

# QUOTATIONS ABOUT LIBERTY AND POWER #1: PROPERTY RIGHTS

*<oll.libertyfund.org/title/2503>*

*“That great as is your material interest in safeguarding the rights of individual property, yet higher & greater are & ever will be the moral reasons that forbid our sanctioning any attack upon it, or our suffering state burdens & restrictions & impediments to grow round it. True liberty ... cannot exist apart from the full rights of property; for property is - so to speak - only the crystallized form of free faculties.”*

*[Auberon Herbert (1897)]*



*Quotations about Liberty and power <oll.libertyfund.org/title/2189>  
[July, 2013]*

## ***Editor's Introduction***

Since the OLL went live to the public in March 2004 we have had a quote of the week to highlight some of the interesting content we have in the library. To date [March 31, 2013] there are 408 quotes in the collection. The quotations are organized into the following themes:

Colonies, Slavery & Abolition | Economics | Education | Food & Drink | Free Trade | Freedom of Speech | Law | Liberty | Literature & Music | Money & Banking | Natural Rights | Odds & Ends | Origin of Government | Parties & Elections | Philosophy | Politics & Liberty | Presidents, Kings, Tyrants, & Despots | Property Rights | Religion & Toleration | Revolution | Science | Socialism & Interventionism | Sport and Liberty | Taxation | The State | War & Peace | Women's Rights

Below we list all the quotations on the theme of "Property Rights" [The passages in bold are the parts of the quote which appeared on the front page of the website]:

1. Say on a person's property right in their own "industrious faculties" (1819)
2. Molinari defends the right to property against the socialists who want to overthrow it, and the conservatives who defend it poorly (1849)
3. Auberon Herbert on the "magic of private property" (1897)
4. Auberon Herbert on compulsory taxation as the "citadel" of state power (1885)
5. Gaius states that according to natural reason the first occupier of any previously unowned property becomes the just owner (2nd Century)
6. Wollaston on crimes against person or property as contradictions of fundamental truths (1722)
7. James Mill on the natural disposition to accumulate property (1808).
8. Lysander Spooner spells out his theory of "mine and thine", or the science of natural law and justice, which alone can ensure that mankind lives in peace (1882)
9. Sir William Blackstone argues that occupancy of previously unowned land creates a natural right to that property which excludes others from it (1753)
10. Lord Kames states that the "hoarding appetite" is part of human nature and that it is the foundation of our notion of property rights (1779)

11. Thomas Hodgskin argues for a Lockean notion of the right to property ("natural") and against the Benthamite notion that property rights are created by the state ("artificial") (1832)
12. J.B. Say on the self-evident nature of property rights which is nevertheless violated by the state in taxation and slavery (1817)
13. J.S. Mill's great principle was that "over himself, over his own body and mind, the individual is sovereign" (1859)
14. Wolowski and Levasseur argue that Property is "the fruit of human liberty" and that Violence and Conquest have done much to disturb this natural order (1884)
15. John Taylor on how a "sound freedom of property" can destroy the threat to Liberty posed by "an adoration of military fame" and oppressive governments (1820)

***"The science of mine and thine —- the science of justice —- is the science of all human rights; of all a man's rights of person and property; of all his rights to life, liberty, and the pursuit of happiness. It is the science which alone can tell any man what he can, and cannot, do; what he can, and cannot, have; what he can, and cannot, say, without infringing the rights of any other person. It is the science of peace; and the only science of peace; since it is the science which alone can tell us on what conditions mankind can live in peace, or ought to live in peace, with each other."***

***[Lysander Spooner (1882)]***

## ***1. Say on a person's property right in their own "industrious faculties" (1819)***

### **About this Quotation**

Say's *Treatise on Political Economy* had a profound impact in both France and America where it was used as a college text book throughout the 19th century (there were several editions after its first appearance in 1803). Unlike modern economics textbooks Say includes a chapter on the right to own property fairly early on in the treatise, in fact just before his famous chapter "On Markets." This passage includes a very interesting footnote in which Say talks about property in things other than material things, such as what he terms "les talents industrielles" which the 19th century American translator calls "the industrious faculties." By this Say has in mind those aspects of an individual's person and character which makes him or her a productive or "industrious" individual such as knowledge, skills, motivation, capacity to plan or invent, and so on. A Lockean political philosopher might call this "self-ownership". Say described this right to property in one's own faculties and talents as "sacred." Also of interest is Say's claim that the justice of this form of property is more clear cut (or "supérieur") than other, more commonly recognized forms of property such as land or capital. The former, he thought, could often be traced back to an original act of plunder (such as dispossession of an original owner), or in the case of the latter, from some piece of favorable government legislation which allowed the accumulation of capital to take place.

### **Quotation**

In the chapter "On the Right of Property" in his *Treatise* (1803, 1819) the French economist Jean-Baptiste Say (1767-1832) argues that property is not limited to ownership of "things" but also includes an individual's "talents and faculties":

[Text]: **The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and [30] talents, except insomuch as they would**

**interfere with the rights of third parties.** A similar violation is committed when a man's labour is put in requisition for one purpose, though designed by himself for another; as when an artisan or trader is forced into the military life, whether permanently or merely for the occasion.

[Footnote 30.] **The industrious faculties are, of all kinds of property, the least questionable; being derived directly either from nature, or from personal assiduity. The property in them is of higher pretensions than that of the land, which may generally be traced up to an act of spoliation; for it is hardly possible to show an instance, in which its ownership has been legitimately transmitted from the first occupancy. It ranks higher than the right of the capitalist also; for even taking it for granted, that this latter has been acquired without any spoliation whatever, and by the gradual accumulations of ages, yet the succession to it could not have been established without the aid of legislation, which aid may have been granted on conditions. Yet, sacred as the property in the faculties of industry is, it is constantly infringed upon, not only in the flagrant abuse of personal slavery, but in many other points of more frequent occurrence.**

A government is guilty of an invasion upon it, when it appropriates to itself a particular branch of industry, the business of exchange and brokerage for example; or when it sells the exclusive privilege of conducting it. It is still a greater violation to authorize a gendarme, commissary of police, or judge, to arrest and detain individuals at discretion, on the plea of public safety or security to the constituted authorities; thus depriving the individual of the fair and reasonable certainty of having his time and faculties at his own disposal, and of being able to complete what he may begin upon. What robber or despoiler could commit a more atrocious act of invasion upon the public security, certain as he is of being speedily put down, and counteracted by private as well as public opposition?

## Source

<oll.libertyfund.org/quote/425>.

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed. ). Chapter: BOOK I, CHAPTER XIV: OF THE RIGHT OF PROPERTY. <oll.libertyfund.org/title/274/37998/901727>.

More works by Jean Baptiste Say (1767–1832) <oll.libertyfund.org/person/166>.

## ***2. Molinari defends the right to property against the socialists who want to overthrow it, and the conservatives who defend it poorly (1849)***

### **About this Quotation**

We offer this quote on Molinari’s birthday, 3 March (1819). The rise of socialism during the 1848 Revolution in Paris confronted the classical liberal economists (the “économistes”) with a serious problem, namely how to counter their push to significantly regulate the economy and to finance their utopian schemes such as the National Workshops (government funded unemployment relief). On the one hand, the right to property had been poorly defended by the conservatives who had undermined it with their efforts to regulate the economy and to grant legal privileges to some property owners at the expense of others (tariff protection and state subsidies for manufacturers). On the other hand, the socialists could point out that they were only doing what the conservatives had done for decades but only more so and now in the interests of “the people” instead of the elite. One result of this was Molinari’s 1849 book *Les Soirées de la Rue St. Lazare* which was a vigorous “defence of economic laws and the right of property” as the subtitle makes very clear. It is in the form of a series of debates or conversations between a Socialist, a Conservative, and an Economist (who is a thinly disguised Molinari). Over the course of

12 evenings Molinari gives us a detailed defense of both the “Justice” and the “Utility” of property rights, both of which he believed were crucial pillars in any theory of property. Liberty Fund is having this important book by Molinari translated and is pleased to give readers a foretaste here.

