“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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“The rights of all mankind... may be reduced to three principal or primary articles; the right of personal security, the right of personal liberty, and the right of private property.” (1766)
[Sir William Blackstone (1723-1780)]
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OLL: <oll.libertyfund.org>.
PART I: SCEPTICISM ABOUT POWER
“(The king) will take your sons, and appoint them for himself… and he will take your daughters to be confectionaries, … and he will take your fields, and your vineyards, … and he will take the tenth of your seed, and of your vineyards… and he will take your menservants, and your maidservants, and … he will take the tenth of your sheep: and ye shall be his servants.”
Editor’s Introduction

In the First Book of Samuel in the Old Testament the tribal elder and seer Samuel is asked by the people to appoint a King over them so they can be like other nations - “That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.”. What had been up until that time a decentralized system of government with highly regarded individuals taking the role of seer, prophet, judge, and military commander, often on a temporary basis, was on the verge of becoming a more centralized state with a permanent and professional monarchy and military command structure. In a “republican” account of this story we see Samuel warning the people that they should be careful what they wish for, that if he appoints someone as King this king will eventually confiscate their property, conscript their sons and daughters, and impose a 10% tax on everything.

This is exactly what happens to the people of Israel as the new King Saul fights their rivals and enemies. Before he can fight the traditional enemies of Israel Saul has to unite the squabbling tribes which he does by threatening to slaughter the oxen of any tribe which refuses to submit to his rule. He views any refusal as a form of rebellion which he compares to “the sin of witchcraft” and which would not be tolerated. Once the tribes were united behind him Saul wages war against Moab, Ammon, Edom, Zobah, but particularly against the Philistines and the Amalekites. After much mutual slaughter and plundering (there are accounts of 8 battles in this Book) the unification of Israel under one king was close to being achieved. One last battle had to be waged against the Amelikites in order to finally destroy the enemies of Israel.

Samuel tells King Saul that God’s command was to wipe out the entire Amelikite people in an act of revenge for what they had done to the Israelites when they fled Egypt, to “utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass,” including the King Agag. In a moment of weakness or conscience Saul spares the lives of King Agag and “the best” of the livestock. For this he is denounced as a rebel and a sinner, and Samuel himself “hewed Agag in pieces” and then turned his back on King Saul.

“And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots. And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your sheep: and ye shall be his servants. And ye shall cry out in that day because of your king which ye shall have chosen you; and the Lord will not hear you in that day.”
First Samuel 8-15 (c. 1,000 BC)\(^1\)

8

1 And it came to pass, when Samuel was old, that he made his sons judges over Israel.

2 Now the name of his firstborn was Joel; and the name of his second, Abiah: they were judges in Beer-sheba.

3 And his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgment.

4 Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah,

5 And said unto him, Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations.

6 But the thing displeased Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the Lord.

7 And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them.

8 According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other gods, so do they also unto thee.

9 Now therefore hearken unto their voice: howbeit yet protest solemnly unto them, and shew them the manner of the king that shall reign over them.

10 And Samuel told all the words of the Lord unto the people that asked of him a king.

11 And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots.

12 And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.

13 And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants.

14 And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.

15 And he will take the tenth of your sheep: and ye shall be his servants.

16 He will take the tenth of your sheep: and ye shall be his servants.

18 And ye shall cry out in that day because of your king which ye have chosen you; and the Lord will not hear you in that day.

“And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work.”

19 Nevertheless the people refused to obey the voice of Samuel; and they said, Nay; but we will have a king over us;

20 That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.

21 And Samuel heard all the words of the people, and he rehearsed them in the ears of the Lord.

\(^1\) The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version (Oxford University Press, 1885); The First Book of Samuel. Chapters 8-15. <oll.libertyfund.org/titles/2021>
22 And the Lord said to Samuel, Hearken unto their voice, and make them a king. And Samuel said unto the men of Israel, Go ye every man unto his city.

“That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.”

9

1 Now there was a man of Benjamin, whose name was Kish, the son of Abiel, the son of Zeror, the son of Bechorath, the son of Aphiah, a Benjamite, a mighty man of power.

2 And he had a son, whose name was Saul, a choice young man, and a goodly: and there was not among the children of Israel a goodlier person than he: from his shoulders and upward he was higher than any of the people.

3 And the asses of Kish Saul’s father were lost. And Kish said to Saul his son, Take now one of the servants with thee, and arise, go seek the asses.

4 And he passed through mount Ephraim, and passed through the land of Shalisha, but they found them not: then they passed through the land of Shalim, and there they were not: and he passed through the land of the Benjamites, but they found them not.

5 And when they were come to the land of Zuph, Saul said to his servant that was with him, Come, and let us return; lest my father leave caring for the asses, and take thought for us.

6 And he said unto him, Behold, now, there is in this city a man of God, and he is an honourable man; all that he saith cometh surely to pass: now let us go thither; peradventure he can shew us our way that we should go.

7 Then said Saul to his servant, But, behold, if we go, what shall we bring the man? for the bread is spent in our vessels, and there is not a present to bring to the man of God: what have we?

8 And the servant answered Saul again, and said, Behold, I have here at hand the fourth part of a shekel of silver: that will I give to the man of God, to tell us our way.

9 (Beforetime in Israel, when a man went to enquire of God, thus he spake; Come, and let us go to the seer: for he that is now called a Prophet was beforetime called a Seer.)

10 Then said Saul to his servant, Well said; come, let us go. So they went unto the city where the man of God was.

11 And as they went up the hill to the city, they found young maidens going out to draw water, and said unto them, Is the seer here?

12 And they answered them, and said, He is; behold, he is before you: make haste now, for he came to day to the city; for there is a sacrifice of the people to day in the high place:

13 As soon as ye be come into the city, ye shall straightway find him, before he go up to the high place to eat: for the people will not eat until he come, because he doth bless the sacrifice; and afterwards they eat that be bidden. Now therefore get you up; for about this time ye shall find him.

14 And they went up into the city: and when they were come into the city, behold, Samuel came out against them, for to go up to the high place.

15 Now the Lord had told Samuel in his ear a day before Saul came, saying,

16 To morrow about this time I will send thee a man out of the land of Benjamin, and thou shalt anoint him to be captain over my people Israel, that he may save my people out of the hand of the Philistines: for I have looked upon my people, because their cry is come unto me.

17 And when Samuel saw Saul, the Lord said unto him, Behold the man whom I spake to thee of! this same shall reign over my people.

18 Then Saul drew near to Samuel in the gate, and said, Tell me, I pray thee, where the seer’s house is.

19 And Samuel answered Saul, and said, I am the seer: go up before me unto the high place; for ye shall eat with me to day, and to morrow I will let thee go, and will tell thee all that is in thine heart.

20 And as for thine ass that were lost three days ago, set not thy mind on it; for they are found. And on whom is all the desire of Israel? Is it not on thee, and on all thy father’s house?

21 And Saul answered and said, Am not I a Benjamite, of the smallest of the tribes of Israel? and my family the least of all the families of the tribe of Benjamin? wherefore then speakest thou so to me?

22 And Samuel took Saul and his servant, and brought them into the parlour, and made them sit in
the chiefest place among them that were bidden, which were about thirty persons.

23 And Samuel said unto the cook, Bring the portion which I gave thee, of which I said unto thee, Set it by thee.

24 And the cook took up the shoulder, and that which was upon it, and set it before Saul. And Samuel said, Behold that which is left! set it before thee, and eat: for unto this time hath it been kept for thee since I said, I have invited the people. So Saul did eat with Samuel that day.

25 And when they were come down from the high place into the city, Samuel communed with Saul upon the top of the house.

26 And they arose early: and it came to pass about the spring of the day, that Samuel called Saul to the top of the house, saying, Up, that I may send thee away. And Saul arose, and they went out both of them, he and Samuel, abroad.

27 And as they were going down to the end of the city, Samuel said to Saul, Bid the servant pass on before us, (and he passed on,) but stand thou still a while, that I may shew thee the word of God.

10

1 Then Samuel took a vial of oil, and poured it upon his head, and kissed him, and said, Is it not because the Lord hath anointed thee to be captain over his inheritance?

2 When thou art departed from me to day, then thou shalt find two men by Rachel’s sepulchre in the border of Benjamin at Zelzah; and they will say unto thee, The asses which thou wentest to seek are found: and, lo, thy father hath left the care of the asses, and sorroweth for you, saying, What shall I do for my son?

3 Then shalt thou go on forward from thence, and thou shalt come to the plain of Tabor, and there shall meet thee three men going up to God to Beth-el, one carrying three kids, and another carrying three loaves of bread, and another carrying a bottle of wine:

4 And they will salute thee, and give thee two loaves of bread; which thou shalt receive of their hands.

5 After that thou shalt come to the hill of God, where is the garrison of the Philistines: and it shall come to pass, when thou art come thither to the city, that thou shalt meet a company of prophets coming down from the high place with a psaltery, and a tabret, and a pipe, and a harp, before them; and they shall prophesy:

6 And the Spirit of the Lord will come upon thee, and thou shalt prophesy with them, and shalt be turned into another man.

7 And let it be, when these signs are come unto thee, that thou do as occasion serve thee; for God is with thee.

“Then Samuel took a vial of oil, and poured it upon his head, and kissed him, and said, Is it not because the Lord hath anointed thee to be captain over his inheritance?”

8 And thou shalt go down before me to Gilgal; and, behold, I will come down unto thee, to offer burnt offerings, and to sacrifice sacrifices of peace offerings: seven days shalt thou tarry, till I come to thee, and shew thee what thou shalt do.

9 And it was so, that when he had turned his back to go from Samuel, God gave him another heart: and all those signs came to pass that day.

10 And when they came thither to the hill, behold, a company of prophets met him; and the Spirit of God came upon him, and he prophesied among them.

11 And it came to pass, when all that knew him beforetime saw that, behold, he prophesied among the prophets, then the people said one to another, What is this that is come unto the son of Kish? Is Saul also among the prophets?

12 And one of the same place answered and said, But who is their father? Therefore it became a proverb, Is Saul also among the prophets?

13 And when he had made an end of prophesying, he came to the high place.

14 And Saul’s uncle said unto him and to his servant, Whither went ye? And he said, To seek the asses: and when we saw that they were no where, we came to Samuel.

15 And Saul’s uncle said, Tell me, I pray thee, what Samuel said unto you.

16 And Saul said unto his uncle, He told us plainly that the asses were found. But of the matter of the kingdom, whereof Samuel spake, he told him not.
17 And Samuel called the people together unto the Lord to Mizpeh;
18 And said unto the children of Israel, Thus saith the Lord God of Israel, I brought up Israel out of Egypt, and delivered you out of the hand of the Egyptians, and out of the hand of all kingdoms, and of them that oppressed you:

“And ye have this day rejected your God, who himself saved you out of all your adversities and your tribulations; and ye have said unto him, Nay, but set a king over us. Now therefore present yourselves before the Lord by your tribes, and by your thousands... And they ran and fetched him thence: and when he stood among the people, he was higher than any of the people from his shoulders and upward. And Samuel said to all the people, See ye him whom the Lord hath chosen, that there is none like him among all the people? And all the people shouted, and said, God save the king.”

19 And ye have this day rejected your God, who himself saved you out of all your adversities and your tribulations; and ye have said unto him, Nay, but set a king over us. Now therefore present yourselves before the Lord by your tribes, and by your thousands.
20 And when Samuel had caused all the tribes of Israel to come near, the tribe of Benjamin was taken.
21 When he had caused the tribe of Benjamin to come near by their families, the family of Matri was taken, and Saul the son of Kish was taken: and when they sought him, he could not be found.
22 Therefore they enquired of the Lord further, if the man should yet come thither. And the Lord answered, Behold, he hath hid himself among the stuff.

23 And they ran and fetched him thence: and when he stood among the people, he was higher than any of the people from his shoulders and upward.
24 And Samuel said to all the people, See ye him whom the Lord hath chosen, that there is none like him among all the people? And all the people shouted, and said, God save the king.
25 Then Samuel told the people the manner of the kingdom, and wrote it in a book, and laid it up before the Lord. And Samuel sent all the people away, every man to his house.

26 And Saul also went home to Gibeah; and there went with him a band of men, whose hearts God had touched.
27 But the children of Belial said, How shall this man save us? And they despised him, and brought him no presents. But he held his peace.

“And Samuel said to all the people, See ye him whom the Lord hath chosen, that there is none like him among all the people? And all the people shouted, and said, God save the king.”

11

1 Then Nahash the Ammonite came up, and encamped against Jabesh-gilead: and all the men of Jabesh said unto Nahash, Make a covenant with us, and we will serve thee.
2 And Nahash the Ammonite answered them, On this condition will I make a covenant with you, that I may thrust out all your right eyes, and lay it for a reproach upon all Israel.
3 And the elders of Jabesh said unto him, Give us seven days’ respite, that we may send messengers unto all the coasts of Israel: and then, if there be no man to save us, we will come out to thee.
4 Then came the messengers to Gibeah of Saul, and told the tidings in the ears of the people: and all the people lifted up their voices, and wept.
5 And, behold, Saul came after the herd out of the field; and Saul said, What aileth the people that they weep? And they told him the tidings of the men of Jabesh.
6 And the Spirit of God came upon Saul when he heard those tidings, and his anger was kindled greatly.

7 And he took a yoke of oxen, and hewed them in pieces, and sent them throughout all the coasts of Israel by the hands of messengers, saying, Whosoever cometh not forth after Saul and after Samuel, so shall it be done unto his oxen. And the fear of the Lord fell on the people, and they came out with one consent.

“And he (Saul) took a yoke of oxen, and hewed them in pieces, and sent them throughout all the coasts of Israel by the hands of messengers, saying, Whosoever cometh not forth after Saul and after Samuel, so shall it be done unto his oxen. And the fear of the Lord fell on the people, and they came out with one consent.”

8 And when he numbered them in Bezek, the children of Israel were three hundred thousand, and the men of Judah thirty thousand.

9 And they said unto the messengers that came, Thus shall ye say unto the men of Jabesh-gilead, To morrow, by that time the sun be hot, ye shall have help. And the messengers came and shewed it to the men of Jabesh; and they were glad.

10 Therefore the men of Jabesh said, To morrow we will come out unto you, and ye shall do with us all that seemeth good unto you.

11 And it was so on the morrow, that Saul put the people in three companies; and they came into the midst of the host in the morning watch, and slew the Ammonites until the heat of the day: and it came to pass, that they which remained were scattered, so that two of them were not left together.

12 And the people said unto Samuel, Who is he that said, Shall Saul reign over us? bring the men, that we may put them to death.

13 And Saul said, There shall not a man be put to death this day: for to day the Lord hath wrought salvation in Israel.

14 Then said Samuel to the people, Come, and let us go to Gilgal, and renew the kingdom there.

15 And all the people went to Gilgal; and there they made Saul king before the Lord in Gilgal; and there they sacrificed sacrifices of peace offerings before the Lord; and there Saul and all the men of Israel rejoiced greatly.

12

1 And Samuel said unto all Israel, Behold, I have hearkened unto your voice in all that ye said unto me, and have made a king over you.

2 And now, behold, the king walketh before you: and I am old and grayheaded; and, behold, my sons are with you: and I have walked before you from my childhood unto this day.

3 Behold, here I am: witness against me before the Lord, and before his anointed: whose ox have I taken? or whose ass have I taken? or whom have I defrauded? whom have I oppressed? or of whose hand have I received any bribe to blind mine eyes therewith? and I will restore it you.

4 And they said, Thou hast not defrauded us, nor oppressed us, neither hast thou taken ought of any man’s hand.

5 And he said unto them, The Lord is witness against you, and his anointed is witness this day, that ye have not found ought in my hand. And they answered, He is witness.

6 And Samuel said unto the people, It is the Lord that advanced Moses and Aaron, and that brought your fathers up out of the land of Egypt.

7 Now therefore stand still, that I may reason with you before the Lord of all the righteous acts of the Lord, which he did to you and to your fathers.

8 When Jacob was come into Egypt, and your fathers cried unto the Lord, then the Lord sent Moses and Aaron, which brought forth your fathers out of Egypt, and made them dwell in this place.

9 And when they forgat the Lord their God, he sold them into the hand of Sisera, captain of the host of Hazor, and into the hand of the Philistines, and into the hand of the king of Moab, and they fought against them.

10 And they cried unto the Lord, and said, We have sinned, because we have forsaken the Lord, and have served Baalim and Ashtaroth: but now deliver us out of the hand of our enemies, and we will serve thee.
11 And the Lord sent Jerubbaal, and Bedan, and Jephthah, and Samuel, and delivered you out of the hand of your enemies on every side, and ye dwelled safe.
12 And when ye saw that Nahash the king of the children of Ammon came against you, ye said unto me, Nay; but a king shall reign over us: when the Lord your God was your king.
13 Now therefore behold the king whom ye have chosen, and whom ye have desired! and, behold, the Lord hath set a king over you.
14 If ye will fear the Lord, and serve him, and obey his voice, and not rebel against the commandment of the Lord, then shall both ye and also the king that reigneth over you continue following the Lord your God: But if ye will not obey the voice of the Lord, but rebel against the commandment of the Lord, then shall the hand of the Lord be against you, as it was against your fathers."

19 And all the people said unto Samuel, Pray for thy servants unto the Lord thy God, that we die not: for we have added unto all our sins this evil, to ask us a king.
20 And Samuel said unto the people, Fear not: ye have done all this wickedness: yet turn not aside from following the Lord, but serve the Lord with all your heart;
21 And turn ye not aside: for then should ye go after vain things, which cannot profit nor deliver; for they are vain.
22 For the Lord will not forsake his people for his great name’s sake: because it hath pleased the Lord to make you his people.
23 Moreover as for me, God forbid that I should sin against the Lord in ceasing to pray for you: but I will teach you the good and the right way:
24 Only fear the Lord, and serve him in truth with all your heart: for consider how great things he hath done for you.
25 But if ye shall still do wickedly, ye shall be consumed, both ye and your king.

13

1 Saul reigned one year; and when he had reigned two years over Israel,
2 Saul chose him three thousand men of Israel; whereof two thousand were with Saul in Michmash and in mount Beth-el, and a thousand were with Jonathan in Gibeah of Benjamin: and the rest of the people he sent every man to his tent.
3 And Jonathan smote the garrison of the Philistines that was in Geba, and the Philistines heard of it. And Saul blew the trumpet throughout all the land, saying, Let the Hebrews hear.
4 And all Israel heard say that Saul had smitten a garrison of the Philistines, and that Israel also was had in abomination with the Philistines. And the people were called together after Saul to Gilgal.
5 And the Philistines gathered themselves together
to fight with Israel, thirty thousand chariots, and six
thousand horsemen, and people as the sand which is
on the sea shore in multitude: and they came up, and
pitched in Michmash, eastward from Beth-aven.

6 When the men of Israel saw that they were in a
strait, (for the people were distressed,) then the people
did hide themselves in caves, and in thickets, and in
rocks, and in high places, and in pits.

7 And some of the Hebrews went over Jordan to
the land of Gad and Gilead. As for Saul, he was yet in
Gilgal, and all the people followed him trembling.

8 And he tarried seven days, according to the set
time that Samuel had appointed: but Samuel came not
to Gilgal, and the people were scattered from him.

9 And Saul said, Bring hither a burnt offering to
me, and peace offerings. And he offered the burnt
offering.

10 And it came to pass, that as soon as he had
made an end of offering the burnt offering, behold,
Samuel came; and Saul went out to meet him, that he
might salute him.

11 And Samuel said, What hast thou done? And
Saul said, Because I saw that the people were scattered
from me, and that thou camest not within the days
appointed, and that the Philistines gathered themselves
together at Michmash;

12 Therefore said I, The Philistines will come
down now upon me to Gilgal, and I have not made
supplication unto the Lord: I forced myself therefore,
and offered a burnt offering.

13 And Samuel said to Saul, Thou hast done
foolishly: thou hast not kept the commandment of the
Lord thy God, which he commanded thee: for now
would the Lord have established thy kingdom upon
Israel for ever.

14 But now thy kingdom shall not continue: the
Lord hath sought him a man after his own heart, and
the Lord hath commanded him to be captain over his
people, because thou hast not kept that which the Lord
commanded thee.

15 And Samuel arose, and gat him up from Gilgal
unto Gibeah of Benjamin. And Saul numbered the
people that were present with him, about six hundred
men.

16 And Saul, and Jonathan his son, and the people
that were present with them, abode in Gibeah of
Benjamin: but the Philistines encamped in Michmash.

17 And the spoilers came out of the camp of the
Philistines in three companies: one company turned
unto the way that leadeth to Ophrah, unto the land of
Shual:

18 And another company turned the way to Beth-
horon: and another company turned to the way of the
border that looketh to the valley of Zeboim toward the
wilderness.

19 Now there was no smith found throughout all
the land of Israel: for the Philistines said, Lest the
Hebrews make them swords or spears:

20 But all the Israelites went down to the
Philistines, to sharpen every man his share, and his
coulter, and his axe, and his mattock.

21 Yet they had a file for the mattocks, and for the
coulters, and for the forks, and for the axes, and to
sharpen the goads.

22 So it came to pass in the day of battle, that
there was neither sword nor spear found in the hand of
any of the people that were with Saul and Jonathan:
but with Saul and with Jonathan his son was there
found.

23 And the garrison of the Philistines went out to
the passage of Michmash.

14

1 Now it came to pass upon a day, that Jonathan
the son of Saul said unto the young man that bare his
armour, Come, and let us go over to the Philistines'
garrison, that is on the other side. But he told not his
father.

2 And Saul tarried in the uttermost part of Gibeah
under a pomegranate tree which is in Migron: and the
people that were with him were about six hundred
men;

3 And Ahiah, the son of Ahitub, Ichabod's
brother, the son of Phinehas, the son of Eli, the Lord's
priest in Shiloh, wearing an ephod. And the people
knew not that Jonathan was gone.

4 And between the passages, by which Jonathan
sought to go over unto the Philistines' garrison, there
was a sharp rock on the one side, and a sharp rock on
the other side: and the name of the one was Bozez, and
the name of the other Seneh.

5 The forefront of the one was situate northward
over against Michmash, and the other southward over
against Gibeah.
6 And Jonathan said to the young man that bare his armour, Come, and let us go over unto the garrison of these uncircumcised: it may be that the Lord will work for us: for there is no restraint to the Lord to save by many or by few.

7 And his armourbearer said unto him, Do all that is in thine heart: turn thee; behold, I am with thee according to thy heart.

8 Then said Jonathan, Behold, we will pass over unto these men, and we will discover ourselves unto them.

9 If they say thus unto us, Tarry until we come to you; then we will stand still in our place, and will not go up unto them.

10 But if they say thus, Come up unto us; then we will go up: for the Lord hath delivered them into our hand: and this shall be a sign unto us.

11 And both of them discovered themselves unto the garrison of the Philistines: and the Philistines said, Behold, the Hebrews come forth out of the holes where they had hid themselves.

12 And the men of the garrison answered Jonathan and his armourbearer, and said, Come up to us, and we will shew you a thing. And Jonathan said unto his armourbearer, Come up after me: for the Lord hath delivered them into the hand of Israel.

13 And Jonathan climbed up upon his hands and upon his feet, and his armourbearer after him: and they fell before Jonathan; and his armourbearer slew after him.

14 And that first slaughter, which Jonathan and his armourbearer made, was about twenty men, within as it were an half acre of land, which a yoke of oxen might plow.

15 And there was trembling in the host, in the field, and among all the people: the garrison, and the spoilers, they also trembled, and the earth quaked: so it was a very great trembling.

16 And the watchmen of Saul in Gibeah of Benjamin looked; and, behold, the multitude melted away, and they went on beating down one another.

17 Then said Saul unto the people that were with him, Number now, and see who is gone from us. And when they had numbered, behold, Jonathan and his armourbearer were not there.

18 And Saul said unto Ahiah, Bring hither the ark of God. For the ark of God was at that time with the children of Israel.

“And Jonathan climbed up upon his hands and upon his feet, and his armourbearer after him: and they fell before Jonathan; and his armourbearer slew after him. And that first slaughter, which Jonathan and his armourbearer made, was about twenty men, within as it were an half acre of land, which a yoke of oxen might plow.”

19 And it came to pass, while Saul talked unto the priest, that the noise that was in the host of the Philistines went on and increased: and Saul said unto the priest, Withdraw thine hand.

20 And Saul and all the people that were with him assembled themselves, and they came to the battle: and, behold, every man's sword was against his fellow, and there was a very great discomfiture.

21 Moreover the Hebrews that were with the Philistines before that time, which went up with them into the camp from the country round about, even they also turned to be with the Israelites that were with Saul and Jonathan.

22 Likewise all the men of Israel which had hid themselves in mount Ephraim, when they heard that the Philistines fled, even they also followed hard after them in the battle.

23 So the Lord saved Israel that day: and the battle passed over unto Beth-aven.

24 And the men of Israel were distressed that day: for Saul had adjured the people, saying, Cursed be the man that eateth any food until evening, that I may be avenged on mine enemies. So none of the people tasted any food.

25 And all they of the land came to a wood; and there was honey upon the ground.

26 And when the people were come into the wood, behold, the honey dropped; but no man put his hand to his mouth: for the people feared the oath.

27 But Jonathan heard not when his father charged the people with the oath: wherefore he put forth the end of the rod that was in his hand, and
dipped it in an honeycomb, and put his hand to his mouth; and his eyes were enlightened.

28 Then answered one of the people, and said, Thy father straitly charged the people with an oath, saying, Cursed be the man that eateth any food this day. And the people were faint.

29 Then said Jonathan, My father hath troubled the land: see, I pray you, how mine eyes have been enlightened, because I tasted a little of this honey.

30 How much more, if haply the people had eaten freely to day of the spoil of their enemies which they found? for had there not been now a much greater slaughter among the Philistines?

“And they smote the Philistines that day from Michmash to Aijalon: and the people were very faint. And the people flew upon the spoil, and took sheep, and oxen, and calves, and slew them on the ground: and the people did eat them with the blood.”

31 And they smote the Philistines that day from Michmash to Aijalon: and the people were very faint.

32 And the people flew upon the spoil, and took sheep, and oxen, and calves, and slew them on the ground: and the people did eat them with the blood.

33 Then they told Saul, saying, Behold, the people sin against the Lord, in that they eat with the blood. And he said, Ye have transgressed: roll a great stone unto me this day.

34 And Saul said, Let us go down after the Philistines by night, and spoil them until the morning light, and let us not leave a man of them. And they said, Do whatsoever seemeth good unto thee. Then said the priest, Let us draw near hither unto God.

35 And Saul asked counsel of God, Shall I go down after the Philistines? wilt thou deliver them into the hand of Israel? But he answered him not that day.

36 And Saul said, Draw ye near hither, all the chief of the people: and know and see wherein this sin hath been this day.

37 For, as the Lord liveth, which saveth Israel, though it be in Jonathan my son, he shall surely die. But there was not a man among all the people that answered him.

38 Then said he unto all Israel, Be ye on one side, and I and Jonathan my son will be on the other side. And the people said unto Saul, Do what seemeth good unto thee.

39 Therefore Saul said unto the Lord God of Israel, Give a perfect lot. And Saul and Jonathan were taken: but the people escaped.

40 Then said Saul to Jonathan, Tell me what thou hast done. And Jonathan told him, and said, I did but taste a little honey with the end of the rod that was in mine hand, and, lo, I must die.

41 And Saul said, God do so and more also: for thou shalt surely die, Jonathan.

42 And the people said unto Saul, Shall Jonathan die, who hath wrought this great salvation in Israel? God forbid: as the Lord liveth, there shall not one hair of his head fall to the ground; for he hath wrought with God this day. So the people rescued Jonathan, that he died not.

43 Then Saul went up from following the Philistines: and the Philistines went to their own place.

44 And Saul took the kingdom over Israel, and fought against all his enemies on every side, against Moab, and against the children of Ammon, and against Edom, and against the kings of Zobah, and against the Philistines: and whithersoever he turned himself, he vexed them.
48 And he gathered an host, and smote the Amalekites, and delivered Israel out of the hands of them that spoiled them.

49 Now the sons of Saul were Jonathan, and Ishui, and Melchi-shua: and the names of his two daughters were these, the name of the firstborn Merab, and the name of the younger Michal:

50 And the name of Saul's wife was Ahinoam, the daughter of Ahimaaz: and the name of the captain of his host was Abner, the son of Ner, Saul's uncle.

51 And Kish was the father of Saul; and Ner the father of Abner was the son of Abiel.

52 And there was sore war against the Philistines all the days of Saul: and when Saul saw any strong man, or any valiant man, he took him unto him.

15 Samuel also said unto Saul, The Lord sent me to anoint thee to be king over his people, over Israel: now therefore hearken thou unto the voice of the words of the Lord.

2 Thus saith the Lord of hosts, I remember that which Amalek did to Israel, how he laid wait for him in the way, when he came up from Egypt.

3 Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.

“now therefore hearken thou unto the voice of the words of the Lord... Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.”

4 And Saul gathered the people together, and numbered them in Telaim, two hundred thousand footmen, and ten thousand men of Judah.

5 And Saul came to a city of Amalek, and laid wait in the valley.

6 And Saul said unto the Kenites, Go, depart, get you down from among the Amalekites, lest I destroy you with them: for ye shewed kindness to all the children of Israel, when they came up out of Egypt. So the Kenites departed from among the Amalekites.

7 And Saul smote the Amalekites from Havilah until thou comest to Shur, that is over against Egypt.

8 And he took Agag the king of the Amalekites alive, and utterly destroyed all the people with the edge of the sword.

9 But Saul and the people spared Agag, and the best of the sheep, and of the oxen, and of the fatlings, and the lambs, and all that was good, and would not utterly destroy them: but every thing that was vile and refuse, that they destroyed utterly.

10 Then came the word of the Lord unto Samuel, saying,

11 It repenteth me that I have set up Saul to be king: for he is turned back from following me, and hath not performed my commandments. And it grieved Samuel; and he cried unto the Lord all night.

12 And when Samuel rose early to meet Saul in the morning, it was told Samuel, saying, Saul came to Carmel, and, behold, he set him up a place, and is gone about, and passed on, and gone down to Gilgal.

13 And Samuel came to Saul: and Saul said unto him, Blessed be thou of the Lord: I have performed the commandment of the Lord.

14 And Samuel said, What meaneth then this bleating of the sheep in mine ears, and the lowing of the oxen which I hear?

15 And Saul said unto Samuel, They have brought them from the Amalekites: for the people spared the best of the sheep and of the oxen, to sacrifice unto the Lord thy God; and the rest we have utterly destroyed.

16 Then Samuel said unto Saul, Stay, and I will tell thee what the Lord hath said to me this night. And he said unto him, Say on.

17 And Samuel said, When thou wast little in thine own sight, wast thou not made the head of the tribes of Israel, and the Lord anointed thee king over Israel?

18 And the Lord sent thee on a journey, and said, Go and utterly destroy the sinners the Amalekites, and fight against them until they be consumed.

19 Wherefore then didst thou not obey the voice of the Lord, but didst fly upon the spoil, and didst evil in the sight of the Lord?

20 And Saul said unto Samuel, Yea, I have obeyed the voice of the Lord, and have gone the way which the Lord sent me, and have brought Agag the king of Amalek, and have utterly destroyed the Amalekites.
21 But the people took of the spoil, sheep and oxen, the chief of the things which should have been utterly destroyed, to sacrifice unto the Lord thy God in Gilgal.

22 And Samuel said, Hath the Lord as great delight in burnt offerings and sacrifices, as in obeying the voice of the Lord? Behold, to obey is better than sacrifice, and to hearken than the fat of rams.

23 For rebellion is as the sin of witchcraft, and stubbornness is as iniquity and idolatry. Because thou hast rejected the word of the Lord, he hath also rejected thee from being king.

“Behold, to obey is better than sacrifice, and to hearken than the fat of rams. For rebellion is as the sin of witchcraft, and stubbornness is as iniquity and idolatry. Because thou hast rejected the word of the Lord, he hath also rejected thee from being king.”

24 And Saul said unto Samuel, I have sinned: for I have transgressed the commandment of the Lord, and thy words: because I feared the people, and obeyed their voice.

25 Now therefore, I pray thee, pardon my sin, and turn again with me, that I may worship the Lord thy God.

26 And Samuel said unto Saul, I will not return with thee: for thou hast rejected the word of the Lord, and the Lord hath rejected thee from being king over Israel.

27 And as Samuel turned about to go away, he laid hold upon the skirt of his mantle, and it rent.

28 And Samuel said unto him, The Lord hath rent the kingdom of Israel from thee this day, and hath given it to a neighbour of thine, that is better than thou.

29 And also the Strength of Israel will not lie nor repent: for he is not a man, that he should repent.

30 Then he said, I have sinned: yet honour me now, I pray thee, before the elders of my people, and before Israel, and turn again with me, that I may worship the Lord thy God.

31 So Samuel turned again after Saul; and Saul worshipped the Lord.

32 Then said Samuel, Bring ye hither to me Agag the king of the Amalekites. And Agag came unto him delicately. And Agag said, Surely the bitterness of death is past.

33 And Samuel said, As thy sword hath made women childless, so shall thy mother be childless among women. And Samuel hewed Agag in pieces before the Lord in Gilgal.

“Then said Samuel, Bring ye hither to me Agag the king of the Amalekites. And Agag came unto him delicately. And Agag said, Surely the bitterness of death is past. And Samuel said, As thy sword hath made women childless, so shall thy mother be childless among women. And Samuel hewed Agag in pieces before the Lord in Gilgal.”

34 Then Samuel went to Ramah; and Saul went up to his house to Gibeah of Saul.

35 And Samuel came no more to see Saul until the day of his death: nevertheless Samuel mourned for Saul: and the Lord repented that he had made Saul king over Israel.

Further Information

SOURCE

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FURTHER READING
Other works on Religion <oll.libertyfund.org/groups/54>.
“I should like merely to understand how it happens that so many men, so many villages, so many cities, so many nations, sometimes suffer under a single tyrant who has no other power than the power they give him.”
Editor’s Introduction

Estienne de la Boétie (1530-1563) was a precocious lawyer, translator, poet, and essayist who was born in Sarlat in southwest France. He was appointed to the Bourdeaux Parlement and worked as a judge and diplomat until his death at the age of 32. Boétie was best known as a friend of Montaigne and for his translations of Xenophon and Plutarch. While still a student at the University of Orléans he wrote the essay "The Discourse of Voluntary Servitude" (written c. 1552-53) which was not published in his lifetime because of its radical content.

We know that copies of Boétie’s manuscript circulated privately but Montaigne, who inherited Boétie’s papers, was reluctant to publish it. Nevertheless, it did appear in print in various forms and was popular among radical groups during the French Revolution and the 19th century when it appeared in several editions. Scholars still argue about its authorship, the main issue being the extent to which Montaigne influenced its composition and the problem of its content not being consistent with the career followed by Boétie as a judge and officer of the state.

The full title of the essay is Discours de la servitude volontaire, ou le Contr’un (Discourse on Voluntary Servitude, or the Nay-Sayer). The subtitle "contr’un" is hard to translate but it provides a key to the meaning of the pamphlet: someone who stands up and refuses to submit to the will of the tyrant. Thus, "nay-sayer" or, to borrow a Russian word, a "refusenik," would be appropriate words to use. Boétie asks one of the most profound questions of political theory, why does the majority obey the commands of the small minority of people who run the state? His answer is that custom, education, state propaganda, and the promise of some material benefits encourage people to obey and to accept the legitimacy of their ruler. Boétie's solution to the problem of a tyrannous government is for the majority to "just say no", or in other words to withdraw their consent and become a political "nay-sayer".

In the course of his discussion Boétie also describes the pyramid-like structure of the small group of people who benefit most from their privileged access to the state. It is an early form of a classical liberal class analysis of the state.

“Custom becomes the first reason for voluntary servitude. Men are like handsome race horses who first bite the bit and later like it, and rearing under the saddle a while soon learn to enjoy displaying their harness and prance proudly beneath their trappings. Similarly men will grow accustomed to the idea that they have always been in subjection, that their fathers lived in the same way; they will think they are obliged to suffer this evil, and will persuade themselves by example and imitation of others, finally investing those who order them around with proprietary rights, based on the idea that it has always been that way.”
The Discourse of Voluntary Servitude
(1552-53)²

PART I.

I see no good in having several lords;
Let one alone be master, let one alone be king.

These words Homer puts in the mouth of Ulysses, [1] as he addresses the people. If he had said nothing further than "I see no good in having several lords," it would have been well spoken. For the sake of logic he should have maintained that the rule of several could not be good since the power of one man alone, as soon as he acquires the title of master, becomes abusive and unreasonable. Instead he declared what seems preposterous: "Let one alone be master, let one alone be king." We must not be critical of Ulysses, who at the moment was perhaps obliged to speak these words in order to quell a mutiny in the army, for this reason, in my opinion, choosing language to meet the emergency rather than the truth. Yet, in the light of reason, it is a great misfortune to be at the beck and call of one master, for it is impossible to be sure that he is going to be kind, since it is always in his power to be cruel whenever he pleases. As for having several masters, according to the number one has, it amounts to being that many times unfortunate. Although I do not wish at this time to discuss this much debated question, namely whether other types of government are preferable to monarchy,[2] still I should like to know, before casting doubt on the place that monarchy should occupy among commonwealths, whether or not it belongs to such a group, since it is hard to believe that there is anything of common wealth in a country where everything belongs to one master. This question, however, can remain for another time and would really require a separate treatment involving by its very nature all sorts of political discussion.

"For the present I should like merely to understand how it happens that so many men, so many villages, so many cities, so many nations, sometimes suffer under a single tyrant who has no other power than the power they give him; who is able to harm them only to the extent to which they have the willingness to bear with him."

For the present I should like merely to understand how it happens that so many men, so many villages, so many cities, so many nations, sometimes suffer under a single tyrant who has no other power than the power they give him; who is able to harm them only to the extent to which they have the willingness to bear with him; who could do them absolutely no injury unless they preferred to put up with him rather than contradict him. Surely a striking situation! Yet it is so common that one must grieve the more and wonder the less at the spectacle of a million men serving in wretchedness, their necks under the yoke, not constrained by a greater multitude than they, but simply, it would seem, delighted and charmed by the name of one man alone whose power they need not fear, for he is evidently the one person whose qualities they cannot admire because of his inhumanity and brutality toward them. A weakness characteristic of human kind is that we often have to obey force; we have to make concessions; we ourselves cannot always be the stronger. Therefore, when a nation is constrained by the fortune of war to serve a single clique, as happened when the city of Athens served the thirty Tyrants,[3] one should not be amazed that the nation obeys, but simply be grieved by the situation; or rather, instead of being amazed or saddened, consider patiently the evil and look forward hopefully toward a happier future.

Our nature is such that the common duties of human relationship occupy a great part of the course of our life. It is reasonable to love virtue, to esteem good deeds, to be grateful for good from whatever


This essay was written probably in 1552-53 and first published in 1576. A French edition can be found in Oeuvres complètes d’Estienne de la Boétie, publiées Avec Notice biographique, Variantes, Notes et Index par Paul Bonnefon (Paris: J. Rouam, 1892). <http://oll.libertyfund.org/titles/1147>.
source we may receive it, and, often, to give up some of our comfort in order to increase the honor and advantage of some man whom we love and who deserves it. Therefore, if the inhabitants of a country have found some great personage who has shown rare foresight in protecting them in an emergency, rare boldness in defending them, rare solicitude in governing them, and if, from that point on, they contract the habit of obeying him and depending on him to such an extent that they grant him certain prerogatives, I fear that such a procedure is not prudent, inasmuch as they remove him from a position in which he was doing good and advance him to a dignity in which he may do evil. Certainly while he continues to manifest good will one need fear no harm from a man who seems to be generally well disposed.

“What strange phenomenon is this? What name shall we give to it? What is the nature of this misfortune? What vice is it, or, rather, what degradation? To see an endless multitude of people not merely obeying, but driven to servility? Not ruled, but tyrannized over?”

But O good Lord! What strange phenomenon is this? What name shall we give to it? What is the nature of this misfortune? What vice is it, or, rather, what degradation? To see an endless multitude of people not merely obeying, but driven to servility? Not ruled, but tyrannized over? These wretches have no wealth, no kin, nor wife nor children, not even life itself that they can call their own. They suffer plundering, wantonness, cruelty; not from an army; not from a barbarian horde; on account of whom they must shed their blood and sacrifice their lives, but from a single man; not from a Hercules nor from a Samson, but from a single little man. Too frequently this same little man is the most cowardly and effeminate in the nation, a stranger to the powder of battle and hesitant on the sands of the tournament; not only without energy to direct men by force, but with hardly enough virility to bed with a common woman! Shall we call subjection to such a leader cowardice? Shall we say that those who serve him are cowardly and faint-hearted? If two, if three, if four, do not defend themselves from the one, we might call that circumstance surprising but nevertheless conceivable. In such a case one might be justified in suspecting a lack of courage. But if a hundred, if a thousand endure the caprice of a single man, should we not rather say that they lack not the courage but the desire to rise against him, and that such an attitude indicates indifference rather than cowardice? When not a hundred, not a thousand men, but a hundred provinces, a thousand cities, a million men, refuse to assail a single man from whom the kindest treatment received is the infliction of serfdom and slavery, what shall we call that? Is it cowardice? Of course there is in every vice inevitably some limit beyond which one cannot go. Two, possibly ten, may fear one; but when a thousand, a million men, a thousand cities, fail to protect themselves against the domination of one man, this cannot be called cowardly, for cowardice does not sink to such a depth, any more than valor can be termed the effort of one individual to scale a fortress, to attack an army, or to conquer a kingdom. What monstrous vice, then, is this which does not even deserve to be called cowardice, a vice for which no term can be found vile enough, which nature herself disavows and our tongues refuse to name?

Place on one side fifty thousand armed men, and on the other the same number; let them join in battle, one side fighting to retain its liberty, the other to take it away; to which would you, at a guess, promise victory? Which men do you think would march more gallantly to combat — those who anticipate as a reward for their suffering the maintenance of their freedom, or those who cannot expect any other prize for the blows exchanged than the enslavement of others? One side will have before its eyes the blessings of the past and the hope of similar joy in the future; their thoughts will dwell less on the comparatively brief pain of battle than on what they may have to endure forever, they, their children, and all their posterity. The other side has nothing to inspire it with courage except the weak urge of greed, which fades before danger and which can never be so keen, it seems to me, that it will not be dismayed by the least drop of blood from wounds. Consider the justly famous battles of Miltiades, Leonidas, Themistocles, still fresh today in recorded history and in the minds of men as if they had occurred but yesterday, battles fought in Greece for the welfare of the Greeks and as an example to the world. What power do you think gave to such a mere
handful of men not the strength but the courage to withstand the attack of a fleet so vast that even the seas were burdened, and to defeat the armies of so many nations, armies so immense that their officers alone outnumbered the entire Greek force? What was it but the fact that in those glorious days this struggle represented not so much a fight of Greeks against Persians as a victory of liberty over domination, of freedom over greed?

"Obviously there is no need of fighting to overcome this single tyrant, for he is automatically defeated if the country refuses consent to its own enslavement: it is not necessary to deprive him of anything, but simply to give him nothing."

It amazes us to hear accounts of the valor that liberty arouses in the hearts of those who defend it; but who could believe reports of what goes on every day among the inhabitants of some countries, who could really believe that one man alone may mistreat a hundred thousand and deprive them of their liberty? Who would credit such a report if he merely heard it, without being present to witness the event? And if this condition occurred only in distant lands and were reported to us, which one among us would not assume the tale to be imagined or invented, and not really true? Obviously there is no need of fighting to overcome this single tyrant, for he is automatically defeated if the country refuses consent to its own enslavement: it is not necessary to deprive him of anything, but simply to give him nothing; there is no need that the country make an effort to do anything for itself provided it does nothing against itself. It is therefore the inhabitants themselves who permit, or, rather, bring about, their own subjection, since by ceasing to submit they would put an end to their servitude. A people enslaves itself, cuts its own throat, when, having a choice between being vassals and being free men, it deserts its liberties and takes on the yoke, gives consent to its own misery, or, rather, apparently welcomes it. If it cost the people anything to recover its freedom, I should not urge action to this end, although there is nothing a human should hold more dear than the restoration of his own natural right, to change himself from a beast of burden back to a man, so to speak. I do not demand of him so much boldness; let him prefer the doubtful security of living wretchedly to the uncertain hope of living as he pleases. What then? If in order to have liberty nothing more is needed than to long for it, if only a simple act of the will is necessary, is there any nation in the world that considers a single wish too high a price to pay in order to recover rights which it ought to be ready to redeem at the cost of its blood, rights such that their loss must bring all men of honor to the point of feeling life to be unendurable and death itself a deliverance?

Everyone knows that the fire from a little spark will increase and blaze ever higher as long as it finds wood to burn; yet without being quenched by water, but merely by finding no more fuel to feed on, it consumes itself, dies down, and is no longer a flame. Similarly, the more tyrants pillage, the more they crave, the more they ruin and destroy; the more one yields to them, and obeys them, by that much do they become mightier and more formidable, the readier to annihilate and destroy. But if not one thing is yielded to them, if, without any violence they are simply not obeyed, they become naked and undone and as nothing, just as, when the root receives no nourishment, the branch withers and dies.

"I do not know how it happens that nature fails to place within the hearts of men a burning desire for liberty, a blessing so great and so desirable that when it is lost all evils follow thereafter, and even the blessings that remain lose taste and savor because of their corruption by servitude."

To achieve the good that they desire, the bold do not fear danger; the intelligent do not refuse to undergo suffering. It is the stupid and cowardly who are neither able to endure hardship nor to vindicate their rights; they stop at merely longing for them, and lose through timidity the valor roused by the effort to claim their
rights, although the desire to enjoy them still remains as part of their nature. A longing common to both the wise and the foolish, to brave men and to cowards, is this longing for all those things which, when acquired, would make them happy and contented. Yet one element appears to be lacking. I do not know how it happens that nature fails to place within the hearts of men a burning desire for liberty, a blessing so great and so desirable that when it is lost all evils follow thereafter, and even the blessings that remain lose taste and savor because of their corruption by servitude. Liberty is the only joy upon which men do not seem to insist; for surely if they really wanted it they would receive it. Apparently they refuse this wonderful privilege because it is so easily acquired.

Poor, wretched, and stupid peoples, nations determined on your own misfortune and blind to your own good! You let yourselves be deprived before your own eyes of the best part of your revenues; your fields are plundered, your homes robbed, your family heirlooms taken away. You live in such a way that you cannot claim a single thing as your own; and it would seem that you consider yourselves lucky to be loaned your property, your families, and your very lives. All this havoc, this misfortune, this ruin, descends upon you not from alien foes, but from the one enemy whom you yourselves render as powerful as he is, for whom you go bravely to war, for whose greatness you do not refuse to offer your own bodies unto death. He who thus domineers over you has only two eyes, only two hands, only one body, no more than is possessed by the least man among the infinite numbers dwelling in your cities; he has indeed nothing more than the power that you confer upon him to destroy you. Where has he acquired enough eyes to spy upon you, if you do not provide them yourselves? How can he have so many arms to beat you with, if he does not borrow them from you? The feet that trample down your cities, where does he get them if they are not your own? How does he have any power over you except through you? How would he dare assail you if he had no cooperation from you? What could he do to you if you yourselves did not connive with the thief who plunders you, if you were not accomplices of the murderer who kills you, if you were not traitors to yourselves? You sow your crops in order that he may ravage them, you install and furnish your homes to give him goods to pillage; you rear your daughters that he may gratify his lust; you bring up your children in order that he may confer upon them the greatest privilege he knows — to be led into his battles, to be delivered to butchery, to be made the servants of his greed and the instruments of his vengeance; you yield your bodies unto hard labor in order that he may indulge in his delights and wallow in his filthy pleasures; you weaken yourselves in order to make him the stronger and the mightier to hold you in check. From all these indignities, such as the very beasts of the field would not endure, you can deliver yourselves if you try, not by taking action, but merely by willing to be free. Resolve to serve no more, and you are at once freed. I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer; then you will behold him, like a great Colossus whose pedestal has been pulled away, fall of his own weight and break in pieces.

“Resolve to serve no more, and you are at once freed.”

PART II.

Doctors are no doubt correct in warning us not to touch incurable wounds; and I am presumably taking chances in preaching as I do to a people which has long lost all sensitivity and, no longer conscious of its infirmity, is plainly suffering from mortal illness. Let us therefore understand by logic, if we can, how it happens that this obstinate willingness to submit has become so deeply rooted in a nation that the very love of liberty now seems no longer natural.

In the first place, all would agree that, if we led our lives according to the ways intended by nature and the lessons taught by her, we would be intuitively obedient to our parents; later we should adopt reason as our guide and become slaves to nobody. Concerning the obedience given instinctively to one's father and mother, we are in agreement, each one admitting himself to be a model. As to whether reason is born with us or not, that is a question loudly discussed by academicians and treated by all schools of philosophers. For the present I think I do not err in stating that there is in our souls some native seed of reason, which, if nourished by good counsel and training, flowers into virtue, but which, on the other hand, if unable to resist the vices surrounding it, is
stifled and blighted. Yet surely if there is anything in this world clear and obvious, to which one cannot close one’s eyes, it is the fact that nature, handmaiden of God, governess of men, has cast us all in the same mold in order that we may behold in one another companions, or rather brothers. If in distributing her gifts nature has favored some more than others with respect to body or spirit, she has nevertheless not planned to place us within this world as if it were a field of battle, and has not endowed the stronger or the cleverer in order that they may act like armed brigands in a forest and attack the weaker. One should rather conclude that in distributing larger shares to some and smaller shares to others, nature has intended to give occasion for brotherly love to become manifest, some of us having the strength to give help to others who are in need of it. Hence, since this kind mother has given us the whole world as a dwelling place, has lodged us in the same house, has fashioned us according to the same model so that in beholding one another we might almost recognize ourselves; since she has bestowed upon us all the great gift of voice and speech for fraternal relationship, thus achieving by the common and mutual statement of our thoughts a communion of our wills; and since she has tried in every way to narrow and tighten the bond of our union and kinship; since she has revealed in every possible manner her intention, not so much to associate us as to make us one organic whole, there can be no further doubt that we are all naturally free, inasmuch as we are all comrades. Accordingly it should not enter the mind of anyone that nature has placed some of us in slavery, since she has actually created us all in one likeness. Therefore it is fruitless to argue whether or not liberty is natural, since none can be held in slavery without being wronged, and in a world governed by a nature, which is reasonable, there is nothing so contrary as an injustice. Since freedom is our natural state, we are not only in possession of it but have the urge to defend it. Now, if perchance some cast a doubt on this conclusion and are so corrupted that they are not able to recognize their rights and inborn tendencies, I shall have to do them the honor that is properly theirs and place, so to speak, brute beasts in the pulpit to throw light on their nature and condition. The very beasts, God help me! if men are not too deaf, cry out to them, "Long live Liberty!" Many among them die as soon as captured: just as the fish loses life as soon as he leaves the water, so do these creatures close their eyes upon the light and have no desire to survive the loss of their natural freedom. If the animals were to constitute their kingdom by rank, their nobility would be chosen from this type. Others, from the largest to the smallest, when captured put up such a strong resistance by means of claws, horns, beak, and paws, that they show clearly enough how they cling to what they are losing; afterwards in captivity they manifest by so many evident signs their awareness of their misfortune, that it is easy to see they are languishing rather than living, and continue their existence more in lamentation of their lost freedom than in enjoyment of their servitude. What else can explain the behavior of the elephant who, after defending himself to the last ounce of his strength and knowing himself on the point of being taken, dashes his jaws against the trees and breaks his tusks, thus manifesting his longing to remain free as he has been and proving his wit and ability to buy off the huntsmen in the hope that through the sacrifice of his tusks he will be permitted to offer his ivory as a ransom for his liberty? We feed the horse from birth in order to train him to do our bidding. Yet he is tamed with such difficulty that when we begin to break him in he bites the bit, he rears at the touch of the spur, as if to reveal his instinct and show by his actions that, if he obeys, he does so not of his own free will but under constraint. What more can we say?

"Even the oxen under the weight of the yoke complain,
And the birds in their cage lament,"
as I expressed it some time ago, toying with our French poesy. For I shall not hesitate in writing to you, O Longa, to introduce some of my verses, which I never read to you because of your obvious encouragement which is quite likely to make me conceited. And now, since all beings, because they feel, suffer misery in subjection and long for liberty; since the very beasts, although made for the service of man, cannot become accustomed to control without protest, what evil chance has so denatured man that he, the only creature really born to be free, lacks the memory of his original condition and the desire to return to it?

"There are three kinds of tyrants; some receive their proud position through elections by the people, others by force of
arms, others by inheritance... although the means of coming into power differ, still the method of ruling is practically the same; those who are elected act as if they were breaking in bullocks; those who are conquerors make the people their prey; those who are heirs plan to treat them as if they were their natural slaves.”

There are three kinds of tyrants; some receive their proud position through elections by the people, others by force of arms, others by inheritance. Those who have acquired power by means of war act in such wise that it is evident they rule over a conquered country. Those who are born to kingship are scarcely any better, because they are nourished on the breast of tyranny, suck in with their milk the instincts of the tyrant, and consider the people under them as their inherited serfs; and according to their individual disposition, miserly or prodigal, they treat their kingdom as their property. He who has received the state from the people, however, ought to be, it seems to me, more bearable and would be so, I think, were it not for the fact that as soon as he sees himself higher than the others, flattered by that quality which we call grandeur, he plans never to relinquish his position. Such a man usually determines to pass on to his children the authority that the people have conferred upon him; and once his heirs have taken this attitude, strange it is how far they surpass other tyrants in all sorts of vices, and especially in cruelty, because they find no other means to impose this new tyranny than by tightening control and removing their subjects so far from any notion of liberty that even if the memory of it is fresh it will soon be eradicated. Yet, to speak accurately, I do perceive that there is some difference among these three types of tyranny, but as for stating a preference, I cannot grant there is any. For although the means of coming into power differ, still the method of ruling is practically the same; those who are elected act as if they were breaking in bullocks; those who are conquerors make the people their prey; those who are heirs plan to treat them as if they were their natural slaves.

In connection with this, let us imagine some newborn individuals, neither acquainted with slavery nor desirous of liberty, ignorant indeed of the very words. If they were permitted to choose between being slaves and free men, to which would they give their vote? There can be no doubt that they would much prefer to be guided by reason itself than to be ordered about by the whims of a single man. The only possible exception might be the Israelites who, without any compulsion or need, appointed a tyrant.[7] I can never read their history without becoming angered and even inhuman enough to find satisfaction in the many evils that befell them on this account. But certainly all men, as long as they remain men, before letting themselves become enslaved must either be driven by force or led into it by deception; conquered by foreign armies, as were Sparta and Athens by the forces of Alexander[8] or by political factions, as when at an earlier period the control of Athens had passed into the hands of Pisistrates.[9] When they lose their liberty through deceit they are not so often betrayed by others as misled by themselves. This was the case with the people of Syracuse, chief city of Sicily (I am told the place is now named Saragossa) when, in the throes of war and heedlessly planning only for the present danger, they promoted Denis,[10] their first tyrant, by entrusting to him the command of the army, without realizing that they had given him such power that on his victorious return this worthy man would behave as if he had vanquished not his enemies but his compatriots, transforming himself from captain to king, and then from king to tyrant.

It is incredible how as soon as a people becomes subject, it promptly falls into such complete forgetfulness of its freedom that it can hardly be roused to the point of regaining it, obeying so easily and so willingly that one is led to say, on beholding such a situation, that this people has not so much lost its liberty as won its enslavement. It is true that in the beginning men submit under constraint and by force; but those who come after them obey without regret and perform willingly what their predecessors had done because they had to. This is why men born under the yoke and then nourished and reared in slavery are content, without further effort, to live in their native circumstance, unaware of any other state or right, and considering as quite natural the condition into which
they were born. There is, however, no heir so spendthrift or indifferent that he does not sometimes scan the account books of his father in order to see if he is enjoying all the privileges of his legacy or whether, perchance, his rights and those of his predecessor have not been encroached upon. Nevertheless it is clear enough that the powerful influence of custom is in no respect more compelling than in this, namely, habituation to subjection. It is said that Mithridates[11] trained himself to drink poison. Like him we learn to swallow, and not to find bitter, the venom of servitude. It cannot be denied that nature is influential in shaping us to her will and making us reveal our rich or meager endowment; yet it must be admitted that she has less power over us than custom, for the reason that native endowment, no matter how good, is dissipated unless encouraged, whereas environment always shapes us in its own way, whatever that may be, in spite of nature's gifts. The good seed that nature plants in us is so slight and so slippery that it cannot withstand the least harm from wrong nourishment; it flourishes less easily, becomes spoiled, withers, and comes to nothing. Fruit trees retain their own particular quality if permitted to grow undisturbed, but lose it promptly and bear strange fruit not their own when ingrafted. Every herb has its peculiar characteristics, its virtues and properties; yet frost, weather, soil, or the gardener's hand increase or diminish its strength; the plant seen in one spot cannot be recognized in another.

[A lengthy historical digression by Boëtie has been cut for reasons of space.]

Let us therefore admit that all those things to which he is trained and accustomed seem natural to man and that only that is truly native to him which he receives with his primitive, untrained individuality. Thus custom becomes the first reason for voluntary servitude. Men are like handsome race horses who first bite the bit and later like it, and rearing under the saddle a while soon learn to enjoy displaying their harness and prance proudly beneath their trappings. Similarly men will grow accustomed to the idea that they have always been in subjection, that their fathers lived in the same way; they will think they are obliged to suffer this evil, and will persuade themselves by example and imitation of others, finally investing those who order them around with proprietary rights, based on the idea that it has always been that way.

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There are always a few, better endowed than others, who feel the weight of the yoke and cannot restrain themselves from attempting to shake it off: these are the men who never become tamed under subjection and who always, like Ulysses on land and sea constantly seeking the smoke of his chimney, cannot prevent themselves from peering about for their natural privileges and from remembering their ancestors and their former ways. These are in fact the men who, possessed of clear minds and far-sighted spirit, are not satisfied, like the brutish mass, to see only what is at their feet, but rather look about them, behind and before, and even recall the things of the past in order to judge those of the future, and compare both with their present condition. These are the ones who, having good minds of their own, have further trained them by study and learning. Even if liberty had entirely perished from the earth, such men would invent it. For
them slavery has no satisfactions, no matter how well disguised.

[A lengthy historical digression by Boëtius has been cut for reasons of space.]

“the essential reason why men take orders willingly is that they are born serfs and are reared as such.”

But to come back to the thread of our discourse, which I have practically lost: the essential reason why men take orders willingly is that they are born serfs and are reared as such. From this cause there follows another result, namely that people easily become cowardly and submissive under tyrants. For this observation I am deeply grateful to Hippocrates, the renowned father of medicine, who noted and reported it in a treatise of his entitled Concerning Diseases. This famous man was certainly endowed with a great heart and proved it clearly by his reply to the Great King, who wanted to attach him to his person by means of special privileges and large gifts. Hippocrates answered frankly that it would be a weight on his conscience to make use of his science for the cure of barbarians who wished to slay his fellow Greeks, or to serve faithfully by his skill anyone who undertook to enslave Greece. The letter he sent the king can still be read among his other works and will forever testify to his great heart and noble character.

By this time it should be evident that liberty once lost, valor also perishes. A subject people shows neither gladness nor eagerness in combat: its men march sullenly to danger almost as if in bonds, and stultified; they do not feel throbbing within them that eagerness for liberty which engenders scorn of peril and imparts readiness to acquire honor and glory by a brave death amidst one’s comrades. Among free men there is competition as to who will do most, each for the common good, each by himself, all expecting to share in the misfortunes of defeat, or in the benefits of victory; but an enslaved people loses in addition to this warlike courage, all signs of enthusiasm, for their hearts are degraded, submissive, and incapable of any great deed. Tyrants are well aware of this, and, in order to degrade their subjects further, encourage them to assume this attitude and make it instinctive.

Xenophon, grave historian of first rank among the Greeks, wrote a book in which he makes Simonides speak with Hieron, Tyrant of Syracuse, concerning the anxieties of the tyrant. This book is full of fine and serious remonstrances, which in my opinion are as persuasive as words can be. Would to God that all despots who have ever lived might have kept it before their eyes and used it as a mirror! I cannot believe they would have failed to recognize their warts and to have conceived some shame for their blotches. In this treatise is explained the torment in which tyrants find themselves when obliged to fear everyone because they do evil unto every man. Among other things we find the statement that bad kings employ foreigners in their wars and pay them, not daring to entrust weapons in the hands of their own people, whom they have wronged. (There have been good kings who have used mercenaries from foreign nations, even among the French, although more so formerly than today, but with the quite different purpose of preserving their own people, considering as nothing the loss of money in the effort to spare French lives. That is, I believe, what Scipio the great African meant when he said he would rather save one citizen than defeat a hundred enemies.) For it is plainly evident that the dictator does not consider his power firmly established until he has reached the point where there is no man under him who is of any worth.

“Plays, farces, spectacles, gladiators, strange beasts, medals, pictures, and other such opiates, these were for ancient peoples the bait toward slavery, the price of their liberty, the instruments of tyranny.”

Therefore there may be justly applied to him the reproach to the master of the elephants made by Thrason and reported by Terence:

Are you indeed so proud
Because you command wild beasts?

This method tyrants use of stultifying their subjects cannot be more clearly observed than in what Cyrus did with the Lydians after he had taken Sardis, their chief city, and had at his mercy the captured
Croesus, their fabulously rich king. When news was brought to him that the people of Sardis had rebelled, it would have been easy for him to reduce them by force; but being unwilling either to sack such a fine city or to maintain an army there to police it, he thought of an unusual expedient for reducing it. He established in it brothels, taverns, and public games, and issued the proclamation that the inhabitants were to enjoy them. He found this type of garrison so effective that he never again had to draw the sword against the Lydians. These wretched people enjoyed themselves inventing all kinds of games, so that the Latins have derived the word from them, and what we call pastimes they call ludi, as if they meant to say Lydi. Not all tyrants have manifested so clearly their intention to effeminize their victims; but in fact, what the aforementioned despot publicly proclaimed and put into effect, most of the others have pursued secretly as an end. It is indeed the nature of the populace, whose density is always greater in the cities, to be suspicious toward one who has their welfare at heart, and gullible toward one who fools them. Do not imagine that there is any bird more easily caught by decoy, nor any fish sooner fixed on the hook by wormy bait, than are all these poor fools neatly tricked into servitude by the slightest feather passed, so to speak, before their mouths. Truly it is a marvellous thing that they let themselves be caught so quickly at the slightest tickling of their fancy. Plays, farces, spectacles, gladiators, strange beasts, medals, pictures, and other such opiates, these were for ancient peoples the bait toward slavery, the price of their liberty, the instruments of tyranny. By these practices and enticements the ancient dictators so successfully lulled their subjects under the yoke, that the stupefied peoples, fascinated by the pastimes and vain pleasures flashed before their eyes, learned subservience as naively, but not so creditibly, as little children learn to read by looking at bright picture books. Roman tyrants invented a further refinement. They often provided the city wards with feasts to cajole the rabble, always more readily tempted by the pleasure of eating than by anything else. The most intelligent and understanding amongst them would not have quit his soup bowl to recover the liberty of the Republic of Plato. Tyrants would distribute largess, a bushel of wheat, a gallon of wine, and a sesterce: and then everybody would shamelessly cry, "Long live the King!" The fools did not realize that they were merely recovering a portion of their own property, and that their ruler could not have given them what they were receiving without having first taken it from them. A man might one day be presented with a sesterce and gorge himself at the public feast, lauding Tiberius and Nero for handsome liberality, who on the morrow, would be forced to abandon his property to their avarice, his children to their lust, his very blood to the cruelty of these magnificent emperors, without offering any more resistance than a stone or a tree stump. The mob has always behaved in this way — eagerly open to bribes that cannot be honorably accepted, and absolutely callous to degradation and insult that cannot be honorably endured. Nowadays I do not meet anyone who, on hearing mention of Nero, does not shudder at the very name of that hideous monster, that disgusting and vile pestilence. Yet when he died — when this incendiary, this executioner, this savage beast, died as vilely as he had lived — the noble Roman people, mindful of his games and his festivals, were saddened to the point of wearing mourning for him. Thus wrote Cornelius Tacitus, a competent and serious author, and one of the most reliable. This will not be considered peculiar in view of what this same people had previously done at the death of Julius Caesar, who had swept away their laws and their liberty, in whose character, it seems to me, there was nothing worth while, for his very liberality, which is so highly praised, was more baneful than the crudest tyrant who ever existed, because it was actually this poisonous amiability of his that sweetened servitude for the Roman people. After his death, that people, still preserving on their palates the flavor of his banquets and in their minds the memory of his prodigality, vied with one another to pay him homage. They piled up the seats of the Forum for the great fire that reduced his body to ashes, and later raised a column to him as to "The Father of His People." (Such was the inscription on the capital.) They did him more honor, dead as he was, than they had any right to confer upon any man in the world, except perhaps on those who had killed him.

They didn't even neglect, these Roman emperors, to assume generally the title of Tribune of the People, partly because this office was held sacred and inviolable and also because it had been founded for the defense and protection of the people and enjoyed the favor of the state. By this means they made sure that the populace would trust them completely, as if they merely used the title and did not abuse it. Today there
are some who do not behave very differently: they never undertake an unjust policy, even one of some importance, without prefacing it with some pretty speech concerning public welfare and common good. You well know, O Longa, this formula which they use quite cleverly in certain places; although for the most part, to be sure, there cannot be cleverness where there is so much impudence. The kings of the Assyrians and even after them those of the Medes showed themselves in public as seldom as possible in order to set up a doubt in the minds of the rabble as to whether they were not in some way more than man, and thereby to encourage people to use their imagination for those things which they cannot judge by sight. Thus a great many nations who for a long time dwelt under the control of the Assyrians became accustomed, with all this mystery, to their own subjection, and submitted the more readily for not knowing what sort of master they had, or scarcely even if they had one, all of them fearing by report someone they had never seen. The earliest kings of Egypt rarely showed themselves without carrying a cat, or sometimes a branch, or appearing with fire on their heads, masking themselves with these objects and parading like workers of magic. By doing this they inspired their subjects with reverence and admiration, whereas with people neither too stupid nor too slavish they would merely have aroused, it seems to me, amusement and laughter. It is pitiful to review the list of devices that early despots used to establish their tyranny; to discover how many little tricks they employed, always finding the populace conveniently gullible, readily caught in the net as soon as it was spread. Indeed they always fooled their victims so easily that while mocking them they enslaved them the more.

“[A lengthy historical digression by Boétie has been cut for reasons of space.]

But to return to our subject, the thread of which I have unwittingly lost in this discussion: it has always happened that tyrants, in order to strengthen their power, have made every effort to train their people not only in obedience and servility toward themselves, but also in adoration. Therefore all that I have said up to the present concerning the means by which a more willing submission has been obtained applies to dictators in their relationship with the inferior and common classes.

PART III.

I come now to a point which is, in my opinion, the mainspring and the secret of domination, the support and foundation of tyranny. Whoever thinks that halberds, sentries, the placing of the watch, serve to protect and shield tyrants is, in my judgment, completely mistaken. These are used, it seems to me, more for ceremony and a show of force than for any reliance placed in them. The archers forbid the entrance to the palace to the poorly dressed who have no weapons, not to the well armed who can carry out some plot. Certainly it is easy to say of the Roman emperors that fewer escaped from danger by the aid of their guards than were killed by their own archers. It is not the troops on horseback, it is not the companies afoot, it is not arms that defend the tyrant. This does not seem credible on first thought, but it is nevertheless true that there are only four or five who maintain the dictator, four or five who keep the country in bondage to him. Five or six have always had access to his ear, and have either gone to him of their own accord, or else have been summoned by him, to be accomplices in his cruelties, companions in his pleasures, panders to his lusts, and sharers in his plunders. These six manage their chief so successfully that he comes to be held accountable not only for his own misdeeds but even for theirs. The six have six hundred who profit under them, and with the six hundred they do what they have accomplished with their tyrant. The six hundred maintain under them six thousand, whom they promote in rank, upon whom they confer the government of provinces or the direction of finances,
in order that they may serve as instruments of avarice and cruelty, executing orders at the proper time and working such havoc all around that they could not last except under the shadow of the six hundred, nor be exempt from law and punishment except through their influence.

"there are only four or five who maintain the dictator, four or five who keep the country in bondage to him. Five or six have always had access to his ear ...

These six manage their chief so successfully that he comes to be held accountable not only for his own misdeeds but even for theirs. The six have six hundred who profit under them, ...

The six hundred maintain under them six thousand, whom they promote in rank... not the six thousand but a hundred thousand, and even millions, clinging to the tyrant by this cord to which they are tied."

The consequence of all this is fatal indeed. And whoever is pleased to unwind the skein will observe that not the six thousand but a hundred thousand, and even millions, cling to the tyrant by this cord to which they are tied. According to Homer, Jupiter boasts of being able to draw to himself all the gods when he pulls a chain. Such a scheme caused the increase in the senate under Julius, the formation of new ranks, the creation of offices; not really, if properly considered, to reform justice, but to provide new supporters of despotism. In short, when the point is reached, through big favors or little ones, that large profits or small are obtained under a tyrant, there are found almost as many people to whom tyranny seems advantageous as those to whom liberty would seem desirable. Doctors declare that if, when some part of the body has gangrene a disturbance arises in another spot, it immediately flows to the troubled part. Even so, whenever a ruler makes himself a dictator, all the wicked dregs of the nation — I do not mean the pack of petty thieves and earless ruffians[13] who, in a republic, are unimportant in evil or good — but all those who are corrupted by burning ambition or extraordinary avarice, these gather round him and support him in order to have a share in the booty and to constitute themselves petty chiefs under the big tyrant. This is the practice among notorious robbers and famous pirates: some scour the country, others pursue voyagers; some lie in ambush, others keep a lookout; some commit murder, others robbery; and although there are among them differences in rank, some being only underlings while others are chieftains of gangs, yet is there not a single one among them who does not feel himself to be a sharer, if not of the main booty, at least in the pursuit of it. It is dependably related that Sicilian pirates gathered in such great numbers that it became necessary to send against them Pompey the Great, and that they drew into their alliance fine towns and great cities in whose harbors they took refuge on returning from their expeditions, paying handsomely for the haven given their stolen goods.

Thus the despot subdues his subjects, some of them by means of others, and thus is he protected by those from whom, if they were decent men, he would have to guard himself; just as, in order to split wood, one has to use a wedge of the wood itself. Such are his archers, his guards, his halberdiers; not that they themselves do not suffer occasionally at his hands, but this riff-raff, abandoned alike by God and man, can be led to endure evil if permitted to commit it, not against him who exploits them, but against those who like themselves submit, but are helpless. Nevertheless, observing those men who painfully serve the tyrant in order to win some profit from his tyranny and from the subjection of the populace, I am often overcome with amazement at their wickedness and sometimes by pity for their folly. For, in all honesty, can it be in any way except in folly that you approach a tyrant, withdrawing further from your liberty and, so to speak, embracing with both hands your servitude? Let such men lay aside briefly their ambition, or let them forget for a moment their avarice, and look at themselves as they really are. Then they will realize clearly that the townspeople, the peasants whom they trample under foot and treat worse than convicts or slaves, they will realize, I say,
that these people, mistreated as they may be, are nevertheless, in comparison with themselves, better off and fairly free. The tiller of the soil and the artisan, no matter how enslaved, discharge their obligation when they do what they are told to do; but the dictator sees men about him wooing and begging his favor, and doing much more than he tells them to do. Such men must not only obey orders; they must anticipate his wishes; to satisfy him they must foresee his desires; they must wear themselves out, torment themselves, kill themselves with work in his interest, and accept his pleasure as their own, neglecting their preferences for his, distorting their character and corrupting their nature; they must pay heed to his words, to his intonation, to his gestures, and to his glance. Let them have no eye, nor foot, nor hand that is not alert to respond to his wishes or to seek out his thoughts.

"Such men (who serve the tyrant) must not only obey orders; they must anticipate his wishes; to satisfy him they must foresee his desires; they must wear themselves out, torment themselves, kill themselves with work in his interest, and accept his pleasure as their own, neglecting their preferences for his, distorting their character and corrupting their nature; they must pay heed to his words, to his intonation, to his gestures, and to his glance. Let them have no eye, nor foot, nor hand that is not alert to respond to his wishes or to seek out his thoughts."

Can that be called a happy life? Can it be called living? Is there anything more intolerable than that situation, I won't say for a man of mettle nor even for a man of high birth, but simply for a man of common sense or; to go even further, for anyone having the face of a man? What condition is more wretched than to live thus, with nothing to call one's own, receiving from someone else one's sustenance, one's power to act, one's body, one's very life?

Still men accept servility in order to acquire wealth; as if they could acquire anything of their own when they cannot even assert that they belong to themselves, or as if anyone could possess under a tyrant a single thing in his own name. Yet they act as if their wealth really belonged to them, and forget that it is they themselves who give the ruler the power to deprive everybody of everything, leaving nothing that anyone can identify as belonging to somebody. They notice that nothing makes men so subservient to a tyrant's cruelty as property; that the possession of wealth is the worst of crimes against him, punishable even by death; that he loves nothing quite so much as money and ruins only the rich, who come before him as before a butcher, offering themselves so stuffed and bulging that they make his mouth water. These favorites should not recall so much the memory of those who have won great wealth from tyrants as of those who, after they had for some time amassed it, have lost to him their property as well as their lives; they should consider not how many others have gained a fortune, but rather how few of them have kept it. Whether we examine ancient history or simply the times in which we live, we shall see clearly how great is the number of those who, having by shameful means won the ear of princes — who either profit from their villainies or take advantage of their naïveté — were in the end reduced to nothing by these very princes; and although at first such servitors were met by a ready willingness to promote their interests, they later found an equally obvious inconstancy which brought them to ruin. Certainly among so large a number of people who have at one time or another had some relationship with bad rulers, there have been few or practically none at all who have not felt applied to themselves the tyrant's animosity, which they had formerly stirred up against others. Most often, after becoming rich by despoiling others, under the favor of his protection, they find themselves at last enriching him with their own spoils.

Even men of character — if it sometimes happens that a tyrant likes such a man well enough to hold him in his good graces, because in him shine forth the virtue and integrity that inspire a certain reverence even in the most depraved — even men of character, I say, could not long avoid succumbing to the common malady and would early experience the effects of
tyranny at their own expense. A Seneca, a Burrus, a Thrasea, this triumvirate of splendid men, will provide a sufficient reminder of such misfortune. Two of them were close to the tyrant by the fatal responsibility of holding in their hands the management of his affairs, and both were esteemed and beloved by him. One of them, moreover, had a peculiar claim upon his friendship, having instructed his master as a child. Yet these three by their cruel death give sufficient evidence of how little faith one can place in the friendship of an evil ruler. Indeed what friendship may be expected from one whose heart is bitter enough to hate even his own people, who do naught else but obey him? It is because he does not know how to love that he ultimately impoverishes his own spirit and destroys his own empire.

"Even men of character — if it sometimes happens that a tyrant likes such a man well enough to hold him in his good graces, because in him shine forth the virtue and integrity that inspire a certain reverence even in the most depraved — even men of character, I say, could not long avoid succumbing to the common malady and would early experience the effects of tyranny at their own expense."

Now if one would argue that these men fell into disgrace because they wanted to act honorably, let him look around boldly at others close to that same tyrant, and he will see that those who came into his favor and maintained themselves by dishonorable means did not fare much better. Who has ever heard tell of a love more centered, of an affection more persistent, who has ever read of a man more desperately attached to a woman than Nero was to Poppaea? Yet she was later poisoned by his own hand. Agrippina his mother had killed her husband, Claudius, in order to exalt her son; to gratify him she had never hesitated at doing or bearing anything; and yet this very son, her offspring, her emperor, elevated by her hand, after failing her often, finally took her life. It is indeed true that no one denies she would have well deserved this punishment, if only it had come to her by some other hand than that of the son she had brought into the world. Who was ever more easily managed, more naïve, or, to speak quite frankly, a greater simpleton, than Claudius the Emperor? Who was ever more wrapped up in his wife than he in Messalina, whom he delivered finally into the hands of the executioner? Stupidity in a tyrant always renders him incapable of benevolent action; but in some mysterious way by dint of acting cruelly even towards those who are his closest associates, he seems to manifest what little intelligence he may have.

Quite generally known is the striking phrase of that other tyrant who, gazing at the throat of his wife, a woman he dearly loved and without whom it seemed he could not live, caressed her with this charming comment: "This lovely throat would be cut at once if I but gave the order." That is why the majority of the dictators of former days were commonly slain by their closest favorites who, observing the nature of tyranny, could not be so confident of the whim of the tyrant as they were distrustful of his power. Thus was Domitian killed by Stephen, Commodus by one of his mistresses, Antoninus by Macrinus, and practically all the others in similar violent fashion. The fact is that the tyrant is never truly loved, nor does he love. Friendship is a sacred word, a holy thing; it is never developed except between persons of character, and never takes root except through mutual respect; it flourishes not so much by kindnesses as by sincerity. What makes one friend sure of another is the knowledge of his integrity: as guarantees he has his friend's fine nature, his honor, and his constancy. There can be no friendship where there is cruelty, where there is disloyalty, where there is injustice. And in places where the wicked gather there is conspiracy only, not companionship: these have no affection for one another; fear alone holds them together; they are not friends, they are merely accomplices.

Although it might not be impossible, yet it would be difficult to find true friendship in a tyrant; elevated above others and having no companions, he finds himself already beyond the pale of friendship, which receives its real sustenance from an equality that, to proceed without a limp, must have its two limbs equal. That is why there is honor among thieves (or so it is reported) in the sharing of the booty; they are peers
and comrades; if they are not fond of one another they at least respect one another and do not seek to lessen their strength by squabbling. But the favorites of a tyrant can never feel entirely secure, and the less so because he has learned from them that he is all powerful and unlimited by any law or obligation. Thus it becomes his wont to consider his own will as reason enough, and to be master of all with never a compeer. Therefore it seems a pity that with so many examples at hand, with the danger always present, no one is anxious to act the wise man at the expense of the others, and that among so many persons fawning upon their ruler there is not a single one who has the wisdom and the boldness to say to him what, according to the fable, the fox said to the lion who feigned illness: "I should be glad to enter your lair to pay my respects; but I see many tracks of beasts that have gone toward you, yet not a single trace of any who have come back."

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These wretches see the glint of the despot's treasures and are bedazzled by the radiance of his splendor. Drawn by this brilliance they come near, without realizing they are approaching a flame that cannot fail to scorch them. Similarly attracted, the indiscreet satyr of the old fables, on seeing the bright fire brought down by Prometheus, found it so beautiful that he went and kissed it, and was burned; so, as the Tuscan poet[14] reminds us, the moth, intent upon desire, seeks the flame because it shines, and also experiences its other quality, the burning. Moreover, even admitting that favorites may at times escape from the hands of him they serve, they are never safe from the ruler who comes after him. If he is good, they must render an account of their past and recognize at last that justice exists; if he is bad and resembles their late master, he will certainly have his own favorites, who are not usually satisfied to occupy in their turn merely the posts of their predecessors, but will more often insist on their wealth and their lives. Can anyone be found, then, who under such perilous circumstances and with so little security will still be ambitious to fill such an ill-fated position and serve, despite such perils, so dangerous a master? Good God, what suffering, what martyrdom all this involves! To be occupied night and day in planning to please one person, and yet to fear him more than anyone else in the world; to be always on the watch, ears open, wondering whence the blow will come; to search out conspiracy, to be on guard against snares, to scan the faces of companions for signs of treachery, to smile at everybody and be mortally afraid of all, to be sure of nobody, either as an open enemy or as a reliable friend; showing always a gay countenance despite an apprehensive heart, unable to be joyous yet not daring to be sad!

However, there is satisfaction in examining what they get out of all this torment, what advantage they derive from all the trouble of their wretched existence. Actually the people never blame the tyrant for the evils they suffer, but they do place responsibility on those who influence him; peoples, nations, all compete with one another, even the peasants, even the tillers of the soil, in mentioning the names of the favorites, in analyzing their vices, and heaping upon them a thousand insults, a thousand obscenities, a thousand maledictions. All their prayers, all their vows are directed against these persons; they hold them accountable for all their misfortunes, their pestilences, their famines; and if at times they show them outward respect, at those very moments they are fuming in their hearts and hold them in greater horror than wild beasts. This is the glory and honor heaped upon influential favorites for their services by people who, if they could tear apart their living bodies, would still clamor for more, only half satiated by the agony they might behold. For even when the favorites are dead those who live after are never too lazy to blacken the names of these man-eaters with the ink of a thousand pens, tear their reputations into bits in a thousand
books, and drag, so to speak, their bones past posterity, forever punishing them after their death for their wicked lives.

Let us therefore learn while there is yet time, let us learn to do good. Let us raise our eyes to Heaven for the sake of our honor, for the very love of virtue, or, to speak wisely, for the love and praise of God Almighty, who is the infallible witness of our deeds and the just judge of our faults. As for me, I truly believe I am right, since there is nothing so contrary to a generous and loving God as dictatorship — I believe He has reserved, in a separate spot in Hell, some very special punishment for tyrants and their accomplices.

“I believe He has reserved, in a separate spot in Hell, some very special punishment for tyrants and their accomplices.”

Notes

[The notes are by Harry Kurz the translator.]
2. Government by a single ruler. From the Greek monos (single) and arkhein (to command).
3. An autocratic council of thirty magistrates that governed Athens for eight months in 404 B.C. They exhibited such monstrous despotism that the city rose in anger and drove them forth.
4. Athenian general, died 489 B.C. Some of his battles: expedition against Scythians; Lemnos; Imbros; Marathon, where Darius the Persian was defeated.
5. King of Sparta, died at Thermopole in 480 B.C., defending the pass with three hundred loyal Spartans against Xerxes.
6. Athenian statesman and general, died 460 B.C. Some of his battles: expedition against Aegean Isles; victory over Persians under Xerxes at Salamis.
7. The reference is to Saul anointed by Samuel.
8. Alexander the Macedonian became the acknowledged master of all Hellenes at the Assembly of Corinth, 335 B.C.
9. Athenian tyrant, died 627 B.C. He used ruse and bluster to control the city and was obliged to flee several times.
10. Denis or Dionysius, tyrant of Syracuse, died in 367 B.C. Of lowly birth, this dictator imposed himself by plottings, putsches, and purges. The danger from which he saved his city was the invasion by the Carthaginians.
11. Mithridates (c. 135–63 B.C.) was next to Hannibal the most dreaded and potent enemy of Roman power. The reference in the text is to his youth when he spent some years in retirement hardening himself and immunizing himself against poison. In his old age, defeated by Pompey, betrayed by his own son, he tried poison and finally had to resort to the dagger of a friendly Gaul. (Pliny, *Natural History*, XXIV, 2.)
12. A half-legendary figure concerning whose life Plutarch admits there is much obscurity. He bequeathed to his land a rigid code regulating land, assembly, education, with the individual subordinate to the state.
13. The cutting off of ears as a punishment for thievery is very ancient. In the middle ages it was still practiced under St. Louis. Men so mutilated were dishonored and could not enter the clergy or the magistracy.
14. Petrarch, *Cazoniere*, Sonnet XVII. La Boétie has accurately rendered the lines concerning the moth.

Further Information

**Source**


This essay was written probably in 1552-53 and first published in 1576. A French edition can be found in *Oeuvres complètes d’Estienne de la Boétie, publiées Avec Notice biographique, Variantes, Notes et Index par Paul Bonnefon* (Paris: J. Rouam, 1892). <oll.libertyfund.org/titles/1147>.

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**Further Reading**

Other works by Estienne de la Boétie (1530-1563) <oll.libertyfund.org/people/4001>. 

36
JOHN TRENCHARD, “ON THE NATURE OF POLITICAL PARTIES” (1721)

<Toll.libertyfund.org/titles/2585>

“‘Tis worth no man’s time to serve a party, unless he can now and then get good jobs by it. This, I can safely say, has been the constant principle and practice of every leading patriot, ever since I have been capable of observing publick transactions.”

John Trenchard (1662-1723)

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The Best of Bastiat <oll.libertyfund.org/titles/2477>
[February, 2014]
**Editor’s Introduction**

John Trenchard (1662-1723) was a radical Whig and Commonwealthman who, along with his collaborator Thomas Gordon (1692-1750), were important voices defending constitutionalism and individual liberty in the 1720s in England. Trenchard came from a prominent family, went to Trinity College, Dublin, and briefly served in the House of Commons. He worked as a journalist in the 1690s writing works criticising the idea of standing armies and the political power of the established church. Trenchard co-wrote *The Independent Whig* (1720-21) and *Cato’s Letters* (1720-23) with Gordon. He was a defender of the idea of liberty against political corruption, imperialism and militarism in the early 18th century.

Trenchard and Gordon adopted the nom de plume of “Cato”, after Cato the Younger (95-46 B.C.) who had been the foe of Julius Caesar and a champion of liberty and republican principles. They published 144 of their essays or “Letters” which had appeared originally in the *London Journal* and later in the *British Journal* between 1720 to 1723. They were collected and published as *Cato’s Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects* which were very popular in the American colonies.

In this Letter Trenchard warned that the true nature of political parties was to offer its members an opportunity to plunder the ordinary taxpayer by seeking plush jobs for themselves and kick-backs for their friends. He makes a number of observation which are very “public choice” in nature, such as the claim that people seek political office in order to get themselves good jobs, that they trade favours with each other in order to better their positions, that both sides in politics share a common interest in the spoils of office, that members of a party will defend even more corrupt members for the sake of party unity, and so on. Trenchard wishes to expose these practices and to warn the ordinary taxpayer that they are being duped when the various parties attempt to enroll them in their battles and that they have been betrayed too often in the past to trust anybody again in the present.

*This letter of advice is not intended for those who share already in the publick spoils, or who, like jackals, hunt down the lion’s prey, that they may have the picking of the bones, when their masters are glutted. But I would persuade the poor, the injured, the distressed people, to be no longer the dupes and property of hypocrites and traitors. But very few can share in the wages of iniquity, and all the rest must suffer; the people's interest is the publick interest; it signifies the same thing: Whatever these betrayers of their country get, the people must lose; and, what is worse, must lose a great deal more than the others can get; for such conspiracies and extortions cannot be successfully carried on, without destroying or injuring trade, perverting justice, corrupting the guardians of the publick liberty, and the almost total dissolution of the principles of government.*
Sir,

The wise Sancho Panza desired that his subjects, in the promised island, might be all blacks, because he would sell them. And this seems to be the first modest, and, as I think, the only reasonable desire of the leaders of all parties; for no man will be at the expense and fatigue of body and conscience, which is necessary to lead a faction, only to be disturbed and annoyed by them.

‘Tis worth no man's time to serve a party, unless he can now and then get good jobs by it.” This, I can safely say, has been the constant principle and practice of every leading patriot, ever since I have been capable of observing publick transactions.

A very great authority has told us,[1] that “‘Tis worth no man's time to serve a party, unless he can now and then get good jobs by it.” This, I can safely say, has been the constant principle and practice of every leading patriot, ever since I have been capable of observing publick transactions; the primum mobile, the alpha and omega of all their actions: They all professed to have in view only the publick good; yet every one shewed he only meant his own; and all the while the great as well as little mob, the procerum turba mobilium, contended as fiercely for their leaders, as if their happiness or misery depended upon the face, the clothes, or title of the persons who robbed and betrayed them. Thus the highwayman said to the traveller, “Pray, Sir, leave your watch and money in my hands; or else, by G —, you will be robbed.”

No sooner is a party betrayed by one head, but they rail at him, and set up another; and when this has served them in the same manner, they choose a third; and put full confidence in every one of them successively, though they all make the same use of their credulity; that is, put a price upon their calves’ heads, and sell them; which, however, they have the less reason to complain of, because they would have all done the same.

I assure you, Sir, that I have not the least hopes in this letter to make men honester, but I would gladly teach them a little more wit; that is, I would advise any one who is contented to be sold, that he receive the money himself, and take good care of one, whatever becomes of his neighbours; as some discreet persons have lately done. Whatever bargains are struck up amongst the betrayers of their country, we must find the money, and pay both sides. How wise and advantageous would it then be for us, not to interest ourselves in the agreements or squabbles of ambitious men, who are building their fortunes upon our ruin?

Once upon a time, a French ambassador desired an audience of the Grand Vizier, and in pompous French fustian notified to him, that his master had won a great victory over the Germans; to which that wise minister answered laconically, “What is it to me, if the whole

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herd of unbelievers, like dogs, mutually worry one another, so that my master's head be safe?"

This letter of advice is not intended for those who share already in the publick spoils, or who, like jackals, hunt down the lion's prey, that they may have the picking of the bones, when their masters are glutted. But I would persuade the poor, the injured, the distressed people, to be no longer the dupes and property of hypocrites and traitors. But very few can share in the wages of iniquity, and all the rest must suffer; the people's interest is the publick interest; it signifies the same thing: Whatever these betrayers of their country get, the people must lose; and, what is worse, must lose a great deal more than the others can get; for such conspiracies and extortions cannot be successfully carried on, without destroying or injuring trade, perverting justice, corrupting the guardians of the publick liberty, and the almost total dissolution of the principles of government.

This letter of advice is not intended for those who share already in the publick spoils, or who, like jackals, hunt down the lion's prey, that they may have the picking of the bones, when their masters are glutted. But I would persuade the poor, the injured, the distressed people, to be no longer the dupes and property of hypocrites and traitors.

Few can receive the advantages arising from publick misfortunes; and therefore methinks few should desire them. Indeed, I can easily see how men of desperate circumstances, or men guilty of desperate crimes, can find their account in a general confusion of all things. I can see how those priests, who aim at tyranny, can find their interest in the loss of publick liberty, in the restraint of the press, and in introducing a religion which destroys Christianity: There are reasons too at hand, why ambitious men should, per fas & nefas, grasp at the possession of immense wealth, high honours, and exorbitant power: But that the gentry, the body of the people in a free nation, should become tools and instruments of knaves and pickpockets; should list themselves in their quarrels, and fight their battles; and this too, often at the expense, and by the violation of good neighbourhood, near relation, private friendship: That men of great estates and quality, for small and trifling considerations, and sometimes none at all, should promote wild, villainous projects, to the ruin of themselves and country, by making precarious their own titles to their lives, estates, and liberties, is something so stupendous, that it must be thought impossible, if daily experience did not convince us that it is more than possible.

I have often seen honest Tories foolishly defending knavish Tories; and untainted Whigs protecting corrupt Whigs, even in instances where they acted against the principles of all Whigs; and by that means depreciated Whiggism itself, and gave the stupid herd occasion to believe that they had no principles at all, but were only a factious combination for preferment and power.

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It is high time, at last, for the bubbles of all parties, for Whigs and Tories, for High Church and Low Church, to come to an éclaircissement, and no longer suffer themselves to be bought and sold by their drivers: Let them cease to be calves and sheep, and they will not be used like calves and sheep. If they can be persuaded now and then to confer notes, they will find, that for the most part the differences between them are not material; that they take only different measures to attain the same ends; that they have but one common interest, which is the interest of their country; and that is, to be freed from oppression, and
to punish their oppressors: Whose practice, on the
contrary, will always be to form parties, and blow up
factions to mutual animosities, that they may find
protection in those animosities.

Let us not therefore, for the time to come, suffer
ourselves to be engaged in empty and pernicious
contentions; which can only tend to make us the
property and harvest of pickpockets: Let us learn to
value an honest man of another party, more than a
knave of our own: Let the only contention be, who
shall be most ready to spew out their own rogues; and I
will be answerable that all other differences will soon
be at an end. Indeed, there had been no such thing as
party now in England, if we had not been betrayed by
those whom we trusted.

Through the villanin and knavish designs of
leaders, this nation has lost several glorious
opportunities of rescuing the constitution, and settling
it upon a firm and solid basis: Let us not therefore, by
the like practices, lose the present favourable offer: Let
us make earnings of our misfortunes, and accept our
calamities as an opportunity thrown into our laps by
indulgent providence, to save ourselves; and not again
foolishly and ungratefully reject and spurn at the
intimations and invitations of heaven, to preserve our
prince and country.

Machiavel tells us, that no government can long
subsist, but by recurring often to its first principles; but
this can never be done while men live at ease and in
luxury; for then they cannot be persuaded to see
distant dangers, of which they feel no part. The
conjunctures proper for such reformations, are when
men are awakened by misfortunes, and frightened with
the approach and near view of present evils; then they
will wish for remedies, and their minds are prepared to
receive them, to hear reasons, and to fall into measures
proposed by wise men for their security.

The great authority just quoted informs us what
measures and expedients are necessary to save a state
under such exigencies: He tells us, that as a tyranny
cannot be established but by destroying Brutus; so a
free government is not to be preserved but by
destroying Brutus's sons. Let us therefore put on a
resolution equal to the mighty occasion: Let us exert a
spirit worthy of Britons, worthy of freemen who
deserve liberty. Let us take advantage of the
opportunity, while men's resentments boil high, whilst
lesser animosities seem to be laid aside, and most men
are sick of party and party-leaders; and let us, by all
proper methods, exemplarily punish the parricides, and
avowed enemies of all mankind.

Let neither private acquaintance, personal
alliance, or party combination, stand between us and
our duty to our country: Let all those who have a
common interest in the publick safety, join in common
measures to defend the publick safety: Let us pursue to
disgrace, destruction, and even death, those who have
brought this ruin upon us, let them be ever so great, or
ever so many: Let us stamp and deep engrave, in
characters legible to all Europe at present, and to all
posterity hereafter, what vengeance is due to crimes,
which have no less objects in view than the ruin of
nations, and the destruction of millions: They have
made many bold, desperate, and wicked attempts to
destroy us; let us strike one honest and bold stroke to
destroy them.

Though the designs of the conspirators should be
laid as deep as the center, though they should raise hell
itself in their quarrel, and should fetch legions of
votaries from thence to avow their proceedings; yet let
us not leave the pursuit, till we have their skins and
estates: We know, by past experience, that there are
those amongst us, who will be glad to quit the chase,
when our villains, like beavers, drop what they are
usually hunted for; but the nation is now too much
provoked, and too much injured, to suffer themselves to
be again so betrayed.

We have heaven to direct us, a glorious King to
lead us, and a wise and faithful Parliament to assist and
protect us: Whilst we have such a King, and such a
Parliament, every worthy Briton cries out aloud,

Manus haec inimica tyrannis Ense petit placidam,
sub libertate quietem.[2]

T. I am, &c.

Endnotes

[1.] This was said to have been spoken by a certain
Lord Chancellor in former times.

[2. Editor’s note] This was the motto of Algernon
Sidney, “Manus haec inimica tyrannis, Ense petit
placidam cum libertate quietem” (This hand, enemy to
tyrants, By the sword seeks calm peacefulness with
liberty).
Further Information

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FURTHER READING

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“Power is naturally active, vigilant, and distrustful; which qualities in it push it upon all means and expedients to fortify itself, and upon destroying all opposition, and even all seeds of opposition, and make it restless as long as any thing stands in its way.”

Thomas Gordon (1692-1750)
Editor’s Introduction

Thomas Gordon (1692-1750) was a radical Whig and Commonwealthman who, along with his collaborator John Trenchard (1662-1723), were important voices defending constitutionalism and individual liberty in the 1720s in England. Little is known of Gordon’s early life but he came to prominence by co-writing The Independent Whig (1720-21) and Cato’s Letters (1720-23) with Trenchard. He was a defender of the idea of liberty against political corruption, imperialism and militarism in the early 18th century. Their writings, especially Cato’s Letters, were also much read in the American colonies. After the death of Trenchard, Gordon translated the works of Tacitus (1728) and Sallust (1744) which included very lengthy political and historical commentaries.

Trenchard and Gordon adopted the nom de plume of “Cato”, after Cato the Younger (95-46 B.C.) who had been the foe of Julius Caesar and a champion of liberty and republican principles. They published 144 of their essays or “Letters” which had appeared originally in the London Journal and later in the British Journal between 1720 to 1723. They were collected and published as Cato’s Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects which were very popular in the American colonies.

In this essay on “The Natural Encroachments of Power” (1721) Gordon warns his readers about the growth of British imperial power during the 1720s. He saw a strong parallel with the growth of power during the Roman empire and wrote numerous discourses on that in his translations of the Roman historians Tacitus and Sallust. These warnings were well received by the North American colonists in their long struggle for independence from the British crown. In these passages Gordon graphically describes power as a kind of restless energy which is constantly seeking to expand its domain, to go around or overcome any check placed in its way, and to undermine liberty like some kind of “enemy at the gates”. The greatest danger comes from the people’s high regard for so-called “great men” who, although they personally might not have “picked the pockets” of private individuals, have nevertheless set their sights on “pillaging the world.”

“Power is naturally active, vigilant, and distrustful; which qualities in it push it upon all means and expedients to fortify itself, and upon destroying all opposition, and even all seeds of opposition, and make it restless as long as any thing stands in its way. It would do what it pleases, and have no check. Now, because liberty chastises and shortens power, therefore power would extinguish liberty; and consequently liberty has too much cause to be exceeding jealous, and always upon her defence. Power has many advantages over her; it has generally numerous guards, many creatures, and much treasure; besides, it has more craft and experience, less honesty and innocence: And whereas power can, and for the most part does, subsist where liberty is not, liberty cannot subsist without power; so that she has, as it were, the enemy always at her gates.”
Cautions against the natural
Encroachments of Power (1721)¹

Cato’s Letters, No. 33. Saturday, June 17, 1721.

Sir,

Considering what sort of a creature man is, it is scarce possible to put him under too many restraints, when he is possessed of great power: He may possibly use it well; but they act most prudently, who, supposing that he would use it ill, inclose him within certain bounds, and make it terrible to him to exceed them.

Men that are above all fear, soon grow above all shame. *Rupto pudore & meta, sue tantum ingenio utebatur*, says Tacitus of Tiberius. Even Nero had lived a great while inoffensively, and reigned virtuously: But finding at last that he might do what he would, he let loose his appetite for blood, and committed such mighty, such monstrous, such unnatural slaughters and outrages, as none but a heart bent on the study of cruelty could have devised. The good counsels of Seneca and Burrhus were, for some time, checks upon his wolffish nature; and doubtless he apprehended, that if he made direct and downright war upon his people, they would use resistance and make reprisals: But discovering, by degrees, that they would bear any thing, and his soldiers would execute every thing, he grew into an open defiance with mankind, and daily and wantonly wallowed in their blood. Having no other rival, he seemed to rival himself, and every day’s wickedness was blacker than another.

Yet Nero was not the worst of all men: There have been thousands as bad as he, and only wanted the same opportunity to shew it. And there actually have been many princes in the world who have shed more blood, and done more mischief to mankind, than Nero did. I could instance in a late one, who destroyed more lives than ever Nero destroyed, perhaps an hundred to one. It makes no difference, that Nero committed butcheries out of cruelty, and the other only for his glory: However the world may be deceived by the change of names into an abhorrence of the one, and an admiration of the other; it is all one to a nation, when they are to be slaughtered, whether they be slaughtered by the hangman or by dragoons, in prison or in the field; nor is ambition better than cruelty, when it begets mischief as great.

It is nothing strange, that men, who think themselves unaccountable, should act unaccountably, and that all men would be unaccountable if they could: Even those who have done nothing to displease, do not know but some time or other they may; and no man cares to be at the entire mercy of another. Hence it is, that if every man had his will, all men would exercise dominion, and no man would suffer it. It is therefore owing more to the necessities of men, than to their inclinations, that they have put themselves under the restraint of laws, and appointed certain persons, called magistrates, to execute them; otherwise they would never be executed, scarce any man having such a degree of virtue as willingly to execute the laws upon himself; but, on the contrary, most men thinking them a grievance, when they come to meddle with themselves and their property. *Suarum legum auctor & eversor*, was the character of Pompey: He made laws when they suited his occasions, and broke them when they thwarted his will. And it is the character of almost every man possessed of Pompey’s power: They intend them for a security to themselves, and for a terror to others. This shews the distrust that men have of men; and this made a great philosopher call the state of nature, a state of war; which definition is true in a

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restrained sense, since human societies and human laws are the effect of necessity and experience: Whereas were all men left to the boundless liberty which they claim from nature, every man would be interfering and quarrelling with another; every man would be plundering the acquisitions of another; the labour of one man would be the property of another; weakness would be the prey of force; and one man's industry would be the cause of another man's idleness.

Hence grew the necessity of government; which was the mutual contract of a number of men, agreeing upon certain terms of union and society, and putting themselves under penalties, if they violated these terms, which were called laws, and put into the hands of one or more men to execute. And thus men quitted part of their natural liberty to acquire civil security. But frequently the remedy proved worse than the disease; and human society had often no enemies so great as their own magistrates; who, where-ever they were trusted with too much power, always abused it, and grew mischievous to those who made them what they were. Rome, while she was free (that is, while she kept her magistrates within due bounds) could defend herself against all the world, and conquer it: But being enslaved (that is, her magistrates having broke their bounds) she could not defend herself against her own single tyrants, nor could they defend her against her foreign foes and invaders; for by their madness and cruelties they had destroyed her virtue and spirit, and exhausted her strength. This shews that those magistrates that are at absolute defiance with a nation, either cannot subsist long, or will not suffer the nation to subsist long; and that mighty traitors, rather than fall themselves, will pull down their country.

There is no evil under the sun but what is to be dreaded from men, who may do what they please with impunity: They seldom or never stop at certain degrees of mischief when they have power to go farther; but hurry on from wickedness to wickedness, as far and as fast as human malice can prompt human power.

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There is no evil under the sun but what is to be dreaded from men, who may do what they please with impunity: They seldom or never stop at certain degrees of mischief when they have power to go farther; but hurry on from wickedness to wickedness, as far and as fast as human malice can prompt human power. Ubi semel recto deerratum est, in praeceps pervenitur—a rectis in vita, a vitiis in prava, a pravis in praeceps, says a Roman historian; who in this speaks the truth, though in other instances he tells many lies; I mean that base flatterer of power, Velleius Paterculus. So that when we see any great mischief committed with safety, we may justly apprehend mischiefs still greater.

The world is governed by men, and men by their passions; which, being boundless and insatiable, are always terrible when they are not controuled. Who was ever satiated with riches, or surfeited with power, or tired with honours? There is a tradition concerning Alexander, that having penetrated to the Eastern Ocean, and ravaged as much of this world as he knew, he wept that there was never another world for him to conquer. This, whether true or no, shews the spirit of the man, and indeed of human nature, whose appetites are infinite.

People are ruined by their ignorance of human nature; which ignorance leads them to credulity, and too great a confidence in particular men. They fondly imagine that he, who, possessing a great deal by their favour, owes them great gratitude, and all good offices, will therefore return their kindness: But, alas! how
often are they mistaken in their favourites and trustees; who, the more they have given them, are often the more incited to take all, and to return destruction for generous usage. The common people generally think that great men have great minds, and scorn base actions; which judgment is so false, that the basest and worst of all actions have been done by great men: Perhaps they have not picked private pockets, but they have done worse; they have often disturbed, deceived, and pillaged the world: And he who is capable of the highest mischief, is capable of the meanest: He who plunders a country of a million of money, would in suitable circumstances steal a silver spoon; and a conqueror, who steals and pillages a kingdom, would, in an humbler fortune, rifle a portmanteau, or rob an orchard.

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Political jealousy, therefore, in the people, is a necessary and laudable passion. But in a chief magistrate, a jealousy of his people is not so justifiable, their ambition being only to preserve themselves; whereas it is natural for power to be striving to enlarge itself, and to be encroaching upon those that have none. The most laudable jealousy of a magistrate is to be jealous for his people; which will shew that he loves them, and has used them well: But to be jealous of them, would denote that he has evil designs against them, and has used them ill. The people's jealousy tends to preserve liberty; and the prince's to destroy it. Venice is a glorious instance of the former, and so is England; and all nations who have lost their liberty, are melancholy proofs of the latter.

Power is naturally active, vigilant, and distrustful; which qualities in it push it upon all means and expedients to fortify itself, and upon destroying all opposition, and even all seeds of opposition, and make it restless as long as any thing stands in its way. It would do what it pleases, and have no check. Now, because liberty chastises and shortens power, therefore power would extinguish liberty; and consequently liberty has too much cause to be exceeding jealous, and always upon her defence. Power has many advantages over her; it has generally numerous guards, many creatures, and much treasure; besides, it has more craft and experience, less honesty and innocence: And whereas power can, and for the most part does, subsist where liberty is not, liberty cannot subsist without power; so that she has, as it were, the enemy always at her gates.

Some have said, that magistrates being accountable to none but God, ought to know no other restraint. But this reasoning is as frivolous as it is wicked; for no good man cares how many punishments and penalties lie in his way to an offence which he does not intend to commit: A man who does not mean to commit murder, is not sorry that murder is punished with death. And as to wicked men, their being accountable to God, whom they do not fear, is no security to use against their folly and malice; and to say that we ought to have no security against them, is to insult common sense, and give the lie to the first law of nature, that of self-preservation. Human reason says, that there is no obedience, no regard due to those rulers, who govern by no rule but their lust. Such men are no rulers; they are outlaws; who, being at defiance
with God and man, are protected by no law of God, or of reason. By what precept, moral or divine, are we forbid to kill a wolf, or burn an infected ship? Is it unlawful to prevent wickedness and misery, and to resist the authors of them? Are crimes sanctified by their greatness? And is he who robs a country, and murders ten thousand, less a criminal, then he who steals single guineas, and takes away single lives? Is there any sin in preventing, and restraining, or resisting the greatest sin that can be committed, that of oppressing and destroying mankind by wholesale? Sure there never were such open, such shameless, such selfish impostors, as the advocates for lawless power! It is a damnable sin to oppress them; yet it is a damnable sin to oppose them when they oppress, or gain by oppression of others! When they are hurt themselves ever so little, or but think themselves hurt, they are the loudest of all men in their complaints, and the most outrageous in their behaviour: But when others are plundered, oppressed, and butchered, complaints are sedition; and to seek redress, is damnation. Is not this to be the authors of all wickedness and falsehood?

*The only security which we can have that men will be honest, is to make it their interest to be honest; and the best defence which we can have against their being knaves, is to make it terrible to them to be knaves.*

To conclude: Power, without control, appertains to God alone; and no man ought to be trusted with what no man is equal to. In truth there are so many passions, and inconsistencies, and so much selfishness, belonging to human nature, that we can scarce be too much upon our guard against each other. The only security which we can have that men will be honest, is to make it their interest to be honest; and the best defence which we can have against their being knaves, is to make it terrible to them to be knaves. As there are many men wicked in some stations, who would be innocent in others; the best way is to make wickedness unsafe in any station.

I am, &c.,

P. S. This letter is the sequel of that upon human nature; and both are intended for an introduction to a paper which I intend to write upon the restraints which all wise nations put upon their magistrates.

G(ordon)
Further Information

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School of Thought: 18th Century Commonwealth <http://oll.libertyfund.org/groups/34>
“Almost all the governments, which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest, or both, without any pretence of a fair consent, or voluntary subjection of the people.”
Editor’s Introduction

David Hume (1711-1776) was a moral philosopher and historian and a leading member of the Scottish Enlightenment. In philosophy he was a skeptic. In his multi-volume History of England he showed how the rule of law and the creation of an independent judiciary created the foundation for liberty in England. Hume also wrote on economics, was a personal friend of Adam Smith, and was a proponent of free trade.

Hume’s posthumous collection of essays on philosophical and political topics covers thirty years of his life and some of them on religion were too controversial to be published in his lifetime. The Essays, Moral, Political, and Literary (1777) contain several essays on Hume’s theory of government, four of which we include here: the first principles of government, the origin of government, the original contract, and passive obedience.

In these essays Hume discusses the proper functions of government, the reasons why people submit to its authority, its origins in war and conquest, the relative importance of force and public opinion in maintaining its power, the legitimacy of the social contract, and the extent to which people are obligated to obey its commands.

“In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontrollable.”
**David Hume, On Government (1777)**

**Essay IV: Of the First Principles of Government**

“Nothing appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as Force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular.”

Nothing appears more surprizing to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as Force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular.

Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclination: But he must, at least, have led his mamalukes, or pretorian bands, like men, by their opinion.

Opinion is of two kinds, to wit, opinion of interest, and opinion of right. By opinion of interest, I chiefly understand the sense of the general advantage which is reaped from government; together with the persuasion, that the particular government, which is established, is equally advantageous with any other that could easily be settled. When this opinion prevails among the generality of a state, or among those who have the force in their hands, it gives great security to any government.

Right is of two kinds, right to Power and right to Property. What prevalence opinion of the first kind has over mankind, may easily be understood, by observing the attachment which all nations have to their ancient government, and even to those names, which have had the sanction of antiquity. Antiquity always begets the opinion of right; and whatever disadvantageous sentiments we may entertain of mankind, they are always found to be prodigal both of blood and treasure in the maintenance of public justice. There is, indeed, no particular, in which, at first sight, there may appear a greater contradiction in the frame of the human mind than the present. When men act in a faction, they are apt, without shame or remorse, to neglect all the ties of honour and morality, in order to serve their party; and yet, when a faction is formed upon a point of right or principle, there is no occasion, where men discover a greater obstinacy, and a more determined sense of justice and equity. The same social disposition of mankind is the cause of these contradictory appearances.

It is sufficiently understood, that the opinion of right to property is of moment in all matters of government. A noted author has made property the foundation of all government;[1] and most of our political writers seem inclined to follow him in that particular. This is carrying the matter too far; but still it must be owned, that the opinion of right to property has a great influence in this subject.

Upon these three opinions, therefore, of public interest, of right to power, and of right to property, are

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all governments founded, and all authority of the few over the many. There are indeed other principles, which add force to these, and determine, limit, or alter their operation; such as self-interest, fear, and affection. But still we may assert, that these other principles can have no influence alone, but suppose the antecedent influence of those opinions above-mentioned. They are, therefore, to be esteemed the secondary, not the original principles of government.

For, first, as to self-interest, by which I mean the expectation of particular rewards, distinct from the general protection which we receive from government, it is evident that the magistrate’s authority must be antecedently established, at least be hoped for, in order to produce this expectation. The prospect of reward may augment his authority with regard to some particular persons; but can never give birth to it, with regard to the public. Men naturally look for the greatest favours from their friends and acquaintance; and therefore, the hopes of any considerable number of the state would never center in any particular set of men, if these men had no other title to magistracy, and had no separate influence over the opinions of mankind. The same observation may be extended to the other two principles of fear and affection. No man would have any reason to fear the fury of a tyrant, if he had no authority over any but from fear; since, as a single man, his bodily force can reach but a small way, and all the farther power he possesses must be founded either on our own opinion, or on the presumed opinion of others. And though affection to wisdom and virtue in a sovereign extends very far, and has great influence; yet he must antecedently be supposed invested with a public character, otherwise the public esteem will serve him in no stead, nor will his virtue have any influence beyond a narrow sphere.

A Government may endure for several ages, though the balance of power, and the balance of property do not coincide. This chiefly happens, where any rank or order of the state has acquired a large share in the property; but from the original constitution of the government, has no share in the power. Under what pretence would any individual of that order assume authority in public affairs? As men are commonly much attached to their ancient government, it is not to be expected, that the public would ever favour such usurpations. But where the original constitution allows any share of power, though small, to an order of men, who possess a large share of the property, it is easy for them gradually to stretch their authority, and bring the balance of power to coincide with that of property. This has been the case with the house of commons in England.

“where the original constitution allows any share of power, though small, to an order of men, who possess a large share of the property, it is easy for them gradually to stretch their authority, and bring the balance of power to coincide with that of property.”

Most writers, that have treated of the British government, have supposed, that, as the lower house represents all the commons of Great Britain, its weight in the scale is proportioned to the property and power of all whom it represents. But this principle must not be received as absolutely true. For though the people are apt to attach themselves more to the house of commons, than to any other member of the constitution; that house being chosen by them as their representatives, and as the public guardians of their liberty; yet are there instances where the house, even when in opposition to the crown, has not been followed by the people; as we may particularly observe of the tory house of commons in the reign of king William. [2] Were the members obliged to receive instructions from their constituents, like the Dutch deputies, this would entirely alter the case; and if such immense power and riches, as those of all the commons of Great Britain, were brought into the scale, it is not easy to conceive, that the crown could either influence that multitude of people, or withstand that overbalance of property. It is true, the crown has great influence over the collective body in the elections of members; but were this influence, which at present is only exerted once in seven years, to be employed in bringing over the people to every vote, it would soon be wasted; and no skill, popularity, or revenue, could support it. I must, therefore, be of opinion, that an alteration in this particular would introduce a total alteration in our government, and would soon reduce it to a pure republic; and, perhaps, to a republic of no inconvenient form. For though the people, collected in
a body like the Roman tribes, be quite unfit for government, yet when dispersed in small bodies, they are more susceptible both of reason and order; the force of popular currents and tides is, in a great measure, broken; and the public interest may be pursued with some method and constancy. But it is needless to reason any farther concerning a form of government, which is never likely to have place in Great Britain, and which seems not to be the aim of any party amongst us. Let us cherish and improve our ancient government as much as possible, without encouraging a passion for such dangerous novelties.

Notes

[1] [Probably James Harrington (1611–1677), author of the *Commonwealth of Oceana* (1656), who maintained that the balance of political power depends upon the balance of property, especially landed property.]

[2] [During the period from 1698 to 1701, the House of Commons, under Tory control, opposed measures taken by William III for the security of Europe against Louis XIV of France. When the county of Kent sent petitioners to London in 1701 to chide the House of Commons for its distrust of the king and its delay in voting supplies, the petitioners were arrested. Public disgust at the treatment of the Kentish petitioners was expressed in a Whig pamphlet called the Legion Memorial (1701). The Kentish Petition and the Legion Memorial proved that popular feeling was on the king’s side in this struggle with the Commons.]

“*We are, therefore, to look upon all the vast apparatus of our government, as having ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the twelve judges. Kings and parliaments, fleets and armies, officers of the court and revenue, ambassadors, ministers, and privy-counsellors, are all subordinate in their end to this part of administration.*”

All men are sensible of the necessity of justice to maintain peace and order; and all men are sensible of the necessity of peace and order for the maintenance of society. Yet, notwithstanding this strong and obvious necessity, such is the frailty or perverseness of our nature! it is impossible to keep men, faithfully and unerringly, in the paths of justice. Some extraordinary circumstances may happen, in which a man finds his interests to be more promoted by fraud or rapine, than hurt by the breach which his injustice makes in the social union. But much more frequently, he is seduced from his great and important, but distant interests, by the allurement of present, though often very frivolous temptations. This great weakness is incurable in human nature.

Men must, therefore, endeavour to palliate what they cannot cure. They must institute some persons, under the appellation of magistrates, whose peculiar office it is, to point out the decrees of equity, to punish...
transgressors, to correct fraud and violence, and to oblige men, however reluctant, to consult their own real and permanent interests. In a word, Obedience is a new duty which must be invented to support that of Justice; and the ties of equity must be corroborated by those of allegiance.

But still, viewing matters in an abstract light, it may be thought, that nothing is gained by this alliance, and that the factitious duty of obedience, from its very nature, lays as feeble a hold of the human mind, as the primitive and natural duty of justice. Peculiar interests and present temptations may overcome the one as well as the other. They are equally exposed to the same inconvenience. And the man, who is inclined to be a bad neighbour, must be led by the same motives, well or ill understood, to be a bad citizen and subject. Not to mention, that the magistrate himself may often be negligent, or partial, or unjust in his administration.

Experience, however, proves, that there is a great difference between the cases. Order in society, we find, is much better maintained by means of government; and our duty to the magistrate is more strictly guarded by the principles of human nature, than our duty to our fellow-citizens. The love of dominion is so strong in the breast of man, that many, not only submit to, but court all the dangers, and fatigues, and cares of government; and men, once raised to that station, though often led astray by private passions, find, in ordinary cases, a visible interest in the impartial administration of justice. The persons, who first attain this distinction by the consent, tacit or express, of the people, must be endowed with superior personal qualities of valour, force, integrity, or prudence, which command respect and confidence: and after government is established, a regard to birth, rank, and station has a mighty influence over men, and enforces the decrees of the magistrate. The prince or leader exclaims against every disorder, which disturbs his society. He summons all his partizans and all men of probity to aid him in correcting and redressing it: and he is readily followed by all indifferent persons in the execution of his office. He soon acquires the power of rewarding these services; and in the progress of society, he establishes subordinate ministers and often a military force, who find an immediate and a visible interest, in supporting his authority. Habit soon consolidates what other principles of human nature had imperfectly founded; and men, once accustomed to obedience, never think of departing from that path, in which they and their ancestors have constantly trod, and to which they are confined by so many urgent and visible motives.

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But though this progress of human affairs may appear certain and inevitable, and though the support which allegiance brings to justice, be founded on obvious principles of human nature, it cannot be expected that men should beforehand be able to discover them, or foresee their operation. Government commences more casually and more imperfectly. It is probable, that the first ascendant of one man over multitudes begun during a state of war; where the superiority of courage and of genius discovers itself most visibly, where unanimity and concert are most requisite, and where the pernicious effects of disorder are most sensibly felt. The long continuance of that state, an incident common among savage tribes, enured the people to submission; and if the chieftain possessed as much equity as prudence and valour, he became, even during peace, the arbiter of all differences, and could gradually, by a mixture of force and consent, establish his authority. The benefit sensibly felt from his influence, made it be cherished by the people, at least by the peaceable and well disposed among them; and if his son enjoyed the same good qualities, government advanced the sooner to maturity and perfection; but was still in a feeble state, till the farther progress of improvement procured the magistrate a revenue, and enabled him to bestow rewards on the several instruments of his administration, and to inflict punishments on the refractory and disobedient. Before that period, each exertion of his influence must have been particular, and founded on the peculiar circumstances of the case. After it, submission was no
longer a matter of choice in the bulk of the community, but was rigorously exacted by the authority of the supreme magistrate.

“In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontrollable.”

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Essay XII: Of the Original Contract

As no party, in the present age, can well support itself, without a philosophical or speculative system of principles, annexed to its political or practical one; we accordingly find, that each of the factions, into which this nation is divided, has reared up a fabric of the former kind, in order to protect and cover that scheme of actions, which it pursues.[1] The people being commonly very rude builders, especially in this speculative way, and more especially still, when actuated by party-zeal; it is natural to imagine, that their workmanship must be a little unshapely, and discover evident marks of that violence and hurry, in which it was raised. The one party, by tracing up government to the Deity, endeavour to render it so sacred and inviolate, that it must be little less than sacrilege, however tyrannical it may become, to touch or invade it, in the smallest article. The other party, by founding government altogether on the consent of the People, suppose that there is a kind of original contract, by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority, with which they have, for certain purposes, voluntarily entrusted him. These are the speculative principles of the two parties; and these too are the practical consequences deduced from them.

I shall venture to affirm, That both these systems of speculative principles are just; though not in the sense, intended by the parties: And, That both the schemes of practical consequences are prudent; though not in the extremes, to which each party, in opposition to the other, has commonly endeavoured to carry them.

That the Deity is the ultimate author of all government, will never be denied by any, who admit a general providence, and allow, that all events in the universe are conducted by an uniform plan, and directed to wise purposes. As it is impossible for the human race to subsist, at least in any comfortable or secure state, without the protection of government; this institution must certainly have been intended by that
beneficent Being, who means the good of all his creatures: And as it has universally, in fact, taken place, in all countries, and all ages; we may conclude, with still greater certainty, that it was intended by that omniscient Being, who can never be deceived by any event or operation. But since he gave rise to it, not by any particular or miraculous interposition, but by his concealed and universal efficacy; a sovereign cannot, properly speaking, be called his vice-gerent, in any other sense than every power or force, being derived from him, may be said to act by his commission. Whatever actually happens is comprehended in the general plan or intention of providence; nor has the greatest and most lawful prince any more reason, upon that account, to plead a peculiar sacredness or inviolable authority, than an inferior magistrate, or even an usurper, or even a robber and a pyrate. The same divine superintendant, who, for wise purposes, invested a Titus or a Trajan with authority, did also, for purposes, no doubt, equally wise, though unknown, bestow power on a Borgia or an Angria.[2] The same causes, which gave rise to the sovereign power in every state, established likewise every petty jurisdiction in it, and every limited authority. A constable, therefore, no less than a king, acts by a divine commission, and possesses an indefeasible right.

When we consider how nearly equal all men are in their bodily force, and even in their mental powers and faculties, till cultivated by education; we must necessarily allow, that nothing but their own consent could, at first, associate them together, and subject them to any authority. The people, if we trace government to its first origin in the woods and deserts, are the source of all power and jurisdiction, and voluntarily, for the sake of peace and order, abandoned their native liberty, and received laws from their equal and companion. The conditions, upon which they were willing to submit, were either expressed, or were so clear and obvious, that it might well be esteemed superfluous to express them. If this, then, be meant by the original contract, it cannot be denied, that all government is, at first, founded on a contract, and that the most ancient rude combinations of mankind were formed chiefly by that principle. In vain, are we asked in what records this charter of our liberties is registered. It was not written on parchment, nor yet on leaves or barks of trees. It preceded the use of writing and all the other civilized arts of life. But we trace it plainly in the nature of man, and in the equality, or something approaching equality, which we find in all the individuals of that species.

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Yet even this consent was long very imperfect, and could not be the basis of a regular administration. The chieftain, who had probably acquired his influence during the continuance of war, ruled more by persuasion than command; and till he could employ force to reduce the refractory and disobedient, the society could scarcely be said to have attained a state of civil government. No compact or agreement, it is evident, was expressly formed for general submission; an idea far beyond the comprehension of savages: Each exertion of authority in the chieftain must have been particular, and called forth by the present exigencies of the case: The sensible utility, resulting
from his interposition, made these exertions become
daily more frequent; and their frequency gradually
produced an habitual, and, if you please to call it so, a
voluntary, and therefore precarious, acquiescence in
the people.

But philosophers, who have embraced a party (if
that be not a contradiction in terms) are not contented
with these concessions. They assert, not only that
government in its earliest infancy arose from consent or
rather the voluntary acquiescence of the people; but
also, that, even at present, when it has attained full
maturity, it rests on no other foundation.[3] They
affirm, that all men are still born equal, and owe
allegiance to no prince or government, unless bound by
the obligation and sanction of a promise. And as no
man, without some equivalent, would forego the
advantages of his native liberty, and subject himself to
the will of another; this promise is always understood
to be conditional, and imposes on him no obligation,
unless he meet with justice and protection from his
sovereign. These advantages the sovereign promises
him in return; and if he fail in the execution, he has
broken, on his part, the articles of engagement, and
has thereby freed his subject from all obligations to
allegiance. Such, according to these philosophers, is the
foundation of authority in every government; and such
the right of resistance, possessed by every subject.

But would these reasoners look abroad into the
world, they would meet with nothing that, in the least,
corresponds to their ideas, or can warrant so refined
and philosophical a system. On the contrary, we find,
every where, princes, who claim their subjects as their
property, and assert their independent right of
sovereignty, from conquest or succession. We find also,
every where, subjects, who acknowledge this right in
their prince, and suppose themselves born under
obligations of obedience to a certain sovereign, as
much as under the ties of reverence and duty to certain
parents. These connexions are always conceived to be
equally independent of our consent, in Persia and
China; in France and Spain; and even in Holland and
England, wherever the doctrines above-mentioned
have not been carefully inculcated. Obedience or
subjection becomes so familiar, that most men never
make any enquiry about its origin or cause, more than
about the principle of gravity, resistance, or the most
universal laws of nature. Or if curiosity ever move
them; as soon as they learn, that they themselves and
their ancestors have, for several ages, or from time
immemorial, been subject to such a form of
government or such a family; they immediately
acquiesce, and acknowledge their obligation to
allegiance. Were you to preach, in most parts of the
world, that political connexions are founded altogether
on voluntary consent or a mutual promise, the
magistrate would soon imprison you, as seditious, for
loosening the ties of obedience; if your friends did not
before shut you up as delirious, for advancing such
absurdities. It is strange, that an act of the mind, which
every individual is supposed to have formed, and after
he came to the use of reason too, otherwise it could
have no authority; that this act, I say, should be so
much unknown to all of them, that, over the face of
the whole earth, there scarcely remain any traces or
memory of it.

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But the contract, on which government is founded,
is said to be the original contract; and consequently
may be supposed too old to fall under the knowledge
of the present generation. If the agreement, by which
savage men first associated and conjoined their force,
be here meant, this is acknowledged to be real; but
being so ancient, and being obliterated by a thousand
changes of government and princes, it cannot now be
supposed to retain any authority. If we would say any
ting to the purpose, we must assert, that every
particular government, which is lawful, and which
imposes any duty of allegiance on the subject, was, at
first, founded on consent and a voluntary compact. But
besides that this supposes the consent of the fathers to
bind the children, even to the most remote generations,
(which republican writers will never allow) besides this,
I say, it is not justified by history or experience, in any age or country of the world.

