn now to Liberal law-making under the present Ministry. We have, in 1880, a law which forbids conditional advance-notes in payment of sailors' wages; also a law which dictates certain arrangements for the safe carriage of grain-cargoes; also a law increasing local coercion over parents to send their children to school. In 1881 comes legislation to prevent trawling over clam-beds and bait-beds, and an interdict making it impossible to buy a glass of beer on Sunday in Wales. In 1882 the Board of Trade was authorized to grant licences to generate and sell electricity, and municipal bodies were enabled to levy rates for electric-lighting: further exactions from ratepayers were authorized for facilitating more accessible baths and washhouses; and local authorities were empowered to make bye-laws for securing the decent lodging of persons engaged in picking fruit and vegetables. Of such legislation during 1883 may be named the Cheap Trains Act, which, partly by taxing the nation to the extent of £400,000 a year (in the shape of relinquished passenger duty), and partly at the cost of railway-proprietors, still further cheapens travelling for workmen: the Board of Trade, through the Railway Commissioners, being empowered to ensure sufficiently good and frequent accommodation. Again, there is the Act which, under penalty of £10 for disobedience, forbids the payment of wages to workmen at or within public-houses; there is another Factory and Workshops Act, commanding inspection of white lead works (to see that there are provided overalls, respirators, baths, acidulated drinks, etc.) and of bakehouses, regulating times of employment in both, and prescribing in detail some constructions for the last, which are to be kept in a condition satisfactory to the inspectors.

But we are far from forming an adequate conception if we look only at the compulsory legislation which has actually been established of late years. We must look also at that which is advocated, and which threatens to be far more sweeping in range and stringent in character. We have lately had a Cabinet Minister, one of the most advanced Liberals, so-called, who pooh-poohs the plans of the late Government for improving industrial dwellings as so much "tinkering"; and contends for effectual coercion to be exercised over owners of small houses, over land-owners, and over ratepayers. Here is another Cabinet Minister who, addressing his constituents, speaks slightly of the doings of philanthropic societies and religious bodies to help the poor, and says that "the whole of the people of this country ought to look upon this work as being their own work": that is to say, some extensive Government measure is called for. Again, we have a Radical member of Parliament who leads a large and powerful body, aiming with annually-increasing promise of

success, to enforce sobriety by giving to local majorities powers to prevent freedom of exchange in respect of certain commodities. Regulation of the hours of labour for certain classes, which has been made more and more general by successive extensions of the Factories Acts, is likely now to be made still more general: a measure is to be proposed bringing the employés in all shops under such regulation. There is a rising demand, too, that education shall be made gratis (i.e., tax-supported), for all. The payment of school-fees is beginning to be denounced as a wrong: the State must take the whole burden. Moreover, it is proposed by many that the State, regarded as an undoubtedly competent judge of what constitutes good education for the poor, shall undertake also to prescribe good education for the middle classes—shall stamp the children of these, too, after a State pattern, concerning the goodness of which they have no more doubt than the Chinese had when they fixed theirs. Then there is the “endowment of research,” of late energetically urged. Already the Government gives every year the sum of £4,000 for this purpose, to be distributed through the Royal Society; and, in the absence of those who have strong motives for resisting the pressure of the interested, backed by those they easily persuade, it may by-and-by establish that paid “priesthood of science” long ago advocated by Sir David Brewster. Once more, plausible proposals are made that there should be organized a system of compulsory insurance, by which men during their early lives shall be forced to provide for the time when they will be incapacitated.

Nor does enumeration of these further measures of coercive rule, looming on us near at hand or in the distance, complete the account. Nothing more than cursory allusion has yet been made to that accompanying compulsion which takes the form of increased taxation, general and local. Partly for defraying the costs of carrying out these ever-multiplying sets of regulations, each of which requires an additional staff of officers, and partly to meet the outlay for new public institutions, such as board-schools, free libraries, public museums, baths and washhouses, recreation grounds, etc., local rates are year after year increased; as the general taxation is increased by grants for education and to the departments of science and art, etc. Every one of these involves further coercion—restricts still more the freedom of the citizen. For the implied address accompanying every additional exaction is—“Hitherto you have been free to spend this portion of your earnings in any way which pleased you; hereafter you shall not be free so to spend it, but we will spend it for the general benefit.” Thus, either directly or indirectly, and in most cases both at once, the citizen is at each further stage in the growth of this compulsory legislation, deprived of some liberty which he previously had.