### **Quotation**

In the second year of the 1848 Revolution the French political economist Gustave de Molinari (1819-1912) wrote a defence of the right to property in the form of conversations between an Economist (him), a Socialist, and a Conservative. He argues that the Socialists want to overthrow the right to property without understanding what this will do to both justice and prosperity, and that Conservatives do not know how to defend property correctly:

The quotation on the title page: It is necessary to refrain from attributing to the physical laws the evils which are the just and inevitable punishment for the violation of this very order of laws, which have been instituted in order to produce good. [François Quesnay]

The opening remarks of Molinari’s Preface: **Society, according to the Economists of the eighteenth century, is organized on the basis of natural laws, whose essence is Justice and Utility. When these laws are misunderstood, society suffers. When they are fully respected, society enjoys the greatest possible abundance and justice reigns in human relations.**

**Are these laws of providence respected or unrecognized today? Do the sufferings of the masses have their origin in the economic laws which govern society or in the obstacles placed in the way of their beneficent operation? Such is the question which recent events have raised for us.**

**To this question the Socialist schools reply, sometimes by denying that the economic world is governed, as is the physical world, by natural laws, and at other times by the affirmation that these laws are imperfect or vicious, and that the ills of society stem from this imperfect or vicious character.**

**The more timid claim that we must modify these laws; the more intrepid claim we should totally eliminate what are radically imperfect arrangements and replace them with new ones.**

The base on which the whole edifice of society rests is property. Socialists therefore strive to alter or replace or destroy the principle of property.

Conservatives defend property; but they defend it badly.

#### Source

<oll.libertyfund.org/quote/364>.

Gustave de Molinari, *Les Soirées de la Rue Saint-Lazare: Entretiens sur les lois économiques et défense de la propriété* (Paris: Guillaumin, 1849). Chapter: *PRÉFACE*. <oll.libertyfund.org/title/1344/221031/3538393>.

<oll.libertyfund.org/quote/364>.

More works by Gustave de Molinari (1819–1912) <oll.libertyfund.org/person/136>.

### ***3. Auberon Herbert on the “magic of private property” (1897)***

#### **About this Quotation**

This impassioned plea to the working class to give up the effort to achieve their goals through state intervention and regulation (via the Labour Party) came towards the end of Herbert’s life (1897). By this time the radical liberals were in serious decline in England as they were overtaken by the rise of organised socialism and the emergence of the “new liberals” who accepted many of the ideas of the socialists. Herbert’s strategy here was to argue that the working class too could become property owners (which of course is what happened in the late 20th century with the rise of home ownership and invested pensions) and thus enjoy the “magic of property” which he fervently believed was a “master key” which would open the doors of prosperity and material comfort to a class which had been previously excluded.

#### **Quotation**

The English radical individualist and Member of Parliament Auberon Herbert (1838-1906) appeals to ordinary workers to acquire property peacefully and to thereby enjoy one of the “master keys” to enjoying peace and prosperity:

For the moment the larger part of existing property belongs to the richer classes; but it will not be so, as soon as ever you, the workers, take out of the hands of the politicians, and into your own hands, the task of carving out your own fortunes. The working body of the people must no longer be content—not for a single day—to be the propertyless class. In every city and town and village they must form their associations for the gaining of property; they must put their irresistible pence and shillings together, so that, step by step, effort upon effort, they may become the owners of land, of farms, of houses, of shops, of mills, and trading ships; they must take shares in the great well-managed trading companies and railways, until the time comes, as their capital increases, when they will be able to become the owners at first of small trading concerns, established by themselves, and then later of larger and more important concerns. They must—for all reasons, the best and the second best—become the owners of property. Without property no class can take its true place in the nation. They must devote much of their resolution and self-denial to the steady persistent heaping together of the pence and shillings for this purpose.

As they become possessed of property, they will see a definite goal lying before themselves—one good and useful ambition ever succeeding to another. The old dreary hopelessness will disappear, they will gain in power and influence; the difference between classes will disappear; they will break the enfeebling and corrupting influence of the politicians—what influence would remain to the man of words if he could no longer offer gratis—in return for nothing but votes—the property of others, without any greater exertion on the part of the people than marking their voting papers in his favor? And with the acquiring of property, the workers will also acquire the qualities that the management of property brings with it; while they add a new interest, a new meaning to their lives.

We appeal to the many thousands of strong, capable, self-denying men that are to be found among

us. Is the gaining of property only a dream; is the thing so very difficult, so far out of your reach? Say that a million men and women begin tomorrow to subscribe one halfpenny a week—who would miss that magical halfpenny, which is to transform so many things?—at the end of the year you will have a fund of over £100,000 to start with—not we think, a bad beginning for the great campaign. In many cases the property, such as land and houses, that you would so acquire, you would probably rent or redistribute on remunerative but easy terms to your own members; in the case of workers in towns, you would be able to allow those of your members who desired rest and change, to work for a time on your farms, and you would also be able to make a holiday ground and common meeting place of some farm that belonged to you, and that could be easily reached by that true instrument of social progress for men and women, the bicycle. Many will be the new forms of health and comfort and amusement that will become possible to you, when once you steadily determine to pile the pence and the shillings together for becoming owners of property; and when once you have put your hand to this good work, you must not relax your efforts until you have become, as you will become before many years have passed, the greatest of property holders in the nation.

All is possible to you if you resolutely fling away from you the incitements to strife, the tamperings with liberty and individual property, and pile up the pence and the shillings for the acquiring of your own property. Resist, therefore, all reckless, unthinking appeals made to you to deprive the great prize of any part of its attractions.

**If you surround property with state restrictions, interfere with free trade and any part of the open market, interfere with free contract, make compulsory arrangements for tenant and landowner, allow the present burdens of rate and tax to discourage ownership and penalize improvements, you will weaken the motives for acquiring property, and blunt the edge of the most powerful material instrument that exists for your own advancement. Only remember—as we have said—that great as is your material interest in safeguarding the rights of**

**individual property, yet higher and greater are and ever will be the moral reasons that forbid our sanctioning any attack upon it, or our suffering state burdens and restrictions and impediments to grow round it. True liberty—as we said—cannot exist apart from the full rights of property; for property is—so to speak—only the crystallized form of free faculties.**

They take the name of liberty in vain, they do not understand its nature, who would allow the state—or what goes by the name of the state—the worthy eighteen or twenty men who govern us—to play with property. Everything that is surrounded with state restrictions, everything that is state-mutilated, everything taxed and burdened, loses its best value, and can no longer call out our energies and efforts in their full force. Preserve, then, at its best and strongest the magic of property; leave to it all its stimulating and transforming virtues. It is one of the great master keys that open the door to all that in a material sense you rightly and proudly wish to do and to be.

#### Source

<[oll.libertyfund.org/quote/373](http://oll.libertyfund.org/quote/373)>.

Auberon Herbert, *The Right and Wrong of Compulsion by the State, and Other Essays*, ed. Eric Mack (Indianapolis: Liberty Fund, 1978). Chapter: *ESSAY NINE. A PLEA FOR VOLUNTARISM*. <[oll.libertyfund.org/title/591/66566/1626753](http://oll.libertyfund.org/title/591/66566/1626753)>.