“Almost all the governments, which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest, or both, without any pretence of a fair consent, or voluntary subjection of the people.”

Almost all the governments, which exist at present, or of which there remains any record in story, have been founded originally, either on usurpation or conquest, or both, without any pretence of a fair consent, or voluntary subjection of the people. When an artful and bold man is placed at the head of an army or faction, it is often easy for him, by employing, sometimes violence, sometimes false pretences, to establish his dominion over a people a hundred times more numerous than his partizans. He allows no such open communication, that his enemies can know, with certainty, their number or force. He gives them no leisure to assemble together in a body to oppose him. Even all those, who are the instruments of his usurpation, may wish his fall; but their ignorance of each other's intention keeps them in awe, and is the sole cause of his security. By such arts as these, many governments have been established; and this is all the original contract, which they have to boast of.

The face of the earth is continually changing, by the encrease of small kingdoms into great empires, by the dissolution of great empires into smaller kingdoms, by the planting of colonies, by the migration of tribes. Is there any thing discoverable in all these events, but force and violence? Where is the mutual agreement or voluntary association so much talked of? Even the smoothest way, by which a nation may receive a foreign master, by marriage or a will, is not extremely honourable for the people; but supposes them to be disposed of, like a dowry or a legacy, according to the pleasure or interest of their rulers.

But where no force interposes, and election takes place; what is this election so highly vaunted? It is either the combination of a few great men, who decide for the whole, and will allow of no opposition: Or it is the fury of a multitude, that follow a seditious ringleader, who is not known, perhaps, to a dozen among them, and who owes his advancement merely to his own impudence, or to the momentary caprice of his fellows.

Are these disorderly elections, which are rare too, of such mighty authority, as to be the only lawful foundation of all government and allegiance?

In reality, there is not a more terrible event, than a total dissolution of government, which gives liberty to the multitude, and makes the determination or choice of a new establishment depend upon a number, which nearly approaches to that of the body of the people: For it never comes entirely to the whole body of them. Every wise man, then, wishes to see, at the head of a powerful and obedient army, a general, who may speedily seize the prize, and give to the people a master, which they are so unfit to choose for themselves. So little correspondent is fact and reality to those philosophical notions.

Let not the establishment at the Revolution deceive us, or make us so much in love with a philosophical origin to government, as to imagine all others monstrous and irregular. Even that event was far from corresponding to these refined ideas. It was only the succession, and that only in the regal part of the government, which was then changed: And it was only the majority of seven hundred, who determined that change for near ten millions. I doubt not, indeed, but the bulk of those ten millions acquiesced willingly in the determination: But was the matter left, in the least, to their choice? Was it not justly supposed to be, from that moment, decided, and every man punished, who refused to submit to the new sovereign? How otherwise could the matter have ever been brought to any issue or conclusion?

The republic of Athens was, I believe, the most extensive democracy, that we read of in history: Yet if we make the requisite allowances for the women, the slaves, and the strangers, we shall find, that that establishment was not, at first, made, nor any law ever voted, by a tenth part of those who were bound to pay obedience to it: Not to mention the islands and foreign dominions, which the Athenians claimed as theirs by right of conquest. And as it is well known, that popular assemblies in that city were always full of licence and disorder, notwithstanding the institutions and laws by which they were checked: How much more disorderly
must they prove, where they form not the established
costitution, but meet tumultuously on the dissolution
of the ancient government, in order to give rise to a
new one? How chimerical must it be to talk of a choice
in such circumstances?

[some historical examples have been cut here]

“I maintain, that human affairs will
never admit of this consent; seldom of
the appearance of it. But that conquest or
usurpation, that is, in plain terms, force,
by dissolving the ancient governments, is
the origin of almost all the new ones,
which were ever established in the
world. And that in the few cases, where
consent may seem to have taken place, it
was commonly so irregular, so confined,
or so much intermixed either with fraud
or violence, that it cannot have any great
authority.”

It is in vain to say, that all governments are or
should be, at first, founded on popular consent, as
much as the necessity of human affairs will admit. This
favours entirely my pretension. I maintain, that human
affairs will never admit of this consent; seldom of the
appearance of it. But that conquest or usurpation, that
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place, it was commonly so irregular, so confined, or so
much intermixed either with fraud or violence, that it
cannot have any great authority.

My intention here is not to exclude the consent of
the people from being one just foundation of
government where it has place. It is surely the best and
most sacred of any. I only pretend, that it has very
seldom had place in any degree, and never almost in its
full extent. And that therefore some other foundation
of government must also be admitted.

Were all men possessed of so inflexible a regard to
justice, that, of themselves, they would totally abstain
from the properties of others; they had for ever
remained in a state of absolute liberty, without
subjection to any magistrate or political society: But
this is a state of perfection, of which human nature is
justly deemed incapable. Again; were all men possessed
of so perfect an understanding, as always to know their
own interests, no form of government had ever been
submitted to, but what was established on consent, and
was fully canvassed by every member of the society:
But this state of perfection is likewise much superior to
human nature. Reason, history, and experience shew
us, that all political societies have had an origin much
less accurate and regular; and were one to choose a
period of time, when the people’s consent was the least
regarded in public transactions, it would be precisely
on the establishment of a new government. In a settled
constitution, their inclinations are often consulted; but
during the fury of revolutions, conquests, and public
convulsions, military force or political craft usually
decides the controversy.

When a new government is established, by
whatever means, the people are commonly dissatisfied
with it, and pay obedience more from fear and
necessity, than from any idea of allegiance or of moral
obligation. The prince is watchful and jealous, and
must carefully guard against every beginning or
appearance of insurrection. Time, by degrees, removes
all these difficulties, and accustoms the nation to
regard, as their lawful or native princes, that family,
which, at first, they considered as usurpers or foreign
conquerors. In order to found this opinion, they have
no recourse to any notion of voluntary consent or
promise, which, they know, never was, in this case,
either expected or demanded. The original
establishment was formed by violence, and submitted
to from necessity. The subsequent administration is also
supported by power, and acquiesced in by the people,
not as a matter of choice, but of obligation. They
imagine not, that their consent gives their prince a title:
But they willingly consent, because they think, that,
from long possession, he has acquired a title,
independent of their choice or inclination.

Should it be said, that, by living under the
dominion of a prince, which one might leave, every
individual has given a tacit consent to his authority, and
promised him obedience; it may be answered, that such
an implied consent can only have place, where a man
imagines, that the matter depends on his choice. But where he thinks (as all mankind do who are born under established governments) that by his birth he owes allegiance to a certain prince or certain form of government; it would be absurd to infer a consent or choice, which he expressly, in this case, renounces and disclaims.

Can we seriously say, that a poor peasant or artizan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages which he acquires? We may as well assert, that a man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean, and perish, the moment he leaves her.

What if the prince forbid his subjects to quit his dominions; as in Tiberius’s time, it was regarded as a crime in a Roman knight that he had attempted to fly to the Parthians, in order to escape the tyranny of that emperor? [7] Or as the ancient Muscovites prohibited all travelling under pain of death? And did a prince observe, that many of his subjects were seized with the frenzy of migrating to foreign countries, he would doubtless, with great reason and justice, restrain them, in order to prevent the depopulation of his own kingdom. Would he forfeit the allegiance of all his subjects, by so wise and reasonable a law? Yet the freedom of their choice is surely, in that case, ravished from them.

A company of men, who should leave their native country, in order to people some uninhabited region, might dream of recovering their native freedom; but they would soon find, that their prince still laid claim to them, and called them his subjects, even in their new settlement. And in this he would but act conformably to the common ideas of mankind.

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The truest tacit consent of this kind, that is ever observed, is when a foreigner settles in any country, and is beforehand acquainted with the prince, and government, and laws, to which he must submit: Yet is his allegiance, though more voluntary, much less expected or depended on, than that of a natural born subject. On the contrary, his native prince still asserts a claim to him. And if he punish not the renegade, when he seizes him in war with his new prince’s commission; this clemency is not founded on the municipal law, which in all countries condemns the prisoner; but on the consent of princes, who have agreed to this indulgence, in order to prevent reprisals.

Did one generation of men go off the stage at once, and another succeed, as is the case with silk-worms and butterflies, the new race, if they had sense enough to choose their government, which surely is never the case with men, might voluntarily, and by general consent, establish their own form of civil polity, without any regard to the laws or precedents, which prevailed among their ancestors. But as human society is in perpetual flux, one man every hour going out of the world, another coming into it, it is necessary, in order to preserve stability in government, that the new brood should conform themselves to the established constitution, and nearly follow the path which their fathers, treading in the footsteps of theirs, had marked out to them. Some innovations must necessarily have place in every human institution, and it is happy where the enlightened genius of the age give these a direction to the side of reason, liberty, and justice: but violent innovations no individual is entitled to make: they are even dangerous to be attempted by the legislature: more ill than good is ever to be expected from them: and if history affords examples to the contrary, they are not to be drawn into precedent, and are only to be regarded as proofs, that the science of politics affords few rules, which will not admit of some exception, and which may not sometimes be controlled by fortune and accident. The violent innovations in the reign of
Henry VIII. [8] proceeded from an imperious monarch, seconded by the appearance of legislative authority: Those in the reign of Charles I. were derived from faction and fanaticism; and both of them have proved happy in the issue: But even the former were long the source of many disorders, and still more dangers; and if the measures of allegiance were to be taken from the latter, a total anarchy must have place in human society; and a final period at once be put to every government.

“Did one generation of men go off the stage at once, and another succeed, as is the case with silk-worms and butterflies, the new race, if they had sense enough to choose their government, which surely is never the case with men, might voluntarily, and by general consent, establish their own form of civil polity, without any regard to the laws or precedents, which prevailed among their ancestors.”

Suppose, that an usurper, after having banished his lawful prince and royal family, should establish his dominion for ten or a dozen years in any country, and should preserve so exact a discipline in his troops, and so regular a disposition in his garrisons, that no insurrection had ever been raised, or even murmur heard, against his administration: Can it be asserted, that the people, who in their hearts abhor his treason, have tacitly consented to his authority, and promised him allegiance, merely because, from necessity, they live under his dominion? Suppose again their native prince restored, by means of an army, which he levies in foreign countries: They receive him with joy and exultation, and shew plainly with what reluctance they had submitted to any other yoke. I may now ask, upon what foundation the prince’s title stands? Not on popular consent surely: For though the people willingly acquiesce in his authority, they never imagine, that their consent made him sovereign. They consent; because they apprehend him to be already, by birth, their lawful sovereign. And as to that tacit consent, which may now be inferred from their living under his dominion, this is no more than what they formerly gave to the tyrant and usurper.

When we assert, that all lawful government arises from the consent of the people, we certainly do them a great deal more honour than they deserve, or even expect and desire from us. After the Roman dominions became too unwieldy for the republic to govern them, the people, over the whole known world, were extremely grateful to Augustus for that authority, which, by violence, he had established over them; and they shewed an equal disposition to submit to the successor, whom he left them, by his last will and testament. It was afterwards their misfortune, that there never was, in one family, any long regular succession; but that their line of princes was continually broken, either by private assassinations or public rebellions. The prætorian bands, on the failure of every family, set up one emperor; the legions in the East a second; those in Germany, perhaps, a third: And the sword alone could decide the controversy. The condition of the people, in that mighty monarchy, was to be lamented, not because the choice of the emperor was never left to them; for that was impracticable: But because they never fell under any succession of masters, who might regularly follow each other. As to the violence and wars and bloodshed, occasioned by every new settlement; these were not blameable, because they were inevitable.

The house of Lancaster ruled in this island about sixty years; yet the partizans of the white rose seemed daily to multiply in England. [9] The present establishment has taken place during a still longer period. Have all views of right in another family been utterly extinguished; even though scarce any man now alive had arrived at years of discretion, when it was expelled, or could have consented to its dominion, or have promised it allegiance? A sufficient indication surely of the general sentiment of mankind on this head. For we blame not the partizans of the abdicated family, merely on account of the long time, during which they have preserved their imaginary loyalty. We blame them for adhering to a family, which, we affirm, has been justly expelled, and which, from the moment the new settlement took place, had forfeited all title to authority.

But would we have a more regular, at least a more philosophical, refutation of this principle of an original
contract or popular consent; perhaps, the following observations may suffice.

All moral duties may be divided into two kinds. [10] The first are those, to which men are impelled by a natural instinct or immediate propensity, which operates on them, independent of all ideas of obligation, and of all views, either to public or private utility. Of this nature are, love of children, gratitude to benefactors, pity to the unfortunate. When we reflect on the advantage, which results to society from such humane instincts, we pay them the just tribute of moral approbation and esteem: But the person, actuated by them, feels their power and influence, antecedent to any such reflection.

“For as it is evident, that every man loves himself better than any other person, he is naturally impelled to extend his acquisitions as much as possible; and nothing can restrain him in this propensity, but reflection and experience, by which he learns the pernicious effects of that licence, and the total dissolution of society which must ensue from it.”

The second kind of moral duties are such as are not supported by any original instinct of nature, but are performed entirely from a sense of obligation, when we consider the necessities of human society, and the impossibility of supporting it, if these duties were neglected. It is thus justice or a regard to the property of others, fidelity or the observance of promises, become obligatory, and acquire an authority over mankind. For as it is evident, that every man loves himself better than any other person, he is naturally impelled to extend his acquisitions as much as possible; and nothing can restrain him in this propensity, but reflection and experience, by which he learns the pernicious effects of that licence, and the total dissolution of society which must ensue from it. His original inclination, therefore, or instinct, is here checked and restrained by a subsequent judgment or observation.

The case is precisely the same with the political or civil duty of allegiance, as with the natural duties of justice and fidelity. [11] Our primary instincts lead us, either to indulge ourselves in unlimited freedom, or to seek dominion over others: And it is reflection only, which engages us to sacrifice such strong passions to the interests of peace and public order. A small degree of experience and observation suffices to teach us, that society cannot possibly be maintained without the authority of magistrates, and that this authority must soon fall into contempt, where exact obedience is not paid to it. The observation of these general and obvious interests is the source of all allegiance, and of that moral obligation, which we attribute to it.

What necessity, therefore, is there to found the duty of allegiance or obedience to magistrates on that of fidelity or a regard to promises, and to suppose, that it is the consent of each individual, which subjects him to government; when it appears, that both allegiance and fidelity stand precisely on the same foundation, and are both submitted to by mankind, on account of the apparent interests and necessities of human society? We are bound to obey our sovereign, it is said; because we have given a tacit promise to that purpose. But why are we bound to observe our promise? It must here be asserted, that the commerce and intercourse of mankind, which are of such mighty advantage, can have no security where men pay no regard to their engagements. In like manner, may it be said, that men could not live at all in society, at least in a civilized society, without laws and magistrates and judges, to prevent the encroachments of the strong upon the weak, of the violent upon the just and equitable. The obligation to allegiance being of like force and authority with the obligation to fidelity, we gain nothing by resolving the one into the other. The general interests or necessities of society are sufficient to establish both.

If the reason be asked of that obedience, which we are bound to pay to government, I readily answer, because society could not otherwise subsist: And this answer is clear and intelligible to all mankind. Your answer is, because we should keep our word. But besides, that no body, till trained in a philosophical system, can either comprehend or relish this answer: Besides this, I say, you find yourself embarrassed, when it is asked, why we are bound to keep our word? Nor
can you give any answer, but what would, immediately, without any circuit, have accounted for our obligation to allegiance.

"But to whom is allegiance due? And who is our lawful sovereign? This question is often the most difficult of any, and liable to infinite discussions....
historians, in tracing up to the remotest antiquity, the origin of that royal family, may find, as commonly happens, that its first authority was derived from usurpation and violence. It is confessed, that ... there is no property in durable objects, such as lands or houses, when carefully examined in passing from hand to hand, but must, in some period, have been founded on fraud and injustice."

But to whom is allegiance due? And who is our lawful sovereign? This question is often the most difficult of any, and liable to infinite discussions. [12] When people are so happy, that they can answer, Our present sovereign, who inherits, in a direct line, from ancestors, that have governed us for many ages; this answer admits of no reply; even though historians, in tracing up to the remotest antiquity, the origin of that royal family, may find, as commonly happens, that its first authority was derived from usurpation and violence. It is confessed, that private justice, or the abstinence from the properties of others, is a most cardinal virtue: Yet reason tells us, that there is no property in durable objects, such as lands or houses, when carefully examined in passing from hand to hand, but must, in some period, have been founded on fraud and injustice. The necessities of human society, neither in private nor public life, will allow of such an accurate enquiry: And there is no virtue or moral duty, but what may, with facility, be refined away, if we indulge a false philosophy, in sifting and scrutinizing it, by every capacious rule of logic, in every light or position, in which it may be placed.

The questions with regard to private property have filled infinite volumes of law and philosophy; if in both we add the commentators to the original text; and in the end, we may safely pronounce, that many of the rules, there established, are uncertain, ambiguous, and arbitrary. [13] The like opinion may be formed with regard to the succession and rights of princes and forms of government. Several cases, no doubt, occur, especially in the infancy of any constitution, which admit of no determination from the laws of justice and equity: And our historian Rapin [14] pretends, that the controversy between Edward the Third and Philip de Valois was of this nature, and could be decided only by an appeal to heaven, that is, by war and violence.

Frequent instances of a like nature occur in the history of the emperors; in that of Alexander's successors; and of many other countries: Nor can any thing be more unhappy than a despotic government of this kind; where the succession is disjointed and irregular, and must be determined, on every vacancy, by force or election. In a free government, the matter is often unavoidable, and is also much less dangerous. The interests of liberty may there frequently lead the people, in their own defence, to alter the succession of the crown. And the constitution, being compounded of parts, may still maintain a sufficient stability, by resting on the aristocratical or democratical members, though the monarchical be altered, from time to time, in order to accommodate it to the former.

In an absolute government, when there is no legal prince, who has a title to the throne, it may safely be determined to belong to the first occupant. Instances of this kind are but too frequent, especially in the eastern monarchies. When any race of princes expires, the will or destination of the last sovereign will be regarded as a title. Thus the edict of Lewis the XIVth, who called the bastard princes to the succession in case of the failure of all the legitimate princes, would, in such an event, have some authority. [18] Thus the will of Charles the Second disposed of the whole Spanish monarchy. The cession of the ancient proprietor, especially when joined to conquest, is likewise deemed a good title. The general obligation, which binds us to government, is the interest and necessities of society; and this obligation is very strong. The determination of
it to this or that particular prince or form of government is frequently more uncertain and dubious. Present possession has considerable authority in these cases, and greater than in private property; because of the disorders which attend all revolutions and changes of government.

We shall only observe, before we conclude, that, though an appeal to general opinion may justly, in the speculative sciences of metaphysics, natural philosophy, or astronomy, be deemed unfair and inconclusive, yet in all questions with regard to morals, as well as criticism, there is really no other standard, by which any controversy can ever be decided. And nothing is a clearer proof, that a theory of this kind is erroneous, than to find, that it leads to paradoxes, repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and all ages. The doctrine, which founds all lawful government on an original contract, or consent of the people, is plainly of this kind; nor has the most noted of its partizans, in prosecution of it, scrupled to affirm, that absolute monarchy is inconsistent with civil society, and so can be no form of civil government at all; [19] and that the supreme power in a state cannot take from any man, by taxes and impositions, any part of his property, without his own consent or that of his representatives. [20]

What authority any moral reasoning can have, which leads into opinions so wide of the general practice of mankind, in every place but this single kingdom, it is easy to determine.

The only passage I meet with in antiquity, where the obligation of obedience to government is ascribed to a promise, is in Plato's Crito: where Socrates refuses to escape from prison, because he had tacitly promised to obey the laws. [21] Thus he builds a tory consequence of passive obedience, on a whig foundation of the original contract.

"We shall only observe, before we conclude, that, though an appeal to general opinion may justly, in the speculative sciences of metaphysics, natural philosophy, or astronomy, be deemed unfair and inconclusive, yet in all questions with regard to morals, as well as criticism, there is really no other standard, by which any controversy can ever be decided. And nothing is a clearer proof, that a theory of this kind is erroneous, than to find, that it leads to paradoxes, repugnant to the common sentiments of mankind, and to the practice and opinion of all nations and all ages. The doctrine, which founds all lawful government on an original contract, or consent of the people, is plainly of this kind."

New discoveries are not to be expected in these matters. If scarce any man, till very lately, ever imagined that government was founded on compact, it is certain, that it cannot, in general, have any such foundation.

The crime of rebellion among the ancients was commonly expressed by the terms νεωτερίζειν, novas res moliri. [22]

Notes

[1.] Having previously sketched the differences between the Whigs and the Tories (see “Of the Parties of Great Britain,” in Part I), Hume takes up their speculative, practical, and historical controversies in this essay and the two that follow. Hume suggests that it is a contradiction in terms to speak of those who have embraced a party as philosophers (p. 469). Since his own approach is philosophical, he seeks to avoid taking sides or being a mere partisan. The philosopher’s task, as Hume understands it, is to serve as a mediator between contending parties and to promote compromise or accommodation. This is accomplished by a balanced appraisal of party controversies in which each side is led to see that its views are not completely right and that the opposing views are not completely
wrong. Compromise is possible only if neither party triumphs over the other. This may help to explain why Hume sometimes seems to be more critical of the Whigs, the stronger party of his day, than of the Tories. Hume's design and guiding principles are made explicit at the beginning of the third essay of this sequence, "Of the Coalition of Parties."

[2.] Titus Flavius Vespasianus was Roman emperor from AD 79 to 81. Cesare Borgia, through the influence of his father, Pope Alexander VI, conquered and ruled the territory known as the Romagna, in northern Italy, in 1501–1503. Borgia's cruel and enterprising methods are described and applauded by Machiavelli in The Prince, chap. 7. Tulagee Angria was the leader, in the mid-eighteenth century, of an old family of predatory pirates who operated off of India's Malabar coast, south of Bombay. After the failure of earlier efforts to suppress him, Angria was driven from his stronghold of Gheria in 1756 by European and Indian troops under the command of Charles Watson and Robert Clive. See Clement Downing, A Compendious History of the Indian Wars; with an Account of the Rise, Progress, Strength and Forces of Angria the Pyrate (London, 1737); and An Authentick & Faithful History of that Arch-Pyrate Tulagee Angria (London, 1756).

[3.] Hume has in mind Whig theorists generally but especially John Locke, who is identified later as the most noted "partizan" of the doctrine that all lawful government is founded on an original contract or consent of the people. Hume's sketch of this doctrine draws loosely from Locke's Second Treatise. Hume seeks to show that what these "reasoners" say is contradicted by common opinion and practice. In order to make his argument from general opinion effective, Hume must reject the claim that moral philosophy has a rational or a priori basis, and this he does at the conclusion of the essay.

[4.] The transfer of the British crown to William and Mary in 1689 was approved by parliamentary conventions, called by William, in England and Scotland. By "the majority of seven hundred," Hume probably means the total vote of these conventions approving the transfer and fixing the order of succession after the deaths of William and Mary.


[8.] King of England from 1509 to 1547. Henry's greatest innovation was his break with the Pope and his establishment of the king as the only supreme head on earth of the Church of England, with full power to reform it.

[9.] The Lancastrian kings of England were Henry IV, Henry V, and Henry VI. Their rule extended from 1399 to 1461. The house of Lancaster took the red rose as its badge or emblem, while its rival for the throne, the house of York, took the white rose.

[10.] This division of moral duties is explained fully by Hume in the Treatise of Human Nature, book 3, and in the Enquiry Concerning the Principles of Morals. Hume consistently places justice, fidelity to promises, and allegiance to government in a different category from those virtues that we perform and approve by an original instinct of nature. In the Treatise, he presents the division as one between "natural" and "artificial" virtues, but he retreats somewhat from this terminology in the Second Enquiry (see appendix 3). Thus in the present essay, justice, fidelity, and allegiance, which had been classified as artificial duties in the Treatise, are called "natural duties." Hume will argue, against Locke, that it is inappropriate to base allegiance, or the obligation to obey rulers, on a prior obligation to keep promises, since both obligations arise from the same foundation. This argument draws heavily on book 3, part 2 of the Treatise.

[11.] This brief discussion of the ground of allegiance, or the duty to obey government, should be compared with Hume's much fuller treatment of this topic in the Treatise, 3.2.8 ("Of the Source of Allegiance").

[12.] See Hume's Treatise, 3.2.10 ("Of the Objects of Allegiance"), which addresses at much greater length the question, To whom is submission due and who are we to regard as our lawful magistrates?

[13.] This topic is discussed at length by Hume in the Treatise, 3.2.3 ("Of the Rules, which determine Property").

[14.] See Paul de Rapin-Thoyras (1661–1725), Histoire d'Angleterre. 10 vols. (The Hague, 1723–27). This was the standard history of England until the publication of Hume's. It was written for foreigners, but was quickly translated into English. Rapin, who was from a Huguenot family, first came to England in 1686 to avoid persecution and returned two years later with the army of William of Orange. He wrote his history of England while in retirement in Germany. Initially, at least, Hume judged Rapin's work harshly...
because of its partiality for the Whig side (see Hume’s comments on Rapin in the variant readings to “Of the Protestant Succession,” note b). The controversy to which Hume refers involved the succession to the French throne. When Charles IV of France died in 1328, his wife was expecting a child, who would, if a son, succeed to the throne. In the meantime, an assembly of barons was called to appoint as regent the next male heir, who would become Charles’s successor if his child were a daughter. One claimant was Edward III of England, the nephew and nearest male relation of Charles IV, who descended from the royal house of France by his mother, but this claim was rejected by the barons. Philip of Valois, the late king’s cousin, was elected regent and, after a daughter was born to the queen widow, was placed on the throne as Philip VI. Hume discusses this dispute and its consequences in his account of Edward’s reign in the History of England.

[15.] Germanicus (15 bc–ad 19) was adopted by his uncle, Tiberius, in ad 4. Drusus (13? bc–ad 23) was the son of Tiberius.

[16.] Herodian, lib. ii. Commodus was emperor from ad 180 to 192. The rule of Pertinax lasted for only three months (January 1 to March 28) in the year 193. The struggle between Lucius Septimius Severus and his rivals (Didius Julianus, Pescennius Niger, and Clodius Albinus) took place from 193 to 197.

[17.] Julius Capitolinus, Maximus and Balbinus, sec. 14, in Scriptores Historiae Augustae: “In the meantime Gordian Caesar was lifted up by the soldiers and hailed emperor (that is, Augustus), there being no one else at hand” (Loeb translation by David Magie). The young Gordian was saluted as emperor by the praetorians in ad 238, following the murder that year of his uncle and the suicide of his grandfather (both emperors named Gordian) and the murders of Balbinus and Pupienus Maximus, who had succeeded the Gordians as joint emperors.

[18.] It is remarkable, that, in the remonstrance of the duke of Bourbon and the legitimate princes, against this destination of Louis the XIVth, the doctrine of the original contract is insisted on, even in that absolute government. The French nation, say they, chusing Hugh Capet and his posterity to rule over them and their posterity, where the former line fails, there is a tacit right reserved to choose a new royal family; and this right is invaded by calling the bastard princes to the throne, without the consent of the nation. But the Comte de Boulainvilliers, who wrote in defence of the bastard princes, ridicules this notion of an original contract, especially when applied to Hugh Capet; who mounted the throne, says he, by the same arts, which have ever been employed by all conquerors and usurpers. He got his title, indeed, recognized by the states after he had put himself in possession: But is this a choice or contract? The Comte de Boulainvilliers, we may observe, was a noted republican; but being a man of learning, and very conversant in history, he knew that the people were never almost consulted in these revolutions and new establishments, and that time alone bestowed right and authority on what was commonly at first founded on force and violence. See Etat de la France, Vol. III. [Henri de Boulainvilliers (1658–1722), Etat de la France (State of France), 3 vols. (Londres, 1727.).]

[19.] See Locke on Government, chap. vii. § 90. In this citation and the next, Hume is paraphrasing Locke rather than quoting him exactly.

[20.] Id. chap. xi. § 138, 139, 140.

[21.] See Crito 50c and following. Socrates here imagines what “the laws and the commonwealth” would say of Crito’s proposal that he escape from prison. Agreement or promise is one of the principles of obligation that “the laws” appeal to in the speech that Socrates invents for them, but Socrates does not say in his own name that a promise to obey the laws obligates him to remain in prison.

[22.] Both terms mean to make innovations, especially political changes.

Essay XIII: Of Passive Obedience

In the former essay, we endeavoured to refute the speculative systems of politics advanced in this nation; as well the religious system of the one party, as the philosophical of the other. We come now to examine the practical consequences, deduced by each party, with regard to the measures of submission due to sovereigns.[1]

“the duty of allegiance; and common sense teaches us, that, as government binds us to obedience only on account of its tendency to public utility, that duty must always, in extraordinary cases,
when public ruin would evidently attend obedience, yield to the primary and original obligation.”

As the obligation to justice is founded entirely on the interests of society, which require mutual abstinence from property, in order to preserve peace among mankind; it is evident, that, when the execution of justice would be attended with very pernicious consequences, that virtue must be suspended, and give place to public utility, in such extraordinary and such pressing emergencies. The maxim, fiat Justitia & ruat Coelum, let justice be performed, though the universe be destroyed, is apparently false, and by sacrificing the end to the means, shews a preposterous idea of the subordination of duties. What governor of a town makes any scruple of burning the suburbs, when they facilitate the approaches of the enemy? Or what general abstains from plundering a neutral country, when the necessities of war require it, and he cannot otherwise subsist his army? The case is the same with the duty of allegiance; and common sense teaches us, that, as government binds us to obedience only on account of its tendency to public utility, that duty must always, in extraordinary cases, when public ruin would evidently attend obedience, yield to the primary and original obligation. Salus populi suprema Lex, the safety of the people is the supreme law.[2] This maxim is agreeable to the sentiments of mankind in all ages: Nor is any one, when he reads of the insurrections against Neroa or Philip the Second, so infatuated with party-systems, as not to wish success to the enterprize, and praise the undertakers. Even our high monarchical party, in spite of their sublime theory, are forced, in such cases, to judge, and feel, and approve, in conformity to the rest of mankind.

Resistance, therefore, being admitted in extraordinary emergencies, the question can only be among good reasoners, with regard to the degree of necessity, which can justify resistance, and render it lawful or commendable. And here I must confess, that I shall always incline to their side, who draw the bond of allegiance very close, and consider an infringement of it, as the last refuge in desperate cases, when the public is in the highest danger, from violence and tyranny. For besides the mischiefs of a civil war, which commonly attends insurrection; it is certain, that, where a disposition to rebellion appears among any people, it is one chief cause of tyranny in the rulers, and forces them into many violent measures which they never would have embraced, had every one been inclined to submission and obedience. Thus the tyrannicide or assassination, approved of by ancient maxims, instead of keeping tyrants and usurpers in awe, made them ten times more fierce and unrelenting; and is now justly, upon that account, abolished by the laws of nations, and universally condemned as a base and treacherous method of bringing to justice these disturbers of society.[3]

Besides we must consider, that, as obedience is our duty in the common course of things, it ought chiefly to be inculcated; nor can any thing be more preposterous than an anxious care and solicitude in stating all the cases, in which resistance may be allowed. In like manner, though a philosopher reasonably acknowledges, in the course of an argument, that the rules of justice may be dispensed with in cases of urgent necessity; what should we think of a preacher or casuist, who should make it his chief study to find out such cases, and enforce them with all the vehemence of argument and eloquence? Would he not be better employed in inculcating the general doctrine, than in displaying the particular exceptions, which we are, perhaps, but too much inclined, of ourselves, to embrace and to extend?

There are, however, two reasons, which may be pleaded in defence of that party among us, who have, with so much industry, propagated the maxims of resistance; maxims, which, it must be confessed, are, in general, so pernicious, and so destructive of civil society. The first is, that their antagonists carrying the doctrine of obedience to such an extravagant height, as not only never to mention the exceptions in extraordinary cases (which might, perhaps, be excusable) but even positively to exclude them; it became necessary to insist on these exceptions, and defend the rights of injured truth and liberty. The second, and, perhaps, better reason, is founded on the nature of the British constitution and form of government.

“But though the constitution pays this salutary compliment to the prince, it can never reasonably be understood, by that
maxim, to have determined its own destruction, or to have established a tame submission, where he protects his ministers, perseveres in injustice, and usurps the whole power of the commonwealth. This case, indeed, is never expressly put by the laws; because it is impossible for them, in their ordinary course, to provide a remedy for it, or establish any magistrate, with superior authority, to chastise the exorbitancies of the prince. But as a right without a remedy would be an absurdity; the remedy in this case, is the extraordinary one of resistance, when affairs come to that extremity, that the constitution can be defended by it alone. Resistance therefore must, of course, become more frequent in the British government, than in others, which are simpler, and consist of fewer parts and movements. Where the king is an absolute sovereign, he has little temptation to commit such enormous tyranny as may justly provoke rebellion: But where he is limited, his imprudent ambition, without any great vices, may run him into that perilous situation. This is frequently supposed to have been the case with Charles the First; and if we may now speak truth, after animosities are ceased, this was also the case with James the Second. These were harmless, if not, in their private character, good men; but mistaking the nature of our constitution, and engrossing the whole legislative power, it became necessary to oppose them with some vehemence; and even to deprive the latter formally of that authority, which he had used with such imprudence and indiscretion.

Notes

[1.] Passive obedience is the doctrine that it is not lawful, under any pretense whatsoever, to take arms against the king or those who act under the king’s authority. This doctrine was held, in the seventeenth century, by the court party, and in the eighteenth by a segment of the Tory party. Hume grants that this doctrine should not be followed when doing so would threaten the public safety, but he defends it as a better practical rule, under most circumstances, than the Whig doctrine of resistance. This essay should be compared with Hume’s discussion of the same topic in the Treatise, 3.2.9 (“Of the Measures of Allegiance”). In the Treatise, the doctrine of passive obedience is called an “absurdity”; but in this later and more popular treatment of the matter, which was written during or shortly after the Jacobite rising of 1745, Hume takes pains to say nothing that would discredit the salutary principle of obedience to law.]
[2.][Locke uses this motto as the epigraph to his Two Treatises of Government. Compare also the beginning of chapter 30 of Hobbes’s Leviathan: “The office of the sovereign, be it a monarch or an assembly, consisteth in the end, for which he was trusted with the sovereign power, namely the procuration of the safety of the people. . . . But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself.”]

[3.][This sentence and the one preceding resemble closely what Hobbes says in the Leviathan about the cause of oppressive rule (see chapter 18, end) and about the ancient Greeks and Romans as the source of the doctrine of tyrannicide (see chapter 29).]

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“They who had an interest in keeping bad things as they were, behaved in the same way then as they do now. They represented themselves as Conservatives, and those who desired removal of the bad things, Destructives. And conservative they were, but of what things?—the bad. The others were destructive, no doubt, but of those things only which it was good to destroy.”
Editor's Introduction

James Mill (1773-1836) was an early 19th century Philosophic Radical, journalist, and editor from Scotland. He was very influenced by Jeremy Bentham's ideas about utilitarianism which he applied to the study of the British corn laws, free trade, comparative advantage, the history of India, and electoral reform. His son, John Stuart, after a rigorous home education, became one of the leading English classical liberals in the 19th century.

In this essay Mill provides one of his regular surveys of “the state of the nation” in which he sums up political developments in Britain. It was written a few years after the success of the “Reform Party” in agitating for electoral reform which greatly increased the size of the electorate with the Reform Act of 1832. Now that most of the middle class could vote it was hoped that the Members of Parliament who represented them would dramatically reform British politics, especially in the areas of aristocrat control of Parliament, the legal system, the established church, and free trade. Concerning the latter, the Anti-Corn Law League was established in 1838 under the leadership of Richard Cobden and it was able to achieve its goal of eliminating the protectionist corn laws in 1846.

Mill acknowledges “the strength of the spirit of reform” which was sweeping Britain but is also aware of the continuing strength of its opponents among conservatives and the fact that the reform party was split into “moderate” and “radical” reformers. Concerning the former, he develops a French liberal inspired theory of class which explains politics as a struggle between two contending groups, “ceux qui pillent” (those who pillage, also known as “the ruling Few”) and “ceux qui sont pillés” those who are pillaged, also known as “the subject Many”).

Concerning the latter, he urges the reform party to continue pushing for reforms in all areas by adopting the strategy of the radical reformers. Mill believed that liberty in Britain would not be achieved until the privileged elites had been deprived of their power and the people were allowed to rule in their place. He had in mind removing the privileges of “the priests of all three classes; those who serve at the altar of state, those who serve at the altar of law, and those who serve at the altar of religion.”

“The most remarkable circumstance, in the state of our country at the present moment, is the strength of the spirit of reform. The evidence of this strength is very singular. A set of men, whose pride and vanity, whose boast and glory, it has been, throughout their lives, that they were the general enemies of reform, and who, of course, found their account in it, that is, found this profession in accord with the opinion of a sufficient section of the public to obtain emolument and honour by its means—have been compelled to profess themselves the general friends of reform: of course, because no sufficient section of the public mind remained in such a state, as to hold out either support or reward to those who professed themselves of a different sentiment.”
The State of the Nation (April, 1835)

The use of placing before us a view of the present state of the country respects the future. We may derive from it two advantages: First, a more sure anticipation of the train of events, which time is about to bring forth; Secondly, a more distinct perception of the means which we may employ, for accelerating and improving the results of a beneficial kind,—for mitigating, or altogether preventing, the results of an opposite kind, which the mixed nature of the causes now in operation is tending to produce.

The most remarkable circumstance, in the state of our country at the present moment, is the strength of the spirit of reform. The evidence of this strength is very singular. A set of men, whose pride and vanity, whose boast and glory, it has been, throughout their lives, that they were the general enemies of reform, and who, of course, found their account in it, that is, found this profession in accord with the opinion of a sufficient section of the public to obtain emolument and honour by its means—have been compelled to profess themselves the general friends of reform: of course, because no sufficient section of the public mind remained in such a state, as to hold out either support or reward to those who professed themselves of a different sentiment.

This fact is decisive. The predominant section of the public, those with whom the preponderance of influence—intellect and property taken together—in forming public opinion, resides, are proved to be reformers. This is not denied by the new converts: they lay it as the ground of their conversion. They say, that no men, not bereft of their reason, can now hope to carry on the government of this country, in a spirit opposed to the spirit of reform;—they justify their change of policy by saying, that a clear and steady manifestation of public opinion renders that expedient in government, which otherwise would not have been expedient; and as nothing in government is good, to which the public mind is permanently opposed, anti-reform therefore is not good, in the present circumstances of this country.

We accept this apology, as a justification, so far. But, if all reform is bad, the public opinion, however strongly manifested, will not make it good. If public opinion call for changes, and all changes lead to a balance of evil, the public opinion may be too strong to be resisted; but every good man will lend his utmost endeavour to effect a change in it, and in the mean time to make the innovations to which he gives way as insignificant as possible. But, on the other hand, if public opinion is right—and that question, as regards our own country, we shall presently search to the bottom—then the men who are only reformers by compulsion, and who submit to it as a necessary evil, are very unfit to have the guidance of public affairs;—that is, to have the power put into their hands of preventing, as far as possible, every increase of the public good.

To see the force of that evidence of the spirit of reform which we are now contemplating, it is necessary to consider it in its elements.

"The Tory party, heretofore the proud boasters of anti-reform passions—men whose nurture, from the cradle upwards, whose conversation all their lives, and whose substantial interests, all tended to give them an abhorrence of reform, and of all the men who sought to promote it—have latterly changed their language, and their name."

The Tory party, heretofore the proud boasters of anti-reform passions—men whose nurture, from the cradle upwards, whose conversation all their lives, and whose substantial interests, all tended to give them an abhorrence of reform, and of all the men who sought to promote it—have latterly changed their language, and their name. Instead of enemies of reform, which they boasted of as their distinction and glory, they now...
assure us that they are true reformers;—instead of Tories, a name synonymous with attachment to all the abuses by which the state is afflicted, and with all the infirmities of intellect by which old women are distinguished, they call themselves Conservatives—a name, the import of which we shall examine thoroughly by-and-by.

Counting upon a majority, in the late House of Commons, of persons imbued with the spirit of reform, this party tried an experiment upon the country, for which we thank them. The spirit manifested during the last general election is satisfactory in the highest degree: it has shown that the reforming mind is more widely diffused, and has taken a more firm hold of the most numerous class of the men who possess influence with their fellow-citizens, than otherwise we should have had ground for believing.

When we consider to what an extent the influence of all the property, held in large masses, was exerted, to procure the return of supporters to the present ministry—and when we further consider the advantages under which that influence was exerted—that, under the imperfections of the present law of election, (an important item, by-the-by, in the state of the country, and which must not long be permitted to remain as it is,) the power of intimidation, and the power of bribery, possessed by the owners of large property, have full scope to exert themselves, and were exerted to an extraordinary degree in the last election; and when we reflect on the result, that all this power was balanced, and more than balanced, by the combined influence of the men of small property,—we are led to the inevitable conclusion, that the middle classes, which of necessity lead the inferior, are almost wholly gained by the spirit of reform, and that to such a degree as to ensure on their part the utmost vigour of action, and to create such a tide of public opinion as will be sure to carry along with it the present period on which the future historian will dwell with the greatest astonishment. How small a time is it to look back upon, since a sentiment tending to reform could not be uttered in genteel society;—when only men of the firmest nerves dared to appear as reformers;—when Sir Francis Burdett, with all his claims to indulgence, was actually expelled from aristocratic society, and all but hooted down in the House of Commons, and when aristocratical men and aristocratical women generally boasted of having cut his acquaintance;—when to be called a Benthamite was a mark of reproach, and men who courted aristocratical society affected to pass an acquaintance of that description in the street.

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When we reflect upon the smallness of the interval—from the time when not only all the honours and emoluments of the state, and all the powers of government, were appropriated and secured to the sworn enemies of reform, but even when the spirit of anti-reform was so preponderant as to create a proscription in society against every man who allowed it to appear that his mind had a leaning that way—to the time when now the spirit of reform has grown to such a height that it has the ascendancy everywhere, except in the House of Lords, and the court of the King; when the King’s ministers, though inveterate, thorough-bred enemies of reform, are obliged to profess that they will govern in the spirit of reform, and cannot govern otherwise;—and when even the ballot, that bugbear of the Aristocracy, can be advocated in good company without opprobrium; we are entitled to
conclude that the interval will not be long before that ascendency will manifest itself in some material results.

One of the things which most deserves our attention, in reflecting on this astonishing progress of the spirit of reform, is the little encouragement under which it has grown up to this power in this wonderfully short space of time. It is indeed to be remarked, that it has grown up almost entirely in circles where the prospect of the honours and emoluments of the state had little effect, or even the smiles and caresses of aristocratic society—all carefully reserved for people of another sort; but what one asks with some astonishment is, how did they come by the ideas? Reading is the principal source of information in those circles; and undoubtedly they must have profited by their reading. But how little reading, calculated to be useful to them, has been put in their way? The newspapers, on this subject, have hitherto been very unsteady and imperfect instructors. It is, indeed, but of yesterday that any newspaper of influence has dared firmly and plainly to advocate the principles of reform. A newspaper also is compelled rather to assume results, than explain them; and rather to enforce the topic of the day, than to insinuate a new idea into a mind which is only beginning to inquire.

The other periodical publications, which have flourished during the interval we speak of, were not even calculated to help forward the spirit of reform in the middle classes. They were addressed not to those who were beginning political reading, but to those who were hackneyed in it. They as little thought of teaching in the elementary method as the newspapers. In fact, their discussions were of the nature of newspaper discussions, and so much the worse, as they were more wordy. The principal among them also were addressed to the aristocratical classes, and either harangued perpetually against reform, or touched it as ‘cats touch mustard.’

It does appear that the spirit of reform must have grown up in the circles of the middle order, chiefly from their own reflections; from observing, with their own good sense, the turn which was habitually given to things in parliament; how regularly every proposition which tended to the good of the Many was thrown out; how regularly every abusive institution which yielded emolument to the ruling Few was clung to and preserved. To this course of reflection we have no doubt that the exertions of Mr. Hume have rendered the most important service. The perseverance with which he showed up from day to day gross instances of the misapplication of the property of the people; the parallel perseverance with which the House of Commons protected the misapplications—in time produced a powerful conviction, that the House of Commons was not so constituted as to be an instrument for the good of the people. These were matters which men in their shops, and in their fields, even at their looms, and their anvils, could understand without much reading. And we do in our consciences believe, that Mr. Hume has done more to rouse the spirit of reform, and carry it to its present state of ascendency, than any man living, or than any aggregate of men which we can name. Even the ill usage which he so long sustained in the House of Commons, and from all the parties which it then contained, is one of the memorable circumstances in the history of parliamentary reform, and adds to the debt of gratitude which the nation owes to this its truest and most undaunted friend.

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Having seen how rapid has been the growth of the spirit of reform, and how great the strength which it has now acquired, we have still to answer some other
questions before we can fix its relative importance as an article in the present state of the country.

First of all, what is to be said of its permanency? May we prophecy that it is a casual fever of the public mind, destined to have its period, and then to die away? or must we look upon it as a permanent affection, which not only never can be eradicated, but of which the power must go on increasing?

That this is an important question every one will immediately see; and what the answer to it must depend upon will also be seen, as soon as it is mentioned. The permanence or fugacity of the spirit of reform must depend upon its tendency to produce good or evil. There is no need of apprehending that the public will ever grow tired of making additions to its good. This is an appetite which grows by what it feeds on. Whatever the amount of previous additions, that does not in the least abate the relish of something more, or take from its value. The last addition may be of as much importance as any of those which preceded it, and worthy of as eager a pursuit. But reverse the supposition; assume that this pursuit of good will always terminate, not merely in disappointment, but calamity—then we may conclude, with certainty, that it will not be of long duration.

This, then, is the question which awaits us,—Does the pursuit of reform tend to good, or to evil?

This is a question, the very terms of which appear to supply its answer.

The pursuit of anything means a tendency towards the attainment of it. The pursuit of good, therefore, is a tendency towards the attainment of it. The talk we usually hear, in reply to this observation, is from the purpose. This pursuit, they say, is liable to be ill-directed. True; men may mistake their way; but they more frequently find it, and arrive safe at the place they intended. And another thing,—when they find out a mistake they have once committed, they are seldom in any danger of committing it another time. Great errors were committed in the first voyage round the world, which now are with certainty avoided.

We think, therefore, it is a clear case, that the pursuit of political good—which is what we mean when we name the spirit of reform—has a tendency towards the attainment of it, and that it only needs to be well directed to ensure that end. We thence conclude, and with an assurance approaching to certainty, that the men who, instead of giving directions for avoiding the mistakes liable to be committed by the people in the pursuit of political good, (which would be the certain course of honest men fearing those mistakes,) labour to beat down and destroy that pursuit; whose constant endeavour it is to defame it; to represent it as the purpose of none but the most wicked of men, of those whose desire it is to destroy all those securities which human beings have set up to defend them from the violence and injustice of one another, and thus to effect the ruin of all that is good for mankind—are men to whom the attainment of political good is unwelcome. That can arise from one cause only—that their interest is opposed to it. In other words, the people’s good is their evil; therefore, they hate the people’s good, and leave nothing undone to make the pursuit of it be thought odious—the horrid mother of everything which most strongly excites the terror of mankind.

“To understand this unhappy position of a portion of our fellow-citizens, we must call to mind the division which philosophers have made of men placed in society. They are divided into two classes, Ceux qui pillent,—et Ceux qui sont pillés; and we must consider with some care what this division, the correctness of which has not been disputed, implies. The first class, Ceux qui pillent, are the small number. They are the ruling Few. The second class, Ceux qui sont pillés, are the great number. They are the subject Many.”

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The first class, Ceux qui pillent, are the small number. They are the ruling Few. The second class, Ceux qui sont pillés, are the great number. They are the subject Many.

It is obvious that, to enable the Few to carry on their appropriate work, a complicated system of devices was required, otherwise they would not succeed; the Many, who are the stronger party, would not submit to the operation. The system they have contrived is a curious compound of force and fraud:—force in sufficient quantity to put down partial risings of the people, and, by the punishments inflicted, to strike terror into the rest; fraud, to make them believe that the results of the process were all for their good.

First, the Many were frightened with the danger of invasion and ravage, by foreign enemies; that so they might believe a large military force in the hands of the Few to be necessary for their protection; while it was ready to be employed in their coercion, and to silence their complaints of anything by which they might find themselves aggrieved.

Next, the use of all the circumstances calculated to dazzle the eyes, and work upon the imaginations of men, was artfully adopted by the class of whom we speak. They dwelt in great and splendid houses; they covered themselves with robes of a peculiar kind; they made themselves be called by names, all importing respect, which other men were not permitted to use; they were constantly followed and surrounded by numbers of people, whose interest they made it to treat them with a submission and a reverence approaching adoration; even their followers, and the horses on which they rode, were adorned with trappings which were gazed upon with admiration by all those who considered them as things placed beyond their reach.

And this was not all, nor nearly so. There were not only dangers from human foes; there were invisible powers from whom good or evil might proceed to an inconceivable amount. If the opinion could be generated, that there were men who had an influence over the occurrence of this good or evil, so as to bring on the good, or avert the evil, it is obvious that an advantage was gained of prodigious importance; an instrument was found, the power of which over the wills and actions of men was irresistible.

Ceux qui pillent have in all ages understood well the importance of this instrument to the successful prosecution of their trade. Hence the Union of Church and State; and the huge applauses with which so useful a contrivance has been attended. Hence the complicated tissue of priestly formalities, artfully contrived to impose upon the senses and imaginations of men—the peculiar garb—the peculiar names—the peculiar gait and countenance of the performers—the enormous temples devoted to their ceremonies—the enormous revenues subservient to the temporal power and pleasures of the men who pretended to sand between their fellow-creatures and the evils to which they were perpetually exposed, by the will of Him whom they called their perfectly good and wise and benevolent God.

If, besides the power which the priestly class were thus enabled to exercise over the minds of adult men, they were also permitted to engross the business of education—that is, to create such habits of mind in the rising generation, as were subservient to their purposes, and to prevent the formation of all such habits as were opposed to them—the chains they had placed on the human mind would appear to have been complete: the prostration of the understanding and the will—the perpetual object of their wishes and endeavours down to the present hour—to have been secured for ever.

The alliance of the men, who wielded the priestly power, was, in these circumstances, a matter of great importance to those who wielded the political power; and the confederacy of the two was of signal service to the general end of both—the maintenance of that old and valuable relation—the relation between Those qui pillent, and Those qui sont pillés.

There was another instrument—not, indeed, of so great, but of no mean potency. We allude to the lawyers. Men speedily discovered how much they were exposed to injury from one another, even in the state of social union, and found how greatly they were dependent on the protection which was afforded them against such injuries. They greatly valued that protection, and respected greatly the men who were its more immediate instruments. These men naturally thought of serving themselves by the advantageous
situation in which they were placed. They wished to make the dependence upon them of the other members of the community as great as possible. This was to be done mainly by rendering the mode in which they yielded that protection mysterious and obscure. Obscurity, especially in the less instructed states of the human mind, is a powerful cause of that kind of reverence which is mixed with fear. Not body knows what may be in a thing which is obscurely seen. It is almost always swelled into something of vast dimensions and pregnant with good or evil according to the frame in which the imagination of the half-observer may be at the time. More than this; when law was obscure, nobody could obtain the benefit of it but by means of the lawyers, because by them alone was it understood. This created a state of profound dependence on the part of all the rest of the community. It proved, of course, to the lawyers, a fertile source both of riches and power. The alliance of the men of law with the men of the state and the men of the altar, became thence a matter of importance to the trade of all; and the union of Law and State has not been less real, though less talked about, than the union of Church and State. It is unfortunate that it never obtained a name, and therefore is more frequently overlooked.

A threefold cord is not easily broken. The doom of mankind might now have appeared to be sealed. The shackles on the mind secured the shackles on the body; and the division of mankind into ceux qui pillent, et ceux qui sont pillés, might have been thought to be established for ever. [1]

There was, however, in the womb of time, a small event, which was destined to give a turn to the tide of human affairs. A German tradesman, not one of the high classes, not one of those qui pillent, but one of those qui sont pillés, invented a method of stamping written characters on paper, and, by that means, of multiplying the copies of a writing to any extent. At that moment the voice of Heaven went forth—Let there be light! and the voice was heard in Erebus—in the deepest cells, and strongest holds of the friends of darkness.

Of this light the effects were visible, first, in the affairs of the church. The grossness of the priestly frauds and delusions had been not only observed, but remarked upon, sometimes with scorn, sometimes with indignation, by the prime spirits of the age, before the appearance of Luther—the most heroic of the sons of men, and the greatest earthly benefactor, beyond compare, of the species to which he belonged.

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When the human mind had burst the shackles imposed upon it by one class of those who desired to hold it in bondage, and refused to take the word of priests for the standard of what was good and evil for human nature, it could not forbear examining the shackles of all other kinds with which it was loaded, and the use to which they were converted. The acts of those who wielded the powers of government began to be scanned, and to be tried by the test of their conduciveness to the weal or ill of those over whom, and in whose behalf, they were exercised.

That criticism, that examining, and testing, has been going on from that day to this. It has been going on, indeed, under the greatest disadvantages, and its progress has been slow. The advance has, notwithstanding, been uninterrupted. The movement has been irresistibly, and unchangeably, forward; and
latterly, as we have seen, it has been wonderfully accelerated.

The artifices by which it has been resisted have always been very similar. Such manifestations of it as could be punished were repressed by violence and cruelty. This expedient was at first extensively used. Still there were operations which could not be combated in this way. These were to be attacked by defamation.

The history of reform, from its first page to its last, is hardly anything but a repetition of the same imputations. Read the History, by Father Paul, of the Council of Trent, assembled for the express purpose of arresting the progress of the Reformation, and putting an end at once both to Luther and his doctrines. The reformation of religion was to produce exactly the same effects as the reformation of government is to produce at present. The people were altogether unfit to judge what was good for them in religion. If they were left to themselves to try, the consequences would be horrible. All sorts of monstrous doctrines would be propagated. Every man, or small number of men, would have a different creed, and society would be torn to pieces by the contentions of the different sects. Nor would this be all. From religion they would quickly pass to government. No form of government would content them, and property and government would expire together in general confusion.

There is wonderful uniformity in human nature under all the appearances of diversity. They who had an interest in keeping bad things as they were, behaved in the same way then as they do now. They represented themselves as Conservatives, and those who desired removal of the bad things, Destructives. And conservative they were, but of what things?—the bad. The others were destructive, no doubt, but of those things only which it was good to destroy; that is, the causes of suffering and degradation to the most numerous portion of the species.

What, then, was the object of those who imputed the destruction of religion and government to those who desired the reformation of them? We cannot be mistaken in the answer. They hated the Reformation, and hoped to be able to render it odious by misrepresenting it—by affirming of it that which was not true. They did their utmost to make it be believed, that reformation and destruction were synonymous terms—that they who desired to take from government whatever made it work ill for the people, and supply to it whatever would make it work well, laboured only for its destruction—that they who desired to strip religion of all the hurtful ingredients which the interest of priests had incorporated with it, or fastened upon it, and to reap the good of it pure from evil, laboured in like manner for the destruction of religion.

The wonder is—not that these artifices, supported as they were with all the factitious power and authority of the times, were long deplorably successful—but that even now there are men who have the audacity to make use of them. There are men—a class of them—

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even now, who think they have answered us, or try to make other men believe they have answered us, when we desire to make those changes in government and religion, which are necessary to prevent them from being instruments in the hands of *ceux qui pillent* and to make them instruments of good to *ceux qui sont pillés*, by calling us *Destructives*, and telling the public that we ought to be put down.

This is a species of arguing, which is never perseveringly applied in behalf of a good cause. The reason is sure. A good cause has always better means of defence. The good things which are in it can be shown. The ill things in that which is opposed to it can also be shown; and when this is done, all question is at an end.

He who, in opposition to a plan of improvement, has nothing to offer but a vague picture of distant consequences, of a horrible nature, proves only one thing, with whatever assurance, or even fury, he may vent his prophecies: that he has his reasons, whatever they may be, for hating the plan, and doing what he can to prevent the realization of it. The use of this expedient, therefore, is always to be taken as the sign of a bad cause. It is the ‘hay on the horn,’—*hunc tu, Romane, caveto*.

There were formerly two sets of people who were glib in the use of this argument; the anti-reformers, and the half-and-half reformers. The former of the two classes is now extinct; they are incorporated with the half-and-half men. But in their junction they have not relinquished the old mode of warfare.

There is a class of reformers,—namely, all those who desire any changes which the class in question do not desire, some desiring more and some less,—whom they have been calling radicals; and endeavouring by that name to class with all that is most despicable in the community, till the name at last began to acquire respect; and then they changed it to that of destructives. Under that name, it is given out, that all those who desire any greater reforms, than those which are desired by the half-and-half men, are men who desire the destruction of religion and government, or who are stupid enough not to see that what they desire is the same thing; and then follows the endeavour to hunt them down by clamour and abuse. [2]

The force of the weapon, however, is nearly spent. Those who desire to take but a crumb of reform and leave the rest are daily losing ground against those who desire to go on reforming, so long as there is anything to reform. Why should rational beings stop short in lessening the number of things which hurt them? Why should they cease adding to the number and efficiency of the things which do them good?

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The enemies of reform,—we mean the enemies of all but the crumb,—may be assured, that the public now see far too clearly the reason of the case, to be stayed by the pretence, that seeking good they will catch evil. They ask themselves, and have gone too far ever to cease asking, ‘Why should not we be as good judges of what is beneficial, what hurtful, as the men who never yet were found to offer us any advice, except on matters which concern themselves.’ Whencesoever we, the portion of the community *qui sont pillés*, seek an atom more of protection to ourselves against those *qui pillent*, they are in an uproar; the evils, which are not only threatened, but certain, are the most horrible which can be presented to the imagination. On the other hand, whatever is done to take from our protection, and add to the facilities with which the trade of those *qui pillent* is carried on, is done with the utmost coolness. Never any forebodings of danger from that source.—The public have learned to suspect such advisers. They say, and they say with a witness, —When we look at the body to which we belong, and the body to which they belong, not only is the greater wisdom with us, but there is no wisdom to be found anywhere else. Look at the body *qui pillent*; how small the number among them who are good for anything; to
whom any other man would confide the management of his ordinary affairs; who have an understanding comparable to that of an ordinary tradesman! [3] And even among those who stand foremost in the class, there is not one that passes mediocrity. A wit among lords is, proverbially, only a lord among wits. On the other hand, all that is great and powerful in intellect,—all that excels in any of its walks,—all the men from whose minds anything signally beneficial has proceeded in former times, or can now be expected to proceed, have been, are, and ever will be found in the class to which we belong. Why then should we not trust to our own wisdom as much as to theirs.

Of what use is it to point to the lowest class among us, and ask if they are fit to judge what is good or bad in political or ecclesiastical institutions? We point to the majority in the class who defame us, and ask in our turn, if they are qualified to judge what is or is not good in such matters, or any other matters of the smallest importance? If we are told, that we are not to look to the less wise, but the more wise in the class in question, because the less wise are governed by the more wise, we claim the benefit of the observation for ourselves. The less wise, in our class, are and ever have been governed by the more wise; and in our body the more wise are infinitely superior in wisdom to the wisest portion of theirs. Why then should we not follow our own reason, in preference to theirs, in matters which so deeply concern us? At the same time, we are far from being unwilling to discuss with them the questions between us. We indeed reject defamation as discussion, and content ourselves with exposing it. When the public is assured, by those who wish to discredit us and our cause, that our labours tend to the destruction of government and religion, we say that we intend the preservation of both; and we ask, if government is less government when it is rendered true to its ends, than when it is to a great degree perverted from them; if religion is less religion, when it is purged of the pollutions with which the selfish interests of men have defiled it, than it is when mired and merged in these impurities? The question, then, between us is not as to our professed ends,—they are the same,—the preservation of government and religion, purged, both of them, of their abuses. We differ about two things: what are the abuses, and what the proper remedies for them. And these we allow to be fair subjects of discussion; provided always the discussion be fair. We grant, also, that they never ought to be decided without discussion, and that continued, till it has become obvious to the majority of disinterested and competent judges, that all the reason is on the one side, and only the retinency of custom, or self-interest, on the other.

As an instance of our differences of opinion about abuses, we may point to what we consider the master abuse, the want of sufficient power in the people to choose their representatives. We say, that the means exist, even under the Reform Act, of taking away the power of choice from the people, to the extent of a majority of the whole number. Our opponents say that this is no abuse, but an advantage. They have talked loudly about the Reform Act as a final measure. Sir Robert Peel has lately grounded his accession to it on his belief, a declaration which gives the measure of the man, that it was an arrangement for ever,—a new ‘original compact,’ of everlasting and indefeasible obligation.

“we consider any defalcation in the power of the people to choose their representatives, as a master evil. We go upon the postulate, that the power, by which the class qui pillent succeed in carrying on their vocation, is an evil; and ought to be abated... We assume, then, that this power ought to be taken away; and we say, that we know but one way of accomplishing our object, which is, to grant to the people the entire and complete choice of their representatives.”

We can state, in narrow compass, the reasons on which we consider any defalcation in the power of the people to choose their representatives, as a master evil.

We go upon the postulate, that the power, by which the class qui pillent succeed in carrying on their vocation, is an evil; and ought to be abated. This
postulate, indeed, has been refused, and with cries of great indignation; but we have not time at present to examine them.

We assume, then, that this power ought to be taken away; and we say, that we know but one way of accomplishing our object, which is, to grant to the people the entire and complete choice of their representatives.

This has ever been the great problem of Government. The powers of Government are of necessity placed in some hands; they who are intrusted with them have infinite temptations to abuse them, and will never cease abusing them, if they are not prevented. How are they to be prevented? The people must appoint watchmen. But quis custodiet ipsos custodes? Who are to watch the watchmen?—The people themselves. There is no other resource; and without this ultimate safeguard, the ruling Few will be for ever the scourge and oppression of the subject Many.

‘All free governments must consist of a Senate and People. The People, as Harrington observes, would want wisdom without the Senate; the Senate without the People would want honesty.’—Hume’s Idea of a Perfect Commonwealth.

The representatives are the watchmen of the people; and two things only are wanting to make the people very perfect watchmen of the representatives; First, the perfect power of choice, which implies the power of speedy removal; Secondly, the full benefit of the press, which gives them the necessary knowledge of the behaviour of the representative. So circumstanced, the representatives will have a paramount interest in consulting the interest of the people, and in resisting every exercise of power which would trench upon it. And we reformers, till we have brought the state of the representation to this state of perfection, will not cease to have a grievance, which our best exertions will be strenuously and incessantly employed to remove.

So much as to an instance of what we deem an abuse. Now for a specimen of our remedies. The power of taking away from the people the choice of their representatives is all derived from two sources,—the publicity of the vote—and the want of power to displace a representative whose conduct does not give satisfaction. We desire, therefore, two things—we desire secret voting, and we desire short parliaments.

We know the goodness of these remedies is disputed. As what will not be disputed by those who have an interest that the question should be determined in a different way from the right one? But by what is it disputed? Not by reason and argument, by examining and showing the impotence to good, the potency to evil, of the remedies we propose, refuting all that we can urge in their behalf;—not by this, but by the stale, hackneyed resource of a bad cause, defamation—the imputation of all the vague, general consequences, which men are accustomed to dread, the loss of morals, the loss of government, the loss of religion: consequences regularly imputed to every project of change by which the good of mankind is to be greatly promoted. However, the discussion of these remedies is on foot; and the enemies of them may rest assured that it never will cease, till the public mind is thoroughly enlightened on the subject; and then they well know what will be the result.

We should now go on, and point out the reforms which we think are wanted in the other great provinces of abuse—Law and Religion; but we have been led on so far in illustrating the spirit of reform, that we have not space for these particular subjects, and must allot to them separate articles in future numbers of our publication.

After having shown how the community, as a whole, are divided into reformers and anti-reformers—for we account all those anti-reformers who cut off a slice of reform for us, and say, ‘There, content yourselves with this, for you will get no more’—we proceed now to the next grand item in the catalogue of things which compose the state of the nation,—the mode in which public men, the men wielding any portion of the powers of government, are distinguished and classed.

Among them there are now no anti-reformers. Those who formerly professed anti-reform, now profess moderate reform; and they who formerly professed moderate reform, profess it still. The grand division, then, has come to be two-fold—that of the men who profess moderate reform, and that of the men who profess complete reform, which their antagonists call radical reform: a very good name, which they who apply it in scorn are working into repute.
“Those who formerly professed anti-reform, now profess moderate reform; and they who formerly professed moderate reform, profess it still. The grand division, then, has come to be two-fold—that of the men who profess moderate reform, and that of the men who profess complete reform, which their antagonists call radical reform: a very good name, which they who apply it in scorn are working into repute.”

There is a distinction between the new Moderates, and the old: they both, indeed, cut us off slices of reform, and, like Lord Peter, with the slices of his brown loaf, damn us to the lowest pit of hell, if we are not contented with what they give us; but the old Moderates, we believe, are willing to cut us the larger slice, and for that reason we give them the preference.

At the same time we do not conceal from ourselves, that there is a stronger affinity between the two, than between any of them and the men who say that they, for their parts, consider reform to be then only at an end, when there is no removeable cause of evil which is not removed, and no attainable cause of good which is not attained.

We consider, that the House of Lords is divided between the new Moderates and the old, the new, in much the larger proportion; and that if there be anything like a complete reformer in the House, the proportion is too small to be of any weight.

The House of Commons, too, is, in far the greater part, composed of the new Moderates and the old, with a preponderance, we think, in favour of the new. Of the House of Commons, however, there is a portion who deserve the name of Complete Reformers. A few years back there was no such thing. If one individual or two betrayed any symptoms of that unnatural propensity, he was a marked man; the rest lolled out the tongue of scorn against him. Now, they are not a great proportion, but a considerable body, to which time is daily making additions, and to which the future time will doubtless make them rapidly.

It is of immense importance how this little band conduct themselves. They are in a position in which the good they may render—not to their country only, but to mankind—is beyond all calculation; and little are they on a level with the high vocation to which they are called, if their minds are not fired with the contemplation of it, and filled with the sacred ambition which it is calculated to inspire.

Till a higher station in the great council of the nation is prepared for them, it is impossible for them to hope that the powers of government will be put in their hands—or, at least, that they could employ them successfully, for the furtherance of the benevolent objects they have in view. If any remarkable combination of circumstances, not without the bounds of possibility, should place the powers of government within their reach, the fate of them and their reforms would resemble precisely the fate of Turgot and Malesherbes. They would, after a few ineffectual struggles, be dismissed; and the restoration of their enemies would only put the realization of their plans of improvement farther off than before.

There is only one thing which we deprecate more than this, and that is, a partial union with either of the parties of the Moderates. The time is not quite come for that; but it is impossible to say how soon it may become the interest of either of them to seek an accession of strength, by admitting a portion of the complete reformers to the offices of state along with them.

We consider that this would be the death-blow to the influence of the complete reformers. Of course, the most soft-tempered and flexible of the party would alone be chosen for the association in question, who would not convert their friends the moderates, but be converted by them. The body of complete reformers would not only be weakened but broken up and discredited in the eyes of the nation.

If this important little phalanx understand their own position, they will take care to make clear what their purpose is with regard to place. Their business is to make it understood, beyond cavil or doubt, that they will not accept of place, and for what reason? that they
are more powerful to aid the cause of reform as they are. They are sufficiently numerous, if they conduct themselves wisely, and with a single eye to their noble end, to be a great power in the public council of the nation. It will be the interest of every minister to have them for him, rather than against him; and if the only successful mode of courtship to them be the grant of reforms, they may extort a succession of reforms from hands the most averse to the boon. Their advantages at the present moment are peculiarly great. The two parties of grudging reformers, the ‘now’s-enough’ men, are nearly balanced; of course, the favour of those, who on every occasion can so easily turn the balance, is of the greater value, and the more will be willingly paid for it.

“If this important little phalanx (of complete reformers) understand their own position, they will take care to make clear what their purpose is with regard to place... Their advantages at the present moment are peculiarly great. The two parties of grudging reformers, the ‘now’s-enough’ men, are nearly balanced; of course, the favour of those, who on every occasion can so easily turn the balance, is of the greater value, and the more will be willingly paid for it.”

It is clear that the vocation of the class of philosophical reformers in parliament at present divides itself into two paths of exertion. The one is, to make it, as far as their weight can go, the interest of every ministry, be it what it may, to be the author of reforms. The second is, to be the champions of the philosophical principles of government. It is impossible to speak in exaggerated terms of the importance of this part of their high calling. There has been no example in parliament, up to this hour, of a man who has deemed himself worthy of this function, with the exception of the short period,—alas! how short,—in which the never-to-be-forgotten Ricardo lifted his head. His modest nature made him think only of that part of the subject which he had the most profoundly studied. But he had formed the idea of the function with perfect distinctness, and often said to the individual who now calls to memory, with acute sensibility, the irreparable loss which the world sustained by his untimely death, that his business in the House of Commons was to stand up for principle; to allow no renunciation of it to pass unnoticed, and no slighting talk about it to go unexposed; to watch the grounds on which measures of importance were laid, and to show on what a foundation of sand everything, not grounded on principle, was of necessity reared.

The absence of men in parliament who thought themselves worthy to stand up, as Ricardo appositely expressed it, for principle, has been so complete, that a fashion has been created against it. So far is it from being the custom in that place to measure anything by its accordance with principle, that the man is reckoned fine, who professes to hold it in derision or abhorrence. It has come to this pass, in that assembly, that the appeal to reason is discreditable,—the renunciation of it a thing to parade, and be vain of. The tone of the place,—not casual, not by fits and starts, but habitual, steady, is,—that the use of reason is to be discarded in the conduct of a nation’s affairs. We believe it would be impossible to assemble an equal number of tolerably educated men, in any other part of the civilized world, among whom it would be fashionable to set reason at defiance, and to profess to act in contempt of her dictates.

This remarkable characteristic of the legislative council in England is a declaration, clear and not to be mistaken, of the interests which are there pursued. Truly was it said by Hobbes, that ‘when reason is against a man, a man will be against reason;’ and with equal truth and certainty may we reverse the proposition, and say, ‘whenever a body of men are found to be steadily and tenaciously against reason, we may safely conclude they have interests, to the gratification of which the exercise of reason would be fatal.’ We find the following apposite sentiment in an anonymous writer:—

‘All those who wish for arbitrary power over their fellow-creatures have an interest in preventing their
acquiring habits of being governed by reason. Men who are in the habit of being governed by reason are not willing to be governed by any man in disconformity with reason. Hence the skill which has been employed in diverting men from the exercise of their reason. Forms, and ceremonies, and cant phrases, and subjection to all sorts of false belief, the weaker and more groundless the better, are equally favourable to the priests of all three classes; those who serve at the altar of state, those who serve at the altar of law, and those who serve at the altar of religion.

“...All those who wish for arbitrary power over their fellow-creatures have an interest in preventing their acquiring habits of being governed by reason. Men who are in the habit of being governed by reason are not willing to be governed by any man in disconformity with reason. Hence the skill which has been employed in diverting men from the exercise of their reason. Forms, and ceremonies, and cant phrases, and subjection to all sorts of false belief, the weaker and more groundless the better, are equally favourable to the priests of all three classes; those who serve at the altar of state, those who serve at the altar of law, and those who serve at the altar of religion.”

The instruments which are chiefly made use of, in parliament, to cover the renunciation of reason, and render it somewhat less palpable, are a set of hack phrases, serving each of them as a wrapper for a little parcel of sophistry. Thus we have, ‘Not speculation, but practice,’—as much as to say, act like a beast, and not one of the best of beasts, a blind horse in a mill; ‘Wisdom of ancestors,’—as if ancientness of error were better than truth, or the everlasting repetition of evil converted it into good. Of late, the word ‘Institutions’ has been industriously employed to preclude the use of reason. ‘Institutions,’ in the talk of the anti-reformers, is made synonymous with government and religion; ‘change,’ is made synonymous with destruction. By force of this new nomenclature, therefore, he who desires to reform anything goes to the destruction of government and religion; as if government were no longer government when it is rendered good,—religion were no longer religion when it is rendered pure. What these people mean is, that government is then destroyed, when they are no longer permitted to abuse its powers, for their own aggrandizement, at the expense of the rest of the community; religion is then destroyed, when they cannot make use of it as an instrument for the accomplishment of the same design. In other words, the mischievous tendency which has been given to each by the perfidious artifices of men, is, in their sense, the essence of each. The essence of government, the essence of religion, is the mischief which can be done with them. Let mischief no longer be done with them, they no longer exist.

Such is a specimen of the artillery against which the true reformers have to contend. The resources of their enemies are poor, both in quantity and quality, and soon would be exhausted. What havoc a few right-minded men might make in a few years of their masks and screens! How easily might the advocates of bad government be reduced to the miserable task of repeating exploded sophistry of the poorest kind, which then would not only not impose on anybody, but would degrade still lower even the abject creatures who could descend to the use of it.

The persevering advocation in parliament of the principles on which good government depends, and exposure of the sophistries by which it is sought to discredit them, would be a source of instruction to the nation, of which it is impossible to exaggerate the importance. The house, however, we are told, would not bear to be thus schooled. We know, indeed, that there is a right mode, and a wrong, of doing anything, and we do not advocate the wrong mode. With all the defects of the House of Commons, as at present constituted, there is in it a certain portion of good
taste, and of good feeling. If a man speaks with simplicity and in earnest, not for the sake of self-display, but evidently for the sake of what he deems a great object, and is able to bring sense and reason to bear upon his question, without violating the respect which every man owes to the feelings of those about him, he will meet with listeners, and he will meet with respect. Why should not this be done, at once, by the little band of true reformers? They are the most instructed men in parliament, some of them, at least, by many, many degrees. And practice would in time give them dexterity in the use of their weapons, the celestial panoply of reason, in the service of mankind.

"there are spots on which the true reformer should make a particular stand. The most important of these is property. Of this the true reformer should signalize himself as the champion. The danger to it is very considerable; and arises, not from the class of poor men, as the enemies of good government so industriously teach, but from the pre-eminently rich; who in all ages have desired to consider nothing as property but that which they themselves hold, everything held by others as held chiefly for their use—that is, with power in them to take to themselves, at any time, whatever portion of it they deem it convenient to take.

The security of property lies so deeply at the root of human happiness, especially of the poorer class, whose subsistence wholly depends upon the employment given to them by accumulated property, and who must perish when that is destroyed—that any infringement of the rights of property ought to be treated as the introduction of a devouring pestilence.

Upon this paramount consideration, it is consolatory to remember, that, of all the men in parliament, the little band of philosophical reformers have distinguished themselves with most zeal and effect to defend the rights of the creditors of the state, and to counteract the desire, not obscurely signified, of the pre-eminently rich, to make this class of their fellow-citizens their prey.

Upon the same principle it is of vast importance that, in the changes which reason recommends, the true reformers should be careful to protect all existing interests. When any source of expense, for example, is to be cut off, the operation ought to be prospective. Any person, whom law or custom has entitled to consider that the emoluments which he had been receiving he was to receive for his life, is, in reality, the owner of a life estate, as much entitled to protection as any species of property whatsoever.

Reasoning on this principle, we were exceedingly disconcerted, last year, when some of the true reformers were seduced into the vulgar cry against the holders of crown pensions. That the power of granting those pensions has been grossly abused, there is no doubt; and perhaps it ought to be wholly taken away. At all events, security against that, as against every other abuse, ought to be provided. But what is all this to the existing holders of pensions? They considered themselves sure of them for life, on a course of practice amounting clearly to prescription. They had, therefore, a life estate. And the small life estate of Mrs. Arbuthnot, of which so unjust and indelicate a use was made, appeared in our eyes as sacred, as the prodigious one of the Archbishop of Canterbury; and, with respect to the holders, the lady not the least respectable character of the two.
The operation of particular taxes—for the general amount of them is a topic for many a mouth—is another object of particular attention to the philosophical reformers. Any tax which, in its operation, takes money out of the pockets of the people, to put it, not into the treasury of the state, but into the pockets of individuals, they should never cease to expose. Such a tax is spoliation, annual robbery, established by club-law; one of those institutions of ours, of which our Conservatives have erected themselves into the body-guards. Such is the tax on imported corn, which, so long as it exists, will so long stand an unanswerable, a trumpet-tongued, argument of the need of further parliamentary reform.

"Any tax which, in its operation, takes money out of the pockets of the people, to put it, not into the treasury of the state, but into the pockets of individuals, they should never cease to expose. Such a tax is spoliation, annual robbery, established by club-law; one of those institutions of ours, of which our Conservatives have erected themselves into the body-guards."

The abolition, also, of any tax, which must be replaced by some other tax, not less burdensome to the nation, while the operation of the removal will be to put money into the pockets of individuals which it takes out of the pockets of the people, making so far a clear addition to their burdens, is another instance of robbery, which ought to be luminously exposed, and strenuously resisted. Such would be the repeal of the malt-tax, so clamorously called for by a class of men whose predominance in parliament has ever been, and continues to be, the grand obstruction to good legislation. No man doubts that if the malt-tax is taken off, other taxes to an equal amount must be laid on. How, then, are the landlords to find their advantage? By a rise in the price of bread; a necessary consequence of an increased demand for another product of the soil. The people, therefore, to please the landlords, would have to pay some other tax or taxes to the state in lieu of the malt-tax, and an additional tax, a tax on bread, to the landlords—to the men who already levy a tax on bread, and who would never rest satisfied so long as any other men have anything they can call their own. The poor farmers! is their cant; such a piece of naked hypocrisy, as it is wonderful even they have the impudence to put forth. The cause, and the sole cause, of any undue pressure, which may be sustained by the farmers, is the extortion of too much rent. If the farmer's rent is proportioned, as it ought to be, to the price of the produce he raises, it is equal to him if the price is high or low; or rather he has an interest in low prices, as in that case he pays less in wages, and has thereby higher profits of stock.

Beside those objects which make stated calls upon the attention of the real reformers, detached incidents which should call them up are of perpetual occurrence. We may present as a specimen what happened the other night.

In the House of Commons, Wednesday, 4th March, 1835, Mr. Wakley asked Sir Robert Peel, if the inhabitants of St. Margaret's parish were to have the choice of their rector. Sir Robert replied by a couple of sneers; first asking, 'If Mr. Wakley meant the choice to be by ballot?' next observing, that 'the inhabitants of St. Margaret's parish would not be put to the trouble of choosing their rector, the Crown intending to save them from it.' This is the true style of old Tory insult; and the House should mark it—the reformers, at least, should mark it; they may learn from it what will be the tone of the courteous baronet, if they allow him to settle himself in his saddle. 'If they do this in the green tree, what will they do in the dry?' Because a member of parliament asks a question relating to another subject, he is insulted by a disrespectful allusion to some opinion of his, which his insulter knows is distasteful to the crowd of those who hear him, and will echo the insult. The other expression, by which his Majesty's Prime Minister chose to proclaim his disrespect, at once to the author of the question, and the parishioners of St. Margaret's, must have been picked up in the purlieus of St. Giles's. 'Please to help me up with this burden,' says one. 'I won't give you the trouble,' says the other, with a grin, and passes on. The crown would not trouble the parishioners of St.
Margaret’s with the reception of a benefit! Not it, we will be bound for it. ‘The crown will not give the parishioners the trouble of choosing their rector,’ says Sir Robert; and with ten times the glee he would have said, if he durst, ‘The crown will not trouble the people of England with the choice of their representatives.’ One thing, however, there is which the crown will not seek to save the parishioners of St. Margaret’s from the trouble of. It will not save them from the trouble of paying this man whom they are not to choose. Such troubles as these the crown never thinks of saving such folks as parishioners from. The more of that sort of trouble they submit to, the better pleased the crown. All that is pleasant in these sort of matters, the crown, that is, the folks who act for themselves in the name of the crown—for the crown suffers by all such doings—are eager to save parishioners and such like rabble from the trouble of; all that is burdensome they liberally and generously place upon their shoulders.

Among the objects which require the attention of reformers, Education stands in one of the highest places; though it is never to be forgotten, that the operation of the political machine is that which has the greatest effect in forming the minds of men. We are not able to go into that subject here, because it is closely connected with the means adopted for the teaching of religion, which we have destined for the subject of a future article. We confess we despair wholly of seeing any beneficent plan of state education carried into effect, so long as we have a clergy on its present footing. There might be a clergy so happily circumstanced as to have an interest in good education, and then we should obtain that inestimable advantage. The clergy of the Church of England are so unhappily circumstanced, as to have a decided interest against it; and till their position is altered, a good state-education is hopeless. We look with more expectation to the combinations of individuals; which will every day be more skillful and more energetic.

We point to colonies, as an object of attention to the genuine reformers, because the importance of the subject is seldom understood. We consider the English colonies as one grand cause of the oppression of the English people. It is not disputed, that of the distressing burdens they bear a great proportion is the work of the colonies: that a very small number of troops is required for the service of England and Scotland; that the army is rendered the most galling of our burdens, because misgovernment cannot be supported in Ireland but with the bayonet, and because every insignificant spot, called a colony, creates a pretext for a military establishment. It has been frequently said, but the evidence of it has not been sufficiently displayed and enforced, that no colony is other than hurtful to the mother country, which does not defray its own expenses. The proposition, indeed, is next to self-evident; for what does a country get by a colony, for which it is obliged to pay, and from which it receives nothing?

“We consider the English colonies as one grand cause of the oppression of the English people. It is not disputed, that of the distressing burdens they bear a great proportion is the work of the colonies: that a very small number of troops is required for the service of England and Scotland; that the army is rendered the most galling of our burdens, because misgovernment cannot be supported in Ireland but with the bayonet, and because every insignificant spot, called a colony, creates a pretext for a military establishment.”

Let us, however, attend a little to the pretexts, by which the interested endeavour to hide this loss and burden from our eyes. They say, we have the monopoly of their trade. And both theory, and experience, prove, that it is of no advantage. How many times more valuable the free trade of the United States, than the forced trade was of the North American colonies? They say, also, that we have sunk capital in the colonies. Sunk it, indeed! Then let us follow the approved maxim of common life, not to throw good money after bad.
The value of capital consists in the annual return received from it. Suppose the capital of a colony to yield ten per cent. profit. If the expense of military and civil government exceeds the aggregate of that profit, the loss of the colony, and the capital along with it, would be a gain. But, again, why should we, the people of England, pay enormous sums to protect the gains of the colonists? We protect our own; why do not they the same? This doctrine needs only to be well preached, to be very operative in time, and then we shall have relief from a heavy load. There is not an outlying spot of ground subject to the crown of England, which is not a drain upon the people of England, with one only exception, India, where the East India Company has stood in the way of ministerial misrule and extravagance.

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Notes

[1] 'Tyranny and oppression never wanted either a plea or an advocate for whatever they did: for the majority of the lawyers, the divines, and all questuary professions, will be sure to run over to the stronger side, where will passes for law, and rapine for Providence.'—L'Estrange, Fab. 483.

[2] The nature of these resources was well understood by Chillingworth: 'It is an argument of a despairing and lost cause to support itself with these impetuous outcries and clamours, the faint refuges of those that want better arguments; like that stoic in Lucian who cried, οὐκ ἀπροφατηθείς, oh, damned villain! when he could say nothing else.'—Relig. of Prot., Ep. Ded. Again,—'Men are engaged to act this tragical part only to fright the simple and ignorant, as we do little children, by telling them, that bites, which we would not have them meddle with.'—Ibid.

'Sir, I am always inclined to suspect a man who endeavours rather to terrify than persuade. Exaggeration and hyperboles are seldom made use of by him who has any real arguments to produce.'—Dr. Johnson's Parliamentary Debates, vol. ii., p. 39. 'Sir, to discourage good designs, by representations of the danger of attempting and the difficulty of executing them, has been at all times the practice of those whose interest has been threatened by them.'—Ibid. p. 42. In illustration of this comprehensive proposition take the following instance:—'This was the famous act (2 Hen. c. 7) against the Lollards, upon which many of those people suffered. In the preamble they are loaded with the imputation of state crimes, as a pretence to delude the people into a concurrence with the churchmen in their persecution. They are said to be united in confederacies to destroy the king, and all other estates of the realm, both lay and spiritual,—and all manner of policy,—and finally the laws of the land.'—Reeves' Hist. of English Law, vol. iii. p. 260. He further says, (Ibid. p. 235,) speaking of the first law which was made against the Lollards (2 Hen. IV. c. 15)—'The meetings of heretics in their conventicles and schools are stigmatized in this act with the name of confederacies to stir up sedition and insurrection; the very pretence that had been made use of by the Romans against the primitive Christians, and which had been adopted by the Romish Church ever since to suppress all opposition or inquiry into its errors.'—We see who were the Conservatives, and who the Destructives, of those days. Our Conservatives are a little milder in their ways. Why? Because they are less able. Make them once more as powerful as they were in those days, and we shall soon see they have found the short and easy way with the Destructives. The wisdom of ancestors' would be produced, as the encouragement, and justification of the energetic methods.—There is nothing, for making people good and merciful, like taking away from them the power of being mischievous and cruel.

[3] 'Et tamen, mi Attice, auguria quoque me incitant, quadam spe non dubia, non haec collegii nostri ab Appio, sed illa Platonis de tyrannis, . . . . . . si ii provincias, si rempublicam regent, quorum nemo duas menses potuit patrimonium suum gubernare.'—Cic. ad Att., lib. x. ep. 8.—The high classes in Rome were better educated, and better employed, than the high classes in England.
Further Information

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FURTHER READING

Other works by James Mill: <oll.libertyfund.org/people/73>.

School of Thought: The Philosophic Radicals <oll.libertyfund.org/groups/149>.
Frédéric Bastiat, “The State” (1848)

<oll.libertyfund.org/titles/2479>

“The state is the great fiction by which everyone endeavors to live at the expense of everyone else... This is illusionary, absurd, puerile, contradictory, and dangerous.”

Claude Frédéric Bastiat (1801-1850)
Editor’s Introduction

Frédéric Bastiat (1801-1850) was the leading advocate of free trade in France during the 1840s. He made a name for himself as a brilliant economic journalist, debunking the myths and misconceptions people held on protectionism in particular and government intervention in general. When revolution broke out in February 1848 Bastiat was elected twice to the Chamber of Deputies where he served on the Finance Committee and struggled to bring government expenditure under control.

Knowing he was dying from a serious throat condition (possibly cancer), Bastiat attempted to complete his magnum opus on economic theory, his Economic Harmonies. In this work he showed the very great depth of his economic thinking and made theoretical advances which heralded the Austrian school of economics which emerged later in the 19th century.

Bastiat’s essay “L’État” (The State) is probably his best-known work in English. In this volume we are reprinting a draft of his essay that appeared in the 11–15 June 1848 issue of Jacques Bonhomme, about a week before the shootings of the rioters began in Paris and shortly before the journal was forced to close. The essay was written to appeal to people on the streets of Paris and to attempt to woo them away from the spread of socialist ideas. Three months later Bastiat rewrote the piece, and it appeared in the 25 September 1848 issue of Le Journal des débats, where it was featured on the front page of the journal’s four very densely printed pages. Sometime later it was republished as a standalone pamphlet.

“(This) bountiful and inexhaustible being that calls itself the state, which has bread for every mouth, work for every arm, capital for all businesses, credit for all projects, oil for all wounds, balm for all suffering, advice for all perplexities, solutions for all doubts, truths for all intelligent minds, distractions for all forms of boredom, milk for children, wine for the elderly, a being that meets all our needs, anticipates all our desires, satisfies all our curiosity, corrects all our errors and all our faults, and relieves us all henceforth of the need for foresight, prudence, judgment, wisdom, experience, order, economy, temperance, and activity. “
“The State” (draft June, 1848)¹

“The state has nothing it has not taken from the people, it cannot distribute largesse to the people. The people know this, since they never cease to demand reductions in taxes. That is true, but at the same time they never cease to demand handouts of every kind from the state.”

“There are those who say, ‘A financial man, such as Thiers, Fould, Goudchaux, or Girardin, will get us out of this.’ I think they are mistaken.”

“Who, then, will get us out of this?”

“The people.”

“When?”

“When the people have learned this lesson: since the state has nothing it has not taken from the people, it cannot distribute largesse to the people.”

“The people know this, since they never cease to demand reductions in taxes.”

“That is true, but at the same time they never cease to demand handouts of every kind from the state. They want the state to establish nursery schools, infant schools, and free schools for our youth, national workshops for those that are older, and retirement pensions for the elderly.

They want the state to go to war in Italy and Poland.

They want the state to found farming colonies.

They want the state to build railways.

They want the state to bring Algeria into cultivation.

They want the state to lend ten billion to landowners.

They want the state to supply capital to workers.

They want the state to replant the forests on mountains.

They want the state to build embankments along the rivers.

They want the state to make payments without receiving any.

They want the state to lay down the law in Europe.

They want the state to support agriculture.

They want the state to give subsidies to industry.

They want the state to protect trade.

They want the state to have a formidable army.

They want the state to have an impressive navy.

They want the state to . . .”

“Have you finished?”

“I could go on for another hour at least.”

“But what is the point you are trying to make?”

“This. As long as the people want all of this, they will have to pay for it. There is no financial man alive who can do something with nothing.”

Jacques Bonhomme is sponsoring a prize of fifty thousand francs to be given to anyone who provides a good definition of the word state, for that person will be the savior of finance, industry, trade, and work.

“L’État! What is this? Where is it? What does it do? What ought it to be doing? All we know about it is that it is a mysterious being and is definitely the one that is most solicited and most tormented and is the busiest; the one to whom the most advice is given; the one most accused, most invoked, and most provoked in the world.”

“The State” (September, 1848)²

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I would like someone to sponsor a prize, not of five hundred francs but of a million, with crowns, crosses, and ribbons for whoever can provide a good, simple, and understandable definition of the words “the state.”

What a huge service this person would be doing to society!

The state! What is this? Where is it? What does it do? What ought it to be doing?

All we know about it is that it is a mysterious being and is definitely the one that is most solicited and most tormented and is the busiest; the one to whom the most advice is given; the one most accused, most invoked, and most provoked in the world.

For, sir, I do not have the honor of knowing you, but I will bet ten to one that for the last six months you have been constructing utopias; and if you have been doing so, I will bet ten to one that you are making the state responsible for bringing them into existence.

And you, madam, I am certain that in your heart of hearts you would like to cure all the suffering of humanity and that you would not be in the slightest put out if the state just wanted to help in this.

But alas! The unfortunate being, like Figaro, does not know whom to listen to nor which way to turn. The hundred thousand voices of the press and the tribune are all calling out to this being at once:

- Organize work and the workers.
- Root out selfishness.
- Repress the insolence and tyranny of capital.
- Carry out experiments on manure and eggs.
- Criss-cross the country with railways.
- Irrigate the plains.
- Reforest the mountains.
- Set up model farms.
- Set up harmonious workshops.
- Colonize Algeria.
- Provide children with milk.
- Educate the young.
- Succor the elderly.
- Send the inhabitants of towns to the country.
- Bear hard on the profits of all industries.
- Lend money interest free to those who want it.
- Liberate Italy, Poland, and Hungary.
- Breed and improve saddle horses.
- Encourage art and train musicians and dancers for us.
- Prohibit trade and at the same time create a merchant navy.

Discover truth and toss into our heads a grain of reason. The mission of the state is to enlighten, develop, expand, fortify, spiritualize, and sanctify the souls of peoples. [1]

“Oh, sirs, have a little patience,” the state replies pitifully. “I will try to satisfy you, but I need some resources to do this. I have prepared some projects relating to five or six bright, new taxes that are the most benign the world has ever seen. You will see how pleased you will be to pay them.”

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At that, a great cry arises: “Just a minute! Where is the merit in doing something with resources? It would not be worth calling yourself the state. Far from imposing new taxes on us, we demand that you remove the old ones. You must abolish:

- The tax on salt; [2]
- The tax on wines and spirits;
- Postage tax;
- City tolls; [3]
- Trading taxes; [4]
- Mandatory community service.” [5]

In the middle of this tumult, and after the country has changed its state two or three times because it has failed to satisfy all these demands, I wanted to point out that they were contradictory. Good heavens, what was I thinking of? Could I not keep this unfortunate remark to myself?

Here I am, discredited forever, and it is now generally accepted that I am a man without heart or feelings of pity, a dry philosopher, an individualist, a bourgeois, and, to sum it up in a single word, an economist of the English or American school.
“(This) bountiful and inexhaustible being that calls itself the state, which has bread for every mouth, work for every arm, capital for all businesses, credit for all projects, oil for all wounds, balm for all suffering, advice for all perplexities, solutions for all doubts, truths for all intelligent minds, distractions for all forms of boredom, milk for children, wine for the elderly, a being that meets all our needs, anticipates all our desires, satisfies all our curiosity, corrects all our errors and all our faults, and relieves us all henceforth of the need for foresight, prudence, judgment, wisdom, experience, order, economy, temperance, and activity. “

Oh, excuse me, you sublime writers whom nothing stops, not even contradictions. I am doubtless mistaken, and I most willingly retract my statements. I do not ask for more, you may be sure, than that you have genuinely discovered, independently from us, a bountiful and inexhaustible being that calls itself the state, which has bread for every mouth, work for every arm, capital for all businesses, credit for all projects, oil for all wounds, balm for all suffering, advice for all perplexities, solutions for all doubts, truths for all intelligent minds, distractions for all forms of boredom, milk for children, wine for the elderly, a being that meets all our needs, anticipates all our desires, satisfies all our curiosity, corrects all our errors and all our faults, and relieves us all henceforth of the need for foresight, prudence, judgment, wisdom, experience, order, economy, temperance, and activity.

And why would I not desire this? May God forgive me, but the more I reflect on this, the more the convenience of the thing appeals to me, and I too am anxious to have access to this inexhaustible source of wealth and enlightenment, this universal doctor and infallible counsellor that you are calling the state.

This being so, I ask you to show it to me and define it for me, and this is why I am proposing the establishment of a prize for the first person who discovers this phoenix. For in the end, people will agree with me that this precious discovery has not yet been made, since up to now all that has come forward under the name of the state has been overturned instantly by the people, precisely because it does not fulfill the somewhat contradictory conditions of the program.

Does this need to be said? I fear that we are, in this respect, the dupes of one of the strangest illusions ever to have taken hold of the human mind.

“We are, in this respect, the dupes of one of the strangest illusions ever to have taken hold of the human mind... that all pain accrues to some and all satisfaction to the others. From this we get slavery or even plunder, in whatever form it takes: wars, imposture, violence, restrictions, fraud.”

Man rejects pain and suffering. And yet he is condemned by nature to the suffering privation brings if he does not embark upon the pain of work. All he has, therefore, is a choice between these two evils. How can he avoid both? Up to now, he has only found and will only ever find one means, that is, to enjoy the work of others, to act in such a way that pain and satisfaction do not accrue to each person in accordance with natural proportions, but that all pain accrues to some and all satisfaction to the others. From this we get slavery or even plunder, in whatever form it takes: wars, imposture, violence, restrictions, fraud, etc., all monstrous forms of abuse but in line with the thought that has given rise to them. We should hate and combat oppressors, but we cannot say that they are absurd.

Slavery is receding, thank heaven, and on the other hand, our aptitude for defending our property means that direct and crude plunder is not easy to do. However, one thing has remained. It is this unfortunate primitive tendency within all men to divide into two
our complex human lot, shifting pain onto others and keeping satisfaction for themselves. It remains to be seen in what new form this sorry tendency will manifest itself.

“It is plain that the state cannot procure satisfaction for some without adding to the work of the others ... The state is the great fiction by which everyone endeavors to live at the expense of everyone else.”

Oppressors no longer act directly on the oppressed using their own forces. No, our conscience has become too scrupulous for that. There are still tyrants and victims certainly, but between them has placed itself the intermediary that is the state, that is to say, the law itself. What is more calculated to silence our scruples and, perhaps more appealing, to overcome our resistance? For this reason, we all make calls upon the state on one ground or pretext or another. We tell it, “I do not consider that there is a satisfactory relation between the goods I enjoy and my work. I would like to take a little from the property of others to establish the balance I desire. But this is dangerous. Can you not make my task easier? Could you not provide me with a good position? Or else hinder the production of my competitors? Or else make me an interest-free loan of the capital you have taken from its owners? Or raise my children at public expense? Or award me subsidies? Or ensure my well-being when I reach the age of fifty? By these means I will achieve my aim with a perfectly clear conscience, since the law itself will have acted on my behalf and I will achieve all the advantages of plunder without ever having incurred either its risks or opprobrium!

As it is certain, on the one hand, that we all address more or less similar requests to the state and, on the other, it is plain that the state cannot procure satisfaction for some without adding to the work of the others, while waiting for a new definition of the state I think I am authorized to give my own here. Who knows whether it will not carry off the prize? Here it is:

The state is the great fiction by which everyone endeavors to live at the expense of everyone else.

For today, as in the past, each person more or less wants to profit from the work of others. We do not dare display this sentiment; we even hide it from ourselves, and then what do we do? We design an intermediary, we address ourselves to the state, and each class in turn comes forward to say to it, “You who can take things straightforwardly and honestly, take something from the general public and we will share it.” Alas! The state has a very ready tendency to follow this diabolical advice as it is made up of ministers and civil servants, in short, men, who like all men are filled with the desire and are always quick to seize the opportunity to see their wealth and influence increase. The state is therefore quick to understand the profit it can make from the role that the general public has entrusted to it. It will be the arbiter and master of every destiny. It will take a great deal; therefore a great deal will remain to it. It will increase the number of its agents and widen the circle of its attributions. It will end by achieving crushing proportions.

But what we should clearly note is the astonishing blindness of the general public in all this. When happy soldiers reduced the conquered to slavery, they were barbaric, but they were not absurd. Their aim, like ours, was to live at someone else’s expense, but they did not fail to do so like us. What ought we to think of a people who do not appear to have any idea that reciprocal pillage is no less pillage because it is reciprocal, that it is no less criminal because it is executed legally and in an orderly fashion, that it adds nothing to public well-being, and that, on the contrary, it reduces well-being by everything that this spendthrift of an intermediary that we call the state costs us?

And we have placed this great illusion at the forefront of the Constitution to edify the people. These are the opening words of the preamble:

France has set itself up as a republic in order to ... call all its citizens to an increasingly higher level of morality, enlightenment, and well-being.

“Reciprocal pillage is no less pillage because it is reciprocal, that it is no less criminal because it is executed legally and in an orderly fashion.”
Thus, it is France, an abstraction, that calls French citizens, real persons, to morality, well-being, etc. Is it not wholeheartedly going along with this strange illusion that leads us to expect everything from some energy other than our own? Does it not give rise to the idea that there is, at hand and outside the French people, a being that is virtuous, enlightened, and rich that can and ought to pour benefits over them? Is it not to presume, quite gratuitously of course, that there is between France and the French, between the simple, abbreviated, abstract name of all these unique individuals and these individuals themselves, a relationship of father and child, tutor and pupil, teacher and schoolchild? I am fully aware that it is sometimes metaphorically said that the fatherland is a tender mother. However, to catch a constitutional proposition in flagrant inanity, you need to show only that it can be inverted, not without inconvenience but even advantageously. Would accuracy have suffered if the preamble had said:

"The French people have set themselves up as a republic in order to call France to an increasingly higher level of morality, enlightenment, and well-being?"

Well, what is the value of an axiom in which the subject and attribute can change places without causing trouble? Everyone understands that you can say: "Mothers suckle their children." But it would be ridiculous to say: "Children suckle their mothers."

The Americans had another concept of the relationship between citizens and the state when they placed at the head of their Constitution these simple words:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain, etc."

[6]

Here we have no illusions, no abstraction from which its citizens ask everything. They do not expect anything other than from themselves and their own energy. They place no expectations on anything other than themselves and their own energy. Or they place their expectations only on themselves and their own energy.

"They (the American people) do not expect anything other than from themselves and their own energy. They place no expectations on anything other than themselves and their own energy. Or they place their expectations only on themselves and their own energy."

If I have taken the liberty of criticizing the opening words of our Constitution, it is because it is not a question, as one might believe, of wholly metaphysical subtlety. I claim that this personification of the state has been in the past and will be in the future a rich source of calamities and revolutions.

Here are the public on one side and the state on the other, considered to be two distinct beings, the latter obliged to spread over the former and the former having the right to claim from the latter a flood of human happiness. What is bound to happen?

In fact, the state is not and cannot be one-handed. It has two hands, one to receive and the other to give; in other words, the rough hand and the gentle hand. The activity of the second is of necessity subordinate to the activity of the first. Strictly speaking, the state is able to take and not give back. This has been seen and is explained by the porous and absorbent nature of its hands, which always retain part and sometimes all of what they touch. But what has never been seen, will never be seen, and cannot even be conceived is that the state will give to the general public more than it has taken from them. It is therefore a sublime folly for us to adopt toward the state the humble attitude of beggars. It is radically impossible for the state to confer a particular advantage on some of the individuals who make up the community without inflicting greater damage on the community as a whole.

The state therefore finds itself, because of our demands, in an obvious vicious circle.

If the state refuses to supply the services being demanded of it, it is accused of impotence, lack of willpower, and incapacity. If it tries to provide them, it is reduced to inflicting redoubled taxes on the people, doing more harm than good, and attracting to itself general dislike from the other direction.
Thus there are two hopes in the general public and two promises in the government: a host of benefits and no taxes. Hopes and promises that, since they are contradictory, can never be achieved.

“The state is not and cannot be one-handed. It has two hands, one to receive and the other to give; in other words, the rough hand and the gentle hand. The activity of the second is of necessity subordinate to the activity of the first.”

Then is this not the cause of all our revolutions? For between the state, which is hugely generous with impossible promises, and the general public, which has conceived unattainable hopes, have come two classes of men, those with ambition and those with utopian dreams. Their role is clearly laid out by the situation. It is enough for these courtiers of popularity to shout into the people’s ears: “The authorities are misleading you; if we were in their place, we would shower you with benefits and relieve you of taxes.”

And the people believe this, and the people hope, and the people stage a revolution.

No sooner are their friends in power than they are required to fulfill these promises. “So give me work, bread, assistance, credit, education, and colonies,” say the people, “and notwithstanding this, deliver me from the clutches of the tax authorities as you promised.”

The new state is no less embarrassed than the former state since, when it comes to the impossible, promises may well be made but not kept. It tries to play for time, which it needs to bring its huge projects to fruition. First of all, it tries a few things timidly: on the one hand, it expands primary education a little; second, it makes slight modifications to the tax on wines and spirits. [7] But the contradiction still stands squarely before it; if it wants to be philanthropic it is obliged to maintain taxes, and if it renounces taxation it is also obliged to renounce philanthropy.

These two promises always, and of necessity, block each other. Making use of borrowing, in other words consuming the future, is really a current means of reconciling them; efforts are made to do a little good in the present at the expense of a great deal of evil in the future. However, this procedure evokes the specter of bankruptcy, which chases credit away. What is to be done then? The new state in this case takes its medicine bravely. It calls together forces to keep itself in power; it stifles public opinion, it has recourse to arbitrary decisions, it calls down ridicule on its former maxims, and it declares that administration can be carried out only at the cost of being unpopular. In short, it proclaims itself to be governmental.

And it is at this point that other courtiers of popularity lie in wait. They exploit the same illusion, go down the same road, obtain the same success, and within a short time are engulfed in the same abyss.

This is the situation we reached in February. [8] At that time, the illusion that is the subject of this article had penetrated even further into the minds of the people, together with socialist doctrines. More than ever, the people expected the state, in its republican robes, to open wide the tap of bounty and close that of taxation. “We have oft en been misled,” said the people, “but we ourselves will see to it that we are not misled once again.”

“If (the State) wants to be philanthropic it is obliged to maintain taxes... Making use of borrowing, in other words consuming the future, is really a current means of reconciling them; efforts are made to do a little good in the present at the expense of a great deal of evil in the future.”

What could the provisional government do? Alas, only what has always been done in a like situation: make promises and play for time. The government did not hesitate to do this, and to give their promises more solemnity, they set them in decrees. “An increase in well-being, a reduction of work, assistance, credit, free education, farming colonies, land clearance, and at the same time a reduction in the tax on salt, on wine and spirits, on postage, on meat, all this will be granted ... when the National Assembly meets.”

The National Assembly met, and since two contradictory things cannot be achieved, its task, its sad
task was to withdraw as gently as possible and one after
the other all the decrees of the provisional government.

However, in order not to make the disappointment
too cruel, a few compromises simply had to be
undertaken. A few commitments have been
maintained, and others have been started to a small
degree. The current government is therefore
endeavoring to dream up new taxes.

At this point, I will move forward in thought to a
few months in the future and ask myself, with iron in
my soul, what will happen when a new breed of agents
goes into the countryside to raise the new taxes on
inheritance, on income, and on farming profits. May
the heavens give the lie to my presentiments, but I can
still see a role in this for the courtiers of popularity.

Read the latest Manifesto of the Montagnards, [9]
the one they issued regarding the presidential elections.
It is a bit long, but in the end it can be briefly
summarized thus: The state must give a great deal to its
citizens and take very little from them. This is always
the same tactic, or if you prefer, the same error.

The state owes “free instruction and education to
all its citizens.”

It owes:
“General and vocational education that is as
appropriate as possible to the needs, vocations, and
capacities of each citizen.”

It must:
“Teach him his duties toward God, men, and
himself; develop his sensibilities, aptitudes, and
faculties; and in short, give him the knowledge needed
for his work, the enlightenment needed for his interests,
and a knowledge of his rights.”

It must:
“Make available to everybody literature and the
arts, the heritage of thought, the treasures of the mind,
and all the intellectual enjoyment that elevates and
strengthens the soul.”

It must:
“Put right any accident, fire, flood, etc. (this et
cetera says far more than its small size would suggest),
experienced by a citizen.”

It must:
“Intervene in business and labor relations and
make itself the regulator of credit.”

It owes:
“Well-founded encouragement and effective
protection to farmers.”

It must:

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It must:
“Intervene in business and labor relations and
make itself the regulator of credit.”

It owes:
“Well-founded encouragement and effective
protection to farmers.”

It must:

“Buy back the railways, canals, and mines,” and
doubtless also run them with its legendary capacity for
industry.”

It must:
“Stimulate generous initiatives, encourage them,
and help them with all the resources needed to make
them a triumphant success. As the regulator of credit,
it will sponsor manufacturing and farming associations
liberally in order to ensure their success.”

The state has to do all this without prejudicing the
services which it currently carries out; and, for
example, it will have to maintain a constantly hostile
attitude toward foreigners since, as the signatories of
the program state, “bound by this sacred solidarity and
by the precedents of republican France, we send our
promises made on high and our hopes soaring across
the barriers that despotism raises between nations: the
right we wish for ourselves we also wish for all those
oppressed by the yoke of tyranny. We want our glorious
army to continue to be, if necessary, the army of
freedom.”

As you can see, the gentle hand of the state, that
sweet hand that gives and spreads benefits widely, will
be fully occupied under the Montagnard government.

Might you perhaps be disposed to believe that this will
be just as true of the rough hand that goes rummaging
and rifling in our pockets?

Don’t you believe it! The courtiers of popularity
would not be masters of their trade if they did not have
the art of hiding an iron fist in a velvet glove.

Their reign will certainly be a cause for celebration
for taxpayers.

“Taxes must reach the superfluous, not the
essentials,” they say.

Would it not be a fine day if, in order to shower us
with benefits, the tax authorities were content to make
a hole in our superfluous assets?

That is not all. The aim of the Montagnards is
that “taxes will lose their oppressive character and
become just a fraternal act.”

Good heavens! I was well aware that it is
fashionable to shove fraternity in everywhere, but I did
not think it could be inserted into the tax collector’s
notice.
Coming down to detail, the signatories of the program say:

“We want the taxes levied on objects of first necessity, such as salt, wines and spirits, et cetera, to be abolished immediately;

“The land tax, city tolls, and industrial licenses to be reformed;

“Justice free of charge, that is to say, a simplification of the forms and a reduction in the fees” (this is doubtless intended to milk the stamp duty).

Thus, land tax, city tolls, industrial licenses, stamp duty, salt tax, tax on wine and spirits, [10] and postage would all go. These gentlemen have found the secret of giving feverish activity to the gentle hand of the state while paralyzing its rough hand.

Well then, I ask the impartial reader, is this not childishness and, what is more, dangerous childishness? What is to stop the people mounting revolution after revolution once the decision has been taken not to stop doing so until the following contradiction has been achieved: “Give nothing to the state and receive a great deal from it”?

Do people believe that if the Montagnards came to power they would not be victims of the means they employed to seize it?

“(The new system of government) consists in demanding everything from the state while giving it nothing, this is illusionary, absurd, puerile, contradictory, and dangerous.”

Fellow citizens, since time immemorial two political systems have confronted one another and both have good arguments to support them. According to one, the state has to do a great deal, but it also has to take a great deal. According to the other, its twin action should be little felt. A choice has to be made between these two systems. But as for the third system, which takes from the two others and which consists in demanding everything from the state while giving it nothing, this is illusionary, absurd, puerile, contradictory, and dangerous. Those who advocate it to give themselves the pleasure of accusing all forms of government of impotence, and of thus exposing them to your blows, those people are flattering and deceiving you, or at the very least they are deceiving themselves.

“We consider that the state is not, nor should it be, anything other than a common force, instituted not to be an instrument of mutual oppression and plunder between all of its citizens, but on the contrary to guarantee to each person his own property and ensure the reign of justice and security.”

As for us, we consider that the state is not, nor should it be, anything other than a common force, instituted not to be an instrument of mutual oppression and plunder between all of its citizens, but on the contrary to guarantee to each person his own property and ensure the reign of justice and security. [11]

Notes

[1.] (Paillottet’s note) This last sentence is from M. de Lamartine. The author quotes it again in the pamphlet that follows. (OC, vol. 4, p. 342, “La Loi.” [The sentence itself is found on p. 387.])

[2.] Before the Revolution of 1789 the salt tax was known as the “gabelle.” Because of its symbolic association with the ancien régime, it was much hated and was one of the first things abolished after the Revolution. However, it soon returned as a more straightforward “salt tax.” See Coquelin, “Gabelle,” in Le Dictionnaire de l’économie politique, vol. 1, pp. 814–15.

[3.] The word Bastiat uses is “octrois,” a form of hated taxes during the pre-Revolutionary period. An octroi was a consumption tax levied by a town or city in order to pay for the activities of the communal administration. It was much abused during the ancien régime because it was “farmed out” to private contractors. Although the octroi was abolished in the early years of the Revolution, it was reintroduced by the city of Paris in 1798. See Esquirou de Parieu, “Octrois,” in Coquelin, Dictionnaire de l’économie politique, vol. 2, pp. 284–91.
[4.] The word Bastiat uses is “patentes,” direct taxes imposed on any individual who carried out a trade, occupation, or profession. The patentes were first imposed in 1791 by the Constituent Assembly and were completely reformulated in 1844.

[5.] The French word used here is “prestations,” which is an abbreviation of “prestations en nature” (or “obligatory services in kind”), according to which all able-bodied men were expected to spend two days a year maintaining roads in and around their towns. The prestations were a reform of the much-hated and burdensome compulsory labor obligations known as the “corvée,” dating from the ancien régime. The corvée was abolished by Turgot in 1776; however, it returned, as did the “gabelle” (salt tax), in a less onerous form during the Consulate period under Napoléon, only to be abolished again in 1818. Under the law of 1824 the modern form of the prestations was introduced, whereby the compulsory labor was used only for local roads. A further modification took place in 1836, when the labor service could be commuted to the payment of a monetary equivalent. See also Courcelle-Seneuil, “Prestations,” in Coquelin, Dictionnaire de l'économie politique, vol. 2, pp. 428–30.

[6.] We have used the original English wording for the words of the Constitution.

[7.] 1830.

[8.] Revolution of 1848.

[9.] During the Second Republic deputies on the extreme left adopted the name “Montagnards” (or Mountain), which had first been used during the French Revolution by Robespierre and his supporters. See also the entry for “La Montagne” in the Glossary of Subjects and Terms and the entry for “Robespierre, Maximilien de,” in the Glossary of Persons.

[10.] See the entry “Wine and Spirits Tax” in the Glossary of Subjects and Terms.

Further Information

SOURCE


- “The State” [draft June, 1848], pp. 105-6 <oll.libertyfund.org/titles/2450/231337>.


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FURTHER READING

More works by Bastiat can be found here <oll.libertyfund.org/people/25>.
HERBERT SPENCER, "THE RIGHT TO IGNORE THE STATE" (1851)

<oll.libertyfund.org/titles/2497>

“Government being simply an agent employed in common by a number of individuals to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not.”

Herbert Spencer (1820-1903)
Editor’s Introduction

Herbert Spencer (1820-1903) was one of the leading 19th century English radical individualists. He began working as a journalist for the laissez-faire magazine *The Economist* in the 1850s where he was in charge of reviewing books. Much of the rest of his life was spent working on an all-encompassing theory of human development based upon the ideas of individualism, utilitarian moral theory, social and biological evolution, limited government, and laissez-faire economics.

*Social Statics* (1851) was Spencer’s first major work of political philosophy in which he attempts to lay the basis for a limited state on a rigorous development of a doctrine of natural rights. It is also one of the the first attempts to survey the whole classical liberal perspective in one volume (Molinari beat him by 2 years). He begins with a defense of his “first principle” “that every man, may claim the fullest liberty to exercise his faculties compatible with the possession of like liberty by every other man.” This is law of “equal freedom.” From that, he argues, follows all other rights. One of the more unusual aspects of this work was the chapter on the rights of children which was a topic very few political philosophers before Spencer had considered seriously.

In this chapter on “The Right to Ignore the State” Spencer hints at theory of societal evolution which would come to dominate much of his later thinking. He accepts that he was living in a “transition state” where there was a mixture of “bygone despotism and coming freedom” and that “so extreme a doctrine as the one here maintained” would “probably” take a long time before it was accepted “even in theory” let alone before it came about in practice. Yet, like his equally radical contemporary in France, Gustave de Molinari (“The Production of Security” (1849)), Spencer was exploring the furthest reaches of what he called “perfect law,” namely “the law of equal freedom.”

It should be noted that in the 1892 re-issue of *Social Statics* Spencer removed this chapter as his pessimism about the hope for change was growing. It seemed that in late-Victorian Britain social evolution was leading to more statism, militarism, and colonialism and the prospects for liberty were therefore diminishing.

“As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state—to relinquish its protection, and to refuse paying towards its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor.”
"The Right to Ignore the State" (1851)

§ 1.
As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man; then he is free to drop connection with the state—to relinquish its protection, and to refuse paying towards its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally self-evident that he cannot be compelled to continue one of a political corporation, without a breach of the moral law; seeing that citizenship involves payment of taxes; and the taking away of a man’s property against his will, is an infringement of his rights (p. 134). Government being simply an agent employed in common by a number of individuals to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of maltreatment—a thing he is quite at liberty to do if he likes. He cannot be coerced into political combination without a breach of the law of equal freedom; he can withdraw from it without committing any such breach; and he has therefore a right so to withdraw.

§ 2.
“No human laws are of any validity if contrary to the law of nature; and such of them as are valid derive all their terrors to the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally self-evident that he cannot be compelled to continue one of a political corporation, without a breach of the moral law; seeing that citizenship involves payment of taxes; and the taking away of a man’s property against his will, is an infringement of his rights (p. 134). Government being simply an agent employed in common by a number of individuals to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of maltreatment—a thing he is quite at liberty to do if he likes. He cannot be coerced into political combination without a breach of the law of equal freedom; he can withdraw from it without committing any such breach; and he has therefore a right so to withdraw.

Nay, indeed, have we not seen (p. 13) that government is essentially immoral? Is it not the offspring of evil, bearing about it all the marks of its parentage? Does it not exist because crime exists? Is it not strong, or, as we say, despotic, when crime is great? Is there not more liberty, that is, less government, as crime diminishes? And must not government cease when crime ceases, for very lack of objects on which to perform its function? Not only does magisterial power exist because of evil, but it exists by evil. Violence is employed to maintain it; and all violence involves criminality. Soldiers, policemen, and gaolers; swords, batons, and fetters, are instruments for inflicting pain; and all infliction of pain is in the abstract wrong. The state employs evil weapons to subjugate evil, and is alike contaminated by the objects with which it deals, and the means by which it works.”


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Hence, there is a certain inconsistency in the attempt to determine the right position, structure, and conduct of a government by appeal to the first principles of rectitude. For, as just pointed out, the acts of an institution which is in both nature and origin imperfect, cannot be made to square with the perfect law. All that we can do is to ascertain, firstly, in what attitude a legislature must stand to the community to avoid being by its mere existence an embodied wrong;—secondly, in what manner it must be constituted so as to exhibit the least incongruity with the moral law;—and thirdly, to what sphere its actions must be limited to prevent it from multiplying those breaches of equity it is set up to prevent.

The first condition to be conformed to before a legislature can be established without violating the law of equal freedom, is the acknowledgment of the right now under discussion—the right to ignore the state. [1]

§ 3.
Upholders of pure despotism may fitly believe state-control to be unlimited and unconditional. They who assert that men are made for governments and not governments for men, may consistently hold that no one can remove himself beyond the pale of political organization. But they who maintain that the people are the only legitimate source of power—that legislative authority is not original, but deputed—cannot deny the right to ignore the state without entangling themselves in an absurdity.

For, if legislative authority is deputed, it follows that those from whom it proceeds are the masters of those on whom it is conferred: it follows further, that as masters they confer the said authority voluntarily: and this implies that they may give or withhold it as they please. To call that deputed which is wrenched from men whether they will or not, is nonsense. But what is here true of all collectively is equally true of each separately. As a government can rightly act for the people, only when empowered by them, so also can it rightly act for the individual, only when empowered by him. If A, B, and C, debate whether they shall employ an agent to perform for them a certain service, and if whilst A and B agree to do so, C dissents, C cannot equitably be made a party to the agreement in spite of himself. And this must be equally true of thirty as of three: and if of thirty, why not of three hundred, or three thousand, or three millions?

§ 4.
Of the political superstitions lately alluded to, none is so universally diffused as the notion that majorities are omnipotent. Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of our time feels that such power cannot rightly be conferred on any but the largest moiety of society. It interprets literally the saying that “the voice of the people is the voice of God,” and transferring to the one the sacredness attached to the other, it concludes that from the will of the people, that is, of the majority, there can be no appeal. Yet is this belief entirely erroneous.

“Of the political superstitions lately alluded to, none is so universally diffused as the notion that majorities are omnipotent. Under the impression that the preservation of order will ever require power to be wielded by some party, the moral sense of our time feels that such power cannot rightly be conferred on any but the largest moiety of society.”

Suppose, for the sake of argument, that, struck by some Malthusian panic, a legislature duly representing public opinion were to enact that all children born during the next ten years should be drowned. Does any one think such an enactment would be warrantable? If not, there is evidently a limit to the power of a majority. Suppose, again, that of two races living together—Celts and Saxons, for example—the most numerous determined to make the others their slaves. Would the authority of the greatest number be in such case valid? If not there is something to which its authority must be subordinate. Suppose, once more, that all men having incomes under £50 a year were to resolve upon reducing every income above that amount to their own standard, and appropriating the excess for public purposes. Could their resolution be justified? If not it must be a third time confessed that there is a law to which the popular voice must defer. What, then, is
that law, if not the law of pure equity—the law of equal freedom? These restraints, which all would put to the will of the majority, are exactly the restraints set up by that law. We deny the right of a majority to murder, to enslave, or to rob, simply because murder, enslaving, and robbery are violations of that law—violations too gross to be overlooked. But if great violations of it are wrong, so also are smaller ones. If the will of the many cannot supersede the first principle of morality in these cases, neither can it in any. So that, however insignificant the minority, and however trifling the proposed trespass against their rights, no such trespass is permissible.

"The freest form of government is only the least objectionable form. The rule of the many by the few we call tyranny; the rule of the few by the many is tyranny also; only of a less intense kind."

When we have made our constitution purely democratic, thinks to himself the earnest reformer, we shall have brought government into harmony with absolute justice. Such a faith, though perhaps needful for the age, is a very erroneous one. By no process can coercion be made equitable. The freest form of government is only the least objectionable form. The rule of the many by the few we call tyranny; the rule of the few by the many is tyranny also; only of a less intense kind. "You shall do as we will, and not as you will," is in either case the declaration; and if the hundred make it to the ninety-nine, instead of the ninety-nine to the hundred, it is only a fraction less immoral. Of two such parties, whichever fulfills this declaration necessarily breaks the law of equal freedom: the only difference being that by the one it is broken in the persons of ninety-nine, instead of the other it is broken in the persons of a hundred. And the merit of the democratic form of government consists solely in this, that it trespasses against the smallest number.

The very existence of majorities and minorities is indicative of an immoral state. The man whose character harmonizes with the moral law, we found to be one who can obtain complete happiness without diminishing the happiness of his fellows (Chap. III.). But the enactment of public arrangements by vote implies a society consisting of men otherwise constituted—implies that the desires of some cannot be satisfied without sacrificing the desires of others—implies that in the pursuit of their happiness the majority inflict a certain amount of unhappiness on the minority—implies, therefore, organic immorality. Thus, from another point of view, we again perceive that even in its most equitable form it is impossible for government to dissociate itself from evil; and further, that unless the right to ignore the state is recognised, its acts must be essentially criminal.

§ 5.

That a man is free to abandon the benefits and throw off the burdens of citizenship, may indeed be inferred from the admissions of existing authorities and of current opinion. Unprepared as they probably are for so extreme a doctrine as the one here maintained, the radicals of our day yet unwittingly profess their belief in a maxim which obviously embodies this doctrine. Do we not continually hear them quote Blackstone’s assertion that “no subject of England can be constrained to pay any aids or taxes even for the defence of the realm or the support of government, but such as are imposed by his own consent, or that of his representative in parliament?” And what does this mean? It means, say they, that every man should have a vote. True: but it means much more. If there is any sense in words it is a distinct enunciation of the very right now contended for. In affirming that a man may not be taxed unless he has directly or indirectly given his consent, it affirms that he may refuse to be so taxed; and to refuse to be taxed, is to cut all connection with the state. Perhaps it will be said that this consent is not a specific, but a general one, and that the citizen is understood to have assented to everything his representative may do, when he voted for him. But suppose he did not vote for him; and on the contrary did all in his power to get elected some one holding opposite views—what then? The reply will probably be that, by taking part in such an election, he tacitly agreed to abide by the decision of the majority. And how if he did not vote at all? Why then he cannot justly complain of any tax, seeing that he made no protest against its imposition. So, curiously enough, it seems that he gave his consent in whatever way he acted—whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this. Here
stands an unfortunate citizen who is asked if he will pay money for a certain proffered advantage; and whether he employs the only means of expressing his refusal or does not employ it, we are told that he practically agrees; if only the number of others who agree is greater than the number of those who dissent. And thus we are introduced to the novel principle that A’s consent to a thing is not determined by what A says, but by what B may happen to say!

“So, curiously enough, it seems that he gave his consent in whatever way he acted—whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this.”

It is for those who quote Blackstone to choose between this absurdity and the doctrine above set forth. Either his maxim implies the right to ignore the state, or it is sheer nonsense.

§ 6.
There is a strange heterogeneity in our political faiths. Systems that have had their day, and are beginning here and there to let the daylight through, are patched with modern notions utterly unlike in quality and colour; and men gravely display these systems, wear them, and walk about in them, quite unconscious of their grotesqueness. This transition state of ours, partaking as it does equally of the past and the future, breeds hybrid theories exhibiting the oddest union of bygone despotism and coming freedom. Here are types of the old organization curiously disguised by germs of the new—peculiarities showing adaptation to a preceding state modified by rudiments that prophecy of something to come—making altogether so chaotic a mixture of relationships that there is no saying to what class these births of the age should be referred.

As ideas must of necessity bear the stamp of the time, it is useless to lament the contentment with which these incongruous beliefs are held. Otherwise it would seem unfortunate that men do not pursue to the end the trains of reasoning which have led to these partial modifications. In the present case, for example, consistency would force them to admit that, on other points besides the one just noticed, they hold opinions and use arguments in which the right to ignore the state is involved.

“Thanks to the growth of a Protestant spirit, however, we have ignored the state in this matter (religion)—wholly in theory, and partly in practice. But how have we done so? By assuming an attitude which, if consistently maintained, implies a right to ignore the state entirely.”