Such, then, are the doings of the party which claims the name of Liberal; and which calls itself Liberal as being the advocate of extended freedom!

I doubt not that many a member of the party has read the preceding section with impatience: wanting, as he does, to point out an immense oversight which he thinks destroys the validity of the argument. “You forget,” he wishes to say, “the fundamental difference between the power which, in the past, established those restraints that Liberalism abolished, and the power which, in the present, establishes the restraints you call anti-Liberal. You forget that the one was an irresponsible power, while the other is a responsible power. You forget that if by the recent legislation of Liberals, people are variously regulated, the body which regulates them is of their own creating, and has their warrant for its acts.”

My answer is, that I have not forgotten this difference, but am prepared to contend that the



difference is in large measure irrelevant to the issue.

In the first place, the real issue is whether the lives of citizens are more interfered with than they were; not the nature of the agency which interferes with them. Take a simpler case. A member of a trades' union has joined others in establishing an organization of a purely representative character. By it he is compelled to strike if a majority so decide; he is forbidden to accept work save under the conditions they dictate; he is prevented from profiting by his superior ability or energy to the extent he might do were it not for their interdict. He cannot disobey without abandoning those pecuniary benefits of the organization for which he has subscribed, and bringing on himself the persecution, and perhaps violence, of his fellows. Is he any the less coerced because the body coercing him is one which he had an equal voice with the rest in forming?

In the second place, if it be objected that the analogy is faulty, since the governing body of a nation, to which, as protector of the national life and interests, all must submit under penalty of social disorganization, has a far higher authority over citizens than the government of any private organization can have over its members; then the reply is that granting the difference, the answer made continues valid. If men use their liberty in such a way as to surrender their liberty, are they thereafter any the less slaves? If people by a *plebiscite* elect a man despot over them, do they remain free because the despotism was of their own making? Are the coercive edicts issued by him to be regarded as legitimate because they are the ultimate outcome of their own votes? As well might it be argued that the East African, who breaks a spear in another's presence that he may so become bondsman to him, still retains his liberty because he freely chose his master.

Finally if any, not without marks of irritation as I can imagine, repudiate this reasoning, and say that there is no true parallelism between the relation of people to government where an irresponsible single ruler has been permanently elected, and the relation where a responsible representative body is maintained, and from time to time re-elected; then there comes the ultimate reply—an altogether heterodox reply—by which most will be greatly astonished. This reply is, that these multitudinous restraining acts are not defensible on the ground that they proceed from a popularly-chosen body; for that the authority of a popularly-chosen body is no more to be regarded as an unlimited authority than the authority of a monarch; and that as true Liberalism in the past disputed the assumption of a monarch's unlimited authority, so true Liberalism in the present will dispute the assumption of unlimited parliamentary authority. Of this, however, more anon. Here I merely indicate it as an ultimate answer.

Meanwhile it suffices to point out that until recently, just as of old, true Liberalism was shown by its acts to be moving towards the theory of a limited parliamentary authority. All these abolitions of restraints over religious beliefs and observances, over exchange and transit, over trade-combinations and the travelling of artisans, over the publication of opinions, theological or political, etc., were tacit assertions of the desirableness of limitation. In the same way that the abandonment of sumptuary laws, of laws forbidding this or that kind of amusement, of laws dictating modes of farming, and many others of like meddling nature, which took place in early days, was an implied admission that the State ought not to interfere in such matters: so those removals of hindrances to individual activities of one or other kind, which the Liberalism of the last generation effected, were practical confessions that in these directions, too, the sphere of

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