More works by Auberon Herbert (1838–1906) <[oll.libertyfund.org/person/3792](http://oll.libertyfund.org/person/3792)>.

#### ***4. Auberon Herbert on compulsory taxation as the “citadel” of state power (1885)***

#### About this Quotation

There emerged in England in the late 19th century a group of radical individualists who were inspired by the work of Herbert Spencer (1820-1903). They were active in the Liberty and Property Defence League (founded by Lord Wemyss) and believed in natural rights, a rigorous defence of individual liberty,

opposition to the emerging welfare state, and opposition to war and empire. This group eventually disappeared by the outbreak of the First World War. Auberon Herbert was a member of this school of thought and wrote a number of popular appeals to the working class on the dangers of current government policy. Just before the quotation given here, Herbert sets out the steps the government needed to take in order to reduce the burden of taxation: the “Abolition and reduction of state departments, and officials. Abolition of pensions after life of the present holders. Abolition of all custom and excise duties and assessed taxes, and establishment of complete free trade in all things. All government revenues (whether central or local) to be derived from voluntary, not compulsory payments. Payment as early as possible of national debt by sale of all such ecclesiastical property as may be adjudged to belong equitably to the nation, by sale of other national property, and by special fund raised by voluntary contributions; with mortgage of remaining national property to holders of debt, until payment is completed.” Of course, no political party of his day ever offered this as their electoral platform.

### Quotation

The English radical individualist Auberon Herbert (1838-1906) argued that not only was the compulsory taking of other people’s property a violation of their natural rights but it was the “inner keep” or “citadel” of the modern state:

Class A—Removal of burdens of taxation

Examples—Abolition and reduction of state departments, and officials. Abolition of pensions after life of the present holders. Abolition of all custom and excise duties and assessed taxes, and establishment of complete free trade in all things. All government revenues (whether central or local) to be derived from voluntary, not compulsory payments. Payment as early as possible of national debt by sale of all such ecclesiastical property as may be adjudged to belong equitably to the nation, by sale of other national property, and by special fund raised by voluntary contributions; with mortgage of remaining national property to holders of debt, until payment is completed.

Voluntary taxation. Apart from the argument of convenience, which unfortunately governs us in so

many matters, it will be difficult, I think, to find any real justification for the compulsory levying of taxes. The citizens of a country who are called upon to pay taxes have done nothing to forfeit their inalienable right over their own possessions (it being impossible to separate a man’s right over himself and his right over his possessions), and there is no true power lodged in any body of men, whether known under the title of governments or of gentlemen of the highway, to take the property of men against their consent. The governments which persist in levying taxes by force, simply because they have the power to do so, will one day be considered as only the more respectable portion of that fraternity who are to be found in all parts of the world, living by the strong hand on the possessions of those who are too weak to resist them.

The more this question of taxation is considered, the more clearly I believe will the mischief of the present system come to light. So long as the political faction in power can decree the levying of what taxes it likes, it is unreasonable to hope that either the organized or the unorganized oppression of men by each other can ever be brought to an end. The conception of our true relations to each other is poisoned at an ever-flowing spring. Once give to me, or to any other man, the power to carry out our own ideas, and those of the majority to which we happen to belong, at the expense of all who are in the minority and who disagree with those ideas, and there and then the hateful state of oppressors and oppressed is necessarily established. **There can be no true condition of rest in society, there can be no perfect friendliness amongst men who differ in opinions, as long as either you or I can use our neighbor and his resources for the furtherance of our ideas and against his own. The present power to levy taxes compulsorily seems to me the inner keep, the citadel of the whole question of liberty; and until that stronghold is leveled to the ground, I do not think that men will ever clearly realize that to compel any human being to act against his own convictions is essentially a violation of the moral order, a cause of human unrest, and a grievous misdirection of human effort. Of the immediate ill effects, of the waste, of the extravagance, of the jobbery, that are all born**

**of the compulsory taking of taxes, I will not speak here. The first and greatest question is whether to help oneself to one's neighbor's property by force is or is not morally right.**

#### Source

<oll.libertyfund.org/quote/296>.

Auberon Herbert, *The Right and Wrong of Compulsion by the State, and Other Essays*, ed. Eric Mack (Indianapolis: Liberty Fund, 1978). Chapter: ESSAY FOUR. THE RIGHT AND WRONG OF COMPULSION BY THE STATE. <oll.libertyfund.org/title/591/66547/1626563>.

More works by Auberon Herbert (1838–1906) <oll.libertyfund.org/person/3792>.

### ***5. Gaius states that according to natural reason the first occupier of any previously unowned property becomes the just owner (2nd Century)***

#### About this Quotation

No body knows exactly when the Roman jurist Gaius lived, or when he wrote his compilation of the Roman laws, or even what his full name was. It is believed he lived sometime from 130 to 180 because he cites legislation which was enacted during this time. It seems likely that his great compilation of the laws appeared around 160 but no one can know for sure. Nevertheless, if it did appear around this time, it makes 2010 the 1,850th anniversary of its appearance and thus we welcome it into our anniversary collection for 2010. We have selected as our quote his statement of the Roman law regarding the right of the first occupier to own previously unowned property, such as land and wild animals. This idea became a cornerstone of John Locke's theory of property and thus was a key element of English and American law.

#### Quotation

The Roman jurist Gaius (130-180) in his collection of Roman law states that according to the principle of "right reason" any previously unowned thing becomes the just property of the first occupant who is able to "capture" it :

§ 69. Capture from an enemy is another title of property by natural law.

§ 70. Alluvion is another natural mode of acquisition. Alluvion is an addition of soil to land by a river, so gradual that at a particular moment the amount of accretion cannot be determined; or, to use the common expression, an addition made by alluvion is so gradual as to elude our sight.

§ 71. Accordingly a parcel of your land swept away by a river, and carried down to mine, continues your property.

§ 72. An island that rises in the middle of a river is the common property of the proprietors on both banks of the river; if it is not in the middle of the stream, it belongs to the proprietors of the nearer bank.

§ 73. Again, a building erected on my soil, though the builder has made it on his own account, belongs to me by natural law; for the ownership of a superstructure follows the ownership of the soil.

§ 74. The same occurs a fortiori when trees are planted on my land, provided they have struck root.

§ 75. Similarly, when corn is sown on my land.

§ 76. But if I bring an action to recover the land or the building, and refuse to compensate the other party for his outlay on the building or the plantation or the cornfield, he will defeat my action by the plea of fraud, at any rate if he was a bona fide possessor.

§ 77. On the same principle, the writing inscribed on my paper or parchment, even in letters of gold, becomes mine, for the property in the letters is accessory to the paper or parchment; but if I sue for the books or parchment without offering compensation for the writing, my action will be defeated by the plea of fraud.

§ 78. The canvas belonging to me, on which another man has painted, e. g. a portrait, is subject to a different rule, for the ownership of the canvas is held to be accessory to the painting; a difference which scarcely rests on a sufficient reason. By this rule, it is clear that if I am in possession, and you (the painter) claim the portrait without offering to pay the value of



the canvas, I may defeat your claim by the plea of fraud. But if you are in possession, the effect is that I am entitled to an equitable action against you, but in this case unless I offer the price of the painting, you defeat me by the plea of fraud, at any rate if you are a bona fide possessor. It is certain, that, if either you or another purloined the canvas, I can bring an action of theft.