For what is the meaning of Dissent? The time was when a man’s faith and his mode of worship were as much determinable by law as his secular acts; and, according to provisions extant in our statute-book, are so still. Thanks to the growth of a Protestant spirit, however, we have ignored the state in this matter—wholly in theory, and partly in practice. But how have we done so? By assuming an attitude which, if consistently maintained, implies a right to ignore the state entirely. Observe the positions of the two parties. “This is your creed,” says the legislator; “you must believe and openly profess what is here set down for you.” “I shall not do anything of the kind,” answers the nonconformist; “I will go to prison rather.” “Your religious ordinances,” pursues the legislator, “shall be such as we have prescribed. You shall attend the churches we have endowed, and adopt the ceremonies used in them.” “Nothing shall induce me to do so,” is the reply; “I altogether deny your power to dictate to me in such matters, and mean to resist to the uttermost.” “Lastly,” adds the legislator, “we shall require you to pay such sums of money towards the support of these religious institutions, as we may see fit to ask.” “Not a farthing will you have from me,” exclaims our sturdy Independent; “even did I believe in the doctrines of your church (which I do not), I should still rebel against your interference; and if you take my property, it shall be by force and under protest.”

What now does this proceeding amount to when regarded in the abstract? It amounts to an assertion by the individual of the right to exercise one of his
faculties—the religious sentiment—without let or hindrance, and with no limit save that set up by the equal claims of others. And what is meant by ignoring the state? Simply an assertion of the right similarly to exercise all the faculties. The one is just an expansion of the other—rests on the same footing with the other—must stand or fall with the other. Men do indeed speak of civil and religious liberty as different things: but the distinction is quite arbitrary. They are parts of the same whole and cannot philosophically be separated.

“Yes they can,” interposes an objector; “assertion of the one is imperative as being a religious duty. The liberty to worship God in the way that seems to him right, is a liberty without which a man cannot fulfil what he believes to be Divine commands, and therefore conscience requires him to maintain it.” True enough; but how if the same can be asserted of all other liberty? How if maintenance of this also turns out to be a matter of conscience? Have we not seen that human happiness is the Divine will—that only by exercising our faculties is this happiness obtainable—and that it is impossible to exercise them without freedom? (Chap. IV.) And if this freedom for the exercise of faculties is a condition without which the Divine will cannot be fulfilled, the preservation of it is, by our objector’s own showing, a duty. Or, in other words, it appears not only that the maintenance of liberty of action may be a point of conscience, but that it ought to be one. And thus we are clearly shown that the claims to ignore the state in religious and in secular matters are in essence identical.

The other reason commonly assigned for nonconformity, admits of similar treatment. Besides resisting state dictation in the abstract, the dissenter resists it from disapprobation of the doctrines taught. No legislative injunction will make him adopt what he considers an erroneous belief; and, bearing in mind his duty towards his fellow-men, he refuses to help through the medium of his purse in disseminating this erroneous belief. The position is perfectly intelligible. But it is one which either commits its adherents to civil nonconformity also, or leaves them in a dilemma. For why do they refuse to be instrumental in spreading error? Because error is adverse to human happiness. And on what ground is any piece of secular legislation disapproved? For the same reason—because thought adverse to human happiness. How then can it be shown that the state ought to be resisted in the one case and not in the other? Will any one deliberately assert that if a government demands money from us to aid in teaching what we think will produce evil, we ought to refuse it; but that if the money is for the purpose of doing what we think will produce evil, we ought not to refuse it? Yet, such is the hopeful proposition which those have to maintain who recognise the right to ignore the state in religious matters, but deny it in civil matters.

§ 7.

“The substance of this chapter once more reminds us of the incongruity between a perfect law and an imperfect state. The practicability of the principle here laid down varies directly as social morality.

In a thoroughly vicious community its admission would be productive of anarchy. In a completely virtuous one its admission will be both innocuous and inevitable.”

The substance of this chapter once more reminds us of the incongruity between a perfect law and an imperfect state. The practicability of the principle here laid down varies directly as social morality. In a thoroughly vicious community its admission would be productive of anarchy. In a completely virtuous one its admission will be both innocuous and inevitable. Progress towards a condition of social health—a condition, that is, in which the remedial measures of legislation will no longer be needed, is progress towards a condition in which those remedial measures will be cast aside, and the authority prescribing them disregarded. The two changes are of necessity coordinate. That moral sense whose supremacy will make society harmonious and government unnecessary, is the same moral sense which will then make each man assert his freedom even to the extent of ignoring the state—is the same moral sense which, by deterring the majority from coercing the minority, will eventually render government impossible. And as what are merely
different manifestations of the same sentiment must bear a constant ratio to each other, the tendency to repudiate governments will increase only at the same rate that governments become needless.

“Let not any be alarmed, therefore, at the promulgation of the foregoing doctrine. There are many changes yet to be passed through before it can begin to exercise much influence. Probably a long time will elapse before the right to ignore the state will be generally admitted, even in theory. It will be still longer before it receives legislative recognition."

Let not any be alarmed, therefore, at the promulgation of the foregoing doctrine. There are many changes yet to be passed through before it can begin to exercise much influence. Probably a long time will elapse before the right to ignore the state will be generally admitted, even in theory. It will be still longer before it receives legislative recognition. And even then there will be plenty of checks upon the premature exercise of it. A sharp experience will sufficiently instruct those who may too soon abandon legal protection. Whilst, in the majority of men, there is such a love of tried arrangements, and so great a dread of experiments, that they will probably not act upon this right until long after it is safe to do so.

Notes

[1] Hence may be drawn an argument for direct taxation; seeing that only when taxation is direct does repudiation of state burdens become possible.

Further Information

SOURCE


FURTHER READING

Other works by Herbert Spencer (1820-1903) <oll.libertyfund.org/people/165>.
School of Thought: 19th Century English Radical Individualists <oll.libertyfund.org/groups/35>.
John Stuart Mill, “Of the Limits to the Authority of Society over the Individual” (1859)

<oll.libertyfund.org/titles/2471>

“When a person’s conduct affects the interests of no persons besides himself ... there should be perfect freedom, legal and social, to do the action and stand the consequences.”

John Stuart Mill (1806-1873)
Editor’s Introduction

John Stuart Mill (1806-1873) was the precocious child of the Philosophical Radical and Benthamite James Mill. He was taught Greek, Latin, and political economy at an early age and spent his youth in the company of the Philosophic Radicals, Benthamites and utilitarians who gathered around his father James. J.S. Mill went on to become a journalist, Member of Parliament, political economist, and philosopher and is regarded as one of the most significant English classical liberals of the 19th century.

Liberty Fund is very pleased to make available online the definitive 33 volume scholarly edition of the Collected Works of John Stuart Mill edited by John M. Robson and published by the University of Toronto Press. <oll.libertyfund.org/titles/165>.

This extract comes from his one volume survey of individual liberty On Liberty (1859). The quotation on this page comes from the Introductory Chapter 1 and sums up his approach very nicely, so long as an individual does not violate the personal and property rights of another person he or she should be completely free to do whatever they like with their own person and property. They can therefore be said to be "the sovereign" of their own person and should be able to enjoy "perfect freedom, legal and social, to do the action and stand the consequences." In Chapter 4 on "The Limits to the Authority of Society over the Individual" Mill explores some of the implications of this principle, especially in the area which today we call "victimless crimes", and the freedom to seek out and try "new and original experiments in living."

The book is filled with important insights into the nature of individual liberty and the threats which face it. He worries about the problem of "who will guard against the guardians," in particular those who use the government for their own benefit ("vultures") at the expense of the ordinary people. The vultures have their followers and accomplices, which he calls "harpies" (named after the mythical Greek winged spirits who stole food by snatching it away). The people supposedly set up government in the first place in order to protect themselves from the "vultures" and their "harpies" but inevitably the government is seized by "the king of the harpies" and the cycle of struggle begins again. Mill thought that only constitutional limits on government power, a system of checks and balances, and a vigorous legal and political protection of basic rights could keep the “vultures” at bay.

Mill would have been alarmed to see how many of the activities of the modern welfare state are justified on the grounds of “utility” and the improvement in the “happiness” of people as judged by politicians and bureaucrats. This is exactly what he warned against in this book where he tells us of the dangers to the independence and autonomy of the very individuals the Poor Law Board was trying to help with its welfare legislation. By substituting “its own activity for theirs” the State does a great “mischief” by hindering the moral and economic self-improvement of the people.

"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, … 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… 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. [Chap. 1 "Introductory"]"
On Liberty, Chap. 4 “Of the Limits to the Authority of Society over the Individual” (1859)

What, then, is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?

Each will receive its proper share, if each has that which more particularly concerns it. To individuality should belong the part of life in which it is chiefly the individual that is interested; to society, the part which chiefly interests society.

Though society is not founded on a contract, and though no good purpose is answered by inventing a contract in order to deduce social obligations from it, every one who receives the protection of society owes a return for the benefit, and the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct towards the rest. This conduct consists first, in not injuring the interests of one another; or rather certain interests, which, either by express legal provision or by tacit understanding, ought to be considered as rights; and secondly, in each person's bearing his share (to be fixed on some equitable principle) of the labours and sacrifices incurred for defending the society or its members from injury and molestation. These conditions society is justified in enforcing at all costs to those who endeavour to withhold fulfilment. Nor is this all that society may do. The acts of an individual may be hurtful to others, or wanting in due consideration for their welfare, without going the length of violating any of their constituted rights. The offender may then be justly punished by opinion, though not by law. As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself, or needs not affect them unless they like ... In all such cases there should be perfect freedom, legal and social, to do the action and stand the consequences.

It would be a great misunderstanding of this doctrine to suppose that it is one of selfish indifference, which pretends that human beings have no business with each other's conduct in life, and that they should not concern themselves about the well-doing or well-being of one another, unless their own interest is involved. Instead of any diminution, there is need of a great increase of disinterested exertion to promote the good of others. But disinterested benevolence can find other instruments to persuade people to their good, than whips and scourges, either of the literal or the metaphorical sort. I am the last person to undervalue the self-regarding virtues; they are only second in importance, if even second, to the social. It is equally the business of education to cultivate both. But even education works by conviction and persuasion as well as by compulsion, and it is by the former only that, when the period of education is past, the self-regarding virtues should be inculcated. Human beings owe to each other help to distinguish the better from the worse, and encouragement to choose the former and avoid the latter. They should be for ever stimulating each other to increased exercise of their higher faculties, and increased direction of their feelings and aims towards wise instead of foolish, elevating instead of degrading, objects and contemplations. But neither one person, nor any number of persons, is warranted in saying to another human creature of ripe years, that he shall not do with his life for his own benefit what he

chooses to do with it. He is the person most interested in his own well-being; the interest which any other person, except in cases of strong personal attachment, can have in it, is trifling, compared with that which he himself has; the interest which society has in him individually (except as to his conduct to others) is fractional, and altogether indirect; while, with respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by any one else. The interference of society to overrule his judgment and purposes in what only regards himself, must be grounded on general presumptions; which may be altogether wrong, and even if right, are as likely as not to be misapplied to individual cases, by persons no better acquainted with the circumstances of such cases than those who look at them merely from without. In this department, therefore, of human affairs. Individuality has its proper field of action. In the conduct of human beings towards one another, it is necessary that general rules should for the most part be observed, in order that people may know what they have to expect; but in each person's own concerns, his individual spontaneity is entitled to free exercise. Considerations to aid his judgment, exhortations to strengthen his will, may be offered to him, even obtruded on him, by others; but he himself is the final judge. All errors which he is likely to commit against advice and warning, are far outweighed by the evil of allowing others to constrain him to what they deem his good.

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I do not mean that the feelings with which a person is regarded by others, ought not to be in any way affected by his self-regarding qualities or deficiencies. This is neither possible nor desirable. If he is eminent in any of the qualities which conduce to his own good, he is, so far, a proper object of admiration. He is so much the nearer to the ideal perfection of human nature. If he is grossly deficient in those qualities, a sentiment the opposite of admiration will follow. There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or depravation of taste, which, though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt: a person could not have the opposite qualities in due strength without entertaining these feelings. Though doing no wrong to any one, a person may so act as to compel us to judge him, and feel to him, as a fool, or as a being of an inferior order: and since this judgment and feeling are a fact which he would prefer to avoid, it is doing him a service to warn him of it beforehand, as of any other disagreeable consequence to which he exposes himself. It would be well, indeed, if this good office were much more freely rendered than the common notions of politeness at present permit, and if one person could honestly point out to another that he thinks him in fault, without being considered unmanners or presuming. We have a right, also, in various ways, to act upon our unfavourable opinion of any one, not to the oppression of his individuality, but in the exercise of ours. We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance), for we have a right to choose the society most acceptable to us. We have a right, and it may be our duty, to caution others against him, if we think his example or conversation likely to have a pernicious effect on those with whom he associates. We may give others a preference over him in optional good offices, except those which tend to his improvement. In these various modes a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself; but he suffers these penalties only in so far as they are the natural, and, as it were, the spontaneous consequences of the faults themselves, not because they are purposely inflicted on him for the sake of punishment. A person who shows rashness, obstinacy, self-conceit—who cannot live within moderate means—who cannot restrain himself from hurtful indulgences—who pursues animal pleasures at the expense of those of feeling and intellect—must expect to be lowered in the opinion of others, and to have a less share of their favourable sentiments; but of this he
has no right to complain, unless he has merited their favour by special excellence in his social relations, and has thus established a title to their good offices, which is not affected by his demerits towards himself.

"We have a right, also, in various ways, to act upon our unfavourable opinion of any one, not to the oppression of his individuality, but in the exercise of ours. We are not bound, for example, to seek his society; we have a right to avoid it (though not to parade the avoidance), for we have a right to choose the society most acceptable to us."

What I contend for is, that the inconveniences which are strictly inseparable from the unfavourable judgment of others, are the only ones to which a person should ever be subjected for that portion of his conduct and character which concerns his own good, but which does not affect the interests of others in their relations with him. Acts injurious to others require a totally different treatment. Encroachment on their rights; infliction on them of any loss or damage not justified by his own rights; falsehood or duplicity in dealing with them; unfair or ungenerous use of advantages over them; even selfish abstinence from defending them against injury—these are fit objects of moral reprobation, and, in grave cases, of moral retribution and punishment. And not only these acts, but the dispositions which lead to them, are properly immoral, and fit subjects of disapprobation which may rise to abhorrence. Cruelty of disposition; malice and ill-nature; that most anti-social and odious of all passions, envy; dissimulation and insincerity; irascibility on insufficient cause, and resentment disproportioned to the provocation; the love of domineering over others; the desire to engross more than one's share of advantages (the πλεονεξία of the Greeks); the pride which derives gratification from the abasement of others; the egotism which thinks self and its concerns more important than everything else, and decides all doubtful questions in its own favour:—these are moral vices, and constitute a bad and odious moral character: unlike the self-regarding faults previously mentioned, which are not properly immoralities, and to whatever pitch they may be carried, do not constitute wickedness. They may be proofs of any amount of folly, or want of personal dignity and self-respect; but they are only a subject of moral reprobation when they involve a breach of duty to others, for whose sake the individual is bound to have care for himself. What are called duties to ourselves are not socially obligatory, unless circumstances render them at the same time duties to others. The term duty to oneself, when it means anything more than prudence, means self-respect or self-development; and for none of these is any one accountable to his fellow creatures, because for none of them is it for the good of mankind that he be held accountable to them.

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The distinction between the loss of consideration which a person may rightly incur by defect of prudence or of personal dignity, and the reprobation which is due to him for an offence against the rights of others, is not a merely nominal distinction. It makes a vast difference both in our feelings and in our conduct towards him, whether he displeases us in things in which we think we have a right to control him, or in things in which we know that we have not. If he displeases us, we may express our distaste, and we may stand aloof from a person as well as from a thing that displeases us; but we shall not therefore feel called on to make his life uncomfortable. We shall reflect that he already bears, or will bear, the whole penalty of his error; if he spoils his life by mismanagement, we shall
not, for that reason, desire to spoil it still further: instead of wishing to punish him, we shall rather endeavour to alleviate his punishment, by showing him how he may avoid or cure the evils his conduct tends to bring upon him. He may be to us an object of pity, perhaps of dislike, but not of anger or resentment; we shall not treat him like an enemy of society: the worst we shall think ourselves justified in doing is leaving him to himself, if we do not interfere benevolently by showing interest or concern for him. It is far otherwise if he has infringed the rules necessary for the protection of his fellow-creatures, individually or collectively. The evil consequences of his acts do not then fall on himself, but on others; and society, as the protector of all its members, must retaliate on him; must inflict pain on him for the express purpose of punishment, and must take care that it be sufficiently severe. In the one case, he is an offender at our bar, and we are called on not only to sit in judgment on him, but, in one shape or another, to execute our own sentence: in the other case, it is not our part to inflict any suffering on him, except what may incidentally follow from our using the same liberty in the regulation of our own affairs, which we allow to him in his.

“He may be to us an object of pity, perhaps of dislike, but not of anger or resentment; we shall not treat him like an enemy of society: the worst we shall think ourselves justified in doing is leaving him to himself”

The distinction here pointed out between the part of a person’s life which concerns only himself, and that which concerns others, many persons will refuse to admit. How (it may be asked) can any part of the conduct of a member of society be a matter of indifference to the other members? No person is an entirely isolated being; it is impossible for a person to do anything seriously or permanently hurtful to himself, without mischief reaching at least to his near connexions, and often far beyond them. If he injures his property, he does harm to those who directly or indirectly derived support from it, and usually diminishes, by a greater or less amount, the general resources of the community. If he deteriorates his bodily or mental faculties, he not only brings evil upon all who depended on him for any portion of their happiness, but disqualifies himself for rendering the services which he owes to his fellow-creatures generally; perhaps becomes a burthen on their affection or benevolence; and if such conduct were very frequent, hardly any offence that is committed would detract more from the general sum of good. Finally, if by his vices or follies a person does no direct harm to others, he is nevertheless (it may be said) injurious by his example; and ought to be compelled to control himself, for the sake of those whom the sight or knowledge of his conduct might corrupt or mislead.

And even (it will be added) if the consequences of misconduct could be confined to the vicious or thoughtless individual, ought society to abandon to their own guidance those who are manifestly unfit for it? If protection against themselves is confessedly due to children and persons under age, is not society equally bound to afford it to persons of mature years who are equally incapable of self-government? If gambling, or drunkenness, or incontinence, or idleness, or uncleanness, are as injurious to happiness, and as great a hindrance to improvement, as many or most of the acts prohibited by law, why (it may be asked) should not law, so far as is consistent with practicability and social convenience, endeavour to repress these also? And as a supplement to the unavoidable imperfections of law, ought not opinion at least to organize a powerful police against these vices, and visit rigidly with social penalties those who are known to practise them? There is no question here (it may be said) about restricting individuality, or impeding the trial of new and original experiments in living. The only things it is sought to prevent are things which have been tried and condemned from the beginning of the world until now; things which experience has shown not to be useful or suitable to any person’s individuality. There must be some length of time and amount of experience, after which a moral or prudential truth may be regarded as established: and it is merely desired to prevent generation after generation from falling over the same precipice which has been fatal to their predecessors.

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impeding the trial of new and original experiments in living."

I fully admit that the mischief which a person does to himself may seriously affect, both through their sympathies and their interests, those nearly connected with him, and in a minor degree, society at large. When, by conduct of this sort, a person is led to violate a distinct and assignable obligation to any other person or persons, the case is taken out of the self-regarding class, and becomes amenable to moral disapprobation in the proper sense of the term. If, for example, a man, through intemperance or extravagance, becomes unable to pay his debts, or, having undertaken the moral responsibility of a family, becomes from the same cause incapable of supporting or educating them, he is deservedly reprobated, and might be justly punished: but it is for the breach of duty to his family or creditors, not for the extravagance. If the resources which ought to have been devoted to them, had been diverted from them for the most prudent investment, the moral culpability would have been the same. George Barnwell murdered his uncle to get money for his mistress, but if he had done it to set himself up in business, he would equally have been hanged.[1]

Again, in the frequent case of a man who causes grief to his family by addiction to bad habits, he deserves reproach for his unkindness or ingratitude; but so he may for cultivating habits not in themselves vicious, if they are painful to those with whom he passes his life, or who from personal ties are dependent on him for their comfort. Whoever fails in the consideration generally due to the interests and feelings of others, not being compelled by some more imperative duty, or justified by allowable self-preference, is a subject of moral disapprobation for that failure, but not for the cause of it, nor for the errors, merely personal to himself, which may have remotely led to it. In like manner, when a person disables himself, by conduct purely self-regarding, from the performance of some definite duty incumbent on him to the public, he is guilty of a social offence. No person ought to be punished simply for being drunk; but a soldier or a policeman should be punished for being drunk on duty. Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law.

“No person ought to be punished simply for being drunk; but a soldier or a policeman should be punished for being drunk on duty. Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed in that of morality or law.”

But with regard to the merely contingent, or, as it may be called, constructive injury which a person causes to society, by conduct which neither violates any specific duty to the public, nor occasions perceptible hurt to any assignable individual except himself; the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom. If grown persons are to be punished for not taking proper care of themselves, I would rather it were for their own sake, than under pretence of preventing them from impairing their capacity of rendering to society benefits which society does not pretend it has a right to exact. But I cannot consent to argue the point as if society had no means of bringing its weaker members up to its ordinary standard of rational conduct, except waiting till they do something irrational, and then punishing them, legally or morally, for it. Society has had absolute power over them during all the early portion of their existence: it has had the whole period of childhood and nonage in which to try whether it could make them capable of rational conduct in life. The existing generation is master both of the training and the entire circumstances of the generation to come; it cannot indeed make them perfectly wise and good, because it is itself so lamentably deficient in goodness and wisdom; and its best efforts are not always, in individual cases, its most successful ones; but it is perfectly well able to make the rising generation, as a whole, as good as, and a little better than, itself. If society lets any considerable number of its members grow up mere children, incapable of being acted on by rational consideration of distant motives, society has
itself to blame for the consequences. Armed not only with all the powers of education, but with the ascendancy which the authority of a received opinion always exercises over the minds who are least fitted to judge for themselves; and aided by the natural penalties which cannot be prevented from falling on those who incur the distaste or the contempt of those who know them; let not society pretend that it needs, besides all this, the power to issue commands and enforce obedience in the personal concerns of individuals, in which, on all principles of justice and policy, the decision ought to rest with those who are to abide the consequences. Nor is there anything which tends more to discredit and frustrate the better means of influencing conduct, than a resort to the worse. If there be among those whom it is attempted to coerce into prudence or temperance, any of the material of which vigorous and independent characters are made, they will infallibly rebel against the yoke. No such person will ever feel that others have a right to control him in his concerns, such as they have to prevent him from injuring them in theirs; and it easily comes to be considered a mark of spirit and courage to fly in the face of such usurped authority, and do with ostentation the exact opposite of what it enjoins; as in the fashion of grossness which succeeded, in the time of Charles II, to the fanatical moral intolerance of the Puritans.

With respect to what is said of the necessity of protecting society from the bad example set to others by the vicious or the self-indulgent; it is true that bad example may have a pernicious effect, especially the example of doing wrong to others with impunity to the wrong-doer. But we are now speaking of conduct which, while it does no wrong to others, is supposed to do great harm to the agent himself: and I do not see how those who believe this, can think otherwise than that the example, on the whole, must be more salutary than hurtful, since, if it displays the misconduct, it displays also the painful or degrading consequences which, if the conduct is justly censured, must be supposed to be in all or most cases attendant on it.

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But the strongest of all the arguments against the interference of the public with purely personal conduct, is that when it does interfere, the odds are that it interferes wrongly, and in the wrong place. On questions of social morality, of duty to others, the opinion of the public, that is, of an overruling majority, though often wrong, is likely to be still oftener right; because on such questions they are only required to judge of their own interests; of the manner in which some mode of conduct, if allowed to be practised, would affect themselves. But the opinion of a similar majority, imposed as a law on the minority, on questions of self-regarding conduct, is quite as likely to be wrong as right; for in these cases public opinion means, at the best, some people’s opinion of what is good or bad for other people; while very often it does not even mean that; the public, with the most perfect indifference, passing over the pleasure or convenience of those whose conduct they censure, and considering only their own preference. There are many who consider as an injury to themselves any conduct which they have a distaste for, and resent it as an outrage to their feelings; as a religious bigot, when charged with disregarding the religious feelings of others, has been known to retort that they disregard his feelings, by persisting in their abominable worship or creed. But there is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it; no more than between the desire of a thief to take a purse, and the desire of the right owner to keep it. And a person’s taste is as much his own peculiar concern as his opinion or his purse. It
is easy for any one to imagine an ideal public, which leaves the freedom and choice of individuals in all uncertain matters undisturbed, and only requires them to abstain from modes of conduct which universal experience has condemned. But where has there been seen a public which set any such limit to its censorship? or when does the public trouble itself about universal experience? In its interferences with personal conduct it is seldom thinking of anything but the enormity of acting or feeling differently from itself; and this standard of judgment, thinly disguised, is held up to mankind as the dictate of religion and philosophy, by nine-tenths of all moralists and speculative writers. These teach that things are right because they are right; because we feel them to be so. They tell us to search in our own minds and hearts for laws of conduct binding on ourselves and on all others. What can the poor public do but apply these instructions, and make their own personal feelings of good and evil, if they are tolerably unanimous in them, obligatory on all the world?

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The evil here pointed out is not one which exists only in theory; and it may perhaps be expected that I should specify the instances in which the public of this age and country improperly invests its own preferences with the character of moral laws. I am not writing an essay on the aberrations of existing moral feeling. That is too weighty a subject to be discussed parenthetically, and by way of illustration. Yet examples are necessary, to show that the principle I maintain is of serious and practical moment, and that I am not endeavouring to erect a barrier against imaginary evils. And it is not difficult to show, by abundant instances, that to extend the bounds of what may be called moral police, until it encroaches on the most unquestionably legitimate liberty of the individual, is one of the most universal of all human propensities.

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As a first instance, consider the antipathies which men cherish on no better grounds than that persons whose religious opinions are different from theirs, do not practise their religious observances, especially their religious abstinences. To cite a rather trivial example, nothing in the creed or practice of Christians does more to envenom the hatred of Mahomedans against them, than the fact of their eating pork. There are few acts which Christians and Europeans regard with more unaffected disgust, than Musulmans regard this particular mode of satisfying hunger. It is, in the first place, an offence against their religion; but this circumstance by no means explains either the degree or the kind of their repugnance; for wine also is forbidden by their religion, and to partake of it is by all Musulmans accounted wrong, but not disgusting. Their aversion to the flesh of the “unclean beast” is, on the contrary, of that peculiar character, resembling an instinctive antipathy, which the idea of uncleanness, when once it thoroughly sinks into the feelings, seems always to excite even in those whose personal habits are anything but scrupulously cleanly, and of which the sentiment of religious impurity, so intense in the Hindoos, is a remarkable example. Suppose now that in a people, of whom the majority were Musulmans, that majority should insist upon not permitting pork to be eaten within the limits of the country. This would be nothing new in Mahomedan countries.[2] Would it be a legitimate exercise of the moral authority of public opinion? and if not, why not? The practice is really revolting to such a public. They also sincerely think that it is forbidden and abhorred by the Deity. Neither could the prohibition be censured as religious persecution. It might be religious in its origin, but it would not be persecution for religion, since nobody’s
religion makes it a duty to eat pork. The only tenable ground of condemnation would be, that with the personal tastes and self-regarding concerns of individuals the public has no business to interfere.

To come somewhat nearer home: the majority of Spaniards consider it a gross impiety, offensive in the highest degree to the Supreme Being, to worship him in any other manner than the Roman Catholic; and no other public worship is lawful on Spanish soil. The people of all Southern Europe look upon a married clergy as not only irreverent, but unchaste, indecent, gross, disgusting. What do Protestants think of these perfectly sincere feelings, and of the attempt to enforce them against non-Catholics? Yet, if mankind are justified in interfering with each other's liberty in things which do not concern the interests of others, on what principle is it possible consistently to exclude these cases? or who can blame people for desiring to suppress what they regard as a scandal in the sight of God and man? No stronger case can be shown for prohibiting anything which is regarded as a personal immorality, than is made out for suppressing these practices in the eyes of those who regard them as impieties; and unless we are willing to adopt the logic of persecutors, and to say that we may persecute others because we are right, and that they must not persecute us because they are wrong, we must beware of admitting a principle of which we should resent as a gross injustice the application to ourselves.

The preceding instances may be objected to, although unreasonably, as drawn from contingencies impossible among us: opinion, in this country, not being likely to enforce abstinence from meats, or to interfere with people for worshipping, and for either marrying or not marrying, according to their creed or inclination. The next example, however, shall be taken from an interference with liberty which we have by no means passed all danger of. Wherever the Puritans have been sufficiently powerful, as in New England, and in Great Britain at the time of the Commonwealth, they have endeavoured, with considerable success, to put down all public, and nearly all private, amusements: especially music, dancing, public games, or other assemblages for purposes of diversion, and the theatre. There are still in this country large bodies of persons by whose notions of morality and religion these recreations are condemned; and those persons belonging chiefly to the middle class, who are the ascendant power in the present social and political condition of the kingdom, it is by no means impossible that persons of these sentiments may at some time or other command a majority in Parliament. How will the remaining portion of the community like to have the amusements that shall be permitted to them regulated by the religious and moral sentiments of the stricter Calvinists and Methodists? Would they not, with considerable peremptoriness, desire these intrusively pious members of society to mind their own business? This is precisely what should be said to every government and every public, who have the pretension that no person shall enjoy any pleasure which they think wrong. But if the principle of the pretension be admitted, no one can reasonably object to its being acted on in the sense of the majority, or other preponderating power in the country; and all persons must be ready to conform to the idea of a Christian commonwealth, as understood by the early settlers in New England, if a religious profession similar to theirs should ever succeed in regaining its lost ground, as religions supposed to be declining have so often been known to do.

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To imagine another contingency, perhaps more likely to be realized than the one last mentioned. There is confessedly a strong tendency in the modern world towards a democratic constitution of society, accompanied or not by popular political institutions. It is affirmed that in the country where this tendency is most completely realized—where both society and the government are most democratic—the United States—the feeling of the majority, to whom any appearance of a more showy or costly style of living than they can
hope to rival is disagreeable, operates as a tolerably
effectual sumptuary law, and that in many parts of the
Union it is really difficult for a person possessing a very
large income, to find any mode of spending it, which
will not incur popular disapprobation. Though such
statements as these are doubtless much exaggerated as
a representation of existing facts, the state of things
they describe is not only a conceivable and possible, but
a probable result of democratic feeling, combined with
the notion that the public has a right to a veto on the
manner in which individuals shall spend their incomes.
We have only further to suppose a considerable
diffusion of Socialist opinions, and it may become
infamous in the eyes of the majority to possess more
property than some very small amount, or any income
not earned by manual labour. Opinions similar in
principle to these, already prevail widely among the
artizan class, and weigh oppressively on those who are
amenable to the opinion chiefly of that class, namely,
its own members. It is known that the bad workmen
who form the majority of the operatives in many
branches of industry, are decidedly of opinion that bad
workmen ought to receive the same wages as good, and
that no one ought to be allowed, through piecework or
otherwise, to earn by superior skill or industry more
than others can without it. And they employ a moral
police, which occasionally becomes a physical one, to
deter skilful workmen from receiving, and employers
from giving, a larger remuneration for a more useful
service. If the public have any jurisdiction over private
concerns, I cannot see that these people are in fault, or
that any individual's particular public can be blamed
for asserting the same authority over his individual
conduct, which the general public asserts over people
in general.

But, without dwelling upon supposititious cases,
there are, in our own day, gross usurpations upon the
liberty of private life actually practised, and still greater
ones threatened with some expectation of success, and
opinions propounded which assert an unlimited right in the public
not only to prohibit by law everything
which it thinks wrong, but in order to get
at what it thinks wrong, to prohibit any
number of things which it admits to be
innocent.”

Under the name of preventing intemperance, the
people of one English colony, and of nearly half the
United States, have been interdicted by law from
making any use whatever of fermented drinks, except
for medical purposes: for prohibition of their sale is in
fact, as it is intended to be, prohibition of their use.
And though the impracticability of executing the law
has caused its repeal in several of the States which had
adopted it, including the one from which it derives its
name, an attempt has notwithstanding been commenced, and is prosecuted with considerable zeal
by many of the professed philanthropists, to agitate for
a similar law in this country. The association, or
“Alliance” as it terms itself, which has been formed for
this purpose, has acquired some notoriety through the
publicity given to a correspondence between its
Secretary and one of the very few English public men
who hold that a politician's opinions ought to be
founded on principles.[4] Lord Stanley's share in this
correspondence is calculated to strengthen the hopes
already built on him, by those who know how rare such
qualities as are manifested in some of his public
appearances, unhappily are among those who figure in
political life. The organ of the Alliance, who would
“deeply deplore the recognition of any principle which
could be wrested to justify bigotry and persecution,”
undertakes to point out the “broad and impassable barrier” which divides such principles from those of
the association. “All matters relating to thought,
opinion, conscience, appear to me,” he says, “to be
without the sphere of legislation; all pertaining to social
act, habit, relation, subject only to a discretionary
power vested in the State itself, and not in the

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innocent.”
individual, to be within it.” No mention is made of a third class, different from either of these, viz. acts and habits which are not social, but individual; although it is to this class, surely, that the act of drinking fermented liquors belongs. Selling fermented liquors, however, is trading, and trading is a social act. But the infringement complained of is not on the liberty of the seller, but on that of the buyer and consumer; since the State might just as well forbid him to drink wine, as purposely make it impossible for him to obtain it. The Secretary, however, says, “I claim, as a citizen, a right to legislate whenever my social rights are invaded by the social act of another.” And now for the definition of these “social rights.” “If anything invades my social rights, certainly the traffic in strong drink does. It destroys my primary right of security, by constantly creating and stimulating social disorder. It invades my right of equality, by deriving a profit from the creation of a misery I am taxed to support. It impedes my right to free moral and intellectual development, by surrounding my path with dangers, and by weakening and demoralizing society, from which I have a right to claim mutual aid and intercourse.” [5] A theory of “social rights,” the like of which probably never before found its way into distinct language: being nothing short of this—that it is the absolute social right of every individual, that every other individual shall act in every respect exactly as he ought; that whosoever fails thereof in the smallest particular, violates my social right, and entitles me to demand from the legislature the removal of the grievance. So monstrous a principle is far more dangerous than any single interference with liberty; there is no violation of liberty which it would not justify.

Another important example of illegitimate interference with the rightful liberty of the individual, not simply threatened, but long since carried into triumphant effect, is Sabbatarian legislation.[6] Without doubt, abstinence on one day in the week, so far as the exigencies of life permit, from the usual daily occupation, though in no respect religiously binding on any except Jews, is a highly beneficial custom. And inasmuch as this custom cannot be observed without a general consent to that effect among the industrious classes, therefore, in so far as some persons by working may impose the same necessity on others, it may be allowable and right that the law should guarantee to each the observance by others of the custom, by suspending the greater operations of industry on a particular day. But this justification, grounded on the direct interest which others have in each individual’s observance of the practice, does not apply to the self-chosen occupations in which a person may think fit to employ his leisure; nor does it hold good, in the smallest degree, for legal restrictions on amusements. It is true that the amusement of some is the day’s work of others; but the pleasure, not to say the useful recreation, of many, is worth the labour of a few, provided the occupation is freely chosen, and can be freely resigned. The operatives are perfectly right in thinking that if all worked on Sunday, seven days’ work would have to be given for six days’ wages: but so long as the great mass of employments are suspended, the small number who for the enjoyment of others must still work, obtain a proportional increase of earnings; and they are not obliged to follow those occupations, if they prefer leisure to emolument. If a further remedy is sought, it might be found in the establishment by custom of a holiday on some other day of the week for

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those particular classes of persons. The only ground, therefore, on which restrictions on Sunday amusements can be defended, must be that they are religiously wrong; a motive of legislation which never can be too earnestly protested against. “Deorum injuriæ Dis curæ.”[7] It remains to be proved that society or any of its officers holds a commission from on high to avenge any supposed offence to Omnipotence, which is not also a wrong to our fellow creatures. The notion that it is one man’s duty that another should be religious, was the foundation of all the religious persecutions ever perpetrated, and if admitted, would fully justify them. Though the feeling which breaks out in the repeated attempts to stop railway travelling on Sunday, in the resistance to the opening of Museums, and the like, has not the cruelty of the old persecutors, the state of mind indicated by it is fundamentally the same. It is a determination not to tolerate others in doing what is permitted by their religion, because it is not permitted by the persecutor’s religion. It is a belief that God not only abominates the act of the unbeliever, but will not hold us guiltless if we leave him unmolested.

“It remains to be proved that society or any of its officers holds a commission from on high to avenge any supposed offence to Omnipotence, which is not also a wrong to our fellow creatures. The notion that it is one man’s duty that another should be religious, was the foundation of all the religious persecutions ever perpetrated, and if admitted, would fully justify them.”

I cannot refrain from adding to these examples of the little account commonly made of human liberty, the language of downright persecution which breaks out from the press of this country, whenever it feels called on to notice the remarkable phenomenon of Mormonism. Much might be said on the unexpected and instructive fact, that an alleged new revelation, and a religion founded on it, the product of palpable imposture, not even supported by the prestige of extraordinary qualities in its founder, is believed by hundreds of thousands, and has been made the foundation of a society, in the age of newspapers, railways, and the electric telegraph. What here concerns us is, that this religion, like other and better religions, has its martyrs; that its prophet and founder [8] was, for his teaching, put to death by a mob; that others of its adherents lost their lives by the same lawless violence; that they were forcibly expelled, in a body, from the country in which they first grew up; while, now that they have been chased into a solitary recess in the midst of a desert, many in this country openly declare that it would be right (only that it is not convenient) to send an expedition against them, and compel them by force to conform to the opinions of other people. The article of the Mormonite doctrine which is the chief provocative to the antipathy which thus breaks through the ordinary restraints of religious tolerance, is its sanction of polygamy; which, though permitted to Mahomedans, and Hindoos, and Chinese, seems to excite unquenchable animosity when practised by persons who speak English, and profess to be a kind of Christians. No one has a deeper disapprobation than I have of this Mormon institution; both for other reasons, and because, far from being in any way countenanced by the principle of liberty, it is a direct infraction of that principle, being a mere rivetting of the chains of one-half of the community, and an emancipation of the other from reciprocity of obligation towards them. Still, it must be remembered that this relation is as much voluntary on the part of the women concerned in it, and who may be deemed the sufferers by it, as is the case with any other form of the marriage institution; and however surprising this fact may appear, it has its explanation in the common ideas and customs of the world, which teaching women to think marriage the one thing needful, make it intelligible that many a woman should prefer being one of several wives, to not being a wife at all. Other countries are not asked to recognise such unions, or release any portion of their inhabitants from their own laws on the score of Mormonite opinions. But when the dissentients have conceded to the hostile sentiments of others, far more than could justly be demanded; when they have left the countries to which their doctrines were unacceptable, and established themselves in a remote corner of the earth, which they have been the first to render habitable to human beings; it is difficult to see on what principles but those
of tyranny they can be prevented from living there under what laws they please, provided they commit no aggression on other nations, and allow perfect freedom of departure to those who are dissatisfied with their ways. A recent writer, in some respects of considerable merit, proposes (to use his own words) not a crusade, but a civilizade, against this polygamous community, to put an end to what seems to him a retrograde step in civilization. It also appears so to me, but I am not aware that any community has a right to force another to be civilized. So long as the sufferers by the bad law do not invoke assistance from other communities, I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are directly interested appear to be satisfied, should be put an end to because it is a scandal to persons some thousands of miles distant, who have no part or concern in it. Let them send missionaries, if they please, to preach against it; and let them, by any fair means (of which silencing the teachers is not one,) oppose the progress of similar doctrines among their own people. If civilization has got the better of barbarism when barbarism had the world to itself, it is too much to profess to be afraid lest barbarism, after having been fairly got under, should revive and conquer civilization. A civilization that can thus succumb to its vanquished enemy, must first have become so degenerate, that neither its appointed priests and teachers, nor anybody else, has the capacity, or will take the trouble, to stand up for it. If this be so, the sooner such a civilization receives notice to quit, the better. It can only go on from bad to worse, until destroyed and regenerated (like the Western Empire) by energetic barbarians.

“when they (the Mormons) have left the countries to which their doctrines were unacceptable, and established themselves in a remote corner of the earth, which they have been the first to render habitable to human beings; it is difficult to see on what principles but those of tyranny they can be prevented from living there under what laws they

please, provided they commit no aggression on other nations, and allow perfect freedom of departure to those who are dissatisfied with their ways.”

Notes

[2] The case of the Bombay Parsees is a curious instance in point. When this industrious and enterprising tribe, the descendants of the Persian fire-worshippers, flying from their native country before the Caliphs, arrived in Western India, they were admitted to toleration by the Hindoo sovereigns, on condition of not eating beef. When those regions afterwards fell under the dominion of Mahomedan conquerors, the Parsees obtained from them a continuance of indulgence, on condition of refraining from pork. What was at first obedience to authority became a second nature, and the Parsees to this day abstain both from beef and pork. Though not required by their religion, the double abstinence has had time to grow into a custom of their tribe: and custom, in the East, is a religion.
[3] 591, 592 proposed
Further Information

SOURCE

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Other works by John Stuart Mill (1806-1873) <oll.libertyfund.org/people/21>.
The entire 32 volume Collected Works can be found here <<oll.libertyfund.org/titles/165>>.
“Even under the most favorable conditions the operation of democratic process may generate budgetary excesses. Democracy may become its own Leviathan unless constitutional limits are imposed and enforced.”
Editor’s Introduction

In 1986 James M. Buchanan (1919-2013) was awarded the Alfred Nobel Memorial Prize in Economic Sciences. Universally respected as one of the founders of the “public choice” school of economics, he is the author of numerous books and hundreds of articles in the areas of public finance, public choice, constitutional economics and economic philosophy. He is best known for such works as The Calculus of Consent (1962), The Limits of Liberty (1975), The Power to Tax (1980), and The Reason of Rules (1985). Buchanan has devoted himself to the study of the contractual and constitutional basis for the theory of economic and political decision making.

Published originally in 1975, The Limits of Liberty: Between Anarchy and Leviathan made James Buchanan’s name more widely known than ever before among political philosophers and theorists and established Buchanan, along with John Rawls and Robert Nozick, as one of the three new contractarians, standing on the shoulders of Hobbes, Locke, and Kant. Buchanan frames the central idea most cogently in the opening of his preface: “Precepts for living together are not going to be handed down from on high. Men must use their own intelligence in imposing order on chaos, intelligence not in scientific problem-solving but in the more difficult sense of finding and maintaining agreement among themselves. Anarchy is ideal for ideal men; passionate men must be reasonable. Like so many men have done before me, I examine the bases for a society of men and women who want to be free but who recognize the inherent limits that social interdependence places on them.”

In chapter 9 “The Threat of Leviathan” Buchanan discusses a number of reasons why the modern bureaucratic state has built in incentives which tend to increase its size and power over taxpayers, such as the “political income” which some politicians get from being in positions of power, the “bureaucratic rents” which are available to those who staff the large bureaucracies which administer government programs, and the danger that “democracy may become its own Leviathan unless constitutional limits are imposed and enforced.”

“It is unrealistic to assume that elected officials who occupy executive and legislative positions of responsibility have no personal preferences about the overall size of the public sector, its sources of revenue, and, most important, about the particular components for public outlays. A person who is genuinely indifferent in all these respects would not be attracted to politics, either as a profession or as an avocation. Politicians are likely to be those persons who do have personal preferences about such matters and who are attracted to politics precisely because they think that, through politics, they can exercise some influence over collective outcomes.”
The Threat of Leviathan (1974)\textsuperscript{11}

Dictionaries define Leviathan as “a sea monster embodying evil.” In 1651, Thomas Hobbes applied this term to the sovereign state. Three and one-quarter centuries later, we use the term only when we discuss government and political processes pejoratively, and then only when our purpose is to call attention to the dangers inherent in an expanding public sector of society. I have discussed the paradox of being governed in Chapter 6. In democracy, man considers himself simultaneously to be a participant in government (a citizen) and a subject who is forced to abide by standards of behavior that he may not have selected, including overt acquiescence in the confiscation through taxation of goods that he treats as “his own.”

For late twentieth-century man, this bifurcation in his attitude toward the state is “natural” in the sense that it emerges directly from his post-Enlightenment, post-socialist cultural heritage. From our vantage point in the 1970s it is difficult to appreciate the importance of the initial change of vision which first enabled man to see himself as an independent will. I do not pose as an exegetical expert on ancient texts, but can there be much question that the conception of independent man, universalized over all persons, was largely foreign to Greek and Roman philosophy? Medieval Christianity introduces an ambivalence, in that individual salvation was stressed but almost always for the greater glory of God. [1] Only in the full emergence from the Middle Ages, only with Hobbes, Spinoza, and their contemporaries does man become possible independent of other men, of God, of state and city. In the Hobbesian jungle, the life of independent man was indeed described as poor, nasty, brutish, and short. But in Hobbes’s ability to visualize, to conceptualize, such an existence at all lies the critical difference with earlier philosophers. Can we conceive of pre-Hobbesian anarchists?

Once independent man was set against the state, even in an argument that suggested rational bases for obedience, the potential for continuing revolution was guaranteed. The genie could not be put back into the bottle, no matter how logical the arguments of a Malmesbury philosopher. Man could now think himself into a role as king; in his mind’s eye, man could now leap out of his estate or order, and some man or men would surely act out these dreams. Althusius, Spinoza, Locke, and, even more emphatically, Rousseau, commenced and continued to talk about a social contract among independent men, not a Hobbesian slave contract between men and a sovereign master. From contract among free men, all things might emerge, including basic law itself. For the first time, man seemed to be offered a prospect for jumping out of his evolutionary history. Man, in concert with his fellows, might change the very structure of social order.

“Once independent man was set against the state, even in an argument that suggested rational bases for obedience, the potential for continuing revolution was guaranteed. The genie could not be put back into the bottle, no matter how logical the arguments of a Malmesbury philosopher. Man could now think himself into a role as king; in his mind’s eye.”

The conception was as revolutionary as its consequences, the age of democratic revolution. [2] Repressed revolt, successful revolution, revolutionary terror, repressive reform, counterrevolution—these various stages in our spatially divergent modern history need not be discussed in detail here. We know that man failed to live up to the promise of his Enlightenment dreams. Hardly had some of the tyrants been overthrown and some elites vanquished, when others emerged. And once the political and social order was put up for grabs and was seen to be so, how could the economic basis of this order withstand assault? Locke’s valiant efforts to erect a contractual superstructure over existing property rights were foredoomed to failure. If

men, in concerted contract, are not bounded, need any limits be placed on collective action? Why need the economic order stand immune from fundamental structural rearrangements, especially when effective challenges were issued by Karl Marx? Socialism, in its varied guises, came to inform the consciousness of early twentieth-century man. The circle seemed almost complete; independent man once again seemed to have become submerged in an all-embracing collective will.

Once loosed, however, independent man could not be so readily destroyed. The Soviet Union was not the future, as the Webbs had proclaimed in ignorant joy. Even in Russia, where man had scarcely attained individualized independence before communist revolution, his innate stubbornness made efficient control impossible. In the West, where men have experienced freedom, where freedom itself has a history, democratic socialism was foredoomed. Collectivized governmental attempts to do more and more have been demonstrably revealed to accomplish less and less. Man finds himself locked into an impersonal bureaucratic network that he acknowledges to be of his own making. He begins to use the term “Leviathan” in its modern connotation, yet he feels personally unable to offer effective alternatives.

“When we speak of controlling Leviathan we should be referring to controlling self-government, not some instrument manipulated by the decisions of others than ourselves. Widespread acknowledgment of this simple truth might work wonders. If men should cease and desist from their talk about and their search for evil men and commence to look instead at the institutions manned by ordinary people, wide avenues for genuine social reform might appear.”

This difference between pre-revolutionary and modern man must be understood if the latter’s predicament is to be appreciated. Modern man cannot place himself in opposition to a government that is staffed and directed by an exterior elite, by members of a wholly different order or estate. To an American patriot, there was George III. To a member of the French bourgeoisie, there was the ancien régime. To the followers of Lenin, there was the Russian aristocracy. To modern man tangled in the web of bureaucracy, there is only himself, or others of his same breed.

This is not, of course, to suggest that imperfections in democratic process are absent or that all persons possess equal power of influencing governmental policy in the modern world, and in America in particular. I am suggesting that, even if all imperfections could be removed, even if all persons were placed in positions of equal political power, the central issues facing modern man would remain. When we speak of controlling Leviathan we should be referring to controlling self-government, not some instrument manipulated by the decisions of others than ourselves. Widespread acknowledgment of this simple truth might work wonders. If men should cease and desist from their talk about and their search for evil men and commence to look instead at the institutions manned by ordinary people, wide avenues for genuine social reform might appear.

**WICKSELLIAN UNANIMITY**

Why need there be constitutional limits or controls over the scope and range of governmental activity? In order to understand this, we may first look at the idealized model which gives to the individual full power over his destiny. Consider a community that makes all collective decisions in accordance with a Wicksellian rule of unanimous consent. Let us further assume, this time quite unrealistically, that this rule is operative without major costs of reaching agreement. In such a model, each person is party to all collective decisions, no one of which can be taken without his express consent. How could the dynamics of such a decision model generate results that could be judged undesirable or inefficient by any one or by all of the persons in the community?
Because each person must agree positively to every decision taken, the flaw, if indeed one exists, must lie in the amalgamation of individual choices in producing collective outcomes. Analysis should, therefore, be concentrated on individual decision-making. Why would an individual agree to each one of a sequence of collective decisions, separately taken, only to find that the sequence generates an undesired ultimate outcome? Once the question is put in this way, numerous analogies from personal experience are suggested. Perhaps the one that is most pervasive is eating. In modern affluence, individual choice behavior in eating, on a meal-by-meal basis, often leads to obesity, a result that is judged to be undesirable. The individual arrives at this result, however, through a time sequence in which each and every eating decision seems privately rational. No overt gluttony need be involved, and no error need be present. At the moment of each specific choice of food consumption, the expected benefits exceed the expected costs.

The problem is not fully described as one of myopia in individual choice behavior, as a simple failure to take into account the future consequences of present action. Such myopia is, without doubt, one of the important bases for disappointment or regret when undesirable situations are recognized as the result of a series of earlier choices. In this sense, all temporally related choices can be made to appear to be characterized by myopia. Consider saving and capital formation. From the vantage point of “now,” a person may always wish that he had saved more and consumed less in earlier periods, and, in this vision, he may look on past behavior as having been myopic. More reasonable judgment might suggest, however, that each decision, when made, was based on some appropriately weighted calculation of costs and benefits in the “then” time setting. The decision to eat more than is dictated by the maintenance of some long-term weight standard is equivalent to a failure to save an amount sufficient to attain some long-term wealth objective. When this temporal interdependence among separate-period decisions is recognized, rational choice behavior at the “rule-making” level may internalize the interdependence through the explicit adoption of constraints on separate-period freedom of action. When he adopts a rule and insures its enforcement, the individual is exercising his freedom, at a more comprehensive planning stage of choice, only through restricting his own freedom in subsequent potential choice situations.

The person who recognizes his tendency to overeat may adopt a stringent diet. He deliberately imposes self-generated constraints on his own choice options. He locks himself into an eating pattern that he predicts to reduce the utility gains from separate-period behavior in exchange for predicted utility gains over an extended choice domain. The diet becomes the “eating constitution,” the person’s set of internally chosen rules that act to prevent overindulgence. It seems clear that individuals may want to impose comparable constraints on their separate-period and separate-choice behavior in undertaking joint or collective actions, even in the idealized setting of Wicksellian unanimity. That is to say, individuals might rationally choose to operate under a set of constitutional rules for taking collective actions even if each person knows that he is empowered, personally, to veto any specific proposal that might be presented. In this setting, however, we should note that such a set of rules might be made operative by the choice behavior of a single member of the group. The determination of a single person in the community to abide by some internal constraint on the range of collective action would be effective for the whole group. Collective action would be constrained in this strictly Wicksellian setting by the mere presence of one person who chooses to adopt internal rules for his own participation in collective choices.

**Majority Voting under Benefit-Cost Constraints**

We move somewhat closer to reality when we drop the assumption that collective action requires unanimous consent of all participants. As suggested, under a genuine unanimity rule, individual decisions can keep government under effective controls. Things become quite different, however, once any departure from unanimity is introduced. When the costs of securing agreement are acknowledged, departures from true government by consent become necessary if the political community is to function as a collectivity. In the conceptual constitutional compact establishing this community, some set of rules for making collective or governmental decisions is selected, and these rules, once made operative, are enforceable on all members,
whether or not they belong to the decisive coalition which effectively makes particular choices under the rules.

The most familiar decision rule, both in the analytical models of political process and in existing historical structures that are appropriately classified as “democratic,” is that of majority voting. We may assume that some constitutional structure exists, a structure that defines individual property rights and enforces contracts among persons and, further, requires that all collective or governmental decisions secure the majority of the representatives of citizens in some legislative assembly. Even in this formulation we have, by assumption, already bypassed a significant part of the issue being discussed. At the stage of constitutional contract, when individual rights are initially defined, few persons would conceptually agree to wholly unconstrained departures from a unanimity rule for collective decision-making. The reason is, of course, that once an individual’s consent is not required for a decision that will be enforced upon him, the individual holds no protection of his own nominal assignment of claims, no guarantees that his rights will not be exploited on behalf of others in the name of governmental objectives. At the same time that a collective decision rule, say that of majority voting, is adopted, procedural limits on the exercise of this rule may be incorporated into the constitutional document or understanding. Experience indicates, however, that the procedural limits incorporated in constitutional structures historically have not been very effective in curbing the appetites of majority coalitions.

Nonetheless, it will be useful for analysis to develop the argument in two stages. In the first, we assume that an economically meaningful constraint on majority decision exists. Assume that a constitutional provision requires that all proposals for public or governmental outlay satisfy a benefit-cost criterion; gross benefits must exceed gross project costs, regardless of the array of votes in the legislative assembly.

We want to look at public-goods proposals that do not benefit all members of the group sufficiently to offset fully tax-costs, but which do, nonetheless, meet the benefit-cost criterion imposed. If, for example, in a three-person group there should be only two beneficiaries of a project costing $100, and if each of these beneficiaries expects to secure a value of $51, the proposal would meet the benefit-cost criterion no matter how costs are distributed. If the costs are equally distributed among all members, say, by a general tax, the proposal would secure majority approval. The effect would be to impose net losses on the minority. The benefit-cost constraint guarantees, however, that if compensation should be required, the majority could arrange to secure minority acquiescence with appropriate side payments. Another way of saying this is to state that the benefit-cost criterion insures that all spending projects are “efficient” in the strict economic meaning of this term. Still another version, and related to the preceding section, is to say that all projects could conceptually secure unanimous approval if the costs of making side payments are ignored.

“The reason is, of course, that once an individual’s consent is not required for a decision that will be enforced upon him, the individual holds no protection of his own nominal assignment of claims, no guarantees that his rights will not be exploited on behalf of others in the name of governmental objectives.”

If each and every proposal for spending funds governmentally is required to meet the efficiency criterion, how could the aggregate budgetary level fail to do so? How could the overall budget be too large or too small? Since each project, considered independently, meets the efficiency test, it would seem that the test could also be met by the aggregate of all projects. As the discussion of the preceding section may suggest, however, this result need not follow when there exists interdependence among the separate decisions.

Consider, as an example, two interdependent proposals for budgetary spending, Projects I and II. In the absence of, and independent of, the other project, each of these proposals is estimated to cost $100, of which $90 is for outlay on the purchase of resource inputs, and $10 is for outlay on collection and enforcement. For each project, similarly, estimated benefits are $103. Hence, regardless of the way benefits are distributed, each proposal is economically efficient. Suppose now that Project I is approved initially under these conditions and that it is included in budgetary
plans. Project II is now considered independently, but subsequent to majority approval for Project I. Direct outlay on resource inputs is again $90, as with Project I. But, because more revenues are now required in total, collection-enforcement costs are now estimated to be $12, for a total project cost of $102. Benefits are estimated to be $103; hence, the project remains apparently efficient, and we assume that Project II is also approved by a majority. In adding Project II to the budget, however, collection-enforcement costs for Project I may also have been increased, from the $10 initially estimated to the $12 estimated for Project II. The external or spillover cost that the addition of Project II generates for Project I is $2, but this was wholly left out of account in the choice-making sequence that we have outlined.

"Politically, budgets are made piecemeal. Different legislative committees consider budgetary components independently, and possibly divergent majority coalitions are organized in support of each component. So long as benefits exceed costs, why should members of the effective supporting coalitions be concerned about spillover costs on components, past, present, or future?"

Note that, in the numerical example, aggregate benefits of the two projects ($206) exceed aggregate costs ($204). Note, however, that gross fiscal surplus is reduced below that which is attainable on the approval of only one of the two projects; the surplus falls from $3 to $2 in the process of adding Project II, which, treated independently, is equivalent to Project I. The numerical example is, of course, illustrative only, and the totals need not be taken as at all descriptive. In terms that are familiar to economists, we can say that there exists a divergence between the direct or separable costs of a single project and the genuine social costs, which must include all external or spillover effects on other projects or components in the budgetary set. When stated in these terms, economists might suggest “internalization” through simultaneous consideration of all the interrelated budgetary items. Care must be taken, however, to insure that the appropriate maximand is selected. Taken as a two-part budgetary package, both projects in the numerical example would secure approval, even if they were jointly selected. Joint benefits exceed joint costs.

The more general phenomenon that the example represents has considerable real-world relevance in terms of widely acknowledged economic effects and of observed political institutions. [3] Collection and enforcement costs are always present, and these costs increase as budget size grows, possibly disproportionately beyond certain ranges. More important, taxation necessarily modifies incentives toward the earning of taxable incomes and accumulating taxable wealth in the private economy. These effects are directly related to budgetary size, and these are genuine social costs that incremental budget-making can scarcely incorporate.

Politically, budgets are made piecemeal. [4] Different legislative committees consider budgetary components independently, and possibly divergent majority coalitions are organized in support of each component. So long as benefits exceed costs, why should members of the effective supporting coalitions be concerned about spillover costs on components, past, present, or future? Political realism suggests the implausibility of achieving reforms at the level of incremental decision-making. Comprehensive budgeting, at either the executive or the legislative level or both, need not eliminate the inefficiency, as we have noted. Consider the position of a budget director or chairman of a legislative committee. By our restrictive assumption, any component must meet the overall benefit-cost constraint. But since this criterion is also satisfied for the budget in the aggregate, or may be, what incentive does this official have for reducing or eliminating particular components or line items so as to increase net fiscal surplus? Even if the official is ideally responsive to the demands of the citizenry, he will be led to incorporate too many components in the budgetary package. Consider again our two-project example. A budget director has overall coordinative responsibility; he must approve a project before it is submitted for a vote. If he eliminates one of the two projects, he incurs the displeasure of all direct
beneficiaries. He pleases general taxpayers, but as we have assumed and as the real-world patterns suggest, taxes are more widely shared than the benefits. The indirect net costs that will be reduced by budgetary constraints are not likely to be sensed by the citizenry, and especially not in connection with specific budgetary choices. [5]

The inefficiencies that emerge when there exists interdependence among the separate components of a budget can be reduced only if these are predicted at some planning stage of deliberation. Because of the tendency of budget-makers and of legislative majorities to approve budgets that aggregate to sizes beyond those which maximize fiscal surplus, explicit size limits or other constraints on revenues and/or outlays may be incorporated in the fiscal constitution with the expectation that such limits will be legally enforced. [6]

**MAJORITY VOTING WITHOUT BENEFIT-COST CONSTRAINTS**

If we drop the arbitrary requirement that all proposals for spending publicly collected revenues meet criteria of economic efficiency, it is evident that majority-voting rules for reaching collective or group decisions will produce at least some budgetary components that are inefficient in net. Some projects that will secure majority approval will yield less in total benefits than they cost. The minority will suffer net losses from these projects, and these losses will exceed the benefits secured for members of the majority. In a regime with costless side payments, the minority could bribe the majority so as to prevent the approval of all such projects. But when the absence of effective side payments is acknowledged, the existence of inefficient spending projects can hardly be questioned.

Consider again a very simple example, a three-person group that has organized itself collectively. Taxes are equal per head, and all spending decisions are made by majority voting. Suppose that there are three potential projects to be considered, each of which costs $99, financed by a tax of $33 on each person. We assume that these projects are wholly independent and that the externality effects analyzed in the preceding section do not arise. The benefits from each project are concentrated as indicated in the following:

<table>
<thead>
<tr>
<th>Person</th>
<th>Project I</th>
<th>Project II</th>
<th>Project III</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$35</td>
<td>$35</td>
<td>$0</td>
</tr>
<tr>
<td>B</td>
<td>35</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>C</td>
<td>0</td>
<td>35</td>
<td>35</td>
</tr>
</tbody>
</table>

Under the rules that we have postulated, each of these three projects would be adopted, so long as each project is considered separately. In the process, however, each person will have paid out a total of $99 in taxes and will have received only $70 in benefits. Each person will be worse off with the three-project budget than he would be with no budget at all. It is clear from this example that budgets will tend to be overexpanded under simple majority voting rules if budgetary components are considered separately in the legislative deliberations, and if benefits are more concentrated than taxes.

There is, however, a difference between this and the earlier model where we assumed projects to be interdependent. In this model, which we might call one of simple majority exploitation of the minority, “internalization” in the form of comprehensive or package consideration of the whole budget may eliminate some of the inefficiency. If the three-man group in this example should be forced, by institutional-constitutional requirement, to treat projects in a bundle rather than in isolation, and if members of the group accurately measure costs and benefits, projects that are demonstrably damaging in the net for all persons will not secure approval. Alternatively, constitutional restrictions might be imposed which dictate that only spending proposals that promise general benefits to the whole membership of the community can be considered. [7] Historically, procedural requirements have been interpreted to dictate tax uniformity or generality, at least over broad groupings. For the benefits side, however, no fully comparable requirements have been applied. As a result, there are relatively few effective limits on the fiscal exploitation of minorities through orderly democratic procedures in the United States. [8]

**LOGROLLING AND MINORITY BENEFITS**

The majority voting model discussed above suggests that inefficient budgetary projects may secure approval if considered separately, but that, at a minimum, the estimated value of benefits from any
proposal to the members of an effective majority coalition must exceed the tax-costs borne by those members. Even this minimal constraint on budgetary inefficiency is not operative, however, when logrolling can take place among divergent minorities to produce effective majority coalitions on a subgroup of budgetary items. This procedure is familiarly known as “pork barrel” legislation in the American setting. [9]

**POLITICAL INCOME, BUREAUCRATIC RENTS, AND FRANCHISE**

To this point, the models of collective decision-making examined have not allowed for the influence of politicians, governmental employees, or bureaucrats on budgetary outcomes. Implicitly, the models have contained the assumption that voters demand publicly supplied goods and services which, once approved, are made available to final beneficiaries or consumers directly. There is no intermediation by legislative representatives and no administration by bureaucratic agencies. Such models are useful for general purposes, and especially so when budgets are relatively small. In modern democracies, however, more than one-third of the national product is organized through the governmental sector. In these settings, neglect of the influence of politicians and bureaucrats on budgetary results may severely weaken the relevance of any analysis.

**POLITICIANS’ PREFERENCES AND BUDGETARY BIAS**

Collective decisions are rarely made directly by voters, by those persons who pay the taxes and who are supposed to benefit from the provision of governmental goods and services. Effective political organization requires that the roles of voters be limited largely if not entirely to the selection of representatives, persons from their own ranks, who will then participate in legislative and executive decision-making. These politicians are the men who make the direct and final choices on the quantities of public goods and services and on the size of the total budget along with its composition and financing.

It is unrealistic to assume that elected officials who occupy executive and legislative positions of responsibility have no personal preferences about the overall size of the public sector, its sources of revenue, and, most important, about the particular components for public outlays. A person who is genuinely indifferent in all these respects would not be attracted to politics, either as a profession or as an avocation. Politicians are likely to be those persons who do have personal preferences about such matters and who are attracted to politics precisely because they think that, through politics, they can exercise some influence over collective outcomes. Once this basic, if simple, point is recognized, it is easy to see that budgetary results will not fully reflect voters’ preferences, even of those who are members of the effective coalition that achieves victory for its own candidate or party.

“**It is unrealistic to assume that elected officials who occupy executive and legislative positions of responsibility have no personal preferences about the overall size of the public sector, its sources of revenue, and, most important, about the particular components for public outlays. A person who is genuinely indifferent in all these respects would not be attracted to politics, either as a profession or as an avocation.”**

Once elected, a politician has considerable freedom for choosing his own preferred position on spending or tax issues. He is constrained by voters indirectly through prospects for reelection, for long-term party support, for generalized public acclaim. But even for the politician who is highly sensitive to these indirect constraints, there remains freedom of choice over substantial ranges of the political spectrum. Within what he treats as his feasible set, the politician will choose that alternative or option which maximizes his own, not his constituents', utility. This opportunity offers one of the primary motivations to politicians. In a meaningful sense, this is “political income,” and it must be reckoned as a part of the total rewards of office. [10]
“Those persons who place relatively high values on the ability to influence collective outcomes, and who do so in the genuinely incorruptible sense of desiring to “do good” for the whole community, are quite likely to be those who seek to accomplish their own preferred social objectives through collective or governmental means. By contrast, those persons who, ideologically, desire that the governmental role in society should be reduced to minimal levels are unlikely to be attracted to politics. Few natural anarchists or libertarians frequent capital cloakrooms.

The existence of opportunities for politicians to maximize personal preferences within constraints need not be of relevance to the subject matter of this chapter if the effects on budget-making could be predicted to be symmetrical or unbiased. If the “slippage” between the preferences of voters and the results emerging from the actual budgetary process should involve roughly offsetting differences on the up and down sides, no net influence on aggregate budgetary size would be exercised. Unfortunately, a unidirectional bias toward expansion in the fiscal accounts seems to be present. This direction of the political leader’s preference bias involves several distinguishable elements. In the first place, those persons who place relatively high values on the ability to influence collective outcomes, and who do so in the genuinely incorruptible sense of desiring to “do good” for the whole community, are quite likely to be those who seek to accomplish their own preferred social objectives through collective or governmental means. By contrast, those persons who, ideologically, desire that the governmental role in society should be reduced to minimal levels are unlikely to be attracted to politics. Few natural anarchists or libertarians frequent capital cloakrooms.

Ideologues aside, persons may be attracted to politics because they intrinsically place high values on the power to make decisions affecting the lives of others. This characteristic is different from the first, where power to influence collective decision is instrumentally desired for the purpose of furthering social objectives. Some politicians may have very ill-defined objectives for social policy and those that they do have may seem relatively unimportant. They may seek political and/or elected office, however, because they enjoy positions of leadership and authority, positions that make it necessary for other persons actively to seek them out and solicit their assistance. This sort of politician secures utility more directly than his ideologue counterpart; his utility is increased by the emoluments of office that necessarily arise from public knowledge about the location of decision-making authority. If the list or menu for choice should be fixed in advance, the behavior of politicians of such nonideological stripe might produce results that are closer to the true preferences of voters. This correspondence would emerge from the desires to meet the demands of the largest possible number of constituents. In such case, no directional budgetary bias would be introduced by the necessary departures from pure democracy. When the list or menu for political choice is not predetermined, however, the directional bias toward expanded budgets again arises. The politician who secures his utility only because he chooses for and thereby pleases the largest number of constituents will find that favorable action on differentially beneficial spending projects offers more reward than favorable action reducing general tax-costs. The politician’s bias, in this respect, is an additional institutional aspect of the asymmetry between the spending and taxing sides of the fiscal account. Because taxes cannot readily be lowered in a differential manner, there is a public-goods barrier which inhibits independent politician initiative toward tax reduction. By contrast, because the benefits from government spending may be differentially directed toward particular subgroups in the community, politicians are motivated to initiate the formation of coalitions that will exploit these latent demand opportunities. Given his degree of freedom to influence outcomes, the nonideological politician’s behavior will tend to generate an exaggerated version of the
nonpolitician model analyzed earlier. Because of the asymmetry in the effective fiscal constitution, aggregate spending will tend to be inefficiently large even if the ultimate demands of voters-taxpayers-beneficiaries could be accurately reflected in final outcomes. The introduction of politicians as the direct decision-makers will extend the results even beyond such limits.

“The prospect for profitable bribes, kickbacks, or by-product deals is directly related to the size and complexity of total government budgets, and, more generally, of the total governmental operation in the economy. With minimal governmental intrusion into the economy, with minimal and quasi-permanent spending components, the grasping politician may have little or no opportunities for graft. However, with a complex public sector, and one that involves new and expanding spending programs, there may be numerous opportunities.”

To this point, we have assumed implicitly that both the ideological and the nonideological politicians are incorruptible and seek no pecuniary gain from political office over and beyond formal compensation. To these two types of officials it is now necessary to add a third, that of the politician who does seek pecuniary gains from his office. The direction of budgetary bias is the same as before. The prospect for profitable bribes, kickbacks, or by-product deals is directly related to the size and complexity of total government budgets, and, more generally, of the total governmental operation in the economy. With minimal governmental intrusion into the economy, with minimal and quasi-permanent spending components, the grasping politician may have little or no opportunities for graft. However, with a complex public sector, and one that involves new and expanding spending programs, there may be numerous opportunities. In a newly enacted program, one without established guidelines and procedures, politicians may find ample sources for direct and indirect kickbacks from the producers and producing firms whose rents are enhanced by the program. Such officials will, therefore, seek continually to enlarge budgets and, especially, to introduce new and different programs. On the other hand, the potentially corrupt politician would rarely press for general budgetary reduction. The direction of bias seems apparent, again under the institutional proviso that taxes are distributed more generally than the benefits of public spending.

Elected politicians may fall into either one of the three categories discussed, or a single politician may himself represent some mixture of two or all three of the types. The directional bias on budgetary size is the same for all types. Although their reasons may differ, the ideologue, the seeker after public acclaim, and the profiteer each will be motivated to expand the size and scope of the governmental sector of the economy.

BUREAUCRATIC RENTS AND FRANCHISE

Even after elected politicians make taxing and spending decisions, public goods and services do not flow automatically and directly from competitively organized suppliers outside the economy to final consumers within the economy. Governments, when authorized to do so, may purchase inputs from independent private suppliers (individuals and firms) and combine these to produce outputs. Or, alternatively, governments may purchase final outputs after these have been produced by private suppliers and distribute these to beneficiaries. In either case, and much more extensively in the former than in the latter, employees must be hired to implement the complex fiscal transaction between the ultimate taxpayer-purchaser on the one hand and the ultimate beneficiary-consumer on the other, even if, in some net accounting, these may be the same persons. Once elected officials, as representatives of the voters, decide on a quantity and a distribution of taxes, other officials (agents) must be employed to collect the revenues. Accountants must be hired to keep the books; auditors must be added to check the agents and the accountants. Inspectors must be available to search out
recalcitrant taxpayers. On the spending side, budget specialists are required to maintain and present details of complex programs and to make comparative evaluations. Purchasing agents must carry out buying tasks in the framework of procedures worked out by still another layer of bureaucratic personnel. And personnel specialists are necessary to get personnel.

All of these would be needed even if no direct production of goods and services takes place within the governmental sector itself. Once direct production is attempted, massive numbers of additional employees are needed. If government produces postal services, mail clerks, postmen, and postmasters must be hired. If government produces education, administrators, teachers, supervisors, and custodians become government employees along with others who must evaluate the credentials of those who produce the services. The list can be extended almost without limit.

“Difficulties arise from the necessity of staffing government with persons drawn from within the political community. The sequence of budgetary outcomes tends to be biased toward overexpansion because of the potential for earning producer rents which government employment offers and because employees hold voting rights in the polity.”

If taxpayers-voters, acting through their elected politicians, should be able to secure government employees externally at competitively determined wage and salary scales, the necessary existence of a bureaucratic superstructure need not itself introduce major distortion in the budgetary process. As with the enforcement problem discussed in earlier chapters, however, difficulties arise from the necessity of staffing government with persons drawn from within the political community. The sequence of budgetary outcomes tends to be biased toward overexpansion because of the potential for earning producer rents which government employment offers and because employees hold voting rights in the polity. If bureaucrats could not vote, the existence of producer rents from government employment would increase the costs of public-supplied goods and services, but this alone would not bias the results significantly. On the other hand, even if bureaucrats hold the voting franchise, no problem might arise if governmental wage and salary scales, along with tenure and promotion policies, were competitively determined. In the real world, however, governmental employees have full voting rights, and governmental salaries and working conditions are not settled in competitive markets.

Regardless of his interest as a demander-taxpayer or final beneficiary of a publicly provided good, a person who expects to be or is already employed by the governmental agency that provides this good will tend to favor increases and to oppose reductions in budgeted outlay. (How many medical researchers at NIH would support reductions in federal government outlays on medical research?) If he holds a voting franchise, the prospective or actual employee becomes a built-in supporter of budgetary expansion and a built-in opponent of budgetary reduction, not only for the particular component within his immediate concern but for other components as well. As students of political economy have long recognized, producer interests tend to dominate consumer interests, and the producer interests of government employees are no different from those of any other group in society. Two additional elements accentuate the effects of bureaucratic franchise on budget size. As with elected politicians, those who are attracted to governmental employment are likely to exhibit personal preferences for collective action, at least by comparison with those who are employed in the private sector. More important, because of specific producer interest that a working bureaucrat recognizes, the exercise of ultimate voting privileges is more likely to occur. Empirical evidence supports this inference; the proportion of governmental employees who vote is significantly higher than the proportion of nongovernmental employees. The result is that members of the bureaucracy can exert a disproportionate influence on electoral outcomes.

The franchising of bureaucrats need not involve serious budgetary bias when total government employment remains small. As the public sector continues to grow, however, the voting power, and
hence the political power, of franchised bureaucrats cannot be neglected. In modern America, where roughly one in each five employees works for government, bureaucrats have become a major fiscal constituency, and one that politicians seeking elective office recognize and respect. [12]

“The franchising of bureaucrats need not involve serious budgetary bias when total government employment remains small. As the public sector continues to grow, however, the voting power, and hence the political power, of franchised bureaucrats cannot be neglected.”

This influence would be present even in an ideally working bureaucracy so long as net rents were earned in government employment. As we must recognize, however, no structure can approach the old-fashioned textbook ideal in which bureaucrats merely carry out or execute policy directives chosen for them by legislative authorities. [13] Bureaucrats, like elected politicians, possess varying degrees of freedom to select among alternatives. A collective decision, as made by a legislative assembly, is never sufficiently definitive to leave no scope for exercise of authority on the part of administrators of the program. Within limits, the nonelected government employee makes final decisions about government actions. Stated in a somewhat converse way, the legislature or elected executive can never exercise full control over the behavior of bureaucrats in the structural hierarchy, and any attempts to gain full control would involve prohibitive costs. [14] Within the constraints that he faces, the bureaucrat tries to maximize his own utility. He is no different from anyone else in this respect. He can hardly be expected to further some vaguely defined “public interest” unless this is consistent with his own, as he defines the latter.

Once this point, again a very simple one, is acknowledged, the influence of the bureaucracy on budgetary results can be predicted to be unidirectional. The individual who finds himself in a bureaucratic hierarchy, who knows that he earns net rents when he compares his situation with his private-sector opportunities, looks directly at the reward and penalty structure within the hierarchy. He knows that his career prospects, his chances for promotion and tenure in employment, are enhanced if the size of the distinct budgetary component with which he is associated increases. He will, therefore, exercise his own choices, whenever possible, to increase rather than to decrease project and agency budgets. There is little or no potential reward to the governmental employee who proposes to reduce or limit his own agency or bureau. Institutionally, the individual bureaucrat is motivated toward aggrandizement of his own agency. [15] And, since the effective alternatives for most governmental employees are other agencies and projects, this motivation for expansion will extend to government generally.

DEMOCRACY UNCHAINED

“Even under the most favorable conditions the operation of democratic process may generate budgetary excesses. Democracy may become its own Leviathan unless constitutional limits are imposed and enforced.”

The purpose of the several preceding sections was to demonstrate that even under the most favorable conditions the operation of democratic process may generate budgetary excesses. Democracy may become its own Leviathan unless constitutional limits are imposed and enforced. Historically, government has grown at rates that cannot possibly be long sustained. In this sense alone, modern America confronts a crisis of major proportions in the last decades of the twentieth century. In the seven decades from 1900 to 1970, total government spending in real terms increased forty times over, attaining a share of one-third in national product. These basic facts are familiar and available for all to see. The point of emphasis is that this growth has occurred, almost exclusively, within the predictable workings of orderly democratic procedures. [16] The authors of the United States Constitution, the Founding Fathers, did not foresee the necessity or need
of controlling the growth of self-government, at least specifically, nor have these aspects been treated in traditional political discourse. The limits or constraints on governmental arms and agencies have been primarily discussed in terms of maintaining democratic procedures. Rulers have been subjected to laws because of a predicted proclivity to extend their own powers beyond procedural limits, at the presumed expense of the citizenry. But implicit in much of the discussion has been the notion that, to the extent that democratic process works, there is no need for limits. The system of checks and balances, ultimately derivative from Montesquieu, has rarely been interpreted to have as one of its objectives the limiting of the growth of the government. The excesses of the 1960s created widespread public disillusionment about the ability of government, as a process, to accomplish specific social objectives. But, before the 1960s, the checks and balances that were present in the United States constitutional structure were far more likely to be criticized for inhibiting the extent of governmental action than for their inability to accomplish an effective limitation on this action. In this respect, the 1970s and beyond present a new and different challenge. Can modern man, in Western democratic society, invent or capture sufficient control over his own destiny so as to impose constraints on his own government, constraints that will prevent the transformation into the genuine Hobbesian sovereign?

**BEYOND CONSTITUTIONAL BOUNDARIES**

In earlier chapters, we found it useful to make a sharp conceptual distinction between the productive state and the protective state, and the dual functioning of government in these two conceptually different roles was noted. The productive state is, ideally, the embodiment of postconstitutional contract among citizens having as its objective the provision of jointly shared goods and services, as demanded by the citizens. The discussion of Leviathan in this chapter has been wholly concerned with this part or side of government, measured appropriately by the size of the governmental budget. The analysis has shown that budgetary excess will emerge from democratic process, even if overt exploitation is avoided. To the extent that majoritarian democracy uses governmental process to modify the basic structure of individual rights, which are presumably defined in the legal structure, there is an encroachment on the domain of the protective state. Dominant coalitions in legislative bodies may take it on themselves to change “the law,” the basic constitutional structure, defined in a real and not a nominal sense. To the extent that the protective state acquiesces in this constitutional excess, the social structure moves toward “constitutional anarchy” in which individual rights are subject to the whims of politicians.

> “Budgetary excess will emerge from democratic process, even if overt exploitation is avoided. To the extent that majoritarian democracy uses governmental process to modify the basic structure of individual rights, which are presumably defined in the legal structure, there is an encroachment on the domain of the protective state.”

There is, however, an equally if not more significant overstepping of constitutional boundaries when the agencies of government that properly belong to the protective state, and to this state only, begin to act in putative contractual capacities, at both constitutional and postconstitutional stages. A modern treatment of Leviathan would be seriously incomplete if these possible excesses were not discussed. The protective state has as its essential and only role the enforcement of individual rights as defined in constitutional contract. This state is law embodied, and its role is one of enforcing rights to property, to exchanges of property, and of policing the simple and complex exchange processes among contracting free men. In the game analogy that we have used several times before, the protective state is the umpire or referee, and, as such, its task is conceptually limited to enforcing agreed-on rules.

Few who observe the far-flung operation of the executive arm of the United States government along with the ubiquitousness of the federal judiciary could interpret the activities of either of these institutions as
falling within meaningful restrictions of the enforcer. Ideally, these institutions may be umpires in the social game; actually, these institutions modify and change the basic structure of rights without consent of citizens. They assume the authority to rewrite the basic constitutional contract, to change “the law” at their own will. At yet other interfaces, these institutions take on legislative roles and effectively displace representative assemblies in making decisions on “public good”—decisions which can in no way be derived from individual evaluations in some quasi-contractual setting. Democracy can generate quite enough of its own excesses even if decision-makers adhere strictly to constitutional norms for behavior. When these norms are themselves subjected to arbitrary and unpredictable change, by decision-makers who are not representative of the citizenry, the omnivoruousness of the state becomes much more threatening.

“If our Leviathan is to be controlled, politicians and judges must come to have respect for limits. Their continued efforts to use assigned authority to impose naively formulated constructs of social order must produce a decline in their own standing. If leaders have no sense of limits, what must be expected of those who are limited by their ukases?”

It is more difficult to measure the growth of Leviathan in these dimensions than in the quantifiable budgetary dimensions of the productive state. There is a complementary relationship here, but the two are conceptually independent. An interfering federal judiciary, along with an irresponsible executive, could exist even when budget sizes remain relatively small. Conversely, as noted, relatively large budgets might be administered responsibly with a judicial system that embodies nonarbitrary decision-making. Historically, we observe a conjunction—relatively large and growing budgets along with increasingly irresponsible interpretations of law. Essentially the same philosophical orientation informs both extensions of governmental powers. Burgeoning budgets are an outgrowth of the American liberal tradition which assigns to government the instrumental role in creating the “good society.” The arrogance of the administrative and, particularly, the judicial elite in changing basic law by fiat arises from the same source. If the “good society” can first be defined, and, second, produced by governmental action, then men finding themselves in positions of discretionary power, whether in legislative, executive, or judicial roles, are placed under some moral obligation to move society toward the defined ideal.

There is a fundamental philosophical confusion here, one that must be removed if Leviathan is to be contained. A “good society” defined independent of the choices of its members, all members, is contradictory with a social order derived from individual values. In the postconstitutional stage of contract, those outcomes are “good” that emerge from the choices of men, in both the private and the public sector. The “goodness” of an outcome is evaluated on procedural criteria applied to the means of its attainment and not on substantive criteria intrinsic to such outcome. The politician, who represents the citizenry, however crudely and imperfectly, seeks to attain consensus, to find acceptable compromises among conflicting individual and group demands. He is not engaged in a search for some one “true” judgment, and he is not properly behaving if he seeks to further some well-defined ideal drawn from the brains of his academic mentors. The judge is in a distinctly different position. He does seek “truth,” not compromise. But he seeks truth only in the limits of constitutional structure. He looks for, and finds, “the law.” He does not make new rules. To the extent that he tries deliberately to modify the basic constitutional contract so as to make it conform to his independently defined ideals, he errs in his whole understanding of his social function, even more than the elected politician who seeks the liberal grail.

False philosophical precepts that are so pervasively held cannot be readily overthrown. If our Leviathan is to be controlled, politicians and judges must come to have respect for limits. Their continued efforts to use assigned authority to impose naively formulated constructs of social order must produce a decline in their own standing. If leaders have no sense of limits, what must be expected of those who are limited by
their ukases? If judges lose respect for law, why must citizens respect judges? If personal rights are subjected to arbitrary confiscation at the hands of the state, why must individuals refrain from questioning the legitimacy of government?

Leviathan may maintain itself by force; the Hobbesian sovereign may be the only future. But alternative futures may be described and dreamed, and government may not yet be wholly out of hand. From current disillusionment can come constructive consensus on a new structure of checks and balances.

Notes


[5.] It is not clear that the indirect costs should, in fact, be tied to specific choices. These costs emerge from the overall size of the budget, and are generated by all projects jointly. The problem of imputation here is identical to that involved in all joint-cost problems.

[6.] The discussion in this section has been limited to those interdependencies among budgetary components that tend to generate overexpansion in total spending rates unless constraints are imposed constitutionally. The facts of modern government spending should be sufficient to convince even the most skeptical observer that these are the interdependencies of importance. The analysis may, of course, be applied to interdependencies that tend to reduce total spending below efficiency limits, considered in the large. This might emerge, for example, if separated budgetary components should be complementary in individual utility functions. It would surely be stretching the limits of plausibility, however, to argue that these budget-reducing interdependencies outweigh those that are budget-increasing.

[7.] For a detailed discussion of the United States constitutional requirements for tax uniformity and the asymmetry between the tax and spending sides of the fiscal account in this respect, see Tuerck, “Constitutional Asymmetry”; and idem, “Uniformity in Taxation.”

[8.] As the analysis suggests there will tend to be overexpansion in the size of the public sector under the conditions postulated. Furthermore, these conditions are abstract representations of the real world. I should again emphasize, however, that the analysis, as such, is fully symmetrical. If we should postulate rules that allow nonuniformity and nongenerality in taxation while requiring that all spending projects generate benefits uniformly or generally to all citizens, majority voting would tend to produce a public sector that is relatively too small when measured against standard efficiency criteria. The asymmetry emerges from the historical record, not from the analysis. Constitutions, as they have been interpreted, do embody requirements that taxes be imposed generally. They do not embody comparable requirements on the benefits side of the ledger. This general statement is only slightly mitigated by the recognition that special loopholes in the tax structure shift the pattern in the direction of symmetry.

[9.] For an extended discussion of logrolling, along with other analysis relevant to the earlier discussion, see James M. Buchanan and Gordon Tullock, The Calculus of Consent.

[10.] This “political income” may be, but need not be, convertible directly into a monetary equivalent. Both incorruptible and corruptible politicians’ behavior can be incorporated in the general model. The attractiveness of “political income” will be dependent, in part, on the compensation of politicians. At sufficiently high official salaries, persons may be attracted to politics who place relatively low values on the “political income” components.

[11.] To the extent that tax loopholes can be opened up for the benefit of specialized subgroups, tax-side opportunities are available to potentially corrupt officials. As noted earlier, however, these departures from generality on the tax side seem relatively small by comparison with those prevalent on the expenditure side of the account.

[12.] Much of the discussion in this section is based on a set of papers on governmental growth prepared at Virginia Polytechnic Institute and State

[13.] For a discussion which contrasts the older view with the more modern one, see Vincent Ostrom, *The Intellectual Crisis in American Public Administration* (University: University of Alabama Press, 1973).


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“The state must make some people even better off by making others worse off. It must engage in the wide range of policies apt to win over classes or strata, interest groups, orders and corporations.”
Editor’s Introduction


This discussion of “Liberalism and Democracy” is part of a broader economic analysis of the state which Jasay has undertaken in his book of the same name. His intention in this section is to expose some of the contradictions in and inevitable outcomes of both “democratic procedures” (such as the secret ballot and periodic elections) as well as the intended and unintended outcomes of those procedures in increasing the power and scope of the modern state.

In his analysis he concedes to his intellectual opponents the word “liberalism” which is no longer taken in its 19th century “classical” formulation of limited government, but in the late 20th century social democratic meaning of the term. Jasay’s conclusion is that the democratic state is locked into a political competition to offer benefits to some of its more numerous constituents and the expense of less numerous and less politically influential groups. The ideology which accompanies this democratic process is known as “liberalism” which regards the state as a benign institution which can be controlled by the exercise of society’s mandate to reform politics, the economy, and society itself according to the preferences it has set.

“The democratic state is unable to content itself with providing benefits to its subjects that may make some better off and none worse off. In democracy, tenure of state power requires consent, revocably awarded to one of several competitors by an agreed procedure. Competition involves offers of alternative policies, each of which promises to make designated people in society better off. These policies can be produced only at the cost of making other people worse off. ... The dominant ideology, liberalism, coincides with the interest of the democratic state and predisposes people under its influence to like democratic values. It calls upon the state to do for ethical reasons what it would have to do anyway to maintain its tenure. It tells people that the policy agreed to by the majority contributes to ultimate ends they all share.”
Divisive policies which democratic competition forces the adversary state to adopt are promoted by the liberal ideology as contributing to universally agreed values.

Democracy is not the good life by another name. It may help in grasping some of the essential features of the liberal ideology and of the practice of the adversary state, to reflect briefly on democracy as a procedure and as a state of affairs (presumably the result of adopting the procedure). When looking at the rationale of submission to the state, I argued that political hedonism involved the acceptance of coercion as the counterpart of a benefit conferred by the state. The functioning of the state facilitated self-preservation according to Hobbes, or the attainment of a broader range of ends, according to Rousseau; the realization of these ends required cooperative solutions which (or so went the contractarian contention) could not come about without non-cooperation being deterred. The most basic role of the state was to transform non-cooperation from an irresistible option (in game-theory language, a “dominant strategy” which the player must adopt if he is rational) into a prohibitive one. It could perform this role in diverse ways, depending on how it combined the three ingredients which make up the obedience-inducing compound of statecraft, namely repression, consent and legitimacy.

The expectations of the hedonist could conceivably be fulfilled even by a state pursuing its ends while securing the compliance of civil society by repression alone. Provided his ends were limited in scope and modest in extent, and those of the state did not directly compete with them (for instance, if the political hedonist wanted protection from muggers and the state wanted national greatness), both ends could be simultaneously furthered by stern government.[2] Nor would the capitalist state necessarily require consent for carrying out its unambitious programme, i.e. to impose upon society the cooperative solution of respect for life and property, to keep out “non-minimal,” “non-capitalist” rivals and to pursue such meta-political ends as it may fancy; while if it did heavily rely on consent, it is doubtful whether it could confine itself to as modest objectives as these.

The legitimate state, admitting that time and its own good conduct and good luck did earn it this rare status, could bring about cooperative solutions to a possibly wide range of otherwise unattainable ends over and above the preservation of life and property. It could do so by simply asking its subjects to behave accordingly. However, the more it asked, the more it would use and strain its legitimacy. Even if its own ends were perfectly non-competing with those of its subjects—an obviously hard condition to fulfil—such a state would still have to consider the scope of any social contract as limited (if indeed it saw its services to society in contractual terms). Such cooperative solutions as it was prepared to ask for would, therefore, be confined within narrow bounds.

“a state which needs its subjects’ consent to its tenure of power, is by virtue of its non-repressive nature exposed to the actual or potential competition of rivals who solicit the withdrawal of consent from it and its award to themselves.”

Political obedience resulting predominantly from consent, on the contrary, not only allows the social contract (or its Marxist equivalent, the transfer, by a class, of power to the state in exchange for the latter repressing another class), to be virtually open-ended in scope, but actually thrives on its ceaseless enlargement. The reason is that a state which needs its subjects’ consent to its tenure of power, is by virtue of its non-repressive nature exposed to the actual or potential competition of rivals who solicit the withdrawal of consent from it and its award to themselves. To secure its tenure, the state cannot confine itself to the imposition of cooperative solutions where there were none before, since its rivals, if they know their business, will offer to do the same and something more in addition.

Having done or agreed to do all the things that make some people better off and nobody worse off

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(which is how cooperative solutions are usually regarded), the state must go on and make some people even better off by making others worse off. It must engage in the wide range of policies apt to win over classes or strata, interest groups, orders and corporations, all of which involve, in the last analysis, interpersonal balancing. Specifically, it must give or credibly promise benefits to some by taking from others, for there are no benefits left which do not “cost” anybody anything. In this way, it must obtain a favourable balance between consent gained and consent lost (which may or may not be the same as the balance between the consent of the gainers and that of the losers). This balancing of political advantage is factually indistinguishable from the balancing of interpersonal utility or justice or both, which is supposed to underlay the maximization of social welfare or distributive justice.

“I propose to call “democratic values” the preferences subjects reveal in responding to interpersonal balancing by the state. These are likings for ends which can only be realized at another party’s expense. If the other party is an unwilling loser the attainment of such ends typically requires the threat of coercion. They are realized in the course of the imposition of a particular kind of equality in place of another kind, or in place of an inequality. These imposed equalities can be thought of as primarily political or primarily economic. Though the distinction between the two is often spurious, it is always confidently made. Gladstone’s England or the France of the Third Republic is, for instance, regularly berated for having achieved political without economic equality. Conversely, sympathetic critics of the Soviet Union, Cuba or other socialist states believe that they have progressed towards economic equality to the neglect of political equality.

“A step is made toward the maximization of democratic values when the state reduces its capacity for repression and increases its reliance on consent; when it leans less heavily on the consent of the powerful and clever possessors of clout and more heavily on sheer numbers, for example by broadening the franchise and making the ballot really, safely secret; and when it redistributes wealth or income from the few to the many.”

A step is made toward the maximization of democratic values when the state reduces its capacity for repression and increases its reliance on consent; when it leans less heavily on the consent of the powerful and clever possessors of clout and more heavily on sheer numbers, for example by broadening the franchise and making the ballot really, safely secret; and when it redistributes wealth or income from the few to the many. Now do not these examples, which stretch across the breadth and length of “political and economic” democracy, show that it is quite redundant to talk of “democratic values”? It is the usual and sensible convention to regard everybody as preferring more power to less (at least the power to resist others, i.e. self-determination, if not the power to dominate others) and more money to less. If a move gives more power to many and less to a few, or more money to many and less to but a few, more will like than dislike the move. That is all there is to it. What is the point of baptizing the simple consequence of an axiom of rationality a “liking for democratic values”? The
objection would have to be upheld, and democracy would be seen as a mere euphemism for “the conditions under which the self-interest of the majority overrides that of the minority” or words to that effect, were it not for the possibility of people valuing arrangements which do not serve their self-interest (altruism) or, what may well be more important, valuing arrangements in the mistaken belief that they do. The latter may be due as much to honest ignorance of the unforeseen or unintended effects of an arrangement (Do egalitarian policies really give more money to the poor after all or most effects on capital accumulation, economic growth, employment and so on, have been counted? Do the masses determine their own fate with one-man-one vote?) as to dishonest manipulation, political “marketing” and demagogy. Whichever source it springs from, Marxists would quite reasonably label it “false consciousness,” the adoption of an ideology by someone whose rational self-interest would in fact be served by a different one. A preference for democratic values, divorced from his self-interest, is the mark of many a liberal intellectual.[4]

Democracy, whatever else it may be, is one possible procedure a set of people, a demos, can adopt for “choosing” among non-unanimously preferred collective alternatives. The most spectacular and portentous of these choices is the award of tenure of state power. How this award is made to a contender or to coalitions of contenders, and indeed whether it can in all circumstances be made and rendered effective at all, depends on the direct or representative features of the democracy in question, on the interrelation of the legislative and executive functions, and more generally on custom. These dependences are important and interesting, but not central to my argument, and I intend to leave them on one side. All democratic procedure obeys two basic rules: (a) that all those admitted to the making of the choice (all members of a given demos) have an equal voice, and (b) that the majority of voices prevails over the minority. Defined in this way, members of the central committee of the ruling party in most socialist states constitute a demos deciding matters reserved for it in conformity with democratic procedure, each member’s vote weighing as much as every other’s. This does not prevent inner-party democracy from being, effectively, the rule of the general secretary, or of the two or three kingsmakers in the general secretariat and the political bureau, or of two clans or two patron-and-client groups allied against the rest, or any other combination political science and gossip can think of. More extensive forms of democracy can include in the demos all party members, or all heads of households, all adult citizens and so on, the acid test of democracy being not who is in and who is not, but that all who are in are equally so.

This can have paradoxical consequences. It makes multiple, “weighted” voting undemocratic while letting pass Athenian democracy, or that of the typical Renaissance city-state where all adult male citizens had the vote but up to nine-tenths of the residents were non-citizens. It virtually guarantees the bypassing, underhand “fixing” or overt breach of democratic rules by calling for the same weight to be given to the voice of Cosimo de’ Medici as to that of any other Florentine citizen of the “little people,” the same importance to the general secretary as to any cock-on-the-dungheap oblast chief. These reflections are not to be read as a complaint that democracy is not democratic enough (and ought somehow to be made more so), but as a reminder that a rule flying in the face of the facts of life is liable to get bent and to produce perverse and phoney results (though this is not sufficient reason for discarding it). Perhaps there is no conceivable rule which does not violate some important fact of life to some extent. But a rule which seeks to make anyone’s vote on any matter equal to anybody else’s is a prima facie provocation of reality in complex, differentiated communities, let alone entire societies.[5]

The other basic rule of democratic procedure, i.e. majority rule within a given demos, also has more and less extensive applications. The most extensive is widely considered to be the most democratic. Applied this way, majority rule means that the barest plurality, and in two-way Yes/No splits the barest majority, gets its way on any issue. Constitutional restrictions upon majority rule, notably the exemption of certain issues from the scope of choice, the barring of certain decisions and the subjection of others to qualified instead of simple majority rule, violate the sovereignty of the people and have clearly to be judged undemocratic unless one were to hold that the state, being incompletely controlled by the people, ought to have its sovereignty restricted precisely in order to enable democratic rules (or what is left of them after constitutional restrictions) to operate without fear.

I shall have occasion briefly to come back to the fascinating problem of constitutions in chapter 4 (pp.
206-14). In the meantime, suffice it to note that the logical limiting case of majority rule is where 50 per cent of a demos can impose their will on the other 50 per cent on any matter, it being a toss-up which 50 per cent does the imposing. (This is equivalent to Professor Baumol's suggested most-democratic criterion of maximizing the blocking minority.)[6]

“By far the most important effect of the secret ballot, however, is in reducing or removing altogether the risks the voter runs by voting against the eventual winner who gains power and is enabled to punish him for it.”

Though it is not one of its essential rules, democracy is for sound practical reasons also identified in the public mind with the secret ballot. Admittedly, some democratic modes of operation like coalition-forming and log-rolling are hampered by secrecy. Trades of the “I vote with you today if you will vote with me tomorrow” kind run up against a problem of enforcing performance if the vote is secret. The same non-enforceability would frustrate the purpose of the direct buying of votes if the sellers sold in bad faith and did not vote as they had agreed to. By far the most important effect of the secret ballot, however, is in reducing or removing altogether the risks the voter runs by voting against the eventual winner who gains power and is enabled to punish him for it.[7]

Where does this leave democracy seen as the result of collective decisions rather than as a particular way of reaching them? There is no “rather than,” no meaningful distinction if we simply agree to call democracy the state of affairs, whatever it turns out to be, that results from the democratic procedure (along the lines of regarding as justice whatever results from a just procedure). But the democratic rules are not such that, provided only they are applied, reasonable men would be bound to agree that what they produce is democracy. Many reasonable men, in fact, consider the German Nazi electoral victory of 1933 as anti-democratic, although it resulted from reasonable observance of the democratic procedure.

Whether it is a democratic result for the majority to invest with power a totalitarian state whose avowed intention is to suppress competition for power, hence voiding majority rule, voting and all other democratic ingredients, is a question which has no very obvious answer. Like the right of the free man to sell himself into slavery, the majority’s democratic choice to abolish democracy should be judged in its causal context, in terms of the feasible alternatives and the motives of the choice rather than just in terms of its anti-democratic consequences, grave as the latter may be. Whichever way the judgement may fall, even if in the end it were to find it democratic to choose totalitarianism, it is clear that its dependence on a factual context precludes the “democratic because democratically arrived at” type of simple identification-by-origin.

If a state of affairs resulting from the application of recognized democratic rules is not necessarily democracy, what is? One answer, implicit in much of twentieth-century political discourse, is that “democratic” is simply a term of approbation without any very hard specific content. Democracy becomes the good life. If there can be two views about what constitutes the good life, there can be two views, too, about what is democratic. Only in a culturally very homogeneous society is it possible for the state and its rivals for power to share the same conception of democracy. If a contender for power believes that his gaining power is conducive to the good life, he will tend to regard political arrangements which favour his accession as democratic, and those which hinder him or favour the incumbent as anti-democratic. The converse holds for the tenant of state power.

Failure to understand this leads people to brand as cynical any resort to a practice that is condemned as anti-democratic when employed by a rival. A nearly perfect instance of this is the tight state control and ideological Gleichschaltung of French radio and television since 1958 or so, indignantly attacked by the left before 1981 and by the right since. There is no reason to suppose that either is being cynical in regarding control by the other as anti-democratic, since control by oneself is for the better and control by the others is for the worse, and there is nothing insincere in arguing from this basis.

“It follows also from the conception of democracy as the good life, the desired
state of affairs, that it may be necessary and justified to violate democratic rules in the interest of the democratic result...
The loser often considers that the result was rendered undemocratic by some undue, inequitable, unfair factor, e.g. the hostility of the mass media, the mendacity of the winner, the lavishness of his finances, etc. The sum of such complaints amounts to a demand for amending and supplementing the democratic rules ... till finally they yield the right result, which is the sole test that they have become sufficiently democratic.”

It follows also from the conception of democracy as the good life, the desired state of affairs, that it may be necessary and justified to violate democratic rules in the interest of the democratic result. Only Marxist-Leninists go all the way in following this logical implication. Once in power, distrustful of the shortsightedness and false consciousness of the voter, they prefer to make sure in advance that elections will have a really democratic outcome. However, in non-socialist countries where the means of making sure are not in hand or are not employed, and elections take place more or less according to the classical democratic rules, the loser often considers that the result was rendered undemocratic by some undue, inequitable, unfair factor, e.g. the hostility of the mass media, the mendacity of the winner, the lavishness of his finances, etc. The sum of such complaints amounts to a demand for amending and supplementing the democratic rules (e.g. by controlling the mass media, equalizing campaign finances, forbidding lies) till finally they yield the right result, which is the sole test that they have become sufficiently democratic.

Neither as a particular procedure, nor as the political good life—the arrangement we approve—is democracy sufficiently defined. If we would narrow down a little the use of the term, this is not because we grudge the equal rights of Outer Mongolia, Ghana, the USA, Honduras, the Central African Republic and Czechoslovakia to call themselves democracies. It is rather because the attempt at formulating a tighter conception should illuminate some interesting relationships between democratic values, the state that produces them and the liberal ideology. These three elements could, for instance, be loosely linked thus: democracy is a political arrangement under which the state produces democratic values, and the liberal ideology equates this process with the attainment of ultimate, universal ends.

As defined above, democratic values are produced by the state as a result of interpersonal calculus; for instance, it will democratize the franchise or the distribution of property, if and to the extent that it expects to reap a net gain of support from such a move. But it would have engaged in the same policies if, instead of rational self-interest, it had been motivated by a liking for equality. Empirically, then, there is no test for telling apart the enlightened absolutism of the Emperor Joseph II and of Charles III of Spain from the populism of Juan Perón or of Clement Attlee; they were all, on the face of it, producing democratic values. We have good reasons for thinking, though, that the former two, relying for their power hardly at all on popular support, did not have to do what they did, and chose it out of a liking, a political conviction. Causality, then, runs from the monarch’s preferences to the political arrangement and its democratic features. On the other hand, we might strongly presume that whether or not a Perón or an Attlee had egalitarian convictions and a desire to raise the working man (and they both had both), the exigencies of consent for their accession to and tenure of power would have obliged them anyway to pursue the sort of policies they did. If so, we would suppose causality to be running round a circuit composed of the state’s liking for power, its need for consent, the rational self-interest of its subjects, satisfaction for the gainers at the expense of the losers, and the justification of this process in terms of uncontested, final values by the liberal ideology—the whole interdependent set of factors taking the form of a political arrangement with democratic features.

The two types of causation, one operating in enlightened absolutism and the other in democracy, can be told apart in an a priori sense by having either
one, as it were, act in a “society of equals,” where all subjects (except, where applicable, the praetorian guard) are equal at least in such respects as political influence, talent and money. The enlightened absolute monarch, liking equality, and seeing his subjects equal, would be broadly content with political arrangements as they are. The democratic state, however, would be competing with rivals for popular consent. A rival could attempt to divide society into a majority and a minority by finding some dimension like creed, colour, occupation or whatever, with respect to which they were unequal; he could then bid for the support of the majority by offering to sacrifice to them some interest of the minority, e.g. its money. Since everybody has equal political influence (one-man-one-vote, simple majority rule), if everybody followed his self-interest, the democratic incumbent would lose power to a democratic rival unless he, too, proposed inequalitarian policies and offered to transfer, for instance, more of the minority’s money to the majority.[8] (The equilibrium conditions of this competitive bidding are sketched in chapter 4, pp. 219-25.) In a society of equals, then, democracy would act in the opposite sense to the levelling we associate with it; using some convenient criterion for separating some subjects from others, it would have to carve out a majority and sacrifice the minority to it, the end-effect being some new inequality. This inequality would then function as a democratic value approved by the majority. If democracy ever created a “society of equals,” it is possibly along such lines that it might then develop further, calling for an ideological adjustment which does not look unduly difficult.

In the last such historical adjustment, which began roughly when the present century did, and which replaced government as night-watchman by government as social engineer, the ideology of the advancing state has changed in almost everything but the name. Owing to the breathtaking transformation which the meaning of “liberal” has undergone in the last three generations, the original sense of the word is irretrievably lost.”

Hoping that this might help thin out some of the prevailing semantic fog, I will employ “liberal” as the modern shorthand symbol for political doctrines whose effect is to subordinate individual good to the common good (leaving no inviolable right) and to entrust its realization to the state ruling mainly by consent.[9] The common good consists for the most part of democratic values, which are whatever the exigencies of consent require. In addition, however, the common good also calls for the fulfillment of an evolving variety of further goals for which there is, at any given time, no majority support. Present-day examples of such goals include racial desegregation, abolition of the death penalty, banishment of nuclear energy, affirmative action, homosexual emancipation, aid to underdeveloped countries, etc. These goals are deemed progressive, i.e. expected to become democratic values in the future.[10] Liberal doctrine holds that civil society is capable of controlling the state and that the latter is therefore necessarily a benign institution, the observance of democratic procedure sufficing to confine it to the subordinate role of carrying out society’s mandate which, in turn, is some kind of sum of society’s preferences.

Given this nature of the state, there is a certain unease in liberal doctrine about freedom as immunity, a condition which can negate the priority of the common good. Where immunity is conspicuously a
privilege not shared by all, as it patently was in most of Western Europe up to at least the middle of the eighteenth century, liberalism opposes it. Its remedy is as a rule not to extend privilege as much as possible if that is not sufficient to create equality, but to abolish it as far as possible. Tawney, a most influential developer of the liberal ideology, waxes eloquent on this point:

[Freedom] is not only compatible with conditions in which all men are fellow-servants, but finds in such conditions its most perfect expression.[11]

What it excludes is a society where only some are servants while others are masters.[12]

Like property with which in the past it has been closely connected, liberty becomes in such circumstances the privilege of a class, not the possession of a nation.[13]

That freedom is most perfect when all are servants (more perfect even than if all were masters) reflects the presumption in favour of levelling down. It is not the condition of servitude which contradicts freedom, but the existence of masters. If there are no masters yet there are servants, they must be serving the state. When servitude is to the state, freedom is at its apogee; it is better that none should have property than that only some should have it. Equality and freedom are, albeit a shade obscurely, synonymous. We could hardly have come farther from the idea of the two being competing ends.

Even if it were not yet one more dimension of people’s existence, like money or luck or breeding, in which equality can be violated, freedom as immunity would still have to be opposed by the liberal. Even when we all have it, the immunity of some curtails the state’s ability to help others and consequently its production of democratic values; even equal freedom-as-immunity is inimical to the common good.[14]

These criteria must primarily govern the scope and manner of state interference with private contracts in general. For instance, a “prices and incomes policy” is good, and ought to be adopted regardless of the violation of private agreements it entails, if it helps against inflation without impairing allocative efficiency. If it does impair it, it ought still to be adopted, in conjunction with a supplementary measure to rectify the impairment. Liberal thought is rarely at a loss for additional measures to complete the first one, nor for policies to take care of any unintended effects the latter may produce, and so on in an apparently infinite regress, in hopeful pursuit of the original aim. (Arguably, a measure taken today is the nth echo of some earlier measure in that the need for it, in that particular shape and form, could not have arisen without the preceding measure(s); and as the echo shows no signs of dying down, n has a fair chance of growing into a very large number.) The fact that a measure brings a cascade of consequential measures in its train is a challenge to imaginative government, not an argument against it. The fact that imaginative government needs to override property rights and the freedom of contract is neither an argument against it nor for it, any more than the breaking of eggs is an argument for or against the omelette.

“This is strikingly manifest in the way liberal thought looks upon property.

Private property, capital as the source of countervailing power, reinforcing the structure of civil society versus the state, used to be considered valuable both to those who owned some and to those who did not. Liberal thought no longer recognizes such value. It considers that democratic procedure is the source of unlimited sovereignty. It can rightfully modify or override title to property.”

continuous review in pursuit of such aspects of the common good as democratic values or efficiency.
This exploration of some sensitive tenets of liberal doctrine may invite a parallel analysis of socialism. The reader, who incidentally would have no difficulty in doing this for himself, is likely to note a few vital points of incompatibility between the two, despite the large extent of surface resemblance which has long nourished the facile and ambiguous thesis of the “convergence of the two world systems.” The crucial incompatibility, in my view, lies in their treatment of power and hence of property. The liberal is relatively relaxed about power. He trusts the majority to direct the state in society’s best interest, which is tantamount to trusting it to award social power more often than not to him, to his friends, to the party of liberal inspiration. Consequently, while he may interfere with private property for a number of reasons, he will not do so out of a perceived need to weaken civil society’s ability to take state power away from an incumbent.

For the socialist, however, power is a cause for deep anxiety. He sees majority rule as a licence for the rule of false consciousness, involving an unacceptable risk of relapse into reaction, due to the defeat of progressive forces by the ballots of a mindless electorate. He must have public ownership of the commanding heights of the economy (and as much as possible of the slopes and the plains, too) for public ownership (both in itself and as the corollary of no significant private ownership) is the best guarantee of the security of tenure of power. Private ownership loosens the state’s control over the livelihood both of the capitalist and of the worker (in the widest sense) whom he may choose to employ. It is thus an enabling cause of opposition by both. The socialist state, less trusting than the liberally inspired one and more knowledgeable about power, thus feels a far more vital concern about property, even though its view about the relative efficacies of planning, the price mechanism, allocation or incentives may be no different from that of most non-socialist states.

The surface compatibility of liberal and socialist doctrines, however, is such that discourse in terms of one can inadvertently get caught up in the strands of the other. The ensuing cross-breeding of ideas can produce startling progeny. One area where ideological miscegenation is apt to happen is the concept of liberty, its refractoriness to definition and its nature as an ultimate, self-evident good. Not for nothing does Acton warn us to be wary: “But what do people mean who proclaim that liberty is the palm, and the prize, and the crown, seeing that it is an idea of which there are two hundred definitions, and that this wealth of interpretation has caused more bloodshed than anything, except theology?”[15] Any political doctrine must, in order to look complete, incorporate liberty among its ultimate ends in some fashion. The rules of ordinary speech guarantee that it is a solid value: it sounds as absurd to say “I dislike liberty, I want to be unfree” as to assert that good is bad.[16] Moreover, one is safe to feel dispensed of any obligation to derive the goodness of liberty from some other value, to which liberty may lead as a means leads to an end, and which may turn out to be contestable. Happiness (freely translated as “utility”) and justice are on the same footing. It is impossible to say “I am against justice,” “there is a lot to be said for unfairness” and “utility is useless.” Such ultimate, uncontested ends can be made to play a particular role in validating other ends that an ideology seeks to promote.

Equality is the prime practical example. The problem of inserting it in the value system is that it is not self-evidently good. The statement “there is a good deal to be said for inequality” may provoke vigorous disagreement; it may require backup argument; it is in any case not nonsensical. Ordinary speech tells us that it is possible to contest the value of equality. If we could see that it is derived, by a chain of propositions we accept, from the value of another end which we do not contest, we would not contest equality either. Utility and justice have alternatively been employed in elaborate attempts to establish equality as an uncontested end in this way. The next three sections of this chapter are intended to show that these attempts, like the squaring of the circle, are futile; equality can be made into a valuable end if we explicitly agree to put value on it, but it is not valuable by virtue of our liking for something else.

I know of no systematic argument trying to derive the goodness of equality from our liking for liberty in the way attempts have been made to derive it from utility or justice, perhaps because the very idea of liberty lends itself poorly to rigorous argument. On the other hand, it positively invites the muddling up of pieces from incompatible ideologies, whose result is some strange proposition like “freedom is equal servitude” or “freedom is enough food.” Such conceptual miscegenation, by coupling equality to freedom, gives it a piggyback ride. Carried on the back...
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This is the drift of thinking of liberty (as Dewey would have us do) as “the power to do”: as material sufficiency, food, money; as an empty box unless filled with “economic democracy”; as some fundamental condition not to be confused with the “bourgeois” or “classical” liberties of speech, assembly and election, all of which are totally beside the point to the “really” (economically) unfree. (It is surely possible to interpret history as “proving” the contrary. Why else did the English Chartists agitate for electoral reform rather than higher wages? By the same token, one can plausibly present the formation of workers’ councils, the call for a multi-party system and free elections in Hungary in 1956, and of the wildfire spread of a nationwide autonomous trade union in Poland in 1980, as demands for bourgeois freedoms by the “economically” unfree. It is “free” but not “really” free choice. Note also that it is the minority who do this to the majority, which makes their conduct somehow even more reprehensible than if it were the other way round. Our democratically conditioned consciences have thus one more reason to approve the “planned economic intervention of the state,” though it is a little bewildering that in defence of the Open Society, we are proffered the Gosplan.

Poetic licence or not, the multiple confusion which finally gives us the Gosplan as a condition of freedom, needs sorting out. First, Popper asserts that there is an analogy between the strong bully enslaving the weaker man by the threat of force, and the rich exploiting the economic weakness of the poor.[18] But there is no such analogy. There is a plain distinction between taking away a man’s freedom (by threatening to beat him up) and not sharing our “freedom” (= food) with a man who lacks it in the first place.

Second, there is confusion between the availability of choice (between servitude and starving) which is a matter of liberty,[19] and the equity, fairness, justice of a situation where some people have a lot of food and others none, which is a matter of equality. Third, confusion is spread by leaving unstated a number of assumptions which are needed to stop this situation from ending up as a normal neo-classical labour market equilibrium, where those owning a lot of food compete to hire those who own none and who compete to get hired, until hirers and hired are all earning their respective marginal (value) products.
“The democratic state is unable to content itself with providing benefits to its subjects that may make some better off and none worse off. In democracy, tenure of state power requires consent, revocably awarded to one of several competitors by an agreed procedure. Competition involves offers of alternative policies, each of which promises to make designated people in society better off. These policies can be produced only at the cost of making other people worse off.”

The assumptions under which the outcome is starving or servitude are quite strong ones, though they may have some realism in particular kinds of societies. In such societies, the minority’s offer of food in exchange for the majority’s servitude is at least “Pareto-superior” to letting them starve while redistribution through “planned intervention of the state” would have generally unpredictable results, one likely possibility being that much of the food goes bad in government warehouses.

Finally, although freedom is not food, and liberty is not equality, equality may yet help justice, or be otherwise desirable, but this does not go without saying. Before anyone can state that the coexistence of a minority with a surplus of food and of a starving majority ought to be redressed, he has to show, either that greater equality in this respect would contribute to other ends in such a way that self-interest will make rational people opt for the equality in question, or that people’s sense of justice, symmetry, order or reason demands it to the exclusion of contrary considerations. The endeavour to show this constitutes much of the ideological Begleitmusik of the development of the modern state.

“The dominant ideology, liberalism, coincides with the interest of the democratic state and predisposes people under its influence to like democratic values. It calls upon the state to do for ethical reasons what it would have to do anyway to maintain its tenure. It tells people that the policy agreed to by the majority contributes to ultimate ends they all share. It also promotes additional policies, showing that they are conducive to the same ends and recommending that people opt for them when they are offered. In doing so, it both promotes and responds to the growth of the state.”

To sum up and to restate some of the preceding argument: The democratic state is unable to content itself with providing benefits to its subjects that may make some better off and none worse off. In democracy, tenure of state power requires consent, revocably awarded to one of several competitors by an agreed procedure. Competition involves offers of alternative policies, each of which promises to make designated people in society better off. These policies can be produced only at the cost of making other people worse off. In an unequal society, they tend to be egalitarian (and in a society of equals they should tend to be inequalitarian), to attract a majority. The majority’s “preference” for one of the policies on offer “reveals” that its proximate effects represent the greatest accrual of democratic values. People may opt for it whether or not their interests are served thereby. The dominant ideology, liberalism, coincides with the interest of the democratic state and predisposes people under its influence to like democratic values. It calls upon the state to do for ethical reasons what it would have to do anyway to maintain its tenure. It tells people
that the policy agreed to by the majority contributes to ultimate ends they all share. It also promotes additional policies, showing that they are conducive to the same ends and recommending that people opt for them when they are offered. In doing so, it both promotes and responds to the growth of the state.

Notes

[1.] I am alluding to S. M. Lipset’s frequently quoted cri de coeur (Political Man, 1960, p. 403), that democracy is not a means to the good life, it is the good life.

[2.] Notably by the state drafting potential muggers into the army and leading them to pillage rich foreign towns in the manner of Bonaparte in 1796. The conflict arises later, in the follow-up: Bonaparte soon came to require, as he put it, “an annual revenue of 100,000 men” (“une rente de 100,000 hommes”).

[3.] Cooperative solutions are best understood as outcomes of positive-sum games with no losers. A game, however, may have losers as well as gainers and yet be considered to have a positive sum. In helping some by harming others, the state is supposed to be producing a positive, zero or negative sum. Such suppositions in strict logic imply that utilities are interpersonally comparable.

It may be said, for instance, that robbing Peter to pay Paul is a positive-sum game. If we say this, we affirm that the marginal utility of money to Paul is higher. Instead of saying this, it is perhaps less exacting to assert that it was only just or fair to favour Paul; that he deserved it more; or that he was poorer. The last argument may be an appeal either to justice or to utility, and thus has, like fudge, the strength of shapelessness.

[4.] Is the liberal intellectual better off in the state of nature, or under state capitalism? If he just cannot tell, and if he is the sort who must nudge society, which way should he nudge it?

[5.] A simple, undifferentiated community in this context means not only that all its members are equal (before God, before the law, in talents, influence, wealth or other important dimensions in which equality is customarily measured), but that they are all about equally concerned by any of the issues which come up to be democratically decided on behalf of the community. A community of equals in the customary loose sense may have members of different occupations, sex and age groups. They will not be equally concerned by issues which impact occupations or sex or age groups differentially; most issues do.

[6.] It is an interesting fact that German and French company law make important provision for “blocking minorities” (Sperrminorität, minorité de blocage), while British company law and American corporation law do not.

[7.] Cf. Thomas C. Schelling, The Strategy of Conflict, 2nd edn, 1980, p. 19. For Schelling, the secret ballot protects the voter. This is undoubtedly true. However, it is also true that it transforms him into a bad risk. Corrupting, bribing him becomes a sheer gamble.

[8.] Majority rule, with votes cast entirely according to interest, would inevitably produce some redistribution, hence some inequality in a society of equals. In a society of unequals, there would likewise always be a majority for redistribution. As Sen has remarked, a majority could be organized for redistribution even at the expense of the poor. “Pick the worst off person and take away half his share, throw away half of that, and then divide the remainder among the rest. We have just made a majority improvement.” (Amartya Sen, Choice, Welfare and Measurement, 1982, p. 163.) Competition, however, ensures that the majority has more attractive, richer redistributive alternatives to vote for, i.e. that redistribution will not normally be at the expense of the poor. Given the choice, egalitarian redistribution would be preferred to the inegalitarian, because the potential pay-off is always greater in rich-to-poor than in poor-to-rich redistribution.

[9.] Wiser heads would perhaps judge me foolhardy for advancing a definition of liberalism, considering that “it is an intellectual compromise so extensive that it includes most of the guiding beliefs of modern Western opinion.” (Kenneth R. Minogue, The Liberal Mind, 1963, p. viii, my italics.)

[10.] Liberals do not espouse these goals today because they expect the majority of people to espouse them tomorrow. Rather they expect the majority to do so because these goals are valuable. Either reason would be sufficient for boarding the bandwagon before it started rolling. The second reason, however, tells liberals that the bandwagon is morally worthy of being boarded.


[14.] In his classic *Origins of Totalitarian Democracy* (1960), J. L. Talmon, having postulated that there is now a liberal and a totalitarian democracy but that at one time these two were one, is at a loss to locate the schism. He looks for it mainly in and around the French Revolution without claiming that he has found it. Perhaps it is impossible to find the schism; perhaps there never was one.

Tamon seems implicitly to lean to this view in characterizing democracy as a fundamentally unstable political creed, a potential monster which must be firmly embedded in capitalism to be safe. He does not address the question of how this can be accomplished. As the reader who got this far will have gathered, it is part of my thesis that no such thing is possible. Democracy does not lend itself to be “embedded in capitalism.” It tends to devour it.


[16.] There must be an “out” for the man who likes it in boot camp; some prisoners, too, like the relief from responsibility and are said to prefer inside to out. To accommodate this, we can always have recourse to the dialectic understanding of freedom. The man under military discipline attains real freedom. Civil society governed by the state is a prerequisite of genuine freedom as opposed to the virtual freedom offered by the state of nature. Many people actually do use such arguments.


[18.] Ibid., p. 124.

Further Information

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Further Reading

Other works by Anthony de Jasay (1925-) <oll.libertyfund.org/people/218>.

Subject Area: Economics <oll.libertyfund.org/groups/42>.
PART II: THE BASIC PRINCIPLES
Hugo Grotius “The Preliminary Discourse Concerning the Certainty of Right” (1625)

<oll.libertyfund.org/titles/2571>

“Right, properly so called, to which belongs the Abstaining from that which is another’s, and the Restitution of what we have of another’s, or of the Profit we have made by it.”

Hugo Grotius (1583-1645)
Hugo Grotius (1583-1645) was a Dutch scholar and jurist whose legal masterpiece, *De Jure Belli ac Pacis* (The Rights of War and Peace) (1625), contributed significantly to the formation of international law as a distinct discipline. In addition to that work, Grotius wrote a number of literary pieces of lasting merit, including *Sacra* (a collection of Latin poems) and the drama *Christus Patiens*. Like Erasmus, Grotius sought to end the religious schism and urged the papacy to reconcile with the Protestant faiths.

Grotius wrote *The Rights of War and Peace* while he was serving life imprisonment in Loevestein castle for his role in the ecclesiastical politics of the Netherlands. His wife assisted him in making a daring escape and he went to Paris where the book was eventually published in 1625. Since the Thirty Years War (1618-48) was underway it is not surprising that Grotius sought to codify and rationalize the laws of war and peace in the hope that he could mitigate some of the worst atrocities which were committed by both sides in the war. It is in Book III of his work that he attempts to establish what can and cannot be done by belligerents in wartime, thus laying the foundation for our modern understanding of “the laws of war.”

Introducing the book is a short “Prolegomena” Introductory Essay] in which Grotius states his own views about natural rights and natural laws and the current state of the literature on the topic. This excerpt comes from the first part of the “Prolegomena.” He believed that human beings were by nature sociable creatures and that the purpose of natural rights, especially the right of property, was to enable them to live together in peace and prosperity. Humans could use their “light of human understanding” to come to the realisation that their own and society’s existence depended upon the recognition of certain natural rights. As he put it: “This Sociability ... is the Fountain of Right ... to which belongs the Abstaining from that which is another’s, and the Restitution of what we have of another’s, or of the Profit we have made by it.”

“For Man is indeed an Animal, but one of a very high Order, and that excells all the other Species of Animals much more than they differ from one another; as the many Actions proper only to Mankind sufficiently demonstrate. Now amongst the Things peculiar to Man, is his Desire of Society, that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding...

This Sociability, which we have now described in general, or this Care of maintaining Society in a Manner conformable to the Light of human Understanding, is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another’s, and the Restitution of what we have of another’s, or of the Profit we have made by it.”
The Preliminary Discourse Concerning the Certainty of Right (1625)

I. The Civil Law, whether that of the Romans, or of any other People, many have undertaken, either to explain by Commentaries, or to draw up into short Abridgments: But that Law, which is common to many Nations or Rulers of Nations, whether derived from Nature, or instituted by Divine Commands, or introduced by Custom and tacit Consent, few have touched upon, and none hitherto treated of universally and methodically; tho’ it is the Interest of Mankind that it should be done.

II. Cicero rightly commended the Excellence of this Science, in the Business of Alliances, Treaties, Conventions between States, Princes, and foreign Nations, and in short, in all Affairs that regard the Rights of War and Peace. And Euripides prefers this Science before the Knowledge of all other Things, whether Divine or Human, when he makes Helen say thus to Theonoe:

"Twould be a base Reproach To you, who know th’ Affairs present and future Of Men and Gods, not to know what Justice is.

III. And indeed this Work is the more necessary, since we find some, both in this and in former Ages, so far despising this Sort of Right, as if it were nothing but an empty Name. The Saying of Euphemus in Thucydides is almost in every one’s Mouth, To a King or Sovereign City, <xiv> nothing is unjust that is profitable. Not unlike to which is this, That amongst the Great the stronger is the juster Side; and, That no State can be governed without Injustice. Besides, the Disputes that happen between Nations or Princes, are commonly decided at the Point of the Sword. Now, it is not only the Opinion of the Vulgar, that War is a Stranger to all Justice, but many Sayings uttered by Men of Wisdom and Learning, give Strength to such an Opinion. And indeed, nothing is more frequent than the mentioning of Right and Arms, as opposite to one another. Thus Ennius,

They have recourse to Force of Arms, not Law.

And Horace thus describes the Fierceness of Achilles:
Laws as not made for him he proudly scorns,
And every Thing demands by Force of Arms. Another Latin Poet introduces another Conqueror, who entering upon War, speaks in this Manner,
Now, Peace and Law, I bid you both farewell.