§ 79. On a change of species, also, we have recourse to natural law to determine the proprietor. Thus, if grapes, or olives, or sheaves of corn, belonging to me, are converted by another into wine, or oil, or (threshed out) corn, a question arises whether the property in the corn, wine, or oil, is in me, or in the author of the conversion; so too if my gold or silver is manufactured into a vessel, or a ship, chest, or chair is constructed from my timber, or my wool is made into clothing, or my wine and honey are made into mead, or my drugs into a plaster or eye-salve, it becomes a question whether the ownership of the new product is vested in me or in the manufacturer. According to some, the material or substance is the criterion; that is to say, the owner of the material is to be deemed the owner of the product; and this was the doctrine which commended itself to Sabinus and Cassius; according to others the ownership of the product is in the manufacturer, and this was the doctrine favoured by the opposite school; who further held that the owner of the substance or material could maintain an action of theft against the purloiner, and also an action for damages (*condictio*), because, though the property which is destroyed cannot be vindicated, this is no bar to a *condictio* or personal action for damages against the thief and against certain other possessors.

### Source

<[oll.libertyfund.org/quote/271](http://oll.libertyfund.org/quote/271)>.

Gaius, *Gai Institutiones or Institutes of Roman Law by Gaius*, with a Translation and Commentary by the late Edward Poste, M.A. Fourth edition, revised and enlarged by E.A. Whittuck, M.A. B.C.L., with an historical introduction by A.H.J. Greenidge, D.Litt. (Oxford: Clarendon Press, 1904). Chapter: *QVIBVS ALIENARE LICEAT VEL NON*. <[oll.libertyfund.org/title/1154/88637/2006692](http://oll.libertyfund.org/title/1154/88637/2006692)>.

More works by Gaius (130 AD–180 AD)

<[oll.libertyfund.org/person/4003](http://oll.libertyfund.org/person/4003)>.

## 6. Wollaston on crimes against person or property as contradictions of fundamental truths (1722)

### About this Quotation

William Wollaston wrote one best-selling work towards the end of his life which appeared in at least 8 editions. His main objective was to argue that “religion” was no more than “the pursuit of happiness by the practice of truth and reason”, but tucked within his *Religion of Nature* (1722) are some remarkable insights concerning the natural right to property and the idea that a violation of someone’s natural rights is not just a “crime” but a “lie” and a contradiction of a deeper underlying truth about the world. A person who violates a contract or kills an innocent person makes a powerful “statement” about themselves and those around them by means of action instead of by words. And these words or “action statements” are untrue and contradict the state of the natural world. They are also crimes in his view.

### Quotation

The English philosopher William Wollaston (1660-1724) argued that violations of another person’s natural rights are not only a crime but a denial or contradiction of a fundamental truth:

III. A true proposition may be denied, or things may be denied to be what they are, by deeds, as well as by express words or another proposition. It is certain there is a meaning in many acts and gestures. Every body understands weeping, laughing, shrugs, frowns, &c., these are a sort of universal language.

But these instances do not come up to my meaning. There are many acts of other kinds, such as constitute the character of a man’s conduct in life, which have in nature, and would be taken by any indifferent judge to have a signification, and to imply some proposition, as plainly to be understood as if it was declared in words: and therefore if what such acts declare to be, is not, they must contradict truth, as much as any false proposition or assertion can.

**If a body of soldiers, seeing another body approach, should fire upon them, would not this action declare that they were enemies; and if they were not enemies, would not this military language declare what was false? No, perhaps it may be said; this can only be called a mistake,** like that which happened to the Athenians in the attack of Epipolar, or to the Carthaginians in their last incampment against Agathocles in Africa. **Suppose then, instead of this firing, some officer to have said they were enemies, when indeed they were friends: would not that sentence affirming them to be enemies be false, notwithstanding he who spoke it was mistaken?** The truth or falsehood of this affirmation doth not depend upon the affirmer's knowledge or ignorance: because there is a certain sense affixt to the words, which must either agree or disagree to that, concerning which the affirmation is made. The thing is the very same still, if into the place of words be substituted actions. The salute here was in nature the salute of an enemy, but should have been the salute of a friend: therefore it implied a falsity. Any spectator would have understood this action as I do; for a declaration, that the other were enemies. Now what is to be understood, has a meaning: and what has a meaning, may be either true or false: which is as much as can be said of any verbal sentence.

If A should enter into a compact with B, by which he promises and engages never to do some certain thing, and after this he does that thing: in this case must be granted, that his act interferes with his promise, and is contrary to it. Now it cannot interfere with his promise, but it must also interfere with the truth of that proposition, which says there was such a promise made, or that there is such a compact subsisting. If this proposition be true, A made such a certain agreement with B, it would be denied by this, A never made any agreement with B. Why? Because the truth of this latter is inconsistent with the agreement asserted in the former. The formality of the denial, or that, which makes it to be a denial, is this inconsistency. If then the behaviour of A be consistent with the agreement mentioned in the former proposition, that proposition is as much denied by A's behaviour, as it can be by the latter, or any other proposition. Or thus, If one proposition imports or contains that which is contrary to what is contained in another, it is said to

contradict this other, and denies the existence of what is contained in it. Just so if one act imports that which is contrary to the import of another, it contradicts this other, and denies its existence. In a word, if A by his actions denies the managements, to which he hath subjected himself, his actions deny them; just as we say, Ptolemy by his writings denies the motion of the earth, or his writings deny it.

When a man lives, as if he had the estate which he has not, or was in other regards (all fairly cast up) what he is not, what judgment is to be passed upon him? Doth not his whole conduct breathe untruth? May we not say (if the propriety of language permits), that he lives a lye?

In common speech we say some actions are insignificant, which would not be sense, if there were not some that are significant, that have a tendency and meaning. And this is as much as can be said of articulate sounds, that they are either significant or insignificant.

**I lay this down then as a fundamental maxim, That whoever acts as if things were so, or not so, doth by his acts declare, that they are so, or not so; as plainly as he could by words, and with more reality. And if the things are otherwise, his acts contradict those propositions, which assert them to be as they are.**

#### Source

<[oll.libertyfund.org/quote/264](http://oll.libertyfund.org/quote/264)>.

Lewis Amherst Selby-Bigge, *British Moralists, being Selections from Writers principally of the Eighteenth Century*, edited with an Introduction and analytical Index by L.A. Selby-Bigge in two volumes (Oxford: Clarendon Press, 1897). Vol. 2. Chapter: WILLIAM WOLLASTON The Religion of Nature delineated. <[oll.libertyfund.org/title/2077/157777/2787506](http://oll.libertyfund.org/title/2077/157777/2787506)>.

More works by William Wollaston (1660–1724) <[oll.libertyfund.org/person/4610](http://oll.libertyfund.org/person/4610)>.

## ***7. James Mill on the natural disposition to accumulate property (1808)***

### **About this Quotation**

James Mill, the father of John Stuart Mill, was an ardent defender of free trade and an opponent of the “sinister interests” which controlled British politics in the early 19th century. In this tract he defends the liberty and mutual benefits of free trade at a difficult time - Napoleon’s blockade of continental Europe was in force, in an attempt to weaken Britain by denying it its traditional markets on the mainland, and there existed a popular notion that trade and industry were not “really productive” whereas only “agriculture” was. So Mill had to fight a battle for free trade on two fronts: that England would benefit from free trade even if other countries persisted in subsidies and tariff protection; and that trade in goods other than traditional agricultural products could add to the sum total of “national wealth”. Even 200 years after Mill wrote this tract, we are still fighting the same battles.

### **Quotation**

James Mill (1773-1836), the father of John Stuart Mill, defended commerce and the freedom to trade against its critics on the grounds that it was natural, greatly contributed to human happiness, and added to the amount of wealth in society:

Notwithstanding the avidity for immediate gratification, with which the greater part of mankind appear to be inspired, the disposition to accumulate seems, from experience, to be a still more powerful propensity; and wherever men are secure in the enjoyment of their property, a great part of them always exert themselves to make what they get exceed what they spend. By means of this powerful principle it is natural for every nation, which has scope for its industry, to make continual advancement, to see the produce of every succeeding year surpass that of the year that went before it. One arrangement of society may be more favourable to this advancement than another. In one country the natural subdivision of property may be more counteracted than in another. **But no arrangement of society, consistent with any tolerable degree of freedom and security,**

**seems capable of preventing this wonderful agent from adding something every year to the fund of production, from continually increasing the annual produce. As it is this gradual produce on which the happiness of the great body of the people depends, we may reflect with satisfaction and wonder on the strength of the principle on which it is secured; on the provision which is laid in the original laws of human nature for the well-being of the species!**

### **Source**

[oll.libertyfund.org/quote/124](http://oll.libertyfund.org/quote/124)>.

James Mill, *Commerce Defended. An Answer to the Arguments by which Mr. Spence, Mr. Cobbett, and Others, have attempted to Prove that Commerce is not a source of National Wealth* (London: C. and R. Baldwin, 1808). Chapter: *General Reflections*.. [oll.libertyfund.org/title/1668/104768/2226144](http://oll.libertyfund.org/title/1668/104768/2226144)>.

More works by James Mill (1773-1836) [oll.libertyfund.org/person/73](http://oll.libertyfund.org/person/73)>.

## ***8. Lysander Spooner spells out his theory of “mine and thine”, or the science of natural law and justice, which alone can ensure that mankind lives in peace (1882)***

### **About this Quotation**

Spooner’s distinction between natural law and legislation brings to mind two other theorists. Before Spooner began writing there was Thomas Hodgskin (1787-1869) who made the distinction between “natural and artificial rights”, the latter being created by government usually to favour special interests. After Spooner there was Friedrich Hayek (1899-1992), the Nobel Prize winning Austrian economist, who distinguished between “law” and “legislation” - the former with some approval, the latter with disdain and warnings.

## Quotation

The American radical individualist legal theorist and abolitionist Lysander Spooner (1808-1887) argued in his pamphlet on *Natural Law* (1882) that:

The science of mine and thine — the science of justice — is the science of all human rights; of all a man's rights of person and property; of all his rights to life, liberty, and the pursuit of happiness.

**It is the science which alone can tell any man what he can, and cannot, do; what he can, and cannot, have; what he can, and cannot, say, without infringing the rights of any other person.**

**It is the science of peace; and the only science of peace; since it is the science which alone can tell us on what conditions mankind can live in peace, or ought to live in peace, with each other.**

These conditions are simply these: viz., first, that each man shall do, towards every other, all that justice requires him to do; as, for example, that he shall pay his debts, that he shall return borrowed or stolen property to its owner, and that he shall make reparation for any injury he may have done to the person or property of another.

The second condition is, that each man shall abstain from doing so another, anything which justice forbids him to do; as, for example, that he shall abstain from committing theft, robbery, arson, murder, or any other crime against the person or property of another.

So long as these conditions are fulfilled, men are at peace, and ought to remain at peace, with each other. But when either of these conditions is violated, men are at war. And they must necessarily remain at war until justice is re-established.

Through all time, so far as history informs us, wherever mankind have attempted to live in peace with each other, both the natural instincts, and the collective wisdom of the human race, have acknowledged and prescribed, as an indispensable condition, obedience to this one only universal obligation: viz., that each should live honestly towards every other.

The ancient maxim makes the sum of a man's legal duty to his fellow men to be simply this: "To live honestly, to hurt no one, to give to every one his due."

This entire maxim is really expressed in the single words, to live honestly; since to live honestly is to hurt no one, and give to every one his due.

## Source

<oll.libertyfund.org/quote/182>.

Lysander Spooner, *Natural Law; or the Science of Justice: A Treatise on Natural Law, Natural Justice, Natural Rights, Natural Liberty, and Natural Society; showing that all Legislation whatsoever is an Absurdity, a Usurpation, and a Crime. Part First.* (Boston: A. Williams & Co., 1882). Chapter: *Section I.* <oll.libertyfund.org/title/2182/202933/3341270>.

More works by Lysander Spooner (1808–1887) <oll.libertyfund.org/person/4664>.

***9. Sir William Blackstone argues that occupancy of previously unowned land creates a natural right to that property which excludes others from it (1753)***

## About this Quotation

Blackstone begins his chapter on “property in general” by asking the question by right right do men claim “that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.” His answer is the Lockean notion that first occupancy and first use of the land gives men that right. From this basic right flows more complex interactions brought about by “mutual convenience” and the introduction of the practice of “commercial traffic”, resulting in the entire market system of his and our days. His Commentaries were widely read in the American colonies on the eve of the Revolution.

## Quotation

In his influential *Commentaries on the Laws of England* (1753) Sir William Blackstone has a chapter on “Of Property, in General” in which he outlines a case for

property rights which has influenced a couple of hundred years of thinking on the subject in England and America:

**The only question remaining is, how this property became actually invested: or that it is that gave a man an exclusive right to retain in a permanent manner that specific land, which before belonged generally to everybody, but particularly to nobody. And, as we before observed that occupancy gave the right to the temporary use of the soil, so it is agreed upon all hands, that occupancy gave also the original right to the permanent property in the substance of the earth itself; which excludes every one else but the owner from the use of it.**

There is indeed some difference among the writers on natural law concerning the reason why occupancy should convey this right, and invest one with this absolute property: Grotius and Puffendorf insisting that this right of occupancy is founded on a tacit and implied assent of all mankind that the first occupant should become the owner; and Barbeyrac, Titius, Mr. Locke, and others, holding that there is no such implied assent, neither is it necessary that there should be; for that the very act of occupancy alone, being a degree of bodily labour, is, from a principle of natural justice, without any consent or compact, sufficient of itself to gain a title;—a dispute that savours too much of nice and scholastic refinement. However, both sides agree in this, that occupancy is the thing by which the title was in fact originally gained; every man seizing to his own continued use such spots of ground as he found most agreeable to his own convenience, provided he found them unoccupied by any one else.

Property, both in lands and movables, being thus originally acquired by the first taker, which taking amounts to a declaration that he intends to appropriate the thing to his own use, it remains in him, by the principles of universal law, till such time as he does some other act which shows an intention to abandon it; for then it becomes, naturally speaking, *publici juris* once more, and is liable to be again appropriated by the next occupant. So if one is possessed of a jewel, and casts it into the sea or a public highway, this is such an express dereliction, that a property will be vested in the first fortunate finder that will seize it to his own use. But if he hides it privately in the earth, or other secret place, and it is discovered, the finder acquires no

property therein; for the owner hath not by this act declared any intention to abandon it, but rather the contrary: and if he loses or drops it by accident, it cannot be collected from thence that he designed to quit the possession; and therefore in such a case the property still remains in the loser, who may claim it again of the finder. And this, we may remember, is the doctrine of the law of England with relation to treasure trove.