Antigonus, though old, laughed at the Man, who presented him with a Treatise concerning Justice, at the very Time he was besieging his Enemies Cities. And Marius said he could not hear the Voice of the Laws for the clashing of Arms. Even the modest bashful Pompey could have the Face to say, Can I think of Laws, who am in Arms?

"this Work is the more necessary, since we find some, both in this and in former Ages, so far despising this Sort of Right, as if it were nothing but an empty Name."

IV. Among Christian Writers we find many Sayings of the same kind; let that of Tertullian suffice for all; Fraud, Cruelty, Injustice, are the proper Business of War. Now they that are of this Opinion, will undoubtedly object against me that of the Comedian,

You that attempt to fix by certain Rules Things so uncertain, may with like Success Strive to run mad, and yet preserve your Reason.

V. But since it would be a vain Undertaking to treat of Right, if there is really no such thing; it will be necessary, in order to shew the Usefulness of our Work, and to establish it on solid Foundations, to confute here in a few Words so dangerous an Error. And that we may not engage with a Multitude at once, let us assign the man Advocate. And who more proper for this Purpose than Carneades, who arrived to such a Degree of Perfection, (the utmost his Sect aimed at,) that he could argue for or against Truth, with the same Force of Eloquence? This Man having undertaken to dispute against Justice, that kind of it, especially, which is the

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13 This is the first part of “The Preliminary Discourse” in Hugo Grotius, The Rights of War and Peace, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 1. The Preliminary Discourse Concerning the Certainty of Right in general; and the Design of this Work in particular. <http://oll.libertyfund.org/titles/1425/138591>. The very lengthy footnotes and distracting marginalia have been removed for this version of the essay. Original page numbers are shown as <xvi>.
Subject of this Treatise, found no Argument stronger than this. Laws (says he) were instituted by Men <xv> for the sake of Interest; and hence it is that they are different, not only in different Countries, according to the Diversity of their Manners, but often in the same Country, according to the Times. As to that which is called Natural Right, it is a mere Chimera. Nature prompts all Men, and in general all Animals, to seek their own particular Advantage. So that either there is no Justice at all, or if there is any, it is extreme Folly, because it engages us to procure the Good of others, to our own Prejudice.

“For Man is indeed an Animal, but one of a very high Order, and that excels all the other Species of Animals much more than they differ from one another; as the many Actions proper only to Mankind sufficiently demonstrate. Now amongst the Things peculiar to Man, is his Desire of Society, that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding”

VI. But what is here said by the Philosopher, and by the Poet after him,

By naked Nature ne’er was understood
What’s just and Right. [Creech,]

must by no Means be admitted. For Man is indeed an Animal, but one of a very high Order, and that excels all the other Species of Animals much more than they differ from one another; as the many Actions proper only to Mankind sufficiently demonstrate. Now amongst the Things peculiar to Man, is his Desire of Society, that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding; which Disposition the Stoicks termed Ὀικείωσιν. Therefore the <xvi> Saying, that every Creature is led by Nature to seek its own private Advantage, expressed thus universally, must not be granted.

VII. For even of the other Animals there are some that forget a little the Care of their own Interest, in Favour either of their young ones, or those of their own Kind. Which, in my Opinion, proceeds from some extrinsick intelligent Principle, because they do not shew the same Dispositions in other Matters, that are not more difficult than these. The same may be said of Infants, in whom is to be seen a Propensity to do Good to others, before they are capable of Instruction, as Plutarch well observes; and Compassion likewise discovers itself upon every Occasion in that tender Age. But it must be owned that a Man grown up, being capable of acting <xvii> in the same Manner with respect to Things that are alike, has, besides an exquisite Desire of Society, for the Satisfaction of which he alone of all Animals has received from Nature a peculiar Instrument, viz. the Use of Speech; I say, that he has, besides that, a Faculty of knowing and acting, according to some general Principles; so that what relates to this Faculty is not common to all Animals, but properly and peculiarly agrees to Mankind.

“[Man] has, besides an exquisite Desire of Society, for the Satisfaction of which he alone of all Animals has received from Nature a peculiar Instrument, viz. the Use of Speech; I say, that he has, besides that, a Faculty of knowing and acting, according to some general Principles; so that what relates to this Faculty is not common to all Animals, but properly and peculiarly agrees to Mankind.”

VIII. This Sociability, which we have now described in general, or this Care of maintaining Society in a Manner conformable to the Light of human Understanding, is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another’s, and <xviii> the Restitution of what we have of another’s, or of the Profit we have made by
it, the Obligation of fulfilling Promises, the Reparation of a Damage done through our own Default, and the Merit of Punishment among Men.

“This Sociability, which we have now described in general, or this Care of maintaining Society in a Manner conformable to the Light of human Understanding, is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another’s, and the Restitution of what we have of another’s, or of the Profit we have made by it.”

IX. From this Signification of Right arose another of larger Extent. For by reason that Man above all other Creatures is endued not only with this Social Faculty of which we have spoken, but likewise with Judgment to discern Things pleasant or hurtful, and those not only present but future, and such as may prove to be so in their Consequences; it must therefore be agreeable to human Nature, that according to the Measure of our Understanding we should in these Things follow the Dictates of a right and sound Judgment, and not be corrupted either by Fear, or the Allurements of present Pleasure, nor be carried away violently by blind Passion. And whatsoever is contrary to such a Judgment is likewise understood to be contrary to Natural Right, that is, the Laws of our Nature.

X. And to this belongs a prudent Management in the gratuitous Distribution of Things that properly belong to each particular Person or Society, so as to prefer sometimes one of greater before one of less Merit, a Relation before a Stranger, a poor Man before one that is rich, and that according as each Man’s Actions, and the Nature of the Thing require; which many both of the Ancients and Moderns take to be a part of Right properly and strictly so called; when notwithstanding that Right, properly speaking, has a quite different Nature, since it consists in leaving others in quiet Possession of what is already their own, or in doing for them what in Strictness they may demand. <xix>

“Right properly and strictly so called ... has a quite different Nature, since it consists in leaving others in quiet Possession of what is already their own”

XI. And indeed, all we have now said would take place, though we should even grant, what without the greatest Wickedness cannot be granted, that there is no God, or that he takes no Care of human Affairs. The contrary of which appearing to us, partly from Reason, partly from a perpetual Tradition, which many Arguments and Miracles, attested by all Ages, fully confirm; it hence follows, that God, as being our Creator, and to whom we owe our Being, and all that we have, ought to be obeyed by us in all Things without Exception, especially since he has so many Ways shewn his infinite Goodness and Almighty Power; whence we have Room to conclude that he is able to bestow, upon those that obey him, the greatest Rewards, and those eternal too, since he himself is eternal; and that he is willing so to do ought even to be believed, especially if he has in express Words promised it; as we Christians, convinced by undoubted Testimonies, believe he has.

XII. And this now is another Original of Right, besides that of Nature, being that which proceeds from the free Will of God, to which our Understanding infallibly assures us, we ought to be subject: And even the Law of Nature itself, whether it be that which consists in the Maintenance of Society, or that which in a looser Sense is so called, though it flows from the internal Principles of Man, may notwithstanding be justly ascribed to God, because it was his Pleasure that these Principles should be in us. And in this Sense Chrysippus and the Stoicks said, that the Original of Right is to be derived from no other than Jupiter himself; from which Word Jupiter it is probable the Latins gave it the Name Jus.

XIII. There is yet this farther Reason for ascribing it to God, that God by the Laws which he has given, has made these very Principles more clear and evident, even to those who are less capable of strict Reasoning, and has forbid us to give way to those impetuous
Passions, which, contrary to our own Interest, and that of others, divert us from following the Rules of Reason and Nature; for as they are exceeding unruly, it was necessary to keep a strict Hand over them, and to confine them within certain narrow Bounds.

XIV. Add to this, that sacred History, besides the Precepts it contains to this Purpose, affords no inconsiderable Motive to social Affection, since it teaches us that all Men are descended from the same first Parents. So that in this Respect also may be truly affirmed, what Florentinus said in another Sense, That Nature has made us all akin: Whence it follows, that it is a Crime for one Man to act to the Prejudice of another.

XV. Amongst Men, Parents are as so many Gods in regard to their Children: Therefore the latter owe them an Obedience, not indeed unlimited, but as extensive as that Relation requires, and as great as the Dependence of both upon a common Superior permits.

XVI. Again, since the fulfilling of Covenants belongs to the Law of Nature, (for it was necessary there should be some Means of obliging Men among themselves, and we cannot conceive any other more conformable to Nature) from this very Foundation Civil Laws were derived. For those who had incorporated themselves into any Society, or subjected themselves to any one Man, or Number of Men, had either expressly, or from the Nature of the Thing must be understood to have tacitly promised, that they would submit to whatever either the greater part of the Society, or those on whom the Sovereign Power had been conferred, had ordained.

XVII. Therefore the Saying, not of Carneades only, but of others,

*Interest, that Spring of Just and Right. (Greech.*) if we speak accurately, is not true; for the Mother of Natural Law is human Nature itself, which, though even the Necessity of our Circumstances should not require it, would of itself create in us a mutual Desire of Society: And the Mother of Civil Law is that very Obligation which arises from Consent, which deriving its Force from the Law of Nature, Nature may be called as it were, the Great Grandmother of this Law also.*

XVIII. But as the Laws of each State respect the Benefit of that State; so amongst all or most States there might be, and in Fact there are, some Laws agreed on by common Consent, which respect the Advantage not of one Body in particular, but of all in general. And this is what is called the Law of Nations, when used in Distinction to the Law of Nature. This Part of Law Carneades omitted, in the Division he made of all Law into Natural and Civil of each People or State; when notwithstanding, since he was to treat of the Law which is between Nations (for he added a Discourse concerning Wars and Things got by War) he ought by all means to have mentioned this Law.

XIX. But it is absurd in him to traduce Justice with the Name of Folly. For as, according to his own Confession, that Citizen is no Fool, who obeys the Law of his Country, though out of Reverence to that Law he must and ought to pass by some Things that might be advantageous to himself in particular: So neither is that People or Nation foolish, who for the Sake of their own particular Advantage, will not break in upon the Laws common to all Nations; for the same Reason...
holds good in both. For as he that violates the Laws of
his Country for the Sake of some present Advantage to
himself, thereby saps the Foundation of his own
perpetual Interest, and at the same Time that of his
Posterity: So that People which violate the Laws of
Nature and Nations, break down the Bulwarks of their
future Happiness and Tranquility. But besides, though
there were no Profit to be expected from the
Observation of Right, yet it would be a Point of
Wisdom, not of Folly, to obey the Impulse and
Direction of our own Nature.

XX. Therefore neither is this Saying universally
true,

'Twas Fear of Wrong that made us make our Laws.
[Greech.]

which one in Plato expresses thus, The Fear of
receiving Injury occasioned the Invention of Laws, and
it was Force that obliged Men to practice Justice. For
this Saying is applicable only to those Constitutions
and Laws which were made for the better Execution of
Justice: Thus many, finding themselves weak when
taken singly and apart, did, for fear of being oppressed
by those that were stronger, unite together to establish,
and with their joint Forces to defend Courts of
Judicature, to the End they might be an Overmatch for
those whom singly they were unable to deal with. And
now in this Sense only may be fitly taken what is said,
That Law is that which the stronger pleases to impose;
by which we are to understand, that Right has not its
Effect externally, unless it be supported by Force. Thus
Solon did great Things, as he himself boasted,

By linking Force in the same Yoke with Law.

XXI. Yet neither does Right lose all its Effect, by
being destitute of the Assistance of Force. For Justice
brings Peace to the Conscience; Injustice, Racks and
Torments, such as Plato describes in the Breasts of
Tyrants. Justice is approved of, Injustice condemned by
the Consent of all good Men. But that which is greatest
of all, to this God is an Enemy, to the other a Patron,
who does not so wholly reserve his Judgments for a
future Life, but that he often makes the Rigour of them
to be perceived in this, as Histories teach us by many
Examples. <xxii>

XXII. But whereas many that require Justice in
private Citizens, make no Account of it in a whole
Nation or its Ruler; the Cause of this Error is, first, that
they regard nothing in Right but the Profit arising from
the Practice of its Rules, a Thing which is visible with
Respect to Citizens, who, taken singly, are unable to
defend themselves. But great States, that seem to have
within themselves all things necessary for their Defence
and Wellbeing, do not seem to them to stand in need of
that Virtue which respects the Benefit of others, and
is called Justice.

“Thus many, finding themselves weak
when taken singly and apart, did, for fear
of being oppressed by those that were
stronger, unite together to establish, and
with their joint Forces to defend Courts
of Judicature, to the End they might be an
Overmatch for those whom singly they
were unable to deal with.”

XXIII. But, not to repeat what has been already
said, namely, that Right has not Interest merely for its
End; there is no State so strong or well provided, but
what may sometimes stand in need of Foreign
Assistance, either in the Business of Commerce, or to
repel the joint Forces of several Foreign Nations
Confederate against it. For which Reason we see
Alliances desired by the most powerful Nations and
Princes, the whole Force of which is destroyed by those
that confine Right within the Limits of each State. So
ture is it, that the Moment we recede from Right, we
can depend upon nothing.

XXIV. If there is no Community which can be
preserved without some Sort of Right, as Aristotle
proved by that remarkable Instance of Robbers,
certainly the Society of Mankind, or of several
Nations, cannot be without it; which was observed by
him who said, That a base Thing ought not to be done,
even for the Sake of one’s Country. Aristotle inveighs
severely <xxiii> against those, who, though they would
not have any to govern amongst themselves, but he that
has a Right to it, yet in regard to Foreigners are not
concerned whether their Actions be just or unjust.

XXV. A Spartan King having said, That is the most
happy Commonwealth, whose Bounds were
determined by Spear and Sword; the same Pompey,
whom we lately mentioned on the contrary Side,
correcting that Maxim said, That is happy indeed,
which has Justice for its Boundaries. For which he
might have used the Authority of another Spartan King, who preferred Justice before military Fortitude, for this Reason, that Fortitude ought to be regulated by some sort of Justice: And that if all Men were Just, they would have no Occasion for that Fortitude. The Stoicks defined Fortitude itself to be the Virtue that contends for Justice. Themistius, in his Oration to Valens, says very elegantly, that Kings, who conduct themselves by the Rules of Wisdom, take Care, not only of the Nation whose Government they are entrusted with, but of all Mankind; and are, as he expresses himself, not φιλομακέδονες Friends to the Macedonians only, or φιλορωμαίοι to the Romans, but φιλάνθρωποι to all Men without Exception. Nothing else made the Name of Minos odious to Posterity, but his confining Equity within the Limits of his own Empire.

“no War ought to be so much as undertaken but for the obtaining of Right; nor when undertaken, ought it to be carried on beyond the Bounds of Justice and Fidelity. ... to render Wars just, they are to be waged with no less Care and Integrity, than judicial Proceedings are usually carried on.”

XXVI. But so far must we be from admitting the Conceit of some, that the Obligation of all Right ceases in War; that on the contrary, no War ought to be so much as undertaken but for the obtaining of Right; nor when undertaken, ought it to be carried on beyond the Bounds of Justice and Fidelity. Demosthenes said well, that War is made against those who cannot be restrained in a judicial Way. For judicial Proceedings are of Force against those who are sensible of their Inability to oppose them; but against those who are or think themselves of equal Strength, Wars are undertaken; but yet certainly, to render Wars just, they are to be waged with no less Care and Integrity, than judicial Proceedings are usually carried on.

XXVII. Let it be granted then, that Laws must be silent in the midst of Arms, provided they are only those Laws that are Civil and Judicial, and proper for Times of Peace; but not perpetual Obligation, and are equally suited to all Times. For it was very well said of Dion Prusaenensis, That between Enemies, Written, that is, Civil Laws, are of no Force, but Unwritten are, that is, those which Nature dictates, or the Consent of Nations has instituted. This we are taught by that ancient Form of the Romans, These Things I think must be recovered by a pure and just War. The same ancient Romans, as Varro observed, were very slow and far from all Licentiousness in entering upon War, because they thought that no War but such as is lawful and accompanied with Moderation, ought to be carried on. It was the Saying of Camillus, That Wars ought to be managed with as much Justice as Valour: And of Scipio Africanus, That the Romans both begin and finish their Wars with Justice. An Author maintains, There are Laws of War, as there are of Peace. Another admires Fabricius for a very great Man, and remarkable for a Virtue which is extremely difficult, Innocence in War, and who believed that there are some Things, which it would be unlawful to practise even against an Enemy.

XXVIII. Of how great Force in Wars is the Consciousness of the Justice of the Cause, Historians everywhere shew, who often ascribe the Victory chiefly to this Reason. Hence the Proverbial Sayings, A Soldier’s Courage rises or falls according to the Merit of his Cause; seldom does he return safely, who took up Arms unjustly; Hope is the Companion of a good Cause; and others to the same Purpose. Nor ought any one to be moved at the prosperous Successes of unjust Attempts; for it is sufficient that the Equity of the Cause has of itself a certain, and that very great Force towards Action, though that Force, as it happens in all human Affairs, is often hindered of its Effect, by the Opposition of other Causes. The Opinion that a War is not rashly and unjustly begun, nor dishonourably carried on, is likewise very prevalent towards procuring Friendships; which Nations, as well as private Persons, stand in need of upon many Occasions. For no Man readily associates with those, who, he thinks, have Justice, Equity and Fidelity in Contempt.

XXIX. Now for my Part, being fully assured, by the Reasons I have already given, that there is some Right common to all Nations, which takes Place both in the Preparations and in the Course of War, I had many and weighty Reasons inducing me to write a Treatise upon it. I observed throughout the Christian World a Licentiousness in regard to War, which even barbarous
Nations ought to be ashamed of: a Running to Arms upon very frivolous or rather no Occasions; which being once taken up, there remained no longer any Reverence for Right, either Divine or Human, just as if from that Time Men were authorized and firmly resolved to commit all manner of Crimes without Restraint.

“I observed throughout the Christian World a Licentiousness in regard to War, which even barbarous Nations ought to be ashamed of: a Running to Arms upon very frivolous or rather no Occasions; which being once taken up, there remained no longer any Reverence for Right, either Divine or Human, just as if from that Time Men were authorized and firmly resolved to commit all manner of Crimes without Restraint.”

XXX. The Spectacle of which monstrous Barbarity worked many, and those in no wise bad Men, up into an Opinion, that a Christian, whose Duty consists principally in loving all Men without Exception, ought not at all to bear Arms; with whom seem to agree sometimes Johannes Ferus and our Countryman Erasmus, Men that were great Lovers of Peace both Ecclesiastical and Civil; but, I suppose, they had the same View, as those have who in order to make Things that are crooked straight, usually bend them as much the other Way. But this very Endeavour of inclining too much to the opposite Extreme, is so far from doing Good, that it often does Hurt, because Men readily discovering Things that are urged too far by them, are apt to slight their Authority in other Matters, which perhaps are more reasonable. A Cure therefore was to be applied to both these, as well to prevent believing that Nothing, as that all Things are lawful.

XXXI. At the same Time I was likewise willing to promote, by my private Studies, the Profession of Law, which I formerly practised in publick Employments with all possible Integrity; this being the only Thing that was left for me to do, being unworthily banished my Native Country, which I have honoured with so many of my Labours. Many have before this designed to reduce it into a System; but none has accomplished it; nor indeed can it be done, unless those things (which has not been yet sufficiently taken Care of,) that are established by the Will of Men, be duly distinguished from those which are founded on Nature. For the Laws of Nature being always the same, may be easily collected into an Art; but those which proceed from Human Institution being often changed, and different in different Places, are no more susceptible of a methodical System, than other Ideas of particular Things are.

“I was likewise willing to promote, by my private Studies, the Profession of Law, which I formerly practised in publick Employments with all possible Integrity; this being the only Thing that was left for me to do, being unworthily banished (by) my Native Country, which I have honoured with so many of my Labours.”

[Sections XXXII to LXII in which Grotius discusses the state of the literature on this topic and the sources he used to write it have been omitted for reasons of space.]
Further Information

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FURTHER READING

Other works by Hugo Grotius (1583-1645) <http://oll.libertyfund.org/people/3775>.

Collection: Natural Law and Enlightenment Series <http://oll.libertyfund.org/groups/59>

Subject Area: War and Peace <http://oll.libertyfund.org/groups/57>
“Every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his.”
Editor's Introduction

John Locke (1632-1704) was an English philosopher who is considered to be one of the first philosophers of the Enlightenment and the father of classical liberalism. In his major work *Two Treatises of Government* (1689) Locke rejects the idea of the divine right of kings, supports the idea of natural rights (especially of property), and argues for a limited constitutional government which would protect individual rights.

Locke's most famous work of political philosophy, began as a reply to Sir Robert Filmer's (1588-1653) defense of the idea of the divine right of kings in *Patriarcha* (1680) and ended up becoming a defense of natural rights, especially property rights, and of government limited to protecting those rights. This 1764 edition by Thomas Hollis is famous for being the edition which was widely read in the American colonies on the eve of the Revolution.

There are several passages in Locke's *Second Treatise of Government* which contain in summary form the essence of the classical liberal notion of individual liberty and private property. In Chapter II "Of the State of Nature" he states in unequivocal language that human beings have "perfect freedom" to act and use their property "as they think fit"; that this right to freedom is equal for all "without subordination or subjection"; and that "all men" should be restrained from violating the rights of others and that every person has the right to defend their life and property from such invasion.

The equality of all citizens under the law is a lynch-pin of the modern notion of the rule of law in a democratic state. Locke stressed that "Where-ever law ends, tyranny begins" [See Chap. XVIII "Of Tyranny"]. A revolutionary implication of this idea, well appreciated by Locke in the tumultuous 1680s, is that even rulers and their magistrates were also under the "sovereignty of the law". Locke concludes that when any member of the state exceeds his legal authority or in any way violates the law, he ceases "to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another."

“Every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.”
Second Treatise of Government, Chapter V, “Of Property” (1689)

“I shall endeavour to shew, how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.”

§. 25.

WHether we consider natural reason, which tells us, that men, being once born, have a right to their preservation, and consequently to meat and drink, and such other things as nature affords for their subsistence: or revelation, which gives us an account of those grants God made of the world to Adam, and to Noah, and his sons, it is very clear, that God, as king David says, Psal. CXV. 16. has given the earth to the children of men; given it to mankind in common. But this being supposed, it seems to some a very great difficulty, how any one should ever come to have a property in any thing: I will not content myself to answer, that if it be difficult to make out property, upon a supposition that God gave the world to Adam, and his heirs in succession, exclusive of all the rest of his posterity. But I shall endeavour to shew, how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.

§. 26.

God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being. And tho’ all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and no body has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other, before they can be of any use, or at all beneficial to any particular man. The fruit, or venison, which nourishes the wild Indian, who knows no inclosure, and is still a tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life.

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§. 27.

Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at

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least where there is enough, and as good, left in common for others.

§. 28.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. No body can deny but the nourishment is his. I ask then, when did they begin to be his? when he digested? or when he eat? or when he boiled? or when he brought them home? or when he picked them up? and it is plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common: that added something to them more than nature, the common mother of all, had done; and so they became his private right. And will any one say, he had no right to those acorns or apples, he thus appropriated, because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state nature leaves it in, which begins the property; without which the common is of no use. And the taking of this or that part, does not depend on the express consent of all the commoners. Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have digged in any place, where I have a right to them in common with others, become my property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them.

§. 29.

By making an explicit consent of every commoner, necessary to any one's appropriating to himself any part of what is given in common, children or servants could not cut the meat, which their father or master had provided for them in common, without assigning to every one his peculiar part. Though the water running in the fountain be every one's, yet who can doubt, but that in the pitcher is his only who drew it out? His labour hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and hath thereby appropriated it to himself.

§. 30.

Thus this law of reason makes the deer that Indian's who hath killed it; it is allowed to be his goods, who hath bestowed his labour upon it, though before it was the common right of every one. And amongst those who are counted the civilized part of mankind, who have made and multiplied positive laws to determine property, this original law of nature, for the beginning of property, in what was before common, still takes place; and by virtue thereof, what fish any one catches in the ocean, that great and still remaining common of mankind; or what ambergrise any one takes up here, is by the labour that removes it out of that common state nature left it in, made his property, who takes that pains about it. And even amongst us, the hare that any one is hunting, is thought his who pursues her during the chase: for being a beast that is still looked upon as common, and no man's private possession; whoever has employed so much labour about any of that kind, as to find and pursue her, has thereby removed her from the state of nature, wherein she was common, and hath begun a property.

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§. 31.

It will perhaps be objected to this, that if gathering the acorns, or other fruits of the earth, &c. makes a right to them, then any one may ingross as much as he will. To which I answer, Not so. The same law of nature, that does by this means give us property, does also bound that property too. God has given us all things richly, 1 Tim. vi. 12. is the voice of reason confirmed by inspiration. But how far has he given it us? To enjoy. As much as any one can make use of to any advantage of life before it spoils, so much he may by his labour fix a property in: whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy. And thus, considering the plenty of natural provisions there was a long time
in the world, and the few spenders; and to how small a part of that provision the industry of one man could extend itself, and ingross it to the prejudice of others; especially keeping within the bounds, set by reason, of what might serve for his use; there could be then little room for quarrels or contentions about property so established.

§. 32.

But the chief matter of property being now not the fruits of the earth, and the beasts that subsist on it, but the earth itself; as that which takes in and carries with it all the rest; I think it is plain, that property in that too is acquired as the former. As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, inclose it from the common. Nor will it invalidate his right, to say every body else has an equal title to it; and therefore he cannot appropriate, he cannot inclose, without the consent of all his fellow-commoners, all mankind. God, when he gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it of him. God and his reason commanded him to subdue the earth, i.e. improve it for the benefit of life, and therein lay out something upon it that was his own, his labour. He that in obedience to this command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his property, which another had no title to, nor could without injury take from him.

"Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use."

§. 33.

Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his inclosure for himself: for he that leaves as much as another can make use of, does as good as take nothing at all. No body could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst: and the case of land and water, where there is enough of both, is perfectly the same.

§. 34.

God gave the world to men in common; but since he gave it them for their benefit, and the greatest conveniencies of life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational, (and labour was to be his title to it;) not to the fancy or covetousness of the quarrelsome and contentious. He that had as good left for his improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's labour: if he did, it is plain he desired the benefit of another's pains, which he had no right to, and not the ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his industry could reach to.

§. 35.

It is true, in land that is common in England, or any other country, where there is plenty of people under government, who have money and commerce, no one can inclose or appropriate any part, without the consent of all his fellow-commoners; because this is left common by compact, i.e. by the law of the land, which is not to be violated. And though it be common, in respect of some men, it is not so to all mankind; but is the joint property of this country, or this parish. Besides, the remainder, after such inclosure, would not be as good to the rest of the commoners, as the whole was when they could all make use of the whole; whereas in the beginning and first peopling of the great common of the world, it was quite otherwise. The law man was under, was rather for appropriating. God commanded, and his wants forced him to labour. That was his property which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the earth, and having dominion, we see are
joined together. The one gave title to the other. So that God, by commanding to subdue, gave authority so far to appropriate: and the condition of human life, which requires labour and materials to work on, necessarily introduces private possessions.

§. 36.

The measure of property nature has well set by the extent of men's labour and the conveniencies of life: no man's labour could subdue, or appropriate all; nor could his enjoyment consume more than a small part; so that it was impossible for any man, this way, to intrench upon the right of another, or acquire to himself a property, to the prejudice of his neighbour, who would still have room for as good, and as large a possession (after the other had taken out his) as before it was appropriated. This measure did confine every man's possession to a very moderate proportion, and such as he might appropriate to himself, without injury to any body; in the first ages of the world, when men were more in danger to be lost, by wandering from their company, in the then vast wilderness of the earth, than to be straitened for want of room to plant in. And the same measure may be allowed still without prejudice to any body, as full as the world seems: for supposing a man, or family, in the state they were at first peopling of the world by the children of Adam, or Noah; let him plant in some in-land, vacant places of America, we shall find that the possessions he could make himself, upon the measures we have given, would not be very large, nor, even to this day, prejudice the rest of mankind, or give them reason to complain, or think themselves injured by this man's incroachment, though the race of men have now spread themselves to all the corners of the world, and do infinitely exceed the small number was at the beginning. Nay, the extent of ground is so little value, without labour, that I have heard it affirmed, that in Spain itself a man may be permitted to plough, sow and reap, without being disturbed, upon land he has no other title to, but only his making use of it. But, on the contrary, the inhabitants think themselves beholden to him, who, by his industry on neglected, and consequently waste land, has increased the stock of corn, which they wanted. But be this as it will, which I lay no stress on; this I dare boldly affirm, that the same rule of propriety, (viz.) that every man should have as much as he could make use of, would hold still in the world, without straitening any body; since there is land enough in the world to suffice double the inhabitants, had not the invention of money, and the tacit agreement of men to put a value on it, introduced (by consent) larger possessions, and a right to them; which, how it has done, I shall by and by shew more at large.

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§. 37.

This is certain, that in the beginning, before the desire of having more than man needed had altered the intrinsic value of things, which depends only on their usefulness to the life of man; or had agreed, that a little piece of yellow metal, which would keep without wasting or decay, should be worth a great piece of flesh, or a whole heap of corn; though men had a right to appropriate, by their labour, each one to himself, as much of the things of nature, as he could use: yet this could not be much, nor to the prejudice of others, where the same plenty was still left to those who would use the same industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen, but increase the common stock of mankind: for the provisions serving to the support of human life, produced by one acre of inclosed and cultivated land, are (to speak much within compass) ten times more than those which are yielded by an acre of land of an equal richness lying waste in common. And therefore he that incloses land, and has a greater plenty of the conveniencies of life from ten acres, than he could have from an hundred left to nature, may truly be said to give ninety acres to mankind: for his labour now supplies him with provisions out of ten acres, which were the product of an hundred lying in common. I have here rated the improved land very low, in making its product but as ten to one, when it is much nearer an hundred to one: for I ask, whether in the
wild woods and uncultivated waste of America, left to
nature, without any improvement, tillage or husbandry,
a thousand acres yield the needy and wretched
inhabitants as many conveniencies of life, as ten acres
of equally fertile land do in Devonshire, where they are
well cultivated?

Before the appropriation of land, he who gathered
as much of the wild fruit, killed, caught, or tamed, as
many of the beasts, as he could; he that so employed his
pains about any of the spontaneous products of nature,
as any way to alter them from the state which nature
put them in, by placing any of his labour on them, did
thereby acquire a propriety in them: but if they perished, in
his possession, without their due use; if the fruits
rotted, or the venison putrified, before he could spend
it, he offended against the common law of nature, and
was liable to be punished; he invaded his neighbour’s
share, for he had no right, farther than his use
called for any
of them, and they might serve to afford him
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§. 38.

The same measures governed the possession of land
too: whatsoever he tilled and reaped, laid up and made
use of, before it spoiled, that was his peculiar right;
whatsoever he enclosed, and could feed, and make use
of, the cattle and product was also his. But if either
the grass of his inclosure rotted on the ground, or the fruit
of his planting perished without gathering, and laying
up, this part of the earth, notwithstanding his inclosure,
was still to be looked on as waste, and might be the
possession of any other. Thus, at the beginning, Cain
might take as much ground as he could till, and make it
his own land, and yet leave enough to Abel’s sheep to
feed on; a few acres would serve for both their
possessions. But as families increased, and industry
inlarged their stocks, their possessions inlarged with the
need of them; but yet it was commonly without any fixed
property in the ground they made use of, till they
incorporated, settled themselves together, and built
cities; and then, by consent, they came in time, to set
out the bounds of their distinct territories, and agree on
limits between them and their neighbours; and by laws
within themselves, settled the properties of those of the
same society: for we see, that in that part of the world
which was first inhabited, and therefore like to be best
peopled, even as low down as Abraham’s time, they
wandered with their flocks, and their herds, which was
their substance, freely up and down; and this Abraham
did, in a country where he was a stranger. Whence it is
plain, that at least a great part of the land lay in common;
that the inhabitants valued it not, nor claimed property
in any more than they made use of. But when there
was not room enough in the same place, for their herds
to feed together, they by consent, as Abraham and Lot
did, Gen. xiii. 5. separated and inlarged their pasture,
where it best liked them. And for the same reason Esau
went from his father, and his brother, and planted in
mount Seir, Gen. xxxvi. 6.

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§. 39.
And thus, without supposing any private dominion, and property in Adam, over all the world, exclusive of all other men, which can no way be proved, nor any one's property be made out from it; but supposing the world given, as it was, to the children of men in common, we see how labour could make men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of right, no room for quarrel.

§. 40.

Nor is it so strange, as perhaps before consideration it may appear, that the property of labour should be able to over-balance the community of land: for it is labour indeed that puts the difference of value on every thing; and let any one consider what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley, and an acre of the same land lying in common, without any husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value. I think it will be but a very modest computation to say, that of the products of the earth useful to the life of man nine tenths are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expences about them, what in them is purely owing to nature, and what to labour, we shall find, that in most of them ninety-nine hundredths are wholly to be put on the account of labour.

§. 41.

There cannot be a clearer demonstration of any thing, than several nations of the Americans are of this, who are rich in land, and poor in all the comforts of life; whom nature having furnished as liberally as any other people, with the materials of plenty, i.e. a fruitful soil, apt to produce in abundance, what might serve for food, raiment, and delight; yet for want of improving it by labour, have not one hundredth part of the conveniences we enjoy: and a king of a large and fruitful territory there, feeds, lodges, and is clad worse than a day-labourer in England.

§. 42.

To make this a little clearer, let us but trace some of the ordinary provisions of life, through their several progresses, before they come to our use, and see how much they receive of their value from human industry. Bread, wine and cloth, are things of daily use, and great plenty; yet notwithstanding, acorns, water and leaves, or skins, must be our bread, drink and cloathing, did not labour furnish us with these more useful commodities: for whatever bread is more worth than acorns, wine than water, and cloth or silk, than leaves, skins or moss, that is wholly owing to labour and industry; the one of these being the food and raiment which unassisted nature furnishes us with; the other, provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see how much labour makes the far greater part of the value of things we enjoy in this world: and the ground which produces the materials, is scarce to be reckoned in, as any, or at most, but a very small part of it; so little, that even amongst us, land that is left wholly to nature, that hath no improvement of pasturage, tillage, or planting, is called, as indeed it is, waste; and we shall find the benefit of it amount to little more than nothing.

This shews how much numbers of men are to be preferred to largeness of dominions; and that the increase of lands, and the right employing of them, is the great art of government: and that prince, who shall be so wise and godlike, as by established laws of liberty to secure protection and encouragement to the honest industry of mankind, against the oppression of power and narrowness of party, will quickly be too hard for his neighbours: but this by the by. To return to the argument in hand,

§. 43.

An acre of land, that bears here twenty bushels of wheat, and another in America, which, with the same husbandry, would do the like, are, without doubt, of the same natural intrinsic value: but yet the benefit mankind receives from the one in a year, is worth 5 l. and from the other possibly not worth a penny, if all the profit an Indian received from it were to be valued, and sold here; at least, I may truly say, not one thousandth. It is labour then which puts the greatest part of value upon land, without which it would scarcely be worth any thing: it is to that we owe the greatest part of all its useful products; for all that the straw, bran, bread, of that acre of wheat, is more worth than the product of an acre of as good land, which lies waste, is all the effect of labour: for it is not barely the plough-man’s pains, the reaper’s and thresher’s toil, and the baker’s
sweat, is to be counted into the bread we eat; the labour of those who broke the oxen, who digged and wrought the iron and stones, who felled and framed the timber employed about the plough, mill, oven, or any other utensils, which are a vast number, requisite to this corn, from its being seed to be sown to its being made bread, must all be charged on the account of labour, and received as an effect of that: nature and the earth furnished only the almost worthless materials, as in themselves. It would be a strange catalogue of things, that industry provided and made use of, about every loaf of bread, before it came to our use, if we could trace them; iron, wood, leather, bark, timber, stone, bricks, coals, lime, cloth, dying drugs, pitch, tar, masts, ropes, and all the materials made use of in the ship, that brought any of the commodities made use of by any of the workmen, to any part of the work; all which it would be almost impossible, at least too long, to reckon up.

“though the things of nature are given in common, yet man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property”

§. 44.

From all which it is evident, that though the things of nature are given in common, yet man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property; and that, which made up the great part of what he applied to the support or comfort of his being, when invention and arts had improved the conveniencies of life, was perfectly his own, and did not belong in common to others.

§. 45.

Thus labour, in the beginning, gave a right of property, wherever any one was pleased to employ it upon what was common, which remained a long while the far greater part, and is yet more than mankind makes use of. Men, at first, for the most part, contented themselves with what unassisted nature offered to their necessities: and though afterwards, in some parts of the world, (where the increase of people and stock, with the use of money, had made land scarce, and so of some value) the several communities settled the bounds of their distinct territories, and by laws within themselves regulated the properties of the private men of their society, and so, by compact and agreement, settled the property which labour and industry began; and the leagues that have been made between several states and kingdoms, either expressly or tacitly disowning all claim and right to the land in the others possession, have, by common consent, given up their pretences to their natural common right, which originally they had to those countries, and so have, by positive agreement, settled a property amongst themselves, in distinct parts and parcels of the earth; yet there are still great tracts of ground to be found, which (the inhabitants thereof not having joined with the rest of mankind, in the consent of the use of their common money) lie waste, and are more than the people who dwell on it do, or can make use of, and so still lie in common; tho’ this can scarce happen amongst that part of mankind that have consented to the use of money.

§. 46.

The greatest part of things really useful to the life of man, and such as the necessity of subsisting made the first commoners of the world look after, as it doth the Americans now, are generally things of short duration; such as, if they are not consumed by use, will decay and perish of themselves: gold, silver and diamonds, are things that fancy or agreement hath put the value on, more than real use, and the necessary support of life. Now of those good things which nature hath provided in common, every one had a right (as hath been said) to as much as he could use, and property in all that he could effect with his labour; all that his industry could extend to, to alter from the state nature had put it in, was his. He that gathered a hundred bushels of acorns or apples, had thereby a property in them, they were his goods as soon as gathered. He was only to look, that he used them before they spoiled, else he took more than his share, and robbed others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselessly in his possession, these he also made use of. And if he also bartered away plums, that would have rotted in a week, for nuts that would last good for his eating a whole
year, he did no injury; he wasted not the common stock; destroyed no part of the portion of goods that belonged to others, so long as nothing perished uselessly in his hands. Again, if he would give his nuts for a piece of metal, pleased with its colour; or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life, he invaded not the right of others, he might heap up as much of these durable things as he pleased; the exceeding of the bounds of his just property not lying in the largeness of his possession, but the perishing of any thing uselessly in it.

§. 47.
And thus came in the use of money, some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for the truly useful, but perishable supports of life.

“And as different degrees of industry were apt to give men possessions in different proportions, so this invention of money gave them the opportunity to continue and enlarge them”

§. 48.
And as different degrees of industry were apt to give men possessions in different proportions, so this invention of money gave them the opportunity to continue and enlarge them: for supposing an island, separate from all possible commerce with the rest of the world, wherein there were but an hundred families, but there were sheep, horses and cows, with other useful animals, wholesome fruits, and land enough for corn for a hundred thousand times as many, but nothing in the island, either because of its commonness, or perishableness, fit to supply the place of money; what reason could any one have there to enlarge his possessions beyond the use of his family, and a plentiful supply to its consumption, either in what their own industry produced, or they could barter for like perishable, useful commodities, with others? Where there is not some thing, both lasting and scarce, and so valuable to be hoarded up, there men will be apt to enlarge their possessions of land, were it never so rich, never so free for them to take: for I ask, what would a man value ten thousand, or an hundred thousand acres of excellent land, ready cultivated, and well stocked too with cattle, in the middle of the inland parts of America, where he had no hopes of commerce with other parts of the world, to draw money to him by the sale of the product? It would not be worth the inclosing, and we should see him give up again to the wild common of nature, whatever was more than would supply the conveniences of life to be had there for him and his family.

“Thus in the beginning all the world was America, and more so than that is now; for no such thing as money was anywhere known. Find out something that hath the use and value of money amongst his neighbours, you shall see the same man will begin presently to enlarge his possessions.”

§. 49.
Thus in the beginning all the world was America, and more so than that is now; for no such thing as money was anywhere known. Find out something that hath the use and value of money amongst his neighbours, you shall see the same man will begin presently to enlarge his possessions.

§. 50.
But since gold and silver, being little useful to the life of man in proportion to food, raiment, and carriage, has its value only from the consent of men, whereof labour yet makes, in great part, the measure, it is plain, that men have agreed to a disproportionate and unequal possession of the earth, they having, by a tacit and voluntary consent, found out a way how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus gold and silver, which may be hoarded up without injury to any one; these metals not spoiling or decaying in the hands of the possessor. This partage of things in an inequality of private possessions, men have made practicable out of the bounds of society, and without
compact, only by putting a value on gold and silver, and tacitly agreeing in the use of money: for in governments, the laws regulate the right of property, and the possession of land is determined by positive constitutions.

§. 51.

And thus, I think, it is very easy to conceive, without any difficulty, how labour could at first begin a title of property in the common things of nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about title, nor any doubt about the largeness of possession it gave. Right and conveniency went together; for as a man had a right to all he could employ his labour upon, so he had no temptation to labour for more than he could make use of. This left no room for controversy about the title, nor for incroachment on the right of others; what portion a man carved to himself, was easily seen; and it was useless, as well as dishonest, to carve himself too much, or take more than he needed.
Further Information

SOURCE

The edition used for this extract: John Locke, *Two Treatises of Government*, ed. Thomas Hollis (London: A. Millar, 1764). <oll.libert....>

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FURTHER READING

Other works by John Locke (1632-1704) in the OLL <oll.libertyfund.org/people/131>.


Liberty Matters: John Locke on Property (January, 2013).
“The rights of all mankind... may be reduced to three principal or primary articles; the right of personal security, the right of personal liberty, and the right of private property.”
Editor's Introduction

Sir William Blackstone (1723-1780) was an English jurist, professor of law at Oxford, and Tory politician whose work *Commentaries on the Laws of England* (1766-70) helped define what the English common law actually was. The work was repeatedly reprinted throughout the 18th and 19th centuries and had a profound impact on English and American legal thinking. Blackstone was admitted to Middle Temple in 1741, became a Fellow at All Souls College in Oxford in 1743, admitted to the bar in 1746, awarded a Doctor of Law in 1750, and appointed the first Vinerian professor of English Law at the University of Oxford in 1758. For some years he practised law, worked as a university administer, wrote poetry, and gave public lectures on the common law.

The *Commentaries* began as a series of lectures which Blackstone gave at Oxford and which were very lucrative for him. He divided volume one into two parts, the first dealing with "The Rights of Persons" and the second with "The Rights of Things."

In his interpretation of the law, Blackstone differentiates between “absolute rights” of individuals (natural rights which exist prior to the state) and social rights (contractual rights which evolve later). The absolute or natural rights are small in number, exist prior to the state, and take precedence over any social or contractual rights when it comes to enforcement. The social or contractual rights by contrast derive from individuals’ absolute rights and are thus “relative”, more numerous, and proliferate as society becomes more complex and developed. The aim of the state is to ensure that it “leaves the subject entire master of his own conduct”.

The very first chapter of the first part is "Of the Absolute Rights of Individuals" in which Blackstone sets out his overall theory of individual liberty and the rights which make this liberty possible. This he believed was the basis of the traditional "liberties of Englishmen."

“In these several articles consist the rights, or, as they are frequently termed, the liberties of Englishmen: liberties more generally talked of, than thoroughly understood; and yet highly necessary to be perfectly known and considered by every man of rank and property, lest his ignorance of the points whereon they are founded should hurry him into faction and licentiousness on the one hand, or a pusillanimous indifference and criminal submission on the other. And we have seen that these rights consist, primarily, in the free enjoyment of personal security, of personal liberty, and of private property.

So long as these remain inviolate, the subject is perfectly free; for every species of compulsive tyranny and oppression must act in opposition to one or other of these rights, having no other object upon which it can possibly be employed”
Of the Absolute Rights of Individuals
(1766)\textsuperscript{15}

The objects of the laws of England are so very numerous and extensive, that, in order to consider them with any tolerable ease and perspicuity, it will be necessary to distribute them methodically under proper and distinct heads; avoiding as much as possible divisions too large and comprehensive on the one hand, and too trifling and minute on the other; both of which are equally productive of confusion.

Now, as municipal law is a rule of civil conduct, commanding what is right, and prohibiting what is wrong; or as Cicero,\textsuperscript{a} and after him our Bracton,\textsuperscript{b} have expressed it, sanctio justa, jubens honesta et prohibens contraria, it follows that the primary and principal object of the law are rights and wrongs. In the prosecution, therefore, of these commentaries, I shall follow this very simple and obvious division; and shall, in the first place, consider the rights that are commanded, and secondly the wrongs that are forbidden, by the laws of England.

Rights are, however, liable to another subdivision; being either, first, those which concern and are annexed to the persons of men, and are then called \textit{jura personarum}, or the rights of persons; or they are, secondly, such as a man may acquire over external objects, or things unconnected with his person, which are styled \textit{jura rerum}, or the rights of things. Wrongs also are divisible into, first, private wrongs, which, being an infringement merely of particular rights, concern individuals only, and are called civil injuries; and, secondly, public wrongs, which, being a breach of general and public rights, affect the whole community, and are called crimes and misdemeanors.

The objects of the laws of England falling into this fourfold division, the present commentaries will therefore consist of the four following parts: 1. The rights of persons, with the means whereby such rights may be either acquired or lost. 2. The rights of things, with the means also of acquiring or losing them. 3. Private wrongs, or civil injuries, with the means of redressing them by law. 4. Public wrongs, or crimes and misdemeanors, with the means of prevention and punishment.

We are now first to consider the rights of persons, with the means of acquiring and losing them.

Now the rights of persons that are commanded to be observed by the municipal law are of two sorts: first, such as are due \textit{from} every citizen, which are usually called civil \textit{duties}; and, secondly, such as belong \textit{to} him, which is the more popular acceptation of \textit{rights or jura}. Both may indeed be comprised in this latter division; for, as all social duties are of a relative nature, at the same time that they are due \textit{from} one man, or set of men, they must also be due \textit{to} another. But I apprehend it will be more clear and easy to consider many of them as duties required from, rather than as rights belonging to, particular persons. Thus, for instance, allegiance is usually, and therefore most easily, considered as the duty of the people, and protection as the duty of the magistrate; and yet they are reciprocally the rights as well as duties of each other. Allegiance is the right of the magistrate, and protection the right of the people.

“Now the rights of persons that are commanded to be observed by the municipal law are of two sorts: first, such as are due \textit{from} every citizen, which are usually called civil duties; and, secondly, such as belong \textit{to} him, which is the more popular acceptation of \textit{rights or jura}.”

Persons also are divided by the law into either natural persons, or artificial. Natural persons are such as the God of nature formed us; artificial are such as are created and devised by human laws for the purposes of society and government, which are called corporations or bodies politic.

The rights of persons considered in their natural capacities are also of two sorts, absolute and relative.

Absolute, which are such as appertain and belong to particular men, merely as individuals or single persons: relative, which are incident to them as members of society, and standing in various relations to each other. The first, that is, absolute rights, will be the subject of the present chapter.

“Let a man therefore be ever so abandoned in his principles, or vicious in his practice, provided he keeps his wickedness to himself, and does not offend against the rules of public decency, he is out of the reach of human laws.”

By the absolute rights of individuals, we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy, whether out of society or in it. But with regard to the absolute duties, which man is bound to perform considered as a mere individual, it is not to be expected that any human municipal law should at all explain or enforce them. For the end and intent of such laws being only to regulate the behaviour of mankind, as they are members of society, and stand in various relations to each other, they have consequently no concern with any other but social or relative duties. Let a man therefore be ever so abandoned in his principles, or vicious in his practice, provided he keeps his wickedness to himself, and does not offend against the rules of public decency, he is out of the reach of human laws. But if he makes his vices public, though they be such as seem principally to affect himself, (as drunkenness, or the like,) then they become, by the bad example they set, of pernicious effects to society; and therefore it is then the business of human laws to correct them. Here the circumstance of publication is what alters the nature of the case. Public sobriety is a relative duty, and therefore enjoined by our laws; private sobriety is an absolute duty, which, whether it be performed or not, human tribunals can never know; and therefore they can never enforce it by any civil sanction. But, with respect to rights, the case is different. Human laws define and enforce as well those rights which belong to a man considered as an individual, as those which belong to him considered as related to others.

For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals. Such rights as are social and relative result from, and are posterior to, the formation of states and societies: so that to maintain and regulate these is clearly a subsequent consideration. And, therefore, the principal view of human laws is, or ought always to be, to explain, protect, and enforce such rights as are absolute, which in themselves are few and simple: and then such rights as are relative, which, arising from a variety of connections, will be far more numerous and more complicated. These will take up a greater space in any code of laws, and hence may appear to be more attended to—though in reality they are not—than the rights of the former kind. Let us therefore proceed to examine how far all laws ought, and how far the laws of England actually do, take notice of these absolute rights, and provide for their lasting security.

The absolute rights of man, considered as a free agent, endowed with discernment to know good from evil, and with power of choosing those measures which appear to him to be most desirable, are usually summed up in one general appellation, and denominated the natural liberty of mankind. This natural liberty consists properly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endued him with the faculty of free will. But every man, when he enters into society, gives up a part of his natural liberty, as the price of so valuable a purchase; and, in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws, which the community has thought proper to establish. And this species of legal obedience and conformity is infinitely more desirable than that wild and savage liberty which is sacrificed to obtain it. For no man that considers a moment would wish to retain the absolute and uncontrolled power of doing whatever he pleases: the consequence of which
is, that every other man would also have the same power, and then there would be no security to individuals in any of the enjoyments of life. Political, therefore, or civil liberty, which is that of a member of society, is no other than natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public. (c)

Hence we may collect that the law, which restrains a man from doing mischief to his fellow-citizens, though it diminishes the natural, increases the civil liberty of mankind; but that every wanton and causeless restraint of the will of the subject, whether practised by a monarch, a nobility, or a popular assembly, is a degree of tyranny: nay, that even laws themselves, whether made with or without our consent, if they regulate and constrain our conduct in matters of more indifference, without any good end in view, are regulations destructive of liberty: whereas, if any public advantage can arise from observing such precepts, the control of our private inclinations, in one or two particular points, will conduce to preserve our general freedom in others of more importance; by supporting that state of society, which alone can secure our independence. Thus the statute of king Edward IV., (d) which forbade the fine gentlemen of those times (under the degree of a lord) to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression; because, however ridiculous the fashion then in use might appear, the restraining it by pecuniary penalties could serve no purpose of common utility. But the statute of king Charles II., (e) which prescribed a thing seemingly as indifferent, (a dress for the dead, who are all ordered to be buried in woollen,) is a law consistent with public liberty; for it encourages the staple trade, on which in great measure depends the universal good of the nation. So that laws, when prudently framed, are by no means subversive, but rather introductive, of liberty; for, as Mr. Locke has well observed, (f) where there is no law there is no freedom. But then, on the other hand, that constitution or frame of government, that system of laws, is alone calculated to maintain civil liberty, which leaves the subject entire master of his own conduct, except in those points wherein the public good requires some direction or restraint.

The idea and practice of this political or civil liberty flourish in their highest vigour in these kingdoms, where it falls little short of perfection, and can only be lost or destroyed by the folly or demerits of its owner: the legislature, and of course the laws of England, being peculiarly adapted to the preservation of this inestimable blessing even in the meanest subject. Very different from the modern constitutions of other states, on the continent of Europe, and from the genius of the imperial law; which in general are calculated to vest an arbitrary and despotic power, of controlling the actions of the subject, in the prince, or in a few grandees. And this spirit of liberty is so deeply implanted in our constitution, and rooted even in our very soil, that a slave or a negro, the moment he lands in England, falls under the protection of the laws, and so far becomes a freeman; (g) though the master's right to his service may possibly still continue.

“This spirit of liberty is so deeply implanted in our constitution, and rooted even in our very soil, that a slave or a negro, the moment he lands in England, falls under the protection of the laws, and so far becomes a freeman; though the master's right to his service may possibly still continue.”

The absolute rights of every Englishman, (which, taken in a political and extensive sense, are usually called their liberties,) as they are founded on nature and reason, so they are coeval with our form of government; though subject at times to fluctuate and change: their establishment (excellent as it is) being still human. At some times we have seen them depressed by overbearing and tyrannical princes; at others so luxuriant as even to tend to anarchy, a worse state than tyranny itself, as any government is better than none at all. But the vigour of our free constitution has always delivered the nation from these embarrassments: and, as soon as the convulsions consequent on the struggle have been over, the balance of our rights and liberties has settled to its proper level; and their fundamental articles have been from time to time asserted in parliament, as often as they were thought to be in danger.

First, by the great charter of liberties, which was obtained, sword in hand, from king John, and
afterwards, with some alterations, confirmed in parliament by king Henry the Third, his son. Which charter contained very few new grants; but, as Sir Edward Coke(*) observes, was for the most part declaratory of the principal grounds of the fundamental laws of England. Afterwards by the statute called confirmatio cartarum,(*) whereby the great charter is directed to be allowed as the common law; all judgments contrary to it are declared void; copies of it are ordered to be sent to all cathedral churches, and read twice a year to the people; and sentence of excommunication is directed to be as constantly denounced against all those that, by word, deed, or counsel, act contrary thereto, or in any degree infringe it. Next, by a multitude of subsequent corroborating statutes, (Sir Edward Coke, I think, reckons thirty-two,)(k) from the first Edward to Henry the Fourth. Then, after a long interval, by the petition of right; which was a parliamentary declaration of the liberties of the people, assented to by king Charles the First in the beginning of his reign: which was closely followed by the still more ample concessions made by that unhappy prince to his parliament before the fatal rupture between them; and by the many salutary laws, particularly the habeas corpus act, passed under Charles the Second. To these succeeded the bill of rights, or declaration delivered by the lords and commons to the Prince and Princess of Orange, 13th of February, 1688; and afterwards enacted in parliament, when they became king and queen; which declaration concludes in these remarkable words:—“and they do claim, demand, and insist upon, all and singular the premises, as their undoubted rights and liberties.” And the act of parliament itself(l) recognises “all and singular the rights and liberties asserted and claimed in the said declaration to be the true, ancient, and indubitable rights of the people of this kingdom.” Lastly, these liberties were again asserted at the commencement of the present century, in the act of settlement,(m) whereby the crown was limited to his present majesty’s illustrious house: and some new provisions were added, at the same fortunate era, for better securing our religion, laws, and liberties; which the statute declares to be “the birthright of the people of England,” according to the ancient doctrine of the common law.

“The rights of the people of England ... may be reduced to three principal or primary articles; the right of personal security, the right of personal liberty, and the right of private property”

Thus much for the declaration of our rights and liberties. The rights themselves, thus defined by these several statutes, consist in a number of private immunities; which will appear, from what has been premised, to be indeed no other, than either that residuum of natural liberty, which is not required by the laws of society to be sacrificed to public convenience; or else those civil privileges, which society hath engaged to provide, in lieu of the natural liberties so given up by individuals. These, therefore, were formerly, either by inheritance or purchase, the rights of all mankind; but, in most other countries of the world being now more or less debased and destroyed, they at present may be said to remain, in a peculiar and emphatical manner, the rights of the people of England. And these may be reduced to three principal or primary articles; the right of personal security, the right of personal liberty, and the right of private property: because, as there is no other known method of compulsion, or abridging man’s natural free will, but by an infringement or diminution of one or other of these important rights, the preservation of these, inviolate, may justly be said to include the preservation of our civil immunities in their largest and most extensive sense.

“The right of personal security consists in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.”

I. The right of personal security consists in a person’s legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation.

1. Life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir
in the mother’s womb. For if a woman is quick with child, and by a potion or otherwise, killeth it in her womb; or if any one beat her, whereby the child dieth in her body, and she is delivered of a dead child; this, though not murder, was by the ancient law homicide or manslaughter. But the modern law doth not look upon this offence in quite so atrocious a light, but merely as a heinous misdemeanour.

An infant in ventre sa mere, or in the mother’s womb, is supposed in law to be born for many purposes. It is capable of having a legacy, or a surrender of a copyhold estate, made to it. It may have a guardian assigned to it; and it is enabled to have an estate limited to its use, and to take afterwards by such limitation, as if it were then actually born. And in this point the civil law agrees with ours.

2. A man’s limbs (by which for the present we only understand those members which may be useful to him in fight, and the loss of which alone amounts to mayhem by the common law) are also the gift of the wise Creator, to enable him to protect himself from external injuries in a state of nature. To these therefore he has a natural inherent right; and they cannot be wantonly destroyed or disabled without a manifest breach of civil liberty.

Both the life and limbs of a man are of such high value, in the estimation of the law of England, that it pardons even homicide if committed se defendendo, or in order to preserve them. For whatever is done by a man to save either life or member, is looked upon as done upon the highest necessity and compulsion. Therefore, if a man through fear of death or mayhem is prevailed upon to execute a deed, or do any other legal act; these, though accompanied with all other the requisite solemnities, may be afterwards avoided, if forced upon him by a well-grounded apprehension of losing his life, or even his limbs, in case of his non-compliance. And the same is also a sufficient excuse for the commission of many misdemeanors, as will appear in the fourth book. The constraint a man is under in these circumstances is called in law duress, from the Latin dures, of which there are two sorts: duress of imprisonment, where a man actually loses his liberty, of which we shall presently speak; and duress per minas, where the hardship is only threatened and impending, which is that we are now discoursing of. Duress per minas is either for fear of loss of life, or else for fear of mayhem, or loss of limb. And this fear must be upon sufficient reason; “non,” as Bracton expresses it, “suspicio ejuslibet vani et meticulosi hominis, sed talis qui possit cadere in virum constantem; talis enim debet esse metus, qui in se continent vitæ periculum, aut corporis cruciatum.”

A fear of battery, or being beaten, though never so well grounded, is no duress; neither is the fear of having one’s house burned, or one’s goods taken away and destroyed, because in these cases, should the threat be performed, a man may have satisfaction by recovering equivalent damages, but no suitable atonement can be made for the loss of life or limb. And the indulgence shown to a man under this, the principal, sort of duress, the fear of losing his life or limbs, agrees also with that maxim of the civil law; ignoscis ei qui sanguinem suum qualiter redemptum voluit.

The law not only regards life and member, and protects every man in the enjoyment of them, but also furnishes him with every thing necessary for their support. For there is no man so indigent or wretched, but he may demand a supply sufficient for all the necessities of life from the more opulent part of the community, by means of the several statutes enacted for the relief of the poor, of which in their proper places. A humane provision; yet, though dictated by the principles of society, disowned by the Roman laws. For the edicts of the Emperor Constantine, commanding the public to maintain the children of those who were unable to provide for them, in order to prevent the murder and exposure of infants, an institution founded on the same principle as our foundling hospitals, though comprised in the Theodosian code, were rejected in Justinian’s collection.

These rights of life and member, can only be determined by the death of the person; which was formerly accounted to be either a civil or natural death. The civil death commenced, if any man was banished or abjured the realm by the process of the common law, or entered into religion; that is, went into a monastery, and became there a monk professed: in which cases he was absolutely dead in law, and his next heir should have his estate. For such banished man was entirely cut off from society; and such a monk, upon his profession, renounced solemnly all secular concerns: and besides, as the popish clergy claimed an exemption from the duties of civil life and the commands of the temporal magistrate, the genius of the English laws would not suffer those persons to enjoy the benefits of society, who secluded themselves from it, and refused to submit to its regulations.

A
monk was therefore counted *civiler mortuus*, and when he entered into religion might, like other dying men, make his testament and executors; or if he made none, the ordinary might grant administration to his next of kin, as if he were actually dead intestate. And such executors and administrators had the same power, and might bring the same actions for debts due to the religious, and were liable to the same actions for those due from him, as if he were naturally deceased. And such executors and administrators had the same power, and might bring the same actions for debts due to the religious, and were liable to the same actions for those due from him, as if he were naturally deceased. (b) Nay, so far has this principle been carried, that when one was bound in a bond to an abbot and his successors, and afterwards made his executors, and professed himself a monk of the same abbey, and in process of time was himself made abbot thereof; here the law gave him, in the capacity of abbot, an action of debt against his own executors to recover the money due. (c) In short, a monk or religious was so effectually dead in law, that a lease made even to a third person, during the life (generally) of one who afterwards became a monk, determined by such his entry into religion; for which reason leases, and other conveyances for life, were usually made to have and to hold for the term of one's natural life. (d) But, even in the times of popery, the law of England took no cognizance of profession in any foreign country, because the fact could not be tried in our courts; (e) and therefore, since the Reformation, this disability is held to be abolished: (f) as is also the disability of banishment, consequent upon abjuration, by statute 21 Jac. I. c. 28.

“This natural life, being, as was before observed, the immediate donation of the great Creator, cannot legally be disposed of or destroyed by any individual, neither by the person himself, nor by any other of his fellow-creatures, merely upon their own authority.”

This natural life, being, as was before observed, the immediate donation of the great Creator, cannot legally be disposed of or destroyed by any individual, neither by the person himself, nor by any other of his fellow-creatures, merely upon their own authority. Yet nevertheless it may, by the divine permission, be frequently forfeited for the breach of those laws of society, which are enforced by the sanction of capital punishments; of the nature, restrictions, expulsion, and legality of which, we may hereafter more conveniently inquire in the concluding book of these commentaries. At present, I shall only observe, that whenever the constitution of a state vests in any man, or body of men, a power of destroying at pleasure without the direction of laws, the lives or members of the subject, such constitution is in the highest degree tyrannical; and that, whenever any laws direct such destruction for light and trivial causes, such laws are likewise tyrannical, though in an inferior degree; because here the subject is aware of the danger he is exposed to, and may, by prudent caution, provide against it. The statute law of England does therefore very seldom, and the common law does never, inflict any punishment extending to life or limb, unless upon the highest necessity; and the constitution is an utter stranger to any arbitrary power of killing or maiming the subject without the express warrant of law. “Nullus liber homo,” says the great charter, “aliquo modo destruat, nisi per legale judicium parium suorum aut per legem terrae.” Which words, “aliquo modo destruat,” according to Sir Edward Coke, include a prohibition, not only of killing and maiming, but also of torturing, (to which our laws are strangers,) and of every oppression by colour of an illegal authority. And it is enacted by the statute of 5 Edw. III. c. 9, that no man shall be forejudged of life or limb contrary to the great charter and the law of the land; and again, by statute 28 Edw. III. c. 3, that no man shall be put to death, without being brought to answer by due process of law.

3. Besides those limbs and members that may be necessary to a man in order to defend himself or annoy his enemy, the rest of his person or body is also entitled, by the same natural right, to security from the corporal insults of menaces, assaults, beating, and wounding; though such insults amount not to destruction of life or member.

4. The preservation of a man’s health from such practices as may prejudice or annoy it; and

5. The security of his reputation or good name from the arts of detraction and slander, are rights to which every man is entitled by reason and natural justice; since, without these, it is impossible to have the perfect enjoyment of any other advantage or right. But these three last articles (being of much less importance than those which have gone before, and those which are yet to come,) it will suffice to have barely mentioned.
among the rights of persons: referring the more minute discussion of their several branches to those parts of our commentaries which treat of the infringement of these rights, under the head of personal wrongs.

“Next to personal security, the law of England regards, asserts, and preserves the personal liberty of individuals. This personal liberty consists in the power of locomotion, of changing situation, or moving one’s person to whatsoever place one’s own inclination may direct, without imprisonment or restraint, unless by due course of law."

II. Next to personal security, the law of England regards, asserts, and preserves the personal liberty of individuals. This personal liberty consists in the power of locomotion, of changing situation, or moving one’s person to whatsoever place one’s own inclination may direct, without imprisonment or restraint, unless by due course of law. Concerning which we may make the same observations as upon the preceding article, that it is a right strictly natural; that the laws of England have never abridged it without sufficient cause; and that, in this kingdom, it cannot ever be ariplied at the mere discretion of the magistrate, without the explicit permission of the laws. Here again the language of the great charter is, that no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land. And many subsequent old statutes expressly direct, that no man shall be taken or imprisoned by suggestion or petition to the king or his council, unless it be by legal indictment, or the process of the common law. By the petition of right, 3 Car. I., it is enacted, that no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law. By 16 Car. I. c. 10, if any person be restrained of his liberty by order or decree of any illegal court, or by command of the king’s majesty in person, or by warrant of the council board, or of any of the privy council, he shall, upon demand of his counsel, have a writ of habeas corpus, to bring his body before the court of king’s bench or common pleas, who shall determine whether the cause of his commitment be just, and then upon do as to justice shall appertain. And by 31 Car. II. c. 2, commonly called the habeas corpus act, the methods of obtaining this writ are so plainly pointed out and enforced, that, so long as this statute remains unimpeached, no subject of England can be long detained in prison, except in those cases in which the law requires and justifies such detention. And, lest this act should be evaded by demanding unreasonable bail or sureties for the prisoner’s appearance, it is declared by 1 W. and M. st. 2, c. 2, that excessive bail ought not to be required.

Of great importance to the public is the preservation of this personal liberty; for if once it were left in the power of any the highest magistrate to imprison arbitrarily whomever he or his officers thought proper, (as in France it is daily practised by the crown,) there would soon be an end of all other rights and immunities. Some have thought that unjust attacks, even upon life or property, at the arbitrary will of the magistrate, are less dangerous to the commonwealth than such as are made upon the personal liberty of the subject. To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government. And yet sometimes, when the state is in real danger, even this may be a necessary measure. But the happiness of our constitution is, that it is not left to the executive power to determine when the danger of the state is so great as to render this measure expedient; for it is the parliament only, or legislative power, that, whenever it sees proper, can authorize the crown, by suspending the habeas corpus act for a short and limited time, to imprison suspected persons without giving any reason for so doing; as the senate of Rome was wont to have recourse to a dictator, a magistrate of absolute authority, when they judged the republic in any imminent danger. The decree of the senate, which usually preceded the nomination of this magistrate, “dent operam consules ne quid respublica detrimenti capiat,” was called the senatus consultum ultima necessitatis. In like
manner this experiment ought only to be tried in cases of extreme emergency; and in these the nation parts with its liberty for a while, in order to preserve it forever.

The confinement of the person, in any wise, is an imprisonment; so that the keeping a man against his will in a private house, putting him in the stocks, arresting or forcibly detaining him in the street, is an imprisonment. And the law so much discourages unlawful confinement, that if a man is under duress of imprisonment, which we before explained to mean a compulsion by an illegal restraint of liberty, until he seals a bond or the like, he may allege this duress, and avoid the extorted bond. But if a man be lawfully imprisoned, and, either to procure his discharge, or on any other fair account, seals a bond or a deed, this is not by duress of imprisonment, and he is not at liberty to avoid it. To make imprisonment lawful, it must either be by process from the courts of judicature, or by warrant from some legal officer having authority to commit to prison; which warrant must be in writing, under the hand and seal of the magistrate, and express the causes of the commitment, in order to be examined into, if necessary, upon a habeas corpus. If there be no cause expressed, the jailer is not bound to detain the prisoner; for the law judges, in this respect, saith Sir Edward Coke, like Festus the Roman governor, that it is unreasonable to send a prisoner, and not to signify withal the crimes alleged.

A natural and regular consequence of this personal liberty is, that every Englishman may claim a right to abide in his own country so long as he pleases; and not to be driven from it unless by the sentence of the law. The king, indeed, by his royal prerogative, may issue out his writ ne exeat regno, and prohibit any of his subjects from going into foreign parts without license. This may be necessary for the public service and safeguard of the commonwealth. But no power on earth, except the authority of parliament, can send any man out of the realm, even upon the public service; excepting sailors and soldiers, the nature of whose employment necessarily implies an exception: he cannot even constitute a man lord deputy or lieutenant of Ireland against his will, nor make him a foreign ambassador. For this might, in reality, be no more than an honourable exile.

“The third absolute right, inherent in every Englishman, is that of property: which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land.”

III. The third absolute right, inherent in every Englishman, is that of property; which consists in the free use, enjoyment, and disposal of all his acquisitions, without any control or diminution, save only by the laws of the land. The original of private property is probably founded in nature, as will be more fully explained in the second book of the ensuing commentaries: but certainly the modifications under which we at present find it, the method of conserving it
in the present owner, and of translating it from man to man, are entirely derived from society; and are some of those civil advantages, in exchange for which every individual has resigned a part of his natural liberty. The laws of England are therefore, in point of honour and justice, extremely watchful in ascertaining and protecting this right. Upon this principle the great charter has declared that no freeman shall be disseized, or divested, of his freehold, or of his liberties, or free customs, but by the judgment of his peers, or by the law of the land. And by a variety of ancient statutes it is enacted, that no man's lands or goods shall be seized into the king's hands, against the great charter, and the law of the land; and that no man shall be disinherit, nor put out of his franchises or freehold, unless he be duly brought to answer, and be forejudged by course of law; and if any thing be done to the contrary, it shall be redressed, and holden for none.

“So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community.”

So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged, that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested, than in the protection of every individual's private rights, as modelled by the municipal law. In this and similar cases the legislature alone can, and indeed frequently does, interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner; but by giving him a full indemnification and equivalent for the injury thereby sustained. The public is now considered as an individual, treating with an individual for an exchange. All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power, which the legislature indulges with caution, and which nothing but the legislature can perform.

Nor is this the only instance in which the law of the land has postponed even public necessity to the sacred and inviolable rights of private property. For no subject of England can be constrained to pay any aids or taxes, even for the defence of the realm or the support of government, but such as are imposed by his own consent, or that of his representatives in parliament. By the statute 25 Edw. I. c. 5 and 6, it is provided, that the king shall not take any aids or tasks, but by the common assent of the realm. And what that common assent is, is more fully explained by 34 Edw. I. st. 4, c. 1, which enacts that no talliage or aid shall be taken without the assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land: and again by 14 Edw. III. st. 2, c. 1, the prelates, earls, barons, and commons, citizens, burgesses, and merchants, shall not be charged to make any aid, if it be not by the common assent of the great men and commons in parliament. And as this fundamental law had been shamefully evaded under many succeeding princes, by compulsive loans, and benevolences extorted without a real and voluntary consent, it was made an article in the petition of right 3 Car. I., that no man shall be compelled to yield any gift, loan, or benevolence, tax, or such like charge without common consent by act of parliament. And, lastly, by the statute 1 W. and M. st. 2, c. 2, it is declared, that levying money for or to the use of the crown, by pretence of prerogative, without grant of parliament, or for longer time, or in other manner, than the same is or shall be granted, is illegal.

In the three preceding articles we have taken a short view of the principal absolute rights which appertain to every Englishman. But in vain would these rights be declared, ascertained, and protected by the dead letter of the laws, if the constitution had provided no other method to secure their actual enjoyment. It has therefore established certain other auxiliary subordinate rights of the subject, which serve principally as outworks or barriers to protect and
maintain inviolate the three great and primary rights, of personal security, personal liberty, and private property. These are,

1. The constitution, powers, and privileges of parliament; of which I shall treat at large in the ensuing chapter.

2. The limitation of the king’s prerogative, by bounds so certain and notorious, that it is impossible he should either mistake or legally exceed them without the consent of the people. Of this, also, I shall treat in its proper place. The former of these keeps the legislative power in due health and vigour, so as to make it improbable that laws should be enacted destructive of general liberty; the latter is a guard upon the executive power by restraining it from acting either beyond or in contradiction to the laws, that are framed and established by the other.

3. A third subordinate right of every Englishman is that of applying to the courts of justice for redress of injuries. Since the law is in England the supreme arbiter of every man’s life, liberty, and property, courts of justice must at all times be open to the subject, and the law be duly administered therein. The emphatical words of magna carta, spoken in the person of the king, who in judgment of law (says Sir Edward Coke) is ever present and repeating them in all his courts, are these; nulli vendemus, nulli negabimus, aut differemus rectum vel justitiam: “and therefore every subject,” continues the same learned author, “for injury done to him in bonis, in terris, vel persona, by any other subject, be he ecclesiastical or temporal, without any exception, may take his remedy by the course of the law, and have justice and right for the injury done to him, freely without sale, fully without any denial, and speedily without delay.” It were endless to enumerate all the affirmative acts of parliament, wherein justice is directed to be done according to the law of the land; and what that law is every subject knows, or may know, if he pleases; for it depends not upon the arbitrary will of any judge, but is permanent, fixed, and unchangeable, unless by authority of parliament. I shall, however, just mention a few negative statutes, whereby abuses, perversions, or delays of justice, especially by the prerogative, are restrained. It is ordained by magna carta, that no freeman shall be outlawed, that is, put out of the protection and benefit of the laws, but according to the law of the land. By 2 Edw. III. c. 8, and 11 Ric. II. c. 10, it is enacted, that no commands or letters shall be sent under the great seal, in disturbance of the law; or to disturb or delay common right: and, though such commandments should come, the judges shall not cease to do right; which is also made a part of their oath by statute 18 Edw. III. st. 4. And by 1 W. and M. st. 2, c. 2, it is declared that the pretended power of suspending, or dispensing with laws, or the execution of laws, by regal authority, without consent of parliament, is illegal.

“(There are) certain other auxiliary subordinate rights of the subject, which serve principally as outworks or barriers to protect and maintain inviolate the three great and primary rights, of personal security, personal liberty, and private property. These are ... the constitution, powers, and privileges of parliament; the limitation of the king’s prerogative, (and) that of applying to the courts of justice for redress of injuries.”

Not only the substantial part, or judicial decisions, of the law, but also the formal part, or method of proceeding, cannot be altered but by parliament; for, if once those outworks were demolished, there would be an inlet to all manner of innovation in the body of the law itself. The king, it is true, may erect new courts of justice; but then they must proceed according to the old-established forms of the common law. For which reason it is declared, in the statute 16 Car. I. c. 10, upon the dissolution of the court of starchamber, that neither his majesty, nor his privy council, have any jurisdiction, power, or authority, by English bill, petition, articles, libel, (which were the course of proceeding in the starchamber, borrowed from the civil law;) or by any other arbitrary way whatsoever, to examine, or draw into question, determine, or dispose of the lands or goods of any subjects of this kingdom; but that the same ought to be tried and determined in the ordinary courts of justice, and by course of law.
“The fifth and last auxiliary right of the subject ... is that of having arms for their defence, suitable to their condition and degree, and such as are allowed by law. (A)lso declared by the same statute is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.”

4. If there should happen any uncommon injury, or infringement of the rights before mentioned, which the ordinary course of law is too defective to reach, there still remains a fourth subordinate right, appertaining to every individual, namely, the right of petitioning the king, or either house of parliament, for the redress of grievances. In Russia we are told(y) that the czar Peter established a law, that no subject might petition the throne till he had first petitioned two different ministers of state. In case he obtained justice from neither, he might then present a third petition to the prince; but upon pain of death, if found to be in the wrong: the consequence of which was, that no one dared to offer such third petition; and grievances seldom falling under the notice of the sovereign, he had little opportunity to redress them. The restrictions, for some there are, which are laid upon petitioning in England, are of a nature extremely different; and, while they promote the spirit of peace, they are no check upon that of liberty. Care only must be taken, lest, under the pretence of petitioning, the subject be guilty of any riot or tumult, as happened in the opening of the memorable parliament in 1640: and, to prevent this, it is provided by the statute 13 Car. II. st. 1, c. 5, that no petition to the king, or either house of parliament, for any altercation in church or state, shall be signed by above twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury in the country; and in London by the lord mayor, aldermen, and common council: nor shall any petition be presented by more than ten persons at a time. But, under these regulations, it is declared by the statute 1 W. and M. st. 2, c. 2, that the subject hath a right to petition; and that all commitments and prosecutions for such petitioning are illegal.

5. The fifth and last auxiliary right of the subject, that I shall at present mention, is that of having arms for their defence, suitable to their condition and degree, and such as are allowed by law. Which is also declared by the same statute, 1 W. and M. st. 2, c. 2, and is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.

In these several articles consist the rights, or, as they are frequently termed, the liberties of Englishmen: liberties more generally talked of, than thoroughly understood; and yet highly necessary to be perfectly known and considered by every man of rank and property, lest his ignorance of the points whereon they are founded should hurry him into faction and licentiousness on the one hand, or a pusillanimous indifference and criminal submission on the other. And we have seen that these rights consist, primarily, in the free enjoyment of personal security, of personal liberty, and of private property. So long as these remain inviolate, the subject is perfectly free; for every species of compulsive tyranny and oppression must act in opposition to one or other of these rights, having no other object upon which it can possibly be employed. To preserve these from violation, it is necessary that the constitution of parliament be supported in its full vigour; and limits, certainly known, be set to the royal prerogative. And, lastly, to vindicate these rights, when actually violated or attacked, the subjects of England are entitled, in the first place, to the regular administration and free course of justice in the courts of law; next, to the right of petitioning the king and parliament for redress of grievances; and, lastly, to the right of having and using arms for self-preservation and defence. And all these rights and liberties it is our birthright to enjoy entire; unless where the laws of our country have laid them under necessary restraints: restraints in themselves so gentle and moderate, as will appear, upon further inquiry, that no man of sense or probity would wish to see them slackened. For all of us have it in our choice to do every thing that a good man would desire to do; and are restrained from nothing but
what would be pernicious either to ourselves or our fellow-citizens. So that this review of our situation may fully justify the observation of a learned French author, who indeed generally both thought and wrote in the spirit of genuine freedom, and who hath not scrupled to profess, even in the very bosom of his native country, that the English is the only nation in the world where political or civil liberty is the direct end of its constitution. Recommending, therefore, to the student in our laws a further and more accurate search into this extensive and important title, I shall close my remarks upon it with the expiring wish of the famous father Paul to his country, “Esto Perpetua.”

“The liberties of Englishmen ... consist, primarily, in the free enjoyment of personal security, of personal liberty, and of private property. So long as these remain inviolate, the subject is perfectly free; for every species of compulsive tyranny and oppression must act in opposition to one or other of these rights, having no other object upon which it can possibly be employed.”

Notes

[This is a heavily annotated edition of Blackstone. We have removed the annotations of the commentators for the sake of brevity, leaving just Blackstone’s own notes.]

[(a)] 11 Philipp. 12.
[(b)] L. 1, c. 3.
[(c)] Facultas ejus, quod cuique facere libet, nisi quid juris prohibet. Inst. 1, 3, 1.
[(d)] 3 Edw. IV. c. 5.
[(e)] 30 Car. II. st. 1, c. 3.
[(f)] On Gov. p. 2, 57.
[(g)] Salk. 666. See ch. 14.
[(h)] 2 Inst. proem.
[(i)] 25 Edw. I.
[(k)] 2 Inst. proem.
[(l)] 1 W. and M. st. 2, c. 2.
[(m)] 12 and 13 W. III. c. 2.
[(n)] Plowd. 55.
[(o)] Si aliquis mulierem pregnantem percusserit, vel ei venenum dederit, per quod fecerit abortivam; si puerperium jam formatum fuerit, et maxime si fuerit animatum, facit homicidium. Bracton, l. 3, c. 21.
[(p)] 3 Inst. 50.
[(q)] Stat. 12 Car. II. c. 24.
[(r)] Stat. 10 and 11 W. III. c. 16.
[(s)] Qui in utero sunt, in jure civilis intelliguntur in rerum natura esse, cum de eorum commodo agatur. Ee. 1, 5, 26.
[(t)] 2 Inst. 483.
[(u)] L. 2, c. 5.
[(x)] 2 Inst. 483.
[(y)] L. 11, c. 27.
[(z)] Co. Litt. 133.
[(a)] This was also a rule in the feodal law, l. 2, c. 21: desist esse miles seculi, qui factus est miles Christi; nec beneficium pertinet ad eum qui non debet genere officium.
[(b)] Litt. 200.
[(c)] Co. Litt. 133.
[(d)] 2 Rep. 48; Co. Litt. 182.
[(e)] Co. Litt. 132.
[(f)] 1 Salk. 162.
[(g)] C. 29.
[(h)] 2 Inst. 48.
[(i)] C. 29.
[(j)] 5 Edw. III. c. 9. 25 Edw. III. st. 5. c. 4. 28 Edw. III. c. 3.
[(k)] I have been assured upon good authority, that, during the mild administration of Cardinal Fleury, above 54,000 lettres de cachet were issued upon the single ground of the famous bull unigenitus.
[(l)] 2 Inst. 589.
[(m)] 2 Inst. 482.
[(n)] Ibid. 52, 53.
[(o)] F. N. B. 85.
[(p)] C. 29.
[(q)] 2 Inst. 46.
See the introduction to the great charter, (edit. Oxon.) sub anno 1297; wherein it is shown that this statute de talliagio non concedendo, supposed to have been made in 34 Edw. I., is, in reality, nothing more than a sort of translation into Latin of the confirmatio cartarum, 25 Edw. I., which was originally published in the Norman language.


Further Information

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Further Reading

Other works by Sir William Blackstone (1723-1780) <oll.libertyfund.org/people/4639>

Other works on the Law: <oll.libertyfund.org/groups/50>.
Immanuel Kant, "The Principles of Political Right" (1791)

<oll.libertyfund.org/titles/2487>

“Every man must be held to have his own inalienable rights which he cannot give up though he wish to do it, and about which he is himself entitled to judge.”

Immanuel Kant (1724-1804)
Editor’s Introduction

Immanuel Kant (1724-1804) was a German philosopher who taught for many years at the University of Koenigsberg. He made pivotal contributions to the study of ethics and epistemology and was a leading figure in the German Enlightenment.

His essay on “The Principles of Political Right” (1791) reveals Kant to be a classical liberal of a conservative, anti-revolutionary bent. This may not be surprising given the fact that it appeared shortly after the outbreak of the French Revolution in July 1789. Kant’s intention is to draw up a political theory which would ensure equality of rights under the rule of law, while avoiding the violence and disruption of revolution. Thus we can see here his very strong support for the central role the protection of individual liberty plays in any political system, combined with an absolute equality of all men under the laws (with the notable exception of the Sovereign who is “above” the laws). He extolls what he calls “the universal law of Freedom” and his formulation is very similar to Herbert Spencer’s “law of equal liberty” which he developed in the 1850s.

However, Kant breaks with the American and French classical liberal tradition in his equally strong opposition to the right of resistance or rebellion by individuals who believe their rights to life, liberty, and property have been violated by the sovereign power. His fear of revolution is so strong that he believes that individuals must obey unjust laws and only try to right perceived wrongs by appealing to the sovereign by means of “the Liberty of the Press.” The tension between his desire for “obedience to coercive laws” and the need for “a Spirit of Liberty among the people” is one Kant is unable to resolve.

Also noteworthy is his rejection of the idea that the state should try to enact legislation in order to make the people “happy”. Kant believes that pursuit of happiness is very much an individual matter and is not the responsibility of the sovereign power and in this he was much closer to Thomas Jefferson and the Founding Fathers of the American republic.

“No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves”
The establishment of a Civil Constitution in society is one of the most important facts in human history. In the principle on which it is founded this institution differs from all the other forms of social union among mankind. Viewed as a compact,[1] and compared with other modes of compact[2] by which numbers of men are united into one Society, the formation of a Civil Constitution has much in common with all other forms of Social Union in respect of the mode in which it is carried out in practice. But while all such compacts are established for the purpose of promoting in common some chosen End, the Civil Union is essentially distinguished from all others, by the principle on which it is based. In all social contracts we find a union of a number of persons for the purpose of carrying out some one End which they all have in common. But a Union of a multitude of men, viewed as an end in itself that every person ought to carry out, and which consequently is a primary and unconditional duty amid all the external relations of men who cannot help exercising a mutual influence on one another,—is at once peculiar and unique of its kind. Such a Union is only to be found in a Society which, by being formed into a Civil State, constitutes a Commonwealth. Now the End which in such external relations is itself a duty and even the highest formal condition—the conditio sine qua non—of all other external duties, is the realisation of the Rights of Men under public compulsory Laws, by which every individual can have what is his own assigned to him, and secured against the encroachments or assaults of others.

The idea of an external Right, however, arises wholly out of the idea of human Freedom or Liberty, in the external relations of men to one another. As such, it has nothing specially to do with the realisation of Happiness as a purpose which all men naturally have, or with prescription of the means of attaining it; and it is absolutely necessary that this End shall not be mixed up with the Laws of Right as their motive.

The Civil State, then, regarded merely as a social state that is regulated by laws of right, is founded upon the following rational principles:—

1. The Liberty of every Member of the Society as a Man;
2. The Equality of every Member of the Society with every other, as a Subject;

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3. The Self-dependency of every Member of the Commonwealth, as a Citizen.

These Principles are not so much Laws given by the State when it is established, as rather fundamental conditions according to which alone the institution of a State is possible, in conformity with the pure rational Principles of external Human Right generally.

“No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves.”

1. The Liberty of every Member of the State as a Man, is the first Principle in the constitution of a rational Commonwealth. I would express this Principle in the following form:—No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves when their Liberty is capable of consisting with the Right of Liberty in all others according to possible universal laws. —A Government founded upon the principle of Benevolence towards the people—after the analogy of a father to his children, and therefore called a paternal Government—would be one in which the Subjects would be regarded as children or minors unable to distinguish what is beneficial or injurious to them. These subjects would be thus compelled to act in a merely passive way; and they would be trained to expect solely from the Judgment of the Sovereign and just as he might will it, merely out of his goodness, all that ought to make them happy. Such a Government would be the greatest conceivable Despotism; for it would present a Constitution that would abolish all Liberty in the Subjects and leave them no Rights. It is not a paternal Government, but only a patriotic Government that is adapted for men who are capable of Rights, and at the same time fitted to give scope to the good-will of the ruler. By ‘patriotic’ is meant that condition of mind in which everyone in the State—the Head of it not excepted—regards the Commonwealth as the maternal bosom, and the country as the paternal soil out of and on which he himself has sprung into being, and which he also must leave to others as a dear inheritance. Thus, and thus only, can he hold himself entitled to protect the Rights of his fatherland by laws of the common will, but not to subject it to an unconditional purpose of his own at pleasure. —This Right of Liberty thus belongs to him as a man, while he is a Member of the Commonwealth; or, in point of fact, so far as he is a being capable of rights generally.

2. The Equality of every member of the State as a subject, is the second Principle in the Constitution of a rational Commonwealth. The formula of this Principle may be put thus:—Every Member of the Commonwealth has rights against every other that may be enforced by compulsory Laws, from which only the Sovereign or Supreme Ruler of the State is excepted, because he is regarded not as a mere Member of the Commonwealth, but as its Creator or Maintainer; and he alone has the Right to compel without being himself subject to compulsory Law. —All, however, who live under Laws in a State, are its subjects; and, consequently, they are subjected to the compulsory Law, like all other members of the Commonwealth, one only, whether an individual Sovereign or a collective body, constituting the Supreme Head of the State, and as such being accepted as the medium through which alone all rightful coercion or compulsion can be exercised. For, should the Head of the State also be subject to compulsion, there would no longer be a Supreme Head, and the series of members subordinate and superordinate would go on upwards ad infinitum. Again, were there in the State two such powers as persons exempt from legal compulsion, neither of them would be subject to compulsory Laws, and as such the one could do no wrong to the other; which is impossible.

This thoroughgoing Equality of the individual men in a State as its subjects, is, however, quite compatible with the greatest Inequality in the extent and degrees of their possessions, whether consisting in corporeal or spiritual superiority over others, or in the external gifts of fortune, or in rights generally—of which there may be many—in relation to others. Thus the prosperity of the one may greatly depend on the
will of another, as in the case of the poor in relation to the rich. One may even have necessity to obey and another to command, as in the relation of children to parents, and of wife to husband. Again, one may have to work and another to pay, as in the case of a day labourer; and so on. But in relation to the involved law of Right, which as the expression of the universal Will of the State can be only one, and which regards the form of the Right, and not the matter or object to which the Right refers: in all cases, the persons as Subjects, are to be regarded as all equal to one another. For no one has a right to compel or coerce anyone whomsoever in the State, otherwise than by the public Law and through the Sovereign or Ruler executing it; and anyone may resist another thus far, and through the same medium. On the other hand, no one can lose this right, as a title to proceed by legal compulsion against others, except by his own fault or a criminal act. Nor can anyone divest himself of it voluntarily, or by a compact, so as to bring it about by a supposed act of Right, that he should have no rights but only duties towards others; for in so doing he would be depriving himself of the right of making a compact, and consequently the act would annul itself.

“Every Member of the State should have it made possible for him to attain to any position or rank that may belong to any subject, to which his talent, his industry or his fortune may be capable of raising him; and his fellow-subjects are not entitled to stand in the way by any hereditary prerogative, forming the exclusive privilege of a certain class, in order to keep him and his posterity for ever below them.”

Out of this idea of the Equality of men as Subjects in the Commonwealth, there arises the following formula:—'Every Member of the State should have it made possible for him to attain to any position or rank that may belong to any subject, to which his talent, his industry or his fortune may be capable of raising him; and his fellow-subjects are not entitled to stand in the way by any hereditary prerogative, forming the exclusive privilege of a certain class, in order to keep him and his posterity for ever below them.’

For, all Right just consists in restriction of the Liberty of another to the condition that is consistent with my Liberty according to a universal Law; and Public Right in a Commonwealth is only the product of actual legislation conformable to this principle and conjoined with power, in virtue of which all who belong to a nation as its subjects find themselves in a rightful state—status juridicus—constituted and regulated by law. And, as such, this state is in fact a condition of Equality, inasmuch as it is determined by the action and reaction of free-wills limiting one another, according to the universal law of Freedom; and it thus constitutes the Civil State of human Society. Hence the inborn Right of all individuals in this sphere (that is considered as being prior to their having actually entered upon juridical action) to bring compulsion to bear upon any others, is entirely identical and equal throughout, on the assumption that they are always to remain within the bounds of unanimity and concord in the mutual use of their Liberty. Now birth is not an act on the part of him who is born, and consequently it does not entail upon him any inequality in the state of Right, nor any subjection under laws of compulsion other than what is common to him, with all others, as a subject of the one supreme legislative Power; and, therefore, there can be no inborn privilege by way of Right in any member of the Commonwealth as a subject, before another fellow-subject. Nor, consequently has anyone a right to transmit the privilege or prerogative of the Rank which he holds in the Commonwealth to his posterity so that they should be, as it were, qualified by birth for the rank of nobility; nor should they be prevented from attaining to the higher stages in the gradations of social rank, by their own merit. Everything else that partakes of the nature of a thing and does not relate to-personality, may be bequeathed; and, since such things may be acquired as property, they may also be alienated or disponed. Hence after a number of generations a considerable inequality in external circumstances may arise among the members of a Commonwealth, producing such relations as those of Master and Servant, Landlord and Tenant, etc. These
circumstances and relations, however, ought not to hinder any of the subjects of the State from rising to such positions as their talent, their industry, and their fortune may make it possible for them to fill. For, otherwise such a one would be qualified to coerce without being liable to be coerced by the counter action of others in return; and he would rise above the stage of being a fellow-subject. Further, no man who lives under the legalised conditions of a Commonwealth, can fall out of this equality otherwise than by his own crime, and never either by compact or through any military occupancy.[3] For he cannot by any legal act, whether of himself or of another, cease to be the owner of himself, or enter into the class of domestic cattle, which are used for all sorts of services at will and are maintained in this condition without their consent as long as there is a will to do it, although under the limitation—which is sometimes sanctioned even by religion, as among the Hindoos—that they are not to be mutilated or slain. Under any conditions, he is to be regarded as happy who is conscious that it depends only on himself—that is on his faculty or earnest will—or on circumstances which he cannot impute to any other, and not on the irresistible will of others, that he does not rise to a stage of Equality with others who as his fellow-subjects have no advantage over him as far as Right is concerned.

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3. The Self-dependency [4] of a member of the Commonwealth as a citizen, or fellow-legislator, is the third principle or condition of Right in the State. In the matter of the legislation itself, all are to be regarded as free and equal under the already existing public Laws; but they are not to be all regarded as equal in relation to the right to give or enact these laws. Those who are not capable of this right are, notwithstanding, subjected to the observance of the laws as members of the Commonwealth, and thereby they participate in the protection which is in accordance therewith; they are, however, not to be regarded as Citizens but as protected fellow-subjects.—All right, in fact, depends on the laws. A public law, however, which determines for all what is to be legally allowed or not allowed in their regard, is the act of a public Will, from which all right proceeds and which therefore itself can do no wrong to anyone. For this, however, there is no other Will competent than that of the whole people, as it is only when all determine about all that each one in consequence determines about himself. For it is only to himself that one can do no wrong. But if it be another will that is in question, then the mere will of anyone different from it, could determine nothing for it which might not be wrong; and consequently the law of such a will would require another law to limit its legislation. And thus no particular will can be legislative for a Commonwealth.—Properly speaking, in order to make out this, the ideas of the external Liberty, Equality, and Unity of the will of all, are to be taken into account; and for the last of these Self-dependency is the condition, since the exercising of a vote is required when the former two ideas are taken along with it. The fundamental law thus indicated, which can only arise out of the universal united will of the people, is what is called the ‘Original Contract.’

“the individual is his own master by right (sui juris); and, consequently, that he has some property that supports him,—under which may be reckoned any art or handicraft, or any fine art or science. Otherwise put, the condition in those cases in which the citizen must acquire from others in order to live, is that he only acquires it by alienation of what is his own, and not by a consent given to others to make use of his powers”
Now anyone who has the right of voting in this system of Legislation, is a *Citizen* as distinguished from a Burgess; he is a *citoyen* as distinguished from a *bourgeois*. The quality requisite for this status, in addition to the natural one of not being a child or a woman,—is solely this, that the individual is his own *master* by right (*sui juris*); and, consequently, that he has some property that supports him,—under which may be reckoned any art or handicraft, or any fine art or science. Otherwise put, the condition in those cases in which the citizen must acquire from others in order to live, is that he only acquires it by alienation of what is his own, and not by a consent given to others to make use of his powers; and consequently that he serves no one but the Commonwealth, in the proper sense of the term. In this relation those who are skilled in the arts, and large or small proprietors, are all equal to one another; as in fact each one is entitled only to one vote. As regards Proprietors, the question might be considered as to how it may have happened by right that anyone has got as his own more land than he can himself use with his own hands (for acquisition by military occupation is not primary acquisition); and how it has happened that many men, who otherwise might have altogether been able to acquire an independent possession, have been brought to the position of merely serving such a one in order to be able to live. But without entering here upon the consideration of this question, it is manifest that it would at once be contrary to the previous principle of Equality, if a law were to invest such persons with the privilege of a class, so that their descendants should either always continue to be great proprietors of land—in the manner of fiefs—without such being able to be sold or divided by inheritance, and thus coming to be applied for the use of more of the people; or if, even in carrying out such divisions, that no one but he who belonged to a certain class, arbitrarily regulated in this connection, could acquire any part of such land. The great possessor of an estate, does in fact annihilate as many smaller owners and their voices as might occupy the place he takes up; he does not vote in their name, and he has consequently only one vote. It thus must be left to depend merely on the means, the industry, and the fortune of each member of the Commonwealth, that each one may acquire a part of it, and all of its members the whole. But these distinctions cannot be brought into consideration in connection with a universal Legislation; and hence the number of those qualified to have a voice in the legislation, must be reckoned by the heads of those who are in possession and not according to the extent of their possessions.

Furthermore, all who have this right of voting must agree in order to realise the Laws of public justice, for otherwise there would arise a conflict of right between those who were not in agreement with it, and the others who were; and this would give rise to the need of a higher principle of right that the conflict might be decided. A universal agreement cannot be expected from a whole people; and consequently it is only a plurality of voices, and not even of those who immediately vote in a large nation, but only of their delegates as representative of the people that can alone be foreseen as practically attainable. And hence, even the principle of making the majority of votes suffice as representing the general consent, will have to be taken as by compact; and it must thus be regarded as the ultimate basis of the establishment of any Civil Constitution.

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We have next to consider what follows by way of Corollary from the principles thus enunciated. We have before us the idea of an ‘Original Contract’ as the only condition upon which a civil and, therefore, wholly rightful, constitution can be founded among men, and as the only basis upon which a State can be established. But this fundamental condition—whether called an ‘original contract’ or a ‘social compact’—may be viewed as the coalition of all the private and particular wills of a people into one common and public Will, having a purely juridical legislation as its end. But it is not necessary to presuppose this contract or compact, to have been actually a fact; nor indeed is it possible as a fact. We have not to deal with it as if it had first to be
proved from history that a people into whose rights and obligations we have entered as their descendants, did actually on a certain occasion execute such a contract, and that a certain evidence or instrument regarding it of an oral or written kind, must have been transmitted so as to constitute an obligation that shall be binding in any existing civil constitution. In short, this idea is merely an idea of Reason; but it has undoubtedly a practical reality. For it ought to bind every legislator by the condition that he shall enact such laws as might have arisen from the united will of a whole people; and it will likewise be binding upon every subject, in so far as he will be a citizen, so that he shall regard the Law as if he had consented to it of his own will. This is the test of the rightfulness of every public law. If the law be of such a nature that it is impossible that the whole people could give their assent to it, it is not a just law. An instance of this kind would be a law, enacting that a certain class of subjects should have all the privileges of hereditary rank by mere birth. But if it be merely possible that a people could consent to a law, it is a duty to regard it as just, even supposing that the people were at the moment in such a position or mood, that if it were referred to them, their consent to it would probably be refused. [5]

“In regard to the interest of happiness, no principle that could be universally applicable, can be laid down for the guidance of legislation; for not only the circumstances of the time, but the very contradictory and ever-changing opinions which men have of what will constitute happiness, make it impossible to lay down fixed principles regarding it; and so the idea of Happiness, taken by itself, is not available as a principle of legislation.”

This limitation, however, manifestly applies only to the judgment of the Legislator and not to that of the Subject. If, then, under a certain actual state of the law, a people should conclude that the continuance of that law would probably take away their happiness, what would they have to do? Would it not be a duty to resist the law? The answer can only be that the people should do nothing but obey. For the question here does not turn upon the happiness which the subject may expect from some special institution or mode of administering the Commonwealth, but the primary concern is purely that of the Right which has thus to be secured to every individual. This is the supreme principle from which all the maxims relating to the Commonwealth must proceed; and it cannot be limited by anything else. In regard to the interest of happiness, no principle that could be universally applicable, can be laid down for the guidance of legislation; for not only the circumstances of the time, but the very contradictory and ever-changing opinions which men have of what will constitute happiness, make it impossible to lay down fixed principles regarding it; and so the idea of Happiness, taken by itself, is not available as a principle of legislation. No one can prescribe for another as to what he shall find happiness in. The principle, salus publica suprema civitatis lex est, remains undiminished in value and authority; and the public weal, which has first of all to be taken into consideration, is just the maintenance of that legal constitution by which the liberty of all is secured through the laws. Along with this, the individual is left undisturbed in his right to seek his happiness in whatever way may seem to him best, if only he does not infringe the universal liberty secured through the law, by violating the rights of other fellow subjects. When the sovereign Power enacts laws which are directed primarily towards the happiness of the citizens, out of regard to their well-being, the state of the population and such like, this is not done from its being the end for which the civil constitution is established, but merely as a means of securing the state of Right, especially against the external enemies of the people. The Government must be capable of judging, and has alone to judge, whether such legislation belongs to the constitution of the Commonwealth, and whether it is requisite in order to secure its strength and steadfastness, both within itself and against foreign enemies; but this is not to be done as if the aim were to make the people happy even against their will, but only to bring it about that they shall exist as a Commonwealth.[6] In thus judging whether any such measure can be taken prudently or not, the legislator
may indeed err. But he does not err in so far as he considers whether the law does or does not agree with a principle of Right.

And in doing so he has an infallible criterion in the idea of the ‘original contract,’ viewed as an essential idea of reason; and hence he does not require—as would be the case with the principle of happiness—to wait for experience to instruct him about the utility rather than the rightness of his proposed measure. For if it is only not contradictory in itself that a whole people should agree to such a law, however unpleasant may be its results in fact, it would as such be conformable to Right. If a public law be thus conformable to Right, it is irreprehensible, and hence it will give the right to coerce; and, on the other hand, it would involve the prohibition of active resistance to the will of the legislator. The power in the State which gives effect to the law, is likewise irresistible; and no rightful commonwealth exists without such a power to suppress all internal resistance to it. For, such resistance would proceed according to a rule which if made universal would destroy all civil constitutionalism, and would annihilate the only state in which men can live in the actual possession of rights.

“Hence it follows that all resistance to the Sovereign Legislative Power, every kind of instigation to bring the discontent of the subjects into active form, and rebellion or insurrection of every degree and kind, constitute the highest and most punishable crimes in the commonwealth; for they would destroy its very foundations.”

Hence it follows that all resistance to the Sovereign Legislative Power, every kind of instigation to bring the discontent of the subjects into active form, and rebellion or insurrection of every degree and kind, constitute the highest and most punishable crimes in the commonwealth; for they would destroy its very foundations. The prohibition of them is therefore absolute; so that even if the Supreme Power, or the Sovereign as its agent, were to violate the original contract, and thereby in the judgment of the subject to lose the right of making the laws, yet as the Government has been empowered to proceed even thus tyrannically, no right of resistance can be allowed to the subject as a power antagonistic to the State. The reason of this is that in the actually existing Civil Constitution the people have no longer the right to determine by their judgment how it is to be administered. For suppose they had such a right, and that it was directly opposed to the judgment of the actual Head of the State, who would there be to decide with which of them the right lay? Evidently neither of them could do this, as it makes them judges in their own cause. There would therefore have to be another sovereign Head above the sovereign Head to decide between it and the people, but this is a contradiction. Nor can some supposed right of necessity—which is at best a spurious thing, such as is the fancied right to do wrong in an extreme physical necessity—come in here as a lever for the removal of the barrier thus limiting the voluntary power of the people. For the Head of the State may just as well think to justify his hard procedure against the subjects by the fact of their obstinacy and intractability, as they to justify their revolt by complaining against him about their undue suffering. Who shall decide between them? It is only he who is in possession of the supreme public administration of right, or who is otherwise the Head of the State, who can do this; and no one in the commonwealth can have the right to contest his possession of the power to do it. Nevertheless I find excellent men asserting such a right on the part of the Subject to resist the higher authority under certain circumstances. Among these I shall only now refer to Achenwall, a very cautious, distinct, and careful writer. In his doctrine of Natural Right he says: ‘If the danger which threatens the commonwealth from longer toleration of the injustice of the sovereign, is greater than what may be anticipated from taking up arms, then the people may resist such a sovereign; and in order to maintain their rights they may break their compact of submission and dethrone him as a tyrant.’ And hence he infers that in this way the people return to the state of Nature in relation to their previous Head.

I am willing to believe that neither Achenwall nor any of the worthy men who agree with him in this sort of reasoning, would have ever given their advice or
consent in any case to enterprises of so dangerous a nature. Nor can it well be doubted that if the revolutions by which Switzerland, the United Netherlands, and even Great Britain acquired the political Constitutions now so celebrated, had failed, the readers of history would have seen in the execution of the leaders now so highly lauded, only the punishment deserved by great political criminals. The result thus usually becomes intermingled with our judgment of the principles of right in question, although the former is always uncertain in fact, whereas the latter are always certain in themselves. It is, however, clear that as regards these principles the people by their mode of seeking to assert their rights commit the greatest wrong, even if it be admitted that the rebellion might do no wrong to the ruling sovereign who had violated the actual compact upon which his relation to the people was founded in a sort of joyeuse entrée. For if this mode of conduct were adopted as a maxim, all rightful political Constitution would be made uncertain and a natural state of utter lawlessness would be introduced, in which all right at least would cease to have effect.—With regard to this tendency in so many thoughtful writers to encourage the people to their own detriment, I will only observe that there are two influences commonly at work in determining it. It is partly caused by the common illusion which substitutes the principle of Happiness as the criterion of judgment, when the principle of Right is really in question. And again, where there is no record of anything like a compact actually proposed to the Commonwealth, or accepted by the Sovereign, or sanctioned by both, these thinkers have assumed the idea of an ‘original Contract’ which is always involved in reason, as a thing which must have actually happened; and thus they supposed that the right was always reserved to the people in the case of any gross violation of it in their judgment, to resile from it at pleasure.[7]

“The sovereign acting on this principle (of Happiness) determines to make the people happy according to his notions, and he becomes a despot. The people will not give up their common human claim to what they consider their own happiness, and they become rebels.”

It thus becomes evident that the principle of Happiness, which is properly incapable of any definite determination as a principle, may be the occasion of much evil in the sphere of political Right, just as it is in the sphere of morals. And this will hold good even with the best intentions on the part of those who teach and inculcate it. The sovereign acting on this principle determines to make the people happy according to his notions, and he becomes a despot. The people will not give up their common human claim to what they consider their own happiness, and they become rebels. Now if at the outset it had been asked what is right and just by regard to the established principles of reason, without regard to the notions of the empiric, the idea underlying the theory of the social compact would always have incontestable authority. But it would not be correct to treat it as an empirical fact, as Danton would have it; for he thought that apart from this fact all rights found in any existing civil constitution and all property, would have to be declared null and void. The idea in question is only to be taken as a rational principle for the estimation and judgment of all the public rights existing under a political constitution. And so regarded, it then becomes evident that, prior to the existence of a common Will, the people possess no right of coercion in relation to their ruler, because they can only bring such coercion to bear as a matter of right through him. And when this Will does exist, no coercion can be exercised by the people against him, because this would make them to be themselves the supreme ruler. Hence a right of compulsion or coercion in the form of a resistance in word or deed against the sovereign Head of the State, can never belong of right to the people.

Further, we see this theory sufficiently confirmed in practice. In the constitution of Great Britain the people form such an important element that it is represented as a model for the whole world, and yet we find that it is entirely silent about any right pertaining to the people in case the monarch should transgress the contract of 1688; and, consequently, since there is no law upon the subject, if there is any right of rebellion against him should he violate the constitution, it can only be there by secret reservation. For, it would be a manifest contradiction that the constitution should
contain a law providing for such a case. That would be to justify the overthrow of the subsisting constitution from which all particular laws arise; which would be absurd, even on the supposition that the contract was violated. Such a constitution would be contradictory for this reason that it would necessarily have to include a publicly constituted counter power, which consequently would be a second sovereign in the State, and its function would be to protect the rights of the people against the other sovereign.[8] But the existence of this second Sovereign would likewise require a third whose function would be to decide between these two and to determine on which side right and justice lay.—Hence such guides, or rather, let us say, guardians of the people, perplexed by the possibility of such an accusation should their enterprise fail in any way, have rather contrived, for the behoof of a monarch who might be scared away by them, a voluntary power of demitting the government than claimed a presumptuous right of deposition. But this view manifestly puts the constitution into contradiction with itself. Now if, in presence of these assertions, the objection is not raised against me, as it certainly should not, that I flatter the monarch too much by this view of his inviolability, I may hope to be also spared another objection from the opposite side. In a word, I hope to be spared the contrary objection that I assert too much in favour of the people, although these cannot be justly regarded as rights of coercion or constraint.

“every man must be held to have his own inalienable rights which he cannot give up though he wish to do it, and about which he is himself entitled to judge. But ... to assume that the Sovereign Power can never err, or never be ignorant of anything, would amount to regarding that Power as favoured with heavenly inspiration and as exalted above the reach of mankind, which is absurd. Hence the Liberty of the Press, is the sole palladium of the rights of the people.”

Hobbes is of the opposite opinion. In his view the sovereign as Head of the State is bound in nothing to the people by compact and can do no wrong to the citizens, however he act towards them. This proposition would be quite correct, if by ‘wrong’ we understand that kind of lesion which allows to the injured party a right of coercion against the one who does the wrong. So it is in the special relation, but taken generally the proposition is repulsive and appalling. Any Subject who is not utterly intractable, must be able to suppose that his Sovereign does not really wish to do him wrong. Moreover, every man must be held to have his own inalienable rights which he cannot give up though he wish to do it, and about which he is himself entitled to judge. But the wrong in question which in his opinion is done to him, occurs according to that view only from error or ignorance of certain consequences that will ensue from the laws laid down by the sovereign power. Consequently the right must be conceded to the citizen, and with the direct consent of the sovereign, that he shall be able to make his opinion publicly known regarding what appears to him to be a wrong committed against the Commonwealth by the enactments and administration of the Sovereign. For to assume that the Sovereign Power can never err, or never be ignorant of anything, would amount to regarding that Power as favoured with heavenly inspiration and as exalted above the reach of mankind, which is absurd. Hence the Liberty of the Press, is the sole palladium of the rights of the people. But it must be exercised within the limits of reverence and love for the constitution as it exists, while it must be sustained by the liberal spirit of the subjects, which the constitution itself tends to inspire; and it must be so limited by the wise precautions of those who exercise it that their freedom be not lost. To refuse this Liberty to the people amounts to taking from them all claim to right in relation to the supreme Power; and this is the view of Hobbes. But more than this is involved. As the will of the Sovereign only commands the subjects as citizens on the ground that he represents the general will of the people, to deprive the people of this liberty would be to withdraw from the Sovereign power all knowledge of what he would himself alter if he only knew it; and it would thus put him into contradiction with himself.
Moreover to instil an anxiety into the sovereign that independent thinking and public utterance of it, would of themselves excite trouble in the State, would amount to exciting distrust against his own power or even awakening hatred against the people. There is then a general principle according to which the people may assert their rights negatively, so far as merely to judge that a certain thing is to be regarded as not ordained by the supreme legislation in accordance with their best will. This principle may be expressed in the following proposition: What a People could not ordain over itself, ought not to be ordained by the Legislator over the People.

For example, the question may be raised as to whether a Law, enacting that a certain regulated ecclesiastical constitution shall exist permanently and for all time, can be regarded as issuing from the proper will of the Lawgiver according to his real intention. In dealing with it, the position which first arises, is whether a people may make a law to itself to the effect that certain dogmas and external forms of religion, when once adopted, shall continue to be adopted for all time; and, therefore, whether it may prevent itself in its own descendants from advancing further in religious insight, or from altering any old errors when they have become recognised as such? It will thus become clear, that an ‘original contract’ of the people which made such a position a law, would be in itself null and void, because it is inconsistent with the essential destination and purposes of mankind. Consequently, a law enacted to such an effect, is not to be regarded as the proper will of the monarch; and counter representations may therefore be made to him against it. In all cases, however, even when such things have been ordained by the supreme legislation, resistance is not to be offered to them in word or in deed, but they are only to be opposed by the influence of general and public judgments.

In every Commonwealth there must be obedience to coercive laws relating to the whole people and regulated by the mechanism of the political constitution. But at the same time there must be a Spirit of Liberty among the people; for every one needs to be convinced by reason in things relating to universal human duty, that such coercion is in accordance with Right.

There is a certain practical spirit that professes to disregard all principles of pure Reason; and it expresses itself nowhere with more presumption regarding theoretical truth than in reference to the question as to the requisites of a good political constitution. The cause of this is that where there has been a legal constitution long in existence the people have been gradually accustomed to take that state in which everything has hitherto advanced in a quiet course, as the rule by which to judge of their happiness as well as their rights. On this account they have not been accustomed to judge of their condition in these respects according to the conceptions which are furnished by reason regarding them. And thus they come rather to prefer continuance of their passive state to the dangerous position of seeking for a better; for here too the maxim which Hippocrates lays down for the physician finds application ‘judgment is uncertain, experiment is dangerous.’[9] Thus it is that all constitutions that have subsisted for some length of time—whatever may be their defects—agree amid all their differences in one result, namely, in producing a certain contentment with every one’s own. Hence, when regard is given merely to the prosperity of the
people, theory has properly no place but everything rests upon the practice that follows experience. But the question arises whether there is anything in Reason that can find expression in the term ‘Political Right,’ and whether this conception is of binding force in the case of men who stand in antagonism to each other in virtue of their individual liberty? This involves the question as to the objective and practical reality of such a principle of Right, and whether it can be applied without regard to the mere well-being or ill-being which may arise from it, the knowledge of which can only rest upon experience. If there be such a basis of political Right, as has now been maintained, it must be founded upon the principles of pure Reason; for experience cannot teach what is right and just in itself. And, if it be so, there is a Theory of Political Right, and no Practice is valid which is not in conformity with it.

Against this position objection could only be taken in the following way. It might be alleged that, although men have in their minds the idea of rights as belonging to them, they are still, on account of their obtuseness and refractoriness, incapable and unworthy of being treated in accordance with it. And hence it might be maintained that a supreme Power proceeding merely in accordance with rules of expediency, should and must keep them in order. This is a leap of despair, a salto mortale; and it is of such a kind that since Might only, and not Right, comes into consideration, the people may then also be justified in trying their best by force; and all legal constitution is thus made uncertain. If there be no human Right which compels respect directly by its rationality, then all influences put forth to control the arbitrary will and liberty of men, will be found unavailing. But if along with the sentiment of Benevolence, the principle of Right speaks aloud, Human Nature will show itself not to be so degenerate that its voice will not be heard with reverence. We may say of it in the words of Virgil:

Tum pietate gravem meritisque si forte
virum quem
Conspexere, silent arrectisque auribus
adstant.

Notes


[4]The term Selbstständigkeit, here rendered by Self-dependency,’ is represented by Kant in his text by the Latin equivalent Sibisufficientia. The word ‘self-sufficiency,’ however, would be apt to mislead English readers. The term is commonly translated by ‘Independence,’ but ‘Self-dependency’ has been preferred as more closely indicative of the form and connotation of the German word.—Tr.

[5]If, for example, a proportioned war-tax were imposed on all the subjects, they are not entitled, because it is burdensome, to say that it is unjust because somehow, according to their opinion, the war was unnecessary. For they are not entitled to judge of this; whereas because it is at least always possible that the war was inevitable and the tax indispensable, it must be regarded as rightful in the judgment of the subject. If, however, in such a war certain owners of property were to be burdened by imposts, from which others of the same class were spared, it is easily seen that a whole people could not concur in such a law, and it is entitled at the least to make protestation against it, because it could not regard this unequal distribution of the public burdens as just.

[6]Here belong certain prohibitions of imports in order that the means of acquisition may be promoted in the best interests of the subjects, and not for the advantage of strangers and the encouragement of the industry of others; because the State without the prosperity of the people, would not possess sufficient power to resist external enemies or to maintain itself as a Commonwealth.

[7]However the actual compact of the People with the Ruler may be violated, the People cannot in fact directly offer opposition as a Commonwealth, but only by mutiny and rebellion. For the hitherto existing Constitution is then broken through by the People; whereas the organisation of a new Commonwealth has still to find place. In these circumstances the state of Anarchy arises with all the abominations, which are thereby at least made possible; and the wrong which thus ensues is what is inflicted by one party upon another in the People. Thus from the example referred to above, it is seen how the rebellious subjects of that State strove at last to force on each other a Constitution which would have been far more oppressive than the one they abandoned; as it would have led to their being consumed by Clergy and Aristocrats instead of their waiting for more equality in the distribution of the burdens of the State under an all-controlling Head.
[8] No Law or Right in the State can be, as it were maliciously concealed by a secret reservation; least of all the Rights which the people claim as belonging to the Constitution, because all its laws must be conceived as having sprung from a public will. If the Constitution allowed insurrection, it would therefore publicly have to define the right to it as well as the way in which it was to be put in practice.

[9] 'Judicium anceps, experimentum periculosum.'
Further Information

SOURCE


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FURTHER READING

Other works by Immanuel Kant (1724-1804) <oll.libertyfund.org/people/3779>.

School of Thought: German Liberalism <oll.libertyfund.org/groups/32>.
“There are some truths so completely self-evident, that demonstration is quite superfluous. This is one of that number... Yet how often in practice is that inviolability of property disregarded.”
Editor's Introduction

Jean-Baptiste Say (1767-1832) was the leading French political economist in the first third of the nineteenth century. Before becoming an academic political economist quite late in life, Say apprenticed in a commercial office, working for a life insurance company; he also worked as a journalist, soldier, politician, cotton manufacturer, and writer. During the revolution he worked on the journal of the idéologues, La Décade philosophique, littéraire, et politique, for which he wrote articles on political economy from 1794 to 1799. In 1814 he was asked by the government to travel to England on a fact-finding mission to discover the secret of English economic growth and to report on the impact of the revolutionary wars on the British economy. His book De l'Angleterre et des Anglais (1815) was the result.

After the defeat of Napoleon and the restoration of the Bourbon monarchy, Say was appointed to teach economics in Paris, first at the Athénée, then as a chair in "industrial economics" at the Conservatoire national des arts et métiers, and finally the first chair in political economy at the Collège de France. Say is best known for his Traité d'économie politique (1803), which went through many editions (and revisions) during his lifetime. One of his last major works, the Cours complet d'économie politique pratique (1828-33), was an attempt to broaden the scope of political economy, away from the preoccupation with the production of wealth, by examining the moral, political, and sociological requirements of a free society and how they interrelated with the study of political economy.

In the chapter "On the Right of Property" in his Treatise Say (1767-1832) 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. He also argues that property is not limited to ownership of "things" but also includes an individual's "talents and faculties." 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.

“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”
“Of the Right to Own Property” (1819)

It is the province of speculative philosophy to trace the origin of the right of property; of legislation to regulate its transfer; and of political science to devise the surest means of protecting that right. Political economy recognises the right of property solely as the most powerful of all encouragements to the multiplication of wealth, and is satisfied with its actual stability, without inquiring about its origin or its safeguards. In fact, the legal inviolability of property is obviously a mere mockery, where the sovereign power is unable to make the laws respected, where it either practises robbery itself, [26] or is impotent to repress it in others; or where possession is rendered perpetually insecure, by the intricacy of legislative enactments, and the subtleties of technical nicety. Nor can property be said to exist, where it is not matter of reality as well as of right. Then, and then only, can the sources of production, namely, land, capital, and industry, attain their utmost degree of fecundity. [27]

“There are some truths so completely self-evident, that demonstration is quite superfluous. This is one of that number.”

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. [28]

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. [29]

The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and talents, [30] 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.

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“The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and talents, except insomuch as they would interfere with the rights of third parties.”

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. [31] 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; [32] or the fear of losing the veins of mineral that intersect the soil, may sometimes oblige a government to work the mines itself. [33] 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.

Lastly, public safety sometimes imperiously requires the sacrifice of private property; but that sacrifice is a violation, notwithstanding an indemnity given in such cases. For the right of property implies the free disposition of one's own; and its sacrifice, however fully indemnified, is a forced disposition.

When public authority is not itself a spoliator, it procures to the nation the greatest of all blessings, protection from spoliation by others. Without this protection of each individual by the united force of the whole community, it is impossible to conceive any considerable development of the productive powers of man, of land, and of capital; or even to conceive the existence of capital at all; for it is nothing more than accumulated value, operating under the safeguard of authority. This is the reason why no nation has ever arrived at any degree of opulence, that has not been subject to a regular government. Civilized nations are indebted to political organization for the innumerable and infinitely various productions, that satisfy their infinite wants, as well as for the fine arts and the opportunities of leisure that accumulation affords, without which the faculties of the mind could never be cultivated, or man by their means attain the full dignity, whereof his nature is susceptible.

The poor man, that can call nothing his own, is equally interested with the rich in upholding the inviolability of property. His personal services would not be available, without the aid of accumulations previously made and protected. Every obstruction to, or dissipation of these accumulations, is a material injury to his means of gaining a livelihood; and the ruin and spoliation of the higher is as certainly followed by the misery and degradation of the lower classes. A confused notion of the advantages of this right of property has been equally conducive with the personal interest of the wealthy, to make all civilized communities pursue and punish every invasion of property as a crime. The study of political economy is admirably calculated to justify and confirm this act of legislation; inasmuch as it explains why the happy
effects, resulting from the right of property, are more striking in proportion as that right is well guarded by political institutions.

Notes

[26.] The strength of an individual is so little, when opposed to that of the government he lives under, that the subject can have no security against the exactions and abuses of authority, except in those countries where the guardianship of the laws is entrusted to the all-searching vigilance of a free press, and their violation checked by an efficient national representation.

[27.] Although, according to our author, it is the province of speculative philosophy to trace the origin of property, the existence of which, in all politico-economical inquiries, is assumed as the foundation of national wealth, it may not here be improper to introduce a few observations on the Right of Property, illustrating its historical origin, and pointing out its true character. Most writers on natural law, among whom may be named Grotius, Puffendorff, Barbeyrac, and Locke, ascribe, in general, the origin of property to priority of occupancy, and have much perplexed themselves in attempting to prove how this act should give an exclusive right of individual enjoyment to what was previously held in common Blackstone, although he does not enter into the dispute about the manner, as has been remarked, in which occupancy conveys a right of property, expresses no doubt about its having this effect, independent of positive institutions.

Later writers on jurisprudence have adopted other theories on the subject of property, which being altogether unsatisfactory, we will not notice, except to remark that the most refined and ingenious speculations, although equally inconclusive, respecting the nature and origin of property, are those of Lord Kames, in the Essay on Property, in his Historical Law Tracts.

Dugald Stewart, however, is the first inquirer who has taught us to think and reason with accuracy on this subject, and it is to his observations on the Right of Property, contained in the supplement to the chapter, "Of Justice," in his work on the "Philosophy of the Active and Moral Powers of Man," that we must refer the reader who is desirous of possessing just and unanswerable arguments for the true foundations on which property rests. We must here content ourselves with extracting a few passages, which will exhibit this illustrious philosopher's views of the origin of the acquisition of property, which he traces to two distinct sources.

"It is necessary," says Stewart, "to distinguish carefully the complete right of property, which is founded on labour, from the transient right of possession which is acquired by mere priority of occupancy; thus, before the appropriation of land, if any individual had occupied a particular spot, for repose or shade, it would have been unjust to deprive him of possession of it. This, however, was only a transient right. The spot of ground would again become common, the moment the occupier had left it; that is, the right of possession would remain no longer than the act of possession. Cicero illustrates this happily by the similitude of a theatre. 'Quemadmodum theatrum, cum commune sit, recte tamen dici potest ejus esse cum locum quem quisque occuparet.' The general conclusions which I deduce are these:—1. That in every state of society labour, wherever it is exerted, is understood to found a right of property. 2. That, according to natural law, labour is the only original way of acquiring property. 3. That, according to natural law, mere occupancy founds only a right of possession; and that, whenever it founds a complete right of property, it owes its force to positive institutions."

After premising these leading propositions, he proceeds with what he terms a slight historical sketch of the different systems respecting the origin of property, from which we have only room to copy the following passage, which, however, contains this eminent author's views of the right of property, as recognised by the law of nature; and the right of property, as created by the municipal regulations, and demonstrating the futility of the attempts hitherto made to resolve all the different phenomena into one general principle.

"In such a state of things as that with which we are connected, the right of property must be understood to derive its origin from two distinct sources; the one is, that natural sentiment of the mind which establishes a moral connexion between labour and an exclusive enjoyment of the fruits of it; the other is the municipal institutions of the country where we live. These institutions everywhere take rise partly from ideas of natural justice and partly (perhaps chiefly) from ideas of supposed utility,—two principles which, when properly understood, are, I believe, always in harmony with each other, and which it ought to be the great aim

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of every legislator to reconcile to the utmost of his power. Among those questions, however, which fall under the cognizance of positive laws, there are many on which natural justice is entirely silent, and which, of consequence, may be discussed on principles of utility solely. Such are most of the questions concerning the regulation of the succession to a man's property after his death; of some of which it perhaps may be found that the determination ought to vary with the circumstances of the society, and which have certainly, in fact, been frequently determined by the caprice of the legislator, or by some principle ultimately resolvable into an accidental association of ideas. Indeed, various cases may be supposed in which it is not only useful, but necessary, that a rule should be fixed; while, at the same time, neither justice nor utility seem to be much interested in the particular decision."

—American Editor.

[28.] Adam Smith has asserted, that the security afforded to property by the laws of England has more than counteracted the repeated faults and blunders of its government. It may be doubted, whether he would now adhere to that opinion.

[29.] It would be vain to say to him, why not employ your works in some other way? Probably, neither the spot nor the works of a refinery could be otherwise employed without enormous loss.

“The industrious faculties are, of all kinds of property, the least questionable; being derived directly either from nature, or from personal assiduity.”

[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?

[31.] This is merely an instance of the necessity of counteracting one poison by another. Translator.

[32.] Probably, also, were it not for maritime wars, originating, sometimes in puerile vanity, and sometimes in national errors of self-interest, commerce would be the best purveyor of timber for ship-building; so that, in reality, the abuse of the interference of public authority, in respect to the growth of private timber, is only a consequence of a previous abuse of a more destructive and less excusable character.

[33.] If no one knows so well as the proprietor, how to make the best use of his property, as our author has just remarked, what advantage can result to society from the interference, in any case, of public authority, with the rights of individuals in the business of production. Nothing but the absolute maintenance of the social order should ever be permitted, for an instant, to violate the sacred right of private property. Quite as specious, though equally unsound reasons may be assigned for imposing restraints upon a variety of other employments besides mining.] American Editor.
Further Information

SOURCE


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FURTHER READING

Other works by Jean-Baptiste Say (1767-1832) <oll.libertyfund.orgpeople/166>.