But this method of one man's abandoning his property, and another seizing the vacant possession, however well founded in theory, could not long subsist in fact. It was calculated merely for the rudiments of civil society, and necessarily ceased among the complicated interests and artificial refinements of polite and established governments. In these it was found, that what became inconvenient or useless to one man, was highly convenient and useful to another, who was ready to give in exchange for it some equivalent that was equally desirable to the former proprietor. Thus mutual convenience introduced commercial traffic, and the reciprocal transfer of property by sale, grant, or conveyance; which may be considered either as a continuance of the original possession which the first occupant had, or as an abandoning of the thing by the present owner, and an immediate successive occupancy of the same by the new proprietor. The voluntary dereliction of the owner, and delivering the possession to another individual, amount to a transfer of the property: the proprietor declaring his intention no longer to occupy the thing himself, but that his own right of occupancy shall be vested in the new acquirer. Or, taken in the other light, if I agree to part with an acre of my land to Titius, the deed of conveyance is an evidence of my intending to abandon the property; and Titius, being the only or first man acquainted with such my intention, immediately steps in and seizes the vacant possession: thus the consent expressed by the conveyance gives Titius a good right against me; and possession, or occupancy, confirms that right against all the world besides.

#### Source

<[oll.libertyfund.org/quote/216](http://oll.libertyfund.org/quote/216)>.

Sir William Blackstone, *Commentaries on the Laws of England in Four Books. Notes selected from the editions of Archibald, Christian, Coleridge, Chitty, Stewart, Kerr, and others,*

*Barron Field's Analysis, and Additional Notes, and a Life of the Author by George Sharswood. In Two Volumes.* (Philadelphia: J.B. Lippincott Co., 1893). Vol. 1 - Books I & II. Chapter: CHAPTER I.: OF PROPERTY, IN GENERAL. <oll.libertyfund.org/title/2140/198690/3147519 >.

More works by Sir William Blackstone (1723–1780)] <oll.libertyfund.org/person/4639>.

### **10. Lord Kames states that the “hoarding appetite” is part of human nature and that it is the foundation of our notion of property rights (1779)**

#### **About this Quotation**

Like Adam Smith, a fellow member of the Scottish enlightenment, Lord Kames believes that the “hoarding instinct” is innate and that even children and bees (compare Bernard Mandeville) have a sense of “mine and thine”. This is the powerful natural origin of property rights in human society.

#### **Quotation**

Henry Home, Lord Kames, a leading figure of the Scottish Enlightenment, argued in *Essays on the Principles of Morality and Natural Religion* (1779) that the "hoarding appetitie" was universal among mankind and that it was the basis of the idea of property rights:

The compass I have taken is wide, but the shortest road is not always the smoothest or most patent. I come now to the point, by putting a plain question, What sort of creature would man be, endued as he is with a hoarding appetite, but with no sense or notion of property? He hath a constant propensity to hoard for his own use; conscious at the same time that his stores are no less free to others than to himself;—racked thus perpetually betwixt the desire of appropriation, and consciousness of its being in vain. I say more: the hoarding appetite is an instinct obviously contrived for assisting reason, in moving us to provide against want. This instinct, like all others in the human soul, ought to be a cause adequate to the effect intended to be accomplished by it. But this it cannot be, independent

of a sense of property. For what effectual provision can be made against want, when the stores of every individual are, without any check from conscience, left free to the depredations of the whole species? Here would be a palpable defect or inconsistency in the nature of man. If I could suppose this to be his case, I should believe him to be a creature made in haste, and left unfinished. I am certain there is no such inconsistency to be found in any other branch of human nature; nor indeed, as far as we can discover, in any other creature that is endued with the hoarding appetite. Every bee inhabits its own cell, and feeds on its own honey. Every crow has its own nest; and punishment is always applied, when a single stick happens to be pilfered. But we find no such inconsistency in man. The cattle tamed by an individual, and the field cultivated by him, were held universally to be his own from the beginning. **A relation is formed betwixt every man and the fruits of his own labour, the very thing we call property, which he himself is sensible of, and of which every other is equally sensible. Yours and mine are terms in all languages, familiar among savages, and understood even by children. This is a fact, which every human creature can testify.**

#### **Source**

<oll.libertyfund.org/quote/163>.

Henry Home, Lord Kames, *Essays on the Principles of Morality and Natural Religion, Corrected and Improved, in a Third Edition. Several Essays Added Concerning the Proof of a Deity*, Edited and with an Introduction by Mary Catherine Moran (Indianapolis: Liberty Fund, 2005). Chapter: essay ii: Foundation and Principles of Morality. <oll.libertyfund.org/title/1352/66207/1613765>.

More works by Henry Home, Lord Kames (1696–1782) <oll.libertyfund.org/person/4079>.

***11. Thomas Hodgskin argues for a Lockean notion of the right to property (“natural”) and against the Benthamite notion that property rights are created by the state (“artificial”) (1832)***

**About this Quotation**

Thomas Hodgskin is hard to categorize. The socialists like to claim his as one of their own because he was sympathetic to the workers and worked hard lecturing to them on economic issues at the Mechanics Institutes. Yet he cannot be classified as a “socialist” because of his firm and explicit support for free trade (he worked for *The Economist* in its most radical free trade phase) and bravely defended Lockean notions of property rights when the utilitarian Benthamites were sweeping all before them. This 1832 book is one of the most explicit defences of what he called “the natural right to property” in direct opposition to the government defined and enforced “artificial right to property” which he believed began the slippery slope to statism.

**Quotation**

Thomas Hodgskin sends a series of letters to one of the most influential Benthamite reformers of the period informing him that his theory of property is incorrect and dangerous to liberty and that he should adopt a more Lockean notion of property rights:

As the right of property includes many other rights, being connected with some of our strongest emotions, and the source of some most inveterate prejudices, it requires to be handled with great discretion. If it were not the very foundation of systems of government, and of theories of political philosophy—and if there were any rational hope, that the former could be amended, and the latter constructed on correct principles, without digging down to the very bottom—I, for one, should carefully avoid meddling with so great and, perhaps, dangerous a work. But after much and anxious deliberation, I am satisfied that it is not possible to meliorate our political condition, or even to save society from convulsions, more terrible

perhaps than have ever been known, unless all classes attain correct notions of the natural right of property, and endeavour gradually to adapt their conduct and social institutions to what nature decrees. Allow me, however, at once to declare (as there have been in almost every age individuals, such as Beccaria and Rousseau—and sects, some existing at present, such as Mr. Owen’s cooperative societies, the Saint Simonians in France, and the Moravians, who have asserted that all the evils of society arise from a right of property, the utility of which they have accordingly and utterly denied) allow me to separate myself entirely from them, by declaring that **I look on a right of property—on the right of individuals, to have and to own, for their own separate and selfish use and enjoyment, the produce of their own industry, with power freely to dispose of the whole of that in the manner most agreeable to themselves, as essential to the welfare and even to the continued existence of society. If, therefore, I did not suppose, with Mr. Locke, that nature establishes such a right—if I were not prepared to shew that she not merely establishes, but also protects and preserves it, so far as never to suffer it to be violated with impunity—I should at once take refuge in Mr. Bentham’s impious theory, and admit that the legislator who established and preserved a right of property, deserved little less adoration than the Divinity himself. Believing, however, that nature establishes such a right, I can neither join those who vituperate it as the source of all our social misery, nor those who claim for the legislator the high honour of being “the author of the finest triumph of humanity over itself.”**

I heartily and cordially concur with Mr. Locke, in his view of the origin and foundation of a right of property. “Every man,” he says, “has a property in his own person that nobody has any right to but himself. The labour of his body and the work of his hand are his property. Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with it and joined to 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 the labour being the unquestionable property of the labourer, no man but he can have a right to what that is joined to—at least, where there is enough and as good left in common for others.”

### Source

<oll.libertyfund.org/quote/147>.

Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted. A Series of Letters, addressed without permission to H. Brougham, Esq. M.P. F.R.S.* (London: B. Steil, 1832). Chapter: *LETTER THE SECOND. the NATURAL RIGHT OF PROPERTY illustrated.*  
<oll.libertyfund.org/title/323/37830/694319>.

More works by Thomas Hodgskin (1787–1869)  
<oll.libertyfund.org/person/219>.

## ***12. J.B. Say on the self-evident nature of property rights which is nevertheless violated by the state in taxation and slavery (1817)***

### About this Quotation

Like Smith, Say likes to wrap his economic insights up with a rich and heavy blanket of historical, sociological, and moral reflections which add considerably to the final product. In this case he discusses the nature of property rights, beginning with the insight that most economists take it as a given, yet historical knowledge shows that any given property arrangement is a mixture of the justly acquired and the violently seized. Say has some very harsh words to say about taxation and another pressing issue of his day, slavery, which he without a moment's hesitation calls “detestable” under all and any circumstances.

### Quotation

In this chapter of his (1817) Say tells us about the self-evident nature of property rights, the myriad ways it is constantly violated by the state, and how taxation is “an engine of national depression and misery”:

**There are some truths so completely self-evident, that demonstration is quite superfluous. This is one of that number. For who will attempt to deny, that the certainty of enjoying the fruits of one's land, capital and labour, is the most powerful inducement to render them productive? Or who is dull enough to doubt, that no one knows so well as the proprietor how to make the best use of his property? Yet how often in practice is that inviolability of property disregarded, which, in theory, is allowed by all to be so immensely advantageous? How often is it broken in upon for the most insignificant purposes; and its violation, that should naturally excite indignation, justified upon the most flimsy pretexts? So few persons are there who have a lively sense of any but a direct injury, or, with the most lively feelings, have firmness enough to act up to their sentiments! There is no security of property, where a despotic authority can possess itself of the property of the subject against his consent. Neither is there such security, where the consent is merely nominal and delusive.** In England, the taxes are imposed by the national representation; if, then, the minister be in the possession of an absolute majority, whether by means of electioneering influence, or by the overwhelming patronage foolishly placed at his disposal, taxation would no longer be in reality imposed by the national representatives; the body bearing that name would, in effect, be the representatives of the minister; and the people of England would be forcibly subjected to the severest privations, to further projects that possibly might be every way injurious to them.<sup>28</sup>

It is to be observed that the right of property is equally invaded, by obstructing the free employment of the means of production, as by violently depriving the proprietor of the product of his land, capital, or industry: for the right of property, as defined by jurists, is the right of use or even abuse. Thus, landed property is violated by arbitrarily prescribing tillage or plantation; or by interdicting particular modes of cultivation; the property of the capitalist is violated, by prohibiting particular ways of employing it; for



instance, by interdicting large purchases of corn, directing all bullion to be carried to the mint, forbidding the proprietor to build on his own soil, or prescribing the form and requisites of the building. It is a further violation of the capitalist's property to prohibit any kind of industry, or to load it with duties amounting to prohibition, after he has once embarked his capital in that way. It is manifest, that a prohibition upon sugar would annihilate most of the capital of the sugar refiners, vested in furnaces, utensils, &c. &c.<sup>29</sup>

The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and<sup>30</sup> talents, except inasmuch as they would interfere with the rights of third parties. A similar violation is committed when a man's labour is put in requisition for one purpose, though designed by himself for another; as when an artisan or trader is forced into the military life, whether permanently or merely for the occasion.

I am well aware, that the importance of maintaining social order, whereon the security of property depends, takes precedence of property itself; for which very reason, nothing short of the necessity of defending that order from manifest danger can authorise these or similar violations of individual right. And this it is which impresses upon the proprietors the necessity of requiring, in the constitution of the body politic, some guarantee or other, that the public service shall never be made a mask to the passions and ambition of those in power.

Thus taxation, when not intended as an engine of national depression and misery, must be proved indispensable to the existence of social order; every step it takes beyond these limits, is an actual spoliation; for taxation, even where levied by national consent, is a violation of property; since no values can be levied, but upon the produce of the land, capital, and industry of individuals.

But there are some extremely rare cases, where interference between the owner and his property is even beneficial to production itself. For example, in all countries that admit the detestable right of slavery, a right standing in hostility to all others, it is found expedient to limit the master's power over his slave.<sup>31</sup> Thus also, if a society stand in urgent need of timber for the shipwright or carpenter; it must reconcile itself to some regulations respecting the felling of private woods;<sup>32</sup> or the fear of losing the veins of mineral that intersect the soil, may sometimes oblige a government

to work the mines itself. It may be readily conceived, that, even if there were no restraints upon mining, want of skill, the impatience of avarice, or the insufficiency of capital, might induce a proprietor to exhaust the superficial, which are commonly the poorest loads, and occasion the loss of superior depth and quality.<sup>33</sup> Sometimes a vein of mineral passes through the ground of many proprietors, but is accessible only in one spot. In this case, the obstinacy of a refractory proprietor must be disregarded, and the prosecution of the works be compulsory; though, after all, I will not undertake to affirm, that it would not be more advisable on the whole to respect his rights, or that the possession of a few additional mines is not too dearly purchased by this infringement upon the inviolability of property.

#### Source

<[oll.libertyfund.org/quote/152](http://oll.libertyfund.org/quote/152)>.

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed. ). Chapter: *BOOK I, CHAPTER XIV: OF THE RIGHT OF PROPERTY*. <[oll.libertyfund.org/title/274/37998/900228](http://oll.libertyfund.org/title/274/37998/900228)>.

More works by Jean Baptiste Say (1767–1832)] <[oll.libertyfund.org/person/166](http://oll.libertyfund.org/person/166)>.

***13. J.S. Mill's great principle was that "over himself, over his own body and mind, the individual is sovereign" (1859)***

#### About this Quotation

2009 was the 150th anniversary of the first publication of J.S. Mill's *On Liberty* (1859). Mill makes it very clear from line one of the book what his concerns are, namely to explore the consequences of the one central idea which he thinks should predominate in politics - "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is

self-protection". This should be compared to the opening of *The Subjection of Women* (1869) where he states concisely a similar governing principle for the book: "That the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other." It took an editor after Mill's death to publish a volume (1879) which combined these two complementary works. We have this volume online at the OLL

### Quotation

In the Introductory section of his great work *On Liberty* Mill states clearly the limits to state power over the liberty of the individual:

**The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him or entreating him, but not for compelling him, or visiting him with any evil, in case he do other wise. To justify that, the conduct from which it is desired to deter him must be**

**calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.**

### Source

<oll.libertyfund.org/quote/81>.

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XVIII - Essays on Politics and Society Part I*, ed. John M. Robson, Introduction by Alexander Brady (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1977). Chapter: *CHAPTER I: Introductory* <oll.libertyfund.org/title/233/16552/799748>.

More works by John Stuart Mill (1806–1873) <oll.libertyfund.org/person/21>.

***14. Wolowski and Levasseur argue that Property is "the fruit of human liberty" and that Violence and Conquest have done much to disturb this natural order (1884)***

### About this Quotation

Lalor's massive encyclopedia was aimed squarely at the American market but included dozens of translations from the French language *Dictionnaire de l'économie politique* published in 1852. The full French original has unfortunately never been translated into English even though it contains a huge number of important essays written by Bastiat and other luminaries of French political economy in the mid-19th century. This quotation comes from one of the more interesting entries on property. A list of the translations in Lalor's encyclopedia can be found in the Forum.