School of Thought: 19th Century French Classical Liberalism <oll.libertyfund.orggroups/28>.
Jeremy Bentham, "The Greatest Happiness of the Greatest Number" (1830)

<oll.libertyfund.org/titles/2550>

“The right and proper end of government in every political community, is the greatest happiness of all the individuals of which it is composed, say, in other words, the greatest happiness of the greatest number.”

Jeremy Bentham (1748-1832)
Jeremy Bentham (1748-1832) trained as a lawyer and founded the early 19th century school of political thought known as "Benthamism" or utilitarianism which was based upon the idea that governments should act so as to promote "the greatest happiness of the greatest number" of people. He spent much of his life attempting to drawn up an ideal Constitutional Code, but he was also active in parliamentary reform, education, and prison reform. He influenced the thinking of James Mill and his son John Stuart Mill.

Bentham in A Fragment On Government (1776) had argued that what the legislator should strive for is "the greatest happiness of the greatest number". He provides a summary of his views in a Constitutional Code one volume of which was published in 1830 but which was left unfinished at this death. In this extract Bentham defines the two principles on which he bases his political theory, namely the greatest happiness-principle and the self-preference principle. He notes that traditionally rulers have pursued their own "self-preference" or happiness and that of their supporters, at the expense of the happiness of the society at large. He calls this group the "sinister interest." Bentham believes that a political constitution can be so written that a system of punishments and rewards is created to ensure that rulers and their friends act in order to promote the interests and happiness of the greatest number of people in the community. In this way he believes that the two principles, that of the self-preference principle and that of the greatest happiness-principle can be reconciled. This extract also is a good example of Bentham's rather pedantic style of writing.

His ideas were further developed by J.S. Mill in the book Utilitarianism (1861-1863). Benthamite utilitarianism became the dominant liberal theory of ethics in the English speaking world in the 19th century. It challenged the natural rights theory which had been popularized by John Locke in the 17th century and had been the dominant theory of ethics during the 18th century when it profoundly influenced the participants in the American and French revolutions.

Although Bentham and Mill were advocates of strictly limited government, later in the 19th century utilitarianism was used by the "New Liberals" to justify much more extensive regulation by the state in order to maximize the total amount of "happiness" in society.

“In the eyes of every impartial arbiter, writing in the character of legislator, and having exactly the same regard for the happiness of every member of the community in question, as for that of every other, the greatest happiness of the greatest number of the members of that same community, cannot but be recognised in the character of the right and proper and sole right and proper end of government, or say, object of pursuit. For the designation of the opposite, or reverse of what is right and proper, the term sinister may ... be employed. Accordingly, in so far as between the happiness of the greatest number, and the happiness of any lesser number, any incompatibility or successful competition is allowed to have place, it may be styled a sinister end of government...”
“The Greatest Happiness of the Greatest Number” (1830)

INTRODUCTION.

SECTION I. FIRST PRINCIPLES DESCRIBED IN GENERAL TERMS.

To whatever portion of the field of thought and action the literary work in question belongs, it has been found convenient, and is accordingly usual, to place at the beginning of it some opinion or opinions, embracing in their extent the whole of the portion in question, or as large a portion of it as may be.

On this occasion a number of expressions mutually related, are found needful or convenient, and are accordingly usually employed.

Take, for example, first principles, leading principle, first lines, outlines, positions, axioms, aphorisms.

If, in the composition of the work, the design be to recommend a certain course of action as proper to be pursued for the attainment of a certain end, thereupon come certain other words and phrases of correspondently extensive import. Of this sort are ends, objects of pursuit, means, obstacles,—helps, counterforces, acting in opposition to the obstacles.

Where the object of the inquiry and discussion is, what is the course of action which, with relation to the field in question, is proper to be pursued? a necessarily concomitant object of regard throughout is,—the course actually pursued: pursued in the community which the writer has in view.

If the course actually pursued is in all points the same with the course proper to be pursued, it is well; and unless on the supposition that, in default of opposite warning and instruction, a departure to an extent more or less considerable may have place, any work on the subject in question would be useless, and by him in whose opinion such coincidence has place, cannot consistently be undertaken.

In regard to some expressions, viz. course proper to be pursued, course not proper to be pursued; one matter of fact there is, which, on every occasion, it may be of use to the reader to have in mind. This is, that everything, of which any such phrase can be, in an immediate way the expression, is a certain state of mind on the part of him by whom the expression is employed; the state of his mind with relation to the subject-matter of the discourse, whatsoever it happens to be.

“When I say the greatest happiness of the whole community, ought to be the end or object of pursuit, in every branch of the law,—of the political rule of action, and of the constitutional branch in particular, what is it that I express?—this and no more, namely that it is my wish, my desire, to see it taken for such, by those who, in the community in question, are actually in possession of the powers of government; taken for such, on the occasion of every arrangement made by them in the exercise of such their powers, so that their endeavours shall be, to render such their cause of action contributory to the obtainment of that same end.”

The state of mind will be the state of one or more of his intellectual faculties, in one word, his understanding,—or the state of his sensitive faculties, in one word, his feelings, or the state of his volitional faculties, in one word, his will, his desires, his wishes.

Thus in the case here at present on the carpet. When I say the greatest happiness of the whole community, ought to be the end or object of pursuit, in every branch of the law,—of the political rule of action, and of the constitutional branch in particular, what is it that I express?—this and no more, namely

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that it is my wish, my desire, to see it taken for such, by those who, in the community in question, are actually in possession of the powers of government; taken for such, on the occasion of every arrangement made by them in the exercise of such their powers, so that their endeavours shall be, to render such their cause of action contributory to the obtainment of that same end. Such then is the state of that faculty in me which is termed the will; such is the state of those particular acts or modifications of that faculty, which are termed wishes or desires, and which have their immediate efficient causes in corresponding feelings, in corresponding pleasures and pains, such as, on the occasion in question, the imagination brings to view.

In making this assertion, I make a statement relative to a matter of fact, namely that which, at the time in question, is passing in the interior of my own mind;—how far this statement is correct, is a matter on which it belongs to the reader, if it be worth his while, to form his judgment.

Such then being the desire, truly or falsely expressed by me, but at any rate expressed by me—in his breast has that same desire a place? If so, then may it be worth his while to apply his attention to the course herein marked out by me, under the notion of its being correspondent, and contributory, and conducive to the attainment of that same end. On the other hand, if so it be, that that same desire has no place in his breast, on that supposition, generally speaking, it will be a useless trouble to him to pay any further attention to anything contained in it.

To this observation one exception, it is true, there is, and it is this, namely, that if the end in view, which it is his wish to see pursued, is different from this, it may be of use to him to take note of the arrangements herein proposed, as conducive to the end pursued by me, for the purpose of taking or recommending, such different and opposite arrangements as may prevent the attainment of the end proposed by me, and procure or promote the attainment of that other end, be it what it may, which is more agreeable to his wishes, —say, for example, the greatest happiness of some one member of the community in question, or of some other number smaller than the majority of the whole number of the members.

“When I say the greatest happiness of the whole community, ought to be the end or object of pursuit, in every branch of the law—of the political rule of action, and of the constitutional branch in particular, what is it that I express?—this and no more, namely that it is my wish, my desire, to see it taken for such, by those who, in the community in question, are actually in possession of the powers of government; taken for such, on the occasion of every arrangement made by them in the exercise of such their powers, so that their endeavours shall be, to render such their cause of action contributory to the obtainment of that same end.”

So again, when I say,—In the breast of every ruler, on the occasion of the arrangements taken by him in the field of government, the actual end or object of pursuit, has, in the instance of every such arrangement, been his own greatest happiness, and that, in such sort as that wherever in his judgment there has been a competition between his happiness; and that of all the other members of the community in question taken together, he has, on each occasion, given the preference to his own happiness over theirs, and used his endeavours to giving increase to his own happiness, in whatsoever degree the aggregate of their happiness may, in his judgment, he lessened by it,—in saying this, I have been exhibiting the state of my own mind, viewed in another point of view, viewed as it were in another part of it—my judgment, the judicial faculty. I have given that, as my opinion, an opinion of which I am prepared to bring to view the efficient causes.

While I am so doing, I observe another writer who, on the score of my so doing, taxes me with egotism, or, to use another word, with dogmatism; meaning by dogmatism, the doing something which it is his wish, his desire, should not be done.
In answer to this charge what I say is, that either a man must do this, or he must forbear to write at all, for that it is not possible for a man to write without doing thus.

But this defence against the charge of dogmatism is not confined to self-defence against the charge of dogmatism: it has for its object the giving warning against that form of discourse to which the imputation expressed by the word dogmatism does really and properly attach.

In a work of self-biography, personality, called in English, when disapproved of, egotism, is at once unavoidable and agreeable. In a work on legislation, except in so far as it is unavoidable it is irrelevant, impertinent, and disagreeable. In a certain case, in the mouth of a public functionary, it is not only impertinent but insulting; and thereby, to every individual who is not by habit inured to insult, supremely disagreeable. This is where the rest of the community being brought upon the stage in the character of subjects of property, the speaker brings himself to view in the character of proprietor or owner of the property. Thus to speak is to spit in the face of every one who either hears or reads it.

The present is an occasion on which personality is unavoidable.

In saying, as above, the proper end of government is the greatest happiness of all, or, in case of competition, the greatest happiness of the greatest number, it seems to me that I have made a declaration of peace and good-will to all men. On the other hand, were I to say, the proper end of government is the greatest happiness of some one, naming him, or of some few, naming them, it seems to me that I should be making a declaration of war against all men, with the exception of that one, or of those few.

This being the basis on which all legislation and all morality rests, these few words written in hopes of clearing away all obscurity and ambiguity, all doubts and difficulties, will not, I hope, be regarded as misapplied, or applied in waste.

Section II. First Principles Enumerated.

The right and proper end of government in every political community, is the greatest happiness of all the individuals of which it is composed, say, in other words, the greatest happiness of the greatest number.

In speaking of the correspondent first principle, call it the greatest-happiness principle.

In speaking of this end of government, call it the right and proper end of government.

The actual end of government is, in every political community, the greatest happiness of those, whether one or many, by whom the powers of government are exercised.

In general terms, the proof of this position may be referred to particular experience, as brought to view by the history of all nations.
This experience may be termed particular, inasmuch as the particular class of rulers is the only class concerned in it, to which it bears reference. This may be called the experimental or practical proof.

For further proof, reference may be made to the general, indeed the all-comprehensive, principle of human nature. The position which takes this fact for its subject, may be termed an axiom, and may be expressed in the words following.

In the general tenor of life, in every human breast, self-regarding interest is predominant over all other interests put together. More shortly thus,—Self-regard is predominant,—or thus,—Self-preference has place everywhere.

“The right and proper end of government in every political community, is the greatest happiness of all the individuals of which it is composed, say, in other words, the greatest happiness of the greatest number. In speaking of the correspondent first principle, call it the greatest-happiness principle.... In the general tenor of life, in every human breast, self-regarding interest is predominant over all other interests put together. More shortly thus,—Self-regard is predominant,—or thus,—Self-preference has place everywhere. “

This position may, to some eyes, present itself in the character of an axiom: as such self-evident, and not standing in need of proof. To others, as a position or proposition which, how clearly soever true, still stands in need of proof.

To deliver a position in the character of an axiom, is to deliver it under the expectation that, either it will not be controverted at all, or that he by whom it is controverted, will not, in justification of the denial given by him to it, be able to advance anything by which the unreasonableness of his opinion or pretended opinion, will not be exposed. Of this stamp are the axioms laid down by Euclid. In the axioms so laid down by him, nothing of dogmatism will, it is believed, be found.

By the principle of self-preference, understand that propensity in human nature, by which, on the occasion of every act he exercises, every human being is led to pursue that line of conduct which, according to his view of the case, taken by him at the moment, will be in the highest degree contributory to his own greatest happiness, whatsoever be the effect of it, in relation to the happiness of other similar beings, any or all of them taken together. For the satisfaction of those who may doubt, reference may be made to the existence of the species as being of itself a proof, and that a conclusive one. For after exception made of the case of children not arrived at the age of which they are capable of going alone, or adults reduced by infirmity to a helpless state; take any two individuals, A and B, and suppose the whole care of the happiness of A confined to the breast of B, A himself not having any part in it; and the whole care of the happiness of B confined to the breast of A, B himself not having any part in it, and this to be the case throughout, it will soon appear that, in this state of things, the species could not continue in existence, and that a few months, not to say weeks or days, would suffice for the annihilation of it.

Of all modes in which, for the governance of one and the same individual, the two faculties could be conceived as placed in different seats,—sensation and consequent desire in one breast, judgment and consequent action in another, this is the most simple. If, as has with less truth been said of the blind leading the blind, both would, in such a state of things, be continually falling into the ditch; much more frequently, and more speedily fatal, would be the falls, supposing the separation to have place upon any more complex plan. Suppose the care of the happiness of A being taken altogether from A, were divided between B and C, the happiness of B and C being provided for in the same complex manner, and so on; the greater the complication, the more speedy would the destruction be, and the more flagrant the absurdity of a supposition, assuming the existence of such a state of things.

Note that, if in the situation of ruler, the truth of this position, held good in no more than a bare
majority, of the whole number of instances, it would suffice for every practical purpose, in the character of a ground for all political arrangements; in the character of a consideration, by which the location of the several portions of the aggregate mass of political power should be determined; for, in the way of induction, it is only by the greater, and not the lesser number of instances, that the general conclusion can reasonably be determined; in a word, mathematically speaking, the probability of a future contingent event, is in the direct ratio of the number of instances in which an event of the same sort has happened, to the number of those in which it has not happened; it is in this direct ratio, and not in the inverse.

If such were the condition of human beings, that the happiness of no one being came in competition with that of any other;—that is to say, if the happiness of each, or of any one, could receive increase to an unlimited amount, without having the effect of producing decrease in the happiness of any other, then the above expression [1] might serve without limitation or explanation. But on every occasion, the happiness of every individual is liable to come into competition with the happiness of every other. If, for example, in a house containing two individuals, for the space of a month, there be a supply of food barely sufficient to continue for that time; not merely the happiness of each, but the existence of each, stands in competition with, and is incompatible with the existence of the other.

Hence it is, that to serve for all occasions, instead of saying the greatest happiness of all, it becomes necessary to use the expression, the greatest happiness of the greatest number.

If, however, instead of the word happiness, the word interest is employed, the phrase universal interest may be employed as corresponding indifferently to the interest of the greatest number, or to the interest of all.

In the eyes of every impartial arbiter, writing in the character of legislator, and having exactly the same regard for the happiness of every member of the community in question, as for that of every other, the greatest happiness of the greatest number of the members of that same community, cannot but be recognised in the character of the right and proper and sole right and proper end of government, or say, object of pursuit.

For the designation of the opposite, or reverse of what is right and proper, the term sinister may, in consideration of the relation borne to each other by the two terms, taken in their original physical sense, be employed.

Accordingly, in so far as between the happiness of the greatest number, and the happiness of any lesser number, any incompatibility or successful competition is allowed to have place, it may be styled a sinister end of government, or say, object of pursuit.

“For the designation of the opposite, or reverse of what is right and proper, the term sinister may, in consideration of the relation borne to each other by the two terms, taken in their original physical sense, be employed. Accordingly, in so far as between the happiness of the greatest number, and the happiness of any lesser number, any incompatibility or successful competition is allowed to have place, it may be styled a sinister end of government, or say, object of pursuit.”

If as above, so it be, that in the situation of a ruler, whatsoever that situation be, the conduct of no man can reasonably be expected to be governed by any interest that stands, at that same moment, in opposition to that which, in his conception, is his own individual interest, it follows, that for causing it to take that direction, in which it will be subservient to the universal interest, the nature of the case affords no other method, than that which consists in the bringing of the particular interest of rulers into accordance with the universal interest.

Here, then, we have a third principle of the first rank, in addition to the two former ones. Call it, the means-prescribing, or junction-of-interests-prescribing, principle.

The first declares, what ought to be, the next, what is, the last, the means of bringing what is into accordance with what ought to be.
Meantime, this junction of interests, how can it be effected? The nature of the case admits but of one method, which is, the destroying the influence and effect of whatever sinister interest the situation of the individual may expose him to the action of; this being accomplished, he will thereby be virtually divested of all such sinister interest; remains, as the only interest whereby his conduct can be determined, his right and proper interest, that interest which consists in the share he has in the universal interest, which is the same thing as to say, that interest, which is in accordance with the universal interest, taken in the aggregate.

Be the act what it may, there are two modes, in either of which a man may be divested of the interest requisite to his performance of it: one is, the overpowering the force of whatsoever body of interest may be acting on him, in a direction tending to engage him in the performance of it, by a stronger counter-interest; this is the direct mode. The other is, the divesting him of the power of performing that same act; for that which, in his own eyes, it is not in a man’s power to perform, it cannot, in his own eyes, be his interest to endeavour to perform; it can never be a man’s interest to expend time and labour without effect. Considered in its application to a man’s interest, this mode may be termed an indirect mode.

Thus it is, that by one and the same arrangement, application may be made to the power and the will at the same time, and in either mode the requisite junction of interests is capable of being effected or promoted.

A question that now immediately presents itself, is, whether to any individual, supposing him invested by the constitution in question with the supreme power, any inducement can be applied, by that same constitution, of sufficient force to overpower any sinister interest, to the operation of which, by his situation, he stands exposed? Inducements, operating on interest, are all of them reducible to two denominations,—punishment and reward. Punishment in every shape his situation suffices to prevent his standing exposed to; so likewise reward. Being by the supposition invested with supreme power, the matter of reward cannot be applied to him in any shape, in which he has not already at his command, whatever it would be in the power of the constitution, by any particular arrangement, to confer on him. To him who has the whole, it is useless to give this or that part.

To a question to this effect, the only answer that can be given is sufficiently manifest. By reward, an individual so situated cannot be acted upon; for there exists no other individual in the community at whose hands he can receive more than he has in his own. By punishment as little; for there exists no individual at whose hands he is obliged to receive, or will receive any such thing.

The result is, that in a monarchy no such junction of interests can be effected, and that, therefore, by no means can monarchy be rendered conducive to the production of the greatest happiness of the greatest number; nor, therefore, according to the greatest happiness-principle, be susceptible of the denomination of a good form of government.

“What, then, is the best form of government? This question may itself be clothed in an indefinite number of forms. What is the most eligible? what is the most desirable? what is the most expedient? what is the most right and proper? and so on. In whatsoever form clothed, it is resolvable into these two:—What is the end to which it is your will to see the arrangements employed in the delineation of it directed? What are the several arrangements by which, in the character of means, it is your opinion that that same end, in so far as attainable, is most likely to be attained?

To write an answer to this question—to write on the subject which it holds up to view—is virtually, is in effect, from beginning to end, to write an answer to one or other, or both of these questions.

To the first, my answer is,—the greatest happiness of all the several members of the community in question, taken together, is the end to which it is my desire to see all the arrangements employed in the delineation of it directed. That being taken for the end, to which it is right and proper that all legislative arrangements be directed, my opinion is, that so far as
they go, the proposed arrangements which here follow would be in a higher degree conducive to it than any other could be, that could be proposed in a work which was not particularly adapted to the situation of any one country, to the exclusion of all others.

Should it be asked, What is the community which, by the description of the community in question, you have in view? my answer is,—any community, which is as much as to say every community whatsoever.

Should it be asked, Why is it your desire that the greatest happiness of all the several members of the community in question should be the end to which all the several arrangements employed in the delineation of the form of government, by which that same community is governed, should be directed? my answer is,—because on the occasion in question, such is the form, the establishment of which would in the highest degree be contributory to my own greatest happiness.

"Why is it your desire that the greatest happiness of all the several members of the community in question should be the end to which all the several arrangements employed in the delineation of the form of government, by which that same community is governed, should be directed? my answer is because the establishment of which would in the highest degree be contributory to my own greatest happiness."

Should it again be asked by any man, What proof can you give of this? what cause can any other person have for regarding as probable that what you are thus saying is conformable to truth? the only answer which would not be irrelevant, impertinent, egotistical, is this: Behold, for proof, the labour it cannot but have cost me to give expression to these several arrangements, and the so much greater labour which it cannot but have cost me to bring to view the reasons which stand annexed to them,—reasons which have for their object the causing them to be adopted and made law by the persons to whom, in the several communities, the power of determining on every occasion what shall be taken for law, and have the force of law, depends; viz. by showing that on each subject they are in a higher degree conducive to that end than any others that could be proposed.

In saying thus much, I have already laid down what, in my view of the matter, are the two positions, of which, in the character of first principles, the whole sequel of this work will be no more than the development and the application.

These principles are the greatest happiness-principle and the self-preference principle.

Notes

[1] Note by Bowring: Viz. the greatest happiness of all. See the ensuing paragraph.—Ed.
Further Information

SOURCE

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FURTHER READING
Other works by Jeremy Bentham (1748-1832) <oll.libertyfund.org/people/172>.

School of Thought: 19th Century Utilitarians <http://oll.libertyfund.org/groups/23>.
"The most savage tribes, in ancient as in modern times, had a very
definite idea of mine and thine. Property and the family have everywhere
served as the foundations of order, and law has only confirmed, by giving
expression to them, relations already established."
Editor’s Introduction

Léon Faucher (1803-54) was a journalist, writer, and Deputy for Reims (1846). He was active in the Constituent Assembly during the 1848 Revolution, becoming Minister for Public Works. During the July Monarchy he wrote for *Le Constitutionnel, Le Courrier français*, and was one of the editors of the *Revue des deux mondes* and the *Journal des économistes*. Faucher was appointed to the Académie des sciences morales et politiques in 1849 and was active in L’Association pour la liberté des échanges. He wrote on prison reform, gold and silver currency, socialism, taxation, and economic changes which were sweeping England. His collected writings were published in 2 vols. as *Mélanges d’économie politique et de finances* (1855-56).

This article was written when the memory of the socialist experiments of the 1848 Revolution were still fresh in the minds of the political economists. Faucher castigates the economists for taking the right of property for granted, for assuming it as a given, and not making its defence a foundation of their work. He also criticises the natural law theorists who followed Grotius and the Benthamite utilitarians for arguing that the civil law created a right to property rather than protecting what already existed prior to the emergence of the state.

Faucher’s explanation for why the great minds of jurisprudence and economics had neglected to defend the right of property more vigorously is that property itself was undergoing the same kind of evolution as liberty and the industrial economy were. The new kind of society which was emerging in France after the Revolution of 1789 and as the industrial revolution was underway, was creating new kinds of individualized property which had not been seen before and which needed defining and defending in a new way. This he thought had become the new research agenda for the political economists. Neither land nor labour were the sole or even the most important ways by which property was being created in the new economy. Entirely new forms of property like intellectual property and services were emerging which made the old focus on landed wealth (by the conservatives) and the unskilled labour of the workshop (like the socialists) much less important. In his view, in the new economy “property ... would show itself abundant under new forms.”

“Those fatal doctrines which at first held subterranean sway in some sort until they had hardened the hearts and corrupted the minds of the people, broke loose in the streets of France; the arguments used against society served to load the muskets and point the bayonets of revolt. At first it was necessary to defend social order by armed forces; and now, whether we be economists, philosophers or jurisconsults, we all understand that our duty is to point out in such a way as shall convince the most incredulous, that society, having force on its side, has also reason and right in its favor. It was in the light of events that the programme of political economy was extended. A place has now been assigned it in the discussion of the origin and right to property. It must base its intervention here on observation of facts, just as philosophy does, in expounding and commenting on principles. Socialism, by attacking the foundation of social order, compels all the sciences to contribute, each its share, to its defense.”
**“Property I” (1852)**

**I. RIGHT OF PROPERTY.**

Political economy inquires into the principles which preside over the formation and distribution of wealth. It takes for granted the existence of property, which is its starting point; it considers it as one of those primary truths which manifest themselves at the origin of society, which are everywhere found impressed with the seal of universal consent, and are accepted as necessities of the civil order and of human nature, without even dreaming of discussing them.

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Read the fathers of economic science: they are almost uniformly silent on this great question. The chief and oracle of the physiocrats, Quesnay, who understood and enlarged upon the social importance of property, does not take the trouble to define it, except in a treatise on natural law. Turgot, the statesman, philosopher and economist, Turgot, who in his work on the distribution of wealth, has thrown brilliant light on the origin, has nothing to say on the principle, the right or the form of property. The master of masters, the author of the "Wealth of Nations," Adam Smith, scarcely makes mention of it, without doubt because he saw in it no subject for discussion. J. B. Say decides debate on this subject to be futile, and undeserving the consideration of the science. "The speculative philosopher," he says, in the fourteenth chapter of his book, "may busy himself in finding out the real foundations of the right of property; the jurisconsult may lay down the laws which govern the transmission of things possessed; political science may show what are the surest guarantees of this right; but so far as political economy is concerned, it considers property simply as the strongest incentive to the production of wealth, and pays little attention to what establishes and guarantees it." In another place (vol. ii., chap. iv.) he says: "It is not necessary, in order to study the nature and progress of social wealth, to know the origin of property or its legitimateness. Whether the actual possessor of landed property, or the person by whom it was transmitted to him, obtained it by occupation, by violence, or by fraud, the result, as regards the revenue accruing from that property, is the same."

At the time when J. B. Say wrote, the problem which absorbed and agitated men's minds was the production of wealth. The European world felt itself poor; it began to understand the productiveness of labor, and craved wealth. Credit extended its operation; commerce spread in spite of war; and manufacturing industry, developing rapidly, presaged already the marvels which have since marked its course. Production in its different forms was the great business of the time. This rising tide carried all with it, population, labor, resources. All had a clear road to travel with their goal before their eyes, nor did they stop to revert to their own situation or that of others. Property seemed then a sort of common stock from which all, with a little effort, might draw in abundance, and which would reproduce itself unceasingly. No one dreamed of calling the right to it in question. The silence of economists is but a translation of the rational indifference of public opinion on the subject.

At a later period, population having increased in all the states of Europe, the value of land and the rate of wages having generally risen, personal property, thanks to the progress of commerce and industry, equaling or nearly equaling immovable property, and

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competition, which affected every kind of work and all investments, reducing profits as well as the outlets for human activity, the problem of the distribution of wealth came to the front. The number of poor persons seemed to increase with the number of the rich. It was even believed, for a time, that industrial civilization tended to increase the inequality which naturally exists among men. In this transition period, which still continues, sects were formed to preach to those discontented with the social order, we know not what sort of a future, the first step to which was the abolition or transformation of property.

Favored political revolutions, those fatal doctrines which at first held subterranean sway in some sort until they had hardened the hearts and corrupted the minds of the people, broke loose in the streets of France; the arguments used against society served to load the muskets and point the bayonets of revolt. At first it was necessary to defend social order by armed forces; and now, whether we be economists, philosophers or jurisconsults, we all understand that our duty is to point out in such a way as shall convince the most incredulous, that society, having force on its side, has also reason and right in its favor.

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It was in the light of events that the programme of political economy was extended. A place has now been assigned it in the discussion of the origin and right to property. It must base its intervention here on observation of facts, just as philosophy does, in expounding and commenting on principles. Socialism, by attacking the foundation of social order, compels all the sciences to contribute, each its share, to its defense.

II. OPINIONS OF PHILOSOPHERS AND JURISCONSULTS ON PROPERTY.

Until our time the question of property had been abandoned to philosophers and jurisconsults. The usefulness of their labors is incontestable; they prepared the ground and paved the way for political economy. If they did not always completely observe and demonstrate the nature of things, they had at least had glimpses of it. It was Cicero who showed that the earth became the patrimony of all by labor, and proved that the person who attacked this right of appropriation violated the laws of human society. After him Seneca, although he exaggerated, in accordance with the ideas of his time, the rights of sovereignty, yet recognized that property was an individual right. Ad reges, protestas omnium pertinet, ad singulos proprietas.

Nevertheless the person would wander from his road who sought to find in the writings of philosophers or jurisconsults, either a complete theory of property, or even an exact definition of it. Grotius, who is in the front rank of doctors of natural and international law, has given in a few lines a history of property from which communism might draw its arguments. According to this author, after the creation God conferred on the human race a general right to everything. "This was done," he says, "that each might take for his use whatever he wished, and consume what it was possible for him to consume. [...] Matters remained thus until, from the increase in the number of men as well as of animals, the land, which was formerly divided by nations, began to be divided among families, and since wells are a supreme necessity in dry countries, and are not equal to supplying a large number, each appropriated what he was able to seize."

Charles Comte [1] remarks that the publicists of this school, Wolf, Pufendorf and Burlamaqui, confined themselves to paraphrasing the ideas of Grotius. All supposed that, in the origin of societies, men, to satisfy their wants, had only to take what they found ready at hand, that the earth produced without labor, and that appropriated was nothing but occupation or conquest.

Montesquieu did not understand, any better, the part played by labor in the formation of individual property. "Just as men," he says (book xxvi., of the "Spirit of the Laws," "abandoned their natural independence to live under political laws they renounced the natural community of goods to live under civil laws. The first laws gave them liberty, the next
property. Montesquieu, the only publicist since Aristotle who undertook to base the laws of social order on observation, was nevertheless unable to prove among any people, however primitive, the existence of that supposed community of goods which, according to him, has its origin in nature. The most savage tribes, in ancient as in modern times, had a very definite idea of mine and thine. Property and the family have everywhere served as the foundations of order, and law has only confirmed, by giving expression to them, relations already established.

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Blackstone does not go farther than Montesquieu, whose ideas agree with those of J. J. Rousseau, on the state of nature. Bentham himself, the writer who, more than any other, departed from the accepted ideas of his times, declares that property does not exist naturally, and that it is a creation of the law.

There is some consolation for proprietors in Bentham's assurance, that property will perish only with the law. As human society can not exist without law, and since the end of the law would be the end of society, property may safely count on a long lease of life. Besides, Bentham, following the example of Montesquieu, confounded the idea of property with that of the guarantees which property receives from civil and political laws, guaranteed fitly represented by taxation. The best refutation of Bentham's theory is to be found in some passages from Charles Comte, which it may be well to reproduce here. "If nations can only exist by means of their property, it is impossible to admit that there is no natural property unless it be admitted that it is unnatural for men to live and to perpetuate themselves." "It is true that there is no image, no painting, no visible feature which can represent property in general; but it can not from this be concluded that property is not material, but metaphysical, and that it belongs entirely to the conception of the mind. There is no visible feature by which a man in general can be represented, because in nature there exist only individuals, and what is true of men is true also of things." "Individuals, families and peoples subsist by means of their property; they could not live on metaphysical relations or conceptions of the mind. There is in property something more real, more substantial, than a basis of expectation. A false, or at least a very incomplete idea is given of it when it is defined as if it were a lottery ticket, which is also a basis of expectation." "According to Montesquieu and Bentham, it is civil laws which give rise to property, and it is clear that both mean by civil laws the decrees of public power which determine the possessions which each one may enjoy and dispose of. It would, perhaps, be more correct to say that it is property which gave birth to civil laws; for it is hard to see what need a tribe of savages, among whom no property of any kind existed, could have of laws or of a government. The guarantee of property is undoubtedly one of the most essential elements of which it is composed; it increases the value of property, and assures its duration. A great mistake would be made, however, were it supposed that this guarantee was all there is of property; the civil law furnishes the guarantee of property, but it is human industry which gives birth to property. Public authority is needed only to protect it and to assure to all the power of enjoying and disposing of it." "Were it true that property exists or is created by decrees and by the protection of public authority, it would follow that the men who in any country were invested with the power of legislation, would also be invested with the power of creating property by their decrees, and could, without committing injury to the right of property, despoil some of it to the advantages of others: they would have no other rules to follow than their own desires or caprices."

The Scotch school, from Locke to Reid and Dugald Stewart, was the first to give a nearly correct definition of the right of property; as the physiocratic school was the only one, previous to 1789, that understood its importance, and brought out into relief the beneficial influence it exercised on the economy of society. But at the time of the French revolution these teachings had not yet corrected the ideas of all; for Mirabeau said to the constituent assembly that "private property is goods acquired by virtue of the laws. The law alone constitutes property because it is only the political
will which can effect the renunciation of all, and give a common title, a guarantee to the use of one alone." Tronchet, one of the jurists who contributed most to the drawing up of the civil code, shared at that time this opinion, and declared that "It is only the establishment of society and conventional laws which are the real source of the right of property."

There is not much difference between Mirabeau's statement and that of Robespierre, who wrote, in his declaration of rights, "Property is the right that each citizen has to the enjoyment of that portion of goods guaranteed to him by the law." And Robespierre is not far removed from Babeuf, who desired that the land should be the common property of all, that is, that it should belong to nobody. Mirabeau, who pretends that the legislator confers property, admits, by so doing, that he can take it away; and Robespierre, who expressly reserves the state's right in property, and reduces the proprietor to the position of a mere usufructuary, by refusing him the power of selling or disposing of it by will or otherwise, is the direct and immediate forerunner of communism.

I know that the convention gave, in the declaration of rights which serves as a preamble to the constitution of 1793, a very reassuring and very sound definition of the right of property. Article sixteen reads: "The right of property is the right belonging to every citizen, of using and disposing as he likes, of his goods, his revenues, of the fruit of his labor and his industry." And article nineteen adds a guarantee, which all subsequent French constitutions reproduced: "No one shall be deprived of the least portion of his property without his consent, except when public necessity, legally proven, evidently demands it, and then only on condition of just compensation previously made."

But, doubtless, the convention reserved the application of those fine maxims, as it did the abolition of capital punishment, for times of peace. No government ever committed more flagrant outrages on the right of property. Confiscations and maximum laws, to say nothing of the inflation of assignats and bankruptcy, marked its savage sway, and if it made France victorious and terrible abroad, it ruined and impoverished her at home. The convention evidently thought, with Saint-Just, that "The man who has shown himself the enemy of his country, can not be a proprietor in it." It treated the nobles and priests as Louis XIV. had treated Protestant refugees after the revocation of the edict of Nantes. It adopted, in the interests of the republican state, the theory of feudal origin, that the sovereign, the king, had direct and supreme dominion over the goods of his subjects.

M. Troplong called attention to the concordance of the demagogical doctrine of property with the maxims of despotism: "All that exists throughout the length and breadth of our states," said Louis XIV., in his instructions to the Dauphin, "whatever be its nature, belongs to us by the same title; you must be fully persuaded that kings are the absolute lords, and have naturally the full and free disposition of all the goods possessed both by church people and by laymen, that they may use it in everything; likewise husbandmen." Put this absolute sovereignty into the hands of a socialistic republic, and it will assuredly lead to the measures demanded in the following lines by Gracchus Babeuf: "The land of a state should assure a subsistence to all the members of that state. When, in a state, the minority of its people has succeeded in monopolizing its landed and industrial wealth, and by that means holds the majority under its sceptre, and uses the power it has, to cause that majority to languish in want, it should be known that such encroachment could only occur through the bad institutions of the government; therefore what former governments neglected to do, at the time, to prevent that abuse or to stifle it at the beginning, the actual administration should do to re-establish the equilibrium which should never have been lost, and the authority of the laws ought to operate a reform in the direction of the final maxim of the perfected government under the social contract: 'Let all have enough, and no one too much.'"

At last the era of the civil code dawned on France and on Europe. Then for the first time the public power laid down and sanctioned the true principles respecting property. M. Portalis expressed himself before the legislative assembly in the following terms: "The principle of the right of property is in ourselves; it is in no way the result of human convention or of positive law. It lies in the very constitution of our being, and in our different relations to the objects which surround us. Some philosophers seem astonished that man should become the proprietor of a portion of the earth which is not his creation, which will outlast him, and which obeys only laws that are not of his making. But does not this astonishment cease when all the marvels of man's handiwork are considered, that is to say, all that human industry can add to the work of nature." Yes, legislators, it is by our industry that we
have conquered and reclaimed the land on which we live; by it we have made the earth more habitable, and better fitted to be our abode. Man's task, so to speak, was to complete the great work of creation. [...] Let us put no faith in systems which pretend to make the land the property of all, that men may have a pretext for respecting the rights of no one."

The civil code (articles 544, 545), collecting and condensing the principles laid down in previous constitutions, defined property as follows: "The right of using and disposing of things in the most absolute manner, provided that they are not used in a way prohibited by the laws or regulations." Charles Comte has rightly pointed out that this definition applies to the usufruct's right as well as to property. The definition of the civil code sins in another way: it does not limit the power which is given to legislators, or to the administration, of making rules regarding the use of property. On that account, property lacks all guarantees; it is not defended against arbitrary power. The law might forbid a landowner to sow seed, to plant vines or trees, to erect any building on his land, to sell, exchange or give his property away. In a word, the definition of the civil code admits of Egyptian monopoly as well as of French liberty. Fortunately, legislative custom and public morals correct the rashness of the legal text.

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The civil code declares property inviolable. Following the examples of the constitutions of 1791, 1793, and 1795, it declared that no one should be compelled to part with his property, unless for the public good, and in consideration of just compensation previously made. But is it absolutely the fact, as M. Troplong thinks it to be, that the state, by these provisions, only reserved to itself the rights attached to political requisition? But did the state by those provisions shelter property from the public power as well as from the usurpation of private persons? This is the weak side of the civil code. Its authors laid down principles, all of whose consequences they had not drawn. While declaring property inviolable, they failed to shield it from sequestration by government, or from confiscation.

The emperor Napoleon said to the council of state, on Sept. 18, 1809: "Property is inviolable. Napoleon himself, with the numerous armies at his disposal, can not take away a single farm. For to violate the right of property in one man is to violate it in all men." Admirable words, to which his acts did not correspond.

III. ORIGIN, CHARACTER AND PROGRESS OF PROPERTY.

Why is it that the great majority of philosophers and jurisconsults have succeeded so ill in defining property? How does it happen that the origin and nature of an institution which holds so high a place in social order, have been revealed to us with any degree of clearness, only since the end of the last century? How is it that the highest intellects, when brought to bear on this study, have too often evolved only such theories as the humblest of landowners could not reconcile with his every-day practice? It is because the phenomenon which they studied and described has more than once changed character. Property has shared in the general progress of civilization; it has, at the same time, followed a law of development of its own. It has advanced as liberty, as industry and as the arts have done, in the world; it has passed through different and successive stages, each corresponding to a different theory.

The distinction of mine and thine is as old as the human race. From the time that man became aware of his personality, he sought to extend it to things. He appropriated the land and what it produced, animals and their increase, the fruit of his energy and the works of his fellow-men. Property exists among pastoral peoples as well as among those nations which have reached the highest point of agricultural wealth and of industry; but it exists among them under different conditions. The occupation of land was annual before it became lifelong, and it was lifelong, in the person of the tenant, before it became hereditary and in some
sort perpetual. It belonged to the tribe before it belonged to the family, and it was the common domain of the family before it took an individual character. Poets, who were the first historians, attest this gradual transformation.

The marked distinction between the ancient and the modern world is, that formerly property was too often acquired by conquest, while now its essential basis is labor. Not only in antiquity and in the middle ages did individuals, as well as peoples, enrich themselves by usurpation, but free men disliked industry, and the earth was tilled by slaves. Armed force, which was the surest title to the possession of land, procured also the instruments of production. How was it possible to sound the nature or take in the full horizon of property at a time when the conqueror arrogated to himself the right, at one time of selling the conquered like beasts of burden, and at another of making serfs of them; when men were treated as though they were goods and chattels; when labor passed first through the ordeal of slavery, and then through that of serfdom, before it became the honor of free men and the wealth of nations?

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This is not all. Property, in undergoing a progressive development similar to that of liberty, has extended and increased, and has, so to speak, invaded space. When civilization begins, what man possesses is very trifling: a few herds, some rude implements, a spot of land which produces corn in the middle of a desert waste; as yet he has scarcely appropriated any natural agents. Agricultural peoples, which succeed the pastoral tribes, soon increase ten-fold and a hundred-fold the property which now, little by little, becomes connected with the surface of the earth. But it remains only for nations skilled in industry and commerce to bring property to its highest development. When the land becomes, in some sort, individualized, and each portion falls into the hands of an owner who makes it productive with his capital and by the sweat of his brow, those who find themselves left out in this partition of the land are not, on that account, excluded from property. Capital has its origin in accumulation. Personal property is grafted on landed property. Treasures accessible to all are formed, of which each can have a share, and which he can increase by his labor. A parcel of land which in Algeria is worth perhaps $2, and in the western states of America about $5, sells readily in western Europe for from $100 to $1,000. In spite of the high price which improved agriculture speedily gives to rural property, there is no exaggeration in saying that to-day the personal property of England and France far exceeds the value embodied in the land.

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It may be added, that, as civilization advances, each citizen witnesses the increase and extension of the common property which he enjoys equally with all other citizens of the state. Roads, canals, railways, schools, and other public establishments are incomparably more numerous and better administered to-day than they were half a century ago. What would
it be, if we were to compare the sum of enjoyments and capacities which society put at the disposal of its members in the republics of Greece and Rome and those enjoyed by them in our day? The humblest of our laborers would not like to find himself exposed to the misery or the humiliations which awaited the proletarian of ancient days in the agora or the forum. It is, then, rightly that M. Thiers, calling to mind that property is a universal fact, affirms, at the same time, that it is a growing fact.

Let us listen to Thiers,[2] portraying the origin and the growth of property in historic times: "Among all peoples, however rude they may be, we found property, at first as a fact, and afterward as an idea, an idea more or less clear according to the degree of civilization attained, but invariably settled. Thus the savage hunter has at least his bow, his arrows and the game which he has killed. The nomad, who is a shepherd, at least owns his tents and his flocks. He has not yet admitted property in land, because he has not yet thought of applying his labor to it. But the Arab who has raised numerous flocks, is satisfied that he is the proprietor of the land, and exchanges its products against the wheat which another Arab, settled on the land, has produced elsewhere. He measures exactly the value of the object which he gives, by that of the object which is given him; he knows that he is the proprietor of the one before the barter, and of the other after it. Immovable property does not yet exist for him. Sometimes only he is seen, during two or three months of the year, to establish himself on land which belongs to no one, to plow it, to sow it with seed, to reap the harvest, and then to wander off to other places. [...] The duration of his property is in proportion to his labor. Little by little, however, the nomad becomes settled and turns agriculturist, for it is an instinct in man to wish to have a place of his own, a home. [...] He ends by choosing a tract of land, by dividing it into patrimonies, on which each family establishes itself, and works and cultivates it for itself and its posterity. As man can not allow his heart to wander among all the members of the tribe, and as he longs for a wife of his own, children whom he may love, care for and protect, in whom his hopes, his fears, his very life, may be centred, so he has need of his own parcel of land, which he may cultivate, plant, beautify according to his tastes, fence in, and which he hopes to transmit to his descendants, green with trees which have grown not for him, but for them. Then to the personal property of the nomad, succeeds the landed property of an agricultural people; this second property grows, and with it come laws, complicated, it is true, which time makes more just and more provident, but the principle of which it does not change. Property, at first the result of instinct, becomes a social agreement, for I protect your property that you may protect mine. As man advances, he becomes more attached to what he owns; in a word, more a proprietor. In a barbarous state he is scarcely proprietor at all; civilized, he is one intensely. It has been said that the idea of property was weakening in the world. That is an error of fact. Far from growing weaker, it is being regulated, defined and strengthened. It ceases, for instance, to be applied to what is not capable of being possessed, that is, to man, and from that time slavery is at an end. This is an advance in ideas of justice, but not a weakening of the idea of property. [...] Among the ancients the land was the property of the republic; in Asia it is that of a despot; in the middle ages it belonged to lords paramount. With the progress of the ideas of liberty, where man's freedom was accomplished, the liberty of his chattels and possessions was secured; he himself is declared to be the owner of his lands, independently of the republic, the despot, or the lord paramount. From that moment confiscation is abolished. The day the use of his faculties was restored to him, property became more individualized; it became more proper to the individual, more property than it was.

There is another observation to be made, and one more directly within the domain of political economy. It is, that the more property increases, is firmly established, respected, the more society prospers. "All travelers," says M. Thiers, "have been struck by the state of languor, of misery, and of rapacious usury; of countries in which property is not sufficiently well guaranteed. Go to the east, where despotism claims to be the only property owner, or, which is the same thing, return to the middle ages, and you will see everywhere the same thing: the land neglected, because it is the readiest prey to the avidity of tyranny, and left to the hands of slaves, who are not free to choose their own career; commerce preferred, because it could more readily escape exaction; in commerce, gold, silver and jewels in request, being the valuables most readily hidden; all capital seeking conversion into these values, and when it actually seeks employment concentrating itself in the hands of a proscribed class, who, making a pretense of poverty, lived in houses wretched on the
outside, gorgeous internally, opposing an invincible resistance to the barbarian master who would tear from them the secret of their treasures, and solacing themselves by making him pay more dearly for the money, thus, by usury, revenging themselves for his tyranny."

Such are the roots of property to be found in history. As far as the right of property is concerned, it may be said that the universality of the fact is sufficient to establish it. Were property something accidental in human society, were the institution established only among an insular people, and were it an exception to the general custom, it might be called upon to produce its title deeds; but it stands to reason that men must have the right to do as they have done at all times, and in every inhabited place. Universal consent is an infallible sign of the necessity for, and consequently of the legality of, an institution.

"At the commencement of social life, man appropriated the soil by occupation, before he made it his own by the work of his arms. Everywhere wresting the ground from man or from beast, the taking possession of it preceded its cultivation. The land belonged to a tribe collectively before it was distributed among its different members. This is what the school calls the right of the first occupant, a right which is explained by the very fact of possession being taken without hindrance, and by the power to defend, to protect, and consequently to appropriate, the land occupied."

"Side by side with the men who acquired their possessions by occupancy or by labor, there are nations and individuals who usurped what they possess by violence and by fraud. Laws, and public forces at the service of the laws, justify that usurpation wherever their power extends, and commends both obedience and respect."

But the right can be proved independently of the historic reason. "Man," says M. Thiers, "has a first property in his person and his faculties; he has a second, less intimately connected with his being, but not less sacred, in the product of his faculties, which includes all that are called worldly possessions, and which society is in the highest degree interested in guaranteeing to him, for without this guarantee there would be no labor, without labor no civilization, not even necessaries, but, instead, destitution, brigandage and barbarism." This definition is neither sufficiently absolute nor complete. M. Thiers seems to place the foundation of property in labor alone. Undoubtedly it is its most legitimate source, but it is not the only one, nor, in point of date, is it the first. At the commencement of social life, man appropriated the soil by occupation, before he made it his own by the work of his arms. Everywhere wresting the ground from man or from beast, the taking possession of it preceded its cultivation. The land belonged to a tribe collectively before it was distributed among its different members. This is what the school calls the right of the first occupant, a right which is explained by the very fact of possession being taken without hindrance, and by the power to defend, to protect, and consequently to appropriate, the land occupied.

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these faits accomplis, ought the origin of landed estates to be sought for with a view to securing their condemnation? Or, rather, does not the interest of society demand that the subsequent transactions be legitimized, and their origin wiped out? This state of affairs has given rise to the system of prescription, which is the real safeguard of property. "No transaction would be possible," says M. Thiers, "no exchange could be made, if it were not settled that after a certain time the person who holds anything holds it lawfully, and may transfer it. Imagine what would be the condition of society, what acquisition would be certain, if it were allowed to go back to the twelfth or thirteenth century, and dispute possession with the holder of a piece of property, by proving that a feudal lord had taken it from his vassal and given it to a favorite, or to one of his men-at-arms, who sold it to a member of the guild of merchants, who, in turn, transmitted it, through many hands, to a long line of owners more or less respectable. It is very right that there should be a term fixed, after which what is, simply because it is, should be declared lawful and held as good. Were this not so, what a scene the world would present."

It must be said, however, that conquest and usurpation are not constant and exclusive facts, although it might be supposed they were, when we see Assyrians, Persians, Greeks, Romans, and, finally, the northern barbarians, each in turn dispossessing the other, and ruling the world by force of arms. Violence did not mark the beginning of all property. M. Thiers, after having stated, in contradiction to the well-understood and well-interpreted testimony of history, that "all society presented in the beginning this phenomenon of occupation more or less violent," admirably explains how it is that, the greater part of landed property had its origin in labor. (De la Propriété, by M. Thiers, vol. i., ch. 10.)

Property draws after it, as a consequence, inequality of conditions in the social order, and this inequality in condition is itself only the reflection of the differences which nature has established among men. All men have not the same muscular strength, nor the same degree of intelligence, nor an equal aptitude for or application to work. By the very fact that there are some who are stronger, cleverer, and, it must be said, happier than others, there are some also who tread with a quicker and surer foot the way to wealth. Property does not aggravate these irregularities in nature, but it marks them in durable characters, and gives them a body. In the beginning the best farmer possesses most. What interest could society have in interfering with his better farming? The most skillful and robust cultivator of the soil, while enriching his family, adds to the general sum of products, and therefore enriches society also. Equality of condition, the equal partition of the land, and equality of wages, are three forms of the same idea, which amounts to saying that the stronger ought not to produce more than the weaker, and that the thought of the enlightened man ought to sink to the level of that of the ignorant man; this would be to limit production, to repress intelligence, and to stifle literature, science and art in their very germ.

"The right of possession includes, as a natural consequence, the right of disposing of the things possessed by you, of transmitting them to others, either for a consideration, or as a free gift; of exchanging, selling, or giving them away during life or by testamentary disposition, and of leaving them as an inheritance. Property implies the right of inheritance."

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This thought is expressed in pages which I prefer to borrow rather than attempt to adapt: "A man, if he had but himself to think of, would stop short in his
career. As soon as he had provided for his old age, would you, through fear of encouraging idleness in the son, force the father himself into idleness? But does it follow, that, by permitting the hereditary transmission of property, the son must necessarily be an idler, consuming in sloth and debauchery the fortune left him by his father? Firstly, we would ask, what does the property which is to support the idleness of the son represent, after all? It represents previous work done by the father; and by hindering the father from working in order to compel the son to work for himself, all that is gained is that the son must do what the father has not done. There will have been no increase in the amount of work done. In the system, on the contrary, in which the right of inheritance is recognized, to the unlimited labor of the father is added the unlimited labor of the son; for it is untrue that the son remains idle because the father has left him a more or less considerable amount of property. To begin with, it is rare for a father to leave his son the means of doing nothing. It is only in cases of great wealth that this happens. But usually, in most professions, the father, in leaving the son his inheritance, only procures for him a better start in his career. He has only pushed him a little further, a little higher: he has given him the chance of working to greater advantage; of being a farmer, when he himself was only a farm servant; of fitting out ten ships, when he could fit out but one; of being a banker on a large scale, when he was one only on a small one: or of changing his position in life; of rising from one to another; of becoming a lawyer, a doctor, or a barrister; of being a Cicero or a Pitt, when he himself was a simple gentleman, like Cicero's father, or a cornet of a regiment, like Pitt's."

Thus, the right of inheritance is necessary to property, as property is to social order; it is that right which, by permitting the accumulation of wealth, creates capital and makes labor productive. The laws of all free and industrious peoples sanction it; but it is so indispensable to the development of families and the progress of societies, that were it not the invincible consequence of human nature and of the social state, that, in a word, if it did not exist, it would be necessary to invent it.

IV. OBJECTIONS WHICH HAVE BEEN RAISED AGAINST THE PRINCIPLE OF PROPERTY.

The objections which have been taken to the principle of property are taken sometimes to the right, sometimes to the fact itself. The great opponent of property, M. Proudhon, is forced to recognize, that, as the possession of property has become general among all classes, it has approached the ideal of justice. But this more general possession of property, inseparably connected with the advance of civilization, does not disarm M. Proudhon's hostility, he contests the principle of property itself. Property, according to him, does not exist as a natural right; it is founded neither on occupation nor on labor. "Since every man," says this author, "has the right to occupy from the simple fact that he exists, and that to continue in existence he can not dispense with a material of exploitation and of labor; and since, on the other hand, the number of occupants varies incessantly, owing to births and deaths, it follows that the quantity of matter which each worker may claim, is variable like the number of occupants; that occupation is always subordinate to population; and finally, that, possession never being able rightfully to remain constant, it is, as a fact, impossible that it should become the basis of property."

To dispose of this paradox, all that is needed is to refute the point from which it starts. The prerogatives of the individual and of the species do not embrace a natural right to occupation any more than they do a natural right to labor. Undoubtedly, in the midst of a vacant space, the man who first occupies a field or a meadow, incloses it in bounds, and appropriates it, becomes its lawful possessor; but it is not by virtue of a right of possession inherent in every man, but because the ground previously belonged to no one, and because, in leaving his impress on that ground, he is not interfering with any previous right.

"A man," says M. Proudhon, "who was forbidden to travel over the highways, to rest in the fields, to take shelter in caves, to light a fire, pick the wild berries, to gather herbs and boil them in a piece of baked earth—such a man could not live. Thus the earth, like water, air and light, is a first necessity which each ought to be able to use freely, without injury to the enjoyment of them by another. Why, then, is the earth appropriated?" This thesis might have its good side in a condition of savagery. M. Proudhon's theory might succeed among a nation of hunters. But in an industrious and civilized community, it is but a late and faded echo of the declamations of J. J. Rousseau. Men nowadays do not live on wild berries or on herbs.
gathered in the fields; they are no longer reduced to live in caves, or to prepare coarse food in earthen vessels. Civilization has bestowed on them possessions which far more than compensate for any supposed natural rights to gather wild fruit, to hunt or to fish; and the humblest workingman of the nineteenth century is certainly better lodged, better clothed and better fed than the typical man of M. Proudhon could be, with all his right to common possession of the land.

After having asserted that occupancy could not serve as a basis for property, M. Proudhon equally denies the title of labor. Charles Comte had said: "A piece of ground of fixed dimensions is only able to produce sufficient food for the consumption of one man for one day: if the owner by his labor can make it produce enough for two days, he doubles its value. This new value is his work, his creation; it is not taken away from any one; it is his property." M. Proudhon answers: "I maintain that the possessor is paid for his trouble and his industry by the double return, but that he acquires no right in the soil. I admit that the laborer may make the product of his labor his own, but I do not understand how property in the product carries with it property in the soil, or in matter. Does the fisherman who can catch more fish, on the same coast, than his companions, become, because of his skill, proprietor of the waters in which he fishes? Was a hunter's skill ever looked upon as conferring on him a right of property in the game of a whole canton? The cases are precisely similar: the diligent husbandman finds in a harvest, abundant and of better quality, the recompense of his toil; if he has made improvements on the soil, he has the right to a preference as possessor of it; never, under any consideration, can he be allowed to allege his skill as a farmer as a title to property in the soil he tills. To transform possession into property, there is more needed than labor, otherwise man would cease to be a proprietor as soon as he ceased to be a laborer: now, what constitutes property, is, according to the law, immemorial and uncontested possession, that is, prescription; labor is only the visible sign, the material act, by which occupation is manifested".

As sources of property, occupation and labor are the complements of each other. Possession would certainly be far from lasting, if cultivation did not follow to sanction it, by revealing and bringing into play the productive forces of the soil; and as for labor, it does not necessarily imply property, since a farmer who has spent a large amount of capital in the improvement of the land he leases, while he can demand compensation for that capital, does not therefore acquire a right of property in the domain. This much is true, and can be said without exaggeration. But to suppose that the possessor who has cultivated a piece of land, and who, by so doing, has improved the land and increased the capital which that land represents, to suppose that he has no rights beyond the fruit of the year, is a glaring error. To whom would this improved land belong? Would any one bestow capital on it, give it a new value, just that this value might become the prize of the first comer? If this were so, no one would work.

M. Proudhon admits that the husbandman who has improved land "has the right to a preference in possession." Here, then, is another case, and the case presents itself often, in which property, to use the language of Proudhon's book, ceases to be robbery. There is no doubt that the proprietor has no need to work to preserve his right: but work adds to the titles of property, and makes them skill more honorable. Now, the possessor who cultivates, even if he does not add to the value of the land, would very soon grow tired of his passion for work, if he were only allowed to receive from it the produce of one harvest. Agriculture is the offspring of permanency in property, and without the guarantees which the law attaches to possession, agriculture would make no progress. M. Proudhon has only to look at what happens to the best of land when in the hands of nomadic tribes, among whom the land is only scratched to secure the meagre harvest of the year.

But, it will be said, the land thus conceded in perpetuity is, little by little, sequestered, invaded; and the last comers are likely to see both hemispheres entirely filled up by the heirs of the first who occupied the land, or of those who wrested it, by violence or by fraud, from its original owners. Even if all this were so, the misfortune does not seem to us a very great one. Land, thanks to the progress of industry, is not the only source of wealth. The man who does not own a farm may buy a house, start a factory, or have an interest in some scheme for transportation. Property, supposing there were not enough for all in the form of land, would show itself abundant under new forms. Previous appropriation of the soil, instead of robbing future races, really tends to enrich them.
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Very high intellects refuse to admit this supposed confiscation of the soil to the detriment of the latest comers. M. Thiers gives us considerations on this point which are decisive. I shall try to epitomize them here. "Some engineers have thought that there was coal enough in the bowels of the earth to last indefinitely, while others have thought, that, at the rate at which industry was advancing, there was not enough for a hundred years. Should we, then, abstain from using it, lest there should be none for our posterity? [...] The society which should abolish property in land for fear of the earth's whole surface being invaded, would be every whit as absurd. Let us make our minds easy on that score. European nations have not yet cultivated, some the quarter, others the tenth part, of their territories; and of the entire globe not the thousandth part is occupied. Great nations have run their course hitherto, without having given cultivation more than a very small part of their dominions. Nations have passed through youth, maturity and old age; they have had time to lose their characteristics, their genius, their institutions, all that they lived by, without having, we will not say, completed, but even much advanced, the cultivation of their territory. After all, space is nothing. Often, on the widest extent of land, men find it hard to live; and often, on the other hand, they live in plenty on the narrowest strip of ground. An acre of land in England or in Flanders supports a hundred times more inhabitants than an acre in the sands of Poland or of Russia. Man carries with him fertility; wherever he appears the grass grows and corn springs up. He brings with him his cattle, and wherever he settles he spreads around him a fertilizing soil. If, then, a day could be imagined when every corner of the globe should be inhabited, man would obtain from the same superficies ten times, a hundred times, nay a thousand times, more than he obtains today. What need be despaired of when the sands of Holland are transformed into fertile ground by man? Were he cramped for room, the sands of the Sahara, of the Arabian desert, of the desert of Cobi, would be covered by the fruitfulness which follows him; he would lay out in terraces the sides of the Atlas, of the Himalayas, of the Cordilleras, and cultivation would climb the steepest summits of the globe, and would only stop where, from the elevation, all vegetation ceases. This surface of the globe, invaded as is said, will not fail future generations, and, meanwhile, does not fail those of the present: for everywhere land is offered to men; it is offered them in Russia, on the banks of the Borysthenes, the Don and the Volga; in America, on the banks of the Mississippi, the Orinoco, and the Amazon; in France, on the coast of Africa, once the granary of the Roman empire. But emigrants do not always accept, and when they do, if nothing be added to the gift of the land, they go to their death on those distant shores. Why? Because it is not surface which is wanting, but surface covered with constructions, plantations, inclosures, the works of appropriation. Now, all these things exist only where former generations have been at the pains to put everything in such a position that the labor of the new comers may be immediately productive."

It is plain, then, that the earth, in spite of the extent of property, is not going to fail man. It is property well established, fenced around with guarantees, and become hereditary, which makes the land habitable and productive. Let us add, that under this régime the lot of the cultivator or tiller of the soil improves more rapidly than that of the owner. Property is in a special way a benefit to labor.

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become hereditary, which makes the land habitable and productive. Let us add, that under this régime the lot of the cultivator or tiller of the soil improves more rapidly than that of the owner. Property is in a special way a benefit to labor.”

Notes

[1] Editor: Many of the authors of articles in the Dictionnaire de l'économie politique (1852-53) quoted from the work of Charles Comte (1782-1837) who was a lawyer and one of the leading liberal theorists before the 1848 Revolution. He wrote a two-part, multi-volume work on law and property, the Traité de législation (1826) and the Traité de la propriété (1834), which greatly influenced liberals and political economists like Faucher.

[2] Editor: Faucher also cites and quotes from Louis Adolphe Thiers, De la propriété (Paris: Paulin, Lheureux et Cie, 1848). Adolphe Thiers (1797–1877) was a French conservative politician and historian. He served as a prime minister in 1836, 1840 and 1848; and after a period in retirement while Louis Napoleon was in power, returned to power after 1870. He was instrumental in the bloody suppression of the activists behind the Paris Commune of 1871. From 1871 to 1873 he served as Head of State and then President of France. Apart from his multi-volume history of the French Revolution he also wrote an influential defence of property during the 1848 Revolution.
Further Information

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“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)]
"The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness."
Editor’s Introduction

John Stuart Mill (1806-1873) was the precocious child of the Philosophical Radical and Benthamite James Mill. Taught Greek, Latin, and political economy at an early age, he spent his youth in the company of the Philosophic Radicals, Benthamites and utilitarians who gathered around his father James. J.S. Mill went on to become a journalist, Member of Parliament, and philosopher and is regarded as one of the most significant English classical liberals of the 19th century.

Mill’s classic statement of the utilitarian position appeared in 1861 in a series of articles in *Fraser’s Magazine* between October and December 1861. It then was published as a book in 1863. He built his theory on the foundation laid by his father’s and his intellectual mentor Jeremy Bentham which became the dominant liberal theory of ethics in the English speaking world in the 19th century. Utilitarianism challenged the natural rights theory which had been popularized by John Locke in the 17th century and had been the dominant theory of ethics during the 18th century when it profoundly influenced the participants in the American and French revolutions.

Bentham in *A Fragment On Government* (1776) had argued that what the legislator should strive for is "the greatest happiness of the greatest number". In Mill's version of the theory "happiness is the sole end of human action, and the promotion of it the test by which to judge of all human conduct" (Chap. 4) and this "test" was the degree to which an action or piece of legislation secured this state of happiness "to the greatest extent possible … to all mankind" (Chap. II).

Although Bentham and Mill were advocates of strictly limited government, later in the 19th century utilitarianism was used by the "New Liberals" to justify much more extensive regulation by the state in order to maximize the total amount of "happiness" in society.

“it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else.”
Utilitarianism (1861)

CHAPTER I. GENERAL REMARKS

There are few circumstances among those which make up the present condition of human knowledge, more unlike what might have been expected, or more significant of the backward state in which speculation on the most important subjects still lingers, than the little progress which has been made in the decision of the controversy respecting the criterion of right and wrong. From the dawn of philosophy, the question concerning the summum bonum, or, what is the same thing, concerning the foundation of morality, has been accounted the main problem in speculative thought, has occupied the most gifted intellects, and divided them into sects and schools, carrying on a vigorous warfare against one another. And after more than two thousand years the same discussions continue, philosophers are still ranged under the same contending banners, and neither thinkers nor mankind at large seem nearer to being unanimous on the subject, than when the youth Socrates listened to the old Protagoras, and asserted (if Plato's dialogue be grounded on a real conversation) the theory of utilitarianism against the popular morality of the so-called sophist.

It is true that similar confusion and uncertainty, and in some cases similar discordance, exist respecting the first principles of all the sciences, not excepting that which is deemed the most certain of them, mathematics; without much impairing, generally indeed without impairing at all, the trustworthiness of the conclusions of those sciences. An apparent anomaly, the explanation of which is, that the detailed doctrines of a science are not usually deduced from, nor depend for their evidence upon, what are called its first principles. Were it not so, there would be no science more precarious, or whose conclusions were more insufficiently made out, than algebra; which derives none of its certainty from what are commonly taught to learners as its elements, since these, as laid down by some of its most eminent teachers, are as full of fictions as English law, and of mysteries as theology. The truths which are ultimately accepted as the first principles of a science, are really the last results of metaphysical analysis, practised on the elementary notions with which the science is conversant; and their relation to the science is not that of foundations to an edifice, but of roots to a tree, which may perform their office equally well though they be never dug down to and exposed to light. But though in science the particular truths precede the general theory, the contrary might be expected to be the case with a practical art, such as morals or legislation. All action is for the sake of some end, and rules of action, it seems natural to suppose, must take their whole character and colour from the end to which they are subservient. When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need, instead of the last we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right or wrong, and not a consequence of having already ascertained it.

The difficulty is not avoided by having recourse to the popular theory of a natural faculty, a sense or instinct, informing us of right and wrong. For—besides that the existence of such a moral instinct is itself one of the matters in dispute—those believers in it who have any pretensions to philosophy, have been obliged to abandon the idea that it discerns what is right or wrong in the particular case in hand, as our other senses discern the sight or sound actually present. Our moral faculty, according to all those of its interpreters who are entitled to the name of thinkers, supplies us only with the general principles of moral judgments; it is a branch of our reason, not of our sensitive faculty; and must be looked to for the abstract doctrines of morality, not for perception of it in the concrete. The intuitive, no less than what may be termed the inductive, school of ethics, insists on the necessity of general laws. They both agree that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognise also, to a great extent, the same moral laws; but differ as to their evidence, and the source from which they derive their authority. According to the one opinion, the principles of morals are evident à
priori, requiring nothing to command assent, except that the meaning of the terms be understood. According to the other doctrine, right and wrong, as well as truth and falsehood, are questions of observation and experience. But both hold equally that morality must be deduced from principles; and the intuitive school affirm as strongly as the inductive, that there is a science of morals. Yet they seldom attempt to make out a list of the à priori principles which are to serve as the premises of the science; still more rarely do they make any effort to reduce those various principles to one first principle, or common ground of obligation. They either assume the ordinary precepts of morals as of à priori authority, or they lay down as the common groundwork of those maxims, some generality much less obviously authoritative than the maxims themselves, and which has never succeeded in gaining popular acceptance. Yet to support their pretensions there ought either to be some one fundamental principle or law, at the root of all morality, or if there be several, there should be a determinate order of precedence among them; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident.

“as men’s sentiments, both of favour and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility, or as Bentham latterly called it, the greatest happiness principle, has had a large share in forming the moral doctrines even of those who most scornfully reject its authority.”

To inquire how far the bad effects of this deficiency have been mitigated in practice, or to what extent the moral beliefs of mankind have been vitiating or made uncertain by the absence of any distinct recognition of an ultimate standard, would imply a complete survey and criticism of past and present ethical doctrine. It would, however, be easy to show that whatever steadiness or consistency these moral beliefs have attained, has been mainly due to the tacit influence of a standard not recognised. Although the non-existence of an acknowledged first principle has made ethics not so much a guide as a consecration of men’s actual sentiments, still, as men’s sentiments, both of favour and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility, or as Bentham latterly called it, the greatest happiness principle, has had a large share in forming the moral doctrines even of those who most scornfully reject its authority. Nor is there any school of thought which refuses to admit that the influence of actions on happiness is a most material and even predominant consideration in many of the details of morals, however unwilling to acknowledge it as the fundamental principle of morality, and the source of moral obligation. I might go much further, and say that to all those à priori moralists who deem it necessary to argue at all, utilitarian arguments are indispensable. It is not my present purpose to criticize these thinkers; but I cannot help referring, for illustration, to a systematic treatise by one of the most illustrious of them, the *Metaphysics of Ethics*, by Kant. This remarkable man, whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does, in the treatise in question, lay down an universal first principle as the origin and ground of moral obligation; it is this:—“So act, that the rule on which thou actest would admit of being adopted as a law by all rational beings.”[1] But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such as no one would choose to incur.

On the present occasion, I shall, without further discussion of the other theories, attempt to contribute something towards the understanding and appreciation of the Utilitarian or Happiness theory, and towards such proof as it is susceptible of. It is evident that this cannot be proof in the ordinary and popular meaning of the term. Questions of ultimate ends are not amenable to direct proof. Whatever can be proved to be good, must be so by being shown to be a means to something admitted to be good without proof. The
medical art is proved to be good, by its conducing to health; but how is it possible to prove that health is good? The art of music is good, for the reason, among others, that it produces pleasure; but what proof is it possible to give that pleasure is good? If, then, it is asserted that there is a comprehensive formula, including all things which are in themselves good, and that what ever else is good, is not so as an end, but as a mean, the formula may be accepted or rejected, but is not a subject of what is commonly understood by proof. We are not, however, to infer that its acceptance or rejection must depend on blind impulse, or arbitrary choice. There is a larger meaning of the word proof, in which this question is as amenable to it as any other of the disputed questions of philosophy. The subject is within the cognizance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof.

We shall examine presently of what nature are these considerations; in what manner they apply to the case, and what rational grounds, therefore, can be given for accepting or rejecting the utilitarian formula. But it is a preliminary condition of rational acceptance or rejection, that the formula should be correctly understood. I believe that the very imperfect notion ordinarily formed of its meaning, is the chief obstacle which impedes its reception; and that could it be cleared, even from only the grosser misconceptions, the question would be greatly simplified, and a large proportion of its difficulties removed. Before, therefore, I attempt to enter into the philosophical grounds which can be given for assenting to the utilitarian standard, I shall offer some illustrations of the doctrine itself; with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning. Having thus prepared the ground, I shall afterwards endeavour to throw such light as I can upon the question, considered as one of philosophical theory.

CHAPTER II. WHAT UTILITARIANISM IS

“every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself.”

A passing remark is all that needs be given to the ignorant blunder of supposing that those who stand up for utility as the test of right and wrong, use the term in that restricted and merely colloquial sense in which utility is opposed to pleasure. An apology is due to the philosophical opponents of utilitarianism, for even the momentary appearance of confounding them with any one capable of so absurd a misconception; which is the more extraordinary, inasmuch as the contrary accusation, of referring everything to pleasure, and that too in its grossest form, is another of the common charges against utilitarianism: and, as has been pointedly remarked by an able writer, the same sort of persons, and often the very same persons, denounce the theory “as impracticably dry when the word utility precedes the word pleasure, and as too practicably voluptuous when the word pleasure precedes the word utility.” Those who know anything about the matter are aware that every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain; and instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things. Yet the common herd, including the herd of writers, not only in newspapers and periodicals, but in books of weight and pretension, are perpetually falling into this shallow mistake. Having caught up the word utilitarian, while knowing nothing whatever about it but its sound, they habitually express by it the rejection, or the neglect, of pleasure in some of its forms; of beauty, of ornament, or of amusement. Nor is the term thus ignorantly misapplied solely in disparagement, but occasionally in compliment; as though it implied superiority to frivolity and the mere pleasures of the moment. And this perverted use is the only one in which the word is popularly known, and the one from which the new
generation are acquiring their sole notion of its meaning. Those who introduced the word, but who had for many years discontinued it as a distinctive appellation, may well feel themselves called upon to resume it, if by doing so they can hope to contribute anything towards rescuing it from this utter degradation.[2]

“The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.”

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain.

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and grovelling; as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light; since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast’s pleasures do not satisfy a human being’s conceptions of happiness. Human beings have faculties more elevated than the animal appetites, and when once made conscious of them, do not regard anything as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, &c., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility to recognise the fact, that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.
If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.

“A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and is certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence... It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.”

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast’s pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he, for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that to escape from it they would exchange their lot for almost any other, however undesirable in their own eyes. A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and is certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation we please of this unwillingness; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable; we may refer it to the love of liberty and personal independence, an appeal to which was with the Stoics one of the most effective means for the inculcation of it; to the love of power, or to the love of excitement, both of which do really enter into and contribute to it; but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them. Whoever supposes that this preference takes place at a sacrifice of happiness—that the superior being, in anything like equal circumstances, is not happier than the inferior—confounds the two very different ideas, of happiness, and content. It is indisputable that the being whose capacities of enjoyment are low, has the greatest chance of having them fully satisfied; and a highly-endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.
It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable; and this no less when the choice is between two bodily pleasures, than when it is between bodily and mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good. It may be further objected, that many who begin with youthful enthusiasm for everything noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change, voluntarily choose the lower description of pleasures in preference to the higher. I believe that before they devote themselves exclusively to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favourable to keeping that higher capacity in exercise. Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned whether any one who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower; though many, in all ages, have broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain, except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable in kind, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the utilitarian standard; for that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last renders refutation superfluous.

According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an
existence such as has been described might be, to the
greatest extent possible, secured to all mankind; and
not to them only, but, so far as the nature of things
admits, to the whole sentient creation.

“According to the Greatest Happiness
Principle, as above explained, the
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our own good or that of other people), is
an existence exempt as far as possible
from pain, and as rich as possible in
enjoyments, both in point of quantity and
quality.”

Against this doctrine, however, arises another class
of objectors, who say that happiness, in any form,
cannot be the rational purpose of human life and
action; because, in the first place, it is unattainable: and
they contumuously ask, What right hast thou to be
happy? a question which Mr. Carlyle clenches by the
addition, What right, a short time ago, hadst thou even
to be? Next, they say, that men can do without
happiness; that all noble human beings have felt this,
and could not have become noble but by learning the
lesson of Entsagen, or renunciation; which lesson,
thoroughly learnt and submitted to, they affirm to be
the beginning and necessary condition of all virtue.

The first of these objections would go to the root
of the matter were it well founded; for if no happiness
is to be had at all by human beings, the attainment of it
cannot be the end of morality, or of any rational
conduct. Though, even in that case, something might
still be said for the utilitarian theory; since utility
includes not solely the pursuit of happiness, but the
prevention or mitigation of unhappiness; and if the
former aim be chimerical, there will be all the greater
scope and more imperative need for the latter, so long
at least as mankind think fit to live, and do not take
refuge in the simultaneous act of suicide recommended
under certain conditions by Novalis. When, however,
human life should be happy, the assertion, if not
something like a verbal quibble, is at least an
exaggeration. If by happiness be meant a continuity of
highly pleasurable excitement, it is evident enough that
this is impossible. A state of exalted pleasure lasts only
moments, or in some cases, and with some
intermissions, hours or days, and is the occasional
brilliant flash of enjoyment, not its permanent and
steady flame. Of this the philosophers who have taught
that happiness is the end of life were as fully aware as
those who taunt them. The happiness which they
meant was not a life of rapture; but moments of such,
in an existence made up of few and transitory pains,
many and various pleasures, with a decided
predominance of the active over the passive, and
having as the foundation of the whole, not to expect
more from life than it is capable of bestowing. A life
thus composed, to those who have been fortunate
enough to obtain it, has always appeared worthy of the
name of happiness. And such an existence is even now
the lot of many, during some considerable portion of
their lives. The present wretched education, and
wretched social arrangements, are the only real
hindrance to its being attainable by almost all.

The objectors perhaps may doubt whether human
beings, if taught to consider happiness as the end of
life, would be satisfied with such a moderate share of it.
But great numbers of mankind have been satisfied with
much less. The main constituents of a satisfied life
appear to be two, either of which by itself is often
found sufficient for the purpose: tranquillity, and
excitement. With much tranquillity, many find that they
can be content with very little pleasure: with much
excitement, many can reconcile themselves to a
considerable quantity of pain. There is assuredly no
inherent impossibility in enabling even the mass of
mankind to unite both; since the two are so far from
being incompatible that they are in natural alliance, the
prolongation of either being a preparation for, and
exciting a wish for, the other. It is only those in whom
indolence amounts to a vice, that do not desire
excitement after an interval of repose; it is only those in
whom the need of excitement is a disease, that feel the
tranquillity which follows excitement dull and insipid,
instead of pleasurable in direct proportion to the
excitement which preceded it. When people who are
tolerably fortunate in their outward lot do not find in
life sufficient enjoyment to make it valuable to them,
the cause generally is, caring for nobody but
themselves. To those who have neither public nor private affections, the excitements of life are much curtailed, and in any case dwindle in value as the time approaches when all selfish interests must be terminated by death: while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigour of youth and health. Next to selfishness, the principal cause which makes life unsatisfactory, is want of mental cultivation. A cultivated mind—I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been taught, in any tolerable degree, to exercise its faculties—finds sources of inexhaustible interest in all that surrounds it; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind past and present, and their prospects in the future. It is possible, indeed, to become indifferent to all this, and that too without having exhausted a thousandth part of it; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

"Genuine private affections, and a sincere interest in the public good, are possible, though in unequal degrees, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness within his reach, he will not fail to find this enviable existence, if he escape the positive evils of life, the great sources of physical and mental suffering—such as indigence, disease, and the unkindness, worthlessness, or premature loss of objects of affection. The main stress of the problem lies, therefore, in the contest with these calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated. Yet no one whose opinion deserves a moment’s consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprive us of those in whom our happiness is wraped up. As for vicissitudes of fortune, and other disappointments connected with worldly circumstances, these are principally the effect either of gross imprudence, of ill-regulated desires, or of bad or imperfect social institutions. All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by
human care and effort; and though their removal is grievously slow—though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made—yet every mind sufficiently intelligent and generous to bear a part, however small and unconspicuous, in the endeavour, will draw a noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.

“All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow—though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made

And this leads to the true estimation of what is said by the objectors concerning the possibility, and the obligation, of learning to do without happiness. Unquestionably it is possible to do without happiness; it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism; and it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something, what is it, unless the happiness of others, or some of the requisites of happiness? It is noble to be capable of resigning entirely one’s own portion of happiness, or chances of it: but, after all, this self-sacrifice must be for some end; it is not its own end; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, would the sacrifice be made if the hero or martyr did not believe that it would earn for others immunity from similar sacrifices? Would it be made, if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow creatures, but to make their lot like his, and place them also in the condition of persons who have renounced happiness? All honour to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. He may be an inspiriting proof of what men can do, but assuredly not an example of what they should.

Though it is only in a very imperfect state of the world’s arrangements that any one can best serve the happiness of others by the absolute sacrifice of his own, yet so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man. I will add, that in this condition of the world, paradoxical as the assertion may be, the conscious ability to do without happiness gives the best prospect of realizing such happiness as is attainable. For nothing except that consciousness can raise a person above the chances of life, by making him feel that, let fate and fortune do their worst, they have not power to subdue him: which, once felt, frees him from excess of anxiety concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquillity the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.

Meanwhile, let utilitarians never cease to claim the morality of self-devotion as a possession which belongs by as good a right to them, as either to the Stoic or to the Transcendentalist. The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.
I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent’s own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one’s neighbour as oneself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes: so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being’s sentient existence. If the impugners of the utilitarian morality represented it to their own minds in this its true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it: what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain anything like a just idea of its disinterested character, sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of promoting the general interests of society. But this is to mistake the very meaning of a standard of morals, and to confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty; on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble: he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. But to speak only of actions done from the motive of duty, and in direct obedience to principle: it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to. Those alone the influence of whose actions extends to society in general, need concern themselves habitually about so large an object. In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to
be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. The amount of regard for the public interest implied in this recognition, is no greater than is demanded by every system of morals; for they all enjoin to abstain from whatever is manifestly pernicious to society.

"it is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights—that is, the legitimate and authorized expectations—of any one else."

The same considerations dispose of another reproach against the doctrine of utility, founded on a still grosser misconception of the purpose of a standard of morality, and of the very meaning of the words right and wrong. It is often affirmed that utilitarianism renders men cold and unsympathizing; that it chills their moral feelings towards individuals; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. If the assertion means that they do not allow their judgment respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all; for certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man, or the contrary. These considerations are relevant, not to the estimation of actions, but of persons; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions. The Stoics, indeed, with the paradoxical misuse of language which was part of their system, and by which they strove to raise themselves above all concern about anything but virtue, were fond of saying that he who has that has everything; that he, and only he, is rich, is beautiful, is a king. But no claim of this description is made for the virtuous man by the utilitarian doctrine. Utilitarians are quite aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to allow to all of them their full worth. They are also aware that a right action does not necessarily indicate a virtuous character, and that actions which are blameable often proceed from qualities entitled to praise. When this is apparent in any particular case, it modifies their estimate, not certainly of the act, but of the agent. I grant that they are, notwithstanding, of opinion, that in the long run the best proof of a good character is good actions; and resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct. This makes them unpopular with many people; but it is an unpopularity which they must share with every one who regards the distinction between right and wrong in a serious light; and the reproach is not one which a conscientious utilitarian need be anxious to repel.

If no more be meant by the objection than that many utilitarians look on the morality of actions, as measured by the utilitarian standard, with too exclusive a regard, and do not lay sufficient stress upon the other beauties of character which go towards making a human being loveable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies nor their artistic perceptions, do fall into this mistake; and so do all other moralists under the same conditions. What can be said in excuse for other moralists is equally available for them, namely, that if there is to be any error, it is
better that it should be on that side. As a matter of fact, we may affirm that among utilitarians as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the application of their standard; some are even puritanically rigorous, while others are as indulgent as can possibly be desired by sinner or by sentimentalist. But on the whole, a doctrine which brings prominently forward the interest that mankind have in the repression and prevention of conduct which violates the moral law, is likely to be inferior to no other in turning the sanctions of opinion against such violations. It is true, the question, What does violate the moral law? is one on which those who recognise different standards of morality are likely now and then to differ. But difference of opinion on moral questions was not first introduced into the world by utilitarianism, while that doctrine does supply, if not always an easy, at all events a tangible and intelligible mode of deciding such differences.

It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candour and intelligence to fall into them: since persons, even of considerable mental endowments, often give themselves so little trouble to understand the bearings of any opinion against which they entertain a prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the vulgarist misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy. We not uncommonly hear the doctrine of utility inveighed against as a godless doctrine. If it be necessary to say anything at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the Deity. If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognise the revealed will of God as the supreme law of morals, I answer, that an utilitarian who believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals, must fulfil the requirements of utility in a supreme degree. But others besides utilitarians have been of opinion that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is: and that we need a doctrine of ethics, carefully followed out, to interpret to us the will of God. Whether this opinion is correct or not, it is superfluous here to discuss; since whatever aid religion, either natural or revealed, can afford to ethical investigation, is as open to the utilitarian moralist as to any other. He can use it as the testimony of God to the usefulness or hurtfulness of any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connexion with usefulness or with happiness.

“If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other.”

Again, Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with Principle. But the Expedient, in the sense in which it is opposed to the Right, generally means that which is expedient for the particular interest of the agent himself; as when a minister sacrifices the interest of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing with the useful, is a branch of the hurtful. Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity, is one of the most useful, and the enfeeblement of that feeling one of the most
hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth, does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilization, virtue, everything on which human happiness on the largest scale depends; we feel that the violation, for a present advantage, of a rule of such transcendant expediency, is not expedient, and that he who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which is when the withholding of some fact (as of information from a malefactor, or of bad news from a person dangerously ill) would preserve some one (especially a person other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognised, and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.

“if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.”

Again, defenders of utility often find themselves called upon to reply to such objections as this—that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which anything has to be done, to read through the Old and New Testaments. The answer to the objection is, that there has been ample time, namely, the whole past duration of the human species. During all that time mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, is dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then I do not think that he would find the question very puzzling; but, at all events, the matter is now done to his hand. It is truly a whimsical supposition that if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced by law and opinion. There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it; but on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better. That philosophers might easily do this, even now, on many subjects; that the received code of ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness, I admit, or rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of morality as improvable, is one thing; to pass over the intermediate generalizations entirely, and endeavour to test each individual action directly by the first principle, is another. It is a strange notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveller respecting the place of his ultimate destination, is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and
aim of morality, does not mean that no road ought to
be laid down to that goal, or that persons going thither
should not be advised to take one direction rather than
another. Men really ought to leave off talking a kind of
nonsense on this subject, which they would neither talk
nor listen to on other matters of practical
cernment. Nobody argues that the art of navigation
is not founded on astronomy, because sailors cannot
wait to calculate the Nautical Almanack. Being rational
creatures, they go to sea with it ready calculated; and
all rational creatures go out upon the sea of life with
their minds made up on the common questions of right
and wrong, as well as on many of the far more difficult
questions of wise and foolish. And this, as long as
forsight is a human quality, it is to be presumed they
will continue to do. Whatever we adopt as the
fundamental principle of morality, we require
subordinate principles to apply it by: the impossibility
of doing without them, being common to all systems,
can afford no argument against any one in particular:
but gravely to argue as if no such secondary principles
could be had, and as if mankind had remained till now,
and always must remain, without drawing any general
conclusions from the experience of human life, is as
high a pitch, I think, as absurdity has ever reached in
philosophical controversy.

“It is not the fault of any creed, but of the
complicated nature of human affairs,
that rules of conduct cannot be so framed
as to require no exceptions, and that
hardly any kind of action can safely be
laid down as either always obligatory or
always condemnable. There is no ethical
creed which does not temper the rigidity
of its laws, by giving a certain latitude,
under the moral responsibility of the
agent, for accommodation to
peculiarities of circumstances; and under
every creed, at the opening thus made,
self-deception and dishonest casuistry
get in. There exists no moral system
under which there do not arise
unequivocal cases of conflicting
obligation.”

The remainder of the stock arguments against
utilitarianism mostly consist in laying to its charge the
common infirmities of human nature, and the general
difficulties which embarrass conscientious persons in
shaping their course through life. We are told than an
utilitarian will be apt to make his own particular case
an exception to moral rules, and, when under
temptation, will see an utility in the breach of a rule,
greater than he will see in its observance. But is utility
the only creed which is able to furnish us with excuses
for evil doing, and means of cheating our own
 conscience? They are afforded in abundance by all
doctrines which recognise as a fact in morals the
existence of conflicting considerations; which all
doctrines do, that have been believed by sane persons.
It is not the fault of any creed, but of the complicated
nature of human affairs, that rules of conduct cannot
be so framed as to require no exceptions, and that
hardly any kind of action can safely be laid down as
either always obligatory or always condemnable. There
is no ethical creed which does not temper the rigidity
of its laws, by giving a certain latitude, under the moral
responsibility of the agent, for accommodation to
peculiarities of circumstances; and under every creed,
at the opening thus made, self-deception and dishonest
causistry get in. There exists no moral system under
which there do not arise unequivocal cases of
conflicting obligation. These are the real difficulties, the
knotty points both in the theory of ethics, and in the
conscientious guidance of personal conduct. They are
overcome practically with greater or with less success
according to the intellect and virtue of the individual;
but it can hardly be pretended that any one will be the
less qualified for dealing with them, from possessing an
ultimate standard to which conflicting rights and duties
can be referred. If utility is the ultimate source of
moral obligations, utility may be invoked to decide
between them when their demands are incompatible.
Though the application of the standard may be
difficult, it is better than none at all: while in other
systems, the moral laws all claiming independent
authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry, and unless determined, as they generally are, by the unacknowledged influence of considerations of utility, afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to. There is no case of moral obligation in which some secondary principle is not involved; and if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognised.

Notes

[The editor’s notes showing variations in the different editions of the text have been omitted.]


[2] The author of this essay has reason for believing himself to be the first person who brought the word utilitarian into use. He did not invent it, but adopted it from a passing expression in Mr. [John] Galt’s Annals of the Parish [Edinburgh: Blackwood, 1821, p. 286]. After using it as a designation for several years, he and others abandoned it from a growing dislike to anything resembling a badge or watchword of sectarian distinction. But as a name for one single opinion, not a set of opinions—to denote the recognition of utility as a [61 the] standard, not any particular way of applying it—the term supplies a want in the language, and offers, in many cases, a convenient mode of avoiding tiresome circumlocution.


[5] An opponent, whose intellectual and moral fairness it is a pleasure to acknowledge (the Rev. J. Llewellyn Davies), has objected to this passage, saying, “Surely the rightness or wrongness of saving a man from drowning does depend very much upon the motive with which it is done. Suppose that a tyrant, when his enemy jumped into the sea to escape from him, saved him from drowning simply in order that he might inflict upon him more exquisite tortures, would it tend to clearness to speak of that rescue as ‘a morally right action?’ Or suppose again, according to one of the stock illustrations of ethical inquiries, that a man betrayed a trust received from a friend, because the discharge of it would fatally injure that friend himself or some one belonging to him, would utilitarianism compel one to call the betrayal ‘a crime’ as much as if it had been done from the meanest motive?” I submit, that he who saves another from drowning in order to kill him by torture afterwards, does not differ only in motive from him who does the same thing from duty or benevolence; the act itself is different. The rescue of the man is, in the case supposed, only the necessary first step of an act far more atrocious than leaving him to drown would have been. Had Mr. Davies said, “The rightness or wrongness of saving a man from drowning does depend very much”—not upon the motive, but—“upon the intention,” no utilitarian would have differed from him. Mr. Davies, by an oversight too common not to be quite venial, has in this case confounded the very different ideas of Motive and Intention. There is no point which utilitarian thinkers (and Bentham pre-eminently) have taken more pains to illustrate than this. The morality of the action depends entirely upon the intention—that is, upon what the agent wills to do. But the motive, that is, the feeling which makes him will so to do, when it [64, 67 if it] makes no difference in the act, makes none in the morality: though it makes a great difference in our moral estimation of the agent, especially if it indicates a good or a bad habitual disposition—a bent of character from which useful, or from which hurtful actions are likely to arise.
Further Information

SOURCE

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FURTHER READING
Other works by John Stuart Mill (1806-1873) <oll.libertyfund.org/people/21>.
School of Thought: 19th Century Utilitarians <http://oll.libertyfund.org/groups/23>.
“If man acquires rights over things, it is because he is at once active, intelligent and free; by his activity he spreads over external nature; by his intelligence he governs it, and bends it to his use; by his liberty, he establishes between himself and it the relation of cause and effect and makes it his own.”
Editor’s Introduction

Louis Wolowski (1810-76) was a lawyer, politician, and economist of Polish origin. His interests lay in industrial and labor economics, free trade, and bimetallism. He was a professor of industrial law at the Conservatoire national des arts et métiers, a member of the Académie des sciences morales et politiques from 1855, serving as its president in 1866-67, and member and president of the Société d’économie politique. His political career started in 1848, when he represented La Seine in the Constituent and Legislative Assemblies. During the 1848 revolution he was an ardent opponent of the socialist Louis Blanc and his plans for labor organization. Wolowski continued his career as a politician in the Third Republic, where he served as a member of the Assembly and took an interest in budgetary matters. He edited the Revue de droit français et étranger and wrote articles for the Journal des économistes. Among his books are Cours de législation industrielle. De l’organisation du travail (1844) and Études d’économie politique et de statistique (1848), La question des banques (1864), La Banque d’Angleterre et les banques d’Écosse (1867), La liberté commerciale et les résultats du traité de commerce de 1860 (1869), and L’or et l’argent (1870).

Pierre Émile Levasseur (1828-1911) began his career as a specialist in the history of economic thought before turning to the study and promotion of the discipline of economic geography, of which he was a pioneer. Levasseur was a member of the Société d’économie politique and wrote many articles and book reviews for the Journal des Économistes.

This essay was written some 10 years after that of Léon Faucher when some of the heat felt in 1852 towards the failed socialist experiments of 1848 had dissipated. Wolowski and Levasseur continue to reply uncompromisingly to the socialist critique of property rights but begin their essay quite differently. Whereas Faucher had rebuked the economists for not providing an adequate theoretical defence of private property and had just accepted it as a given, Wolowski and Levasseur are almost poetical in their defence of private property as an extension of the very person of the owner and their depiction of the social benefits of property as the best means of aiding others in the pursuit of their own hopes and aspirations for a better life for themselves and their families.

“Far from injuring each other, men sustain each other by their individual development. For property is not a common fund fixed in advance, which is diminished by the amount which each appropriates; it is, as we have said, a creation of the intelligent force which dwells in man; each creation is added to the previous creations, and, putting new vigor into commerce, facilitates ulterior creations. The property of one, far from limiting for others the possibility of becoming owners, on the contrary increases this possibility; it is the strongest stimulus to production, the pivot of economical progress; and if the nature of things had not made a law with regard to it, anterior to all agreement, human law would have established it as the institution pre-eminently useful to the welfare and morality of nations.”
“Property II” (1864)\textsuperscript{21}

[INTRODUCTION]

Property and the family are two ideas, for the attack and defense of which legions of writers have taken up arms during the last half century. Recent systems, founded upon old errors, but revived by the popular emotions which they aroused, have in vain disturbed, misrepresented, sometimes, even denied, them. These ideas express necessary facts, which, under diverse forms, have been and will always be coming forth; they may thus be justly regarded as the fundamental principles of all political society, because from them originate, to a great extent, the two principal objects which concern social laws, namely, the rights of man over things, and his duties toward his fellow-men.

THE RIGHT OF PROPERTY.

If man acquires rights over things, it is because he is at once active, intelligent and free; by his activity he spreads over external nature; by his intelligence he governs it, and bends it to his use; by his liberty, he establishes between himself and it the relation of cause and effect and makes it his own.

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Nature has not for man the provident tenderness imagined by the philosophers of the eighteenth century and dreamed of before them by the poets of antiquity when they described the golden age. She does not lavish her treasures in order to make life flow smoothly along in abundance and idleness for mortals; on the contrary, she is severe, and yields her treasures only at the price of constant labor; she maltreats those who have not sufficient strength or intelligence to subdue her, and when we consider the primitive races whom the arts of civilization had not yet raised above her, we may ask ourselves, with Pliny, if she did not show herself a step-mother rather than a mother. Left to itself, the earth presents here deserts, there marshes or inextricable forests; the most fertile portions are ordinarily the most inaccessible, because, situated in the valley; they are encroached upon by stagnant waters, and infected by the miasms which exhale from them, or haunted by noxious animals which seek their food there; poisonous plants grow among the nutritious ones, without any outward sign by which to distinguish them, while yet we have not the warming of instinct before cultivation has corrected their bitterness. Doubtless man can live, as he has, amidst this indifferent or hostile nature; but he would live there, timid and fearful as the roe of the forests, isolated, or collected in small groups, and lost in the immense spaces in which his frail existence would be but an accident in the luxuriant life of organized beings; he would not feel himself at home, and would in very fact be like a stranger on an earth which he would not have fashioned according to his will, and where he would be neither the swiftest in the chase, the best protected against cold, nor the best armed for strife.

What even now distinguished him from other creatures, in this state of profound barbarism, were the divine powers of soul with which he was gifted. However torpid they might as yet have been, they would have taught him, without any doubt, to emerge from his nakedness and his feebleness: from the earliest

\textsuperscript{21} This article first appeared as "Propriété“ in the Dictionnaire générale de la politique par Maurice Block avec la collaboration d’hommes d’état, de publicistes et d’écrivains de tous les pays. (Paris: O. Lorenz. 1st ed. 1863-64), vol. 2, pp. 682-93. It was translated into English and included in Lalor’s Cyclopedia 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 (Chicago: M.B. Carey, 1899) in 3 vols. Vol 3 Oath - Zollverein. Chapter: PROPERTY <http://oll.libertyfund.org/titles/971/63517>. It appeared as a footnote to their translation of Léon Faucher’s article on “Property.” The translation includes the first 5 pages of the article on theoretical and historical matters but leaves out the last 5 pages on specific types of property such as inheritance, landed property, intellectual property, etc.
times, they would have suggested the means of arming
his hand with an axe of stone, like those which, buried
in the calcareous deposits of another age, tell us to-day
of the miserable beginning of our race upon the globe;
they would have taught him to protect his body against
the cold with the skin of the bear, and to shield his
home and family from the attacks of ferocious beasts
by arranging a cave for his use or building a hut in the
midst of water, not far from the shore of a lake. But
already man would have left upon matter some impress
of his personality, and the reign of property would
have begun.

When centuries have elapsed, and generations
have accumulated their labors, where is there, in a
civilized country, a cold of earth, a leaf, which does not
bear this impress? In the town, we are surrounded by
the works of man; we walk upon a level pavement or a
beaten road; it is man who made healthy the formerly
muddy soil, who took from the side of a far-away hill
the flint or stone which covers it. We live in houses; it is
man who has dug the stone from the quarry, who has
hewn it, who has planed the wood; it is the thought of
man which has arranged the materials properly and
made a building of what was before rock and wood.
And in the country, the action of man is still
everywhere present; men have cultivated the soil, and
generations of laborers have mellowed and enriched it;
the works of man have deemed the rivers and created
fertility where the waters had brought only desolation;
to-day man goes as far as to people the rivers, to direct
the growth of fish, and takes possession of the empire
of the waters. We reap the wheat, our principal food.
Where is it found in a wild state? Wheat is a domestic
plant, a species transformed by man for the wants of
man. Thus products, natives of countries most diverse
have been brought together, grafted, modified by man
for the adornment of the garden, the pleasures of the
table, or the labors of the workshop. The very animals,
from the dog, man's companion; to the cattle raised for
the shambles have been fashioned into new types which
deviate sensibly from the primitive type given by
nature. Everywhere a powerful hand is divined which
has moulded matter, and an intelligent will which has
adapted it, following a uniform plan, to the satisfaction
of the wants of one same being. Nature has recognized
her master, and man feels that he is at home in nature.
Nature has been appropriated by him for his use; she has
become his own; she is his property.

“This property is legitimate; it constitutes a right as sacred for man as
is the free exercise of his faculties. It is his because it has come entirely from
himself and in no way anything but an emanation from his being. Before him,
there was scarcely anything but matter; since him, and by him, there is
interchangeable wealth, that is to say, articles having acquired a value by some
industry, by manufacture, by handling, by extraction, or simply by transportation.”

This property is legitimate; it constitutes a right as sacred for man as is the free exercise of his faculties. It is his because it has come entirely from himself and in no way anything but an emanation from his being. Before him, there was scarcely anything but matter; since him, and by him, there is interchangeable wealth, that is to say, articles having acquired a value by some industry, by manufacture, by handling, by extraction, or simply by transportation. From the picture of a great master, which is perhaps of all material productions that in which matter plays the smallest part, to the pail of water which the carrier draws from the river and takes to the consumer, wealth, whatever it may be, acquires its value only by communicated qualities, and these qualities are part of human activity, intelligence, strength. The producer has left a fragment of his own person in the thing which has thus become valuable, and may hence be regarded as a prolongation of the faculties of man acting upon external nature. As a free being be belongs to himself; now, the cause, that is to say, the productive force, is himself; the effect, that is to say, the wealth produced, is still himself. Who shall dare contest his title of ownership so clearly marked by the seal of his personality?

Some authors have tried to establish the principle of property on the right of the first occupant. This is a narrow view: occupation is a fact and not a principle. It
is one of the signs by which the taking of possession manifests itself, but it is not sufficient to make it valid before the philosopher or the lawyer. Let a man land upon a desert, and say: "As far as my eye can reach, from this shore to the hills which bound the horizon yonder, this land is mine"; no one would accept such occupation for a *bona fide* title. But let the man settle upon the most the most fertile hill-side, build a hut there, cultivate the surrounding fields, and the possession of the portion actually occupied will become a right, because he has performed a proprietary act, that is to say, has by his labor thereon impressed on it the seal of his personality. International law makes a distinction, in regard to this, between individuals and states; what it refuses to the former, it grants to the latter; and it recognizes the validity of a summary taking of possession, which does not injure any anterior right. It is because the occupation is of an entirely different nature: the one having as its object useful possession, the other sovereignty, which implies only a general protection; the proof of this is, that in modern society the sovereignty frequently passes from one state to another without property changing hands.[1]

Montesquieu wrote: "As men have renounced their natural independence in order to live under political laws, they have renounced their natural community of possession to live under civil laws. The political laws gave them liberty; the civil laws, property". Bentham enlarged upon the same thought: "Property and law were born together, and will die together. Before law, there was no property; take away the law, and all property ceases." This was a narrow view. Montesquieu and Bentham, in order to consider but one side of the question, approached very near an exceedingly dangerous error, for it led to this consequence, that if the law had made property, the law could unmake it, and undid the very foundation which the authors intended to lay. It is evident that property originated before law, as before the formation of any regular society, since there has been appropriation of a certain part of matter ever since man had lived, and began, in order to extend his hand and his intelligence about him. Property and the family have been the cause, and not the effect, of society; and the laws, to follow the beautiful definition placed by Montesquieu himself at the beginning of his work, "are the necessary relations which flow from the nature of things"; the laws have consecrated this necessary relation which was established between man and matter, but they have not erected a relation which would have been factitious and accidental. It is true that, without law, property has no guarantee against violence, and that it lacks security and solidity. But what right is there the exercise of which would be secure outside of the social condition?

It is also true that there are certain kinds of property which could not be produced without the protection of social law, because an advanced civilization and good government have the effect of widening the circle in which human activity can with safety move, and consequently extend the field of property. It is true, in short, that, in a certain number of particular cases in which natural right does not furnish sufficient light, the law decides and determines thus a positive right of property which it might perhaps determine otherwise, because it is important, in well organized society, that nothing, in such a matter, should remain in uncertainty, abandoned to the caprice of arbitrary power. But care must be taken not to confound a particular form or case with the principle of right itself.

"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 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."
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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!

Social Utility of Property.

What is just is always useful: Property has such a character of social utility that society could not exist without property, and there is no thriving society without individual property. Therefore, when persons have desired to base property upon utility, arguments were certainly not lacking; but utility, which must be taken great account of in political subjects is, as we have remarked, a result, and not a principle, and we
must content ourselves with saying that the excellent effects of property corroborate the lawfulness of the right. "Man", says M. Thiers, "has a first property in his person and his faculties; he has a second, less adherent in his being, but not less sacred, in the product of these faculties, which embraces all that is called the goods of this world, and which society is deeply interested in guaranteeing to him; for without this guarantee there would be no labor, without labor no civilization, not even the most necessary, but only misery, robbery and barbarism." We can not imagine a society entirely devoid of the idea of property; but we can conceive of one, and even find such in history, where property is in a rudimentary condition, and it would not be difficult to prove that such a condition is indeed, as M. Thiers says, misery and barbarism. Man is not a god; labor, which is a healthful exercise for both soul and body, is at the same time painful; it is only at the cost of an effort that man realizes his thought in matter, and oftentimes he would not make this effort, so painful to him, if he were not encouraged by the thought of producing a useful effect, and of himself enjoying the result of it. Who would take the trouble to fell a tree, to divide it into boards, of he knew that the next day a savage would seize upon it to make a fire with it, or even build a hut! Activity would have no object, because it would have no certain compensation; it would retire within itself, like the snail when threatened by danger, and would not venture out save for the satisfaction of the most immediate wants or the creation of property the easiest to defend—the hunting of game, or the manufacture of a bow or of an axe. In societies which have already risen to a certain degree of civilization, but which have not sufficient respect for property, this social imperfection alone is enough to impede progress and to keep men for centuries at a low level, to rise above which requires unheard-of efforts, and, above all, the knowledge of right. "All travelers," says M. Thiers elsewhere, "have been struck by the state of languor, of misery, and of greedy usury, in countries where property is not sufficiently protected. Go to the east, where despotism claims to be the sole owner, or what amounts to the same thing, go back to the middle ages, and you will see everywhere the same features; the land neglected, because it is the prey most exposed to the greediness of tyranny, and reserved for the slaves, who have no choice of employment; commerce preferred, as being able to escape more easily from exaction". A melancholy picture, but which has long been and still is, on a large portion of our globe, the true picture of humanity. When property, on the contrary, is fully recognized, respected and protected in its various forms, man does not fear to let his activity radiate in every direction. The picture of society is then entirely different: in place of a few thin, boughless shrubs, there will be seen a forest of immense oaks, spreading their branches far and wide, and exhibiting trunks more vigorous in proportion to the greater number of pores through which they breathe air and life. Far from injuring each other, men sustain each other by their individual development. For property is not a common fund fixed in advance, which is diminished by the amount which each appropriates; it is, as we have said, a creation of the intelligent force which dwells in man; each creation is added to the previous creations, and, putting new vigor into commerce, facilitates ulterior creations. The property of one, far from limiting for others the possibility of becoming owners, on the contrary increases this possibility; it is the strongest stimulus to production, the pivot of economical progress; and if the nature of things had not made a law with regard to it, anterior to all agreement, human law would have established it as the institution pre-eminently useful to the welfare and morality of nations.

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**History of Property.**

It will be understood, that, although the principle of property is always the same, it has not been comprehended and applied in the same manner at all times and in all countries. It is with the right of property as with most natural rights, which remain long buried in barbarism, and emerge from it gradually with the progress of civilization. We tend at present toward the plenitude of the right of property, and the most advanced nations of Europe and the new world appear to be very far from the ideal of our conception. But how many centuries has it taken to free it from the exigencies or the ignorance of the past? The savages of America, who did not cultivate the soil, had no idea of landed property; custom made sacred the right of possession only for personal property; the land was common to all; it was a vast territory for fishing and hunting, open to all belonging to the tribe, but defended with jealous care against the encroachments of the neighboring tribes. When they improved and formed societies wisely organized, as in Mexico and Peru, they were necessarily obliged to take into account the appropriation of land, but their ideas even then did not rise to individual property. "No one," says Robertson, speaking of Peru, "had an exclusive right over the portion allotted to him. He possessed it only for a year. At the expiration of that time, a new division was made according to the rank, the number and the necessities of the family. All these lands were cultivated by the common labor of all the members of the community." In Mexico the grandees had individual property, but, he adds, "the bulk of the nation possessed the lands in a widely different manner. A certain quantity of land was allotted to each district proportionate to the number of families which formed it. This land was cultivated by the labor of the whole community. The product was taken to a common warehouse, and divided among the families according to their respective needs."

The primitive nations do not appear to have risen much higher in the conception of the idea of property. Among the pastoral peoples of the east, property, composed principally of personal property and cattle, was almost wholly in the hands of the father of the family, of the patriarch, of the chief of the tribe; such are the customs of the Arabs, and we find them to-day in Algeria, where the land belonging to the members of the same *douar* or village in common, is distributed among them by the *caïd*. The same system, ascending from the head of a family to the prince, has concentrated all property in the hands of eastern despots, and enfeebled the progress of those beautiful countries by cutting into the roots of individual activity. The Jewish law had conceived the idea of the cancellation of personal debts every seven years and the restoration of alienated lands every fourteen years, at the great jubilee, with the view of retaining property in the same tribes and families: a law, which appears, however, not to have been very well observed. In Greece, Sparta and Athens there were indicated two opposite tendencies: one mutilating and suppressing almost the right of property, in order to fashion the citizen according to the will of the state; the other insuring, notwithstanding certain restrictions, civil liberty; but it is easy to see to which side the preferences of the philosophers inclined. Even in the laws, in which he tries to create a practical policy, Plato expresses himself thus: "I declare to you, as a legislator, that I regard you and your property as belonging, not to yourselves, but to your family, and your entire family, with its property, as belonging still more to the state." Rome, while sanctioning territorial property more solemnly than most other ancient governments, guaranteed it to her own citizens only, and centred it in the hands of the father of the family; conquest, moreover, was still among the principal modes of acquisition, and had given rise to immense possessions of the state (*ager publicus*) and to the agrarian laws. During the empire the jurisconsults, under the influence of the new ideas propagated by the stoic philosophy and the Christian religion, set themselves to extricate persons too closely confined by family bonds, and property was the gainer by this advance in liberty. But in the middle ages the feudal system weighed heavily upon the land; confounding the ideas of property and sovereignty, it made the possessor of the land master of chattels and persons, bound both the one and the other by a multiplicity of bonds, the serfs to the glebe, the lords to the fief and interwove society in a vast net-work of reciprocal servitudes. Personal property, long smothered by these various systems, showed itself only with timidity, under the shelter of the franchise, in the guilds of the arts and trades; the laws of the princes protected it only by keeping it under strict tutelage; it gradually increased, however, and was even beginning to develop quite rapidly, when the discoveries of Christopher Columbus and Vasco da
Gama had opened the great course of the ocean to maritime commerce. But, at this period, the absolute power of kings was being raised upon the ruins of feudalism in the principal states of western Europe, and if property freed itself somewhat de facto from bonds put on it, it de jure only changes masters without acquiring any further independence. Louis XIV., who may be regarded as the most illustrious and most fully convinced representative of absolute power, wrote, for the instruction of the dauphin: "Everything within the extent of our states, of whatever nature, belongs to us by the same title. You should be fully convinced that kings are absolute lords, and have naturally the full and free disposition of all property possessed as well by the clergy as the laity, to use as wise stewards". About a century later, in 1809, another sovereign, not less absolute, said during a session of the council of state: "Property is inviolable. Napoleon himself, with the numerous armies at his command, could not take possession of a single field, for to violate the right of property in one, is to violate it in all." His actions did not always exactly conform to this theory; nevertheless, this declaration shows what progress the idea of property had made in France, from the eighteenth to the nineteenth century. This was because the eighteenth century had passed between the two periods, and although it had not itself a clear idea of the sacred character of property, since it based it upon utility and the law, and declared it to have originated in a so-called primitive community, it had, nevertheless, shaken off the yoke of feudal servitude and the divine right of kings; it had pleaded the cause of liberty; and the revolution had made this cause triumph, by emancipating man, labor and the land; property could now be produced under its principal forms.

OF THE OBJECTIONS TO PROPERTY.

“Property triumphed with liberty, one of the forms of which it is. It was just the time when it was about to be obliged to defend itself against the most malevolent adversaries, who attacked it in the name of a pretended equality”

Property triumphed with liberty, one of the forms of which it is. It was just the time when it was about to be obliged to defend itself against the most malevolent adversaries, who attacked it in the name of a pretended equality; jealous of seeing large fortunes displaying themselves side by side with extreme poverty, they foolishly believed that to deprive of the fruits of their labor those who had lawfully acquired them, was to encourage labor and to relieve poverty. The convention, guided by principles entirely different from those of the constituent assembly, slid more than once down this declivity, and following the convention, Gracchus Babœuf collected and exaggerated the doctrines of the mountain out of which he created modern communism. "When", says he, "the minority in a state have succeeded in engrossing landed and industrial wealth, and by this means hold the majority under their rod, and use their power to cause them to languish in want, the fact should be recognized that this encroachment could take place only under the protection of the government, and then what the old administration failed to do in its time to prevent the abuse or to repress it at its birth, the present administration should do, in order to re-establish the equilibrium which should never have been lost, and the authority of the law should effect an immediate change in the direction of the ultimate principle of the perfected government, of the social contract: that all should have enough, and no one too much." There have been at all times those who have dreamed of a community of property, and who could do so the better as individual property was in their time less extended and less firmly established. Plato wrote his "Republic"; Campanella, his "City of the Sun"; Thomas More, his "Utopia"; Fenelon, his "Batica" and his "Government of Salentum"; but they created a speculative
philosophy rather than a policy, and intended, above all, to trace for mankind an ideal of virtue: a mistaken, erroneous conception, but more disinterested, nevertheless, than that of modern communists. The principal object of the latter is enjoyment; their theories have been suggested by the sight of the wealth which was increasing rapidly in modern society, but distributing its favours in an unequal manner, as it proportioned them to the labor, to the intelligence, to the capital of each one and to the circumstances of production: they have wished that those less favored should have a larger share without having a burden of labor and they have conceived of no better way to do this than to limit or confiscate capital, that is to say, property, which is the lever of labor.

The Saint-Simonians, to attain this end, proposed to organize a powerful priesthood, composed of the ablest men in science, the arts and manufactures. This priesthood would have given an impetus to all society; the priest would have been "the living law"; there would have been no longer emperor nor pope; there would have been a father "disposing of all the capital and products, and distributing them to each according to his merits." They arrived at this conclusion, that "all property is property of the church," and that "every kind of business is a religious function." They did not see that property is the very reward of the labor which they were extolling, and the fruit of the economy without which labor deprived of capital, is reduced to impotence; they did not see that hereditary transmission is the consequence and the extension of property, and under pretense of increasing social wealth, wealth which for lack of being managed and renewed by the force of individual interests, would have insensibly melted away in the hands of their high priest, they ended in an immense despotism; in order to pursue the shadow of comfort, they would have forfeited, without knowing it, their real welfare, and they did not hesitate knowingly to sacrifice liberty, the most important of all possessions in a society of civilized men. This is where the first of the systems hostile to property would have led to.

That of Fourier dates from about the same period, that is to say, the consulate. But it found no echo until after the great eclat which Saint-Simonism caused at the beginning of the reign of Louis Phillipe. Fourier was not, properly speaking, a communist; he proclaimed liberty, and admitted capital. But, in fact, he incloses both the one and the other in a system of exploitation in common which maims them; there is no longer but one kind of liberty, that of abandoning one's self without restraint to one's various appetites; there is no longer but one kind of property, that of the phalanstery. Is that truly liberty which, with a firm will for a guide and responsibility for a guarantee, directs the spirit of man toward a definitive end? Is this truly property, that is to say, the full and entire possession of the various things which man had appropriated to himself by labor?

The latest adversary of property is M. Proudhon, who in a famous pamphlet has taken up again a paradox of Brissot's, viz., that property is theft; M. Proudhon, does not recognize, either in possession or labor, sufficient reasons to justify property. "Since every man" he says "has the right to possess simply because he exists and can not do without material for exploitation and labor in order to live; and since, on the other hand, the number of occupants varies continually by birth and death, it follows that the quantity of material to which each laborer may lay claim is changeable, like the number of occupants; consequently, that possession is always subordinate to the population; finally, that as possession in law can never remain fixed, it is, in fact, impossible that it should become property." Elsewhere, in answering the argument of Ch. Comte, who sees a title to property in the superior value obtained by the possessor when the latter, thanks to his labors, has drawn subsistence for two persons from soil which had formerly fed but one, M. Proudhon adds: "I maintain that the possessor is doubly paid for his trouble and his industry, but that he acquires no right to the land. Let the laborer claim the fruits as his own; I grant that he should have them, but I do not understand that the ownership of the produce involves that of the material." This concession places all personal property outside of litigation, as it consists entirely of the produce which the laborer has made his own and has not consumed. There remains landed property, or, to express it more clearly, the very small portion of the value of real estate which is not the result of labor, a personal capital buried in the soil and confounded with it. Now, no economist maintains that every man, on coming into this world, has a right to a portion of it, and especially to a portion equal to that of others in the very country in which he is born. Possession is a fact, and not a right; it may give rise to a right when, having taken place upon land still unpossessed it is sanctioned by labor; that is all. Society
guarantees the rights of individuals, it is her first duty; in the system, of M. Proudhon she would commit the double fault of wishing to do them too much good by seeking to make a fortune for them, and of doing them too much harm by spoiling some of a right logically anterior to herself, for the purpose of endowing others with a gratuitous benefit.

“Now, no economist maintains that every man, on coming into this world, has a right to a portion of it, and especially to a portion equal to that of others in the very country in which he is born. Possession is a fact, and not a right; it may give rise to a right when, having taken place upon land still unpossessed it is sanctioned by labor; that is all.”

Endnotes

[1] The word "cultivate" (to work and sow) must not be taken too literally: possession of land may also be taken by placing flocks on it, by opening a mine on it or otherwise. And if the government has taken possession in the manner indicated in the text, and an individual buys a piece of ground from it, this ground becomes individual property even if left unoccupied.
Further Information

SOURCE
The edition used for this extract: This article first appeared as "Propriété" in the Dictionnaire générale de la politique par Maurice Block avec la collaboration d'hommes d'état, de publicistes et d'écrivains de tous les pays. (Paris: O. Lorenz. 1st ed. 1863-64), vol. 2, pp. 682-93. It was translated into English and included in Lalor’s Cyclopedia 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 (Chicago: M.B. Carey, 1899) in 3 vols. Vol 3 Oath - Zollverein. Chapter: PROPERTY <http://oll.libertyfund.org/titles/971/63517>. It appeared as a footnote to Léon Faucher's article on "Property." The translation includes the first 5 pages of the article on theoretical and historical matters but leaves out the last 5 pages on specific types of property such as inheritance, landed property, intellectual property, etc.

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FURTHER READING
Subject Area: Economics <http://oll.libertyfund.org/groups/42>
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“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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LUDWIG VON MISES, "LIBERTY AND PROPERTY" (1958)

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“Individualism 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.”
Editor’s Introduction

Ludwig von Mises (1881-1973) was an important theorist of the Austrian School of economic thought and an original and prolific author. His contributions to economic theory include work on the quantity theory of money, the theory of the trade cycle, the integration of monetary theory with economic theory in general, and a demonstration that socialism must fail because it cannot solve the problem of economic calculation. Mises was the first scholar to recognize that economics is part of a larger science of human action, a science which Mises called “praxeology”. He taught at the University of Vienna and later at New York University.

This essay was originally delivered as a lecture at Princeton University, October 1958, at the 9th Meeting of the Mont Pelerin Society. Mises was one of the 39 founding members of the Society which was created on 10 April 1947 at a conference organized by Friedrich Hayek in the Hotel du Parc in the Swiss village of Mont Pelerin (Mont-Pèlerin). Its purpose was to bring together the small number of classical liberals who remained after the Second World War in order to revitalize interest in the principles of private property, the free market, and limited government. Other founding members included Karl Popper, Walter Eucken, George Stigler, Milton Friedman, Henry Hazlitt, F.A. Harper, Leonard Read, and Lionel Robbins.

“We are inaugurating tonight the ninth meeting of the Mont Pelerin Society. It is fitting to remember on this occasion that meetings of this kind in which opinions opposed to those of the majority of our contemporaries and to those of their governments are advanced and are possible only in the climate of liberty and freedom that is the most precious mark of Western civilization. Let us hope that this right to dissent will never disappear.”
Ludwig von Mises, “Liberty and Property” (1958)

I.

At the end of the eighteenth century there prevailed two notions of liberty, each of them very different from what we have in mind today referring to liberty and freedom. The first of these conceptions was purely academic and without any application to the conduct of political affairs. It was an idea derived from the books of the ancient authors, the study of which was then the sum and substance of higher education. In the eyes of these Greek and Roman writers, freedom was not something that had to be granted to all men. It was a privilege of the minority, to be withheld from the majority. What the Greeks called democracy was, in the light of present-day terminology, not what Lincoln called government by the people, but oligarchy, the sovereignty of full-right citizens in a community in which the masses were meteques or slaves. even this rather limited freedom after the fourth century before Christ was not dealt with by the philosophers, historians, and orators as a practical constitutional institution. As they saw it, it was a feature of the past irretrievably lost. they bemoaned the passing of this golden age, but they did not know any method of returning to it.

“What they won was not freedom for all, but only freedom for an elite, for a minority of the people. We must not condemn as hypocrites the men who in those ages praised liberty, while they preserved the legal disabilities of the many, even serfdom and slavery. They were faced with a problem which they did not know how to solve satisfactorily.”

The second notion of liberty was no less oligarchic, although it was not inspired by any literary reminiscences. It was the ambition of the landed aristocracy, and sometimes also of urban patricians, to preserve their privileges against the rising power of royal absolutism. In most parts of continental Europe, the princes remained victorious in these conflicts. Only in England and in the Netherlands did the gentry and the urban patricians succeed in defeating the dynasties. But what they won was not freedom for all, but only freedom for an elite, for a minority of the people.

We must not condemn as hypocrites the men who in those ages praised liberty, while they preserved the legal disabilities of the many, even serfdom and slavery. They were faced with a problem which they did not know how to solve satisfactorily. The traditional system of production was too narrow for a continually rising population. the number of people for whom there was, in a full sense of the term, no room left by the pre-capitalistic methods of agriculture and artisanship was increasing. These supernumeraries were starving paupers. they were a menace to the preservation of the existing order of society and, for a long time, nobody could think of another order, a state of affairs, that would feed all of these poor wretches. There could not be any question of granting them full civil rights, still less of giving them a share of the conduct of affairs of state. the only expedient the rulers knew was to keep them quiet by resorting to force.

II.

The pre-capitalistic system of production was restrictive. Its historical basis was military conquest. The victorious kings had given the land to their paladins. these aristocrats were lords in the literal meaning of the word, as they did not depend on the patronage of consumers buying or abstaining from buying on a market. On the other hand, they themselves were the main customers of the processing industries which, under the guild system, were organized on a corporative scheme. This scheme was opposed to innovation. It forbade deviation from the traditional methods of production. The number of people for whom there were jobs even in agriculture or in the arts and crafts was limited. Under these
conditions, many a man, to use the words of Malthus, had to discover that “at nature’s mighty feast there is no vacant cover for him” and that “she tells him to be gone.”[1] But some of these outcasts nevertheless managed to survive, begot children, and made the number of destitute grow hopelessly more and more.

“But then came capitalism... The characteristic feature of capitalism that distinguishes it from pre-capitalist methods of production was its new principle of marketing. Capitalism is not simply mass production, but mass production to satisfy the needs of the masses.”

But then came capitalism. It is customary to see the radical innovations that capitalism brought about in the substitution of the mechanical factory for the more primitive and less efficient methods of the artisans’ shops. This is a rather superficial view. The characteristic feature of capitalism that distinguishes it from pre-capitalist methods of production was its new principle of marketing. Capitalism is not simply mass production, but mass production to satisfy the needs of the masses. The arts and crafts of the good old days had catered almost exclusively to the wants of the well-to-do. But the factories produced cheap goods for the many. All the early factories turned out was designed to serve the masses, the same strata that worked in the factories. They served them either by supplying them directly or indirectly by exporting and thus providing for them foreign food and raw materials. This principle of marketing was the signature of early capitalism as it is of present-day capitalism. The employees themselves are the customers consuming the much greater part of all goods produced. They are the sovereign customers who are “always right.” Their buying or abstention from buying determines what has to be produced, in what quantity, and of what quality. In buying what suits them best they make some enterprises profit and expand and make other enterprises lose money and shrink. Thereby they are continually shifting control of the factors of production into the hands of those businessmen who are most successful in filling their wants. Under capitalism private property of the factors of production is a social function. The entrepreneurs, capitalists, and land owners are mandataries, as it were, of the consumers, and their mandate is revocable. In order to be rich, it is not sufficient to have once saved and accumulated capital. It is necessary to invest it again and again in those lines in which it best fills the wants of the consumers. The market process is a daily repeated plebiscite, and it ejects inevitably from the ranks of profitable people those who do not employ their property according to the orders given by the public. But business, the target of fanatical hatred on the part of all contemporary governments and self-styled intellectuals, acquires and preserves bigness only because it works for the masses. The plants that cater to the luxuries of the few never attain big size. The shortcoming of nineteenth-century historians and politicians was that they failed to realize that the workers were the main consumers of the products of industry. In their view, the wage earner was a man toiling for the sole benefit of a parasitic leisure class. They labored under the delusion that the factories had impaired the lot of the manual workers. If they had paid any attention to statistics they would easily have discovered the fallaciousness of their opinion. Infant mortality dropped, the average length of life was prolonged, the population multiplied, and the average common man enjoyed amenities of which even the well-to-do of earlier ages did not dream.

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consumers. The market process is a daily repeated plebiscite.”

However this unprecedented enrichment of the masses were merely a by-product of the Industrial Revolution. Its main achievement was the transfer of economic supremacy from the owners of land to the totality of the population. The common man was no longer a drudge who had to be satisfied with the crumbs that fell from the tables of the rich. The three pariah castes which were characteristic of the pre-capitalistic ages—the slaves, the serfs, and those people whom patristic and scholastic authors as well as British legislation from the sixteenth to the nineteenth centuries referred to as the poor—disappeared. Their scions became, in this new setting of business, not only free workers, but also customers. This radical change was reflected in the emphasis laid by business on markets. What business needs first of all is markets and again markets. This was the watch-word of capitalistic enterprise. Markets, that means patrons, buyers, consumers. There is under capitalism one way to wealth: to serve the consumers better and cheaper than other people do.

“In the intellectual field private property makes rebellion possible. The rebel has to pay a price for his independence; there are in this universe no prizes that can be won without sacrifices. But if a man is willing to pay the price, he is free to deviate from the ruling orthodoxy or neo-orthodoxy.”

Within the shop and factory the owner — or in the corporations, the representative of the shareholders, the president — is the boss. But this mastership is merely apparent and conditional. It is subject to the supremacy of the consumers. The consumer is king, is the real boss, and the manufacturer is done for if he does not outstrip his competitors in best serving consumers.

It was this great economic transformation that changed the face of the world. It very soon transferred political power from the hands of a privileged minority into the hands of the people. Adult franchise followed in the wake of industrial enfranchisement. The common man, to whom the market process had given the power to choose the entrepreneur and capitalists, acquired the analogous power in the field of government. He became a voter.

It has been observed by eminent economists, I think first by the late Frank A. Fetter, that the market is a democracy in which every penny gives a right to vote. It would be more correct to say that representative government by the people is an attempt to arrange constitutional affairs according to the model of the market, but this design can never be fully achieved. In the political field it is always the will of the majority that prevails, and the minorities must yield to it. It serves also minorities, provided they are not so insignificant in number as to become negligible. The garment industry produces clothes not only for normal people, but also for the stout, and the publishing trade publishes not only westerns and detective stories for the crowd, but also books for discriminating readers. There is a second important difference. In the political sphere, there is no means for an individual or a small group of individuals to disobey the will of the majority. But in the intellectual field private property makes rebellion possible. The rebel has to pay a price for his independence; there are in this universe no prizes that can be won without sacrifices. But if a man is willing to pay the price, he is free to deviate from the ruling orthodoxy or neo-orthodoxy. What would conditions have been in the socialist commonwealth for heretics like Kierkegaard, Schopenhauer, Veblen, or Freud? For Monet, Courbet, Walt Whitman, Rilke, or Kafka? In all ages, pioneers of new ways of thinking and acting could work only because private property made contempt of the majority’s ways possible. Only a few of these separatists were themselves economically independent enough to defy the government into the opinions of the majority. But they found in the climate of the free economy among the public people prepared to aid and support them. What would Marx have done without his patron, the manufacturer Friedrich Engels?

III.
“They (socialists) are too dull to see the difference between a sovereign king or duke who could be dispossessed only by a more powerful conqueror and a “chocolate king” who forfeits his “kingdom” as soon as the customers prefer to patronize another supplier. This distortion is at the bottom of all socialist plans. If any of the socialist chiefs had tried to earn his living by selling hot dogs, he would have learned something about the sovereignty of the customers.”

What vitiates entirely the socialists’ economic critique of capitalism is their failure to grasp the sovereignty of the consumers in the market economy. They see only hierarchical organization of the various enterprises and plans, and are at a loss to realize that the profit system forces business to serve the consumers. In their dealings with their employers, the unions proceed as if only malice and greed were to prevent what they call management from paying higher wage rates. Their shortsightedness does not see anything beyond the doors of the factory. They and their henchmen talk about the concentration of economic power, and do not realize that economic power is ultimately vested in the hands of the buying public of which the employees themselves form the immense majority. Their inability to comprehend things as they are is reflected in such inappropriate metaphors as industrial kingdom and dukedoms. They are too dull to see the difference between a sovereign king or duke who could be dispossessed only by a more powerful conqueror and a “chocolate king” who forfeits his “kingdom” as soon as the customers prefer to patronize another supplier. This distortion is at the bottom of all socialist plans. If any of the socialist chiefs had tried to earn his living by selling hot dogs, he would have learned something about the sovereignty of the customers. But they were professional revolutionaries and their only job was to kindle civil war. Lenin’s ideal was to build a nation’s production effort according to the model of the post office, an outfit that does not depend on the consumers, because its deficits are covered by compulsory collection of taxes. “The whole of society,” he said, was to “become one office and one factory.” [2]

He did not see that the very character of the office and the factory is entirely changed when it is alone in the world and no longer grants to people the opportunity to choose among the products and services of various enterprises. Because his blindness made it impossible for him to see the role the market and the consumers play under capitalism, he could not see the difference between freedom and slavery. Because in his eyes the workers were only workers and not also customers, he believed they were already slaves under capitalism, and that one did not change their status when nationalizing all plants and shops. Socialism substitutes the sovereignty of a dictator, or committee of dictators, for the sovereignty of the consumers. Along with the economic sovereignty of the citizens disappears also their political sovereignty. To the unique production plan that annuls any planning on the part of the consumers corresponds in the constitutional sphere the one party principle that deprives the citizens of any opportunity to plan the course of public affairs. Freedom is indivisible. He who has not the faculty to choose among various brands of canned food or soap, is also deprived of the power to choose between various political parties and programs and to elect the officeholders. He is no longer a man; he becomes a pawn in the hands of the supreme social engineer. Even his freedom to rear progeny will be taken away by eugenics. Of course, the socialist leaders occasionally assure us that dictatorial tyranny is to last only for the period of transition from capitalism and representative government to the socialist millennium in which everybody’s wants and wishes will be fully satisfied. [3] Once the socialist regime is “sufficiently secure to risk criticism,” Miss Joan Robinson, the eminent representative of the British neo-Cambridge school, is kind enough to promise us, “even independent philharmonic societies” will be allowed to exist. [4] Thus the liquidation of all dissenters is the condition that will bring us what the communists call freedom. From this point of view we may also understand what another distinguished Englishman, Mr. J.G. Crowther, had in mind when he praised inquisition as “beneficial to science when it protects a
The meaning of all this is clear. When all people meekly bow to a dictator, there will no longer be any dissenters left for liquidation. Caligula, Torquemada, Robespierre would have agreed with this solution.

“Freedom is indivisible. He who has not the faculty to choose among various brands of canned food or soap, is also deprived of the power to choose between various political parties and programs and to elect the officeholders. He is no longer a man; he becomes a pawn in the hands of the supreme social engineer.”

The socialists have engineered a semantic revolution in converting the meaning of terms into their opposite. In the vocabulary of their “newspeak,” as George Orwell called it, there is a term “the one-party principle.” Now etymologically party is derived from the noun part. The brotherless part is no longer different from its antonym, the whole; it is identical with it. A brotherless party is not a party, and the one party principle is in fact a no-party principle. It is a suppression of any kind of opposition. Freedom implies the right to choose between assent and dissent. But in newspeak it means the duty to assent unconditionally and strict interdiction of dissent. This reversal of the traditional connotation of all words of the political terminology is not merely a peculiarity of the language of the Russian Communists and their Fascist and Nazi disciples. The social order that in abolishing private property deprives the consumers of their autonomy and independence, and thereby subjects every man to the arbitrary discretion of the central planning board, could not win the support of the masses if they were not to camouflage its main character. The socialists would have never duped the voters if they had openly told them that their ultimate end is to cast them into bondage. For exoteric use they were forced to pay lip-service to the traditional appreciation of liberty.

It was different in the esoteric discussions among the inner circles of the great conspiracy. There the initiated did not dissemble their intentions concerning liberty. Liberty was, in their opinion, certainly a good feature in the past in the frame of bourgeois society because it provided them with the opportunity to embark on their schemes. But once socialism has triumphed, there is no longer any need for free thought and autonomous action on the part of individuals. Any further change can only be a deviation from the perfect state that mankind has attained in reaching the bliss of socialism. Under such conditions, it would be simply lunacy to tolerate dissent.

Liberty, says the Bolshevist, is a bourgeois prejudice. The common man does not have any ideas of his own, he does not write books, does not hatch heresies, and does not invent new methods of production. He just wants to enjoy life. He has no use for the class interests of the intellectuals who make a living as professional dissenters and innovators.

This is certainly the most arrogant disdain of the plain citizen ever devised. There is no need to argue this point. For the question is not whether or not the common man can himself take advantage of the liberty to think, to speak, and to write books. The question is whether or not the sluggish routinist profits from the freedom granted to those who eclipse him in intelligence and will power. The common man may look with indifference and even contempt upon the dealings of better people. But he is delighted to enjoy all the benefits which the endeavors of the innovators put at his disposal. He has no comprehension of what in his eyes is merely inane hair-splitting. But as soon as these thoughts and theories are utilized by enterprising businessmen for satisfying some of his latent wishes, he hurries to acquire the new products. The common man is without doubt the main beneficiary of all the accomplishments of modern science and technology.

It is true, a man of average intellectual abilities has no chance to rise to the rank of a captain of industry. But the sovereignty that the market assigns to him in economic affairs stimulates technologists and promoters to convert to his use all the achievements of scientific research. Only people whose intellectual horizon does not extend beyond the internal organization of the factory and who do not realize what makes the businessmen run, fail to notice this fact.
The admirers of the Soviet system tell us again and again that freedom is not the supreme good. It is “not worth having,” if it implies poverty. To sacrifice it in order to attain wealth for the masses, is in their eyes fully justified. But for a few unruly individualists who cannot adjust themselves to the ways of regular fellows, all people in Russia are perfectly happy. We may leave it undecided whether this happiness was also shared by the millions of Ukrainian peasants who died from starvation, by the inmates of the forced labor camps, and by the Marxian leaders who were purged. But we cannot pass over the fact that the standard of living was incomparably higher in the free countries of the West than in the communist east. In giving away liberty as the price to be paid for the acquisition of prosperity, the Russians made a poor bargain. They now have neither the one nor the other.

V.

“As regards the social apparatus of repression and coercion, the government, there cannot be any question of freedom. Government is essentially the negation of liberty. It is the recourse to violence or threat of violence in order to make all people obey the orders of the government, whether they like it or not. As far as the government’s jurisdiction extends, there is coercion, not freedom.”

As regards the social apparatus of repression and coercion, the government, there cannot be any question of freedom. Government is essentially the negation of liberty. It is the recourse to violence or threat of violence in order to make all people obey the orders of the government, whether they like it or not. As far as the government’s jurisdiction extends, there is coercion, not freedom. Government is a necessary institution, the means to make the social system of cooperation work smoothly without being disturbed by violent acts on the part of gangsters whether of domestic or of foreign origin. Government is not, as some people like to say, a necessary evil; it is not an evil, but a means, the only means available to make peaceful human coexistence possible. But it is the opposite of liberty. It is beating, imprisoning, hanging. Whatever a government does it is ultimately supported by the actions of armed constables. If the government
operates a school or a hospital, the funds required are collected by taxes, i.e., by payments exacted from the citizens.

If we take into account the fact that, as human nature is, there can neither be civilization nor peace without the functioning of the government apparatus of violent action, we may call government the most beneficial human institution. But the fact remains that government is repression not freedom. Freedom is to be found only in the sphere in which government does not interfere. Liberty is always freedom from the government. It is the restriction of the government’s interference. It prevails only in the fields in which the citizens have the opportunity to choose the way in which they want to proceed. Civil rights are the statutes that precisely circumscribe the sphere in which the men conducting the affairs of state are permitted to restrict the individuals’ freedom to act.

“Government is repression not freedom. Freedom is to be found only in the sphere in which government does not interfere. Liberty is always freedom from the government. It is the restriction of the government’s interference. It prevails only in the fields in which the citizens have the opportunity to choose the way in which they want to proceed.”

The ultimate end that men aim at by establishing government is to make possible the operation of a definite system of social cooperation under the principle of the division of labor. If the social system which people want to have is socialism (communism, planning) there is no sphere of freedom left. All citizens are in every regard subject to orders of the government. The state is a total state; the regime is totalitarian. The government alone plans and forces everybody to behave according with this unique plan. In the market economy the individuals are free to choose the way in which they want to integrate themselves into the frame of social cooperation. As far as the sphere of market exchange extends, there is spontaneous action on the part of individuals. Under this system that is called laissez-faire, and which Ferdinand Lassalle dubbed as the night-watchman state, there is freedom because there is a field in which individuals are free to plan for themselves.

The socialists must admit there cannot be any freedom under a socialist system. But they try to obliterate the difference between the servile state and economic freedom by denying that there is any freedom in the mutual exchange of commodities and services on the market. Every market exchange is, in the words of a school of pro-socialist lawyers, “a coercion over other people’s liberty.” There is, in their eyes, no difference worth mentioning between a man’s paying a tax or a fine imposed by a magistrate, or his buying a newspaper or admission to a movie. In each of these cases the man is subject to governing power. He’s not free, for, as professor Hale says, a man’s freedom means “the absence of any obstacle to his use of material goods.” [6] This means: I am not free, because a woman who has knitted a sweater, perhaps as a birthday present for her husband, puts an obstacle to my using it. I myself am restricting all other people’s freedom because I object to their using my toothbrush. In doing this I am, according to this doctrine, exercising private governing power, which is analogous to public government power, the powers that the government exercises in imprisoning a man in Sing Sing.

“In the market economy the individuals are free to choose the way in which they want to integrate themselves into the frame of social cooperation. As far as the sphere of market exchange extends, there is spontaneous action on the part of individuals. Under this system that is called laissez-faire, and which Ferdinand Lassalle dubbed as the night-watchman state, there is freedom because there is a field in which individuals are free to plan for themselves.”
Those expounding this amazing doctrine consistently conclude that liberty is nowhere to be found. They assert that what they call economic pressures do not essentially differ from the pressures the masters practice with regard to their slaves. They reject what they call private governmental power, but they don't object to the restriction of liberty by public government power. They want to concentrate all what they call restrictions of liberty in the hands of the government. They attack the institution of private property and the laws that, as they say, stand “ready to enforce property rights—that is, to deny liberty to anyone to act in a way which violates them.” [7]

A generation ago all housewives prepared soup by proceeding in accordance with the recipes that they had got from their mothers or from a cookbook. Today many housewives prefer to buy a canned soup, to warm it and to serve it to their family. But, say our learned doctors, the canning corporation is in a position to restrict the housewife's freedom because, in asking a price for the tin can, it puts an obstacle to her use of it. People who did not enjoy the privilege of being tutored by these eminent teachers, would say that the canned product was turned out by the cannery, and that the corporation in producing it removed the greatest obstacle to a consumer’s getting and using a can, viz., its nonexistence. The mere essence of a product cannot gratify anybody without its existence. But they are wrong, say the doctors. The corporation dominates the housewife, it destroys by its excessive concentrated power over her individual freedom, and it is the duty of the government to prevent such a gross offense. Corporations, say, under the auspices of the Ford Foundation, another of this group, Professor Berle, must be subjected to the control of the government. [8]

Why does our housewife buy the canned product rather than cling to the methods of her mother and grandmother? No doubt because she thinks this way of acting is more advantageous for her than the traditional custom. Nobody forced her. There were people—they are called jobbers, promoters, capitalists, speculators, stock exchange gamblers—who had the idea of satisfying a latent wish of millions of housewives by investing in the cannery industry. And there are other equally selfish capitalists who, in many hundreds of other corporations, provide consumers with many hundreds of other things. The better a corporation serves the public, the more customers it gets, the bigger it grows. Go into the home of the average American family and you will see for whom the wheels of the machines are turning.

“Any actual state of production activities is merely transitory. There prevails incessantly the tendency to supplant what is already achieved by something that serves the consumers better. There is consequently under capitalism a continuous circulation of elites...

However big a corporation must be, it is doomed as soon as it does not succeed in adjusting itself daily anew to the best possible methods of serving the consumers.”

In a free country nobody is prevented from acquiring riches by serving the consumers better than they are served already. What he needs is only brains and hard work. “Modern civilization, nearly all civilization,” said Edwin Cannan, the last in a long line of eminent British economists, “is based on the principle of making things pleasant for those who please the market, and unpleasant for those who fail to do so.” [9] All this talk about the concentration of economic power is vain. The bigger a corporation is, the more people it serves, the more does it depend on pleasing the consumers, the many, the masses. Economic power, in the market economy, is in the hands of the consumers.

Capitalistic business is not perseverance in the once attained state of production. It is rather ceaseless innovation, daily repeated attempts to improve the provision of the consumers by new, better and cheaper products. Any actual state of production activities is merely transitory. There prevails incessantly the tendency to supplant what is already achieved by something that serves the consumers better. There is consequently under capitalism a continuous circulation of elites. What characterizes the men whom one calls the captains of industry is the ability to contribute new
ideas and to put them to work. However big a corporation must be, it is doomed as soon as it does not succeed in adjusting itself daily anew to the best possible methods of serving the consumers. But the politicians and other would-be reformers see only the structure of industry as it exists today; they think that they are clever enough to snatch from business control of the plants as they are today, and to manage them by sticking to already established routines. While the ambitious newcomer, who will be the tycoon of tomorrow, is already preparing plans for things unheard of before, all they have in mind is to conduct affairs along tracks already beaten. There is no record of an industrial innovation contrived and put into practice by bureaucrats. If one does not want to plunge into stagnation, a free hand must be left to those today unknown men who have the ingenuity to lead mankind forward on the way to more and more satisfactory conditions. This is the main problem of a nation’s economic organization.

“Private property of the material factors of production is not a restriction of the freedom of all other people to choose what suits them best. It is, on the contrary, the means that assigns to the common man, in his capacity as a buyer, supremacy in all economic affairs. It is the means to stimulate a nation’s most enterprising men to exert themselves to the best of their abilities in the service of all of the people.”

Private property of the material factors of production is not a restriction of the freedom of all other people to choose what suits them best. It is, on the contrary, the means that assigns to the common man, in his capacity as a buyer, supremacy in all economic affairs. It is the means to stimulate a nation’s most enterprising men to exert themselves to the best of their abilities in the service of all of the people.
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. All the spiritual and material achievements of Western civilization were the result of the operation of this idea of liberty.

“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.”

This doctrine and the policies of individualism and of capitalism, its application to economic matters, do not need any apologists or propagandists. The achievements speak for themselves.

The case for capitalism and private property rests, apart from other considerations, also upon the incomparable efficiency of its productive effort. It is this efficiency that makes it possible for capitalistic business to support a rapidly increasing population at a continually improving standard of living. The resulting progressive prosperity of the masses creates a social environment in which the exceptionally gifted individuals are free to give to their fellow-citizens all they are able to give. The social system of private property and limited government is the only system that tends to debarbarize all those who have the innate capacity to acquire personal culture.

It is a gratuitous pastime to belittle the material achievements of capitalism by observing that there are things that are more essential for mankind than bigger and speedier motorcars, and homes equipped with central heating, air conditioning, refrigerators, washing machines, and television sets. There certainly are such higher and nobler pursuits. But they are higher and nobler precisely because they cannot be aspired to by any external effort, but require the individual’s personal determination and exertion. Those levelling this reproach against capitalism display a rather crude and materialistic view in assuming that moral and spiritual culture could be built either by the government or by the organization of production activities. All that these external factors can achieve in this regard is to bring about an environment and a competence which offers the individuals the opportunity to work at their own personal perfection and edification. It is not the fault of capitalism that the masses prefer a boxing match to a performance of Sophocles’ Antigone, jazz music to Beethoven symphonies, and comics to poetry. But it is certain that while pre-capitalistic conditions as they still prevail in the much greater part of the world makes these good things accessible only to a small minority of people, capitalism gives to the many a favorable chance of striving after them.

From whatever angle one may look at capitalism there is no reason to lament the passing of the allegedly good old days. Still less is it justified to long for the totalitarian utopias, whether of the Nazi or of the Soviet type.

We are inaugurating tonight the ninth meeting of the Mont Pelerin Society. It is fitting to remember on this occasion that meetings of this kind in which opinions opposed to those of the majority of our contemporaries and to those of their governments are advanced and are possible only in the climate of liberty and freedom that is the most precious mark of Western civilization. Let us hope that this right to dissent will never disappear.

Notes

[7] Ibid., p. 5.


Further Information

SOURCE

This essay was originally delivered as a lecture at Princeton University, October 1958, at the 9th Meeting of the Mont Pelerin Society.

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FURTHER READING


More on “The Austrian School of Economics” <oll.libertyfund.org/groups/8>.

The collection of books in the Online Library of Liberty on “War & Peace” <oll.libertyfund.org/groups/57>.

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Therefore a sage has said: I will do nothing (of purpose), and the people will be transformed of themselves; I will be fond of keeping still, and the people will of themselves become correct. I will take no trouble about it, and the people will of themselves become rich; I will manifest no ambition, and the people will of themselves attain to the primitive simplicity.”
Lào-zi (or Lâozi) is remembered as the first philosopher of Taoism. He is often cited as a contributor to, if not the author of, the Tao-te Ching (Tâo Teh King), the basic philosophical discourse on Taoism. His life is shrouded in mystery and legend, but it is generally accepted that he was active sometime in the early sixth century B.C. and served as a resident scholar, called a shih, at the royal court of the Shou. By the seventh century A.D. he was worshipped as an imperial ancestor by the T’ang and regarded by commoners as the equivalent of a Western saint, or demigod. Legend says that an aged Lao Tzu upbraided a young and overconfident Confucius and that the young man later compared Lao Tzu to a dragon rising in the sky, riding on the winds and clouds.

The following extracts are 16 passages taken from the collection of 81 contained in the two books of Tâo Teh King in this translation from 1891. They are philosophical maxims designed to guide the actions of "the wise ruler" and they contain a number of assumptions about how political and economic systems work which modern day classical liberals find congenial. These are the idea that world operates according to natural laws which cannot be violated by rulers without harming the interests of "their" people; that order in the world arises spontaneously and that the best thing the wise ruler can do is step back, not interfere, and allow these ordering forces to operate by themselves; that excessive numbers of laws and regulations create more criminals; that the use of violence, especially in war, harms the people; that rulers are faced with a Hayekian "problem of knowledge" and that sometimes the best thing for them to do is not to meddle in the affairs of other people.

“57. In the kingdom the multiplication of prohibitive enactments increases the poverty of the people; the more implements to add to their profit that the people have, the greater disorder is there in the state and clan; the more acts of crafty dexterity that men possess, the more do strange contrivances appear; the more display there is of legislation, the more thieves and robbers there are.”
“Tao-te Ching (Tâo Teh King)” (6thC BC)


2.1. All in the world know the beauty of the beautiful, and in doing this they have (the idea of) what ugliness is; they all know the skill of the skilful, and in doing this they have (the idea of) what the want of skill is.

2. So it is that existence and non-existence give birth the one to (the idea of) the other; that difficulty and ease produce the one (the idea of) the other; that length and shortness fashion out the one the figure of the other; that (the ideas of) height and lowness arise from the contrast of the one with the other; that the musical notes and tones become harmonious through the relation of one with another; and that being before and behind give the idea of one following another.

3. Therefore the sage manages affairs without doing anything, and conveys his instructions without the use of speech.

4. All things spring up, and there is not one which declines to show itself; they grow, and there is no claim made for their ownership; they go through their processes, and there is no expectation (of a reward for the results). The work is accomplished, and there is no resting in it (as an achievement).

The work is done, but how no one can see; 'Tis this that makes the power not cease to be.

15. "The Exhibition of the Quality"

15.1. The skilful masters (of the Tâo) in old times, with a subtle and exquisite penetration, comprehended its mysteries, and were deep (also) so as to elude men’s knowledge. As they were thus beyond men’s knowledge, I will make an effort to describe of what sort they appeared to be.

2. Shrinking looked they like those who wade through a stream in winter; irresolute like those who are afraid of all around them; grave like a guest (in awe of his host); evanescent like ice that is melting away; unpretentious like wood that has not been fashioned into anything; vacant like a valley, and dull like muddy water.

3. Who can (make) the muddy water (clear)? Let it be still, and it will gradually become clear. Who can secure the condition of rest? Let movement go on, and the condition of rest will gradually arise.

4. They who preserve this method of the Tâo do not wish to be full (of themselves). It is through their not being full of themselves that they can afford to seem worn and not appear new and complete.

‘Who can (make) the muddy water (clear)? Let it be still, and it will gradually become clear. Who can secure the condition of rest? Let movement go on, and the condition of rest will gradually arise.

17. "The Unadulterated Influence"

17.1. In the highest antiquity, (the people) did not know that there were (their rulers). In the next age they loved them and praised them. In the next they feared them; in the next they despised them. Thus it was that when faith (in the Tâo) was deficient (in the rulers) a want of faith in them ensued (in the people).

2. How irresolute did those (earliest rulers) appear, showing (by their reticence) the importance which they set upon their words! Their work was done and their undertakings were successful, while the people all said, 'We are as we are, of ourselves!'
19. "Returning to the Unadulterated Influence"

19.1. If we could renounce our sageness and discard our wisdom, it would be better for the people a hundredfold. If we could renounce our benevolence and discard our righteousness, the people would again become filial and kindly. If we could renounce our artful contrivances and discard our (scheming for) gain, there would be no thieves nor robbers.

2. Those three methods (of government)
   Thought olden ways in elegance did fail
   And made these names their want of worth to veil;
   But simple views, and courses plain and true
   Would selfish ends and many lusts eschew.

“If we could renounce our sageness and discard our wisdom, it would be better for the people a hundredfold. If we could renounce our benevolence and discard our righteousness, the people would again become filial and kindly. If we could renounce our artful contrivances and discard our (scheming for) gain, there would be no thieves nor robbers.”

27. "Returning to Simplicity."

27.1. The skilful traveller leaves no traces of his wheels or footsteps; the skilful speaker says nothing that can be found fault with or blamed; the skilful reckoner uses no tallies; the skilful closer needs no bolts or bars, while to open what he has shut will be impossible; the skilful binder uses no strings or knots, while to unloose what he has bound will be impossible. In the same way the sage is always skilful at saving men, and so he does not cast away any man; he is always skilful at saving things, and so he does not cast away anything. This is called ‘Hiding the light of his procedure.’

2. The unwrought material, when divided and distributed, forms vessels. The sage, when employed, becomes the Head of all the Officers (of government); and in his greatest regulations he employs no violent measures.

29. "Taking no Action"

29.1. If any one should wish to get the kingdom for himself, and to effect this by what he does, I see that he will not succeed. The kingdom is a spirit-like thing, and cannot be got by active doing. He who would so win it destroys it; he who would hold it in his grasp loses it.

2. The course and nature of things is such that
   What was in front is now behind;
   What warmed anon we freezing find.
   Strength is of weakness oft the spoil;
   The store in ruins mocks our toil.

   Hence the sage puts away excessive effort, extravagance, and easy indulgence.

30. "A Caveat against War"

30.1. He who would assist a lord of men in harmony with the Tâo will not assert his mastery in the kingdom by force of arms. Such a course is sure to meet with its proper return.

2. Wherever a host is stationed, briars and thorns spring up. In the sequence of great armies there are sure to be bad years.

3. A skilful (commander) strikes a decisive blow, and stops. He does not dare (by continuing his operations) to assert and complete his mastery. He will strike the blow, but will be on his guard against being vain or boastful or arrogant in consequence of it. He strikes it as a matter of necessity; he strikes it, but not from a wish for mastery.

4. When things have attained their strong maturity they become old. This may be said to be not in accordance with the Tâo; and what is not in accordance with it soon comes to an end.
“Now arms, however beautiful, are instruments of evil omen, hateful, it may be said, to all creatures. Therefore they who have the Tâo do not like to employ them.”

31. "Stilling War"

31.1. Now arms, however beautiful, are instruments of evil omen, hateful, it may be said, to all creatures. Therefore they who have the Tâo do not like to employ them.

2. The superior man ordinarily considers the left hand the most honourable place, but in time of war the right hand. Those sharp weapons are instruments of evil omen, and not the instruments of the superior man;—he uses them only on the compulsion of necessity. Calm and repose are what he prizes; victory (by force of arms) is to him undesirable. To consider this desirable would be to delight in the slaughter of men; and he who delights in the slaughter of men cannot get his will in the kingdom.

3. On occasions of festivity to be on the left hand is the prized position; on occasions of mourning, the right hand. The second in command of the army has his place on the left; the general commanding in chief has his on the right;—his place, that is, is assigned to him as in the rites of mourning. He who has killed multitudes of men should weep for them with the bitterest grief; and the victor in battle has his place (rightly) according to those rites.

53. "The Cultivation (of the Tâo), and the Observation (of its Effects)"

53.1. If I were suddenly to become known, and (put into a position to) conduct (a government) according to the Great Tâo, what I should be most afraid of would be a boastful display.

2. The great Tâo (or way) is very level and easy; but people love the by-ways.

3. In this way the effect will be seen in the person, by the observation of different cases; in the family; in the neighbourhood; in the state; and in the kingdom.

4. How do I know that this effect is sure to hold thus all under the sky? By this (method of observation).

“In the kingdom the multiplication of prohibitive enactments increases the poverty of the people; the more implements to add to their profit that the people have, the greater disorder is there in the state and clan; the more acts of crafty dexterity that men possess, the more do strange contrivances appear; the more display there is of legislation, the more thieves and robbers there are.”

57. "The Genuine Influence"

57.1. A state may be ruled by (measures of) correction; weapons of war may be used with crafty dexterity; (but) the kingdom is made one’s own (only) by freedom from action and purpose.

2. How do I know that it is so? By these facts:—In the kingdom the multiplication of prohibitive enactments increases the poverty of the people; the more implements to add to their profit that the people have, the greater disorder is there in the state and clan; the more acts of crafty dexterity that men possess, the more do strange contrivances appear; the more display there is of legislation, the more thieves and robbers there are.

3. Therefore a sage has said, ‘I will do nothing (of purpose), and the people will be transformed of themselves; I will be fond of keeping still, and the people will of themselves become correct. I will take no trouble about it, and the people will of themselves become rich; I will manifest no ambition, and the people will of themselves attain to the primitive simplicity.’
58. "Transformation according to Circumstances"

58.1. The government that seems the most unwise, Oft goodness to the people best supplies; That which is meddling, touching everything, Will work but ill, and disappointment bring.

Misery!—happiness is to be found by its side! Happiness!—misery lurks beneath it! Who knows what either will come to in the end?

2. Shall we then dispense with correction? The (method of) correction shall by a turn become distortion, and the good in it shall by a turn become evil. The delusion of the people (on this point) has indeed subsisted for a long time.

3. Therefore the sage is (like) a square which cuts no one (with its angles); (like) a corner which injures no one (with its sharpness). He is straightforward, but allows himself no license; he is bright, but does not dazzle.

“The government that seems the most unwise, Oft goodness to the people best supplies; That which is meddling, touching everything, Will work but ill, and disappointment bring.”

59. "Guarding the Tâo."

59.1. For regulating the human (in our constitution) and rendering the (proper) service to the heavenly, there is nothing like moderation.

2. It is only by this moderation that there is effected an early return (to man's normal state). That early return is what I call the repeated accumulation of the attributes (of the Tâo). With that repeated accumulation of those attributes, there comes the subjugation (of every obstacle to such return). Of this subjugation we know not what shall be the limit; and when one knows not what the limit shall be, he may be the ruler of a state.

3. He who possesses the mother of the state may continue long. His case is like that (of the plant) of which we say that its roots are deep and its flower stalks firm:—this is the way to secure that its enduring life shall long be seen.

65. "Pure, unmixed Excellence"

65.1. The ancients who showed their skill in practising the Tâo did so, not to enlighten the people, but rather to make them simple and ignorant.

2. The difficulty in governing the people arises from their having much knowledge. He who (tries to) govern a state by his wisdom is a scourge to it; while he who does not (try to) do so is a blessing.

3. He who knows these two things finds in them also his model and rule. Ability to know this model and rule constitutes what we call the mysterious excellence (of a governor). Deep and far-reaching is such mysterious excellence, showing indeed its possessor as opposite to others, but leading them to a great conformity to him.

69. "The Use of the Mysterious (Tâo)."

69.1. A master of the art of war has said, 'I do not dare to be the host (to commence the war); I prefer to be the guest (to act on the defensive). I do not dare to advance an inch; I prefer to retire a foot.' This is called marshalling the ranks where there are no ranks; baring the arms (to fight) where there are no arms to bare; grasping the weapon where there is no weapon to grasp; advancing against the enemy where there is no enemy.

2. There is no calamity greater than lightly engaging in war. To do that is near losing (the gentleness) which is so precious. Thus it is that when opposing weapons are (actually) crossed, he who deplores (the situation) conquers.
71. "The Disease of Knowing"

71.1. To know and yet (think) we do not know is the highest (attainment); not to know (and yet think) we do know is a disease.

2. It is simply by being pained at (the thought of) having this disease that we are preserved from it. The sage has not the disease. He knows the pain that would be inseparable from it, and therefore he does not have it.

“The people suffer from famine because of the multitude of taxes consumed by their superiors. It is through this that they suffer famine. The people are difficult to govern because of the (excessive) agency of their superiors (in governing them). It is through this that they are difficult to govern.”

75. "How Greediness Injures"

75.1. The people suffer from famine because of the multitude of taxes consumed by their superiors. It is through this that they suffer famine.

2. The people are difficult to govern because of the (excessive) agency of their superiors (in governing them). It is through this that they are difficult to govern.

3. The people make light of dying because of the greatness of their labours in seeking for the means of living. It is this which makes them think light of dying. Thus it is that to leave the subject of living altogether out of view is better than to set a high value on it.

Further Information

SOURCE


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JOHN MILTON, “FOR THE LIBERTY OF UNLICENSED PRINTING” (1664)

<oll.libertyfund.org/titles/2616>

“The incredible loss and detriment that this plot of licensing puts us to, more than if some enemy at sea should stop up all our havens, and ports, and creeks, it hinders and retards the importation of our richest merchandise, truth.”

John Milton (1608-1674)
Editor’s Introduction

John Milton (1608-1674) ranks among the greatest poets of the English language. He is best known for the epic poem *Paradise Lost* (1667), but he also wrote prose works on history, religion, and contemporary politics. Although his academic talents marked him for a career in the Anglican church, Milton turned away from the Church of England at an early age and was a consistent supporter of the Puritan cause. He spent most of his life in academia or as a civil servant working for the Puritan Commonwealth.

This is an extract from Milton’s famous defense of the freedom of printing without the need for a government licence, “Areopagitica” (1644). It is in the form of a speech to the old Athenian senate known as Areopagus which was a body of 300 men elected by the free citizens of Athens. The speech was never given but it was printed without a license and Milton courageously put his own name on the title page (but not that of the printer).

King Charles I decreed in 1637 that all printed material had to be approved by 2 archbishops and the bishop of London before they could be printed. Censorship continued in the new revolutionary regime controlled by Parliament, which passed a new censorship law in June 1643. Milton’s “speech” was an unsuccessful attempt to persuade Parliament not to continue the illiberal policies of the old monarchy.

This extract consists of two sections, the opening section which is rather florid and rhetorical where Milton attempts to flatter the Parliamentarians, but which contains a marvelous description of books as living creatures; and another section in which he talks about the benefits of freedom of speech, especially in keeping religious ideas and commitment in a healthy state. Note how he likens the freedom of the press to free trade in goods, which in this case is in “our richest merchandise, truth”.

“While things are yet not constituted in religion, that freedom of writing should be restrained by a discipline imitated from the prelates, and learned by them from the Inquisition to shut us up all again into the breast of a licenser, must needs give cause of doubt and discouragement to all learned and religious men. Who cannot but discern the fineness of this politic drift, and who are the contrivers; that while bishops were to be baited down, then all presses might be open; it was the people’s birthright and privilege in time of parliament, it was the breaking forth of light. But now the bishops abrogated and voided out of the church, as if our reformation sought no more, but to make room for others into their seats under another name.”
“For the Liberty of Unlicensed Printing” (1664)\(^24\)

This is true Liberty when free born men
Having to advise the public may speak free,
Which he who can, and will, deserves high praise,
Who neither can nor will, may hold his peace;
What can be juster in a State than this?
[Euripid. Hicetid.]

THEY who to states and governors of the commonwealth direct their speech, high court of parliament, or wanting such access in a private condition, write that which they foresee may advance the public good; I suppose them, as at the beginning of no mean endeavour, not a little altered and moved inwardly in their minds; some with doubt of what will be the success, others with fear of what will be the censure; some with hope, others with confidence of what they [2] have to speak. And me perhaps each of these dispositions, as the subject was whereon I entered, may have at other times variously affected; and likely might in these foremost expressions now also disclose which of them swayed most, but that the very attempt of this address thus made, and the thought of whom it hath recourse to, hath got the power within me to a passion, far more welcome than incidental to a preface. Which though I stay not to confess ere any ask, I shall be blameless, if it be no other than the joy and gratulation which it brings to all who wish and promote their country’s liberty; whereof this whole discourse proposed will be a certain testimony, if not a trophy.

For this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for. For this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth: that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for. To which if I now manifest, by the very sound of this which I shall utter, that we are already in good part arrived, and yet from such a steep disadvantage of tyranny and superstition grounded into our principles as was beyond the manhood of a Roman recovery, it will be attributed first, as is most due, to the strong assistance of God, our deliverer; next, to your faithful guidance and undaunted wisdom, lords and commons of England. Neither is it in God’s esteem the diminution of his glory, when honourable things are spoken of good men, and worthy magistrates; which if I now first should [3] begin to do, after so fair a progress of your laudable deeds, and such a long obligation upon the whole realm to your indefatigable virtues, I might be justly reckoned among the tardiest and the unwillingest of them that praise ye. Nevertheless there being three principal things, without which all praising is but courtship and flattery: first, when that only is praised which is solidly worth praise; next, when greatest likelihoods are brought that such things are truly and really in those persons to whom they are ascribed; the other, when he who praises, by shewing that such his actual persuasion is of whom he writes, can demonstrate that he flatters not; the former two of these I have heretofore endeavoured, rescuing the employment from him who went about to impair your merits with a trivial and malignant encomium; the latter as belonging chiefly to mine own acquittal, that whom I so extolled I did not flatter, hath been reserved opportune to this occasion. For he who freely magnifies what hath been nobly done, and fears not to declare as freely what might be done better, gives ye the best covenant of his fidelity; and that his loyalst affection and his hope waits on your proceedings. His highest praising is not flattery, and his plainest advice is a kind of praising; for though I should affirm and hold by argument, that it would fare better with truth, with learning, and the commonwealth, if one of your published orders, which I should name, were called in, yet at the same time it could not but much redound to the lustre of your mild and equal government, whenas private persons are hereby animated to think ye better pleased with public advice than other statists have been delighted heretofore with public flattery. And men will then see what difference there is between the magnanimity of a triennial parliament, and that jealous haughtiness of prelates and cabin counsellors that usurped of late, whenas they shall observe ye in the midst of your victories and successes more gently brooking written exceptions against a voted order, than other courts, which had produced nothing worth memory but the weak ostentation of wealth, would

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have endured the least signified dislike at any sudden proclamation. If I should thus far presume upon the meek demeanour of your civil and gentle greatness, lords and commons, as what your published order hath directly said, that to gainsay, I might defend myself with ease, if any should accuse me of being new or insolent, did they but know how much better I find ye esteem it to imitate the old and elegant humanity of Greece, than the barbaric pride of a Hunnish and Norwegian stateliness. And out of those ages, to whose polite wisdom and letters we owe that we are not yet Goths and Jutlanders, I could name him who from his private house wrote that discourse to the parliament of Athens, that persuades them to change the form of democracy which was then established. Such honour was done in those days to men who professed the study of wisdom and eloquence, not only in their own country, but in other lands, that cities and signories heard them gladly, and with great respect, if they had aught [5] in public to admonish the state. Thus did Dion Prusæus, a stranger and a private orator, counsel the Rhodians against a former edict; and I abound with other like examples, which to set here would be superfluous. But if from the industry of a life wholly dedicated to studious labours, and those natural endowments haply not the worst for two and fifty degrees of northern latitude, so much must be derogated, as to count me not equal to any of those who had this privilege, I would obtain to be thought not so inferior, as yourselves are superior to the most of them who received their counsel; and how far you excel them, be assured, lords and commons, there can no greater testimony appear, than when your prudent spirit acknowledges and obeys the voice of reason, from what quarter soever it be heard speaking; and renders ye as willing to repeal any act of your own setting forth, as any set forth by your predecessors.

If ye be thus resolved, as it were injury to think ye were not, I know not what should withhold me from presenting ye with a fit instance wherein to shew both that love of truth which ye eminently profess, and that uprightness of your judgment which is not wont to be partial to yourselves; by judging over again that order which ye have ordained "to regulate printing: that no book, pamphlet, or paper shall be henceforth printed, unless the same be first approved and licensed by such," or at least one of such, as shall be thereto appointed. For that part which preserves justly every man's copy to himself, or provides for the poor, I touch not; only [6] wish they be not made pretences to abuse and persecute honest and painful men, who offend not in either of these particulars. But that other clause of licensing books, which we thought had died with his brother quadragesimal and matrimonial when the prelates expired, I shall now attend with such a homily, as shall lay before ye, first, the inventors of it to be those whom ye will be loath to own; next, what is to be thought in general of reading, whatever sort the books be; and that this order avails nothing to the suppressing of scandalous, seditious, and libellous books, which were mainly intended to be suppressed. Last, that it will be primely to the discouragement of all learning, and the stop of truth, not only by disexercising and blunting our abilities, in what we know already, but by hindering and cropping the discovery that might be yet further made, both in religious and civil wisdom.

"I know [books] are as lively, and as vigorously productive, as those fabulous dragon's teeth: and being sown up and down, may chance to spring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were, in the eye."

I deny not, but that it is of greatest concernment in the church and commonwealth, to have a vigilant eye how books demean themselves, as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors; for books are not absolutely dead things, but do contain a potency of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous dragon's teeth: and being sown up and down, may chance to spring up armed men. And yet,
on the other hand, unless wariness be [7] used, as good
almost kill a man as kill a good book: who kills a man
kills a reasonable creature, God's image; but he who
destroys a good book, kills reason itself, kills the image
of God, as it were, in the eye. Many a man lives a
burden to the earth; but a good book is the precious
life-blood of a master-spirit, embalmed and treasured
up on purpose to a life beyond life. It is true, no age
can restore a life, whereof, perhaps, there is no great
loss; and revolutions of ages do not oft recover the loss
of a rejected truth, for the want of which whole nations
fare the worse. We should be wary, therefore, what
persecution we raise against the living labours of public
men, how we spill that seasoned life of man preserved
and stored up in books; since we see a kind of
homicide may be thus committed, sometimes a
martyrdom; and if it extend to the whole impression, a
kind of massacre, whereof the execution ends not in
the slaying of an elemental life, but strikes at that
etherial and fifth essence, the breath of reason itself;
slays an immortality rather than a life. But lest I should
be condemned of introducing licence, while I oppose
licensing, I refuse not the pains to be so much
historical, as will serve to shew what hath been done by
ancient and famous commonwealths, against this
disorder, till the very time that this project of licensing
crept out of the Inquisition, was catched up by our
prelates, and hath caught some of our presbyters.

“[...]”

“I lastly proceed from the no good it can
do, to the manifest hurt it causes, in
being first the greatest discouragement
and affront that can be offered to learning
and to learned men.”

I lastly proceed from the no good it can do, to the
manifest hurt it causes, in being first the greatest
discouragement and affront that can be offered to
learning and to learned men. It was the complaint and
lamentation of prelates, upon every least breath of a
motion to remove pluralities, and distribute more
equally church revenues, that then all learning would
be for ever dashed and discouraged. But as for that
opinion, I never found cause to think that the tenth
part of learning stood or fell with the clergy: nor could
I ever but hold it for a sordid and unworthy speech of
any churchman who had a competency left him. If
therefore ye be loath to dishearten utterly and
discontent, not the mercenary crew of false pretenders
to learning, but the free and ingenuous sort of such as
evidently were born to study and love learning for itself,
not for lucre, or any other end, but the service of God
and of truth, and perhaps that lasting fame and
perpetuity of praise which God and good men have
consented shall be the reward of those whose published
labours advance the good of mankind, then know, that
so far to distrust the judgment and the honesty of one
who hath but a common repute in learning, and never
yet offended, as not to count him fit to print his mind
[34] without a tutor and examiner, lest he should drop
a schism, or something of corruption, is the greatest
displeasure and indignity to a free and knowing spirit
that can be put upon him. What advantage is it to be a
man over it is to be a boy at school, if we have only
escaped the ferular to come under the fescu of an
imprimatur? if serious and elaborate writings, as if
they were no more than the theme of a grammar-lad
under his pedagogue, must not be uttered without the
cursory eves of a temporizing and extemporizing
licenser? He who is not trusted with his own actions,
his drift not being known to be evil, and standing to the
hazard of law and penalty, has no great argument to
think himself reputed in the commonwealth wherein
he was born for other than a fool or a foreigner. When
a man writes to the world, he summons up all his
reason and deliberation to assist him; he searches,
meditates, is industrious, and likely consults and confers
with his judicious friends; after all which done, he takes
himself to be informed in what he writes, as well as any
that wrote before him; if in this, the most consummate
act of his fidelity and ripeness, no years, no industry, no
former proof of his abilities, can bring, him to that
state of maturity, as not to be still mistrusted and
suspected, unless he carry all his considerate diligence,
all his midnight watchings, and expense of Palladian
oil, to the hasty view of an unleisured licenser, perhaps
much his younger, perhaps far his inferior in judgment,
perhaps one who never knew the labour of
bookwriting; and if he be not repulsed, [35] or
slighted, must appear in print like a punie with his
guardian, and his censor's hand on the back of his title
to be his bail and surety, that he is no idiot or seducer, it
cannot be but a dishonour and derogation to the
author, to the book, to the privilege and dignity of
learning. And what if the author shall be one so copious of fancy, as to have many things well worth the adding, come into his mind after licensing, while the book is yet under the press, which not seldom happens to the best and diligentest writers; and that perhaps a dozen times in one book. The printer dares not go beyond his licensed copy; so often then must the author trudge to his leave-giver, that those his new insertions may be viewed; and many a jaunt will be made, ere that licenser, for it must be the same man, can either be found, or found at leisure: meanwhile either the press must stand still, which is no small damage, or the author lose his accuratest thoughts, and send the book forth worse than he had made it, which to a diligent writer is the greatest melancholy and vexation that can befall. And how can a man teach with authority, which is the life of teaching, how can he be a doctor in his book, as he ought to be, or else had better be silent, whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal licenser, to blot or alter what precisely accords not with the hide-bound humour which he calls his judgment? When every acute reader, upon the first sight of a pedantic licence, will be ready with these like words to ding the book a quoit’s distance from him, [36] “I hate a pupil teacher; I endure not an instructor that comes to me under the wardship of an overseeing fist. I know nothing of the licenser, but that I have his own hand here for his arrogance; who shall warrant me his judgment?” “The state, sir,” replies the stationer: but has a quick return, “The state shall be my governors, but not my critics; they may be mistaken in the choice of a licenser, as easily as this licenser may be mistaken in an author. This is some common stuff;” and he might add from Sir Francis Bacon, that “such authorized books are but the language of the times.” For though a licenser should happen to be judicious more than ordinary, which will be a great jeopardy of the next succession, yet his very office and his commission enjoins him to let pass nothing but what is vulgarly received already. Nay, which is more lamentable, if the work of any deceased author, though never so famous in his lifetime, and even to this day, comes to their hands for licence to be printed, or reprinted, if there be found in his book one sentence of a venturous edge, uttered in the height of zeal, and who knows whether it might not be the dictate of a divine Spirit? yet, not suiting with every low decrepit humour of their own, though it were Knox himself, the reformer of a kingdom, that spake it, they will not pardon him their dash; the sense of that great man shall to all posterity be lost, for the fearfulness, or the presumptuous rashness of a perfunctory licenser. And to what an author this violence hath been lately done, and in what book, of greatest consequence to be faithfully [37] published, I could now instance, but shall forbear till a more convenient season. Yet if these things be not resented seriously and timely by them who have the remedy in their power, but that such iron moulds as these shall have authority to gnaw out the choicest periods of exquisitest books, and to commit such a treacherous fraud against the orphan remainders of worthiest men after death, the more sorrow will belong to that hapless race of men, whose misfortune it is to have understanding. Henceforth let no man care to learn, or care to be more than worldly wise; for certainly in higher matters to be ignorant and slothful, to be a common steadfast dunce, will be the only pleasant life, and only in request.

“Truth and understanding are not such wares as to be monopolized and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broad-cloth and our woolpacks.”

And as it is a particular disesteem of every knowing person alive, and most injurious to the written labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole nation. I cannot set so light by all the invention, the art, the wit, the grave and solid judgment which is in England, as that it can be comprehended in any twenty capacities, how good soever; much less that it should not pass except their superintendence be over it, except it be sifted and strained with their strainers, that it should be uncurreent without their manual stamp. Truth and understanding are not such wares as to be monopolized and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broad-cloth and our woolpacks. What is it but a
now well-nigh made all other books unsaleable, should vended in such numbers, and such volumes, as have all the sermons, all the lectures preached, printed, loose to three sheets of paper without a licenser; that hearers, as that they are not thought fit to be turned of all their exhortations, and the benefiting of their discourage the ministers when such a low conceit is had and Christian walking. This may have much reason to pamphlet should stagger them out of their catechism and laic rabble, as that the whiff of every new still frequented with such an unprincipled, unedified, is to be, and all this continual preaching, they should be than that after all this light of the gospel which is, and of the proficiency which their flock reaps by them, ministers also, of whose labours we should hope better, and of whose hand should be annexed to pass his credit for him, that now he might be safely read, it could not be apprehended less than a disgraceful punishment. Whence to include the whole nation, and those that never yet thus offended, under such a difendent and suspctable prohibition, may plainly be understood what a disparagement it is. So much the more whenas debtors and delinquents may walk abroad without a keeper, but unoffensive books must not stir forth without a visible jailor in their title. Nor is it to the common people less than a reproach; for if we be so jealous over them, as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak state of faith and discretion, as to be able to take nothing down but through the pipe of a licenser? That this is care or love of them, we cannot pretend, whenas in those popish places where the laity are most hated and despised the same strictness is used over them. Wisdom we cannot call it, because it stops but one breach of licence, nor that neither: whenas those corruptions, [39] which it seeks to prevent, break in without a visible jailor in their title. Nor is it to the common people less than a reproach; for if we be so jealous over them, as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak state of faith and discretion, as to be able to take nothing down but through the pipe of a licenser? That this is care or love of them, we cannot pretend, whenas in those popish places where the laity are most hated and despised the same strictness is used over them. Wisdom we cannot call it, because it stops but one breach of licence, nor that neither: whenas those corruptions, [39] which it seeks to prevent, break in faster at other doors which cannot be shut.

And in conclusion it reflects to the disrepute of our ministers also, of whose labours we should hope better, and of the proficiency which their flock reaps by them, than that after all this light of the gospel which is, and is to be, and all this continual preaching, they should be still frequented with such an unprincipled, unedified, and laic rabble, as that the whiff of every new pamphlet should stagger them out of their catechism and Christian walking. This may have much reason to discourage the ministers when such a low conceit is had of all their exhortations, and the benefiting of their hearers, as that they are not thought fit to be turned loose to three sheets of paper without a licenser; that all the sermons, all the lectures preached, printed, vended in such numbers, and such volumes, as have now well-nigh made all other books unsaleable, should not be armour enough against one single Enchiridion, without the castle of St Angelo of an imprimatur.

And lest some should persuade ye, lords and commons, that these arguments of learned men's discouragement at this your order are mere flourishes, and not real, I could recount what I have seen and heard in other countries, where this kind of inquisition tyrannies; when I have sat among their learned men, for that honour I had, and been counted happy to be born in such a place of philosophic freedom, as they supposed England was, while themselves did nothing even but bemoan the servile condition into which learning amongst them was brought; that this was it which had damped the glory of Italian wits; that nothing had been there written now these many years but flattery and fustian. There it was that I found and visited the famous Galileo, grown old, a prisoner to the Inquisition, for thinking in astronomy otherwise than the Franciscan and Dominican licensers thought. And though I knew that England then was groaning loudest under the prelatical yoke, nevertheless I took it as a pledge of future happiness, that other nations were so persuaded of her liberty. Yet was it beyond my hope that those worthies were then breathing in her air, who should be her leaders to such a deliverance as shall never be forgotten by any revolution of time that this world hath to finish. When that was once begun, it was as little in my fear, that what words of complaint I heard among learned men of other parts uttered against the Inquisition, the same I should hear, by as learned men at home, uttered in time of parliament against an order of licensing; and that so generally, that when I had disclosed myself a companion of their discontent, I might say, if without envy, that he whom an honest questorship had endeared to the Sicilians, was not more by them importuned against Verres, than the favourable opinion which I had among many who honour ye, and are known and respected by ye, loaded me with entreaties and persuasions, that I would not despair to lay together that which just reason should bring into my mind, toward the removal of an undeserved [41] thraldom upon learning. That this is not therefore the disburdening of a particular fancy, but the common grievance of all those who had prepared their minds and studies above the vulgar pitch, to advance truth in others, and from others to entertain it, thus much may satisfy. And in their name I shall for neither friend nor foe conceal what the general murmurr is; that if it come to inquisitioning again, and
licensing, and that we are so timorous of ourselves, and so suspicious of all men, as to fear each book, and the shaking of every leaf, before we know what the contents are, if some who but of late were little better than silenced from preaching, shall come now to silence us from reading, except what they please, it cannot be guessed what is intended by some but a second tyranny over learning: and will soon put it out of controversy, that bishops and presbyters are the same to us, both name and thing. That those evils of prelaty which before from five or six and twenty sees were distributively charged upon the whole people will now light wholly upon learning, is not obscure to us: whenas now the pastor of a small unlearned parish, on the sudden shall be exalted archbishop over a large diocese of books, and yet not remove, but keep his other cure too, a mystical pluralist. He who but of late cried down the sole ordination of every novice bachelor of art, and denied sole jurisdiction over the simplest parishioner, shall now, at home in his private chair, assume both these over worthiest and excellentest books, and ablest authors that write them. This is not, Ye Covenants and Protestations that we have made, this is not to put down prelacy; this is but to chop an episcopacy; this is but to translate the palace metropolitan from one kind of dominion into another; this is but an old canonical sleight of commuting our penance. To startle thus betimes at a mere unlicensed pamphlet will, after a while, be afraid of every conventicle, and a while after will make a conventicle of every Christian meeting. But I am certain, that a state governed by the rules of justice and fortitude, or a church built and founded upon the rock of faith and true knowledge, cannot be so pusillanimous. While things are yet not constituted in religion, that freedom of writing should be restrained by a discipline imitated from the prelates, and learned by them from the Inquisition to shut us up all again into the breast of a licenser, must needs give cause of doubt and discouragement to all learned and religious men. Who cannot but discern the fineness of this politic drift, and who are the contrivers; that while bishops were to be baited down, then all presses might be open; it was the people's birthright and privilege in time of parliament, it was the breaking forth of light. But now the bishops abrogated and voided out of the church, as if our reformation sought no more, but to make room for others into their seats under another name, the episcopal arts begin to bud again; the cruse of truth must run no more oil; liberty of printing must be enthralled again, under a prelatical commission of twenty; the privilege of the people nullified; and, which is worse, the freedom of learning must groan [43] again, and to her old fetters: all this the parliament yet sitting. Although their own late arguments and defences against the prelates might remember them that this obstructing violence meets for the most part with an event utterly opposite to the end which it drives at: instead of suppressing sects and schisms, it raises them and invests them with a reputation: “The punishing of wits enhances their authority,” saith the Viscount St Albans; “and a forbidden writing is thought to be a certain spark of truth that flies up in the faces of them who seek to tread it out.” This order, therefore, may prove a nursing mother to sects, but I shall easily shew how it will be a stepdame to truth: and first, by disenabling us to the maintenance of what is known already.

“Truth is compared in scripture to a streaming fountain; if her waters flow not in a perpetual progression, they sicken into a muddy pool of conformity and tradition.”

Well knows he who uses to consider, that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compared in scripture to a streaming fountain; if her waters flow not in a perpetual progression, they sicken into a muddy pool of conformity and tradition. A man may be a heretic in the truth; and if he believe things only because his pastor says so, or the assembly so determines, without knowing other reason, though his belief be true, yet the very truth he holds becomes his heresy. There is not any burden that some would gladlier post off to another, than the charge and care of their religion. There be, who know not that there be? of protestants and professors, who live and die in as errant an implicit faith, as any lay papist of Loretto. A wealthy [44] man, addicted to his pleasure and to his profits, finds religion to be a traffic so entangled, and of so many piddling accounts, that of all mysteries he cannot skill to keep a stock going upon that trade. What should he do? Fain he would have the name to be religious, fain he would
bear up with his neighbours in that. What does he therefore, but resolves to give over toiling, and to find himself out some factor, to whose care and credit he may commit the whole managing of his religious affairs; some divine of note and estimation that must be. To him he adheres, resigns the whole warehouse of his religion, with all the locks and keys, into his custody; and indeed makes the very person of that man his religion; esteems his associating with him a sufficient evidence and commendatory of his own piety. So that a man may say his religion is now no more within himself, but is become a dividual movable, and goes and comes near him, according as that good man frequents the house. He entertains him, gives him gifts, feasts him, lodges him; his religion comes home at night, prays, is liberally supped, and sumptuously laid to sleep; rises, is saluted, and after the malmsey, or some well-spiced bruage, and better breakfasted than he whose morning appetite would have gladly fed on green figs between Bethany and Jerusalem, his religion walks abroad at eight, and leaves his kind entertainer in the shop trading all day without his religion.

“Another sort there be, who when they hear that all things shall be ordered, all things regulated and settled; nothing written but what passes through the custom-house of certain publicans that have the tunaging and poundaging of all free-spoken truth, will straight give themselves up into your hands, ‘em, and cut ‘em out what religion ye please.”

Another sort there be, who when they hear that all things shall be ordered, all things regulated and settled; nothing written but what passes through the custom-house of certain publicans that have the tunaging and poundaging of all free-spoken truth, will straight give themselves up into your hands, ‘em, and cut ‘em out what religion ye please: there be delights, there be recreations and jolly pastimes, that will fetch the day about from sun to sun, and rock the tedious year as in a delightful dream. What need they torture their heads with that which others have taken so strictly, and so unalterably into their own purveying? These are the fruits which a dull ease and cessation of our knowledge will bring forth among the people. How goodly, and how to be wished were such an obedient unanimity as this! What a fine conformity would it stanch us all into! Doubtless a staunch and solid piece of framework, as any January could freeze together.

Nor much better will be the consequence even among the clergy themselves: it is no new thing never heard of before, for a parochial minister, who has his reward, and is at his Hercules’ pillars in a warm benefice, to be easily inclinable, if he have nothing else that may rouse up his studies, to finish his circuit in an English Concordance and a topic folio, the gatherings and savings of a sober graduateship, a Harmony and a Catena, treading the constant round of certain common doctrinal heads, attended with their uses, motives, marks, and means, out of which, as out of an alphabet or sol-fa, by forming and transforming, joining and disjoining variously, a little bookcraft, and two hours’ [46] meditation, might furnish him unspeakably to the performance of more than a weekly charge of sermoning: not to reckon up the infinite helps of interlinearies, breviaries, synopses, and other loitering gear. But as for the multitude of sermons ready printed and piled up, on every text that is not difficult, our London trading St Thomas in his vestry, and add to boot St Martin and St Hugh, have not within their hallowed limits more vendible ware of all sorts ready made: so that penury he never need fear of pulpit provision, having where so plenteously to refresh his magazine. But if his rear and flanks be not impaled, if his back door be not secured by the rigid licenser, but that a bold book may now and then issue forth, and give the assault to some of his old collections in their trenches, it will concern him then to keep waking, to stand in watch, to set good guards and sentinels about his received opinions, to walk the round and counter-round with his fellow-inspectors, fearing lest any of his flock be seduced who also then would be better instructed, better exercised, and disciplined. And God send that the fear of this diligence, which must then be used, do not make us affect the laziness of a licensing church.

For if we be sure we are in the right, and do not hold the truth guiltily, which becomes not, if we ourselves condemn not our own weak and frivolous teaching, and the people for an untaught and
irreligious gadding rout, what can be more fair, than when a man judicious, learned, and of a conscience, for aught we know, shall not privily from house to house, which is more dangerous, but openly by writing, publish to the world what his opinion is, what his reasons, and wherefore that which is now thought cannot be sound? Christ urged it as wherewith to justify himself, that he preached in public; yet writing is more public than preaching; and more easy to refutation if need be, there being so many whose business and profession merely it is to be the champions of truth; which if they neglect, what can be imputed but their sloth or inability?

Thus much we are hindered and disunited by this course of licensing towards the true knowledge of what we seem to know. For how much it hurts and hinders the licensers themselves in the calling of their ministry, more than any secular employment, if they will discharge that office as they ought, so that of necessity they must neglect either the one duty or the other, I insist not, because it is a particular, but leave it to their own conscience, how they will decide it there.

"The incredible loss and detriment that this plot of licensing puts us to, more than if some enemy at sea should stop up all our havens, and ports, and creeks, it hinders and retards the importation of our richest merchandise, truth."

There is yet behind of what I purposed to lay open, the incredible loss and detriment that this plot of licensing puts us to, more than if some enemy at sea should stop up all our havens, and ports, and creeks, it hinders and retards the importation of our richest merchandise, truth: nay, it was first established and put in practice by antichristian malice and mystery, on set purpose to extinguish, if it were possible, the light of reformation, and to settle falsehood; little differing from that policy wherewith the Turk upholds his Alcoran, by the prohibition of printing. 'Tis not denied, but gladly confessed, we are to send our thanks and vows to heaven, louder than most of nations, for that great measure of truth which we enjoy, especially in those main points between us and the pope, with his appurtenances the prelates: but he who thinks we are to pitch our tent here, and have attained the utmost prospect of reformation that the mortal glass wherein we contemplate can shew us, till we come to beatific vision, that man by this very opinion declares that he is yet far short of truth.

Truth indeed came once into the world with her divine Master, and was a perfect shape most glorious to look on: but when he ascended, and his apostles after him were laid asleep, then straight arose a wicked race of deceivers, who, as that story goes of the Egyptian Typhon with his conspirators, how they dealt with the good Osiris, took the virgin Truth, hewed her lovely form into a thousand pieces, and scattered them to the four winds. From that time ever since, the sad friends of Truth, such as durst appear, imitating the careful search that Isis made for the mangled body of Osiris, went up and down gathering up limb by limb still as they could find them. We have not yet found them all, lords and commons, nor ever shall do, till her Master's second coming; he shall bring together every joint and member, and shall mould them into an immortal feature of loveliness and perfection. Suffer not these licensing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyred saint. We boast our light; but if we look not wisely on the sun itself, it smites us into darkness. Who can discern those planets that are oft combust, and those stars of brightest magnitude that rise and set with the sun, until the opposite motion of their orbs bring them to such a place in the firmament, where they may be seen evening or morning? The light which we have gained was given us, not to be ever staring on, but by it to discover onward things more remote from our knowledge. It is not the unfrocking of a priest, the unmitering of a bishop, and the removing him from off the presbyterian shoulders that will make us a happy nation: no; if other things as great in the church, and in the rule of life both economical and political, be not looked into and reformed, we have looked so long upon the blaze that Zuingleus and Calvin have beaconed up to us, that we are stark blind. There be who perpetually complain of schisms and sects, and make it such a calamity that any man dissents from their maxims. 'Tis their own pride and ignorance which causes the disturbing, who neither will hear with meekness, nor
can convince, yet all must be suppressed which is not found in their Syntagma. They are the troublers, they are the dividers of unity, who neglect and permit not others to unite those dissevered pieces which are yet wanting to the body of truth. To be still searching what we know not, by what we know, still closing up truth to truth as we find it (for all her body is homogeneal, and [50] proportional), this is the golden rule in theology as well as in arithmetic, and makes up the best harmony in a church; not the forced and outward union of cold, and neutral, and inwardly divided minds.

Further Information

SOURCE
The edition used for this extract: John Milton, Areopagitica, with a Commentary by Sir Richard C. Jebb and with Supplementary Material (Cambridge at the University Press, 1918). pp. 1-7 and 33-50.

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FURTHER READING
Other works by John Milton (1608-1674) <people/john-milton>.

Topic: The English Revolution <groups/68>.
“There is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.”

Charles Louis de Secondat, Baron de Montesquieu (1689-1755)
Charles Louis de Secondat, Baron de Montesquieu (1689-1755) was one of the most influential legal theorists and political philosophers of the 18th century. His ideas about the separation of powers and checks on the power of the executive had a profound impact on the architects of the American constitution. His admiration for the English form of liberty was also very influential within Europe during the Enlightenment. Montesquieu is best known for his satire of French society, the *Lettres persanes* (Persian Letters) (1721), in which his criticism of French institutions and customs was cloaked by the clever observations made by his fictional "Persian" visitors; the *Considérations sur les causes de la grandeur des Romains et de leur décadence* (Considerations on the Causes of the Grandeur and Decadence of the Romans) (1734); and his anonymously published master piece *De l’Esprit des Lois* (The Spirit of the Laws) (1748). *The Spirit of the Laws* was banned by the Catholic Church and it was placed on the Index of Prohibited Books in 1751.

Although this influential chapter is entitled “Of the Constitution of England” it really has little to do with the way the English government worked in the mid-18th century. Montesquieu admits this when he states at the end that it was rather the “spirit” of English law which gave the English “this liberty.” Nevertheless, it is a very good example of Montesquieu’s comparative approach to the study of political and legal institutions where he ranges broadly over ancient Greek and Roman, Germanic, modern Italian, Dutch, and even English history.

Montesquieu reduces the problem of political liberty to the fear people have for their own safety which results from the actions of others. Governments need to be structured in such a way as to minimize an individual’s fear for their own safety, and this can only be done when its essential functions are divided (he identifies these as legislative, executive, and judicial powers) and where no one individual or group controls more than one of these powers. In the course of this discussion he deals with the problems of election, representation, veto powers, the role of the hereditary nobility, the value of a citizen versus a standing army, and so on. In reading this list one can see immediately the influence this had on similar discussions made during the making of the American republic.

“The political liberty of the subject is a tranquillity of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another. When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty if the judiciary power be not separated from the legislative and executive... There would be an end of every thing, were the same man, or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”
Of the Constitution of England (1748)

IN every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law.

By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other, simply, the executive power of the state.

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Most kingdoms in Europe enjoy a moderate government, because the prince, who is invested with the two first powers, leaves the third to his subjects.

In Turkey, where these three powers are united in the sultan’s person, the subjects groan under the most dreadful oppression.

In the republics of Italy, where these three powers are united, there is less liberty than in our monarchies. Hence their government is obliged to have recourse to as violent methods, for its support, as even that of the Turks; witness the state-inquisitors,[1] and the lion’s mouth into which every informer may at all hours throw his written accusations.

In what a situation must the poor subject be, under those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and, as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.

The whole power is here united in one body; and, though there is no external pomp that indicates a despotic sway, yet the people feel the effects of it every moment.

Hence it is that many of the princes of Europe, whose aim has been levelled at arbitrary power, have constantly set out with uniting, in their own persons, all the branches of magistracy, and all the great offices of state.

I allow, indeed, that the mere hereditary aristocracy of the Italian republics does not exactly answer to the despotic power of the Eastern princes. The number of magistrates sometimes moderates the power of the magistracy; the whole body of the nobles do not always concur in the same design; and different tribunals are erected, that temper each other. Thus, at Venice, the legislative power is in the council, the executive in the pregadi, and the judiciary in the quarantia. But the mischief is, that these different

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tribunals are composed of magistrates all belonging to
the same body; which constitutes almost one and the
same power.

The judiciary power ought not to be given to a
standing senate; it should be exercised by persons taken
from the body of the people,[2] at certain times of the
year, and consistently with a form and manner
prescribed by law, in order to erect a tribunal that
should last only so long as necessity requires.

By this method, the judicial power, so terrible to
mankind, not being annexed to any particular state or
profession, becomes, as it were, invisible. People have
not then the judges continually present to their view;
they fear the office, but not the magistrate.

In accusations of a deep and criminal nature, it is
proper the person accused should have the privilege of
choosing, in some measure, his judges, in concurrence
with the law; or, at least, he should have a right to
except against so great a number, that the remaining
part may be deemed his own choice.

The other two powers may be given rather to
magistrates or permanent bodies, because they are not
exercised on any private subject; one being no more
than the general will of the state, and the other the
execution of that general will.

But, though the tribunals ought not to be fixt, the
judgements ought; and to such a degree, as to be ever
conformable to the letter of the law. Were they to be
the private opinion of the judge, people would then live
in society without exactly knowing the nature of their
obligations.

The judges ought likewise to be of the same rank
as the accused, or, in other words, his peers; to the end,
that he may not imagine he is fallen into the hands of
persons inclined to treat him with rigour.

If the legislature leaves the executive power in
possession of a right to imprison those subjects who
can give security for their good behaviour; there is an
end of liberty; unless they are taken up in order to
answer, without delay, to a capital crime; in which case
they are really free, being subject only to the power of
the law.

But, should the legislature think itself in danger, by
some secret conspiracy against the state, or by a
correspondence with a foreign enemy, it might
authorize the executive power, for a short and limited
time, to imprison suspected persons, who, in that case,
would lose their liberty only for a while, to preserve it
for ever.

And this is the only reasonable method that can be
substituted to the tyrannical magistracy of the Ephori,
and to the state inquisitors of Venice, who are also
despotical.

As, in a country of liberty, every man who is
supposed a free agent ought to be his own governor, the
legislative power should reside in the whole body of
the people. But, since this is impossible in large states,
and in small ones is subject to many inconveniences, it
is fit the people should transact by their representatives
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The inhabitants of a particular town are much
better acquainted with its wants and interests than with
those of other places; and are better judges of the
capacity of their neighbours than of that of the rest of
their countrymen. The members, therefore, of the
legislature should not be chosen from the general body
of the nation; but it is proper, that, in every
considerable place, a representative should be elected
by the inhabitants.

The great advantage of representatives is, their
capacity of discussing public affairs. For this, the people
collectively are extremely unfit, which is one of the
chief inconveniences of a democracy.

It is not at all necessary that the representatives,
who have received a general instruction from their
constituents, should wait to be directed on each
particular affair, as is practised in the diets of Germany.
True it is, that, by this way of proceeding, the speeches
of the deputies might, with greater propriety, be called
the voice of the nation; but, on the other hand, this
would occasion infinite delays; would give each deputy a power of controlling the assembly; and, on the most urgent and pressing occasions, the wheels of government might be stopped by the caprice of a single person.

When the deputies, as Mr. Sidney well observes, represent a body of people, as in Holland, they ought to be accountable to their constituents; but it is a different thing in England, where they are deputed by boroughs.

All the inhabitants of the several districts ought to have a right of voting at the election of a representative, except such as are in so mean a situation as to be deemed to have no will of their own.

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One great fault there was in most of the ancient republics, that the people had a right to active resolutions, such as require some execution, a thing of which they are absolutely incapable. They ought to have no share in the government but for the choosing of representatives, which is within their reach. For, though few can tell the exact degree of men’s capacities, yet there are none but are capable of knowing, in general, whether the person they choose is better qualified than most of his neighbours.

Neither ought the representative body to be chosen for the executive part of government, for which it is not so fit; but for the enacting of laws, or to see whether the laws in being are duly executed; a thing suited to their abilities, and which none indeed but themselves can properly perform.

In such a state, there are always persons distinguished by their birth, riches, or honours: but, were they to be confounded with the common people, and to have only the weight of a single vote, like the rest, the common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature ought to be proportioned to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs.

The legislative power is, therefore, committed to the body of the nobles, and to that which represents the people; each having their assemblies and deliberations apart, each their separate views and interests.

Of the three powers abovementioned, the judiciary is, in some measure, next to nothing: there remain, therefore, only two: and, as these have need of a regulating power to moderate them, the part of the legislative body composed of the nobility is extremely proper for this purpose.

The body of the nobility ought to be hereditary. In the first place, it is so in its own nature; and, in the next, there must be a considerable interest to preserve its privileges: privileges, that, in themselves, are obnoxious to popular envy, and of course, in a free state, are always in danger.

But, as an hereditary power might be tempted to pursue its own particular interests, and forget those of the people, it is proper, that, where a singular advantage may be gained by corrupting the nobility, as in the laws relating to the supplies, they should have no other share in the legislation than the power of rejecting, and not that of resolving.

By the power of resolving, I mean, the right of ordaining by their own authority, or of amending what has been ordained by others. By the power of rejecting, I would be understood to mean, the right of annulling a resolution taken by another; which was the power of the tribunes at Rome. And, though the person possessed of the privilege of rejecting may likewise have the right of approving, yet this approbation passes for no more than a declaration that he intends to make no use of his privilege of rejecting, and is derived from that very privilege.

The executive power ought to be in the hands of a monarch, because this branch of government, having need of dispatch, is better administered by one than by many: on the other hand, whatever depends on the legislative power, is oftentimes better regulated by many than by a single person.

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But, if there were no monarch, and the executive power should be committed to a certain number of persons, selected from the legislative body, there would be an end of liberty, by reason the two powers would be united; as the same persons would sometimes possess, and would be always able to possess, a share in both.

Were the legislative body to be a considerable time without meeting, this would likewise put an end to liberty. For, of two things, one would naturally follow; either that there would be no longer any legislative resolutions, and then the state would fall into anarchy; or that these resolutions would be taken by the executive power, which would render it absolute.

It would be needless for the legislative body to continue always assembled. This would be troublesome to the representative, and moreover would cut out too much work for the executive power, so as to take off its attention to its office, and oblige it to think only of defending its own prerogatives and the right it has to execute.

Again, were the legislative body to be always assembled, it might happen to be kept up only by filling the places of the deceased members with new representatives; and, in that case, if the legislative body were once corrupted, the evil would be past all remedy. When different legislative bodies succeed one another, the people, who have a bad opinion of that which is actually sitting, may reasonably entertain some hopes of the next: but, were it to be always the same body, the people, upon seeing it once corrupted, would no longer expect any good from its laws; and, of course, they would either become desperate or fall into a state of indolence.

The legislative body should not meet of itself. For a body is supposed to have no will but when it is met: and besides, were it not to meet unanimously, it would be impossible to determine which was really the legislative body, the part assembled, or the other. And, if it had a right to prorogue itself, it might happen never to be prorogued; which would be extremely dangerous, in case it should ever attempt to encroach on the executive power. Besides, there are seasons (some more proper than others) for assembling the legislative body: it is fit, therefore, that the executive power should regulate the time of meeting, as well as the duration, of those assemblies, according to the circumstances and exigences of a state, known to itself.

Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic: for, as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers.

But it is not proper, on the other hand, that the legislative power should have a right to stay the executive. For, as the execution has its natural limits, it is useless to confine it: besides, the executive power is generally employed in momentary operations. The power, therefore, of the Roman tribunes was faulty, as it put a stop not only to the legislation, but likewise to the executive part of government; which was attended with infinite mischiefs.

But, if the legislative power, in a free state, has no right to stay the executive, it has a right, and ought to have the means, of examining in what manner its laws have been executed; an advantage which this government has over that of Crete and Sparta, where the Cosmi and the Ephori gave no account of their administration.

But, whatever may be the issue of that examination, the legislative body ought not to have a power of arraigning the person, nor, of course, the conduct, of him who is entrusted with the executive power. His person should be sacred, because, as it is necessary, for the good of the state, to prevent the legislative body from rendering themselves arbitrary, the moment he is accused or tried there is an end of liberty.

In this case, the state would be no longer a monarchy, but a kind of republic, though not a free government. But, as the person, intrusted with the executive power, cannot abuse it without bad counsellors, and such as hate the laws as ministers, though the laws protect them, as subjects these men may be examined and punished: an advantage which this government has over that of Gnidus, where the law allowed of no such thing as calling the Amyrones[3] to an account, even after their administration[4]; and therefore the people could never obtain any satisfaction for the injuries done them.

Though, in general, the judiciary power ought not to be united with any part of the legislative, yet this is
liable to three exceptions, founded on the particular interest of the party accused.

The great are always obnoxious to popular envy; and, were they to be judged by the people, they might be in danger from their judges, and would moreover be deprived of the privilege, which the meanest subject is possessed of in a free state, of being tried by his peers. The nobility, for this reason, ought not to be cited before the ordinary courts of judicature, but before that part of the legislature which is composed of their own body.

It is possible that the law, which is clear-sighted in one sense, and blind in another, might, in some cases, be too severe. But, as we have already observed, the national judges are no more than the mouth that pronounces the words of the law, mere passive beings, incapable of moderating either its force or rigour. That part, therefore, of the legislative body, which we have just now observed to be a necessary tribunal on another occasion, is also a necessary tribunal in this: it belongs to its supreme authority to moderate the law in favour of the law itself, by mitigating the sentence.

It might also happen, that a subject, intrusted with the administration of public affairs, may infringe the rights of the people, and be guilty of crimes which the ordinary magistrates either could not, or would not, punish. But, in general, the legislative power cannot try causes; and much less can it try this particular case, where it represents the party aggrieved, which is the people. It can only, therefore, impeach. But before what court shall it bring its impeachment? Must it go and demean itself before the ordinary tribunals, which are its inferiors, and, being composed moreover of men who are chosen from the people as well as itself, will naturally be swayed by the authority of so powerful an accuser? No: in order to preserve the dignity of the people and the security of the subject, the legislative part which represents the people must bring in its charge before the legislative part which represents the nobility, who have neither the same interests nor the same passions.

Here is an advantage which this government has over most of the ancient republics where this abuse prevailed, that the people were at the same time both judge and accuser.

The executive power, pursuant to what has been already said, ought to have a share in the legislature by the power of rejecting; otherwise it would soon be stripped of its prerogative. But, should the legislative power usurp a share of the executive, the latter would be equally undone.

If the prince were to have a part in the legislature by the power of resolving, liberty would be lost. But, as it is necessary he should have a share in the legislature for the support of his own prerogative, this share must consist in the power of rejecting.

The change of government at Rome was owing to this, that neither the senate, who had one part of the executive power, nor the magistrates, who were entrusted with the other, had the right of rejecting, which was entirely lodged in the people.

Here, then, is the fundamental constitution of the government we are treating of. The legislative body being composed of two parts, they check one another by the mutual privilege of rejecting. They are both restrained by the executive power, as the executive is by the legislative.

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These three powers should naturally form a state of repose or inaction: but, as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert.

As the executive power has no other part in the legislative than the privilege of rejecting, it can have no share in the public debates. It is not even necessary that it should propose; because, as it may always disapprove of the resolutions that shall be taken, it may likewise reject the decisions on those proposals which were made against its will.

In some ancient commonwealths, where public debates were carried on by the people in a body, it was natural for the executive power to propose and debate in conjunction with the people; otherwise their
resolutions must have been attended with a strange confusion.

Were the executive power to determine the raising of public money otherwise than by giving its consent, liberty would be at an end; because it would become legislative in the most important point of legislation.

If the legislative power were to settle the subsidies, not from year to year, but for ever, it would run the risk of losing its liberty, because the executive power would be no longer dependent; and, when once it was possessed of such a perpetual right, it would be a matter of indifference whether it held it of itself or of another. The same may be said if it should come to a resolution of intrusting, not an annual, but a perpetual, command of the fleets and armies to the executive power.

To prevent the executive power from being able to oppress, it is requisite that the armies with which it is intrusted should consist of the people, and have the same spirit as the people, as was the case at Rome till the time of Marius. To obtain this end, there are only two ways; either that the persons employed in the army should have sufficient property to answer for their conduct to their fellow-subjects, and be enlisted only for a year, as was customary at Rome; or, if there should be a standing-army composed chiefly of the most despicable part of the nation, the legislative power should have a right to disband them as soon as it pleased; the soldiers should live in common with the rest of the people; and no separate camp, barracks, or fortress, should be suffered.

“To prevent the executive power from being able to oppress, it is requisite that the armies with which it is intrusted should consist of the people, and have the same spirit as the people.”

When once an army is established, it ought not to depend immediately on the legislative, but on the executive, power; and this from the very nature of the thing, its business consisting more in action than deliberation.

It is natural for mankind to set a higher value upon courage than timidity, on activity than prudence, on strength than counsel. Hence the army will ever despise a senate, and respect their own officers: they will naturally slight the orders sent them by a body of men whom they look upon as cowards, and therefore unworthy to command them: so that, as soon as the troops depend entirely on the legislative body, it becomes a military government; and, if the contrary has ever happened, it has been owing to some extraordinary circumstances. It is because the army was always kept divided; it is because it was composed of several bodies, that depended each on a particular province; it is because the capital towns were strong places, defended by their natural situation, and not garrisoned with regular troops. Holland, for instance, is still safer than Venice; she might drown or starve the revolted troops; for, as they are not quartered in towns capable of furnishing them with necessary subsistence, this subsistence is of course precarious.

In perusing the admirable treatise of Tacitus on the manners of the Germans,[5] we find it is from that nation the English have borrowed the idea of their political government. This beautiful system was invented first in the woods.

“As all human things have an end, the state we are speaking of will lose its liberty, will perish. Have not Rome, Sparta, and Carthage, perished? It will perish when the legislative power shall be more corrupt than the executive.

It is not my business to examine whether the English actually enjoy this liberty, or not. Sufficient it is for my purpose to observe, that it is established by their laws; and I inquire no farther.

Neither do I pretend by this to undervalue other governments, nor to say that this extreme political liberty ought to give uneasiness to those who have only a moderate share of it. How should I have any such design; I who think that even the highest refinement of reason is not always desirable, and that mankind
generally find their account better in mediums than in extremes?

Harrington, in his *Oceana*, has also enquired into the utmost degree of liberty to which the constitution of a state may be carried. But, of him, indeed, it may be said, that, for want of knowing the nature of real liberty, he busied himself in pursuit of an imaginary one; and that he built a Chalcedon, though he had a Byzantium before his eyes.

**Notes**


[3] These were magistrates chosen annually by the people. See Stephen of Byzantium.

[4] It was lawful to accuse the Roman magistrates after the expiration of their several offices. See, in Dionys. Halicarn. l. 9. the affair of *Genutius*, the tribune.

[5] De minoribus rebus principes consultat, de majoribus omnes; ita tamen ut ea quoque, quorum penes plebem arbitrium est, apud principes pertractentur.
Further Information

SOURCE
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FURTHER READING
Other works by Montesquieu (1689-1755): <oll.libertyfund.org/people/3869>.
School of Thought: The French Enlightenment <oll.libertyfund.org/groups/21>.
James Madison, “The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection” (1788)

<oll.libertyfund.org/titles/2532>

“Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed, than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice.”
Editor’s Introduction

James Madison (1751-1836) was a member of the Virginia legislature in 1776-80 and 1784-86, of the Continental Congress in 1780-83, and of the Constitutional Convention in 1787, where he earned the title “father of the U. S. Constitution.” He was a member of the U. S. House of Representatives from 1789 to 1797, where he was a sponsor of the Bill of Rights and an opponent of Hamilton’s financial measures. He was the author of the Virginia Resolutions of 1798 in opposition to the U. S. alien and sedition laws. He was U. S. secretary of state in 1801-09, President of the U. S. in 1809-17, and rector of the University of Virginia, 1826-36.

The joint work of Alexander Hamilton, James Madison, and John Jay, *The Federalist* papers were written to defend and explain the recently drafted Federal Constitution, and promote its ratification in the state of New York. Published *seriatim* in New York City newspapers from October 1787 to August 1788, the eighty-five essays appeared under the pseudonym “Publius,” a legendary founder of the Roman republic and “friend of the people.” If measured by the large majority of Antifederalists elected to the New York ratifying convention, the project was not a success in its immediate aim. Once the Constitution was adopted, however, the papers – collected and bound – were soon recognized as a tour de force of political reasoning and elevated to the status of a classic. George Washington correctly predicated that *The Federalist* would “merit the notice of posterity,” while Thomas Jefferson called it “the best commentary on the principles of government which was ever written.” More than two centuries later, it is still regarded as the leading commentary on the Constitution and America’s greatest contribution to political science.

The focus on faction (particularly majority faction) as the bane of popular government is the subject of no. 10, Madison’s first contribution to *The Federalist.* Faction has many causes, but its most prominent and perennial source is the “various and unequal distribution of property,” which arises from the “diversity in the faculties of men …” Since the tendency to faction is “sown in the nature of man,” it can only be eradicated at the cost of destroying liberty. Controlling its effects, rather than eliminating its causes, is the only course of action consistent with public liberty.

“The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders, ambitiously contending for pre-eminence and power; ... have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property.”
Among the numerous advantages promised by a well-crafted union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favourite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

“Liberty is to faction, what air is to fire, an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.”

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said, than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

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The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of these faculties, is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders, ambitiously contending for pre-eminence and power; or to persons of other descriptions, whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests, forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government.

“a body of men are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? and what are the different classes of legislators, but advocates and parties to the causes which they determine?”

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? and what are the different classes of legislators, but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction, must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes; and probably by neither with a sole regard to justice and the public good. The apportionment of taxes, on the various descriptions of property, is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a
predominant party, to trample on the rules of justice. Every shilling with which they over-burden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm; nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.

From this view of the subject, it may be concluded, that a pure democracy, by which I mean, a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert, results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have, in general, been as short in their lives, as they have been violent in their deaths.

Theoretic politicians, who have patronised this species of government, have erroneously supposed, that, by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.
The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

“Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favourable to the election of proper guardians of the public weal.”

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favourable to the election of proper guardians of the public weal, and it is clearly decided in favour of the latter by two obvious considerations.

In the first place, it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows, that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal constitution forms a happy combination in this respect; the great and aggregate interests, being referred to the national, the local and particular to the state legislatures.

The other point of difference is, the greater number of citizens, and extent of territory, which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, the more frequently will a majority be found of the same party; and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where
there is a consciousness of unjust or dishonourable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

"The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states: ... a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire state.

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

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Further Information

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FURTHER READING

Other works by James Madison (1751-1836): <oll.libertyfund.org/people/3861>.

School of Thought: The Founding Fathers of the U.S. Constitution <oll.libertyfund.org/groups/36>.

See also the annotated Reading List "The Federalist Papers: America’s Political Classic" by Quentin Taylor. <oll.libertyfund.org/readinglists/list>.
"The rights of men result simply from the fact that they are rational, sentient beings, susceptible of acquiring ideas of morality, and of reasoning concerning those ideas. Women having, then, the same qualities, have necessarily the same rights."

Condorcet (1743-1794) and Olympe de Gouges (1748-1793)
Editor’s Introduction

The Marquis de Condorcet (1743-1794) was a mathematician, a philosophe, permanent secretary of the French Academy of Sciences (from 1776), and a politician during the French Revolution in the liberal Girondin faction. He was active in a number of committees which drew up legislation during the Revolution (especially on public education and constitutional reform) but became a victim of Jacobin repression when the liberal Girondin group was expelled from the Convention. He was guillotined in March 1794. He was also a pioneer in advocating the right of women to vote and to participate fully in politics, writing “On the Admission of Women to the Rights of Citizenship” in 1790.

Marie Gouze (1748-1793), who wrote under the name of Marie-Olympe de Gouges, was the daughter of a butcher who became a playwright and early feminist during the French Revolution. She was active in the abolitionist movement, writing Reflections on Black Men (1788) and being active in la Société des amis des Noirs (Society of the Friends of the Blacks). Gouges was a supporter of the French revolution and felt that the official French Declaration of the Rights of Man and of the Citizen of August 1789 had compromised the universality of its principles by ignoring women. So she wrote her own in the form of a petition to the Queen using the same rhetoric and words of the Declaration, “Declaration of the Rights of Woman and of the Female Citizen” (3 September 1791). She was guillotined by the Jacobins in November 1793 for her liberal views and political activities.

Both Condorcet and Gouges moved in the same liberal circles in Paris, as supporters of the Girondin group and in the abolitionist movement. It is thus very likely that Gouges knew of Condorcet’s writing on women. Whereas Condorcet’s arguments in his short pamphlet are straightforward, Gouges is angrier and more sarcastic in her style denouncing the “perpetual tyranny” of males in violating the natural rights of women, arguing that women have just as much right “to take the rostrum” to speak as they do “to mount the scaffold” to be executed. The sad thing for liberalism in France was that both Gouges and Condorcet would be guillotined by the Jacobins within a few months of each other for arguing for these and other liberal views.

“Mothers, daughters, sisters, and, the representatives of the nation demand to be constituted into a national assembly. Considering that ignorance, omission, or scorn for the rights of the woman are the only causes of public misfortunes and of the corruption of governments, they have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of the woman, in order that this declaration, being constantly exposed before all the members of the society, may ceaselessly remind them of their rights and duties; in order that the authoritative acts of women and the authoritative acts of men may be at each moment compared with and, be respectful of the purpose of all political institutions; and in order that the female citizens’ demands, henceforth based on simple and incontestable principles, may always support the constitution, good mores, and the happiness of all.”
CUSTOM may familiarise mankind with the violation of their natural rights to such an extent, that even among those who have lost or been deprived of these rights, no one thinks of reclaiming them, or is even conscious that they have suffered any injustice.

Certain of these violations (of natural right) have escaped the notice of philosophers and legislators, even while concerning themselves zealously to establish the common rights of individuals of the human race, and in this way to lay the foundation of political institutions. For example, have they not all violated the principle of the equality of rights in tranquilly depriving one-half of the human race of the right of taking part in the formation of laws by the exclusion of women from the rights of citizenship? Could there be a stronger proof of the power of habit, even among enlightened men, than to hear invoked the principle of equal rights in favour of perhaps some 300 or 400 men, who had been deprived of it by an absurd prejudice, and forget it when it concerns some 12,000,000 women?

“the rights of men result simply from the fact that they are rational, sentient beings, susceptible of acquiring ideas of morality, and of reasoning concerning those ideas. Women having, then, the same qualities, have necessarily the same rights. Either no individual of the human species has any true rights, or all have the same”

To show that this exclusion is not an act of tyranny, it must be proved either that the natural rights of women are not absolutely the same as those of men, or that women are not capable of exercising these rights.

But the rights of men result simply from the fact that they are rational, sentient beings, susceptible of acquiring ideas of morality, and of reasoning concerning those ideas. Women having, then, the same qualities, have necessarily the same rights. Either no individual of the human species has any true rights, or all have the same; and he or she who votes against the rights of another, whatever may be his or her religion, colour, or sex, has by that fact abjured his own.

It would be difficult to prove that women are incapable of exercising the rights of citizenship. Although liable to become mothers of families, and exposed to other passing indispositions, why may they not exercise rights of which it has never been proposed to deprive those persons who periodically suffer from gout, bronchitis, etc.? Admitting for the moment that there exists in men a superiority of mind, which is not the necessary result of a difference of education (which is by no means proved, but which should be, to permit of women being deprived of a natural right without injustice), this inferiority can only consist in two points. It is said that no woman has made any important discovery in science, or has given any proofs of the possession of genius in arts, literature, etc.; but, on the other hand, it is not pretended that the rights of citizenship should be accorded only to men of genius. It is added that no woman has the same extent of knowledge, the same power of reasoning, as certain men; but what results from that? Only this, that with the exception of a limited number of exceptionally enlightened men, equality is absolute between women and the remainder of the men; that this small class apart, inferiority and superiority are equally divided between the two sexes. But since it would be completely absurd to restrict to this superior class the rights of citizenship and the power of being entrusted with public functions, why should women be excluded any more than those men who are inferior to a great number of women? Lastly, shall it be said that there exists in the minds and hearts of women certain qualities which ought to exclude them from the enjoyment of their natural rights? Let us interrogate the facts. Elizabeth of England, Maria Theresa, the

two Catherines of Russia—have they not shown that neither in courage nor in strength of mind are women wanting?

Elizabeth possessed all the failings of women. Did these failings work more harm during her reign than resulted from the failings of men during the reign of her father, Henry VIII., or her successor, James I.? Have the lovers of certain empresses exercised a more dangerous influence than the mistresses of Louis XIV., of Louis XV., or even of Henry IV.?

Will it be maintained that Mistress Macaulay would not have expressed her opinions in the House of Commons better than many representatives of the British nation? In dealing with the question of liberty of conscience, would she not have expressed more elevated principles than those of Pitt, as well as more powerful reasoning? Although as great an enthusiast on behalf of liberty as Mr. Burke could be on behalf of its opposite, would she, while defending the French Constitution, have made use of such absurd and offensive nonsense as that which this celebrated rhetorician made use of in attacking it? Would not the adopted daughter of Montaigne have better defended the rights of citizens in France, in 1614, than the Councillor Courtin, who was a believer in magic and occult powers? Was not the Princesse des Ursins superior to Chamillard? Could not the Marquise de Chatelet have written equally as well as M. Rouillé? Would Mme. de Lambert have made laws as absurd and as barbarous as those of the “garde des Sceaux,” of Armenouville, against Protestants, invaders of domestic privacy, robbers and negroes? In looking back over the list of those who have governed the world, men have scarcely the right to be so very uplifted.

Women are superior to men in the gentle and domestic virtues; they, as well as men, know how to love liberty, although they do not participate in all its advantages; and in republics they have been known to sacrifice themselves for it. They have shown that they possess the virtues of citizens whenever chance or civil disasters have brought them upon a scene from which they have been shut out by the pride and the tyranny of men in all nations.

“(Women) as well as men, know how to love liberty, although they do not participate in all its advantages; and in republics they have been known to sacrifice themselves for it. They have shown that they possess the virtues of citizens whenever chance or civil disasters have brought them upon a scene from which they have been shut out by the pride and the tyranny of men in all nations.”

This observation is not correct. Women are not governed, it is true, by the reason (and experience) of men; they are governed by their own reason (and experience).

Their interests not being the same (as those of men) by the fault of the law, the same things not having the same importance for them as for men, they may, without failing in rational conduct, govern themselves by different principles, and tend towards a different result. It is as reasonable for a woman to concern herself respecting her personal attractions as it was for Demosthenes to cultivate his voice and his gestures.

It is said that women, although superior in some respects to man—more gentle, more sensitive, less subject to those vices which proceed from egotism and hardness of heart—yet do not really possess the sentiment of justice; that they obey rather their feelings than their conscience. This observation is more correct, but it proves nothing; it is not nature, it is education, it is social existence which produces this difference.

Neither the one nor the other has habituated women to the idea of what is just, but only to the idea of what is “honnête,” or respectable. Excluded from public affairs, from all those things which are judged of according to rigorous ideas of justice, or according to positive laws, the things with which they are occupied and which are affected by them are precisely those which are regulated by natural feelings of honesty (or, rather, propriety) and of sentiment. It is, then, unjust to allege as an excuse for continuing to refuse to women
the enjoyment of all their natural rights motives which have only a kind of reality because women lack the experience which comes from the exercise of these rights.

If reasons such as these are to be admitted against women, it will become necessary to deprive of the rights of citizenship that portion of the people who, devoted to constant labour, can neither acquire knowledge nor exercise their reason; and thus, little by little, only those persons would be permitted to be citizens who had completed a course of legal study. If such principles are admitted, we must, as a natural consequence, renounce the idea of a liberal constitution. The various aristocracies have only had such principles as these for foundation or excuse. The etymology of the word is a sufficient proof of this.

“If reasons such as these are to be admitted against women, it will become necessary to deprive of the rights of citizenship that portion of the people who, devoted to constant labour, can neither acquire knowledge nor exercise their reason; and thus, little by little, only those persons would be permitted to be citizens who had completed a course of legal study.”

Neither can the subjection of wives to their husbands be alleged against their claims, since it would be possible in the same statute to destroy this tyranny of the civil law. The existence of one injustice can never be accepted as a reason for committing another.

There remain, then, only two objections to discuss. And, in truth, these can only oppose motives of expediency against the admission of women to the right of voting; which motives can never be upheld as a bar to the exercise of true justice. The contrary maxim has only too often served as the pretext and excuse of tyrants; it is in the name of expediency that commerce and industry groan in chains; and that Africa remains afflicted with slavery: it was in the name of public expediency that the Bastille was crowded; that the censorship of the press was instituted; that accused persons were not allowed to communicate with their advisers; that torture was resorted to. Nevertheless, we will discuss these objections, so as to leave nothing without reply.

It is necessary, we are warned, to be on guard against the influence exercised by women over men. We reply at once that this, like any other influence, is much more to be feared when not exercised openly; and that, whatever influence may be peculiar to women, if exercised upon more than one individual at a time, will in so far become proportionately lessened. That since, up to this time, women have not been admitted in any country to absolute equality; since their empire has none the less existed everywhere; and since the more women have been degraded by the laws, the more dangerous has their influence been; it does not appear that this remedy of subjection ought to inspire us with much confidence. Is it not probable, on the contrary, that their special empire would diminish if women had less interest in its preservation; if it ceased to be for them their sole means of defence, and of escape from persecution?

If politeness does not permit to men to maintain their opinions against women in society, this politeness, it may be said, is near akin to pride; we yield a victory of no importance; defeat does not humiliate when it is regarded as voluntary. Is it seriously believed that it would be the same in a public discussion on an important topic? Does politeness forbid the bringing of an action at law against a woman?

But, it will be said, this change will be contrary to general expediency, because it will take women away from those duties which nature has reserved for them. This objection scarcely appears to me well founded. Whatever form of constitution may be established, it is certain that in the present state of civilisation among European nations there will never be more than a limited number of citizens required to occupy themselves with public affairs. Women will no more be torn from their homes than agricultural labourers from their ploughs, or artisans from their workshops. And, among the richer classes, we nowhere see women giving themselves up so persistently to domestic affairs that we should fear to distract their attention; and a really serious occupation or interest would take them less away than the frivolous pleasures to which idleness, a want of object in life, and an inferior education have condemned them.
The principal source of this fear is the idea that every person admitted to exercise the rights of citizenship immediately aspires to govern others. This may be true to a certain extent, at a time when the constitution is being established, but the feeling can scarcely prove durable. And so it is scarcely necessary to believe that because women may become members of national assemblies, they would immediately abandon their children, their homes, and their needles. They would only be the better fitted to educate their children and to rear men. It is natural that a woman should suckle her infant; that she should watch over its early childhood. Detained in her home by these cares, and less muscular than the man, it is also natural that she should lead a more retired, a more domestic life. The woman, therefore, as well as the man in a corresponding class of life, would be under the necessity of performing certain duties at certain times according to circumstances. This may be a motive for not giving her the preference in an election, but it cannot be a reason for legal exclusion. Gallantry would doubtless lose by the change, but domestic customs would be improved by equality in this as in other things.

“It is sufficiently curious that, in a great number of countries, women have been judged incapable of all public functions yet worthy of royalty; that in France a woman has been able to be regent, and yet that up to 1776 she could not be a milliner or dressmaker”

Up to this time the manners of all nations have been more or less brutal and corrupt. I only know of one exception, and that is in favour of the Americans of the United States, who are spread, few in number, over a wide territory. Up to this time, among all nations, legal inequality has existed between men and women; and it would not be difficult to show that, in these two phenomena, the second is one of the causes of the first, because inequality necessarily introduces corruption, and is the most common cause of it, if even it be not the sole cause.

I now demand that opponents should condescend to refute these propositions by other methods than by pleasantries and declamations; above all, that they should show me any natural difference between men and women which may legitimately serve as foundation for the deprivation of a right.

The equality of rights established between men by our new constitution has brought down upon us eloquent declamations and never-ending pleasantries; but up till now no one has been able to oppose to it one single reason, and this is certainly neither from lack of talent nor lack of zeal. I venture to believe that it will be the same with regard to equality of rights between the two sexes. It is sufficiently curious that, in a great number of countries, women have been judged incapable of all public functions yet worthy of royalty; that in France a woman has been able to be regent, and yet that up to 1776 she could not be a milliner or dressmaker (“marchande des modes”) in Paris, except under cover of her husband’s name;[1] and that, lastly, in our elective assemblies they have accorded to rights of property what they have refused to natural right. Many of our noble deputies owe to ladies the honour of sitting among the representatives of the nation. Why, instead of depriving of this right women who were owners of landed estates, was it not extended to all those who possessed property or were heads of households? Why, if it be found absurd to exercise the right of citizenship by proxy, deprive women of this right, rather than leave them the liberty of exercising it in person?

Notes

[1] Vickery’s note: Before the suppression of “jurandes,” in 1776, women could neither carry on a business of a “marchande des modes” (milliner and dressmaker) nor of any other profession exercised by them, unless they were married, or unless some man lent or sold them his name for that purpose.—See preamble of the Edict of 1776.
Olympe de Gouges, “The Rights of Woman” (1791)  

[The opening letter addressed to the Queen of France has been omitted for reasons of length.]

MAN, are you capable of being just? It is a woman who poses this question; you will not deprive her of this right at least. Tell me, what gives you the sovereign power to oppress my sex? Your strength? Your talents? Observe the creator in his wisdom; survey in all her grandeur that very nature with whom you seem to wish to be inharmony, and give me, if you dare, just one example of this tyrannical empire.[1] Go back to the animals, consult the elements, study the plants, and finally cast a glance at all the modifications of organic matter, and surrender to the evidence when I offer you the means to do so; search, probe deeper, and try to distinguish, if you can, the sexes in the administration of nature. Everywhere you will find them mingled; every where they cooperate in harmonious togetherness in this immortal masterpiece.

Man alone has raised his exceptional circumstances to a principle. Bizarre, blind, bloated with science and degenerated – in a century of enlightenment and wisdom – into the crassest of ignorance, he wants to command as a despot, a sex which is endowed with all intellectual faculties; he pretends to enjoy the Revolution and reclaim his rights to equality, in order to say nothing more about it.

**DECLARATION OF THE RIGHTS OF WOMAN AND OF THE FEMALE CITIZEN**

To be declared by the National Assembly in its last sessions or in those of the next legislature.

**PREAMBLE**

Mothers, daughters, sisters, and the representatives of the nation demand to be constituted into a national assembly. Considering that ignorance, omission, or scorn for the rights of the woman are the only causes of public misfortunes and of the corruption of governments, they have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of the woman, in order that this declaration, being constantly exposed before all the members of the society, may ceaselessly remind them of their rights and duties; in order that the authoritative acts of women and the authoritative acts of men may be at each moment compared with and, be respectful of the purpose of all political institutions; and in order that female citizens’ demands, henceforth based on simple and incontestable principles, may always support the constitution, good mores, and the happiness of all.

“Mothers, daughters, sisters, and, the representatives of the nation demand to be constituted into a national assembly. Considering that ignorance, omission, or scorn for the rights of the woman are the only causes of public misfortunes and of the corruption of governments, they have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of the woman.”

In consequence, the sex that is as superior in beauty as it is in courage during the suffering of maternity recognizes and declares, in the presence and under the auspices of the supreme being, the following Rights of Woman and of the Female Citizen.[2]

Article 1. Woman is born free and remains equal to man in her rights. Social distinctions can be based only upon the common utility.

Article 2. The purpose of any political association is the conservation of the natural and unwritten rights of Woman and of Man: these rights are liberty, property, security, and especially resistance to oppression.

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28 “Declaration of the Rights of Woman and of the Female Citizen” in Olympe de Gouges, Les droits de la femme (1791).
Article 3. The principle of all sovereignty resides essentially in the nation, which is nothing but the union of Woman and Man: no body and no individual can exercise any authority that does not come expressly from it.

Article 4. Liberty and justice consist of restoring all that belongs to others; hence, the only limits on the exercise of the natural rights of woman are those that emanate from the perpetual tyranny of man; these limits are to be reformed according to the laws of nature and reason.

Article 5. Laws of nature and reason prohibit all acts harmful to society: all that is not forbidden by these wise and divine laws, can not he prohibited, and no one can be constrained to do that which these laws do not command.

Article 6. The Laws must be the expression of the general will; all Female and Male Citizens must take part either personally or through their representatives in its formation; it must be the same for all: male and female citizens, being equal in the eyes of the law, must be equally eligible for all honors, positions, and public offices according to their capacity and without other distinctions besides those of their virtues and talents.

Article 7. No woman is an exception: she is accused, arrested, and detained according to cases determined by the Law. Women, like men, obey this rigorous Law.

Article 8. The law must establish only those penalties that are strictly and obviously necessary, and no woman can be punished except by virtue of a Law established and promulgated prior to the offence and legally applicable to women.

Article 9. Any woman being declared guilty, all severity is exercised by the Law.

Article 10. No one is to be harmed even for his very basic opinions. A woman has the right to mount the scaffold; she must equally have the right to take the rostrum, provided that her demonstrations do not disturb the public order established by the Law.

“A woman has the right to mount the scaffold; she must equally have the right to take the rostrum, provided that her demonstrations do not disturb the public order established by the Law.”

Article 11. The free communication of thoughts and opinions is one of the most precious rights of woman, since this liberty assures the recognition of children by their fathers. Any Female Citizen thus may say freely, I am the mother of this child which belongs to you, without being forced by a barbarous prejudice to conceal the truth; save to respond to the abuse of this liberty in cases determined by the Law.

Article 12. The guarantee of the rights of woman and of the Female Citizen implies a major benefit; this guarantee must be instituted for the advantage of all, and not for the specific benefit of those to whom it is entrusted.

Article 13. For the support of the public force and the expenses of administration, the contributions of women and men are equal. She has a share in all the duties and in all the painful tasks; therefore, she must have the same share in the distribution of posts, employments, offices, honors and jobs.

Article 14. Female and Male Citizens have the right to verify, either by themselves or through their representatives, the necessity of the public fund. This can apply to Female Citizens only if they are granted an equal share, not only in wealth, but also in public administration, and in the determination of the quota, the tax base, the collection, and the duration of the tax.

Article 15. The collectivity of women, along with men contributing to the public fund, has the right to demand an accounting of its administration, from any public agent.

Article 16. No society has a constitution without the guarantee of the rights and the separation of powers: the constitution is null if the majority of individuals comprising the Nation have not cooperated in drafting it.
Article 17. Property belongs to both sexes whether united or separate; for each it is an inviolable and sacred right; no one can be deprived of it, since it is the true heritage of nature, unless the legally determined public need obviously dictates it, and then only under the condition of a just and prior indemnity.

"Property belongs to both sexes whether united or separate; for each it is an inviolable and sacred right; no one can be deprived of it, since it is the true heritage of nature"
of conditions be perceived even in the very substance of vices? A woman only had to be beautiful or pleasant; when she possessed these two advantages, she saw a hundred fortunes at her feet. If she did not profit from them, then she was a bizarre character or had a rare philosophy which made her scorn wealth; then she was deemed to be considered a crazy, headstrong woman; the most indecent woman made herself respected with gold; and, commerce in women was a kind of industry in the upper classes, which, henceforth, will have no more credit. If it still had it, the Revolution would be lost, and under the new relationships we would still be corrupt. However, can reason conceal the fact that any other path to fortune is closed to the woman bought by a man like the slave on the African coasts? The difference is great; that is known. The slave is commanded by the master; but if the master gives her liberty without recompense, and at an age when the slave has lost all her charms, what will become of this unfortunate woman? She will be the toy of scorn, even the doors of charity are closed to her; she is poor and old, and they say: why did she not know how to make her fortune? Reason finds other examples that are even more touching. A young, inexperienced woman, seduced by a man whom she loves, will abandon her parents to follow him; the ingrate will leave her after a few years, and the older she has become with him, the more inhuman is his inconstancy; if she has children, he will abandon her all the same. If he is rich, he will consider himself excused from sharing his fortune with his noble victims. If some involvement binds him to his duties, he will deny them, trusting that the laws will support him. If he is married, any other obligation loses its rights. Then what laws remain to extirpate this vice all the way to its roots? The law of dividing wealth between men and women and public administration. It can easily be seen that one who is born into a rich family gains very much from such equal sharing; but the one born into a poor family with merit and virtue: what is her lot? Poverty and opprobrium. If she does not excel precisely in music or painting, she cannot be admitted to any public function even when she has all the capacity for it. I will go more deeply into this in the new edition of all my political writings, with notes, which I propose to give to the public in a few days.

“However, can reason conceal the fact that any other path to fortune is closed to the woman bought by a man like the slave on the African coasts? ... The slave is commanded by the master; but if the master gives her liberty without recompense, and at an age when the slave has lost all her charms, what will become of this unfortunate woman?”

Now, again on the subject of mores. Marriage is the tomb of trust and love. The married women can with impunity give bastards to her husband, and also give them the wealth which does not belong to them. The woman who is unmarried has only one feeble right; ancient and inhuman laws refuse to her and to her children the right to the name and the wealth of their father; and no new laws have been made in this matter. If it is considered a paradox and impossibility on my part to try to give my sex an honorable and just place, then I leave it to future people to attain glory for dealing with this matter; but while we wait, the way can be prepared through national education, by restoring customs and conjugal conventions.

[The remainder of the pamphlet has been cut for reasons of space.]

Notes

[1] From Paris to Peru, from Japan to Rome, the stupidest animal, in my view, is man.

[2] OLL Editor’s note: We have translated “Citoyen” and “Citoyenne” as “Male Citizen” and “Female Citizen” respectively. We have also attempted to retain Gourges’ use of capital letters such as “Law” and “Nation.”

Further Information

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FURTHER READING


Topic: The Rights of Women <oll.libertyfund.org/groups/61>.
James Mill, “Liberty of the Press” (1825)

<oll.libertyfund.org/titles/2617>

“There is no safety to the people in allowing any body to choose opinions for them; that there are no marks by which it can be decided beforehand, what opinions are true and what are false; that there must, therefore, be equal freedom of declaring all opinions, both true and false.”

James Mill (1773-1836)
Editor’s Introduction

James Mill (1773-1836) was an early 19th century Philosophic Radical, journalist, and editor from Scotland. He was very influenced by Jeremy Bentham’s ideas about utilitarianism which he applied to the study of British India, political economy, and electoral reform. Mill wrote on the British corn laws, free trade, comparative advantage, the history of India, and electoral reform. His son, John Stuart, after a rigorous home education, became one of the leading English classical liberals in the 19th century.

James Mill wrote a series of important and influential articles in the years leading up to the Reform Act of 1832 which opened up the franchise to members of the middle class for the first time. This was part of a political campaign by the Philosophic Radicals like him to thoroughly reform British political and economic institutions by removing the privileges of the elites. One of the key privileges they enjoyed were limits on the freedom of the press to report the activities of Parliament especially debates which took place in the House.

In this extract Mill in typical Benthamite fashion makes a very methodical case for allowing freedom of the press in order to enable the people to choose their leaders wisely; to expose the poor behaviour of politicians, judges, and institutions; and to spread what he calls “true opinions” among the people. Here he begins with a defence of the freedom to criticize one’s rulers directly, who previously had been able to hide behind laws against sedition, libel, and lèse- majesté; then moves onto the right to criticize the institutions of government, not just their rulers. Mill makes the point which he also makes in other essays like “Government”, that in many cases the ruling elites (or “sinister interests”) perpetuate bad institutions because it directly benefits them at the expense of the ordinary people. Hence the need for a vigorous and unshackled free press to expose such abuses.

A curious set of arguments appear in between these two other arguments. Mill believes that another source of “evil” is the undeserved praise which some rulers get from a sycophantic press. He thus sees that an important role of a free press is to puncture this overblown picture of a people’s rulers.

“We believe it may be rigidly demonstrated, that no evils are greater than those which result from a more favourable opinion of their rulers, on the part of the people, than their rulers deserve; because just as far as that undue favour extends, bad government is secured. By an opinion of their rulers more favourable than they deserve, is implied an ignorance on the part of the people of certain acts of their rulers by which the people suffer. All acts by which the rulers have any motive to make the people suffer, are acts by which the rulers profit. When the ignorance of the people extends to material points, all the evils of bad government are secured. These are the greatest of all possible evils.”
Liberty of the Press (1825)²⁹

III.: Offences of the Press with respect to Government.

Freedom of Censure on the Conduct of their Rulers, is necessary for the good of the People.

It is perfectly clear, that all chance of advantage to the people, from having the choice of their rulers, depends upon their making a good choice. If they make a bad choice—if they elect people either incapable, or disinclined, to use well the power entrusted to them, they incur the same evils to which they are doomed when they are deprived of the due control over those by whom their affairs are administered.

We may then ask, if there are any possible means by which the people can make a good choice, besides the liberty of the press? The very foundation of a good choice is knowledge. The fuller and more perfect the knowledge, the better the chance, where all sinister interest is absent, of a good choice. How can the people receive the most perfect knowledge relative to the characters of those who present themselves to their choice, but by information conveyed freely, and without reserve, from one to another?

There is another use of the freedom of the press, no less deserving the most profound attention, that of making known the conduct of the individuals who have been chosen. This latter service is of so much importance, that upon it the whole value of the former depends.

This is capable of being rigidly demonstrated. No benefit is obtained by making choice of a man who is well qualified to serve the people, and also well inclined to serve them, if you place him in a situation in which he will have preponderant motives to serve himself at their expence.

If any set of men are chosen to wield the powers of government, while the people have not the means of knowing in what manner they discharge their duties, they will have the means of serving themselves at the expence of the people; and all the miseries of evil government are the certain consequence.

Suppose the people to choose the members of the Legislative Assembly, with power of rechoosing, or dismissing them, at short intervals; [20] To what desirable end could these powers be exercised, without the liberty of the press? Suppose that any one of those whom they have chosen has misconducted himself, or promoted, as far as depended upon him, the ends of misgovernment; how are the people to know that the powers with which they had entrusted him had been treacherously employed?

“If any set of men are chosen to wield the powers of government, while the people have not the means of knowing in what manner they discharge their duties, they will have the means of serving themselves at the expence of the people; and all the miseries of evil government are the certain consequence.”

If they do not know, they will rechoose him, and that as cordially as the man who has served them with the greatest fidelity. This they are under a deplorable necessity of doing, even to be just; for, as they know no difference between him and the best, it would be on their part iniquity to make any. The consequences would be fatal. If one man saw that he might promote misrule for his own advantage, so would another; so, of course, would they all. In these circumstances, we see laid the foundation on which, in every country, bad government is reared. On this foundation it is impossible that it should not be reared. When the causes are the same, who can expect that the effects will be different? It is unnecessary to dwell upon these fundamental truths, because they have already been developed in the article, Government.

Without the knowledge, then, of what is done by their representatives, in the use of the powers entrusted to them, the people cannot profit by the power of choosing them, and the advantages of good government are unattainable. It will not surely cost

many words to satisfy all classes of readers that, without the free and unrestrained use of the press, the requisite knowledge cannot be obtained.

That an accurate report of what is done by each of the representatives, a transcript of his speeches, and a statement of his propositions and votes, is necessary to be laid before the people, to enable them to judge of his conduct, nobody, we presume, will deny. This requires the use of the cheapest means of communication, and, we add, the free use of those means. Unless every man has the liberty of publishing the proceedings of the Legislative Assembly, the people can have no security that they are fairly published. If it is in the power of their rulers to permit one person, and forbid another, the people may be sure that a false report,—a report calculated to make them believe that they are well governed, when they are ill governed, will be often presented to them.

One thing more is necessary, and so necessary, that, if it is wanting, the other might as well be wanting also. The publication of the proceedings tells what is done. This, however, is useless, unless a correct judgment is passed upon what is done.

We have brought this inquiry, then, to an important point. In the article "Government," we have seen that, unless the people hold in their own hands an effectual power of control on the acts of their government, the government will be inevitably vicious: We have now seen, that they cannot exercise this control to any beneficial purpose without the means of forming a correct judgment upon the conduct of their representatives: We have likewise seen, that one of the means necessary to enable them to judge correctly of the conduct of their representatives, is the liberty to every body of publishing reports of what they do: It remains to inquire, by what other acts the press can be made to contribute to the same desirable end.

What is wanted is, that all the people, or as many of them as possible, should estimate correctly the consequences of the acts proposed or done by their representatives, and also that they should know what acts might have been proposed, if the best were not proposed, from which better consequences would have followed. This end would be accomplished most effectually, if those who are sufficiently enlightened would point out to those who are in danger of mistakes, the true conclusions; and, showing the weight of evidence to be in their favour, should obtain for them the universal assent.

How is this to be accomplished? In what manner are those wise men to be chosen? And who are to be the choosers? Directly the object cannot be attained. There are no distinct and indubitable marks by which wisdom, and less by which integrity, is to be known. And who is to be trusted with the privilege of pointing them out? They whose judgment requires to be directed are not well qualified to determine who shall direct them. And if the rulers are to choose, they will employ none but those who will act in conformity to their views, and enable them to benefit themselves by the pillage and oppression of the people.

"If the rulers are to choose, they will employ none but those who will act in conformity to their views, and enable them to benefit themselves by the pillage and oppression of the people."

As there is no possible organ of choice, no choice whatever ought to be made. If no choice is to be made, every man that pleases ought to be allowed. All this is indubitable. The consequences of denying any part of it are so obvious, that hardly any man, we suppose, will risk the imputations to which such a denial would justly expose him.

They who say that no choice ought to be made, say, in effect, that no limit whatsoever ought to be imposed upon the liberty of the press. The one of these propositions is involved in the other. To impose any restraint upon the liberty of the press, is undoubtedly to make a choice. If the restraint is imposed by the government, it is the government that chooses the directors of the public mind. If any government chooses the directors of the public mind, that government is despotic.

Suppose that, by the restraint imposed upon the liberty of the press, all censure of the government is forbidden, here is undoubtedly a choice. The government, in this case, virtually says, The people who might attempt the task of directing the public mind are of two sorts; one, those who would censure; another, those who would not censure; I choose the latter.

Suppose that not every censure, but only such and such kinds of censure, are forbidden; here, again, is still
a choice, while confessedly there is no party to whom the power of choosing for the rest can with safety be given.

If not every censure, but only some censures, are to be forbidden, what are those to which the prohibition should extend? The answer to this question will elucidate nearly all that yet remains in any degree obscure, of the doctrine of the liberty of the press.

[22]

It will not be said that any censure which is just should be forbidden; because that would undoubtedly be to detract from the means of enabling the people to form correct judgments; and we have, we trust, rendered it indisputable that no source of benefit to society is at all to be compared with that of correct judgments, on their government and its functionaries, formed by the people, and determining their actions.

But what censures are just and what are unjust; in other words, what are the conclusions which ought to be formed respecting the properties and the acts of the government, is exactly the point to be determined. If you say that no man is to pass an unjust censure upon the government, who is to judge? It is surely unnecessary to repeat the proof of the proposition, that there is nobody who can safely be permitted to judge. The path of practical wisdom is as clear as day: All censures must be permitted, equally; just, and unjust.

Where various conclusions are formed among a number of men, upon a subject on which it would be unsafe, and therefore improper, to give any minor portion of them a power of determining for the rest, only one expedient remains. Fortunately, that is an expedient, the operation of which is powerful, and its effects beneficial in the highest degree. All the conclusions which have formed themselves in the minds of different individuals, should be openly adduced; and the power of comparison and choice should be granted to all. Where there is no motive to attach a man to error, it is natural to him to embrace the truth; especially if pains are taken to adapt the explanation to his capacity. Every man, possessed of reason, is accustomed to weigh evidence, and to be guided and determined by its preponderance. When various conclusions are, with their evidence, presented with equal care and with equal skill, there is a moral certainty, though some few may be misguided, that the greater number will judge right, and that the greatest force of evidence, wherever it is, will produce the greatest impression.

As this is a proposition upon which every thing depends, it is happy that the evidence of it should be so very clear and striking. There is, indeed, hardly any law of human nature more generally recognized, wherever there is not a motive to deny its existence. “To the position of Tully, that if Virtue could be seen, she must be loved, may be added,” says Dr. Johnson, “that if Truth could be heard, she must be obeyed.” (Rambler, No. 87)—“Je vous plains, mes Pères,” says Mons. Pascal to the Jesuits, “d’avoir recours à de tels remèdes. Vous croyez avoir la force et l’impunité: mais je crois avoir la vérité, et l’innocence. C’est une étrange et longue guerre que celle ou la violence essaie d’opprimer la vérité. Tous les efforts de la violence ne peuvent affoiblir la vérité, et ne servent qu’à la relever davantage: toutes les lumières de la vérité ne peuvent rien pour arrêter la violence, et ne font que l’irriter encore plus. Quand la force combat la force, la plus puissante detruit la moindre: quand l’on expose les discours aux discours, ceux qui sont véritables et convainquants confondent et dissipent ceux qui n’ont que la vanité et le mensonge.” (Lett. Provinc. [23] 12.)—“Reason,” says Burke, “clearly and manfully delivered, has in itself a mighty force; but reason, in the mouth of legal authority, is, I may fairly say, irresistible.” (Lett. on Regicide Peace.)

It is of importance to show how many of the greatest men, of all ages and countries, have borne testimony to the prevalence of true over false conclusions, when both are fairly offered to the human mind. “Truth,” says Mr. Locke, “certainly would do well enough, if she were once left to shift for herself. She seldom has received, and I fear never will receive, much assistance from the power of great men, to whom she is but rarely known, and more rarely welcome. She is not taught by laws, nor has she any need of force to procure her entrance into the minds of men.” (Letter on Toleration.) The following is the emphatical language of Montesquieu: “La raison a un empire naturel; elle a même un empire tyrannique: on lui resiste, mais cette resistance est son triomphe, encore un peu de temps, et l’on sera force de revenir à elle.” (Esp. de Loix, l. 28, ch. 38.)—“It is noted out of Cicero, by Machiavel, that the people, though they are not so prone to find out truth of themselves, as to follow custom, or run into error; yet if they be shown truth, they not only acknowledge and embrace it very
suddenly, but are the most constant and faithful
 guardians and conservators of it.” (Harrington.)
—“The labour of a confutation,” says Chillingworth,
“I have not in any place found such labour or difficulty,
but that it was undertakeable by a man of very mean
abilities; and the reason is, because it is ‘Truth I plead
for; which is so strong an argument for itself, that it
needs only light to discover it.” (Religion of
Protestants.)—“About things on which the public thinks
long,” says Dr. Johnson, “it commonly attains to think
right.” (Life of Addison.)—“The adversary,” says Dr.
Campbell, “is both subtle and powerful. With such an
adversary, I should on very unequal terms enter the
lists, had I not the advantage of being on the side of
truth. And an eminent advantage this doubtless is. It
requires but moderate abilities to speak in defence of
a good cause. A good cause demands but a distinct
exposition, and a fair hearing; and we may say, with
great propriety, it will speak for itself.” (Campbell on
Miracles, Introd.)

“There is no safety to the people in
allowing any body to choose opinions for
them; that there are no marks by which
it can be decided beforehand, what
opinions are true and what are false; that
there must, therefore, be equal freedom
of declaring all opinions, both true and
false.”

We have then arrived at the following important
conclusions,—that there is no safety to the people in
allowing any body to choose opinions for them; that
there are no marks by which it can be decided
beforehand, what opinions are true and what are false;
that there must, therefore, be equal freedom of
declaring all opinions, both true and false; and that,
when all opinions, true and false, are equally declared,
the assent of the greater number, when their interests
are not opposed to them, may always be expected to be
given to the true. These principles, the foundation of
which appears to be impregnable, suffice for the speedy
determination of every practical question.

All censure thrown upon the government, all
censure thrown either [24] upon the institutions of the
government, or upon the conduct of any of the
functionaries of government, supreme or subordinate,
has a tendency to produce resistance to the
government.

Of the censures thrown upon government, some
may have a tendency to produce resistance to the
operations of government in detail; others that general
resistance which has in view some great alteration in
the government.

Of the first sort would be any such accusation of
the conduct and disposition of a judge, as might excite
the people, whose sympathies were roused in favour of
the individual against whom his sentence was to
operate, to rescue him from the officers of justice. We
have already shown that such a rescue ought to be
punished, and any direct exhortation to it ought to be
punished. It will now be evident, we trust, that no
censure on the judge, though capable of being treated
as an indirect exhortation, ought to be punished.

The reason is conclusive. The people ought to
know, if possible, the real qualities of the actions of
those who are entrusted with any share in the
management of their affairs. This they have no chance
of knowing, without the unlimited power of censure
upon those actions, both in gross and detail. To see the
full force of these propositions, it is only necessary to
apply the principles which have been already
established.

If the people have not the means of knowing the
actions of all public functionaries, they have no security
for the good conduct even of their representatives.
Suppose it is the duty of their representatives to watch
the conduct of the judges, and secure the perfection of
judicature, the people cannot know whether their
representatives perform this duty, unless they know
what the conduct of the judges is. Ignorance of this
would of itself suffice to vitiate the government. A door
would be left open, through which the rulers might
benefit themselves at the expense of the people. All the
profit to be made by an abuse of the power of justice,
would thus become the profit of the representatives, by
whom it would be allowed, and encouraged, as far as
the knowledge which they could not withhold from the
people, would permit.

That the people ought, therefore, to know the
conduct of their judges, and when we say judges we
mean every other functionary, and the more perfectly
the better, may be laid down as indubitable. They are
deprived of all trust-worthy means of knowing, if any
limit whatsoever is placed to the power of censure.

All censure consists in the delivery of an
unfavourable opinion, with or without the grounds of
it. This is the essence of censure. But if the conduct of
the judge deserves that an unfavourable opinion should
be entertained of it, the more perfectly that is known to
the people, the better.

The conduct of the judge, on this occasion, says a
defender, does not deserve an unfavourable opinion: A
public expression of such an opinion ought, therefore,
to be prohibited. But there are occasions [25] on which
the conduct of judges deserves an unfavourable
opinion. When it is deserved, there is no security for
good government, unless it is allowed to be made
known. How can you allow an unfavourable opinion to
be delivered in the one case, and not delivered in the
other. To have the benefit of it in the one case, you
must submit to the evil of it in the other.

In matters of Government, undeserved praise as mischievous
as undeserved Blame.

As the real point of importance is, to establish
correct opinions in the minds of the people, it is as
mischievous to inculcate a favourable opinion, when an
unfavourable is desired, as an unfavourable when a
favourable is desired; and, in the eye of reason, it is
controvertible, that, if the one deserves to be
prevented by punishment, so does the other.

But, if an unfavourable opinion is pronounced of
any public functionary; of a judge, for example, would
you have it left uncontradicted? Would you not grant
the liberty of calling in question the truth of the
allegations, and of supporting a different opinion? If
not, the character of no public functionary would be
safe, and any man, however deserving, might be made
to appear the proper object of the most unfavourable
sentiments. Why should not the two cases be treated
equally? Why should not the favourable, as well as the
unfavourable opinion be open to contradiction?

It is perfectly certain, that it is not in the power of
law to mark out, by antecedent definition, any sort of
men, of whom it can say, all opinions favourable to
such men shall be punished. It can never be affirmed
of any men beforehand, that they will certainly
perform such and such injurious actions. If they do
perform them, all declarations conformable with the
matter of fact are good. But the question is, whether
they have performed them? One man affirms that they
have. Is that to be taken for granted? And is no man to
be allowed to affirm the contrary, and to sift the
grounds upon which the allegations of the other man
are supported? It is by weighing well the evidence on
both sides, that a well-founded opinion is capable of
being formed. And it is certain, that the best security
for having the evidence on both sides fully adduced,
and the strength and weakness of it perfectly disclosed,
is by permitting all those who are attached to different
opinions to do what they can for the support of them.