## Quotation

One of the many articles translated from the French which appeared in Lalor's *Cyclopedia* in 1884. This one is a spirited defence of the natural right to property:

It is, then, to the human being, the creator of all wealth, that we must come back; it is upon liberty that it is expedient to base the principle of property, and if any one would know by what sign it is to be recognized, we will answer that it is by labor that man impresses his personality on matter. It is labor which cultivates the earth and makes on an unoccupied waste an appropriated field; it is labor which makes of an untrodden forest a regularly ordered wood; it is labor, or, rather, a series of labors often executed by a very numerous succession of workmen, which brings hemp from seed, thread from hemp, cloth from thread, clothing from cloth; which transforms the shapeless pyrites, picked up in the mine, into an elegant bronze which adorns some public place, and repeats to an entire people the thought of an artist. It is labor which is the distinctive sign of property; it is the *condition* (or the means) of it, not the *principle*, which traces its origin to the liberty of the human soul.

**Property, made manifest by labor, participates in the rights of the person whose emanation it is; like him, it is inviolable so long as it does not extend so far as to come into collision with another right; like him, it is individual, because it has its origin in the independence of the individual, and because, when several persons have co-operated in its formation, the latest possessor has purchased with a value, the fruit of his personal labor, the work of all the fellow-laborers who have preceded him; this is what is usually the case with manufactured articles. When property has passed, by sale or by inheritance, from one hand to another, its conditions have not changed; it is still the fruit of human liberty manifested by labor, and the holder has the same rights as the producer who took possession of it by right.**

Violence, confiscation, fraud, conquest, have more than once disturbed the natural order of property, and mixed their impure springs with the pure sources of

labor. But they have not changed the principle. Does the theft by which a lucky rascal is enriched interfere with the fact that labor is necessary for the production of wealth? Moreover, we must not exaggerate at pleasure the extent of these deviations from the general rule. It has been said that if we could go back to the origin of all landed property, possibly none would be found untainted with some one of these vices, on the soil of old Europe, overrun and successively occupied by so many hordes of invaders in ancient times and the middle ages. But how far would we have to go back across the centuries? so far that it could not be told in the case of ninety-nine hundredths of landed estates, except by mere conjecture, based on the probabilities of history. French laws, for instance, have established the thirty-years limitation, firstly, because it is necessary, in order to give some fixity to property, that it should not be left exposed to endless claims, and then, because long possession is itself a title, and because a man who has himself or by his tenantry, or farmers, put continuous labor on the same soil for a generation, has made, so to speak, the property his own. Now what is this short legal limitation beside the long limitation of ages, and how would any one dare contest the lawfulness of the owner's right over lands now richly cultivated, covered with farms and manufactories under the pretext that a Frank of the fourth century expelled from them a Gaul who was herding his flocks there? On the land has accumulated immovable wealth, which has sometimes increased the value of it a hundred-fold, and the origin and transmission of which are equally lawful. Out of the soil has grown the personal wealth which now forms a large part of the patrimony of society, and this wealth, the fruit of modern labor, is for the greater part free from the stain of brute force. War is no longer in our day a means of existence; it is rather a cause of ruin; conquerors aspire to usurp sovereignty, but they respect property. The political societies which have settled in new worlds, in America and Australia, have been established for the greater part by the clearings of the pioneers who made the land what it is, and bequeathed it to their children. There has been little or no violence there, in the many places where they have not had to strive against savage tribes, even in the occupation of the land. In the main, if we consider property as a whole, how small a place is occupied by the exception as compared with the rule, by violence as compared with labor!

## Source

<oll.libertyfund.org/quote/30>.

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 3 Oath - Zollverein Chapter: *PROPERTY*. <oll.libertyfund.org/title/971/63517/1468661>.

More works by Louis Wolowski (1810–1876) <oll.libertyfund.org/person/3994>.

## ***15. John Taylor on how a “sound freedom of property” can destroy the threat to Liberty posed by “an adoration of military fame” and oppressive governments (1820)***

### About this Quotation

This work by Taylor, *Construction Construed and Constitutions Vindicated* (1820) is considered by some historians of political thought to be the greatest single work on political philosophy written by an American during the 19th century.

### Quotation

In 1820 Taylor was concerned that the promise of the American constitution, to radically limit the power of the central state, was being undermined by interventionist economic policies:

THESE are the keys of construction, and the locks of liberty. The question to be considered is, whether our revolution was designed to establish the freedom both of religion and property, or only of the former.

It is strange that the human mind should have been expanded in relation to religion, and yet should retain narrow notions in relation to property. Objects unseen, and incapable of being explained by the information of the senses, afford less perfect materials for the exercise of reason, than those capable of being investigated by evidence, within the scope of the

human understanding. As the difficulties opposed to the correction of religious fanaticism seemed less surmountable, whilst its effects were more pernicious, the zeal of philosophers was condensed in an effort to relieve mankind from an evil the most distressing; and their attention was diverted from another, at this period the most prominent. But having wrested religious liberty from the grasp of fanaticism, it now behooves them to turn their attention towards pecuniary fanaticism, and to wrest civil liberty from its tyranny also. Between an absolute power in governments over the religion and over the property of men, the analogy is exact, and their consequences must therefore be the same. Freedom of religion being the discovery by which religious liberty could only be established; freedom of property must be the only means also, for the establishment of civil liberty. Pecuniary fanaticism, undisciplined by constitutional principles, is such an instrument for oppression, as an undisciplined religious fanaticism. A power in governments to regulate individual wealth, will be directly guided by those very motives, which indirectly influenced all governments, possessed of a power to regulate religious opinions and rites. If we have only restrained one of these powers, we have most improvidently retained the other, under which mankind have groaned in all ages; and which at this time is sufficient to oppress or enslave the European nations, although they have drawn some of the teeth of religious fanaticism. **An adoration of military fame, specious projects and eminent individuals, has in all ages brought on mankind a multitude of evils; and a sound freedom of property is the only mode that I know of, able to destroy the worship of these idols, by removing beyond their reach the sacrifices upon which themselves, and their proselytes, subsist.**

### Source

<oll.libertyfund.org/quote/19>.

John Taylor, *Construction Construed and Constitutions Vindicated* (Richmond: Shepherd and Pollard, 1820). Chapter: *SECTION I.: THE PRINCIPLES OF OUR REVOLUTION.*. <oll.libertyfund.org/title/899/43604/1316970>.

More works by John Taylor (1753–1824) <oll.libertyfund.org/person/3831>.

## ***Further Information***

A full list of the "Quotations about Liberty and Power" arranged thematically can be found here <[oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=quotes.php&Itemid=275](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=quotes.php&Itemid=275)>.

Those on "Property Rights" can be found here <[oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=quotes.php&Itemid=275#property-rights](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=quotes.php&Itemid=275#property-rights)>.

***“The distinctive principle of Western social philosophy is individualism. It aims at the creation of a sphere in which the individual is free to think, to choose, and to act without being restrained by the interference of the social apparatus of coercion and oppression, the State.”***  
***[Ludwig von Mises, “Liberty and Property” (1958)]***



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Another useful sampling of the contents of the OLL website is the collection of weekly *Quotations about Liberty and Power* which are organized by themes such as Free Trade, Money and Banking, Natural Rights, and so on. See for example, Richard Cobden's "I have a dream" speech <[oll.libertyfund.org/quote/326](http://oll.libertyfund.org/quote/326)>.

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