If it is evident that it ought not to be permitted to
speak evil of public functionaries without limit, while
any limit is put to the power of speaking well of them;
it is equally evident that, for the purpose of forming a
correct opinion of their conduct, it ought not to be
permitted to speak well of them, and oppose any limit
whatsoever to the power of speaking ill of them.

It ought not to be permitted to speak evil of them
without an equal liberty of speaking well; because, in
that case, the evidence against [26] them might be
made to appear much stronger than it was. It ought not
to be permitted to speak well of them without an equal
liberty of speaking ill; because, in that case, the
evidence in favour of them might be made to appear
much greater than it really was. In either case, the
people would be misguided, and defrauded of that
moral knowledge of the conduct of their rulers, the
paramount importance of which has so fully appeared.

It may be said (as by the short-sighted, if we did
not anticipate them, it would be said), that if, by
limiting the power of censure, the people are made to
judge more favourably of their rulers than they
deserve, the evil is small; but if they are permitted to
form a very unfavourable opinion, the consequences
are alarming.

We believe it may be rigidly demonstrated, that no
evils are greater than those which result from a more
favourable opinion of their rulers, on the part of the
people, than their rulers deserve; because just as far as
that undue favour extends, bad government is secured.

By an opinion of their rulers more favourable than
they deserve, is implied an ignorance on the part of the
people of certain acts of their rulers by which the
people suffer. All acts by which the rulers have any
motive to make the people suffer, are acts by which the
rulers profit. When the ignorance of the people
extends to material points, all the evils of bad
government are secured. These are the greatest of all possible evils. To this it will not be said that the ignorance of the people ought to extend. On all material points, it is admitted, then, that the freedom of censure ought to be complete. But if it is to be allowed on great points, on those where it is calculated to excite the greatest disapprobation; what can be thought of their consistency, who would restrain it on those where it is only calculated to excite a small? If it is proper to protect the people from great injuries at the hands of their rulers, by exciting a strong, it is good to protect them against small injuries, by exciting a weak disapprobation.

“We believe it may be rigidly demonstrated, that no evils are greater than those which result from a more favourable opinion of their rulers, on the part of the people, than their rulers deserve; because just as far as that undue favour extends, bad government is secured. By an opinion of their rulers more favourable than they deserve, is implied an ignorance on the part of the people of certain acts of their rulers by which the people suffer. All acts by which the rulers have any motive to make the people suffer, are acts by which the rulers profit. When the ignorance of the people extends to material points, all the evils of bad government are secured.

These are the greatest of all possible evils.”

To public functionaries may be imputed either acts which they have not performed, or a want of certain qualifications, moral or intellectual, which they ought to possess.

With respect to acts, and even dispositions, which do not, either directly or indirectly, concern their public function, the same protection may be safely extended to them as to private men.

Acts in their public capacity which they have not performed, may be imputed to them either by mere forgery, and without any appearance of ground, or they may be imputed with some appearance of ground. From permitting the former, no good can be derived. They ought, therefore, to be prevented, in the same way as false imputations, injurious to individuals in their private capacity. That there should be no restraint in imputing actions to any public functionary which he may appear to have done, flows immediately from the principles already established, and requires not that any thing should here be added to its proof. Any appearance sufficient to lay the foundation of the slightest suspicion, renders it useful to call the attention of the public to the suspected part, which can only be done by making the suspicion known. A man may, indeed, publish, as a matter of fact, what is supported by appearances which would only justify the slightest suspicion. In that case, he is sure of incurring the disgrace of temerity, if not of malignity; and this is all the penalty which needs or can safely be inflicted upon him.

In imputing inaptitude to a public functionary, on the score either of intellectual or moral qualities, scarcely any limitation would be safe. Every man ought to have liberty to declare upon this subject any opinion which he pleases, and support it by any evidence which he may think adapted to the end. If, in supporting his opinion of the inaptitude of any public functionary, he imputes to him actions which there is not even an appearance of his having performed, that limited prohibition, the propriety of which we have just recognized, will strictly apply. With this exception, freedom should be unimpaired.

We have now, therefore, explained, we hope sufficiently, in what manner the principles which we have established require, that the use of the press should be regulated in speaking of the actions of public functionaries, and of their fitness for the duties which they are appointed to discharge, whether those functionaries are the immediate representatives of the people, or others whom it is the business of those representatives to control.
Freedom of Censure on the Institutions of Government is necessary for the good of the People.

We have next to inquire in what manner those principles require that the use of the press should be regulated in speaking of the institutions of government. The illustrations already adduced will supersede the use of many words upon this part of the subject.

Institutions of government are good in proportion as they save the people from evil. Institutions of government are bad in proportion as they are the cause of evil to the people, either by what they create, or what they fail in preventing.

According to this statement, which it is impossible to controvert, institutions of government may, in strict propriety of speech, be said to be the cause of all the evil which they do not save the people from, and from which the people would be saved by any other institutions.

It is therefore of the highest importance that the people should know what are the institutions which save from the greatest quantity of evil, and how much their own institutions want of being those best institutions.

Institutions of government are bad, either because those in whose hands the powers of government are placed do not know that they are bad, and though willing, cannot improve them; or they are bad, because those who have in their hands the powers of government do not wish that they should be improved.

Where the rulers are willing, but do not know how to improve the institutions of government; every thing which leads to a knowledge of their defects is desirable to both rulers and people. That which most certainly leads to such knowledge is, that every man who thinks he understands any thing of the subject, should produce his opinions, with the evidence on which they are supported, and that every man who disapproves of these opinions should state his objections. All the knowledge which all the individuals in the society possess upon the subject is thus brought, as it were, to a common stock or treasury; while every thing which has the appearance of being knowledge, but is only a counterfeit of knowledge, is assayed and rejected. Every subject has the best chance of becoming thoroughly understood, when, by the delivery of all opinions, it is presented in all points of view; when all the evidence upon both sides is brought forward, and all those who are most interested in showing the weakness of what is weak in it, and the strength of what is strong, are, by the freedom of the press, permitted, and by the warmth of discussion excited, to devote to it the keenest application of their faculties. False opinions will then be delivered. True; but when are we most secure against the influence of false opinions? Most assuredly when the grounds of those opinions are the most thoroughly searched. When are the grounds of opinions most thoroughly searched? When discussion upon the subject is the most general and the most intense; when the greatest number of qualified persons engage in the discussion, and are excited by all the warmth of competition, and all the interest of important consequences, to study the subject with the deepest attention. To give a body of rulers, or any other body of men, a power of choosing, for the rest, opinions upon government, without discussion, we have already seen, upon good evidence, is the way to secure the prevalence of the most destructive errors.

When institutions are bad, and the rulers would gladly change them if they knew they were bad, discussion, it will not be disented, would be good for both parties, rulers, and ruled. There is, however, another case, and that by far the most common, where the rulers are attached to the bad institutions, and are disposed to do all in their power to prevent any alteration. This is the case with all institutions which leave it in the power of the men who are entrusted with the powers of government, to make use of them for their own advantage, to the detriment of the people; in other words, which enable them to do injury to the people, or prevent the people from good. This is the case with by far the greater number of those institutions by which the people suffer. They are institutions contrived for benefiting the few at the cost of the many.

With respect, therefore, to the greater number of defective institutions, it is the interest of the rulers that true opinions should not prevail. But with respect to those institutions, it is of still greater importance to the people that discussion should be free. Such institutions as the rulers would improve, if they knew that they were defective, will be improved as the rulers themselves become sensible of their defects. Such defective institutions as the rulers would not wish to see improved, will never be improved, unless the
knowledge of those defects is diffused among the people, and excites among them a disapprobation which the rulers do not think it prudent to disregard.

That the prevalence of true opinions among the people, relative to those defects in their political institutions, by which the rulers profit at their expence, is of the utmost importance to the people, is therefore a proposition, which no improbity will dare openly to controvert. That freedom of discussion is the only security which the people can have for the prevalence of true opinions has already been proved. It is therefore proved, that freedom of discussion, in its utmost perfection, they ought to enjoy.

What is included in the term freedom of discussion, is evident from what has already been said.

“Freedom of discussion means the power of presenting all opinions equally, relative to the subject of discussion; and of recommending them by any medium of persuasion which the author may think proper to employ.”

Freedom of discussion means the power of presenting all opinions equally, relative to the subject of discussion; and of recommending them by any medium of persuasion which the author may think proper to employ. If any obstruction is given to the delivering of one sort of opinions, not given to the delivering of another; if any advantage is attached to the delivering of one sort of opinions, not attached to the delivery of another; so far equality of treatment is destroyed, and so far the freedom of discussion is infringed; so far truth is not left to the support of her own evidence; and so far, if the advantages are attached to the side of error, truth is deprived of her chance of prevailing.

To attach advantage to the delivering of one set of opinions, disadvantage to the delivering of another, is to make a choice. But we have already seen, that it is not safe for the people to let any body choose opinions for them. If it be said, that the people themselves might be the authors of this preference, what is this but to say, that the people can choose better before discussion than after; before they have obtained information than after it? No, if the people choose before discussion, before information, they cannot choose for themselves. They must follow blindly the impulse of certain individuals, who, therefore, choose for them. This is, therefore, a pretence, for the purpose of disguising the truth, and cheating the people of that choice, upon which all their security for good government depends.

If these deductions are as clear and incontrovertible as to us they appear to be, the inquiry respecting the principles which ought to regulate the use of the press is drawn pretty nearly to its close. We have shown, that, as far as regards the violation of the rights of individuals, in respect to both persons and things, no definition on account of the press is required. We have shown in what manner the rights of individuals, in regard to reputation, should be defined by the civil code, and the violation of them prevented by the penal. We next proceeded to what may be considered as the main branch of the inquiry, namely, the use of the press in speaking of the institutions and functionaries of government. We have found, that in this respect the freedom of the press is of such importance, that there is no security for good government without it. We have also found, that the use of it, in respect to those subjects, admits but of two useful restrictions—that of a direct exhortation to obstruct any of the operations of government in detail, and that of imputing to a functionary of government a criminal act, which there was no ground, nor even any appearance of ground, to impute to him. These restrictions, of course, it would be very easy to define in the criminal code, and to find appropriate motives to sanction. In all other respects, we have seen that the press ought to be free; that if there is any limit to the power of delivering unfavourable opinions, respecting either the functionaries, or the institutions of government, and of recommending those opinions by any media, with the single exception of false facts, under the circumstances mentioned above, the benefits which may be derived from the freedom of the press are so greatly infringed, that hardly any security for good government can remain.
Further Information

SOURCE

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FURTHER READING
Other works by James Mill (1773-1836) </people/james-mill>

School of Thought: The Philosphic Radicals </groups/149>
JOHN STUART MILL, “ON REPRESENTATIVE GOVERNMENT” (1861)

<oll.libertyfund.org/titles/2615>

“There is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general.”

John Stuart Mill (1806-1873)
John Stuart Mill (1806-1873) was the precocious child of the Scottish economist and political theorist James Mill. Taught Greek, Latin, and political economy at an early age, he spent his youth in the company of the Philosophic Radicals, Benthamites and utilitarians who gathered around his father. The Utilitarians believed that the principle which should govern the actions of government is that which will produce “the greatest happiness of the greatest number” of people. J.S. Mill went on to become a journalist, Member of Parliament, political economist and philosopher and is regarded as one of the most significant English classical liberals of the 19th century. Unlike many of his liberal colleagues John Stuart was a staunch defender of the right of women to vote and put a bill before the Parliament to that effect several times but it was repeatedly defeated. His most extended defense of the right of women to own property and to participate in political life was *The Subjection of Women* (1869).

Mill’s arguments in favour of representative government with a broadly based right to vote (including members of the working class and women) included the idea that a “good despot” is very hard to find and even harder to keep, that individuals are self-interested and without representation in government the needs of some groups will be inevitably overlooked, that political participation encourages a broader outlook on life and provides a useful channel for activist and reform sentiments, and that participation even in low office teaches citizens about the broader public good.

Mill concludes this chapter with the colorful metaphor that in the absence of political participation citizens will be no better than “a flock of sheep innocently nibbling the grass side by side” while their political masters went about their business.

“From these accumulated considerations it is evident, that the only government which can fully satisfy all the exigencies of the social state, is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable, than the admission of all to a share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.”
"That the Ideally Best Form of Government is Representative Government" (1861)

It has long (perhaps throughout the entire duration of British freedom) been a common saying, that if a good despot could be ensured, despotic monarchy would be the best form of government. I look upon this as a radical and most pernicious misconception of what good government is; which, until it can be got rid of, will fatally vitiate all our speculations on government.

The supposition is, that absolute power, in the hands of an eminent individual, would ensure a virtuous and intelligent performance of all the duties of government. Good laws would be established and enforced, bad laws would be reformed; the best men would be placed in all situations of trust; justice would be as well administered, the public burthens would be as light and as judiciously imposed, every branch of administration would be as purely and as intelligently conducted, as the circumstances of the country and its degree of intellectual and moral cultivation would admit. I am willing, for the sake of the argument, to concede all this; but I must point out how great the concession is; how much more is needed to produce even an approximation to these results, than is conveyed in the simple expression, a good despot. Their realization would in fact imply, not merely a good monarch, but an all-seeing one. He must be at all times informed correctly, in considerable detail, of the conduct and working of every branch of administration, in every district of the country, and must be able, in the twenty-four hours per day which are all that is granted to a king as to the humblest labourer, to give an effective share of attention and superintendence to all parts of this vast field; or he must at least be capable of discerning and choosing out, from among the mass of his subjects, not only a large abundance of honest and able men, fit to conduct every branch of public administration under supervision and control, but also the small number of men of eminent virtues and talents who can be trusted not only to do without that supervision, but to exercise it themselves over others. So extraordinary are the faculties and energies required for performing this task in any supportable manner, that the good despot whom we are supposing can hardly be imagined as consenting to undertake it, unless as a refuge from intolerable evils, and a transitional preparation for something beyond. But the argument can do without even this immense item in the account. Suppose the difficulty vanquished. What should we then have? One man of superhuman mental activity managing the entire affairs of a mentally passive people. Their passivity is implied in the very idea of absolute power. The nation as a whole, and every individual composing it, are without any potential voice in their own destiny. They exercise no will in respect to their collective interests. All is decided for them by a will not their own, which it is legally a crime for them to disobey. What sort of human beings can be formed under such a regimen? What development can either their thinking or their active faculties attain under it? On matters of pure theory they might perhaps be allowed to speculate, so long as their speculations either did not approach politics, or had not the remotest connexion with its practice. On practical affairs they could at most be only suffered to suggest; and even under the most moderate of despots, none but persons of already admitted or reputed superiority could hope that their suggestions would be known to, much less regarded by, those who had the management of affairs. A person must have a very unusual taste for intellectual exercise in and for itself, who will put himself to the trouble of thought when it is to have no outward effect, or qualify himself for functions which he has no chance of being allowed to exercise. The only sufficient incitement to mental exertion, in any but a few minds in a generation, is the prospect of some practical use to be made of its results. It does not follow that the nation will be wholly destitute of intellectual power. The common business of life, which must necessarily be performed by each individual or family for themselves, will call forth some amount of intelligence and practical ability, within a certain narrow range of ideas. There may be a select class of savants, who cultivate science with a view to its physical uses, or for the pleasure of the pursuit. There

will be a bureaucracy, and persons in training for the bureaucracy, who will be taught at least some empirical maxims of government and public administration. There may be, and often has been, a systematic organization of the best mental power in the country in some special direction (commonly military) to promote the grandeur of the despot. But the public at large remain without information and without interest on all the greater matters of practice; or, if they have any knowledge of them, it is but a dilettante knowledge, like that which people have of the mechanical arts who have never handled a tool. Nor is it only in their intelligence that they suffer. Their moral capacities are equally stunted. Wherever the sphere of action of human beings is artificially circumscribed, their sentiments are narrowed and dwarfed in the same proportion. The food of feeling is action: even domestic affection lives upon voluntary good offices. Let a person have nothing to do for his country, and he will not care for it. It has been said of old, that in a despotism there is at most but one patriot, the despot himself; and the saying rests on a just appreciation of the effects of absolute subjection, even to a good and wise master. Religion remains: and here at least, it may be thought, is an agency that may be relied on for lifting men’s eyes and minds above the dust at their feet. But religion, even supposing it to escape perversion for the purposes of despotism, ceases in these circumstances to be a social concern, and narrows into a personal affair between an individual and his Maker, in which the issue at stake is but his private salvation. Religion in this shape is quite consistent with the most selfish and contracted egoism, and identifies the votary as little in feeling with the rest of his kind as sensuality itself.

Such are not merely the natural tendencies, but the inherent necessities of despotic government; from which there is no outlet, unless in so far as the despotism consents not to be despotism; in so far as the supposed good despot abstains from exercising his power, and, though holding it in reserve, allows the general business of government to go on as if the people really governed themselves. However little probable it may be, we may imagine a despot observing many of the rules and restraints of constitutional government. He might allow such freedom of the press and of discussion as would enable a public opinion to form and express itself on national affairs. He might suffer local interests to be managed, without the

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interference of authority, by the people themselves. He might even surround himself with a council or councils of government, freely chosen by the whole or some portion of the nation; retaining in his own hands the power of taxation, and the supreme legislative as well as executive authority. Were he to act thus, and so far abdicate as a despot, he would do away with a considerable part of the evils characteristic of despotism. Political activity and capacity for public affairs would no longer be prevented from growing up in the body of the nation; and a public opinion would form itself, not the mere echo of the government. But such improvement would be the beginning of new difficulties. This public opinion, independent of the monarch’s dictation, must be either with him or against him; if not the one, it will be the other. All governments must displease many persons, and these having now regular organs, and being able to express their sentiments, opinions adverse to the measures of government would often be expressed. What is the monarch to do when these unfavourable opinions happen to be in the majority? Is he to alter his course? Is he to defer to the nation? If so, he is no longer a despot, but a constitutional king; an organ or first minister of the people, distinguished only by being irremovable. If not, he must either put down opposition by his despotic power, or there will arise a permanent antagonism between the people and one man, which can have but one possible ending. Not even a religious principle of passive obedience and “right divine” would long ward off the natural consequences of such a position. The monarch would have to succumb, and conform to the conditions of constitutional royalty, or give place to some one who would. The despotism, being thus chiefly nominal, would possess few of the advantages supposed to belong to absolute monarchy; while it would realize in a very imperfect degree those of a free government; since however great an amount of liberty the citizens might practically enjoy, they could never forget that they held it on sufferance, and by a concession which under the existing constitution of the state might at any moment be resumed; that they were legally slaves, though of a prudent, or indulgent, master.

It is not much to be wondered at, if impatient or disappointed reformers, groaning under the impediments opposed to the most salutary public improvements by the ignorance, the indifference, the intractableness, the perverse obstinacy of a people, and the corrupt combinations of selfish private interests armed with the powerful weapons afforded by free institutions, should at times sigh for a strong hand to bear down all these obstacles, and compel a recalcitrant people to be better governed. But (setting aside the fact, that for one despot who now and then reforms an abuse, there are ninety-nine who do nothing but create them) those who look in any such direction for the realization of their hopes leave out of the idea of good government its principal element, the improvement of the people themselves. One of the benefits of freedom is that under it the ruler cannot pass by the people’s minds, and amend their affairs for them without amending them. If it were possible for the people to be well governed in spite of themselves, their good government would last no longer than the freedom of a people usually lasts who have been liberated by foreign arms without their own cooperation. It is true, a despot may educate the people; and to do so really, would be the best apology for his despotism. But any education which aims at making human beings other than machines, in the long run makes them claim to have the control of their own actions. The leaders of French philosophy in the eighteenth century had been educated by the Jesuits. Even Jesuit education, it seems, was sufficiently real to call forth the appetite for freedom. Whatever invigorates the faculties, in however small a measure, creates an increased desire for their more unimpeded exercise: and a popular education is a failure, if it educates the people for any state but that which it will certainly induce them to desire, and most probably to demand.

I am far from condemning, in cases of extreme exigency, the assumption of absolute power in the form of a temporary dictatorship. Free nations have, in times of old, conferred such power by their own choice, as a necessary medicine for diseases of the body politic which could not be got rid of by less violent means. But its acceptance, even for a time strictly limited, can only be excused, if, like Solon or Pittacus, the dictator employs the whole power he assumes in removing the obstacles which debar the nation from the enjoyment of freedom. A good despotism is an altogether false ideal, which practically (except as a means to some temporary purpose) becomes the most senseless and dangerous of chimeras. Evil for evil, a good despotism, in a country at all advanced in civilization, is more noxious than a bad one; for it is far more relaxing and
enervating to the thoughts, feelings, and energies of the people. The despotism of Augustus prepared the Romans for Tiberius. If the whole tone of their character had not first been prostrated by nearly two generations of that mild slavery, they would probably have had spirit enough left to rebel against the more odious one.

There is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general.

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To test this proposition, it has to be examined in reference to the two branches into which, as pointed out in the last chapter, the inquiry into the goodness of a government conveniently divides itself, namely, how far it promotes the good management of the affairs of society by means of the existing faculties, moral, intellectual, and active, of its various members, and what is its effect in improving or deteriorating those faculties.

The ideally best form of government, it is scarcely necessary to say, does not mean one which is practicable or eligible in all states of civilization, but the one which, in the circumstances in which it is practicable and eligible, is attended with the greatest amount of beneficial consequences, immediate and prospective. A completely popular government is the only polity which can make out any claim to this character. It is pre-eminent in both the departments between which the excellence of a political constitution is divided. It is both more favourable to present good government, and promotes a better and higher form of national character, than any other polity whatsoever.

Its superioriety in reference to present well-being rests upon two principles, of as universal truth and applicability as any general propositions which can be laid down respecting human affairs. The first is, that the rights and interests of every or any person are only secure from being disregarded, when the person interested is himself able, and habitually disposed, to stand up for them. The second is, that the general prosperity attains a greater height, and is more widely diffused, in proportion to the amount and variety of the personal energies enlisted in promoting it.

Putting these two propositions into a shape more special to their present application; human beings are only secure from evil at the hands of others, in proportion as they have the power of being, and are, self-protecting; and they only achieve a high degree of success in their struggle with Nature, in proportion as they are self-dependent, relying on what they themselves can do, either separately or in concert, rather than on what others do for them.

The former proposition—that each is the only safe guardian of his own rights and interests—is one of those elementary maxims of prudence, which every person, capable of conducting his own affairs, implicitly acts upon, wherever he himself is interested. Many, indeed, have a great dislike to it as a political doctrine, and are fond of holding it up to obloquy, as a doctrine of universal selfishness. To which we may answer, that whenever it ceases to be true that mankind, as a rule, prefer themselves to others, and those nearest to them to those more remote, from that moment Communism is not only practicable, but the only defensible form of society; and will, when that time arrives, be assuredly carried into effect. For my own part, not believing in universal selfishness, I have no difficulty in admitting that Communism would even now be practicable among the élite of mankind, and may become so among the rest. But as this opinion is anything but popular with those defenders of existing
institutions who find fault with the doctrine of the general predominance of self-interest, I am inclined to think they do in reality believe, that most men consider themselves before other people. It is not, however, necessary to affirm even thus much, in order to support the claim of all to participate in the sovereign power. We need not suppose that when power resides in an exclusive class, that class will knowingly and deliberately sacrifice the other classes to themselves: it suffices that, in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked; and, when looked at, is seen with very different eyes from those of the persons whom it directly concerns. In this country, for example, what are called the working classes may be considered as excluded from all direct participation in the government. I do not believe that the classes who do participate in it, have in general any intention of sacrificing the working classes to themselves. They once had that intention; witness the persevering attempts so long made to keep down wages by law. But in the present day, their ordinary disposition is the very opposite: they willingly make considerable sacrifices, especially of their pecuniary interest, for the benefit of the working classes, and err rather by too lavish and indiscriminating beneficence; nor do I believe that any rulers in history have been actuated by a more sincere desire to do their duty towards the poorer portion of their countrymen. Yet does Parliament, or almost any of the members composing it, ever for an instant look at any question with the eyes of a working man? When a subject arises in which the labourers as such have an interest, is it regarded from any point of view but that of the employers of labour? I do not say that the working men’s view of these questions is in general nearer to truth than the other: but it is sometimes quite as near; and in any case it ought to be respectfully listened to, instead of being, as it is, not merely turned away from, but ignored. On the question of strikes, for instance, it is doubtful if there is so much as one among the leading members of either House, who is not firmly convinced that the reason of the matter is unqualifiedly on the side of the masters, and that the men’s view of it is simply absurd. Those who have studied the question, know well how far this is from being the case; and in how different, and how infinitely less superficial a manner the point would have to be argued, if the classes who strike were able to make themselves heard in Parliament.

It is an inherent condition of human affairs, that no intention, however sincere, of protecting the interests of others, can make it safe or salutary to tie up their own hands. Still more obviously true is it, that by their own hands only can any positive and durable improvement of their circumstances in life be worked out. Through the joint influence of these two principles, all free communities have both been more exempt from social injustice and crime, and have attained more brilliant prosperity, than any others, or than they themselves after they lost their freedom. Contrast the free states of the world, while their freedom lasted, with the cotemporary subjects of monarchical or oligarchical despotism: the Greek cities with the Persian satrapies; the Italian republics, and the free towns of Flanders and Germany, with the feudal monarchies of Europe; Switzerland, Holland, and England, with Austria or ante-revolutionary France. Their superior prosperity was too obvious ever to have been gainsayed: while their superiority in good government and social relations, is proved by the prosperity, and is manifest besides in every page of history. If we compare, not one age with another, but the different governments which coexisted in the same age, no amount of disorder which exaggeration itself can pretend to have existed amidst the publicity of the free states, can be compared for a moment with the contemptuous trampling upon the mass of the people which pervaded the whole life of the monarchical countries, or the disgusting individual tyranny which was of more than daily occurrence under the systems of plunder which they called fiscal arrangements, and in the secrecy of their frightful courts of justice.

It must be acknowledged that the benefits of freedom, so far as they have hitherto been enjoyed, were obtained by the extension of its privileges to a part only of the community; and that a government in which they are extended impartially to all is a desideratum still unrealized. But though every approach to this has an independent value, and in many cases more than an approach could not, in the existing state of general improvement, be made, the participation of all in these benefits is the ideally perfect conception of free government. In proportion as any, no matter who, are excluded from it, the interests of the excluded are left without the guarantee accorded to the rest, and they themselves have less scope and encouragement than they might otherwise have to that exertion of their energies for the good of
themselves and of the community, to which the general prosperity is always proportioned.

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Thus stands the case as regards present well-being; the good management of the affairs of the existing generation. If we now pass to the influence of the form of government upon character, we shall find the superiority of popular government over every other to be, if possible, still more decided and indisputable.

This question really depends upon a still more fundamental one—viz. which of two common types of character, for the general good of humanity, it is most desirable should predominate—the active, or the passive type; that which struggles against evils, or that which endures them; that which bends to circumstances, or that which endeavours to make circumstances bend to itself.

The commonplaces of moralists, and the general sympathies of mankind, are in favour of the passive type. Energetic characters may be admired, but the acquiescent and submissive are those which most men personally prefer. The passiveness of our neighbours increases our sense of security, and plays into the hands of our willfulness. Passive characters, if we do not happen to need their activity, seem an obstruction the less in our own path. A contented character is not a dangerous rival. Yet nothing is more certain, than that improvement in human affairs is wholly the work of the uncontented characters; and, moreover, that it is much easier for an active mind to acquire the virtues of patience, than for a passive one to assume those of energy.

Of the three varieties of mental excellence, intellectual, practical, and moral, there never could be any doubt in regard to the first two, which side had the advantage. All intellectual superiority is the fruit of active effort. Enterprise, the desire to keep moving, to be trying and accomplishing new things for our own benefit or that of others, is the parent even of speculative, and much more of practical, talent. The intellectual culture compatible with the other type is of that feeble and vague description, which belongs to a mind that stops at amusement, or at simple contemplation. The test of real and vigorous thinking, the thinking which ascertains truths instead of dreaming dreams, is successful application to practice. Where that purpose does not exist, to give definiteness, precision, and an intelligible meaning to thought, it generates nothing better than the mystical metaphysics of the Pythagoreans or the Vedas. With respect to practical improvement, the case is still more evident. The character which improves human life is that which struggles with natural powers and tendencies, not that which gives way to them. The self-benefiting qualities are all on the side of the active and energetic character: and the habits and conduct which promote the advantage of each individual member of the community, must be at least a part of those which condue most in the end to the advancement of the community as a whole.

But on the point of moral preferability, there seems at first sight to be room for doubt. I am not referring to the religious feeling which has so generally existed in favour of the inactive character, as being more in harmony with the submission due to the divine will. Christianity as well as other religions has fostered this sentiment; but it is the prerogative of Christianity, as regards this and many other perversions, that it is able to throw them off. Abstractedly from religious considerations, a passive character, which yields to obstacles instead of striving to overcome them, may not indeed be very useful to others, no more than to itself, but it might be expected to be at least inoffensive. Contentment is always counted among the moral virtues. But it is a complete error to suppose that contentment is necessarily or naturally attendant on passivity of character; and unless it is, the moral consequences are mischievous. Where there exists a desire for advantages not possessed, the mind which does not potentially possess them by means of its own energies, is apt to look with hatred and malice on those
who do. The person bestirring himself with hopeful prospects to improve his circumstances, is the one who feels goodwill towards others engaged in, or who have succeeded in, the same pursuit. And where the majority are so engaged, those who do not attain the object have had the tone given to their feelings by the general habit of the country, and ascribe their failure to want of effort or opportunity, or to their personal ill luck. But those who, while desiring what others possess, put no energy into striving for it, are either incessantly grumbling that fortune does not do for them what they do not attempt to do for themselves, or overflowing with envy and ill-will towards those who possess what they would like to have.

In proportion as success in life is seen or believed to be the fruit of fatality or accident and not of exertion, in that same ratio does envy develope itself as a point of national character. The most envious of all mankind are the Orientals. In Oriental moralists, in Oriental tales, the envious man is markedly prominent. In real life, he is the terror of all who possess anything desirable, be it a palace, a handsome child, or even good health and spirits: the supposed effect of his mere look constitutes the all-pervading superstition of the evil eye. Next to Orientals in envy, as in activity, are some of the Southern Europeans. The Spaniards pursued all their great men with it, embittered their lives, and generally succeeded in putting an early stop to their successes.([FN1] With the French, who are essentially a southern people, the double education of despotism and Catholicism has, in spite of their impulsive temperament, made submission and endurance the common character of the people, and their most received notion of wisdom and excellence: and if envy of one another, and of all superiority, is not more rife among them than it is, the circumstance must be ascribed to the many valuable counteracting elements in the French character, and most of all to the great individual energy which, though less persistent and more intermittent than in the self-helping and struggling Anglo-Saxons, has nevertheless manifested itself among the French in nearly every direction in which the operation of their institutions has been favourable to it.

There are, no doubt, in all countries, really contented characters, who not merely do not seek, but do not desire, what they do not already possess, and these naturally bear no ill-will towards such as have apparently a more favoured lot. But the great mass of seeming contentment is real discontent, combined with indolence or self-indulgence, which, while taking no legitimate means of raising itself, delights in bringing others down to its own level. And if we look narrowly even at the cases of innocent contentment, we perceive that they only win our admiration, when the indifference is solely to improvement in outward circumstances, and there is a striving for perpetual advancement in spiritual worth, or at least a disinterested zeal to benefit others. The contented man, or the contented family, who have no ambition to make any one else happier, to promote the good of their country or their neighbourhood, or to improve themselves in moral excellence, excite in us neither admiration nor approval. We rightly ascribe this sort of contentment to mere unmanliness and want of spirit. The content which we approve, is an ability to do cheerfully without what cannot be had, a just appreciation of the comparative value of different objects of desire, and a willing renunciation of the less when incompatible with the greater. These, however, are excellences more natural to the character, in proportion as it is actively engaged in the attempt to improve its own or some other lot. He who is continually measuring his energy against difficulties, learns what are the difficulties insuperable to him, and what are those which though he might overcome, the success is not worth the cost. He whose thoughts and activities are all needed for, and habitually employed in, practicable and useful enterprises, is the person of all others least likely to let his mind dwell with brooding discontent upon things either not worth attaining, or which are not so to him. Thus the active, self-helping character is not only intrinsically the best, but is the likeliest to acquire all that is really excellent or desirable in the opposite type.

The striving, go-ahead character of England and the United States is only a fit subject of disapproving criticism, on account of the very secondary objects on which it commonly expends its strength. In itself it is the foundation of the best hopes for the general improvement of mankind. It has been acutely remarked, that whenever anything goes amiss, the habitual impulse of French people is to say, “Il faut de la patience;” and of English people, “What a shame.” The people who think it a shame when anything goes wrong—who rush to the conclusion that the evil could and ought to have been prevented, are those who, in the long run, do most to make the world better. If the
desires are low placed, if they extend to little beyond physical comfort and the show of riches, the immediate results of the energy will not be much more than the continual extension of man’s power over material objects; but even this makes room, and prepares the mechanical appliances, for the greatest intellectual and social achievements; and while the energy is there, some persons will apply it, and it will be applied more and more, to the perfecting not of outward circumstances alone, but of man’s inward nature. Inactivity, unaspiringness, absence of desire, have a more fatal hindrance to improvement than any misdirection of energy; and are that through which alone, when existing in the mass, any very formidable misdirection by an energetic few becomes possible. It is this, mainly, which retains in a savage or semi-savage state the great majority of the human race.

"Now there can be no kind of doubt that the passive type of character is favoured by the government of one or a few, and the active self-helping type by that of the Many. Irresponsible rulers need the quiescence of the ruled, more than they need any activity but that which they can compel. Submissiveness to the prescriptions of men as necessities of nature, is the lesson inculcated by all governments upon those who are wholly without participation in them."

Now there can be no kind of doubt that the passive type of character is favoured by the government of one or a few, and the active self-helping type by that of the Many. Irresponsible rulers need the quiescence of the ruled, more than they need any activity but that which they can compel. Submissiveness to the prescriptions of men as necessities of nature, is the lesson inculcated by all governments upon those who are wholly without participation in them. The will of superiors, and the law as the will of superiors, must be passively yielded to. But no men are mere instruments or materials in the hands of their rulers, who have will or spirit or a spring of internal activity in the rest of their proceedings: and any manifestation of these qualities, instead of receiving encouragement from despots, has to get itself forgiven by them. Even when irresponsible rulers are not sufficiently conscious of danger from the mental activity of their subjects to be desirous of repressing it, the position itself is a repression. Endeavour is even more effectually restrained by the certainty of its impotence, than by any positive discouragement. Between subjection to the will of others, and the virtues of self-help and self-government, there is a natural incompatibility. This is more or less complete, according as the bondage is strained or relaxed. Rulers differ very much in the length to which they carry the control of the free agency of their subjects, or the supersession of it by managing their business for them. But the difference is in degree, not in principle; and the best despots often go the greatest lengths in chaining up the free agency of their subjects. A bad despot, when his own personal indulgences have been provided for, may sometimes be willing to let the people alone; but a good despot insists on doing them good, by making them do their own business in a better way than they themselves know of. The regulations which restricted to fixed processes all the leading branches of French manufactures, were the work of the great Colbert.

Very different is the state of the human faculties where a human being feels himself under no other external restraint than the necessities of nature, or mandates of society which he has his share in imposing, and which it is open to him, if he thinks them wrong, publicly to dissent from, and exert himself actively to get altered. No doubt, under a government partially popular, this freedom may be exercised even by those who are not partakers in the full privileges of citizenship. But it is a great additional stimulus to any one’s self-help and self-reliance when he starts from even ground, and has not to feel that his success depends on the impression he can make upon the sentiments and dispositions of a body of whom he is not one. It is a great discouragement to an individual, and a still greater one to a class, to be reduced to plead from outside the door to the arbiters of their destiny, not taken into the consultation within. The maximum of the invigorating effect of freedom upon the character is only obtained,
when the person acted on either is, or is looking forward to becoming, a citizen as fully privileged as any other. What is still more important than even this matter of feeling, is the practical discipline which the character obtains, from the occasional demand made upon the citizens to exercise, for a time and in their turn, some social function. It is not sufficiently considered how little there is in most men's ordinary life to give any largeness either to their conceptions or to their sentiments. Their work is a routine; not a labour of love, but of self-interest in the most elementary form, the satisfaction of daily wants; neither the thing done, nor the process of doing it, introduces the mind to thoughts or feelings extending beyond individuals; if instructive books are within their reach, there is no stimulus to read them; and in most cases the individual has no access to any person of cultivation much superior to his own. Giving him something to do for the public, supplies, in a measure, all these deficiencies. If circumstances allow the amount of public duty assigned him to be considerable, it makes him an educated man. Notwithstanding the defects of the social system and moral ideas of antiquity, the practice of the dicastery and the ecclesia raised the intellectual standard of an average Athenian citizen far beyond anything of which there is yet an example in any other mass of men, ancient or modern. The proofs of this are apparent in every page of our great historian of Greece;[FN2] but we need scarcely look further than to the high quality of the addresses which their great orators deemed best calculated to act with effect on their understanding and will. A benefit of the same kind, though far less in degree, is produced on Englishmen of the lower middle class by their liability to be placed on juries and to serve parish offices; which, though it does not occur to so many, nor is so continuous, nor introduces them to so great a variety of elevated considerations, as to admit of comparison with the public education which every citizen of Athens obtained from her democratic institutions, must make them nevertheless very different beings, in range of ideas and development of faculties, from those who have done nothing in their lives but drive a quill, or sell goods over a counter. Still more salutary is the moral part of the instruction afforded by the participation of the private citizen, if even rarely, in public functions. He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence the common good: and he usually finds associated with him in the same work minds more familiarized than his own with these ideas and operations, whose study it will be to supply reasons to his understanding, and stimulation to his feeling for the general interest. He is made to feel himself one of the public, and whatever is for their benefit to be for his benefit. Where this school of public spirit does not exist, scarcely any sense is entertained that private persons, in no eminent social situation, owe any duties to society, except to obey the laws and submit to the government. There is no unselfish sentiment of identification with the public. Every thought or feeling, either of interest or of duty, is absorbed in the individual and in the family. The man never thinks of any collective interest, of any objects to be pursued jointly with others, but only in competition with them, and in some measure at their expense. A neighbour, not being an ally or an associate, since he is never engaged in any common undertaking for joint benefit, is therefore only a rival. Thus even private morality suffers, while public is actually extinct. Were this the universal and only possible state of things, the utmost aspirations of the lawgiver or the moralist could only stretch to making the bulk of the community a flock of sheep innocently nibbling the grass side by side.

“Thus even private morality suffers, while public is actually extinct. Were this the universal and only possible state of things, the utmost aspirations of the lawgiver or the moralist could only stretch to making the bulk of the community a flock of sheep innocently nibbling the grass side by side.”

From these accumulated considerations it is evident, that the only government which can fully satisfy all the exigencies of the social state, is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as
great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable, than the admission of all to a share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative.

Notes

[1] I limit the expression to past time, because I would say nothing derogatory of a great, and now at last a free, people, who are entering into the general movement of European progress with a vigour which bids fair to make up rapidly the ground they have lost. No one can doubt what Spanish intellect and energy are capable of; and their faults as a people are chiefly those for which freedom and industrial ardour are a real specific.

Further Information

SOURCE


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FURTHER READING

Other works by John Stuart Mill (1806-1873)
</people/john-stuart-mill>.
PART IV: ECONOMIC LIBERTY
“No regulation of commerce can increase the quantity of industry in any society beyond what its capital can maintain. It can only divert a part of it into a direction into which it might not otherwise have gone.”
Adam Smith (1723-1790) is commonly regarded as the first modern economist with the publication in 1776 of *The Wealth of Nations*. He wrote in a wide range of disciplines: moral philosophy, jurisprudence, rhetoric and literature, and the history of science. He was one of the leading figures in the Scottish Enlightenment. Smith also studied the social forces giving rise to competition, trade, and markets. While professor of logic, and later professor of moral philosophy at Glasgow University, he also had the opportunity to travel to France, where he met François Quesnay and the physiocrats; he had friends in business and the government, and drew broadly on his observations of life as well as careful statistical work summarizing his findings in tabular form. He is viewed as the founder of modern economic thought, and his work inspires economists to this day. The economic phrase for which he is most famous, the “invisible hand” of economic incentives, was only one of his many contributions to the modern-day teaching of economics. [The image comes from “The Warren J. Samuels Portrait Collection at Duke University.”]

Smith’s great work on political economy was first published in 1776, the year in which the American Revolution officially began, Smith’s *Wealth of Nations* sparked a revolution of its own. In it Smith analyzes the major elements of political economy, from market pricing and the division of labor to monetary, tax, trade, and other government policies that affect economic behavior. Throughout he offers seminal arguments for free trade, free markets, and limited government.

In this chapter from Book 4 Smith discusses the pros and cons of the free importation of things produced in foreign countries which were also produced within Britain. He comes down strongly in favor of free trade with only a few minor exceptions in times of war, retaliation in tariff wars, and for the equalization of taxation of imported products. The ideas he expressed here laid the intellectual foundation for Britain’s policy of free trade which began with the repeal of the Corn Laws in 1846 and lasted for the rest of the 19th century.

It should be noted that Smith’s famous metaphor of the “invisible hand” appears here as part of Smith’s defence of free trade.
II. “Of Restraints upon the Importation from foreign Countries of such Goods as can be produced at Home” (1776)  

1. By restraining, either by high duties, or by absolute prohibitions, the importation of such goods from foreign countries as can be produced at home, the monopoly of the home-market is more or less secured to the domestick industry employed in producing them. Thus the prohibition of importing either live cattle or salt provisions from foreign countries secures to the graziers of Great Britain the monopoly of the home-market for butchers-meat. The high duties upon the importation of corn, which in times of moderate plenty amount to a prohibition, give a like advantage to the growers of that commodity. The prohibition of the importation of foreign woollens is equally favourable to the woolen manufacturers. The silk manufacture, though altogether employed upon foreign materials, has lately obtained the same advantage. The linen manufacture has not yet obtained it, but is making great strides towards it. Many other sorts of manufacturers have, in the same manner, obtained in Great Britain, either altogether, or very nearly a monopoly against their countrymen. The variety of goods of which the importation into Great Britain is prohibited, either absolutely, or under certain circumstances, greatly exceeds what can easily be suspected by those who are not well acquainted with the laws of the customs.

2. That this monopoly of the home-market frequently gives great encouragement to that particular species of industry which enjoys it, and frequently turns towards that employment a greater share of both the labour and stock of the society than would otherwise have gone to it, cannot be doubted. But whether it tends either to increase the general industry of the society, or to give it the most advantageous direction, is not, perhaps, altogether so evident.

3. The general industry of the society never can exceed what the capital of the society can employ. As the number of workmen that can be kept in employment by any particular person must bear a certain proportion to his capital, so the number of those that can be continually employed by all the members of a great society, must bear a certain proportion to the whole capital of that society, and never can exceed that proportion. No regulation of commerce can increase the quantity of industry in any society beyond what its capital can maintain. It can only divert a part of it into a direction into which it might not otherwise have gone; and it is by no means certain that this artificial direction is likely to be more advantageous to the society than that into which it would have gone of its own accord.

4. Every individual is continually exerting himself to find out the most advantageous employment for whatever capital he can command. It is his own advantage, indeed, and not that of the society, which he has in view. But the study of his own advantage naturally, or rather necessarily leads him to prefer that employment which is most advantageous to the society.

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5. First, every individual endeavours to employ his capital as near home as he can, and consequently as much as he can in the support of domestick industry; provided always that he can thereby obtain the ordinary, or not a great deal less than the ordinary profits of stock.

[we have cut Smith’s discussion of the Konnisberg-Lisbon trade Sections 6-7]

8. The produce of industry is what it adds to the subject or materials upon which it is employed. In proportion as the value of this produce is great or small, so will likewise be the profits of the employer. But it is only for the sake of profit that any man employs a capital in the support of industry; and he will always, therefore, endeavour to employ it in the support of that industry of which the produce is likely to be of the greatest value, or to exchange for the greatest quantity either of money or of other goods. [11]

9. But the annual revenue of every society is always precisely equal to the exchangeable value of the whole annual produce of its industry, or rather is precisely the same thing with that exchangeable value. [12] As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestick industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. [13] He generally, indeed, neither intends to promote the publick interest, nor knows how much he is promoting it. By preferring the support of domestick to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. [14] Nor is it always the worse for the society that it was no part of it. By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the publick good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it. [15]

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10. What is the species of domestick industry which his capital can employ, and of which the produce is likely to be of the greatest value, every individual, it is evident, can, in his local situation, judge much better than any statesman or lawgiver can do for him. The stateman, who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted, not only to no single person, but to no council or senate whatever, and which would
nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it. [16]

“To give the monopoly of the home-market to the produce of domestick industry, in any particular art or manufacture, is in some measure to direct private people in what manner they ought to employ their capitals, and must, in almost all cases, be either a useless or a hurtful regulation.”

11. To give the monopoly of the home-market to the produce of domestick industry, in any particular art or manufacture, is in some measure to direct private people in what manner they ought to employ their capitals, and must, in almost all cases, be either a useless or a hurtful regulation. If the produce of domestick can be brought there as cheap as that of foreign industry, the regulation is evidently useless. If it cannot, it must generally be hurtful. It is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than to buy. The taylor does not attempt to make his own shoes, but buys them of the shoemaker. The shoemaker does not attempt to make his own cloaths, but employs a taylor. The farmer attempts to make neither the one nor the other, but employs those different artificers. All of them find it for their interest to employ their whole industry in a way in which they have some advantage over their neighbours, and to purchase with a part of its produce, or what is the same thing, with the price of a part of it, whatever else they have occasion for. [17]

“What is prudence in the conduct of every private family, can scarce be folly in that of a great kingdom. If a foreign country can supply us with a commodity cheaper than we ourselves can make it, better buy it of them with some part of the produce of our own industry, employed in a way in which we have some advantage.”

12. What is prudence in the conduct of every private family, can scarce be folly in that of a great kingdom. If a foreign country can supply us with a commodity cheaper than we ourselves can make it, better buy it of them with some part of the produce of our own industry, employed in a way in which we have some advantage. [18] The general industry of the country, being always in proportion to the capital which employs it, will not thereby be diminished, no more than that of the above-mentioned artificers; but only left to find out the way in which it can be employed with the greatest advantage. It is certainly not employed to the greatest advantage, when it is thus directed towards an object which it can buy cheaper than it can make. The value of its annual produce is certainly more or less diminished, when it is thus turned away from producing commodities evidently of more value than the commodity which it is directed to produce. According to the supposition, that commodity could be purchased from foreign countries cheaper than it can be made at home. It could, therefore, have been purchased with a part only of the commodities, or, what is the same thing, with a part only of the price of the commodities, which the industry employed by an equal capital, would have produced at home, had it been left to follow its natural course. The industry of the country, therefore, is thus turned away from a more, to a less advantageous employment, and the exchangeable value of its annual produce, instead of being increased, according to the intention of the lawgiver, must necessarily be diminished by every such regulation. [19]

13. By means of such regulations, indeed, a particular manufacture may sometimes be acquired sooner than it could have been otherwise, and after a certain time may be made at home as cheap or cheaper than in the foreign country. But through the industry of the society may be thus carried with advantage into a particular channel sooner than it could have been otherwise, it will by no means follow that the sum total, either of its industry, or of its revenue, can ever be augmented by any such regulation. The industry of the society can augment only in proportion as its capital augments, and its capital can augment only in proportion to what can be gradually saved out of its revenue. But the immediate effect of every such
regulation is to diminish its revenue, and what diminishes its revenue, is certainly not very likely to augment its capital faster than it would have augmented of its own accord, had both capital and industry been left to find out their natural employments.

"The industry of the society can augment only in proportion as its capital augments, and its capital can augment only in proportion to what can be gradually saved out of its revenue. But the immediate effect of every such regulation is to diminish its revenue, and what diminishes its revenue, is certainly not very likely to augment its capital faster than it would have augmented of its own accord"

14. Though for want of such regulations the society should never acquire the proposed manufacture, it would not, upon that account, necessarily be the poorer in any one period of its duration. In every period of its duration its whole capital and industry might still have been employed, though upon different objects, in the manner that was most advantageous at the time. In every period its revenue might have been the greatest which its capital could afford, and both capital and revenue might have been augmented with the greatest possible rapidity.

15. The natural advantages which one country has over another in producing particular commodities are sometimes so great, that it is acknowledged by all the world to be in vain to struggle with them. By means of glasses, hotbeds, and hotwalls, very good grapes can be raised in Scotland, and very good wine too can be made of them at about thirty times the expence for which at least equally good can be brought from foreign countries. Would it be a reasonable law to prohibit the importation of all foreign wines, merely to encourage the making of claret and burgundy in Scotland? But if there would be a manifest absurdity in turning towards any employment, thirty times more of the capital and industry of the country, than would be necessary to purchase from foreign countries an equal quantity of the commodities wanted, there must be an absurdity, though not altogether so glaring, yet exactly of the same kind, in turning towards any such employment a thirtieth, or even a three hundredth part more of either. Whether the advantages which one country has over another, be natural or acquired, is in this respect of no consequence. As long as the one country has those advantages, and the other wants them, it will always be more advantageous for the latter, rather to buy of the former than to make. It is an acquired advantage only, which one artificer has over his neighbour, who exercises another trade; and yet they both find it more advantageous to buy of one another, than to make what does not belong to their particular trades. [21]

16. Merchants and manufacturers are the people who derive the greatest advantage from this monopoly of the home market. The prohibition of the importation of foreign cattle, and of salt provisions, together with the high duties upon foreign corn, which in times of moderate plenty amount to a prohibition, are not near so advantageous to the graziers and farmers of Great Britain, as other regulations of the same kind are to its merchants and manufacturers. Manufactures, those of the finer kind especially, are more easily transported from one country to another than corn or cattle. It is in the fetching and carrying manufactures, accordingly, that foreign trade is chiefly employed. In manufactures, a very small advantage will enable foreigners to undersell our own workmen, even in the home market. It will require a very great one to enable them to do so in the rude produce of the soil. If the free importation of foreign manufactures was permitted, several of the home manufactures would probably suffer, and some of them, perhaps, go to ruin altogether, and a considerable part of the stock and industry at present employed in them, would be forced to find out some other employment. But the freest importation of the rude produce of the soil could have no such effect upon the agriculture of the country.

[we have cut Smith's discussion of the importation of foreign cattle & salt Sections 17-19]

20. Even the free importation of foreign corn could very little affect the interest of the farmers of Great Britain. Corn is a much more bulky commodity than butcher’s—meat. A pound of wheat at a
penny is as dear as a pound of butcher’s-meat at fourpence. The small quantity of foreign corn imported even in times of the greatest scarcity, may satisfy our farmers that they can have nothing to fear from the freest importation. The average quantity imported, one year with another, amounts only, according to the very well informed author of the tracts upon the corn trade, to twenty-three thousand seven hundred and twenty-eight quarters of all sorts of grain, and does not exceed the five hundred and seventy-one part of the annual consumption. But as the bounty upon corn occasions a greater exportation in years of plenty, so it must of consequence occasion a greater importation in years of scarcity, than in the actual state of tillage, would otherwise take place. By means of it, the plenty of one year does not compensate the scarcity of another, and as the average quantity exported is necessarily augmented by it, so must likewise, in the actual state of tillage, the average quantity imported. If there was no bounty, as less corn would be exported, so it is probable that, one year with another, less would be imported than at present. The corn merchants, the fetchers and carriers of corn, between Great Britain and foreign countries, would have much less employment, and might suffer considerably; but the country gentlemen and farmers could suffer very little. It is in the corn merchants accordingly, rather than in the country gentlemen and farmers, that I have observed the greatest anxiety for the renewal and continuation of the bounty.

21. Country gentlemen and farmers are, to their great honour, of all people, the least subject to the wretched spirit of monopoly. The undertaker of a great manufactory is sometimes alarmed if another work of the same kind is established within twenty miles of him. The Dutch undertaker of the woollen manufacture at Abbeville, stipulated that no work of the same kind should be established within thirty leagues of that city. Farmers and country gentlemen, on the contrary, are generally disposed rather to promote than to obstruct the cultivation and improvement of their neighbours farms and estates. They have no secrets, such as those of the greater part of manufacturers, but are generally rather fond of communicating to their neighbours, and of extending as far as possible any new practice which they have found to be advantageous. Pius Questus, says old Cato, stabilissimusque, minimeque invidiosus; minimeque male cogiantes sunt, qui in eo studio occupati sunt. Country gentlemen and farmers, dispersed in different parts of the country, cannot so easily combine as merchants and manufacturers, who being collected into towns, and accustomed to that exclusive corporation spirit which prevails in them, naturally endeavour to obtain against all their countrymen, the same exclusive privilege which they generally possess against the inhabitants of their respective towns. They accordingly seem to have been the original inventors of those restraints upon the importation of foreign goods, which secure to them the monopoly of the home-market. It was probably in imitation of them, and to put themselves upon a level with those who, they found, were disposed to oppress them, that the country gentlemen and farmers of Great Britain so far forgot the generosity which is natural to their station, as to demand the exclusive privilege of supplying their countrymen with corn and butcher’s-meat. They did not perhaps take time to consider, how much less their interest could be affected by the freedom of trade, than that of the people whose example they followed.

“Merchants and manufacturers, who being collected into towns, and accustomed to that exclusive corporation spirit which prevails in them, naturally endeavour to obtain against all their countrymen, the same exclusive privilege which they generally possess against the inhabitants of their respective towns. They accordingly seem to have been the original inventors of those restraints upon the importation of foreign goods, which secure to them the monopoly of the home-market.”

22. To prohibit by a perpetual law the importation of foreign corn and cattle, is in reality to enact, that the population and industry of the country shall at no time exceed what the rude produce of its own soil can maintain.

23. There seem, however, to be two cases in which it will generally be advantageous to lay some burden upon foreign, for the encouragement of domestick industry.
37. As there are two cases in which it will generally be advantageous to lay some burden upon foreign, for the encouragement of domestick industry; so there are two others in which it may sometimes be a matter of deliberation; in the one, how far it is proper to continue the free importation of certain foreign goods; and in the other, how far, or in what manner it may be proper to restore that free importation after it has been for some time interrupted.

38. The case in which it may sometimes be a matter of deliberation how far it is proper to continue the free importation of certain foreign goods, is, when some foreign nation restrains by high duties or prohibitions the importation of some of our manufactures into their country. Revenge in this case naturally dictates retaliation, and that we should impose the like duties and prohibitions upon the importation of some or all of their manufactures into ours. Nations, accordingly seldom fail to retaliate in this manner. The French have been particularly forward to favour their own manufactures by restraining the importation of such foreign goods as could come into competition with them. In this consisted a great part of the policy of Mr. Colbert, who, notwithstanding his great abilities, seems in this case to have been imposed upon by the sophistry of merchants and manufacturers, who are always demanding a monopoly against their countrymen. It is at present the opinion of the most intelligent men in France that his operations of this kind have not been beneficial to his country. That minister, by the tariff of 1667, imposed very high duties upon a great number of foreign manufactures. Upon his refusing to moderate them in favour of the Dutch, they in 1671 prohibited the importation of the wines, brandies, and manufactures of France. The war of 1672 seems to have been in part occasioned by this commercial dispute. The peace of Nimeguen put an end to it in 1678, by moderating some of those duties in favour of the Dutch, who in consequence took off their prohibition. It was about the same time that the French and English began mutually to oppress each other’s industry, by the like duties and prohibitions, of which the French, however, seem to have set the first example. The spirit of hostility which has subsisted between the two nations ever since, has hitherto hindered them from being moderated on either side. In 1697 the English prohibited the importation of bonelace, the manufacture of Flanders. The government of that country, at that time under the dominion of Spain, prohibited in return the importation of English woollens. In 1700, the prohibition of importing bonelace into England, was taken off upon condition that the importation of English woollens into Flanders should be put on the same footing as before.

39. There may be good policy in retaliations of this kind, when there is a probability that they will procure the repeal of the high duties or prohibitions complained of. The recovery of a great foreign market will generally more than compensate the transitory inconveniency of paying dearer during a short time for some sorts of goods. To judge whether such retaliations are likely to produce such an effect, does not, perhaps, belong so much to the science of a legislator, whose deliberations ought to be governed by general principles which are always the same, as to the skill of that insidious and crafty animal, vulgarly called a statesman or politician, whose councils are directed by the momentary fluctuations of affairs. When there is no probability that any such repeal can be procured, it seems a bad method of compensating the injury done to certain classes of our people, to do another injury ourselves, not only to those classes, but to almost all the other classes of them. When our neighbours prohibit some manufacture of ours, we generally prohibit, not only the same, for that alone would seldom affect them considerably, but some other manufacture of theirs. This may no doubt give encouragement to some particular class of workmen among ourselves, and by excluding some of their rivals, may enable them to raise their price in the home–market. Those workmen, however, who suffered by our neighbours prohibition will not be benefited by ours. On the contrary, they and almost all the other classes of our citizens will thereby be obliged to pay dearer than before for certain goods. Every such law, therefore, imposes a real tax upon the whole country, not in favour of that particular class of workmen who were injured by our neighbours prohibition, but of some other class.

“To judge whether such retaliations are likely to produce such an effect, does not, perhaps, belong so much to the science of a legislator, whose deliberations ought to...
be governed by general principles which are always the same, as to the skill of that insidious and crafty animal, vulgarly called a statesman or politician, whose councils are directed by the momentary fluctuations of affairs.”

40. The case in which it may sometimes be a matter of deliberation, how far, or in what manner it is proper to restore the free importation of foreign goods, after it has been for some time interrupted, is, when particular manufactures, by means of high duties or prohibitions upon all foreign goods which can come into competition with them, have been so far extended as to employ a great multitude of hands. [54]

Humanity may in this case require that the freedom of trade should be restored only by slow gradations, and with a good deal of reserve and circumspection. Were those high duties and prohibitions taken away all at once, cheaper foreign goods of the same kind might be poured so fast into the home market, as to deprive all at once many thousands of our people of their ordinary employment and means of subsistence. The disorder which this would occasion might no doubt be very considerable. It would in all probability, however, be much less than is commonly imagined, for the two following reasons:

41. First, all those manufactures, of which any part is commonly exported to other European countries without a bounty, could be very little affected by the freest importation of foreign goods. Such manufactures must be sold as cheap abroad as any other foreign goods of the same quality and kind, and consequently must be sold cheaper at home. They would still, therefore, keep possession of the home market, and though a capricious man of fashion might sometimes prefer foreign wares, merely because they were foreign, to cheaper and better goods of the same kind that were made at home, this folly could, from the nature of things, extend to so few, that it could make no sensible impression upon the general employment of the people. But a great part of all the different branches of our woolen manufacture, of our tanned leather, and of our hardware, are annually exported to other European countries without any bounty, and these are the manufactures which employ the greatest number of hands. The silk, perhaps, is the manufacture which would suffer the most by this freedom of trade, and after it the linen, though the latter much less than the former.

“Though a great number of people should, by thus restoring the freedom of trade, be thrown all at once out of their ordinary employment and common method of subsistence, it would by no means follow that they would thereby be deprived either of employment or subsistence. By the reduction of the army and navy at the end of the late war more than a hundred thousand soldiers and seamen, a number equal to what is employed in the greatest manufactures, were all at once thrown out of their ordinary employment; but, though they no doubt suffered some inconveniency, they were not thereby deprived of all employment and subsistence.”

42. Secondly, though a great number of people should, by thus restoring the freedom of trade, be thrown all at once out of their ordinary employment and common method of subsistence, it would by no means follow that they would thereby be deprived either of employment or subsistence. By the reduction of the army and navy at the end of the late war more than a hundred thousand soldiers and seamen, a number equal to what is employed in the greatest manufactures, were all at once thrown out of their ordinary employment; but, though they no doubt suffered some inconveniency, they were not thereby deprived of all employment and subsistence. The greater part of the seamen, it is probable, gradually betook themselves to the merchant-service as they could find occasion, and in the mean time both they and the soldiers were absorbed in the great mass of the people, and employed in a great variety of occupations.
Not only no great convulsion, but no sensible disorder arose from so great a change in the situation of more than a hundred thousand men, all accustomed to the use of arms, and many of them to rapine and plunder. The number of vagrants was scarce anywhere sensibly increased by it, even the wages of labour were not reduced by it in any occupation, so far as I have been able to learn, except in that of seamen in the merchant-service. [55] But if we compare together the habits of a soldier and of any sort of manufacturer, we shall find that those of the latter do not tend so much to disqualify him from being employed in a new trade, as those of the former from being employed in any. The manufacturer has always been accustomed to look for his subsistence from his labour only: the soldier to expect it from his pay. Application and industry have been familiar to the one; idleness and dissipation to the other. But it is surely much easier to change the direction of industry from one sort of labour to another, than to turn idleness and dissipation to any. To the greater part of manufactures besides, it has already been observed, [56] there are other collateral manufactures of so similar a nature, that a workman can easily transfer his industry from one of them to another. The greater part of such workmen too are occasionally employed in country labour. The stock which employed them in a particular manufacture before, will still remain in the country to employ an equal number of people in some other way. The capital of the country remaining the same, the demand for labour will likewise be the same, or very nearly the same, though it may be exerted in different places and for different occupations. Soldiers and seamen, indeed, when discharged from the king’s service, are at liberty to exercise any trade, within any town or place of Great Britain or Ireland. [57] Let the same natural liberty of exercising what species of industry they please be restored to all his majesty’s subjects, in the same manner as to soldiers and seamen; that is, break down the exclusive privileges of corporations, and repeal the statute of apprenticeship, both which are real encroachments upon natural liberty, and add to these the repeal of the law of settlements, so that a poor workman, when thrown out of employment either in one trade or in one place, may seek for it in another trade or in another place, without the fear either of a prosecution or of a removal.”

43. To expect, indeed, that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it. Not only the prejudices of the publick, but what is much more unconquerable, the private interests of many individuals, irresistibly oppose it. Were the officers of the army to oppose with the same zeal and unanimity any reduction in the number of forces, with which master manufacturers set themselves against every law that is likely to increase the number of their rivals in the home market; were the former to animate their soldiers, in the same manner as the latter enflame their workmen, to attack with violence and outrage the proposers of any such regulation; to attempt to reduce the army would be as dangerous as it has now become to attempt to diminish in any respect the monopoly which our manufacturers have obtained against us. This monopoly has so much increased the number of some particular tribes of them, that, like an overgrown standing army, they have become formidable to the government, and upon many occasions intimidate the legislature. [59] The member
of parliament who supports every proposal for strengthening this monopoly, is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of men whose numbers and wealth render them of great importance. If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest publick services can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger, arising from the insolent outrage of furious and disappointed monopolists.

“To expect, indeed, that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it. Not only the prejudices of the publick, but what is much more unconquerable, the private interests of many individuals, irresistibly oppose it.”

“The legislature, were it possible that its deliberations could be always directed, not by the clamorous importunity of partial interests, but by an extensive view of the general good, ought upon this very account, perhaps, to be particularly careful neither to establish any new monopolies of this kind, nor to extend further those which are already established. Every such regulation introduces some degree of real disorder into the constitution of the state, which it will be difficult afterwards to cure without occasioning another disorder.”

44. The undertaker of a great manufacture who, by the home markets being suddenly laid open to the competition of foreigners, should be obliged to abandon his trade, would no doubt suffer very considerably. That part of his capital which had usually been employed in purchasing materials and in paying his workmen, might, without much difficulty, perhaps, find another employment. But that part of it which was fixed in workhouses, and in the instruments of trade, could scarce be disposed of without considerable loss. The equitable regard, therefore, to his interest requires that changes of this kind should never be introduced suddenly, but slowly, gradually, and after a very long warning. The legislature, were it possible that its deliberations could be always directed, not by the clamorous importunity of partial interests, but by an extensive view of the general good, ought upon this very account, perhaps, to be particularly careful neither to establish any new monopolies of this kind, nor to extend further those which are already established. Every such regulation introduces some degree of real disorder into the constitution of the state, which it will be difficult afterwards to cure without occasioning another disorder.

How far it may be proper to impose taxes upon the importation of foreign goods, in order, not to prevent their importation, but to raise a revenue for government, I shall consider hereafter when I come to treat of taxes. [61] Taxes imposed with a view to prevent, or even to diminish importation, are evidently as destructive of the revenue of the customs as of the freedom of trade.

Notes

[1] By 18 and 19 Charles II, c. 2 (1666) in Statutes of the Realm, v.597; 18 Charles II, c. 2 in Ruffhead’s edition. Imports from Ireland were allowed from 1759 by 32 George II, c. 11 (1758). See above, III.iv.20, and below, IV.ii.16 and VII.k.13.

[3] By 4 Edward IV, c. 1 (1464). Controls over the import and export of wool are discussed at IV.viii.17, where it is pointed out that the manufacturers of woollen products had been more successful than others in persuading the legislature to meet their special needs. Cf. Pownall, Letter, 29–31. In Letter 203 addressed to William Eden, dated 3 January 1780, Smith called for a repeal of all prohibitions on importation, and that on the exportation of wool.

[4] 6 George III, c. 28 (1766), extended by 11 George III, c. 49 (1771). See below, IV.iv.7. See also above, II.v.15 and III.iii.19, where Smith comments on the fact that the silk manufacture was based on foreign materials.

[5] Additional duties were imposed from 25 May 1767 by 7 George III, c. 28 (1766).

[6] In the letter (203) to Eden just cited, Smith commented on the ineffectiveness of absolute prohibitions on importation, and added that:

About a week after I was made a Commissioner of the Customs, upon looking over the list of prohibited goods, (which is hung up in every Customhouse and which is well worth your considering) and upon examining my own wearing apparel, I found, to my great astonishment, that I had scarce a stock, a cravat, a pair of ruffles, or a pocket handkerchief which was not prohibited to be worn or used in G. Britain. I wished to set an example and burnt them all. I will not advise you to examine either your own or Mrs Eden's apparel or household furniture, lest you be brought into a scrape of the same kind. See below, V.ii.k.64: 'to pretend to have any scruple about buying smuggled goods . . . would in most countries be regarded as one of those pedantic pieces of hypocrisy which . . . serve only to expose the person who affects to practice them, to the suspicion of being a greater knave than most of his neighbours.' Smith's appointment afforded Edward Gibbon an opportunity for some heavy humour; In Letter 187 addressed to Smith, dated 26 November 1777 he wrote that: Among the strange reports, which are every day circulated in this wide town, I heard one to–day so very extraordinary, that I know not how to give credit to it. I was informed that a place of Commissioner of the Customs in Scotland had been given to a Philosopher who for his own glory and for the benefit of mankind had enlightened the world by the most profound and systematic treatise on the great objects of trade and revenue which had ever been published in any age or in any Country.

[7] See above, II.v.31. Smith comments frequently on the 'natural balance of industry' in this chapter and throughout Book IV. See, for example, IV.ii.12,31, IV.v.14, and IV.va.39. The claim that an artificial direction regarding the use of resources is less satisfactory than a 'natural' one is made at IV.v.a.3,24, IV.vii.c.43,97, and cf. IV.ix.51. The idea is applied in the analysis of taxation, for example, at V.ii.k.63. It will be observed that in making this point, the reference is to the dynamic analysis of II.v. and III.i rather than to the treatment of the static allocative mechanism offered in Book I.

[8] In IJ (B) 233–4, ed. Cannan 180–1, Smith refers to 'a natural balance of industry' and to the 'natural connection of all trades', and makes the point that regulation will break the 'balance of industry'. A similar point is made in IJ (A) vi.92. The doctrine is succinctly stated in ED 3.5.:

there is in every country what may be called a natural balance of industry, or a disposition in the people to apply to each species of work precisely in proportion to the demand for that work. That whatever tends to break this balance tends to hurt national or public opulence; whether it be by giving extraordinary discouragement to some sorts of industry or extraordinary encouragement to others. In this context, the criticism is extended to bounties (see below, IV.v.) and occurs in the discussion of policies which prevent the coincidence of market and natural price. See especially, IJ (B) 232–5, ed. Cannan 180–1, and above, I.vii. Compare Mandeville's comment in the Sixth Dialogue: 'we may learn, how the short–sighted Wisdom, of perhaps well–meaning People, may rob us of a Felicity, that would flow spontaneously from the Nature of every large Society, if none were to divert or interrupt the Stream.' (The Fable of the Bees, pt. ii. 425, ed. Kaye ii.353.)


[12] A similar point is made at I.vi.17, I.xi.p.7, and II.ii.1.


[14] Cf. TMS IV.i.1.10, where Smith also uses the concept of the 'invisible hand' in an economic context.


[16] Similar sentiments are expressed in IV.v.b.16 and IV.ix.51, where intervention is said to be presumptuous and impolitic, not to mention unjust. The argument is also applied at I.x.c.12.

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[17] See above, I.ii.5.

[18] Cf. LJ (B) 261–2, ed. Cannan 204: 'All commerce that is carried on betwixt any two countries must necessarily be advantageous to both. The very intention of commerce is to exchange your own commodities for others which you think will be more convenient for you. When two men trade between themselves it is undoubtedly for the advantage of both. The case is exactly the same betwixt any two nations.' See also ED 4.9. The same example is provided in LJ (A) vi.159–60, with the qualification that exchange between individuals will always be beneficial only where they are ‘prudent’. See above, 447 n. 55.


[21] See above, I.ii.4.


[23] 22 Charles II, c. 13 (1670). See above, III.iv.20 and IV.ii.1, and below, IV.v.a.23, IV.v.b.33 and 37, IV.vii.b.33, VI.i.k.13.


[26] Charles Smith, Three Tracts on the Corn Trade and Corn Laws, 144–5. Charles Smith is described as ‘ingenious and well-informed’ at IV.v.a.4. See also IV.v.a.8 and IV.v.b.28. There is a long discussion of the bounty in IV.v.a.

[27] The same figure is quoted at IV.v.b.28. Pownall, Letter, 30, disputed these figures: ‘It is not the ratio between the surplus and this quantity exported or imported, which creates the effect: it is not a ratio of 1/571, but a ratio of 1/15, which acts and operates on the market; it is not the 1/571 part but the 1/15 part which would operate to the depression of the market and the oppression of the farmer’.

[31] See above, I.xi.g.4, and below, IV.v.a.22.

[32] See below, IV.v.a.22, where it is stated that corn merchants are the only set of men to whom the bounty could be ‘essentially serviceable’.

[33] Cf. I.xi.a, where Smith discusses the determinants of rent.

[34] The authority for the extreme statement is not clear. King stated: ‘In 1665, He [the King of France] settled Mr. Josas van Robay, a foreign Protestant, at Abbeville in Picardy, and by Letters Patent granted to him and his Workmen the free Exercise of their Religion, and several other very considerable Privileges, which their Families enjoy to this Day. This Clothier fixed the Manufacture of all sorts of Spanish Cloth in that City, and the King lent him by Agreement 2,000 Livers for every Loom he set up, until he had 40 Looms at work; so that he received 80,000 Livers. And at last it was found, he had so well established that Manufacture, that by degrees the Payment of the whole was remitted.’ (Charles King, The British Merchant (London 1743), ii.82.)

[35] ‘At ex agricolis et viri fortissimi et milites strenuissimi gignuntur, maximeque pius quaestus stabilissimusque consequitur minimeque invidiosus, minimeque male cogitantes sunt qui in eo studio occupati sunt. . . . On the other hand, it is from the farming class that the bravest men and the sturdiest soldiers come, their calling is most highly respected, their livelihood is most assured and is looked on with the least hostility, and those who are engaged in that pursuit are least inclined to be disaffected.’ (Cato, De Re Rustica, introduction, translated by W. D. Hooper, revised by H. B. Ash in Loeb Classical Library (1934), 2–3.)

[36] Smith makes much of the point regarding ease of combination in discussing positions of economic power. See, for example, L.x.c.19, IV.v.b.4,24, IV.vii.34; and cf. Iviii.i.12, where the point is brought into the discussion of wages. See also IV.viii.4, where Smith discusses the poor bargaining position of those people who were engaged in the production of linen on an outwork basis; and cf. I.x.b.50, where it is remarked that the low rates of return for such workers.
were partly due to the fact that this was not their sole employment.

[37] See above, IVi.10. Smith comments on the generosity of country gentlemen at Ix.i.p.10.

[49] Colbert is mentioned below, IVix.3,4, as a man of great industry and acuteness, who had ‘unfortunately embraced all the prejudices of the mercantile system’.

[50] Presumably this is a reference to the physiocrats, whose doctrines are reviewed in IVix. Cf. Ivix.49, where it is stated that from one point of view the inconsistencies of physiocratic policy were more marked than those of the mercantile system.


[52] 11 William III, c. 11 (1698) in Statutes of the Realm, vii.600; 11 and 12 William III, c. 11 in Ruffhead’s edition, to become effective ‘three months after the prohibition of the Woollen manufactures in Flanders shall be taken off’.

[53] Cf. Lj (B) 327, ed. Cannan 254: ‘They whom we call politicians are not the most remarkable men in the world for probity and punctuality.’

[54] Smith discusses another problem of dislocation in IVvii.c.44,45, arising from the likely loss of the American trade. He also introduces a qualification to the doctrine of free trade at IVvb.39, where he points out that the policy of one country may hinder another from establishing ‘what would otherwise be the best policy’.

[55] See above, Ix.b.45.

[56] Above, Ix.c.43.

[57] The privilege was given after particular wars by 12 Charles II, c. 16 (1660); 12 Anne, c. 14, (1712) in Statutes of the Realm, ix.791–3; 12 Anne, st.1, c. 13 in Ruffhead’s edition, and 3 George III, c. 8 (1762). See above, Ix.c.9.

[58] The obstructions caused by the corporation laws and the Poor Laws are discussed above, Ix.c.

[59] See above, Ixi.p.10, where Smith points out that mercantile groups may influence the legislature. Cf. Iviii.13, Ix.c.61, IVviiib.49, IVviii.17, and Vi.e.4.

[60] TMS VIii.2.8 states that: ‘Upon the manner in which any state is divided into the different orders and societies which compose it . . . depends what is called the constitution of that particular state.’ For a more conventional use of the term, see below, IVvii.e.77. In the chapter of the TMS above cited, Smith spends a good deal of time in describing the ‘subaltern’ societies which comprise the state and the loyalties which they attract; an interesting emphasis when we recall that Part VI was the last major piece of work which Smith completed, together with the emphasis given to economic pressure groups, especially in WN IV.

Further Information

SOURCE


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FURTHER READING

Other works by Adam Smith (1723-1790) <oll.libertyfund.org/people/44>.

School of Thought: The Scottish Enlightenment <oll.libertyfund.org/groups/19>.
CONDILLAC, “ON VALUE AND TRADE” (1776, 1798)
<br><oll.libertyfund.org/titles/2498>

“Value is not so much in the object as in how we esteem it, and this estimation is relative to our needs: it grows and diminishes, just as our need itself grows and diminishes.”

Étienne Bonnot, Abbé de Condillac (1714-1780)
Étienne Bonnot, Abbé de Condillac (1714-1780) was a French priest, philosopher, and economist and a member of the French Academy. He was an advocate of the ideas of John Locke and a friend of the encyclopedist Denis Diderot. His work on *Commerce and Government* (1776) appeared in the same year as Adam Smith’s *Wealth of Nations*. Although he is regarded as a Physiocrat he developed several new ideas about subjective value theory and the mutual gains from exchange which were ahead of his time and provoked many in the classical political economy tradition to criticise him. Among these were Frédéric Bastiat and Jena-Baptiste Say.

This extract is composed of two parts (which we have edited for length). The first is his opening chapter on “The Basis of the Value of Things”. The second is his chapter 6 “How Trade Increases the Mass of Wealth”. What is important about these chapters is that Condillac promotes a radically new and different subjective theory of value which has some striking similarities to that put forward by the Austrian economists during the Marginal Revolution of the 1870s. Instead of seeing “value” as an objective measure of “wealth” which embodied some concrete amount of something like “labour” or “utility” Condillac saw it in a very personal and hence “subjective” sense of a person’s “opinion” or “judgement” about whether the object being valued was more or less useful or important to fulfilling that person’s needs and wants. Hence these opinions or judgements varied from place to place and from time to time.

The second part on the wealth generating aspect of trade was also provocative to the classical economists as they believed that wealth was created by agriculture (exclusively according to the Physiocrats) or industrial production. Trade and commerce was merely the transfer of already created wealth from one place to another and did not add to the “stock” of wealth of a nation. Condillac argued that since the two parties to an exchange valued the money and goods in question differently, the seller of a good preferring to have the customer’s money than the good, and vice versa, then they both befit from engaging in trade, and hence new wealth was created in the process.

“Value depends, they add, on the particular estimation each person makes of goods and consequently it will for ever vary. So it varies: is there anything which has an invariable value? I say therefore that in individual exchanges value is the particular estimation each person makes of goods; and I add that it is the general estimation that society itself makes of them, if we consider it in the markets where all end up agreeing on a measure to settle the respective value of goods, that is, the value they are given when they are considered against other goods.”
“On Value and Trade” (1776, 1798)\textsuperscript{32}

First Part: Elementary Propositions
On Commerce, Determined According to the Assumptions Or Principles of Economic Science

1. The Basis of the Value of Things

Let us assume a small tribe which has just been established, which has brought in its first harvest, and which, since it is isolated, can only subsist on the product of the land it cultivates.

Let us also assume that after setting aside the necessary seed corn, they have a hundred muids [a ancient measure of volume] left; and that with this quantity, they can wait for a second crop without fear of scarcity.

Carrying on with our assumption, for this amount to remove all fear of scarcity, it must be enough not only for their needs, but also to relieve their fears. Now, that can only be found in a certain degree of abundance. Indeed, when people judge in line with their apprehensions, what would suffice at a pinch is not enough; and they only believe they have enough in what is to a certain extent abundant.

The quantity which remains for our tribe, once the seed corn has been deducted, therefore makes, for this year, what we call abundance. Consequently if they have some muids more, they are in surplus and they would be in dearth if they had some less.

If a people could judge, exactly, the relationship between the quantity of corn it has, with the amount needed for its consumption, this known relationship would cause it always to know, with the same precision, whether it was in abundance, surplus, or dearth.

But it cannot judge this relationship precisely: because it has no way of informing itself exactly, either of the amount of corn it has, or of what it will consume. It is all the less able to do so, as it could not store the corn without waste, and the exact amount of this waste is by its nature unpredictable. If it estimates it then it is only roughly, and on the experience of several years.

However, in whatever way it judges the relationship, it is always true to say that the tribe believes that it is in abundance, when it thinks it has a sufficient amount of grain to set aside all fear of running out of it; that it believes it is in surplus, when it thinks it has more than enough to meet all its fears; and that it believes itself in dearth, when it thinks it only has a quantity which is inadequate to set aside its fears.

“It is therefore in the opinion that is held of the quantities, rather than in the quantities themselves, that abundance, surplus or dearth are found: but they only rest on opinion because the amounts are assumed.”

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If, instead of a hundred muids, our tribe, after deducting seed corn, had two hundred, it would have a hundred which would be of no use for its consumption between one crop and another; and if it took no care over storing this surplus grain, the corn would ferment and go bad, and what was left of it would be useless for the following years.

Several consecutive years of a large harvest would do nothing but embarrass our tribe with a useless surplus, and it would soon happen that they sowed less land.

But harvests which are inadequate for the needs of the tribe will create awareness of the need to store the corn when there is a surplus. A way to do this will be sought, and when it is found, the corn that is useless in years of surplus will become useful in years of dearth. The hundred muids which the tribe has not consumed, and which it has known how to store, will make up the shortfall in several years when all that is left for its


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consumption, after seed corn has been deducted, is sixty or eighty muids.

Properly speaking there will no longer be a corn surplus, once it is known how to preserve it, because what is not consumed in one year can be consumed in another.

If our tribe was surrounded by other tribes, cultivators like itself, it would not have the same need to keep corn in granaries; because, by giving the surplus that it had in some other commodity, it could obtain for itself surplus corn from another tribe. But we have assumed it to be completely isolated.

We have two kinds of needs. One set follows from our makeup: we are created to need food, or to be unable to live without nourishment.

The other kind follows from our customs. Something which we could do without, because our constitution does not make it a need for us, becomes necessary by custom, and sometimes as necessary as if we had been constituted to need it.

I call natural the needs which follow from our constitution, and artificial those which we owe to habit formed by the use of things.

A wandering horde lives on the fruits which the land produces naturally: on the fish it catches, on the animals it kills hunting; and when the area it covers no longer provides its subsistence, it moves elsewhere. In this form of life we only see natural needs.

Our tribe can no longer wander. It has created for itself the need to live in its chosen place. It has made itself a need of the abundance which it finds in the fields it cultivates, and the bounty of the fruits it owes to its labour. It is not satisfied with hunting the animals which can provide its food and clothing, it raises them, and tries to increase their number to meet its consumption.

There you have a type of life in which we notice artificial needs, that is to say, needs which arise from the habit we have formed of satisfying natural needs by chosen methods.

You can see that these first artificial needs separate themselves as little as may be from natural ones. But you can also foresee that the tribe will form others which will move ever further from natural needs. That is what will happen when our tribe, having made progress in the arts, wants to satisfy its natural needs through more multifarious and refined ways. There will even come a time when the artificial needs, by dint of moving away from nature, will end up changing it completely and corrupting it.

The first needs which our tribe creates for itself are of the essence of the social order, and this would cease if these needs themselves ended. So one is thus justified in considering them as natural. Because if they are not so for the wandering savage, they become so for man in society, for whom they are absolutely necessary. That is why I shall from now on call natural not only the needs which follow from our makeup, but also those which are a consequence of the constitution of civil societies; and I shall understand by artificial those which are not essential to the social order, and without which, in consequence, civil societies could continue to exist.

We say that a thing is useful when it supplies some of our needs; and that it is useless when it meets none of them, or when we can do nothing with it. Its utility is therefore founded on the need we have for it.

“Following this utility, we esteem it more or less, that is to say we judge whether it is more or less adapted to the uses to which we want to put it. Now this estimation is what we call value. To say that a thing has value is to say that it is, or that we think it is, good for some purpose.”

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The value of things is thus founded on their utility, or, which comes to the same, on the need we have of them, or, which again comes back to the same, on the use we can make of them.

As our tribe creates new needs for itself, it will learn to use for its tasks things of which it made nothing previously. It will therefore give in one time period value to things to which it gave none in another.
In abundance, need is felt less because people do not fear being without. For the opposite reason, people feel need more in scarcity and in dearth.

Now, because the value of things is based on need, it is natural that a more strongly felt need gives things a greater value, and that a less pressing need gives them less value. The value of things therefore grows with scarcity and decreases with abundance.

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Value can even diminish in abundance to vanishing point. For instance, a surplus good will be without value every time one can do nothing with it, since then it would be completely useless.

Such would be a surplus in corn, if one considered it with reference to the year in which it does not contribute to the quantity needed for consumption. But if one considers it with reference to the following years, when the harvest may not be adequate, the surplus will have a value, because one judges that it could be part of the quantity required for the need one will have of it.

This need is distant. For that reason it does not give a good the same value as a present need. The latter makes one feel that the good is absolutely necessary now, and the other simply makes one judge that it could become so. One flatters oneself that it will not become necessary; and with that prejudice, as one is led not to foresee the need, one is also led to give less value to the good.

Greater or lesser value, the utility being the same, would be based simply on the degree of scarcity or of abundance, if this degree could always be known precisely; and then one would have the true value of each good.

But this degree can never be known. It is therefore chiefly on the estimation that we have of it that greater or lesser value is based.

If one assumes that a tenth of the corn needed for the tribe’s consumption is lacking, nine-tenths would only have the value of ten if one estimated the scarcity accurately, and if one saw for certain that it really was only of a tenth.

That is just what one does not do. Just as people are complacent in abundance, so they are fearful in scarcity. In place of the tenth which is the shortfall, they judge that there are two-tenths, three-tenths or more deficient. They believe themselves to be at the point where corn will be completely unavailable; and the shortfall of a tenth will produce the same terror as if it were of a third or a half.

Once opinion has exaggerated the dearth, it is natural that those who have corn think to keep it for themselves; in fear of running out, they will set aside more of it than they need. It will therefore happen that the dearth will be really total, or near enough, for some of the tribe. In this state of affairs it is clear that the value of corn will grow in proportion to the exaggerated opinion of the dearth.

If the value of things is based on their utility, their greater or lesser value is thus based, the utility staying the same, on their scarcity or their abundance, or rather on the opinion we have of their scarcity and their abundance.

I say “the utility staying the same” because one has enough appreciation that, in supposing them equally rare or equally abundant, one judges them of more or less value, depending on whether one judges them more or less useful.

There are things which are so common that although they are very necessary, they seem to have no value. Such is water, it is found everywhere, people say, “It costs nothing to get it for oneself, and the value which it can gain through transport is not its value but only the value of the carriage costs.”

It would be amazing if one paid carriage costs to get oneself something valueless.

A good does not have a value because it has a price, as people suppose, but it has a price because it has a value.

I say therefore that, even on the banks of a river, water has value, but the smallest possible, because there it is in finitely surplus to our needs. In an arid place by contrast it has a huge value, which one assesses according to how far away it is and the difficulty of getting hold of it. In such a case a thirsty traveller would give a hundred louis for a glass of water, and
that glass of water would be worth a hundred louis. For value is not so much in the object as in how we esteem it, and this estimation is relative to our needs: it grows and diminishes, just as our need itself grows and diminishes.

As one judges that things have no value when one has assumed they cost nothing, one judges that they cost nothing when they cost no money. We have much difficulty in seeing the light. Let us try to put some precision in our ideas.

Even if one gives no money to obtain a thing it has a cost if it costs work.

Now what is work?

It is an action, or series of actions, with the aim to gain from them. One can act without working: that is the case with idle men who act without making anything. To work is therefore to act to obtain a thing one needs. A day labourer whom I employ in my garden works to gain the wage I have promised him; and one must state that his work begins with the first blow of the spade: because if it did not begin with the first, one could not say where it began.

Following these preliminary reflections, I say that when I am far from the river, water costs me the action of going to get it; action which is work, since it is accomplished to get me something I need; and when I am at the river edge, water costs me the action of leaning over to get it; I agree that the action is very little work: it is even less than the first blow of the spade. But then again does not the water have only the smallest possible value at that time?

The water therefore has the value of the effort I make to get it. If I do not go to get it myself, I will pay for the work of the man who brings it to me; it is then valued at the wage I will give; and consequently the carriage costs give it a value. I give it this value myself, since I judge that it is worth these carriage costs.

You would be astounded if I said that air has a value; and yet I must say so, if I reason consistently. But what does it cost me? It costs me every effort I make to breathe it, to change it, to renew it. I open my window, I go out. Now each of these actions is work, very light work in truth, since the air, even more abundant than water, can only have a minute value.

I can say the same of light, of those rays which the sun spreads so profusely on the surface of the land: for it certainly costs us an effort or money to turn it to all our uses.

Those whom I contest consider it a great error to base value on utility, and they say that a thing cannot have value unless it has a certain degree of scarcity. A certain degree of scarcity! Now that I do not understand. I can conceive that a thing is scarce, when we judge that we do not have as much of it as we need for our use; that it is abundant, when we judge that we have all we need of it, and that it is in surplus, when we judge that we possess it beyond our needs. Finally I can conceive that a thing of which one makes nothing, and of which nothing can be made, has no value, and that on the other hand a thing has value when it has utility; and that if it did not have a value by its utility alone, it would not have a greater value in scarcity, and a lesser in abundance.

“But one is led to regard value as an absolute quality, which is inherent in things independently of the judgements we bring to bear, and this confused notion is the source of bad reasoning. We must therefore remember that, although things only have a value because they have qualities which make them fitted to our use, they would have no value for us if we did not judge that they do indeed have these qualities. Their value therefore lies principally in the judgement we have of their utility; and they only have more or less value because we judge them more or less useful, or that, with the same utility, we judge them scarcer or more abundant.”

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value because they have qualities which make them fitted to our use, they would have no value for us if we did not judge that they do indeed have these qualities. Their value therefore lies principally in the judgement we have of their utility; and they only have more or less value because we judge them more or less useful, or that, with the same utility, we judge them scarcer or more abundant.

Value being based on the opinion we hold of the utility of things, and the utility of things itself resting on the need we have of them, we must distinguish a natural value which only assumes natural needs, and an artificial value which only assumes artificial needs. Corn, for example, has a natural value among our tribe, because we assume that all the citizens have naturally the same need of it. But diamonds, if their use should be introduced among them, would only have an artificial value, since such a need, useless at least to society, could only be that of some individuals.

Natural value is directly the same for all, because it is the value of things absolutely essential to the support of society. On the other hand, artificial value, which is very great for some people, would not be in itself worthless for the others; but, because wealthy people will only get goods of an artificial value in so far as they give in exchange goods of natural value, it is a consequence that artificial value becomes, at least indirectly, a real value for everybody. So it is that things which are useless to the vast number of people end up being of general utility when they are considered the equivalent of something essential to all.

Value, of whatever kind, natural or artificial, thus exists principally in the opinions we hold of the utility of things; and one should not say with the économiste writers, that it consists in the exchange relationship of one thing and another: that would be to suppose, with them, that the exchange preceded the value; this would reverse the order of ideas. Indeed, I should not make any exchange with you, if I did not judge that the article you were handing over had a value; and you would make no exchange with me, if you did not judge likewise that what I was selling you has a value.

The object of a science is properly a problem which, like every problem to resolve, has as givens [données] knowns and unknowns. In Economic Science, the knowns are the means which we understand to be appropriate for obtaining abundance in certain forms, the unknowns are the means we still need to discover to obtain abundance in every way; and it is clear that, if the problem can be resolved, it is for the knowns to make the unknowns known to us.

This very complex problem comprises a large number of others each of which will give us new difficulties if we do not analyse them methodically; and we shall find ourselves, as has happened to all governments, falling into gross errors with each solution we think it right to proffer.

But the order that analysis prescribes is, firstly, to concern ourselves with the knowns, because, if we do not begin by determining them, it will be impossible to determine the value of the unknowns. Secondly, it requires us to look, among the knowns, for that which
must be the principal one; because, if the principal known is not determined, one will not determine the others. Therefore let us look for it.

Among the means of obtaining abundance, I see first the cultivation of the land. But, if agriculture seems to begin before trade, it is certain that it cannot improve itself except in so far as trade establishes itself and spreads. Perfected agriculture, that is to say, agriculture which is bound to procure the greatest abundance, thus assumes trade. Trade assumes exchanges, or, as is basically the same thing, purchases and sales: the purchases and sales assume that things have a price and the price assumes that they have a value.

So there are the knowns; however confused they still are, I can at least see clearly in what order they initially present themselves; and that order, which I had to start by revealing, shows me the value of things as the first idea which needs to be determined and developed. From that point, the further forward I go, the more clearly I see my goal; because, from one chapter to the next, I shall always clear some unknowns, and one problem solved will bring forward the solution of a new problem. I may have carried out this plan badly: but it is none the less true that you will only deal properly with Economic Science in so far as you use my language, or correct it following my method, which is the only one.

This chapter will act as a basis for this work, which is why I have drawn it out perhaps to excess. However, I must allow myself another observation: it is essential.

In the current prejudice that definitions are the sole principles which can spread enlightenment, people think that they understand a word when they have seen what is called the definition; and, because they suppose that I myself am also making definitions, they will think they understand, for example, the word value, as soon as they have read what I say about it, at the very moment that I begin to analyse it. They will therefore rush to make objections which they would not have made if they had waited until the analysis was completed. That is what happened to those writers who thought they were refuting me, and who did not understand me at all.

If, in making definitions, one has the advantage of saying everything one wishes to say in just one proposition, it is that one is not saying everything necessary, and often one would be better to remain silent. Analysis does not pride itself on such brevity; as its aim is to develop an idea which must be grasped from different viewpoints, it can only succeed in so far as it has the word scrutinised in all the senses which show up all the concomitant ideas. We shall require several more chapters before we have finished analysing the word value, or at least before we have removed from it all the vague ideas that are attached to it, and which often make the language of Economic Science unintelligible.

6. How Trade Increases the Mass of Wealth

We have seen that trade, which consists in the exchange of one article for another, is carried on chiefly by merchants, traders and dealers. Let us now try to understand the utility which society draws from all these men who have set up as agents between producers and consumers; and to that end, let us look at the source of wealth and the course it follows.

Wealth consists in an abundance of things which have a value, or, which comes to the same, in a abundance of things that are useful because we need them, or finally, which is again the same, in an abundance of things which are used for our food, for our clothing, for our housing, for our comforts, for our pleasures, for our enjoyment, in a word for our use.

It is the earth alone which produces all these things. It is therefore the sole source of all wealth.

Naturally prolific, it produces by itself and without any work on our part. Savages, for instance, live off the fecundity of lands which they do not cultivate. But they need for their consumption a vast extent of land. Each savage can consume the product of a hundred arpents. Then again it is hard to imagine that he will always find plenty in that space.

It is that the earth, left to its own natural fecundity, produces everything indiscriminately. It is especially fecund in things which are useless to us and of which we can make no use.

If we make ourselves masters of her fecundity, and obstruct certain products to encourage other products, the land will become fertile. Because if we call land which produces plentifully and all at hazard fecund, we call land which produces plenty to our wishes fertile.
It is only by observation and work that we will succeed in curtailing certain products and enabling other products to grow. We must discover how the land produces, if we want to multiply exclusively things for our use and eradicate all the rest.

The collection of observations to this end makes the theory of a science called agriculture, or cultivation of the fields; and the work of the settler who daily follows these observations constitutes the practice of this science. I shall call this practice cultivation.

The settler thus multiplies things which are for our use, which have a value, and the abundance of which makes what we call wealth. It is he who digs the ground, who opens the spring, who makes it spurt forth; it is to him that we owe abundance.

What then do we owe to merchants? If, as everyone supposes, one always exchanges a product of a uniform value against another product of the same value, one multiplies the exchanges in vain; it is clear that afterwards, as before, there will always be the same accumulation of values or of wealth.

But it is false that in exchanges one gives equal value for equal value. On the contrary, each of the contracting parties always gives a lesser value for a greater value. People would recognise that fact if they thought precisely, and you can already understand it from what I have said.

A woman whom I know, having bought a piece of land, counted out the money to pay for it, and said: “However, I am very happy to have a plot of land for that.” There was very true reasoning in that artlessness. One can see that she attached little value to the money which she kept in her strongbox, and that, in consequence, she was giving a lesser value for a greater one. From another standpoint, the man who was selling the land was in the same position and he was saying: “I have sold it well.” In fact he had sold it for thirty or thirty-five deniers. Thus he too reckoned on having given less for more. There is the position of all those who make exchanges.

Indeed, if one always exchanged equal value for equal value, there would be no gain to be made for either of the contracting parties. Now, both of them make a gain, or ought to make one. Why? The fact is that with things only having value in relation to our needs, what is greater for one person is less for another, and vice versa. The advantage is reciprocal.

The advantage is reciprocal, and there you have no doubt what made them say that they gave each other equal value for equal value. But they have lacked consistency: since, precisely from the fact that the advantage is reciprocal, they should have concluded that each gives less for more.

People have said, you are confusing the value of things with the motive that leads to their exchange. Probably, and with reason, indeed value is the sole motive which can persuade me to act. What other could I have?

Value depends, they add, on the particular estimation each person makes of goods and consequently it will for ever vary. So it varies: is there anything which has an invariable value? I say therefore that in individual exchanges value is the particular estimation each person makes of goods; and I add that it is the general estimation that society itself makes of them, if we consider it in the markets where all end up agreeing on a measure to settle the respective value of goods, that is, the value they are given when they are considered against other goods.

“Value depends, they add, on the particular estimation each person makes of goods and consequently it will for ever vary. So it varies.”
But we must not confuse, as people are always doing, this measure of value with value itself. Properly speaking it is only the price which has been regulated in the markets by the rivalry of the sellers and buyers. For example, there will be general agreement that a barrel of wine is worth a muid of corn, which means that the one is the price of the other. So, if I want a muid of corn I must give a barrel of wine, and you will conclude, with reason, that it is not my particular judgement that fixes the price of corn; but it is none the less true that it fixes its value, and it alone fixes it. Because, once more, in such an exchange it is for me alone to judge the value the corn has for me; it only has one following my own estimation; and, although the market price sets the law for me, it is clear that I only give a barrel for a muid because I judge that the muid is worth more to me than the barrel. I should never end if I wanted to reply to all the objections of certain writers who, because one does not follow them, seem to want, from pique, not to understand what one is saying to them.

The error into which people fall on this subject comes above all from the way one talks of things which are traded, as though they had an absolute value; and that as a result people reckon that it is a matter of justice, that those who make exchanges give each other equal value for equal value. Far from noting that two contracting parties give each other less for more, people think, without much reflection, that that cannot be; and it seems that for one person always to give less, the other would have to be stupid enough always to give more, which one cannot suppose.

It is not the things necessary for our consumption that we are considered to put on sale: it is our surplus, as I have noted several times. We want to give up something which is useless to us to get ourselves something which we need: we want to give less for more.

The surplus of the settlers: there you have what supplies all the basis for commerce. The surplus is wealth, so long as they can find an outlet for it; because they procure for themselves something that has value for them, and they hand over something which has value for others.

If they were unable to make exchanges, their surplus would stay with them, and it would have no value for them. Indeed, surplus grain, which I store in my barns without being able to exchange it, no more represents wealth to me than the grain which I have not yet pulled from the ground. So I will sow less next year, and I shall be none the poorer for having a smaller crop.

"Now merchants are the channels of communication through which the surplus runs. From places where it has no value it passes into places where it gains value, and wherever it settles it becomes wealth. The merchant therefore in a way makes something out of nothing."

Now merchants are the channels of communication through which the surplus runs. From places where it has no value it passes into places where it gains value, and wherever it settles it becomes wealth.

The merchant therefore in a way makes something out of nothing. He does not till, but he brings about tillage. He induces the settler to draw an ever greater surplus from the land and he always makes new wealth from it. Through the meeting of the settler and the trader abundance spreads all the further, as consumption grows in proportion to the products, and reciprocally products increase with consumption.

A spring which disappears into rocks and sand is not wealth for me; but it becomes such, if I build an aqueduct to draw it to my meadows. This spring represents the surplus products for which we are indebted to the settlers, and the aqueduct represents the merchants.
Further Information

SOURCE


FURTHER READING

Other works by Condillac: <oll.libertyfund.org/people/4630>.

School of Thought: The French Enlightenment <oll.libertyfund.org/groups/21>.
“Society is purely and solely a continual series of exchanges. It is never anything else, in any epoch of its duration, from its commencement the most unformed, to its greatest perfection. And this is the greatest eulogy we can give to it, for exchange is an admirable transaction...”
Editor's Introduction

Destutt de Tracy (1754-1836) was a philosophe and one of the founders in the 1790s of the classical liberal republican group known as the Idéologues (which included Cabanis, Condorcet, Constant, Daunou, Say, Madame de Staël), a politician under several regimes spanning the Revolution and the Restoration, and an influential author. While a member of the Senate, he opposed Napoleon, and also spoke out against the subsequent constitutional monarchy, and in support of American-style laissez-faire republicanism. He coined the term “ideology” while he was at the Institut National.

Tracy's book was important in the development of French liberal thought during the Napoleonic and post-Napoleonic period along with the work of the economist Jean-Baptiste Say, the political philosopher Benjamin Constant, and the lawyers Charles Comte and Charles Dunoyer. Thomas Jefferson was very impressed with Tracy's writings and had two of them translated in English, this volume on political economy and his book on Montesquieu's *Spirit of Laws* (1811). Thus they, along with Say's *Treatise on Political Economy*, had a considerable impact on the teaching economics in 19th century America.

In this chapter Tracy develops the argument that human beings are naturally social creatures and that voluntary and mutually beneficial exchanges, or what we would call the free market, is the glue which holds society together. He also is one of the first theorists to argue in favour of a subjective theory of value which was to become an essential part of the Austrian school's theory of economics which emerged in the 1870s. Other important ideas he presents here are that human beings are by nature cooperative, that the transmission of knowledge is vital for progress, that the division of labour vastly expands the productive power of individuals, and that both parties benefit from voluntary exchanges.

“*It is equally true that an exchange is a transaction in which the two contracting parties both gain. Whenever I make an exchange freely, and without constraint, it is because I desire the thing I receive more than that I give; and, on the contrary, he with whom I bargain desires what I offer more than that which he renders me. When I give my labour for wages it is because I esteem the wages more than what I should have been able to produce by labouring for myself; and he who pays me prizes more the services I render him than what he gives me in return.*”
"Of Society" (1817)³³

The introduction which has been just read is consecrated entirely to an examination of the generation of some very general ideas; the casting of a first glance on the nature of that mode of our sensibility which we call the will, or the faculty of willing; and to the indication of some of its immediate and universal consequences.

"Man cannot exist thus (in isolation); this is proved by the fact, for we have never seen in any corner of the world an animal in the human form, however brutish he might be, which has no kind of relation with any other animal of his own species: that is not less demonstrated by reasoning. For such an individual, strictly speaking, may exist although very miserably, yet certainly he could not reproduce himself. That the species may be perpetuated, it is indispensable that the two sexes should unite; it is even necessary that the infant, produced by their union, should receive for a long time the cares of his parents, or at least those of his mother. Now we are so formed that we have all, more or less, a natural and innate inclination to sympathy; that is to say we all experience pleasure from sharing our impressions, our affections, our sentiments, and those of our fellow creatures. Perhaps this inclination exists amongst all animated beings; perhaps even it is in us from the origin a considerable part of that which so powerfully attracts the two sexes towards each other. What is certain, is that it afterwards augments it prodigiously. It is then impossible that approximations, which our organization renders inevitable, should not develope in us this natural disposition to sympathy, fortify it by exercise, and establish amongst us social and moral relations. Moreover, we are also so organized, that we form judgments of that which we experience, of that which we feel, of that which we see, in a word of all which affects us; we distinguish the parts, circumstances, causes and consequences thereof; and this is to judge of it. It is then impossible that we should not soon be aware of the utility we may derive from the succour of our fellow beings, from their assistance in our wants, from the concurrence of their will, and of their force with ours, a new reason why approximations, fortuitous at first, should become durable and permanent between us; this also is what takes place always, and every where. It is this also which always, and every where, produces the admirable and wise invention of a language more or less perfect, but always as appears, more circumstantial,

³³ Antoine Louis Claude, Comte Destutt de Tracy, *A Treatise on Political Economy: to which is Prefixed a Supplement to a Preceding Work on the Understanding or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will* (Georgetown: Joseph Milligan, 1817). Of Our Actions. Chap. 1 "Of Society" <http://oll.libertyfund.org/titles/121>.
and more capable of detailed explanations, than that of any other animal. It is then the social state, which is our natural state, and that with which we ought alone to occupy ourselves.

I will not however in this place consider society under a moral relation. I will not examine how it develops, multiplies, and complicates, all our passions and affections; nor what are the numerous duties it imposes on us, nor whence arises the fundamental obligation of respecting the conventions on which it rests, and without which it could not subsist. These are researches which will be the object of the second part of this treatise. In this I shall consider the social state only under its economical relation, that is to say relatively to our most direct wants, and to the means we have of satisfying them. It is that which may lead us surely to estimate the value and utility of all our actions, to judge of their merits by their consequences, and consequently of the merit of those sentiments which determine us to one action rather than another.

Now what is society viewed under this aspect? I do not fear to announce it. Society is purely and solely a continual series of exchanges. It is never anything else, in any epoch of its duration, from its commencement the most unformed, to its greatest perfection. And this is the greatest eulogy we can give to it, for exchange is an admirable transaction, in which the two contracting parties always both gain; consequently society is an uninterrupted succession of advantages, unceasingly renewed for all its members. This demands an explanation.

First, society is nothing but a succession of exchanges. In effect, let us begin with the first conventions on which it is founded. Every man, before entering into the state of society, has as we have seen all rights and no duty, not even that of not hurting others; and others the same in respect to him. It is evident they could not live together, if by a convention formal or tacit they did not promise each other, reciprocally, surety. Well! this convention is a real exchange; every one renounces a certain manner of employing his force, and receives in return the same sacrifice on the part of all the others. Security once established by this means, men have a multitude of mutual relations which all arrange themselves under one of the three following classes: they consist either in rendering a service to receive a salary, or in bartering some article of merchandize against another, or in executing some work in common. In the two first cases the exchange is manifest. In the third it is not less real; for when several men unite, to labour in common, each makes a sacrifice to the others of what he could have done during the same time for his own particular utility; and he receives, for an equivalent, his part of the common utility resulting from the common labour. He exchanges one manner of occupying himself against another, which becomes more advantageous to him than the other would have been. It is true then that society consists only in a continual succession of exchanges.

“Society is purely and solely a continual series of exchanges. It is never anything else, in any epoch of its duration, from its commencement the most unformed, to its greatest perfection. And this is the greatest eulogy we can give to it, for exchange is an admirable transaction, in which the two contracting parties always both gain; consequently society is an uninterrupted succession of advantages, unceasingly renewed for all its members.”

I do not pretend to say that men never render gratuitous services. Far from me be the idea of denying benevolence, or of banishing it from their hearts; but I say it is not on this that all the progress of society reposes, and even that the happy consequences of this amiable virtue are much more important under a moral relation, of which we are not at this time speaking, than under the economical relation which now occupies us. I add that if we urge the sense of the word exchange, and if we wish, as we ought, to take it in all the extent of its signification, we may say with justice that a benefit is still an exchange, in which one sacrifices a portion of one's property, or of one's time, to procure a moral pleasure, very lively and very sweet, that of obliging, or to exempt oneself from a pain very afflicting, the sight of suffering; exactly as we employ a
sum of money to procure an artificial fire work, which diverts, or to free ourselves from something which incommodes us.

"It is equally true that an exchange is a transaction in which the two contracting parties both gain. Whenever I make an exchange freely, and without constraint, it is because I desire the thing I receive more than that I give; and, on the contrary, he with whom I bargain desires what I offer more than that which he renders me."

It is equally true that an exchange is a transaction in which the two contracting parties both gain. Whenever I make an exchange freely, and without constraint, it is because I desire the thing I receive more than that I give; and, on the contrary, he with whom I bargain desires what I offer more than that which he renders me. When I give my labour for wages it is because I esteem the wages more than what I should have been able to produce by labouring for myself; and he who pays me prizes more the services I render him than what he gives me in return. When I give a measure of wheat for a measure of wine, it is because I have a superabundance of food and nothing to drink, and he with whom I treat is in the contrary case. When several of us agree to execute any labour whatsoever in common, whether to defend ourselves against an enemy, to destroy noxious animals, to preserve ourselves from the ravages of the sea, of an inundation, of a contagion, or even to make a bridge or a road, it is because each of us prefers the particular utility which will result to him from it, to what he would have been able to do for himself during the same time. We are all satisfied in all these species of exchanges, every one finds his advantage in the arrangement proposed.

In truth it is possible that, in an exchange, one of the contractors, or even both, may have been wrong to desire the bargain which they conclude.—It is possible they may give a thing, which they will soon regret, for a thing which they will soon cease to value. It is possible, also, that one of the two may not have obtained for that which he sacrifices as much as he might have asked, so that he will suffer a relative loss while the other makes an exaggerated gain. But these are particular cases which do not belong to the nature of the transaction. And it is not less true that it is the essence of free exchange to be advantageous to both parties; and that the true utility of society is to render possible amongst us a multitude of similar arrangements.

It is this innumerable crowd of small particular advantages, unceasingly arising, which composes the general good, and which produces at length the wonders of perfected society, and the immense difference we see between it and a society imperfect or almost null, such as exists amongst savages. It is not improper to direct our attention for some time to this picture, which does not sufficiently strike us because we are too much accustomed to it.

What is it in effect which a country anciently civilized offers to our contemplation? The fields are cleared and cleaned, freed from the large vegetables which originally covered them, rid of noxious plants and animals, and in every respect prepared to receive the annual cares of the cultivator. The marshes are drained. The stagnant waters which occupied it have ceased to fill the air with pestilential vapours. Issues have been opened for them, or their extent has been circumscribed; and the lands which they infected have become abundant pastures, or useful reservoirs. The asperities of the mountains have been levelled; their bases have been appropriated to the wants of culture; their parts least accessible, even to the regions of eternal snow, have been destined to the nourishment of numerous flocks. The forests which have been permitted to remain have not continued impenetrable: The wild beasts which retired to them have been pursued and almost destroyed; the wood which they produce has been withdrawn and preserved, the cutting them has even been subjected to periods the most favourable for their reproduction; and the care bestowed on them almost everywhere is equivalent to a species of culture, and has even been sometimes extended to a most diligent culture. The running waters which traverse all these lands have, likewise, not remained in their primitive state: The great rivers, have been cleared of all the obstacles which obstructed their course; they have been confined by dikes and quays,
when this has been necessary; and their banks have been disposed in such a manner as to form commodious ports in convenient situations.—The course of streams less considerable has been restrained for working mills and other machines, or diverted to irrigate declivities which needed it, and to render them productive. On the whole surface of the land habitations have been constructed from distance to distance, in favourable positions, for the use of those who cultivate the ground and attend to its produce. These habitations have been surrounded with enclosures and plantations, that render them more agreeable and more useful. Roads have been made to go to them and to take away the produce of the earth. In points where several different interests have concentrated, and where other men have become sufficiently necessary to the service of the cultivators, to be able to subsist on the wages of their labour, habitations have been multiplied and made contiguous, and have formed villages and small towns. On the banks of large rivers, and on the shores of the sea, in points in which the interests of several of these towns have coincided, large cities have been built; which have themselves in time given birth to a still greater one, which has become their capital and their common centre, because it has been found the most favourably situated to unite all the others, and to be provisioned and defended by them. Finally, all these towns communicate with each other, with the neighbouring seas, and with foreign countries, by means of bridges, causeways, canals, in which the whole of human industry is displayed. Such are the objects which strike us at the first aspect of a country where men have exercised all their power, and have appropriated it to themselves for a long time.

If we penetrate the interior of their habitations we there find an immense number of useful animals, raised, nourished, made obsequious, by man,—multiplied by him to an inconceivable point; a prodigious quantity of necessaries of every species, commodities, furniture, utensils, instruments, clothing, articles, raw or manufactured, metals, necessary or precious; finally, whatever may sooner or later contribute to the satisfaction of our wants. We admire there above all things, a population really astonishing, all the individuals of which have the use of a perfected language, have a reason developed to a certain point, manners sufficiently softened, and an industry sufficiently intelligent, to live in such great numbers near to one another, and amongst whom in general the poorest are succoured, the weakest defended. We remark, with still more surprise, that many of these men have attained a degree of knowledge very difficult to be acquired, that they possess an infinity of agreeable or useful arts, that they are acquainted with many of the laws of nature, of which they know to calculate the effects, and turn them to their advantage, that they have even had a glimpse of the most difficult of all sciences, since they are able to distinguish, at least in part, the true interests of the species in general, and in particular those of their society, and its members; that in consequence they have conceived laws often just, institutions tolerably wise, and created a number of establishments proper for spreading and still increasing instruction and intelligence; and finally, that not content with having thus insured interior prosperity they have explored the rest of the earth, established relations with foreign nations, and provided for their security from without.

What an immense accumulation of means of well being! What prodigious results from that part of the labours of our predecessors, which has not been immediately necessary to the support of their existence, and which has not been annihilated with them! The imagination even is astonished; and the more so the more it reflects on it, for we should consider that many of these works are little durable, that the most solid have been many times renewed in the course of ages, and that there is scarcely one which does not require continual care and maintenance for its preservation. We must observe that of these wonders that which strikes our attention is not the most astonishing; it is, as we say, the material part. But the intellectual part, if we may so express ourselves, is still more surprising. It has always been much more difficult to learn, and to discover, than to act in consequence of what we know. The first steps, especially in the career of invention, are of extreme difficulty. The labour which man has been obliged to perform on his own intellectual faculties, the immensity of the researches to which he has been forced to have recourse, that of the observations he has been obliged to collect, have cost him much more time and pains than all the works he has been able to execute in consequence of the progress of his understanding. Finally, we must remark that the efforts of men, for the amelioration of their lot, have never been nearly as well directed as they might have been, that always a great portion of the
human power has been employed in hindering the progress of the other, that this progress has been troubled and interrupted by all the great disorders of nature and of society; and that many times perhaps all has been lost and destroyed, even the knowledge acquired, even the capacity of re-commencing that which had been already done. These latter considerations might become discouraging. But we shall see elsewhere by how many reasons we ought to be assured against the fear of such misfortunes in future. We will also examine to what point the progress of the species, taken in mass, augments the happiness of individuals, a condition necessary to enable us to rejoice at it. But at this moment let it suffice to have shown the prodigious power which men acquire when united; while separated they can with difficulty sustain their miserable existence. Smith, if I am not mistaken, is the first who has remarked that man alone makes exchanges, properly speaking. See his admirable chapter, 4th of the 1st book of his treatise on the wealth of nations. I regret that in remarking this fact he has not sought its cause with more curiosity. It was not for the author of the theory of moral sentiments to regard as useless a scrutiny of the operations of our understanding. His success and his faults ought to have contributed equally to make him think the contrary. Notwithstanding this negligence his assertion is not the less true. We clearly see certain animals execute labours which concur to a common end, and which to a certain point appear to have been concerted; or fight for the possession of what they desire, or supplicate to obtain it; but nothing announces that they really make formal exchanges. The reason, I think, is that they have not a language sufficiently developed to enable them to make express conventions; and this, I think, proceeds (as I have explained in my second volume, article of interjections,—and in my first, on the subject of signs,) from their being incapable of sufficiently decomposing their ideas, to generalise, to abstract, and to express them separately in detail, and in the form of a proposition; whence it happens that those of which they are susceptible, are all particular, confused with their attributes, and manifest themselves in mass by interjections, which can explain nothing explicitly. Man, on the contrary, who has the intellectual means which are wanting to them is naturally led to avail himself of them, to make conventions with his fellow beings. They make no exchanges, and he does. Accordingly he alone has a real society; for commerce is the whole of society, as labour is the whole of riches.

We can scarcely conceive at first that the great effects, which we have just described, have no other cause than the sole reciprocity of services and the multiplicity of exchanges. However this continual succession of exchanges has three very remarkable advantages.

“Man, on the contrary, who has the intellectual means which are wanting to them (animals) is naturally led to avail himself of them, to make conventions with his fellow beings. They make no exchanges, and he does. Accordingly he alone has a real society; for commerce is the whole of society, as labour is the whole of riches. We can scarcely conceive at first that the great effects, which we have just described, have no other cause than the sole reciprocity of services and the multiplicity of exchanges.”

First, the labour of several men united is more productive, than that of the same men acting separately. Is there a question of defence? Ten men will easily resist an enemy, who would have destroyed them all in attacking one after another. Is a burden to be removed? That of which the weight would have opposed an invincible resistance to the efforts of a single individual, yields immediately to those of several acting together. Is some complicated work to be executed? Several things are to be done simultaneously. One does one while another does another, and all contribute to effect what a single man could not have produced. One rows while another steers, and a third casts the net or harpoons the fish; and thus they attain a success impossible without this concurrence.

Secondly, our knowledge is our most precious acquisition, since it is this that directs the employment of our force, and renders it more fruitful, in proportion
to its greater soundness and extent.—Now no man is in a situation to see every thing, and it is much more easy to learn than to invent.—But when several men communicate together, that which one has observed is soon known to all the others, and it is sufficient amongst them that one is found who is very ingenious, in order that precious discoveries should promptly become the property of all. Intelligence then will increase much more rapidly, than in a state of insulation, without calculating that it may be preserved, and consequently accumulated from generation to generation; and still without counting, what is clearly proved by the study of our understanding, that the invention and employment of language and its signs, which would not take place without society, furnish our minds with many new means of combination and action.

Thirdly, and this still merits attention: when several men labour reciprocally for one another every one can devote himself exclusively to the occupation for which he is fittest, whether from his natural dispositions or from fortuitous circumstances; and thus he will succeed better. The hunter, the fisherman, the shepherd, the labourer, the artisan,—doing each a single thing—will become more skilful, will lose less time, and have more success. This is what is called the division of labour, which in civilised society is sometimes carried to an inconceivable point, and always with advantage.—The writers on economics have all attached an extreme importance to the division of labour; and they have made much noise with this observation, which is not ancient; they have been right. Yet this third advantage of society is far from having an interest equally eminent with the two former, the concurrence of force and the communication of knowledge. In all cases, that which is most difficult is to assign to things their true value; for this, we must know them perfectly.

Concurrence of force, increase and preservation of knowledge, and division of labour;—these are the three great benefits of society. They cause themselves to be felt from the first by men the most rude; but they augment in an incalculable ratio, in proportion as they are perfected,—and every degree of amelioration, in the social order, adds still to the possibility of increasing and better using them.—The energy of these three causes of prosperity will show itself still more evidently, when we shall have seen more in detail the manner in which our riches are formed.

Notes

[1.] In developing and exciting sympathy.
Further Information

SOURCE

Antoine Louis Claude, Comte Destutt de Tracy, A Treatise on Political Economy: to which is Prefixed a Supplement to a Preceding Work on the Understanding or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will (Georgetown: Joseph Milligan, 1817). Of Our Actions. Chap. 1 "Of Society" <http://oll.libertyfund.org/titles/121>.

FURTHER READING

Other works by Comte Destutt de Tracy (1754-1836)

<http://oll.libertyfund.org/people/antoine-louis-claude-comte-destutt-de-tracy>

19th Century French Classical Liberalism <oll.libertyfund.org/groups/28>.
“It is worth while to remark, that a product is no sooner created, than it, from that instant, affords a market for other products to the full extent of its own value. ...

Thus, the mere circumstance of the creation of one product immediately opens a vent for other products.”
Jean-Baptiste Say (1767-1832) was the leading French political economist in the first third of the nineteenth century. Before becoming an academic political economist quite late in life, Say apprenticed in a commercial office, working for a life insurance company; he also worked as a journalist, soldier, politician, cotton manufacturer, and writer. During the revolution he worked on the journal of the idéologues, La Décade philosophique, littéraire, et politique, for which he wrote articles on political economy from 1794 to 1799. In 1814 he was asked by the government to travel to England on a fact-finding mission to discover the secret of English economic growth and to report on the impact of the revolutionary wars on the British economy. His book De l'Angleterre et des Anglais (1815) was the result.

After the defeat of Napoleon and the restoration of the Bourbon monarchy, Say was appointed to teach economics in Paris, first at the Athénée, then as a chair in "industrial economics" at the Conservatoire national des arts et métiers, and finally the first chair in political economy at the Collège de France. Say is best known for his Traité d'économie politique (1803), which went through many editions (and revisions) during his lifetime. One of his last major works, the Cours complet d'économie politique pratique (1828-33), was an attempt to broaden the scope of political economy, away from the preoccupation with the production of wealth, by examining the moral, political, and sociological requirements of a free society and how they interrelated with the study of political economy.

In the chapter “Of the Demand or Market for Products” Say provides a set of arguments which were later to be called “Say’s Law of Markets.” Say notes that a common complaint in times of economic downturn was that there was “not enough money”, but he regards this as mistaken. Since money was merely a means of exchange, that is an intermediary between the transfer of goods and services on the market, goods are in effect exchanged for other goods, and that the more goods there are, the more opportunities there are for exchange. In his words “a product is no sooner created, than it, from that instant, affords a market for other products to the full extent of its own value. Thus, the mere circumstance of the creation of one product immediately opens a vent [sale] for other products.”

“Wherever, by reason of the blunders of the nation or its government, production is stationary, or does not keep pace with consumption, the demand gradually declines, the value of the product is less than the charges of its production; no productive exertion is properly rewarded; profits and wages decrease; ... the labouring classes experience a want of work; families before in tolerable circumstances, are more cramped and confined; and those before in difficulties are left altogether destitute.

Depopulation, misery, and returning barbarism, occupy the place of abundance and happiness. Such are the concomitants of declining production, which are only to be remedied by frugality, intelligence, activity, and freedom.”
It is common to hear adventurers ["entrepreneurs"] in the different channels of industry assert, that their difficulty lies not in the production, but in the disposal of commodities; that products would always be abundant, if there were but a ready demand, or market for them. When the demand for their commodities is slow, difficult, and productive of little advantage, they pronounce money to be scarce; the grand object of their desire is, a consumption brisk enough to quicken sales and keep up prices. But ask them what peculiar causes and circumstances facilitate the demand for their products, and you will soon perceive that most of them have extremely vague notions of these matters; that their observation of facts is imperfect, and their explanation still more so; that they treat doubtful points as matter of certainty, often pray for what is directly opposite to their interests, and importunately solicit from authority a protection of the most mischievous tendency.

“A man who applies his labour to the investing of objects with value by the creation of utility of some sort, can not expect such a value to be appreciated and paid for, unless where other men have the means of purchasing it. Now, of what do these means consist? Of other values of other products, likewise the fruits of industry, capital, and land. Which leads us to a conclusion that may at first sight appear paradoxical, namely, that it is production which opens a demand for products.”

To enable us to form clear and correct practical notions in regard to markets for the products of industry, we must carefully analyse the best established and most certain facts, and apply to them the inferences we have already deduced from a similar way of proceeding; and thus perhaps we may arrive at new and important truths, that may serve to enlighten the views of the agents of industry, and to give confidence to the measures of governments anxious to afford them encouragement.

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Should a tradesman say, “I do not want other products for my woollens, I want money,” there could be little difficulty in convincing him that his customers could not pay him in money, without having first procured it by the sale of some other commodities of their own. "Yonder farmer," he may be told, "will buy your woollens, if his crops be good, and will buy more or less according to their abundance or scantiness; he can buy none at all, if his crops fail altogether. Neither can you buy his wool nor his corn yourself, unless you contrive to get woollens or some other article to buy withal. You say, you only want money; I say, you want other commodities, and not money. For what, in point of fact, do you want the money? Is it not for the purchase of raw materials or stock for your trade, or victuals for your support?[34] Wherefore, it is products that you want, and not money. The silver coin you will have received on the sale of your own products, and given in the purchase of those of other people, will the next moment execute the same office between other contracting parties, and so from one to another to infinity; just as a public vehicle successively transports objects one after another. If you can not find a ready sale for your commodity, will you say, it is merely for want of a vehicle to transport it? For, after all, money is

but the agent of the transfer of values. Its whole utility has consisted in conveying to your hands the value of the commodities, which your customer has sold, for the purpose of buying again from you; and the very next purchase you make, it will again convey to a third person the value of the products you may have sold to others. So that you will have bought, and every body must buy, the objects of want or desire, each with the value of his respective products transformed into money for the moment only. Otherwise, how could it be possible that there should now be bought and sold in France five or six times as many commodities, as in the miserable reign of Charles VI.? Is it not obvious, that five or six times as many commodities must have been produced, and that they must have served to purchase one or the other?"

"Thus, to say that sales are dull, owing to the scarcity of money, is to mistake the means for the cause; an error that proceeds from the circumstance, that almost all produce is in the first instance exchanged for money, before it is ultimately converted into other produce: and the commodity, which recurs so repeatedly in use, appears to vulgar apprehensions the most important of commodities, and the end and object of all transactions, whereas it is only the medium."

Thus, to say that sales are dull, owing to the scarcity of money, is to mistake the means for the cause; an error that proceeds from the circumstance, that almost all produce is in the first instance exchanged for money, before it is ultimately converted into other produce: and the commodity, which recurs so repeatedly in use, appears to vulgar apprehensions the most important of commodities, and the end and object of all transactions, whereas it is only the medium. Sales cannot be said to be dull because money is scarce, but because other products are so. There is always money enough to conduct the circulation and mutual interchange of other values, when those values really exist. Should the increase of traffic require more money to facilitate it, the want is easily supplied, and is a strong indication of prosperity—a proof that a great abundance of values has been created, which it is wished to exchange for other values. In such cases, merchants know well enough how to find substitutes for the product serving as the medium of exchange or money:[35] and money itself soon pours in, for this reason, that all produce naturally gravitates to that place where it is most in demand. It is a good sign when the business is too great for the money; just in the same way as it is a good sign when the goods are too plentiful for the warehouses.

When a superabundant article can find no vent ["sale"], the scarcity of money has so little to do with the obstruction of its sale, that the sellers would gladly receive its value in goods for their own consumption at the current price of the day: they would not ask for money, or have any occasion for that product, since the only use they could make of it would be to convert it forthwith into articles of their own consumption.[36]

This observation is applicable to all cases, where there is a supply of commodities or of services in the market. They will universally find the most extensive demand in those places, where the most of values are produced; because in no other places are the sole means of purchase created, that is, values. Money performs but a momentary function in this double exchange; and when the transaction is finally closed, it will always be found, that one kind of commodity has been exchanged for another.

"It is worth while to remark, that a product is no sooner created, than it, from that instant, affords a market for other products to the full extent of its own value."

It is worth while to remark, that a product is no sooner created, than it, from that instant, affords a market for other products to the full extent of its own value. When the producer has put the finishing hand to his product, he is most anxious to sell it immediately,
lest its value should diminish in his hands. Nor is he less anxious to dispose of the money he may get for it; for the value of money is also perishable. But the only way of getting rid of money is in the purchase of some product or other. Thus, the mere circumstance of the creation of one product immediately opens a vent for other products.

For this reason, a good harvest is favourable, not only to the agriculturist, but likewise to the dealers in all commodities generally. The greater the crop, the larger are the purchases of the growers. A bad harvest, on the contrary, hurts the sale of commodities at large. And so it is also with the products of manufacture and commerce. The success of one branch of commerce supplies more ample means of purchase, and consequently opens a market for the products of all the other branches; on the other hand, the stagnation of one channel of manufacture, or of commerce, is felt in all the rest.

But it may be asked, if this be so, how does it happen, that there is at times so great a glut of commodities in the market, and so much difficulty in finding a vent for them? Why cannot one of these superabundant commodities be exchanged for another? I answer that the glut of a particular commodity arises from its having outrun the total demand for it in one or two ways; either because it has been produced in excessive abundance, or because the production of other commodities has fallen short.

It is because the production of some commodities has declined, that other commodities are superabundant. To use a more hackneyed phrase, people have bought less, because they have made less profit;[37] and they have made less profit for one or two causes; either they have found difficulties in the employment of their productive means, or these means have themselves been deficient.

It is observable, moreover, that precisely at the same time that one commodity makes a loss, another commodity is making excessive profit.[38] And, since such profits must operate as a powerful stimulus to the cultivation of that particular kind of products, there must needs be some violent means, or some extraordinary cause, a political or natural convulsion, or the avarice or ignorance of authority, to perpetuate this scarcity on the one hand, and consequent glut on the other. No sooner is the cause of this political disease removed, than the means of production feel a natural impulse towards the vacant channels, the replenishment of which restores activity to all the others.

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Should a producer imagine, that many other classes, yielding no material products, are his customers and consumers equally with the classes that raise themselves a product of their own; as, for example, public functionaries, physicians, lawyers, churchmen, &c., and thence infer, that there is a class of demand other than that of the actual producers, he would but expose the shallowness and superficiality of his ideas. A priest goes to a shop to buy a gown or a surplice; he takes the value, that is to make the purchase, in the form of money. Whence had he that money? From some tax-gatherer who has taken it from a tax-payer. But whence did this latter derive it? From the value he has himself produced. This value, first produced by the tax-payer, and afterwards turned into money, and given to the priest for his salary, has enabled him to make the purchase. The priest stands in the place of the producer, who might himself have laid the value of his product on his own account, in the purchase, perhaps, not of a gown or surplice, but of some other more...
serviceable product. The consumption of the particular product, the gown or surplice, has but supplanted that of some other product. It is quite impossible that the purchase of one product can be affected, otherwise than by the value of another.[40]

From this important truth may be deduced the following important conclusions:—

1. That, in every community the more numerous are the producers, and the more various their productions, the more prompt, numerous, and extensive are the markets for those productions; and, by a natural consequence, the more profitable are they to the producers; for price rises with the demand. But this advantage is to be derived from real production alone, and not from a forced circulation of products; for a value once created is not augmented in its passage from one hand to another, nor by being seized and expended by the government, instead of by an individual. The man, that lives upon the productions of other people, originates no demand for those productions; he merely puts himself in the place of the producer, to the great injury of production, as we shall presently see.

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2. That each individual is interested in the general prosperity of all, and that the success of one branch of industry promotes that of all the others. In fact, whatever profession or line of business a man may devote himself to, he is the better paid and the more readily finds employment, in proportion as he sees others thriving equally around him. A man of talent, that scarcely vegetates in a retrograde state of society, would find a thousand ways of turning his faculties to account in a thriving community that could afford to employ and reward his ability. A merchant established in a rich and populous town, sells to a much larger amount than one who sets up in a poor district, with a population sunk in indolence and apathy. What could an active manufacturer, or an intelligent merchant, do in a small deserted and semi-barbarous town in a remote corner of Poland or Westphalia? Though in no fear of a competitor, he could sell but little, because little was produced; whilst at Paris, Amsterdam, or London, in spite of the competition of a hundred dealers in his own line, he might do business on the largest scale. The reason is obvious: he is surrounded with people who produce largely in an infinity of ways, and who make purchases, each with his respective products, that is to say, with the money arising from the sale of what he may have produced.

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This is the true source of the gains made by the towns' people out of the country people, and again by the latter out of the former; both of them have wherewith to buy more largely, the more amply they themselves produce. A city, standing in the centre of a rich surrounding country, feels no want of rich and numerous customers; and, on the other hand, the vicinity of an opulent city gives additional value to the produce of the country. The division of nations into agricultural, manufacturing, and commercial, is idle enough. For the success of a people in agriculture is a stimulus to its manufacturing and commercial prosperity; and the flourishing condition of its manufacture and commerce reflects a benefit upon its agriculture also.[41]

The position of a nation, in respect of its neighbours, is analogous to the relation of one of its provinces to the others, or of the country to the town; it has an interest in their prosperity, being sure to profit by their opulence. The government of the United States, therefore, acted most wisely, in their attempt, about the year 1802, to civilize their savage neighbours,
the Creek Indians. The design was to introduce habits of industry amongst them, and make them producers capable of carrying on a barter trade with the States of the Union; for there is nothing to be got by dealing with a people that have nothing to pay. It is useful and honourable to mankind, that one nation among so many should conduct itself uniformly upon liberal principles. The brilliant results of this enlightened policy will demonstrate, that the systems and theories really destructive and fallacious, are the exclusive and jealous maxims acted upon by the old European governments, and by them most impudently styled practical truths, for no other reason, as it would seem, than because they have the misfortune to put them in practice. The United States will have the honour of proving experimentally, that true policy goes hand-in-hand with moderation and humanity.[42]

3. From this fruitful principle, we may draw this further conclusion, that it is no injury to the internal or national industry and production to buy and import commodities from abroad; for nothing can be bought from strangers, except with native products, which find a vent in this external traffic. Should it be objected; that this foreign produce may have been bought with specie, I answer, specie is not always a native product, but must have been bought itself with the products of native industry; so that, whether the foreign articles be paid for in specie or in home products, the vent for national industry is the same in both cases.[43]

4. The same principle leads to the conclusion, that the encouragement of mere consumption is no benefit to commerce; for the difficulty lies in supplying the means, not in stimulating the desire of consumption; and we have seen that production alone, furnishes those means. Thus, it is the aim of good government to stimulate production, of bad government to encourage consumption.

Having once arrived at the clear conviction, that the general demand for products is brisk in proportion to the activity of production, we need not trouble ourselves much to inquire towards what channel of industry production may be most advantageously directed. The products created give rise to various degrees of demand, according to the wants, the manners, the comparative capital, industry, and natural resources of each country; the article most in request, owing to the competition of buyers, yields the best interest of money to the capitalist, the largest profits to the adventurer, and the best wages to the labourer; and the agency of their respective services is naturally attracted by these advantages towards those particular channels.

In a community, city, province, or nation, that produces abundantly, and adds every moment to the sum of its products, almost all the branches of commerce, manufacture, and generally of industry, yield handsome profits, because the demand is great, and because there is always a large quantity of products in the market, ready to bid for new productive services. And, vice versa, wherever, by reason of the blunders of the nation or its government, production is stationary, or does not keep pace with consumption, the demand gradually declines, the value of the product is less than the charges of its production; no productive exertion is properly rewarded; profits and wages decrease; the employment of capital becomes less advantageous and more hazardous; it is consumed
piecemeal, not through extravagance, but through necessity, and because the sources of profit are dried up. The labouring classes experience a want of work; families before in tolerable circumstances, are more cramped and confined; and those before in difficulties are left altogether destitute. Depopulation, misery, and returning barbarism, occupy the place of abundance and happiness.

Such are the concomitants of declining production, which are only to be remedied by frugality, intelligence, activity, and freedom.

Notes

[34.] Even when money is obtained with a view to hoard or bury it, the ultimate object is always to employ it in a purchase of some kind. The heir of the lucky finder uses it in that way, if the miser do not; for money, as money, has no other use than to buy with.

[35.] By bills at sight, or after date, bank-notes, running-credits, write-offs, &c. as at London and Amsterdam.

[36.] I speak here of their aggregate consumption, whether unproductive and designed to satisfy the personal wants of themselves and their families, or expended in the sustenance of reproductive industry. The woollen or cotton manufacturer operates a two-fold consumption of wool and cotton: 1. For his personal wear. 2. For the supply of his manufacture; but, be the purpose of his consumption what it may, whether personal gratification or reproduction, he must needs buy what he consumes with what he produces.

[37.] Individual profits must, in every description of production, from the general merchant to the common artisan, be derived from the participation in the values produced. The ratio of that participation will form the subject of Book II., infra.

[38.] The reader may easily apply these maxims to any time or country he is acquainted with. We have had a striking instance in France during the years 1811, 1812, and 1813; when the high prices of colonial produce of wheat, and other articles, went hand-in-hand with the low price of many others that could find no advantageous market.

[39.] These considerations have hitherto been almost wholly overlooked, though forming the basis of correct conclusions in matters of commerce, and of its regulation by the national authority. The right course where it has, by good luck been pursued, appears to have been selected by accident, or, at most, by a confused idea of its propriety, without either self-conviction, or the ability to convince other people.

Sismondi, who seems not to have very well understood the principles laid down in this and the three first chapters of Book II. of this work, instances the immense quantity of manufactured products with which England has of late inundated the markets of other nations, as a proof, that it is impossible for industry to be too productive. (Nouv. Prin. liv. iv. c. 4.) But the glut thus occasioned proves nothing more than the feebleness of production in those countries that have been thus glutted with English manufactures. Did Brazil produce wherewithal to purchase the English goods exported thither, those goods would not glut her market. Were England to admit the import of the products of the United States, she would find a better market for her own in those States. The English government, by the exorbitance of its taxation upon import and consumption, virtually interdicts to its subjects many kinds of importation, thus obliging the merchant to offer to foreign countries a higher price for those articles, whose import is practicable, as sugar, coffee, gold, silver, &c. for the price of the precious metals to them is enhanced by the low price of their commodities, which accounts for the ruinous returns of their commerce.

I would not be understood to maintain in this chapter, that one product can not be raised in too great abundance, in relation to all others; but merely that nothing is more favourable to the demand of one product, than the supply of another; that the import of English manufactures into Brazil would cease to be excessive and be rapidly absorbed, did Brazil produce on her side returns sufficiently ample; to which end it would be necessary that the legislative bodies of either country should consent, the one to free production, the other to free importation. In Brazil every thing is grasped by monopoly, and property is not exempt from the invasion of the government. In England, the heavy duties are a serious obstruction to the foreign commerce of the nation, inasmuch as they circumscribe the choice of returns. I happen myself to know of a most valuable and scientific collection of natural history, which could not be imported from Brazil into England by reason of the exorbitant duties. ([*]The views of Sismondi, in this particular, have been
since adopted by our own Malthus, and those of our author by Ricardo. This difference of opinion has given rise to an interesting discussion between our author and Malthus, to whom he has recently addressed a correspondence on this and other parts of the science. Were any thing wanting to confirm the arguments of this chapter, it would be supplied by a reference to his Lettre 1, à M. Malthus. Sismondi has vainly attempted to answer Ricardo, but has made no mention of his original antagonist. Vide Annales de Legislation, No. 1. art. 3. Geneve, 1820. Translator.

[40.] The capitalist, in spending the interest of his capital, spends his portion of the products raised by the employment of that capital. The general rules that regulate the ratio he receives will be investigated in Book II., infra. Should he ever spend the principal, still he consumes products only; for capital consists of products, devoted indeed to reproductive, but susceptible of unproductive consumption; to which it is in fact consigned whenever it is wasted or dilapidated.

[41.] A productive establishment on a large scale is sure to animate the industry of the whole neighbourhood. "In Mexico," says Humboldt, "the best cultivated tract, and that which brings to the recollection of the traveller the most beautiful part of French scenery, is the level country extending from Salamanca as far as Silao, Guanaxuato, and Villa de Leon, and encircling the richest mines of the known world. Wherever the veins of precious metal have been discovered and worked, even in the most desert part of the Cordilleras, and in the most barren and insulated spots, the working of the mines, instead of interrupting the business of superficial cultivation, has given it more than usual activity. The opening of a considerable vein is sure to be followed by the immediate erection of a town; farming concerns are established in the vicinity; and the spot so lately insulated in the midst of wild and desert mountains, is soon brought into contact with the tracts before in tillage." Essai pol. sur. la Nouv. Espagne.

[42.] It is only by the recent advances of political economy, that these most important truths have been made manifest, not to vulgar apprehension alone, but even to the most distinguished and enlightened observers. We read in Voltaire that "such is the lot of humanity, that the patriotic desire for one's country's grandeur, is but a wish for the humiliation of one's neighbours;—that it is clearly impossible for one country to gain, except by the loss of another." (Dist. Phil. Art. Patrie.) By a continuation of the same false reasoning, he goes on to declare, that a thorough citizen of the world cannot wish his country to be greater or less, richer or poorer. It is true, that he would not desire her to extend the limits of her dominion, because, in so doing, she might endanger her own well-being; but he will desire her to progress in wealth, for her progressive prosperity promotes that of all other nations.

[43.] This effect has been sensibly experienced in Brazil of late years. The large imports of European commodities, which the freedom of navigation directed to the markets of Brazil, has been so favourable to its native productions and commerce, that Brazilian products never found so good a sale. So there is an instance of a national benefit arising from importation. By the way, it might have perhaps been better for Brazil if the prices of her products and the profits of her producers had risen more slowly and gradually; for exorbitant prices never lead to the establishment of a permanent commercial intercourse; it is better to gain by the multiplication of one's own products than by their increased price.

[44.] If the barren consumption of a product be of itself adverse to re-production, and a diminution pro tanto of the existing demand or vent for produce, how shall we designate that degree of insanity, which would induce a government deliberately to burn and destroy the imports of foreign products, and thus to annihilate the sole advantage accruing from unproductive consumption, that is to say the gratification of the wants of the consumer?

[45.] Consumption of this kind gives no encouragement to future production, but devours products already in existence. No additional demand can be created until there be new products raised; there is only an exchange of one product for another. Neither can one branch of industry suffer without affecting the rest.
Further Information

SOURCE

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FURTHER READING
Other works by Jean-Baptiste Say (1767-1832) <oll.libertyfund.org/people/166>.

School of Thought: 19th Century French Classical Liberalism <oll.libertyfund.org/groups/28>.
“We are suffering from the intolerable competition of a foreign rival whose production of light, it appears, is so far superior to ours that it is flooding our national market at a price that is astonishingly low.”
Editor’s Introduction

Frédéric Bastiat (1801-1850) was the leading advocate of free trade in France during the 1840s. He made a name for himself as a brilliant economic journalist, debunking the myths and misconceptions people held on protectionism in particular and government intervention in general. When revolution broke out in February 1848 Bastiat was elected twice to the Chamber of Deputies where he served on the Finance Committee and struggled to bring government expenditure under control.

Knowing he was dying from a serious throat condition (possibly cancer), Bastiat attempted to complete his magnum opus on economic theory, his Economic Harmonies. In this work he showed the very great depth of his economic thinking and made theoretical advances which heralded the Austrian school of economics which emerged later in the 19th century.

Bastiat wrote many short articles between 1845 and 1850 in an attempt to appeal to a general audience by showing the folly and logical incoherence of the arguments for tariff protection and government subsidies to industry. His method was to wittily and cleverly refute the “half-truths,” confusions, and fallacies of the protectionists, or what he called their “economic sophisms.” His article “The Petition of the Manufacturers of Candles” (October 1845) is one of his best known and is an excellent example of his method and style. It appeared in the first collection of his Economic Sophisms which was published in January 1846.

“We ask you to be good enough to pass a law which orders the closure of all windows, gables, shades, wind-breaks, shutters, curtains, skylights, fanlights, blinds, in a word, all openings, holes, slits, and cracks through which the light of the sun is accustomed to penetrate into houses to the disadvantage of the fine industries that we flatter ourselves that we have given to the country”
“The Petition of the Manufacturers of Candles, etc.” (October 1845)\(^{35}\)

By the manufacturers of tallow candles, wax candles, lamps, candlesticks, street lamps, snuffers, extinguishers and producers of tallow, oil, resin, alcohol, and in general everything that relates to lighting

To Honorable Members of the Chamber of Deputies

Sirs,

You are doing all right for yourselves. You are rejecting abstract theories; abundance and cheapness are of little account to you. You are concerned most of all with the fate of producers. You want them to be free from foreign competition, in a word, you want to keep the domestic market for domestic labor.

We come to offer you a wonderful opportunity to apply your ... what will we call it? Your theory? No, nothing is more misleading than theory. Your doctrine? Your system? Your principles? But you do not like doctrines, you have a horror of systems and as for principles, you declare that none exists in the economic life of society. We will therefore call it your practice, your practice with no theory and no principle.

“We are suffering from the intolerable competition of a foreign rival whose situation with regard to the production of light, it appears, is so far superior to ours that it is flooding our national market at a price that is astonishingly low.”

We are suffering from the intolerable competition of a foreign rival whose situation with regard to the production of light, it appears, is so far superior to ours that it is flooding our national market at a price that is astonishingly low for; as soon as he comes on the scene, our sales cease, all consumers go to him, and a sector of French industry whose ramifications are countless is suddenly afflicted with total stagnation. This rival, which is none other than the sun, is waging such a bitter war against us that we suspect that it is instigated by perfidious Albion [1] (good diplomacy in the current climate!), especially as it treats this proud island in a way which it denies us. [2]

We ask you to be good enough to pass a law which orders the closure of all windows, gables, shades, wind-breaks, shutters, curtains, skylights, fanlights, blinds, in a word, all openings, holes, slits, and cracks through which the light of the sun is accustomed to penetrate into houses to the disadvantage of the fine industries that we flatter ourselves that we have given to the country, which cannot now abandon us to such an unequal struggle without being guilty of ingratitude.

Deputies, please do not take our request for satire and do not reject it without at least listening to the reasons we have to support us.

Firstly, if you forbid as far as possible any access to natural light, if you thus create a need for artificial light, what industry in France, would not bit by bit be encouraged?

If more tallow is consumed, more cattle and sheep will be needed and consequently, we will see an increase in artificial meadows, meat, wool, leather and above all, fertilizer, the basis of all agricultural wealth.

“We ask you to be good enough to pass a law which orders the closure of all windows, gables, shades, wind-breaks, shutters, curtains, skylights, fanlights, blinds, in a word, all openings, holes, slits, and cracks through which the light of the sun is accustomed to penetrate into houses to the disadvantage of the fine industries that we flatter ourselves that we have given to the country.”

If more oil is consumed, we will see an expansion in the cultivation of poppies, olive trees, and rapeseed. These rich and soil-exhausting plants will be just the

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\(^{35}\) “Pétition des fabricants de chandelles, etc.” (Petition by the Manufacturers of Candles, etc.) in *Sophismes Économiques* (Paris: Guillaumin, 1846).
thing to take advantage of the fertility that the rearing of animals will have contributed to our land.

Our moorlands will be covered with coniferous trees. Countless swarms of bees will gather from our mountains scented treasures which now evaporate uselessly like the flowers from which they emanate. There is thus no sector of agriculture that will not experience significant development.

The same is true for shipping. Thousands of ships will go to catch whales, and in a short time we will have a navy capable of upholding the honor of France and satisfying the patriotic susceptibility of us who petition you, the sellers of tallow candles, etc.

But what have we to say about Articles de Paris? [3] You can already picture the gilt work, bronzes, and crystal in candlesticks, lamps, chandeliers, and candelabra shining in spacious stores compared with which today’s shops are nothing but boutiques.

Even the poor resin tapper on top of his sand dune or the poor miner in the depths of his black shaft would see his earnings and well-being improved.

Think about it, sirs, and you will remain convinced that perhaps there is not one Frenchman, from the wealthy shareholder of Anzin to a humble match seller, whose fate would not be improved by the success of our request.

We anticipate your objections, sirs, but you cannot put forward a single one that you have not culled from the well-thumbed books of the supporters of free trade. We dare to challenge you to say one word against us that will not be turned instantly against yourselves and the principle that governs your entire policy.

Will you tell us that if we succeed in this protection France will gain nothing, since consumers will bear its costs?

Our reply to you is this:

You no longer have the right to invoke the interests of the consumer. When the latter was in conflict with the producers, you sacrificed him on every occasion.

You did this to stimulate production and to increase its domain. For the same reason, you should do this once again.

You yourselves have forestalled the objection. When you were told: “Consumers have an interest in the free introduction of iron, coal, sesame, wheat, and cloth”, you replied: “Yes, but producers have an interest in their exclusion.” Well then, if consumers have an interest in the admission of natural light, producers have one in its prohibition.

“But,” you also said, “producers and consumers are one and the same. If manufacturers gain from protection, they will cause agriculture to gain. If agriculture prospers, it will provide markets for factories.” Well, then, if you grant us the monopoly of lighting during the day, first of all we will purchase a great deal of tallow, charcoal, oil, resin, wax alcohol, silver, iron, bronze, and crystal to fuel our industry and, what is more, once we and our countless suppliers have become rich, we will consume a great deal and spread affluence throughout the sectors of the nation’s production.

Will you say that sunlight is a free gift and that to reject free gifts would be to reject wealth itself, even under the pretext of stimulating the means of acquiring it?

Just take note that you have a fatal flaw at the heart of your policy and that up to now you have always rejected foreign products because they come close to being free gifts and all the more so to the degree that they come closer to this. You had only a half reason to accede to the demands of other monopolists; to accede to our request, you have a complete reason and to reject us precisely on the basis that we are better founded would be to advance the equation + x + = -; in other words it would be to pile absurdity on absurdity.

“Your no longer have the right to invoke the interests of the consumer. When the latter was in conflict with the producers, you sacrificed him on every occasion. You did this to stimulate production and to increase its domain. For the same reason, you should do this once again.”

Work and nature contribute in varying proportions to the production of a product, depending on the country and climate. The portion provided by nature is always free; it is the portion which labor contributes that establishes its value and is paid for.

If an orange from Lisbon is sold at half the price of an orange from Paris, it is because natural and consequently free heat gives to one what the other owes to artificial and consequently expensive heat.
Therefore when an orange reaches us from Portugal, it can be said that it is given to us half free and half paid for, or in other words, at half the price compared to the one from Paris. Well, it is precisely its being half-free (excuse the expression) that you use as an argument to exclude it. You say, “How can domestic labor withstand the competition of foreign labor when domestic labor has to do everything and foreign labor only half of the task, with the sun accomplishing the rest?” But if this matter of things being half-free persuades you to reject competition how will things being totally free lead you to accept competition? Either you are not logicians or, in rejecting half-free products as harmful to our domestic economy, you have to reject totally free goods a fortiori and with twice as much zeal.

“You have a fatal flaw at the heart of your policy and that up to now you have always rejected foreign products because they come close to being free gifts.”

Once again, when a product, coal, iron, wheat, or cloth, comes to us from abroad and if we can acquire it with less work than if we made it ourselves, the difference is a free gift bestowed on us. This gift is more or less significant depending on whether the difference is greater or lesser. It ranges from one-quarter to half- or three-quarters of the value of the product if foreigners ask us only for three-quarters, half-, or one-quarter of the payment. It is as total as it can be when the donor asks nothing from us, like the sun for light. The question, which we set out formally, is to know whether you want for France the benefit of free consumption or the alleged advantages of expensive production. Make your choice, but be logical, for as long as you reject, as you do, foreign coal, iron, wheat, and cloth, the closer their price gets to zero, how inconsistent it would be to accept sunlight, whose cost is zero, throughout the day?

Notes

[1] “Perfidious Albion” (or faithless or deceitful England) was the disparaging name given to Britain by its French opponents. It probably dates from the 1790s, when the British monarchy subsidized the other monarchies of Europe in their struggle against the French Republic during the revolution. Bastiat makes fun of this name in a later Sophism by talking about “Perfidious Normandy.” See ES2, XIII “Protection, or the Three Municipal Magistrates,” below. See the glossary entry on “Perfidious Albion.”

[2] This is a dig by Bastiat at the famously bad British weather. By making it so often overcast in Britain the sun seems to be favoring the British artificial light industry in a way that it doesn't for the French industry which has to suffer economic hardship because there is more sunny weather (at least in the south of France). The average number of hours of sunshine per year in Britain (1971-2000) was 1,457.4. For France, Lille in the north east had 1,617 hours (1991-2010), Paris had 1,662 hours, Bordeaux (near where Bastiat lived) had 2,035 hours, and Marseille on the Mediterranean had 2,858. For Australia (1981-2010), Townsville in North Queensland had 3,139 hours, Sydney had 2,592, and Hobart in the south had 2,263 hours.

[3] "Articles de Paris" were high priced luxury goods produced in France and included leather goods, jewelry, fashion clothing, perfume, and other such goods.
Further Information

SOURCE


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FURTHER READING

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Richard Cobden, "On the Total and Immediate Repeal of the Corn Laws" (January 1846)

<(oll.libertyfund.org/titles/2509)>

“(We hold) one of the principles of eternal justice to be the inalienable right of every man freely to exchange the result of his labour for the productions of other people, and maintain (that) the practice of protecting one part of the community at the expense of all other classes to be unsound and unjustifiable.”

Richard Cobden (1804-1865)
Editor’s Introduction

Richard Cobden (1804-1865) was a cotton goods manufacturer, a member of the British Parliament and an advocate of free trade, a non-interventionist foreign policy, peace, and parliamentary reform. He is best remembered for his activity on behalf of the Anti-Corn Law League (founded in 1838) which helped to dramatically reduce British tariffs in 1846 which began a long period of virtual free trade in Britain which lasted into the early 20th century. He was the official British representative who negotiated and signed the Anglo-French trade agreement of 1860 with Michel Chevalier. Cobden’s writings and agitation inspired other free traders in Europe, most notably Frédéric Bastiat in France. After the repeal of the Corn Laws Cobden devoted himself to the peace movement, opposing both British involvement in wars (such as the Crimean War against Russia 1854-56) and in efforts to set formal mechanisms for the arbitration of international disputes.

This extract comes from a speech Cobden gave in Manchester 12 days before PM Robert Peel announced the abolition of the protectionist Corn Laws, thus culminating nearly a decade of activism on behalf of the free trade movement. The third reading of the bill was passed in the House of Commons on 3 May and the House of Lords passed it on 25 June. Cobden had hoped for an immediate repeal but had to be satisfied with a gradual repeal which would end on 1 February, 1849. The Anti-Corn Law League was a single issue body and so when repeal was announced it decided to dissolve itself on 4 July, 1846.

Some of the most interesting parts of Cobden’s speech concern the consistency of the League in opposing both agricultural and manufacturing tariffs and protection, the political tactics used by the League in opposing the protectionist interests, the radicalism of their demands for immediate and total repeal which was combined with a realism that this might not be the political outcome, Cobden’s firm conviction that the repeal of the corn laws was a single issue movement and that therefore the Anti-Corn Law League should dissolve itself when it had achieved its goal, and the quite moving “I have dream” speech with which Cobden closes his address to Parliament.

“I have speculated, and probably dreamt, in the dim future—ay, a thousand years hence—I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and the motive for large and mighty empires; for gigantic armies and great navies—for those materials which are used for the destruction of life and the desolation of the rewards of labour—will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family, and freely exchanges the fruits of his labour with his brother man. I believe that, ... the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world’s history from the triumph of the principle which we have met here to advocate.”
"On the Total and Immediate Repeal of the Corn Laws" (January 15, 1846)\textsuperscript{36}

“A resolution: That the merchants, manufacturers, and other members of the National Anti-Corn-law League claim no protection whatever for the manufactured products of this country, and desire to see obliterated for ever the few nominally protective duties against foreign manufactures, which still remain upon our statute books.”

I shall begin the few remarks which I have to offer to this meeting by proposing, contrary to my usual custom, a resolution; and it is, ‘That the merchants, manufacturers, and other members of the National Anti-Corn-law League claim no protection whatever for the manufactured products of this country, and desire to see obliterated for ever the few nominally protective duties against foreign manufactures, which still remain upon our statute books.’ Gentlemen, if any of you have taken the pains to wade through the reports of the protectionist meetings, as they are called, which have been held lately, you would see that our opponents, at the end of seven years of our agitation, have found out their mistake, and are abandoning the Corn-laws; and now, like unskilful blunderers as they are, they want to take up a new position, just as we are going to achieve the victory. Then they have been telling something very like fibs, when they claimed the Corn-laws as compensation for peculiar burdens. They say now that they want merely protection in common with all other interests, and they now call themselves the advocates of protection to native industry in all its branches; and, by way of making the appeal to the less-informed portion of the community, they say that the Anti-Corn-law League are merely the advocates of free trade in corn, but that we want to preserve a monopoly in manufactures.

Now, the resolution which I have to submit to you, and which we will put to this meeting to-night—the largest by far that I ever saw in this room, and comprising men of every class and of every calling in this district—let that resolution decide, once and for ever, whether our opponents can with truth lay that to our charge henceforth. There is nothing new in this proposition, for at the very beginning of this agitation—at the meeting of the Chamber of Commerce—when that faint voice was raised in that small room in King-street in December, 1838, for the total and immediate repeal of the Corn-laws—when that ball was set in motion which has been accumulating in strength and velocity ever since, why, the petition stated fairly that this community wanted no protection for its own industry. I will read the conclusion of that admirable petition; it is as follows:—

‘Holding one of the principles of eternal justice to be the inalienable right of every man freely to exchange the result of his labour for the productions of other people, and maintaining the practice of protecting one part of the community at the expense of all other classes to be unsound and unjustifiable, your petitioners earnestly implore your honourable House to repeal all laws relating to the importation of foreign corn and other foreign articles of subsistence; and to carry out to the fullest extent, both as affects agriculture and manufactures, the true and peaceful principles of Free Trade, by removing all existing obstacles to the unrestricted employment of industry and capital.’

“One of the principles of eternal justice is the inalienable right of every man freely to exchange the result of his labour for the productions of other people.”

We have passed similar resolutions at all our great aggregate meetings of delegates in London ever since that was issued.

I don't put this resolution as an argument or as an appeal to meet the appeals made in the protection societies' meetings. I believe that the men who now, in this seventh year of our discussion, can come forth before their country, and talk as those men have done—I believe that you might as well preach to the deaf adder. You cannot convince them. I doubt whether they have not been living in their shells, like oysters; I doubt whether they know that such a thing is in existence as a railroad, or a penny postage, or even as an heir to the throne. They are in profound ignorance of everything, and incapable of being taught. We don't appeal to them, but to a very large portion of this community, who don't take a very prominent part in this discussion—who may be considered as important lookers-on. Many have been misled by the reiterated assertions of our opponents; and it is at this eleventh hour to convince these men, and to give them an opportunity of joining our ranks, as they will do, that I offer this proof of disinterestedness and the fairness of our proposals. I don't intend to go into an argument to convince any man here that protection to all must be protection to none. If it takes from one man's pocket, and allows him to compensate himself by taking an equivalent from another man's pocket, and if that goes on in a circle through the whole community, it is only a clumsy process of robbing all to enrich none; and simply has this effect, that it ties up the hands of industry in all directions. I need not offer one word to convince you of that. The only motive that I have to say a word is, that what I say here may convince others elsewhere—the men who meet in protection societies. But the arguments I should adduce to an intelligent audience like this, would be spoken in vain to the Members of Parliament who are now the advocates of protection. I shall meet them in less than a week in London, and there I will teach the A B C of this protection. It is of no use trying to teach children words of five syllables, when they have not got out of the alphabet.

Well, what exhibitions these protectionists have been making of themselves! Judging from the length of their speeches, as you see them reported, you might fancy the whole community was in motion. Unfortunately for us, and for the reputation of our countrymen, the men who can utter the drivelling nonsense which we have had exhibited to the world lately, and the men who can listen to it, are very few in number. I doubt exceedingly whether all the men who have attended all the protection meetings, during the last month, might not very comfortably be put into this hall. But these protection societies have not only changed their principles, but it seems they have resolved to change their tactics. They have now, at the eleventh hour, again resolved that they will make their body political, and look after the registration. What simpletons they must have been to have thought that they could do any good without that! So they have resolved that their societies shall spend their money in precisely the same way that the League have been expending theirs. They have hitherto been telling us, in all their meetings and in all their newspapers, that the League is an unconstitutional body; that it is an infernal club which aims at corrupting, at vitiating, and at swamping the registrations: and now, forsooth, when no good can possibly come of it—when they most certainly should have wisely abstained from imitating it, since they cannot do any good, and have kept up the strain they formerly had, of calling the League an unconstitutional body; they resolve to rescind their resolution, and to follow his Grace the Duke of Richmond's advice, and fight us with our own weapons. Now, I presume, we are a constitutional body. It is a fortunate thing that we have not got great Dukes to lead us. But, now, of what force is this resolution? Like everything they do, it is farcical—it is unreal. The protection societies, from the beginning, have been nothing but phantoms. They are not realities; and what is their resolution—what does it amount to? They resolve that they will look after the registration. What, then, if they have done their worst in that way already. We all know that these landlords may really make their acres a kind of electioneering property. We know right well that their land agents are their electioneering agents. We know that their rent-rolls have been made their muster-rolls for fighting the battle of protection. These poor drivelling people say that we buy qualifications, and present them to our friends; that we bind them down to vote as we please. But, now, of what force is this resolution? We have never bought a vote, and we never intend to buy a vote or to give one. Should we not be blockheads to buy votes and give them, when we have ten thousand persons ready to buy them at our request?

But I suspect that our protectionist friends have a notion that there is some plan—some secret, sinister
plan—by which they can put fictitious votes on the register. Now I beg to tell them that the League is not more powerful to create votes than it is to detect the flaws in the bad votes of our opponents; and they may depend on it, if they attempt to put fictitious voters on the register, that we have our ferrets in every county, and that they will find out the flaws; and when the registration time comes, we'll have an objection registered against every one of their fictitious qualifications, and show that they have paid for them. Well, we have our protectionist opponents; but how we may congratulate ourselves on the position which they have given to this question by the discussion that has been raised everywhere during the last few months! We cannot enter a steamboat or a railway carriage—nay, we cannot even go into an omnibus, but the first thing that any man does, almost before he has deposited his umbrella, is to ask, 'Well, what is the last news about the Corn-laws?' Now, we, who remember how difficult it was, at the beginning of our agitation, to bring men's minds to the discussion of this question, when we think that every newspaper is now full of it—the same broad sheet containing, perhaps, a report of this meeting, and of the miserable drizzling of some hole-and-corner agricultural gathering—and when we think that the whole community is engaged in reading the discussion and pondering on the several arguments, we can desire no more. The League might close its doors to-morrow, and its work might be considered as done, the moment it compels or induces people to discuss the question.

On this point I will just offer this remark: The clergy of the Church of England have been placed in a most invidious, and, I think, an unfortunate position, by the mode in which their tithe commutation charge was fixed some years ago. My friend Colonel Thompson will recollect it, for he was in Parliament at the time, and protested against the way in which the tithe commutation rent-charge was fixed. He said, with the great foresight he had always shown in the struggle for the repeal of the Corn-laws, that it would make the clergy of the Church of England parties to the present Corn-law by fixing their tithe at a fixed quantity of corn, fluctuating according to the price of the last seven years. Let it be borne in mind, that every other class of the community may be directly compensated for the repeal of the Corn-laws—I mean the dissenting denominations; we have them almost en masse, both ministers and laymen; and I believe the only body, the only religious body, which we may not say we have with us as a body, are the members of the Church of England.
England receive a given number of quarters of wheat for their tithe, whatever the price may be. I think, however, we may draw a favourable conclusion, under all the circumstances, from the fact that I believe there has not been one clergyman of the Church of England at all eminent for rank, piety, or learning, who has come out, notwithstanding the strong temptation of personal interest, to advocate the existing Corn-law. I think that we may take this as a proof of the very strong appeal to justice which this question makes, and perhaps augur also that there is a very strong feeling amongst the great body of the members of the Church of England in favour of free trade in corn.

Well, there is one other quarter in which we have seen the progress of sound principles—I allude to America. We have received the American President's Message; we have had also the report of the Secretary of the Treasury, and both President Polk and Mr. Secretary Walker have been taking my friend Colonel Thompson's task out of his hands, and lecturing the people of America on the subject of Free Trade. I have never read a better digest of the arguments in favour of Free Trade than that put forth by Mr. Secretary Walker, and addressed to the Congress of that country. I augur from all these things that our question is making rapid progress throughout the world, and that we are coming to the consummation of our labours. We are verging now towards the session of Parliament, and I predict that the question will either receive its quietus, or that it will lead to the dissolution of this Parliament; and then the next will certainly relieve us from our burden.

Now, many people are found to speculate on what Sir Robert Peel may do in the approaching session of Parliament. It is a very hazardous thing, considering that in one week only you will be as wise as I shall, to venture to make a prediction on this subject. [A cry of 'We are very anxious.'] You are very anxious, no doubt. Well, let us see if we can speculate a little on futurity, and relieve our anxiety. There are three courses open to Sir Robert Peel. He may keep the law as it is; he may totally repeal it; or he may do something between the two by tinkering his scale again, or giving us a fixed duty. Now, I predict that Sir R. Peel will either keep the law as it is, or he will propose totally to abolish it. And I ground my prediction on this, because these are the only two things that anybody in the country wants him to do. There are some who want to keep protection as it is; others want to get rid of it; but nobody wants anything between the two. He has his choice to make, and I have this opinion of his sagacity, that, if he changes at all, he will change for total repeal. But the question is, 'Will he propose total and immediate repeal?' Now, there, if you please, I will forbear to offer a prediction. But I will venture to give you a reason or two why I think he ought to take total and immediate repeal. I don't think that any class is so much interested in having the Corn-laws totally and immediately repealed as the farming class. I believe that it is of more importance to the farmers to have the repeal instantaneous, instead of gradual, than to any other class of the community. In fact, I observe, in the report of a recent Oxfordshire protection meeting, given in to-day's paper, that when Lord Norreys was alluding to the probability of Sir Robert Peel abolishing the Corn-laws gradually, a farmer of the name of Gillatt cried out, 'We had better be drowned outright than ducked to death.' Gentlemen, I used to employ another simile—a very humble one, I admit. I used to say that an old farmer had told me, that if he was going to cut off his sheep-dog's tail, it would be far more humane to cut it off all at once than a piece every day in the week. But now I think that the farmer's simile in Oxford is the newest and the best that we can use. Nothing could be more easy than to demonstrate that it is the true interest of the farmers, if the Corn-law is to be abolished, to have it abolished instantly. If the Corn-law were abolished to-morrow, my firm belief is, that instead of wheat falling, it would have a tendency to rise. That is my firm belief, because speculation has already anticipated Sir Robert Peel, and wheat has fallen in consequence of that apprehension. I believe that, owing to the scarcity everywhere—I mean in all parts of Europe—you could not, if you prayed for it, if you had your own wishing-cap on, and could make your own time and circumstances—I believe, I say, that you could never find such an opportunity for abolishing the Corn-laws totally and immediately as if it were done next week; for it so happens that the very countries from which, in ordinary times, we have been supplied, have been afflicted, like ourselves, with scarcity—that the countries of Europe are competing with us for the very small surplus existing in America. They have, in fact, anticipated us in that market, and they have left the world's markets so bare of corn, that, whatever your necessities may be, I defy you to have other than high
prices of corn during the next twelve months, though the Corn-law was abolished to-morrow.

European countries are suffering as we are from the same evil. They are suffering from scarcity now, owing to their absurd legislation respecting the article of corn. Europe altogether has been corrupted by the vicious example of England in her commercial legislation. There they are, throughout the continent of Europe, with a population increasing at the rate of four or five millions a year; yet they make it their business, like ourselves, to put barriers in the way of a sufficiency of food to meet the demand of an increasing population.

“I believe that if you abolish the Corn-law honestly, and adopt Free Trade in its simplicity, there will not be a tariff in Europe that will not be changed in less than five years to follow your example.”

I believe that if you abolish the Corn-law honestly, and adopt Free Trade in its simplicity, there will not be a tariff in Europe that will not be changed in less than five years to follow your example. Well, gentlemen, suppose the Corn-law be not abolished immediately, but that Sir Robert Peel brings in a measure giving you a duty of 5s., 6s., or 7s., and going down 1s. a-year for four or five years, till the whole duty is abolished, what would be the effect of that on foreign countries? They will then exaggerate the importance of this market when the duty is wholly off. They will go on raising supplies, calculating that, when the duty is wholly off, they will have a market for their produce, and high prices to remunerate them; and if, as is very likely and consistent with our experience, we should have a return to abundant seasons, these vast importations would be poured upon our markets, probably just at the time when our prices are low; and they would come here, because they would have no other market, to swamp our markets, and deprive the farmer of the sale of his produce at a remunerating price. But, on the contrary, let the Corn-law be abolished instantly; let foreigners see what the English market is in its natural state, and then they will be able to judge from year to year and from season to season what will be the future demand from this country for foreign corn. There will be no extravagant estimate of what we want—no contingency of bad harvests to speculate upon. The supply will be regulated by the demand, and will reach that state which will be the best security against both gluts and famine. Therefore, for the farmers’ sakes, I plead for the immediate abolition of this law. A farmer never can have a fair and equitable understanding or adjustment with his landlord, whether as respects rent, tenure, or game, until this law is wholly removed out of his way. Let the repeal be gradual, and the landlord will say to the farmer, through the land-agent, ‘Oh, the duty will be 7s. next year; you have not had more than twelve months’ experience of the working of the system yet,’ and the farmer goes away without any settlement having been come to. Another year passes over, and when the farmer presents himself, he is told, ‘Oh, the duty will be 5s. this year; I cannot yet tell what the effect will be; you must stop awhile.’ The next year the same thing is repeated, and the end is, that there is no adjustment of any kind between the landlord and tenant. But put it at once on a natural footing, abolish all restrictions, and the landlord and tenant will be brought to a prompt settlement; they will be placed precisely on the same footing as you are in your manufactures.

Well, I have now spoken on what may be done. I have told you, too, what I should advocate; but I must say, that whatever is proposed by Sir Robert Peel, we, as Free-traders, have but one course to pursue. If he proposes a total and immediate and unconditional repeal, we shall throw up our caps for Sir Robert Peel. If he proposes anything else, then Mr. Villiers will be ready, as he has been on former occasions—to move his amendment for a total and immediate repeal of the Corn-laws. We are not responsible for what Ministers may do; we are but responsible for the performance of our duty. We don't offer to do impossibilities; but we will do our utmost to carry out our principles. But, gentlemen, I tell you honestly, I think less of what this Parliament may do; I care less for their opinions, less for the intentions of the Prime Minister and the Cabinet, than what may be the opinion of a meeting like this and of the people out of doors. This question will not be carried by Ministers or by the present Parliament; it will be carried, when it is carried, by the will of the nation. We will do nothing that can remove us a hair's breadth from that rock which we have stood upon with so much safety for the last seven years. All other parties have been on a quicksand, and floated
about by every wave, by every tide, and by every wind—some floating to us, others, like fragments scattered over the ocean, without rudder or compass; whilst we are upon solid ground, and no temptation, whether of parties or of Ministers, shall ever make us swerve a hair's breadth. I am anxious to hear now, at the last meeting before we go to Parliament—before we enter that arena to which all men's minds will be turned during the next week—I am anxious, not merely that we should all of us understand each other on this question, but that we should be considered as occupying as independent and isolated a position as we did at the first moment of the formation of this League. We have nothing to do with Whigs or Tories; we are stronger than either of them; and if we stick to our principles, we can, if necessary, beat both. And I hope we perfectly understand now, that we have not, in the advocacy of this great question, a single object in view but that which we have honestly avowed from the beginning. Our opponents may charge us with designs to do other things. No, gentlemen, I have never encouraged that. Some of my friends have said, 'When this work is done, you will have some influence in the country; you must do so and so.' I said then, as I say now, 'Every new political principle must have its special advocates, just as every new faith has its martyrs.' It is a mistake to suppose that this organisation can be turned to other purposes. It is a mistake to suppose that men, prominent in the advocacy of the principle of Free Trade, can with the same force and effect identify themselves with any other principle hereafter. It will be enough if the League accomplishes the triumph of the principle we have before us. I have never taken a limited view of the object or scope of this great principle. I have never advocated this question very much as a trader.

“\textit{I look farther; I see in the Free-trade principle that which shall act on the moral world as the principle of gravitation in the universe,—drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace. I have looked even farther. I have speculated, and probably dreamt, in the dim future—ay, a thousand years hence—I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails.”

But I have been accused of looking too much to material interests. Nevertheless I can say that I have taken as large and great a view of the effects of this mighty principle as ever did any man who dreamt over it in his own study. I believe that the physical gain will be the smallest gain to humanity from the success of this principle. I look farther; I see in the Free-trade principle that which shall act on the moral world as the principle of gravitation in the universe,—drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace. I have looked even farther. I have speculated, and probably dreamt, in the dim future—ay, a thousand years hence—I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and the motive for large and mighty empires; for gigantic armies and great navies—for those materials which are used for the destruction of life and the desolation of the rewards of labour—will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family, and freely exchanges the fruits of his labour with his brother man. I believe that, if we could be allowed to reappear on this sublunary scene, we should see, at a far distant period, the governing system of this world revert to something like the municipal system; and I believe that the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world's history from the
triumph of the principle which we have met here to
advocate. I believe these things: but, whatever may
have been my dreams and speculations, I have never
obtruded them upon others. I have never acted upon
personal or interested motives in this question; I seek
no alliance with parties or favour from parties, and I
will take none—but, having the feeling I have of the
sacredness of the principle, I say that I can never agree
to tamper with it. I, at least, will never be suspected of
doing otherwise than pursuing it disinterestedly,
honestly, and resolutely.

“Whatever may have been my dreams
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Further Information

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FURTHER READING

Other works by Richard Cobden (1804-1865) <oll.libertyfund.org/people/89>.

“If it is a good thing to break windows, that this causes money to circulate & therefore industry in general is stimulated, I am obliged to cry: “Stop!” Your theory has stopped at what is seen and takes no account of what is not seen.”
Editor’s Introduction

Frédéric Bastiat (1801-1850) was the leading advocate of free trade in France during the 1840s. He made a name for himself as a brilliant economic journalist, debunking the myths and misconceptions people held on protectionism in particular and government intervention in general. When revolution broke out in February 1848 Bastiat was elected twice to the Chamber of Deputies where he served on the Finance Committee and struggled to bring government expenditure under control.

Knowing he was dying from a serious throat condition (possibly cancer), Bastiat attempted to complete his magnum opus on economic theory, his *Economic Harmonies*. In this work he showed the very great depth of his economic thinking and made theoretical advances which heralded the Austrian school of economics which emerged later in the 19th century.

The pamphlet from which these two pieces were taken, *What is Seen and What is Not Seen*, was written in July 1850 just six months before he died. It was written in the style of his famous “economic sophisms” which were designed to debunk popular but false understandings of economic principles. Here he discusses a profound economic insight, namely that most people only look at the direct and immediate impact of an economic action (“what is seen”) and ignore the indirect and less immediate impacts (“what is not seen”).

Bastiat argued that the “seen” benefits of an economic disaster or government policies, such as tariffs or subsidies, are outweighed by the “unseen” costs of losses to some individuals, higher prices to consumers, and distortions introduced into the broader economy. In this example of the broken window Bastiat argues that the act of replacing a broken window (“the seen”) might be a gain to one person (the glazier) but it is a loss two other people, the owner of the window (who is also “seen”) and the business owners who do not get the sales they would have had if the window not been broken (“the unseen”).

“What is not seen is that since our bourgeois has spent six francs on one thing, he can no longer spend them on another What is not seen is that if he had not had a window to replace, he might have replaced his down-at-heel shoes or added a book to his library. In short, he would have used his six francs for a purpose that he will no longer be able to.”
What is Seen and What is Not Seen, or Political Economy in One Lesson (1850)

“The Author’s Introduction”

§. 1. In the sphere of economics an action, a habit, an institution or a law engenders not just one effect but a series of effects. Of these effects only the first is immediate; it is revealed simultaneously with its cause, it is seen. The others merely occur successively, they are not seen; [4] we are lucky if we foresee them.

§. 2. The entire difference between a bad and a good Economist is apparent here. A bad one relies on the visible effect while the good one takes account both of the effect one can see and of those one must foresee.

“In the sphere of economics an action, a habit, an institution or a law engenders not just one effect but a series of effects. Of these effects only the first is immediate; it is revealed simultaneously with its cause, it is seen. The others merely occur successively, they are not seen; we are lucky if we foresee them.”

§. 3. However, the difference between these is huge, for it almost always happens that when the immediate consequence is favorable the later consequences are disastrous, and vice versa. From which it follows that a bad Economist will pursue an small current benefit that is followed by a large disadvantage in the future, while a true Economist will pursue a large benefit in the future at the risk of suffering a small disadvantage immediately. [5]

§. 4. This distinction is also true, moreover, for hygiene and the moral code. Often, the sweeter the first fruit of a habit, the more bitter are those that follow. Examples of this are debauchery, laziness and prodigality. So when a man, touched by some effect that can be seen, has not yet learnt to discern those that are not seen, he gives way to disastrous habits, not just through inclination but deliberately.

§. 5. This explains the inexorably painful evolution of the human race. Ignorance surrounds its cradle; it therefore makes up its mind with regards to its acts according to their initial consequences, the only ones it is able to see originally. It is only in the long run that it learns to take account of the others. [6] Two masters, very different from one another, teach it this lesson: experience and foresight. Experience governs effectively but brutally. It teaches us all the effects of an action by having us feel them and we cannot fail to end up learning that fire burns, by burning ourselves. For this rough teacher, I would like, as far as possible to substitute a gentler one: foresight. This is why I will be seeking the consequences of certain economic phenomena by opposing those that are not seen to those that are seen.

Notes

[4] Bastiat’s first use of these concepts is most likely in ES1 XX “Human Labor and Domestic Labor” (c. 1845) where he contrasts “immediate and transitory effects” and “general and definitive consequences.”

[5] During the course of 1849-50 when Bastiat repeatedly rewrote this pamphlet as he could not decide on the appropriate style to use, whether serious or satirical, he had developed his thinking on two ideas which were of great concern to him for the previous few years. These were firstly, the immediately observable and obvious consequences of an economic act (“the seen”) and the longer term and less apparent consequences (“the unseen”), and secondly the “ricochet” or flow on effects of economic actions which may or may not have positive or negative consequences. This pamphlet is an extended exploration of the former set of ideas. See the glossary entry on “The Double Incidence of Loss” and the Appendices "Bastiat and the Ricochet Effect" and "The Sophism Bastiat never wrote: the Sophism of the Ricochet Effect."


[DMH - This is a reference to Chap. XX “Responsibility” in the Economic Harmonies.]

Chap. I. The Broken Window [7]

§. 1. Have you ever witnessed the fury of the good bourgeois Jacques Bonhomme [8] when his dreadful
son succeeded in breaking a window? If you have witnessed this sight, you will certainly have noted that all the onlookers, even if they were thirty in number, appeared to have agreed mutually to offer the unfortunate owner this uniform piece of consolation: “Good comes out of everything. Accidents like this keep production moving. Everyone has to live. What would happen to glaziers if no window panes were ever broken?”

§. 2. Well, there is an entire theory in this consoling formula, which it is good to surprise in flagrante delicto [9] in this very simple example, since it is exactly the same as the one that unfortunately governs the majority of our economic institutions.

“But if, by way of deduction, as is often the case, the conclusion is reached that it is a good thing to break windows, that this causes money to circulate and therefore industry in general is stimulated, I am obliged to cry: “Stop!” Your theory has stopped at what is seen and takes no account of what is not seen.”

§. 3. If you suppose that it is necessary to spend six francs to repair the damage, if you mean that the accident provides six francs to the glazing industry and stimulates the said industry to the tune of six francs, I agree and I do not query in any way that the reasoning is accurate. The glazier will come, do his job, be paid six francs, rub his hands and in his heart bless the dreadful child. This is what is seen.

§. 4. But if, by way of deduction, as is often the case, the conclusion is reached that it is a good thing to break windows, that this causes money to circulate and therefore industry in general is stimulated, I am obliged to cry: “Stop!” Your theory has stopped at what is seen and takes no account of what is not seen.

§. 5. What is not seen is that since our bourgeois has spent six francs on one thing, he can no longer spend them on another. What is not seen is that if he had not had a window to replace, he might have replaced his down-at-heel shoes or added a book to his library. In short, he would have used his six francs for a purpose that he will no longer be able to.

§. 6. Let us therefore draw up the accounts of industry in general.

§. 7. As the window was broken, the glazing industry is stimulated to the tune of six francs; this is what is seen.

§. 8. If the window had not been broken, the shoemaking industry (or any other) would have been stimulated to the tune of six francs; this is what is not seen.

§. 9. And if we took into consideration what is not seen, because it is a negative fact, as well as what is seen, because it is a positive fact, we would understand that it makes no difference to national output and employment, taken as a whole, whether window panes are broken or not.

§. 10. Let us now draw up Jacques Bonhomme’s account. [10]

§. 11. In the first case, that of the broken window, he spends six francs and enjoys the benefit of a window neither more nor less than he did before.

§. 12. In the second, in which the accident had not happened, he would have spent six francs on shoes and would have had the benefit of both a pair of shoes and a window.

“What is not seen is that since our bourgeois has spent six francs on one thing, he can no longer spend them on another. What is not seen is that if he had not had a window to replace, he might have replaced his down-at-heel shoes or added a book to his library. In short, he would have used his six francs for a purpose that he will no longer be able to.”

§. 13. Well, since Jacques Bonhomme is a member of society, it has to be concluded that, taken as a whole and comparing what he has to do with his benefits, society has lost the value of the broken window.
“From which, as a generalization, we reach the unexpected conclusion:
“Society loses the value of objects destroyed to no purpose”, and the aphorism that will raise the hackles of protectionists: “Breaking, shattering and dissipating does not stimulate the national employment”, or more succinctly: “Destruction is not profitable”.”

§. 14. From which, as a generalization, we reach the unexpected conclusion: “Society loses the value of objects destroyed to no purpose”, and the aphorism that will raise the hackles of protectionists: “Breaking, shattering and dissipating does not stimulate the national employment”, or more succinctly: “Destruction is not profitable”.

§. 15. What will Le Moniteur industriel say, [11] and what will the opinion be of the followers of the worthy Mr. de Saint-Chamans, [12] who has so accurately calculated what productive activity would gain from the burning of Paris because of the houses that would have to be rebuilt? [13]

§. 16. It grieves me to upset his ingenious calculations, especially since he has introduced their spirit into our legislation. But I beg him to redo them, introducing into the account what is not seen next to what is seen.

§. 17. The reader must take care to note clearly that there are not just two characters, but three, in the little drama that I have put before him. One, Jacques Bonhomme, represents the Consumer, reduced by the breakage to enjoy one good instead of two. The second is the Glazier, who shows us the Producer whose activity is stimulated by the accident. The third is the Shoemaker (or any other producer) whose output is reduced to the same extent for the same reason. It is this third character that is always kept in the background and who, by personifying what is not seen, is an essential element of the problem. He is the one who makes us understand how absurd it is to see profit in destruction. He is the one who will be teaching us shortly that it is no less absurd to see profit in a policy of trade restriction, which is after all, nothing other than partial destruction. Therefore, go into the detail of all the arguments brought out to support it and you will merely find a paraphrase of that common saying: “What would happen to glaziers if window were never broken?” [14]

Notes

[7] The American journalist Henry Hazlitt played an important role in bringing the work of Bastiat to the attention of Americans in the immediate post-World War Two period. In his preface to his book Economics in One Lesson (1946) he acknowledged his debt to Bastiat’s pamphlet “What is Seen and What is no Seen”: “My greatest debt, with respect to the kind of expository framework on which the present argument is being hung, is to Frédéric Bastiat’s essay Ce qu’on voit et ce qu’on ne voit pas, now nearly a century old. The present work may, in fact, be regarded as a modernization, extension, and generalization of the approach found in Bastiat’s pamphlet” (p. 9). Hazlitt’s first chapter was entitled “The Broken Window” which is a reference to one of Bastiat’s better known Sophisms and the very title of Hazlitt’s book probably is drawn from the subtitle used in the printed edition of the pamphlet by the Guillaumin publishing firm, “ou l’économie politique en une leçon” (or, political economy in one lesson). See Henry Hazlitt, Economics in One Lesson (1st edition Harper and Brothers, 1946). The edition used for the quote is New York: Manor Books Inc, 1974.

[8] “Jacques Bonhomme” (literally Jack Goodfellow) is the name used by the French to refer to “everyman,” sometimes with the connotation that he is the archetype of the wise French peasant. Bastiat uses the character of Jacques Bonhomme frequently in his constructed dialogues in the Economic Sophisms as a foil to criticise protectionists and advocates of government regulation. The name Jacques Bonhomme was given to the small magazine that Bastiat and Molinari published and handed out on the street corners of Paris in June and July 1848. See the glossary entry “Jacques Bonhomme [person].”

[9] "In flagrante delicto" is a Latin phrase which means literally "in blazing offence". It is used in legal circles to mean that someone has been caught in the act of committing an offence.
In drawing up this account Bastiat was keen to introduce some mathematical precision into his calculations. He was first inspired by the work of the anti-corn law advocate Colonel Perronet Thompson (1783-1869) who between 1834-36 developed the idea of a calculable “double incidence of loss” by which he meant "the (part) of the sum gained to the monopolists and lost twice over by the rest of France, - (viz. once by a corresponding diminution of business to some other French traders, and once more by the loss to the consumers, who are the nation)... The understanding of the misery of this basis, depends upon a clear comprehension of the way in which the gain to the monopolist is lost twice over by other parties; or what in England has been called the double incidence of loss." Bastiat took up this idea and made it the basis for two sophisms beginning with ES3 IV. "One profit vs. Two Losses" (7 May 1847). Later that month he wrote an appeal to one of the leading physicists in France, François Arago (1786-1853), who was active in liberal politics to assist him in making these arguments more rigorous mathematically and thus “invincible.” See "Two Losses vs. One Profit" (30 May 1847) above. See also the glossary entries on “François Arago,” “Perronet Thompson,” “The Double Incidence of Loss,” and the Appendices "Bastiat and the Ricochet Effect” and "The Sophism Bastiat never wrote: the Sophism of the Ricochet Effect."

Le Moniteur industriel was the journal of the protectionist "Association pour la défense du travail national" (Association for the Defense of National Employment) founded by Mimerel de Roubaix in 1846. See the glossary entries on “Le Moniteur industriel,” “Mimerel,” and “Association for the Defense of National Employment”.

Saint-Chamans was a deputy (1824-27) and a Councillor of State. He advocated protectionism and a mercantilist theory of the balance of trade. See the glossary entry on “Saint-Chamans.”

Bastiat misremembers Saint-Chamans’ argument in this passage. In his Traité d’économie politique (1852), which was a reworking of a previous work on Nouvel essai sur la richesse des nations (1824), Saint-Chamans argues against the free market economist Joseph Droz (1773-1850) who stated that that a sudden loss of a large amount of accumulated capital in Europe would cause severe hardship and would take considerable time to overcome. Saint-Chamans countered this by arguing that the Great Fire of London in 1666 (so not Paris) destroyed a huge amount of the capital stock which was quickly replaced and was thus a net gain for the nation of some one million pounds stirling (or 25 million francs). See M. le vicomte de Saint-Chamans, Traité d’économie politique suivi d’un aperçu sur les finances de la France (Paris: Dentu et Ledoyen, 1852), vol. 1.

(14) (Paillottet’s note) See pages 100 et seq. of chapter XX of the first series of Sophisms in Tome IV. [DMH - This is a reference to Chap. XX "Travail humain, travail national" in Economic Sophisms Part I.]
Further Information

SOURCE

These two pieces open Bastiat’s famous pamphlet
\emph{Ce qu’on voit et ce qu’on ne voit pas} (What is Seen and What is Not Seen) (1850) which will be published in vol. 3 of Liberty Fund’s \emph{The Collected Works of Frédéric Bastiat} (forthcoming). The version used here is a final draft.

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FURTHER READING

More works by Bastiat can be found here <oll.libertyfund.org/people/25>. 

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FRIEDRICH VON HAYEK, “THE USE OF KNOWLEDGE IN SOCIETY” (1945)

<oll.libertyfund.org/titles/2486>

“The price system is just one of those formations which man has learned to use ... Through it not only a division of labor but also a coördinated utilization of resources based on an equally divided knowledge has become possible.”

Friedrich von Hayek (1899-1992)
Editor’s Introduction

Friedrich von Hayek (1899-1992) was one of the most important free market economists of the 20th century. He was a member of the “Austrian school of economics”, taught at the London School of Economics, wrote extensively on banking and monetary theory, the socialist calculation debate, and the theory of spontaneous orders. He was instrumental in helping reinvigorate classical liberalism after the Second World War by helping to found the Mont Pelerin Society with Milton Friedman and others. Hayek won the Nobel Prize for Economics in 1974. Among his many important works are *The Road to Serfdom* (1944) his critique of government regulation during the Second World War, *The Constitution of Liberty* (1960) his vision of limited constitutional government, and the three volume *Law, Legislation, and Liberty* (1973-79) in which he develops his theory of spontaneous orders to encompass society as a whole. Hayek is now also famous for his then unheeded criticism of John Maynard Keynes during the 1930s.

One of Hayek’s most important contributions to economic theory is his demonstration of the part prices play in disseminating widely diffused knowledge about consumer demand and the availability of economic resources in order to make rational economic calculation possible. He points out that since essential knowledge is dispersed among millions of individuals no single person, such as a central planner, can rationally plan the economy. Hayek avoids making moral arguments against government planning in this article from 1945 and limits his criticism to the question of whether it could ever work in practice. In conclusion, Hayek notes that the dissemination of knowledge (or what he also calls the “division of knowledge”) is an example of a spontaneous order, a notion that he was to explore in much more depth in *Law, Legislation, and Liberty*.

“there is beyond question a body of very important but unorganized knowledge which cannot possibly be called scientific in the sense of knowledge of general rules: the knowledge of the particular circumstances of time and place. It is with respect to this that practically every individual has some advantage over all others because he possesses unique information of which beneficial use might be made”
“The Use of Knowledge in Society” (1945)\textsuperscript{37}

I

What is the problem we wish to solve when we try to construct a rational economic order? On certain familiar assumptions the answer is simple enough. If we possess all the relevant information, if we can start out from a given system of preferences, and if we command complete knowledge of available means, the problem which remains is purely one of logic. That is, the answer to the question of what is the best use of the available means is implicit in our assumptions. The conditions which the solution of this optimum problem must satisfy have been fully worked out and can be stated best in mathematical form: put at their briefest, they are that the marginal rates of substitution between any two commodities or factors must be the same in all their different uses.

This, however, is emphatically not the economic problem which society faces. And the economic calculus which we have developed to solve this logical problem, though an important step toward the solution of the economic problem of society, does not yet provide an answer to it. The reason for this is that the “data” from which the economic calculus starts are never for the whole society “given” to a single mind which could work out the implications and can never be so given.

\textit{“the knowledge of the circumstances of which we must make use never exists in concentrated or integrated form but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess.”}

The peculiar character of the problem of a rational economic order is determined precisely by the fact that the knowledge of the circumstances of which we must make use never exists in concentrated or integrated form but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess. The economic problem of society is thus not merely a problem of how to allocate “given” resources—if “given” is taken to mean given to a single mind which deliberately solves the problem set by these “data.” It is rather a problem of how to secure the best use of resources known to any of the members of society, for ends whose relative importance only these individuals know. Or, to put it briefly, it is a problem of the utilization of knowledge which is not given to anyone in its totality.

This character of the fundamental problem has, I am afraid, been obscured rather than illuminated by many of the recent refinements of economic theory, particularly by many of the uses made of mathematics. Though the problem with which I want primarily to deal in this paper is the problem of a rational economic organization, I shall in its course be led again and again to point to its close connections with certain methodological questions. Many of the points I wish to make are indeed conclusions toward which diverse paths of reasoning have unexpectedly converged. But, as I now see these problems, this is no accident. It seems to me that many of the current disputes with regard to both economic theory and economic policy have their common origin in a misconception about the nature of the economic problem of society. This misconception in turn is due to an erroneous transfer to social phenomena of the habits of thought we have developed in dealing with the phenomena of nature.

II

In ordinary language we describe by the word “planning” the complex of interrelated decisions about the allocation of our available resources. All economic activity is in this sense planning; and in any society in which many people collaborate, this planning, whoever does it, will in some measure have to be based on knowledge which, in the first instance, is not given to the planner but to somebody else, which somehow will have to be conveyed to the planner. The various ways

\textsuperscript{37} F.A. Hayek “The Use of Knowledge in Society,” American Economic Review, XXXV, No. 4; September, 1945, pp. 519–30. This essay is published with permission of the copyright holders the American Economic Review.
in which the knowledge on which people base their plans is communicated to them is the crucial problem for any theory explaining the economic process, and the problem of what is the best way of utilizing knowledge initially dispersed among all the people is at least one of the main problems of economic policy—or of designing an efficient economic system.

“This is not a dispute about whether planning is to be done or not. It is a dispute as to whether planning is to be done centrally, by one authority for the whole economic system, or is to be divided among many individuals.”

The answer to this question is closely connected with that other question which arises here, that of who is to do the planning. It is about this question that all the dispute about “economic planning” centers. This is not a dispute about whether planning is to be done or not. It is a dispute as to whether planning is to be done centrally, by one authority for the whole economic system, or is to be divided among many individuals. Planning in the specific sense in which the term is used in contemporary controversy necessarily means central planning—direction of the whole economic system according to one unified plan. Competition, on the other hand, means decentralized planning by many separate persons. The halfway house between the two, about which many people talk but which few like when they see it, is the delegation of planning to organized industries, or, in other words, monopoly.

Which of these systems is likely to be more efficient depends mainly on the question under which of them we can expect that fuller use will be made of the existing knowledge. And this, in turn, depends on whether we are more likely to succeed in putting at the disposal of a single central authority all the knowledge which ought to be used but which is initially dispersed among many different individuals, or in conveying to the individuals such additional knowledge as they need in order to enable them to fit their plans with those of others.

III

It will at once be evident that on this point the position will be different with respect to different kinds of knowledge; and the answer to our question will therefore largely turn on the relative importance of the different kinds of knowledge; those more likely to be at the disposal of particular individuals and those which we should with greater confidence expect to find in the possession of an authority made up of suitably chosen experts. If it is today so widely assumed that the latter will be in a better position, this is because one kind of knowledge, namely, scientific knowledge, occupies now so prominent a place in public imagination that we tend to forget that it is not the only kind that is relevant. It may be admitted that, as far as scientific knowledge is concerned, a body of suitably chosen experts may be in the best position to command all the best knowledge available—though this is of course merely shifting the difficulty to the problem of selecting the experts. What I wish to point out is that, even assuming that this problem can be readily solved, it is only a small part of the wider problem.

Today it is almost heresy to suggest that scientific knowledge is not the sum of all knowledge. But a little reflection will show that there is beyond question a body of very important but unorganized knowledge which cannot possibly be called scientific in the sense of knowledge of general rules: the knowledge of the particular circumstances of time and place. It is with respect to this that practically every individual has some advantage over all others because he possesses unique information of which beneficial use might be made, but of which use can be made only if the decisions depending on it are left to him or are made with his active coöperation. We need to remember only how much we have to learn in any occupation after we have completed our theoretical training, how big a part of our working life we spend learning particular jobs, and how valuable an asset in all walks of life is knowledge of people, of local conditions, and of special circumstances. To know of and to use a machine not fully employed, or somebody's skill which could be better utilized, or to be aware of a surplus stock which can be drawn upon during an interruption of supplies, is socially quite as useful as the knowledge of better alternative techniques. And the shipper who earns his living from using otherwise empty or half-filled journeys of tramp-steamers, or the estate agent whose whole knowledge is almost exclusively one of
temporary opportunities, or the *arbitrageur* who gains from local differences of commodity prices, are all performing eminently useful functions based on special knowledge of circumstances of the fleeting moment not known to others.

“there is beyond question a body of very important but unorganized knowledge which cannot possibly be called scientific in the sense of knowledge of general rules: the knowledge of the particular circumstances of time and place. It is with respect to this that practically every individual has some advantage over all others because he possesses unique information of which beneficial use might be made”

It is a curious fact that this sort of knowledge should today be generally regarded with a kind of contempt and that anyone who by such knowledge gains an advantage over somebody better equipped with theoretical or technical knowledge is thought to have acted almost disreputably. To gain an advantage from better knowledge of facilities of communication or transport is sometimes regarded as almost dishonest, although it is quite as important that society make use of the best opportunities in this respect as in using the latest scientific discoveries. This prejudice has in a considerable measure affected the attitude toward commerce in general compared with that toward production. Even economists who regard themselves as definitely immune to the crude materialist fallacies of the past constantly commit the same mistake where activities directed toward the acquisition of such practical knowledge are concerned—apparently because in their scheme of things all such knowledge is supposed to be “given.” The common idea now seems to be that all such knowledge should as a matter of course be readily at the command of everybody, and the reproach of irrationality leveled against the existing economic order is frequently based on the fact that it is not so available. This view disregards the fact that the method by which such knowledge can be made as widely available as possible is precisely the problem to which we have to find an answer.

IV

If it is fashionable today to minimize the importance of the knowledge of the particular circumstances of time and place, this is closely connected with the smaller importance which is now attached to change as such. Indeed, there are few points on which the assumptions made (usually only implicitly) by the “planners” differ from those of their opponents as much as with regard to the significance and frequency of changes which will make substantial alterations of production plans necessary. Of course, if detailed economic plans could be laid down for fairly long periods in advance and then closely adhered to, so that no further economic decisions of importance would be required, the task of drawing up a comprehensive plan governing all economic activity would be much less formidable.

It is, perhaps, worth stressing that economic problems arise always and only in consequence of change. So long as things continue as before, or at least as they were expected to, there arise no new problems requiring a decision, no need to form a new plan. The belief that changes, or at least day-to-day adjustments, have become less important in modern times implies the contention that economic problems also have become less important. This belief in the decreasing importance of change is, for that reason, usually held by the same people who argue that the importance of economic considerations has been driven into the background by the growing importance of technological knowledge.

Is it true that, with the elaborate apparatus of modern production, economic decisions are required only at long intervals, as when a new factory is to be erected or a new process to be introduced? Is it true that, once a plant has been built, the rest is all more or less mechanical, determined by the character of the plant, and leaving little to be changed in adapting to the ever-changing circumstances of the moment?

The fairly widespread belief in the affirmative is not, as far as I can ascertain, borne out by the practical experience of the businessman. In a competitive
industry at any rate—and such an industry alone can serve as a test—the task of keeping cost from rising requires constant struggle, absorbing a great part of the energy of the manager. How easy it is for an inefficient manager to dissipate the differentials on which profitability rests, and that it is possible, with the same technical facilities, to produce with a great variety of costs, are among the commonplacest of business experience which do not seem to be equally familiar in the study of the economist. The very strength of the desire, constantly voiced by producers and engineers, to be allowed to proceed untrammeled by considerations of money costs, is eloquent testimony to the extent to which these factors enter into their daily work.

"central planning based on statistical information by its nature cannot take direct account of these circumstances of time and place and that the central planner will have to find some way or other in which the decisions depending on them can be left to the “man on the spot.””

One reason why economists are increasingly apt to forget about the constant small changes which make up the whole economic picture is probably their growing preoccupation with statistical aggregates, which show a very much greater stability than the movements of the detail. The comparative stability of the aggregates cannot, however, be accounted for—as the statisticians occasionally seem to be inclined to do—by the “law of large numbers” or the mutual compensation of random changes. The number of elements with which we have to deal is not large enough for such accidental forces to produce stability. The continuous flow of goods and services is maintained by constant deliberate adjustments, by new dispositions made every day in the light of circumstances not known the day before, by B stepping in at once when A fails to deliver. Even the large and highly mechanized plant keeps going largely because of an environment upon which it can draw for all sorts of unexpected needs; tiles for its roof, stationery for its forms, and all the thousand and one kinds of equipment in which it cannot be self-contained and which the plans for the operation of the plant require to be readily available in the market.

This is, perhaps, also the point where I should briefly mention the fact that the sort of knowledge with which I have been concerned is knowledge of the kind which by its nature cannot enter into statistics and therefore cannot be conveyed to any central authority in statistical form. The statistics which such a central authority would have to use would have to be arrived at precisely by abstracting from minor differences between the things, by lumping together, as resources of one kind, items which differ as regards location, quality, and other particulars, in a way which may be very significant for the specific decision. It follows from this that central planning based on statistical information by its nature cannot take direct account of these circumstances of time and place and that the central planner will have to find some way or other in which the decisions depending on them can be left to the “man on the spot.”

V

If we can agree that the economic problem of society is mainly one of rapid adaptation to changes in the particular circumstances of time and place, it would seem to follow that the ultimate decisions must be left to the people who are familiar with these circumstances, who know directly of the relevant changes and of the resources immediately available to meet them. We cannot expect that this problem will be solved by first communicating all this knowledge to a central board which, after integrating all knowledge, issues its orders. We must solve it by some form of decentralization. But this answers only part of our problem. We need decentralization because only thus can we insure that the knowledge of the particular circumstances of time and place will be promptly used. But the “man on the spot” cannot decide solely on the basis of his limited but intimate knowledge of the facts of his immediate surroundings. There still remains the problem of communicating to him such further information as he needs to fit his decisions into the whole pattern of changes of the larger economic system.
How much knowledge does he need to do so successfully? Which of the events which happen beyond the horizon of his immediate knowledge are of relevance to his immediate decision, and how much of them need he know?

“It does not matter for him why at the particular moment more screws of one size than of another are wanted, why paper bags are more readily available than canvas bags, or why skilled labor, or particular machine tools, have for the moment become more difficult to obtain. All that is significant for him is how much more or less difficult to procure they have become compared with other things with which he is also concerned, or how much more or less urgently wanted are the alternative things he produces or uses.”

There is hardly anything that happens anywhere in the world that might not have an effect on the decision he ought to make. But he need not know of these events as such, nor of all their effects. It does not matter for him why at the particular moment more screws of one size than of another are wanted, why paper bags are more readily available than canvas bags, or why skilled labor, or particular machine tools, have for the moment become more difficult to obtain. All that is significant for him is how much more or less difficult to procure they have become compared with other things with which he is also concerned, or how much more or less urgently wanted are the alternative things he produces or uses.

It is in this connection that what I have called the “economic calculus” proper helps us, at least by analogy, to see how this problem can be solved, and in fact is being solved, by the price system. Even the single controlling mind, in possession of all the data for some small, self-contained economic system, would not—every time some small adjustment in the allocation of resources had to be made—go explicitly through all the relations between ends and means which might possibly be affected. It is indeed the great contribution of the pure logic of choice that it has demonstrated conclusively that even such a single mind could solve this kind of problem only by constructing and constantly using rates of equivalence (or “values,” or “marginal rates of substitution”), i.e., by attaching to each kind of scarce resource a numerical index which cannot be derived from any property possessed by that particular thing, but which reflects, or in which is condensed, its significance in view of the whole means-end structure. In any small change he will have to consider only these quantitative indices (or “values”) in which all the relevant information is concentrated; and, by adjusting the quantities one by one, he can appropriately rearrange his dispositions without having to solve the whole puzzle ab initio or without needing at any stage to survey it at once in all its ramifications.

“Fundamentally, in a system in which the knowledge of the relevant facts is dispersed among many people, prices can act to coördinate the separate actions of different people in the same way as subjective values help the individual to coördinate the parts of his plan.”

Fundamentally, in a system in which the knowledge of the relevant facts is dispersed among many people, prices can act to coördinate the separate actions of different people in the same way as subjective values help the individual to coordinate the parts of his plan. It is worth contemplating for a moment a very simple and commonplace instance of the action of the price system to see what precisely it accomplishes. Assume that somewhere in the world a new opportunity for the use of some raw material, say,
tin, has arisen, or that one of the sources of supply of tin has been eliminated. It does not matter for our purpose—and it is very significant that it does not matter—which of these two causes has made tin more scarce. All that the users of tin need to know is that some of the tin they used to consume is now more profitably employed elsewhere and that, in consequence, they must economize tin. There is no need for the great majority of them even to know where the more urgent need has arisen, or in favor of what other needs they ought to husband the supply. If only some of them know directly of the new demand, and switch resources over to it, and if the people who are aware of the new gap thus created in turn fill it from still other sources, the effect will rapidly spread throughout the whole economic system and influence not only all the uses of tin but also those of its substitutes and the substitutes of these substitutes, the supply of all the things made of tin, and their substitutes, and so on; and all his without the great majority of those instrumental in bringing about these substitutions knowing anything at all about the original cause of these changes. The whole acts as one market, not because any of its members survey the whole field, but because their limited individual fields of vision sufficiently overlap so that through many intermediaries the relevant information is communicated to all. The mere fact that there is one price for any commodity—or rather that local prices are connected in a manner determined by the cost of transport, etc.—brings about the solution which (it is just conceptually possible) might have been arrived at by one single mind possessing all the information which is in fact dispersed among all the people involved in the process.

VI

We must look at the price system as such a mechanism for communicating information if we want to understand its real function ... The most significant fact about this system is the economy of knowledge with which it operates, or how little the individual participants need to know in order to be able to take the right action. In abbreviated form, by a kind of symbol, only the most essential information is passed on and passed on only to those concerned. It is more than a metaphor to describe the price system as a kind of machinery for registering change, or a system of telecommunications which enables individual producers to watch merely the movement of a few pointers, as an engineer might watch the hands of a few dials, in order to adjust their activities to changes of which they may never know more than is reflected in the price movement.

“We must look at the price system as such a mechanism for communicating information if we want to understand its real function ... The most significant fact about this system is the economy of knowledge with which it operates, or how little the individual participants need to know in order to be able to take the right action.”

Of course, these adjustments are probably never “perfect” in the sense in which the economist conceives of them in his equilibrium analysis. But I fear that our theoretical habits of approaching the problem with the assumption of more or less perfect knowledge on the part of almost everyone has made us somewhat blind to the true function of the price mechanism and led us to apply rather misleading standards in judging its efficiency. The marvel is that in a case like that of a scarcity of one raw material, without an order being issued, without more than perhaps a handful of people knowing the cause, tens of thousands of people whose identity could not be ascertained by months of investigation, are made to use the material or its products more sparingly; i.e., they move in the right direction. This is enough of a marvel even if, in a constantly changing world, not all will hit it off so perfectly that their profit rates will always be maintained at the same constant or “normal” level.
I have deliberately used the word “marvel” to shock the reader out of the complacency with which we often take the working of this mechanism for granted. I am convinced that if it were the result of deliberate human design, and if the people guided by the price changes understood that their decisions have significance far beyond their immediate aim, this mechanism would have been acclaimed as one of the greatest triumphs of the human mind. Its misfortune is the double one that it is not the product of human design and that the people guided by it usually do not know why they are made to do what they do. But those who clamor for “conscious direction”—and who cannot believe that anything which has evolved without design (and even without our understanding it) should solve problems which we should not be able to solve consciously—should remember this: The problem is precisely how to extend the span of our utilization of resources beyond the span of the control of any one mind; and therefore, how to dispense with the need of conscious control, and how to provide inducements which will make the individuals do the desirable things without anyone having to tell them what to do.

The problem which we meet here is by no means peculiar to economics but arises in connection with nearly all truly social phenomena, with language and with most of our cultural inheritance, and constitutes really the central theoretical problem of all social science. As Alfred Whitehead has said in another connection, “It is a profoundly erroneous truism, repeated by all copy-books and by eminent people when they are making speeches, that we should cultivate the habit of thinking what we are doing. The precise opposite is the case. Civilization advances by extending the number of important operations which we can perform without thinking about them.” This is of profound significance in the social field. We make constant use of formulas, symbols, and rules whose meaning we do not understand and through the use of which we avail ourselves of the assistance of knowledge which individually we do not possess. We have developed these practices and institutions by building upon habits and institutions which have proved successful in their own sphere and which have in turn become the foundation of the civilization we have built up.

“The price system is just one of those formations which man has learned to use ... after he had stumbled upon it without understanding it. Through it not only a division of labor but also a coördinated utilization of resources based on an equally divided knowledge has become possible.”

The price system is just one of those formations which man has learned to use (though he is still very far from having learned to make the best use of it) after he had stumbled upon it without understanding it. Through it not only a division of labor but also a coördinated utilization of resources based on an equally divided knowledge has become possible. The people who like to deride any suggestion that this may be so usually distort the argument by insinuating that it asserts that by some miracle just that sort of system has spontaneously grown up which is best suited to modern civilization. It is the other way round: man has been able to develop that division of labor on which our civilization is based because he happened to stumble upon a method which made it possible. Had he not done so, he might still have developed some other, altogether different, type of civilization, something like the “state” of the termite ants, or some other altogether unimaginable type. All that we can say is that nobody has yet succeeded in designing an alternative system in which certain features of the existing one can be preserved which are dear even to those who most violently assail it—such as particularly the extent to which the individual can choose his pursuits and consequently freely use his own knowledge and skill.

VII

It is in many ways fortunate that the dispute about the indispensability of the price system for any rational calculation in a complex society is now no longer conducted entirely between camps holding different political views. The thesis that without the price system we could not preserve a society based on such extensive
division of labor as ours was greeted with a howl of derision when it was first advanced by von Mises twenty-five years ago. Today the difficulties which some still find in accepting it are no longer mainly political, and this makes for an atmosphere much more conducive to reasonable discussion. When we find Leon Trotsky arguing that “economic accounting is unthinkable without market relations”; when Professor Oscar Lange promises Professor von Mises a statue in the marble halls of the future Central Planning Board; and when Professor Abba P. Lerner redisCOVERS Adam Smith and emphasizes that the essential utility of the price system consists in inducing the individual, while seeking his own interest, to do what is in the general interest, the differences can indeed no longer be ascribed to political prejudice. The remaining dissent seems clearly to be due to purely intellectual, and more particularly methodological, differences.

A recent statement by Professor Joseph Schumpeter in his Capitalism, Socialism, and Democracy provides a clear illustration of one of the methodological differences which I have in mind. Its author is pre-eminent among those economists who approach economic phenomena in the light of a certain branch of positivism. To him these phenomena accordingly appear as objectively given quantities of commodities impinging directly upon each other, almost, it would seem, without any intervention of human minds. Only against this background can I account for the following (to me startling) pronouncement. Professor Schumpeter argues that the possibility of a rational calculation in the absence of markets for the factors of production follows for the theorist “from the elementary proposition that consumers in evaluating (‘demanding’) consumers’ goods ipso facto also evaluate the means of production which enter into the production of these goods.” [1]

Taken literally, this statement is simply untrue. The consumers do nothing of the kind. What Professor Schumpeter’s “ipso facto” presumably means is that the valuation of the factors of production is implied in, or follows necessarily from, the valuation of consumers’ goods. But this, too, is not correct. Implication is a logical relationship which can be meaningfully asserted only of propositions simultaneously present to one and the same mind. It is evident, however, that the values of the factors of production do not depend solely on the valuation of the consumers’ goods but also on the conditions of supply of the various factors of production. Only to a mind to which all these facts were simultaneously known would the answer necessarily follow from the facts given to it. The practical problem, however, arises precisely because these facts are never so given to a single mind, and because, in consequence, it is necessary that in the solution of the problem knowledge should be used that is dispersed among many people.

The problem is thus in no way solved if we can show that all the facts, if they were known to a single mind (as we hypothetically assume them to be given to the observing economist), would uniquely determine the solution; instead we must show how a solution is produced by the interactions of people each of whom possesses only partial knowledge. To assume all the knowledge to be given to a single mind in the same manner in which we assume it to be given to us as the explaining economists is to assume the problem away and to disregard everything that is important and significant in the real world.

That an economist of Professor Schumpeter’s standing should thus have fallen into a trap which the ambiguity of the term “datum” sets to the unwary can hardly be explained as a simple error. It suggests rather that there is something fundamentally wrong with an approach which habitually disregards an essential part of the phenomena with which we have to deal: the unavoidable imperfection of man’s knowledge and the consequent need for a process by which knowledge is constantly communicated and acquired. Any approach, such as that of much of mathematical economics with its simultaneous equations, which in effect starts from the assumption that people’s knowledge corresponds with the objective facts of the situation, systematically leaves out what is our main task to explain. I am far from denying that in our system equilibrium analysis has a useful function to perform. But when it comes to the point where it misleads some of our leading thinkers into believing that the situation which it describes has direct relevance to the solution of practical problems, it is high time that we remember that it does not deal with the social process at all and that it is no more than a useful preliminary to the study of the main problem.

Notes
[1] J. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1942), p. 175. Professor Schumpeter is, I believe, also the original author of the myth that Pareto and Barone have “solved” the problem of socialist calculation. What they, and many others, did was merely to state the conditions which a rational allocation of resources would have to satisfy and to point out that these were essentially the same as the conditions of equilibrium of a competitive market. This is something altogether different from knowing how the allocation of resources satisfying these conditions can be found in practice. Pareto himself (from whom Barone has taken practically everything he has to say), far from claiming to have solved the practical problem, in fact explicitly denies that it can be solved without the help of the market. See his *Manuel d’économie pure* (2d ed., 1927), pp. 233–34. The relevant passage is quoted in an English translation at the beginning of my article on “Socialist Calculation: The Competitive ‘Solution,’ ” in *Economica*, New Series, Vol. VIII, No. 26 (May, 1940), p. 125.
Further Information

SOURCE

The edition used for this extract: F.A. Hayek “The Use of Knowledge in Society,” *American Economic Review*, XXXV, No. 4; September, 1945, pp. 519–30. This essay is published with permission of the copyright holders the *American Economic Review*.

FURTHER READING

Other works by F.A. Hayek (1899-1992)
<oll.libertyfund.org/people/52>

School of Thought: Austrian School of Economics
<oll.libertyfund.org/groups/8>
LELAND YEAGER, "THE POSITIVE CASE FOR FREE TRADE" (1954)

<oll.libertyfund.org/titles/2490>

“The economic case for Free Trade is quite the same as the case for technological progress. Both increase the output of useful goods and services that a country can get from its labor and resources.”

Leland Yeager (1924-)

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Leland Yeager (1924-) is Ludwig von Mises Professor of Economics, Emeritus, at Auburn University. He gained an M.A. and PhD in economics from Columbia University in 1949 and has written on monetary policy and international trade issues. His most recent books include The Fluttering Veil: Essays on Monetary Disequilibrium (1997), Ethics As Social Science: The Moral Philosophy of Social Cooperation (2001), and Is the Market a Test of Truth and Beauty? Essays in Political Economy (2012).

Yeager wrote this small book on free trade during the Cold War and soon after the General Agreement on Tariffs and Trade was beginning the slow process of multilateral tariff reductions after 1947. He nicely summarizes the main arguments in favour of free trade, namely increased productivity, international comparative advantage, increased competition and innovation, less government regulation of the economy, and increased peaceful relations between nations. The discussion of the benefits of comparative advantage is especially noteworthy. He makes his case with a story of two imaginary countries “Inferia” and “Superia” by showing that both countries will gain from trade with each other even though “Superia” is better at producing everything and “Inferia” is worse. The proportion of goods that each county will produce depends on how much better one is compared to the other. Even the less efficient production of goods in “Inferia” frees up resources in “Superia” for its industry to produce even more. And both countries will gain from trade with each other.

Yeager concludes with a strong argument in favour of unilateral free trade, that a single country like the U.S. would benefit considerably even if it were the only free trade country in the world: "American trade would expand less if the United States alone adopted Free Trade than if the whole world did so, but the resulting expansion would still be worth while: as the Principle of Comparative Advantage explains, more trade would make our available labor and resources yield us greater amounts of useful goods and services."
TRADE AND PRODUCTIVITY

The economic case for Free Trade is quite the same as the case for technological progress. Both increase the output of useful goods and services that a country can get from its labor and resources. “The general case for freedom in international exchange is like the case against putting sand in the gears of a machine.” [4] In particular, Free Trade, like improved transportation, promotes interregional specialization and increases through trade the results that a country gets from its productive powers.

Iowa raises corn and hogs, Virginia grows tobacco, and Massachusetts makes shoes. Iowans get their tobacco and shoes from Virginia and Massachusetts, paying in part with money earned by selling corn and hogs outside the state. The people of Virginia and Massachusetts likewise import many products, paying in part with products they do make. Why does such trade take place? Why, instead, don’t the people of each state make at home all the things they possibly could? Clearly, because that would be wasteful. Everybody understands the benefits of specialization and trade among regions of a single country.

The benefits of specialization and trade among countries are no different. International trade is a subject of special interest only because migration is more restricted between than within countries, because there are often better statistics on international than domestic trade, because special study is necessary to understand the use of different currencies in international trade, and because government interferences with international trade raise issues requiring special discussion. These minor differences do not change the fact that international trade merely extends the principles of interregional trade. A boundary line does not affect the basic principle: specialization and trade benefit the people who take part.

Benefits are possible because regions and countries differ in their advantages in producing various goods. Different advantages arise from differences in climate, soil conditions, and mineral resources, in human abilities and skills, in accumulated stocks of capital equipment, in the relative abundance of various human and natural resources, and in political and social climate. Even one of the most prominent American Protectionists understands this:

The theory of free trade is extremely simple and attractive. Each country should expend its productive energies in those fields for which it is best suited by soil, climate, resources, manpower, skill, etc., and buy from other countries the goods in the production of which they, in turn, enjoy particular advantages. In this way presumably all productive energies everywhere would be employed to the highest advantage. A maximum of international trade would thus spring up, to the maximum advantage of all people.

But then the Protectionist shows that his understanding is sadly incomplete:

It is perhaps unkind to ask just how countries or areas that enjoy no outstanding advantages, such as do exist in the world, would fare under such conditions of trade. To whom, for example, would they sell? How could their producers survive competition from those countries or areas that are economically favored and well developed?[5]
The answer lies in the Principle of Comparative Advantage. For trade to benefit both a particular country and the outside world, the country need not have an absolute advantage over the outside world in producing some goods and an absolute disadvantage in producing other goods. Even in the extreme case where the country was absolutely less efficient than the outside world in producing all goods, mutually-beneficial trade could still take place. Conversely, even if the country were absolutely more efficient than the outside world in producing all goods, it could still benefit from trade. As long as its degree of inferior efficiency (or superior efficiency) were greater for some goods than for others, the country would import the goods in which its efficiency was most inferior (or least superior) and export the goods in which its efficiency was least inferior (or most superior).

“For trade to benefit both a particular country and the outside world, the country need not have an absolute advantage over the outside world in producing some goods and an absolute disadvantage in producing other goods. ... As long as its degree of inferior efficiency (or superior efficiency) were greater for some goods than for others, the country would import the goods in which its efficiency was most inferior (or least superior) and export the goods in which its efficiency was least inferior (or most superior).”

A simple example involving two countries and two goods will help make this principle clear. Suppose that one country, Superia, is more efficient (in some absolute sense) than another, Inferia, in producing both wheat and cloth. Superia’s labor and resources can produce 600,000 bushels of wheat plus 500,000 yards of cloth per year, or more of either product at the cost of some of the other. Since more labor and resources go into producing a yard of cloth than a bushel of wheat, a shift of labor and resources between industries will yield 3 more bushels of wheat for each yard of cloth given up, or \( \frac{1}{3} \) yard more of cloth for each bushel of wheat given up. Superia’s substitution cost ratio is thus 3 bushels of wheat for 1 yard of cloth (1 wheat for \( \frac{1}{3} \) cloth).

In Inferia, the available labor and resources can produce 400,000 bushels of wheat plus 300,000 yards of cloth per year. Because of the inefficiency and disadvantages besetting Inferia, wheat production and cloth production both take more labor and resources per bushel or yard than in Superia. However, Inferia’s relative disadvantage is worse in wheat than in cloth: a shift of labor and resources between industries will yield more of one product and less of the other at a substitution cost ratio of 2 bushels of wheat for 1 yard of cloth (1 wheat for \( \frac{1}{2} \) cloth). Thus the substitution cost ratios differ in the two countries, setting the stage for mutually beneficial trade.

The following table summarizes the situation before trade takes place.

<table>
<thead>
<tr>
<th>WHEAT</th>
<th>CLOTH</th>
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<tbody>
<tr>
<td>PRODN</td>
<td>PRODN</td>
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<td></td>
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</tbody>
</table>

Superia: 600K b, 500K yards, 3 wheat = 1 cloth
Inferia: 400K b, 300K yards, 2 wheat = 1 cloth

Now international trade opens up. Since the substitution cost of cloth in terms of forgone wheat is greater in Superia than in Inferia, Superia imports cloth and pays with wheat. The terms of trade between wheat and cloth must be somewhere between the substitution cost ratios of the two countries; let us suppose that 2\( \frac{1}{2} \) bushels of wheat exchange for 1 yard of cloth. These terms permit Superia to get cloth by giving up less wheat and Inferia to get wheat by giving up less cloth than before.

Suppose that the people of Superia cut their yearly cloth production by 100,000 yards from 500,000 to 400,000 yards and, in accordance with their substitution cost ratio of 1 cloth = 3 wheat, expand their wheat production by 300,000 bushels from
600,000 to 900,000 bushels. The people of Inferia cut their yearly wheat production by 240,000 bushels from 400,000 to 160,000 bushels and, in accordance with their substitution cost ratio of 1 cloth = 2 wheat, expand their cloth production by 120,000 yards from 300,000 to 420,000 yards. We further suppose that Superia trades 275,000 bushels of wheat a year to Inferia for 110,000 yards of cloth, in accordance with the terms of trade of 1 cloth = 2½ wheat. The following table summarizes the new situation.

**WHEAT PRODUCTION, TRADE AND CONSUMPTION, BUSHELS**

<table>
<thead>
<tr>
<th>Country</th>
<th>Produced</th>
<th>Traded away</th>
<th>Available for home consumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superia</td>
<td>900,000</td>
<td>275,000</td>
<td>625,000</td>
</tr>
<tr>
<td>Inferia</td>
<td>160,000</td>
<td>275,000</td>
<td>385,000</td>
</tr>
</tbody>
</table>

**CLOTH PRODUCTION, TRADE AND CONSUMPTION, YARDS**

<table>
<thead>
<tr>
<th>Country</th>
<th>Produced</th>
<th>Traded away</th>
<th>Available for home consumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superia</td>
<td>400,000</td>
<td>110,000</td>
<td>290,000</td>
</tr>
<tr>
<td>Inferia</td>
<td>110,000</td>
<td>110,000</td>
<td>310,000</td>
</tr>
</tbody>
</table>

International trade thus lets Superia’s people consume 25,000 more bushels of wheat and 10,000 more yards of cloth than before. Inferia’s people can consume 35,000 more bushels of wheat and 10,000 more yards of cloth. Both countries clearly gain. That one country is absolutely less efficient than the other in producing both goods does not matter.

Some side points must now be mentioned: (1) Under the assumed conditions, international trade would expand even further than shown here; for as long as the substitution cost ratios remain different in the two countries and neither country is yet fully specialized on one product to the exclusion of the other, further specialization yields further gain. (In reality, changes in substitution cost ratios as specialization went on might well prevent complete specialization.) (2) A country’s consumers might take the opportunity offered by international trade to have somewhat less of one product but much more of the other than before. Judged by consumer demand, this result would also be preferable to the situation before trade. (3) Both countries gain by trade, but how the gain is shared depends on just where between the substitution cost ratios of the two countries the terms-of-trade ratio falls, and this depends on demand as well as cost conditions. (4) Transportation costs would, just like tariffs, limit the opportunity for beneficial specialization and trade.

“Under the assumed conditions, international trade would expand even further than shown here; for as long as the substitution cost ratios remain different in the two countries and neither country is yet fully specialized on one product to the exclusion of the other, further specialization yields further gain.”

Our illustration of the Principle of Comparative Advantage is admittedly very simplified: it considers only two countries and two commodities and postpones consideration of money prices and wages. The simplifications merely make for clarity and are in no way essential to the conclusion. We assume particular quantities and ratios, for instance, only because algebraic generalization would be harder to understand than definite numbers. It is easy to scoff at such demonstrations as “theoretical”; but, significantly, the scoffers are often precisely the people who most need enlightenment. Actually, the Principle of Comparative Advantage is beyond dispute. Countries where production is efficient and where it is inefficient can all gain by specialization and trade, just as all people gain in the following two examples: An expert surgeon who was also an expert instrument-washer would still gain by sticking to his greater specialty and hiring somebody to wash his instruments for him, even though the
assistant might be slower than the surgeon himself. Similarly, a lawyer who was also an expert typist might gain by sticking to legal work and leaving the typing even to a typist slower than himself.

One point remains to be cleared up. Practical businessmen don't know or care anything about Comparative Advantage and don't need to: they want to buy where money prices are lowest and sell where money prices are highest. How, then, can Inferia, with its generally inefficient production, hope to attract any foreign customers and so take part in international trade? The answer lies in a generally low level of wages and other incomes (“low,” that is, as translated through prevailing currency exchange rates and compared with wage levels in more efficient countries). Low wage levels—the famous “cheap labor”—permit Inferia's businessmen to price their goods low enough so that the goods in which their country has the least disadvantage can actually find foreign markets. Low wages are an inevitable result of Inferia’s inefficient and disadvantaged production; but they are also what enables Inferia to export the products in which it has the least disadvantage and so earn the foreign exchange needed to import the products in which it has the greatest disadvantage. Low wages permit Inferia to share the benefits of international trade and so to have less poverty than otherwise.

As we have already seen, Superia also gains from international trade, even when trading with an inefficient, “cheap-labor” country. If Superia’s government shut out imports because they were made by “cheap labor,” it would harm its own people as well as the Inferians. It would be equally foolish for Superia to restrict trade because Inferia had an “unfairly depreciated currency.” The difference in wage levels between Superia and Inferia—wages being translated through the exchange rate into a common currency—is necessary to allow the product price relationships that lead profit-seeking businessmen to import and export and so secure for the people of all countries involved the benefits explained by the Principle of Comparative Advantage. Superia’s government would also be foolish to take a shrinkage of particular home industries as evidence of need for tariff Protection. As our numerical example showed, such a shift of labor and resources out of the industries in which Superia has the least superior advantage is an essential part of the process of benefiting from international specialization and trade.

OTHER ECONOMIC GAINS

“Free Trade links markets together. A market broadened by trade will often encourage low-cost production of particular goods. Furthermore, Free Trade makes large-scale production possible with much less danger of monopoly than under Protection.”

Free Trade yields still other benefits besides those explained by the Principle of Comparative Advantage. While Protectionism splits the world into many little national markets, Free Trade links markets together. A market broadened by trade will often encourage low-cost production of particular goods. Furthermore, Free Trade makes large-scale production possible with much less danger of monopoly than under Protection. Even if a country had only one or a very few companies in a particular industry, their fewness would not matter much under Free Trade: competition from imports would block monopolistic pricing. Protectionism, by contrast, holds an umbrella over at least tacit monopolistic price agreements. Even arrangements with foreign competitors become more practical when tariffs guard monopoly in the home market. Restriction of competition by a Protectionist government also gives some respectability to concerted action by erstwhile competitors—concerted action not only in the market but in the realm of political pressures. There is some truth in the maxim, variously attributed to President Cleveland and to the sugar magnate Havemeyer, that “The tariff is the Mother of Trusts.” In a Free-Trade country, though, actual or potential competition from abroad would teach home producers to rely on improvements in their own efficiency rather than on monopolistic activities. People who worry about business monopoly in the United States would do well to fight against such governmental restrictions on competition as the tariff.

“As far as Ford Motor Company is concerned,” said Henry Ford II in his famous Free-Trade speech of February 1953, “we intend to meet foreign competition
in the marketplace and not in the halls of the Tariff Commission.” Mr. Ford also quoted a statement made by his grandfather, Henry Ford, in 1930 and still highly relevant today:

Business thrives on competition. Nobody does his best if he knows no one is competing with him. Comfortably tucked away behind a tariff wall which shuts out all competition and gives industry an undue profit which it has not earned, the business of our country would grow soft and neglectful. . . . We need competition the world over to keep us on our toes and sharpen our wits. The keener the competition, the better it will be for us . . . Instead of building up barriers to hinder the free flow of world trade, we should be seeking to tear existing barriers down. People cannot keep on buying from us unless we buy from them. . . . As for a tariff wall to shut out foreign goods, I feel certain we could hold our own without any wall at all. . . . Why not let those countries which can produce these things better than we, do so, while we turn our attention to the production of things in which we excel. That would provide work for everybody to do the world over, and in exchange of these products world trade would thrive, bringing busy times and prosperity for us all.

Still another benefit of Free Trade is greater opportunity for random economic disturbances in various parts of the world largely to cancel each other out. . . . The case for Free Trade is in this respect akin to the case for insurance.

**FREE TRADE AND GOOD GOVERNMENT**

Considerations of political philosophy as well as of economics tell in favor of Free Trade. If Jones and Smith voluntarily exchange goods, both must expect to gain; and outside interference with their deal is hard to justify except for some special reason. If Brown now asks the government to interfere so that Jones will have to trade with him instead of with Smith, most people would probably agree that the government should not comply. What difference is there when exchanges get more complicated—when money is used and when many people, some of them foreigners, trade with one another? Why doesn’t an American have just as much
right to buy English pottery as, say, to trade his wheat for another American's cow? Maybe the principle is different, but the burden falls on the Protectionist of justifying one kind of interference and not the other.

Most people do not consider importing wrong. Even some quite respectable Americans returning from foreign travel apparently do not consider it immoral (though illegal) to smuggle some purchases past the customs officers. Should a government prohibit or limit or penalize something not morally wrong, especially when, as is true of import barriers, an intelligent person can see that such action favors special interests at the expense of the general public? As Henry George wrote,

To make that a crime by statute which is no crime in morals, is inevitably to destroy respect for law; to resort to oaths to prevent men from doing what they feel injures no one, is to weaken the sanctity of oaths. Corruption, evasion and false swearing are inseparable from tariffs. Can that be good of which these are the fruits? A system which requires such spying and searching, such invoking of the Almighty to witness the contents of every box, bundle and package—a system which always has provoked, and in the nature of man always must provoke, corruption and fraud—can it be necessary to the prosperity and progress of mankind?[7]

Fearing free competition as they do, Protectionists share to some extent the main attitude of socialists and other planners. Senator Malone of Nevada had things just backwards when, in his testimony before the House Ways and Means Committee on September 17, 1951, he labeled even advocates of mere customs simplification and timid tariff reduction as “Socialist plotters.” On the contrary, it is the Protectionists themselves who, like socialists, distrust free markets. The typical Congressman is inconsistent in praising free enterprise in the abstract while using tariffs as a tool of government economic planning.

Always in a progressive economy some industries are growing and some are shrinking. In a free economy, the impersonal forces of the market guide these necessary and beneficial adjustments in the pattern of production in response to changes in technology and consumer demands. Protectionism partially replaces market forces by shifting competition into the political arena. Control over government policy becomes important to various economic interest groups.

“Political struggle for special economic advantage makes for corruption—not mere petty bribery and graft, but the sort of thing that, because it is so familiar and is done openly on such a giant scale, is not commonly recognized as corruption at all. After all, to buy votes by dispensing special privilege to economic pressure groups really is corrupt”

Political struggle for special economic advantage makes for corruption—not mere petty bribery and graft, but the sort of thing that, because it is so familiar and is done openly on such a giant scale, is not commonly recognized as corruption at all. After all, to buy votes by dispensing special privilege to economic pressure groups really is corrupt, although people are not accustomed to think of it as scandalous. As Professor Henry Simons remarked, the kind of corruption that “stinks” has much to recommend it, relatively. Curiously, most people do not consider it morally wrong to do through law what they would consider it wrong to do personally. Yet why is it morally wrong to commit robbery with naked force, while all right to harm other people for one’s own benefit through tariff agitation?

When pressure groups wield influence to get governmental grants of economic privilege, even upright statesmen may feel they must pander to group pressures to get re-elected. Intelligent discussion of issues and appraisal of candidates are sidetracked in the interplay of pressures and promises.

Henry Simons has truly written:

A nation which wishes to preserve democratic institutions cannot afford to allow its legislatures to become engaged on a large scale in the promiscuous distribution of special subsidies and special favors. Once this occurs, there is no protecting the interests of the community at large, and, what is more important, there is no protecting the political institutions themselves. Tariff legislation is
politically the first step in the degeneration of popular government into the warfare of each group against all. Its significance for political morality is, moreover, quite patent. Against the tariff, all other forms of “patronage” and “pork-barrel legislation” seem of minor importance.

“The free market decentralizes and keeps out of politics a far-reaching and important kind of decision-making. It is a shame, in my opinion, to sabotage by Protectionist measures such a great bulwark of democratic government and human freedom as the free market.”

Democracy, which is essentially a method of popular control over rulers by discussion and elections, is always in danger of being overburdened. To load government with more and more functions may complicate public issues beyond the understanding or patience of the typical voter and so make democratic control over government less and less workable. This is one reason why government should not bear the immense burden of regulating the myriad aspects of people’s lives and businesses. Wherever decentralized or “automatic” decision-making can work, arrangements requiring continual positive government intervention should be avoided. Government should not have to manufacture agreement on matters whose very nature makes a genuine consensus unlikely. Government should confine itself, as far as possible, to policies that the citizens can discuss intelligently. Now, the free market decentralizes and keeps out of politics a far-reaching and important kind of decision-making. It is a shame, in my opinion, to sabotage by Protectionist measures such a great bulwark of democratic government and human freedom as the free market.

FREE TRADE AND PEACE

“Protectionism injects government decisions into trade, makes business into diplomacy, widens the range of possible international frictions, and raises private frictions into intergovernmental frictions. Free Trade decentralizes decision-making in the field of international trade and cuts down the number of issues that could arise among governments.”

Free Trade would contribute not only to the health of democratic government but also to world peace. Protectionism injects government decisions into trade, makes business into diplomacy, widens the range of possible international frictions, and raises private frictions into intergovernmental frictions. Free Trade decentralizes decision-making in the field of international trade and cuts down the number of issues that could arise among governments. For example, world-wide Free Trade would end the problem of “have” and “have-not” nations. No nation would be cut off from raw materials or advantageous trade opportunities by lack of extensive territories. The real grievance of a “have-not” nation is not a lack of colonies, but rather that the “have” nations restrict trade with territories under their control. World-wide Free Trade and open-door policies would give people of all countries access to sources of supply and to markets on equal terms. Of course, there would still be “have” and “have-not” people—some men would own nickel mines and some would not—but possible tensions among governments would be fewer.

Free Trade is not, of course, the key to peace. Many experts feel that the existence of many separate national sovereignties is a standing invitation to war, and that drastic curtailment of national sovereignty must figure in any long-range program for peace. Curtailment of national sovereignty need not, however, only mean transfer of sovereignty to some world super-state. Some national power over individuals might be destroyed outright. An ideal worth striving for, or at least considering, is a world in which no nation has the power to impose compulsory military training or service, to impose public schooling provided the parent substitutes private schooling for his child, to stop
emigration, or to limit freedom of speech, press, and religion. As a further check to government power, some limit to tax collections might also be considered. Such rules might be enforced by a limited world government with no other powers. The idea behind this suggestion is that wars are quarrels among governments as such. Limits to the functions and powers of governments would help keep quarrels small and on the interpersonal level.

Limitation of government interference with trade, travel, capital transfers, and currency exchanges is an essential part of any program to avoid quarrels among nations as such. Here Free Trade fits into a peace program. A further connection between Free Trade and peace is that international friendship will prosper when economic contacts are peaceful, mutually-beneficial private transactions rather than intergovernmental issues. Of course, permanent peace is at present a Utopian ideal; but that is no argument against working to make it practical some day. That ultimate goal is more likely to be reached when public opinion has become favorable to Free Trade beforehand.

UNILATERAL FREE TRADE

While the United States would gain less by adopting Free Trade alone than as one Free-Trade country among many, it would still definitely gain. As Henry Ford II said in the speech already quoted,

I want to make myself perfectly clear on the point. I am not urging a course of action which I feel would benefit others at our expense. On the contrary, that’s just what I’d like to see us get away from. I am convinced that a considerable growth in our foreign trade—imports as well as exports—would be a continuing shot in the arm to our whole economy.

President Eisenhower spoke similarly on May 7, 1953 in favor of a more liberal American trade policy:

As we help other nations to be prosperous, to trade with us, we are not doing this purely from the standpoint of altruism.

We are working from the position of enlightened self-interest, while knowing that we, the greatest industrial power on earth, could not succeed unless we have trade with other nations.

American trade would expand less if the United States alone adopted Free Trade than if the whole world did so, but the resulting expansion would still be worth while: as the Principle of Comparative Advantage explains, more trade would make our available labor and resources yield us greater amounts of useful goods and services.

“American trade would expand less if the United States alone adopted Free Trade than if the whole world did so, but the resulting expansion would still be worth while: as the Principle of Comparative Advantage explains”

Free Trade would also yield the United States the benefits expressed in the current slogan “Trade, not Aid.” The amount of aid that the United States had “loaned” or granted to all foreign countries since World War II was by mid-1953 approaching a total of $40 billion, of which by far the largest part had been “economic” rather than “military” aid. Significantly, the amount of aid is roughly equal to the excess of American goods-and-services exports over imports during the same period. Foreigners have apparently been unable to sell us enough goods and services to pay for their purchases from us. This condition—the famous “dollar shortage”—has been a leading (though by no means the only) reason for America’s foreign-aid programs. We Americans are inconsistent in keeping foreign goods out of the United States by tariffs and quotas and then making gifts to the foreigners because they cannot pay their own way in the American market. Free Trade, by contrast, would help foreigners earn what they buy from us. Savings on foreign aid would be an important benefit to the American taxpayer even if the United States alone adopted Free Trade.

The conviction is spreading, moreover, that dollars received via the gift route are psychologically dangerous dollars. Unilateral grants, regardless of the motive of the giver and the form in which they are given, tend to arouse resentment on the part of both the donor and the recipient.[9]
AMERICA'S OPPORTUNITY

American Free Trade would gain genuine good will for the United States in a way that continued aid could not do. As a Paris newspaper said, “Europe would prefer to ‘earn’ its dollars by exporting to the United States instead of continuing to receive them” as a gift.

“Free Trade would show that Americans practice as well as preach their belief in free private enterprise. ... The importance of Free Trade as a proof of American consistency and sincerity can hardly be overrated. Free Trade is an important aspect of a free economy in general. Foreign countries might in time copy a dramatic American example, to their own advantage as well as to ours.”

The present American trade policy gives foreign countries good cause for dismay. Examples during just the last few years are many. The governments of Denmark, Canada, the Netherlands, Australia, and New Zealand formally protested against new or continued controls on United States imports of fats, oils, and dairy products. Peru protested a bill pending in Congress that threatened to raise the duty on tuna fish, and Secretary of State Acheson disclosed that the situation was menacing American relations with Japan also. The Uruguayan ambassador complained about an increased duty on wool tops from his country. Venezuela is worried about threatened new curbs on oil imports. In a speech in May 1953, the Chilean ambassador bitterly denounced Protectionist tendencies in the United States as creating “confusion and disorder” in South America. The Canadian government has been concerned about efforts in Congress to adopt a sliding-scale scheme of high duties on lead and zinc. The foreign countries hurt worst by recent tightening of several American import barriers have retaliated against American exports. Turkey raised her duties on typewriters, washing machines, refrigerators, and many other goods when we restricted imports of figs. Belgium withdrew her concession on American industrial wax in protest against a higher United States duty on fur used in trimming hats. The Netherlands countered our “cheese amendment” by cutting imports of American flour (thus the American wheat farmer suffers for the sake of the American dairy farmer).

American Protectionism plays into the hands of Communist propaganda. The delegate of Communist Poland to the United Nations Economic Commission for Europe argued in March 1953 that Western Europe could expect no economic help from the United States in the form of “Trade, not Aid.” With Communist information services eagerly seizing on all evidence of American Protectionism, the Polish delegate was able to make a plausible thesis that there is no hope of expanded trade within the Western world. The Soviet delegation to the United Nations Economic and Social Council has made similar propaganda about the Protectionism allegedly dictated by American monopolists. Eugene Varga, the Soviet economist, has predicted quarrels among capitalist countries as a result of intensified American Protectionism. Stalin predicted that the sphere of application of the forces of the chief capitalist countries to the world resources will not expand but will contract, that conditions of the world market of sale for these countries will grow worse, and idleness of enterprises in these countries will increase. In this, properly speaking, there consists a deepening of the general crisis of the world capitalist system in connection with the disintegration of the world market.[10]

American Free Trade would give the lie to such charges and gleeful predictions by the Communists. It would be not only a solid contribution to the strength of the free world but also a dramatic gesture of unity and hope.

Free Trade would show that Americans practice as well as preach their belief in free private enterprise. But as things now stand, the Manchester Guardian can justifiably print: “The next [American] business man who comes here to tell us that we must be more willing to compete will be making himself a laughing stock. Willing to compete indeed!”

According to a New York Times correspondent, American trade experts on the scene trace some of the
most influential pessimism about American trade policy to European officials with an intellectual vested interest. Such officials would really be delighted if the United States clung to high tariffs: this would apparently justify European governments in following socialistic policies.

The importance of Free Trade as a proof of American consistency and sincerity can hardly be overrated. Free Trade is an important aspect of a free economy in general. Foreign countries might in time copy a dramatic American example, to their own advantage as well as to ours.

Notes


Further Information

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FURTHER READING

Other works by Leland Yeager (1924-) <http://oll.libertyfund.org/people/4157>.

“Economic freedom is an end in itself to a believer in freedom. In the second place, economic freedom is also an indispensable means toward the achievement of political freedom.”
Editor’s Introduction

Milton Friedman (1912-2007) was a member of the Chicago School of free market economics. He not only made significant contributions to monetary theory (the theory of “monetarism”) but also to economic history with his monumental *A Monetary History of the United States* (1963, coauthored with A. J. Schwartz). Friedman won the Nobel Prize in Economics in 1976. In addition to his expertise in technical economic matters he was also a gifted popularizer of economics and reached a large audience with his book (with Rose D. Friedman) *Capitalism and Freedom* (1962), weekly columns for *Newsweek* magazine (1966–84), and TV documentaries (with Rose D. Friedman) *Free to Choose* (1980) and *Tyranny of the Status Quo* (1984).

This extract is an article he wrote in 1961 for a graduate student run libertarian magazine at the University of Chicago, *The New Individualist Review*, edited by the historian Ralph Raico. In this essay Friedman makes the claim, unusual for the time, that economic and political liberties are intimately linked and that modern day “liberals” were wrong in thinking that they could have political liberties without economic liberties being protected as well.

He identified himself as being in the 19th century “classical liberal” tradition and strongly rejected what he called the “orthodox and indeed reactionary” “liberalism” of the late 20th century. Although Friedman thought that economic liberties were valuable in their own right he was appealing to his (social democratic) “liberal” rivals that their much desired political liberties such as freedom of speech and the right to participate in elections would become meaningless in a socialist society where the state was the main employer and where most meetings halls and newspaper presses were owned by the state. In other words, he believed that “economic freedom is ... an indispensable means toward the achievement of political freedom.”

“It is widely believed that economic arrangements are one thing and political arrangements another, that any kind of economic arrangement can be associated with any kind of political arrangement.

This is the idea that underlies such a term as “democratic socialism.” The essential thesis, I believe, of a new liberal is that this idea is invalid, that “democratic socialism” is a contradiction in terms, that there is an intimate connection between economic arrangements and political arrangements, and that only certain combinations are possible.”
IN DISCUSSING the principles of a free society it is desirable to have a convenient label and this has become extremely difficult. In the late 18th and early 19th centuries, an intellectual movement developed that went under the name of Liberalism. This development, which was a reaction against the authoritarian elements in the prior society, emphasized freedom as the ultimate goal and the individual as the ultimate entity in the society. It supported *laissez faire* at home as a means of reducing the role of the state in economic affairs and thereby avoiding interfering with the individual; it supported free trade abroad as a means of linking the nations of the world together peacefully and democratically. In political matters, it supported the development of representative government and of parliamentary institutions, reduction in the arbitrary power of the state, and protection of the civil freedoms of individuals.

Beginning in the late 19th century, the intellectual ideas associated with the term liberalism came to have a very different emphasis, particularly in the economic area. Whereas 19th century liberalism emphasized freedom, 20th century liberalism tended to emphasize welfare. I would say welfare instead of freedom though the 20th century liberal would no doubt say welfare in addition to freedom. The 20th century liberal puts his reliance primarily upon the state rather than on private voluntary arrangements.

The difference between the two doctrines is most striking in the economic sphere, less extreme in the political sphere. The 20th century liberal, like the 19th century liberal, puts emphasis on parliamentary institutions, representative government, civil rights, and so on. And yet even here there is an important difference. Faced with the choice between having the state intervene or not, the 20th century liberal is likely to resolve any doubt in favor of intervention; the 19th century liberal, in the other direction. When the question arises at what level of government something should be done, the 20th century liberal is likely to resolve any doubt in favor of the more centralized level—the state instead of the city, the federal government instead of the state, a world organization instead of a federal government. The 19th century liberal is likely to resolve any doubt in the other direction and to emphasize a decentralization of power.

This use of the term liberalism in these two quite different senses renders it difficult to have a convenient label for the principles I shall be talking about. I shall resolve these difficulties by using the word liberalism in its original sense. Liberalism of what I have called the 20th century variety has by now become orthodox and indeed reactionary. Consequently, the views I shall present might equally be entitled, under current conditions, the “new liberalism,” a more attractive designation than “nineteenth century liberalism.”

“It is widely believed that economic arrangements are one thing and political arrangements another, that any kind of economic arrangement can be associated with any kind of political arrangement. This is the idea that underlies such a term as “democratic socialism.” The essential thesis, I believe, of a new liberal is that this idea is invalid, that “democratic socialism” is a contradiction in terms, that there is an intimate connection between economic arrangements and political arrangements, and that only certain combinations are possible.”

It is widely believed that economic arrangements are one thing and political arrangements another, that any kind of economic arrangement can be associated with any kind of political arrangement. This is the idea that underlies such a term as “democratic socialism.” The essential thesis, I believe, of a new liberal is that this idea is invalid, that “democratic socialism” is a contradiction in terms, that there is an intimate connection between economic arrangements and political arrangements, and that only certain combinations are possible.”

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connection between economic arrangements and political arrangements, and that only certain combinations are possible.

It is important to emphasize that economic arrangements play a dual role in the promotion of a free society. On the one hand, “freedom” in economic arrangements is itself a component of freedom broadly understood, so “economic freedom” is an end in itself to a believer in freedom. In the second place, economic freedom is also an indispensable means toward the achievement of political freedom.

The first of these roles of economic freedom needs special emphasis. The citizen of Great Britain who after World War II was not permitted, by law, to spend his vacation in the United States because of exchange control was being deprived of an essential freedom no less than the citizen of the United States who was denied the opportunity to spend his vacation in Russia on the grounds of his political views. The one was ostensibly an economic limitation on freedom and the other a political limitation, yet there is no essential difference between the two.

The citizen of the United States who is compelled by law to devote something like 10% of his income to the purchase of a particular kind of retirement contract, administered by the government, is being deprived of a corresponding part of his own personal freedom. How strongly this particular deprivation may be felt, and its closeness to the deprivation of religious freedom, which all would regard as “civil” or “political” rather than “economic,” was dramatized by the recent episode involving a group of Ohio or Pennsylvania farmers of a particular religious sect. On grounds of principle, this group regarded compulsory federal old age programs as an infringement on their own personal individual freedom and refused to pay taxes or accept benefits. As a result, some of their livestock were sold at auction in order to satisfy claims for social security levies. A citizen of the United States who under the laws of various states is not free to follow the occupation of his own choosing unless he can get a license for it, is likewise being deprived of an essential part of his freedom. So economic freedom, in and of itself, is an extremely important part of total freedom.

The reason it is important to emphasize this point is because intellectuals in particular have a strong bias against regarding this aspect of freedom as important. They tend to express contempt for what they regard as material aspects of life and to regard their own pursuit of allegedly higher values as on a different plane of significance and as deserving special attention. But for the ordinary citizen of the country, for the great masses of the people, the direct importance of economic freedom is in many cases of at least comparable importance to the indirect importance of economic freedom as a means of political freedom.

“Viewed as a means to the end of political freedom, economic arrangements are essential because of the effect which they have on the concentration or the deconcentration of power.”

VIEWED AS a means to the end of political freedom, economic arrangements are essential because of the effect which they have on the concentration or the deconcentration of power. A major thesis of the new liberal is that the kind of economic organization that provides economic freedom directly, namely, organization of economic activities through a largely free market and private enterprise, in short through competitive capitalism, is also a necessary though not a sufficient condition for political freedom. The central reason why this is true is because such a form of economic organization separates economic power from political power and in this way enables the one to be an offset to the other. Historical evidence speaks with a single voice on the relation between political and economic freedom. I cannot think of a single example at any time or any place where there was a large measure of political freedom without there also being something comparable to a private enterprise market form of economic organization for the bulk of economic activity.

Because we live in a largely free society, we tend to forget how limited is the span of time and the part of the globe for which there has ever been anything like political freedom. The 19th century and the early 20th century in the Western world stand out as striking exceptions from the general trend of historical development. It is clear that freedom in this instance
came along with the free market and the development of capitalist institutions.

History suggests only that economic freedom is a necessary condition for political freedom. Clearly it is not a sufficient condition. Fascist Italy or Fascist Spain, Germany at various times in the last 70 years, Japan before World Wars I and II, Czarist Russia in the decades before World War I are all societies that cannot conceivably be described as politically free yet in which private enterprise was the dominant form of economic organization. So it is possible to have economic arrangements that are fundamentally capitalist and yet political arrangements that are not free.

Yet, even in those cases, the citizenry had a good deal more freedom than citizens of a modern totalitarian state like Russia or Nazi Germany in which economic totalitarianism is combined with political totalitarianism. Even in Russia under the Czars it was possible for some citizens under some circumstances to change their jobs without getting permission from political authority because the existence of private property and of capitalism provided some kind of offset to the centralized power of the state.

The relation between political and economic freedom is complex and by no means unilateral. In the early 19th century, Bentham and the Philosophical Radicals were inclined to regard political freedom as a means to economic freedom. Their view was that the masses were being hampered by the restrictions that were being imposed upon them, that if political reform gave the bulk of the people the vote, they would do what was good for them, which was to vote for laissez faire. In retrospect, it is hard to say that they were wrong. There was a large measure of political reform that was accompanied by economic reform in the direction of a great deal of laissez faire. And an enormous increase in the well-being of the masses followed this change in economic arrangements.

Later in the 19th century, when there began to be a movement away from freer economic arrangements and laissez faire toward a greater measure of collectivism and centralization, the view developed, as expressed for example by Lord Acton and in the 20th century by Henry Simons and Friedrich Hayek, that the relation was more nearly the opposite—that economic freedom was the means to political freedom.

In the period since World War II, I think we have seen still a different interconnection between political and economic freedom. In the post-war period, the fears that economic intervention would destroy political freedom seemed to be on the way to being realized. Various countries, and again Britain is perhaps the outstanding example because it has been so much a leader in the realm of ideas and social arrangements, did extend very greatly the area of state intervention into economic affairs and this did threaten political freedom. But the result was rather surprising. Instead of political freedom giving way, what happened in many cases was that economic intervention was discarded. The striking example in British post-war development was the Control-of-Engagements Order issued by the Labor Government. In trying to carry out their economic plans, the Labor Government found it necessary to do something which several years before it had said it would never do, namely, to exercise control over the jobs which people could take. Thanks to widespread popular objection, the legislation was never enforced at all extensively. After being on the books for one year, it was repealed. It seems clear that it was repealed precisely because it quite directly threatened a cherished political freedom. And from that day to this, there has been a trend toward a reduction in the extent of political intervention in economic affairs.

The dismantling of controls dates from the repeal of the Control-of-Engagements Order; it would have occurred even if the Labor Government had stayed in power. This may, of course, turn out to be a purely temporary interlude, a minor halt in the march of affairs toward a greater degree of intervention into economic affairs. Perhaps only innate optimism leads me to believe that it is more than that. Whether this be so or not, it illustrates again in striking fashion the close connection between economic arrangements and political arrangements. Not only in Britain but in other countries of the world as well, the post-war period has seen the same tendency for economic arrangements to interfere with political freedom and for the economic intervention frequently to give way.

Historical evidence that the development of freedom and of capitalist and market institutions have coincided in time can never by itself be persuasive. Why should there be a connection? What are the logical links between economic and political freedom? In discussing these questions, I shall first consider the market as a direct component of freedom and then the indirect relation between market arrangements and
political freedom. In the process, I shall in effect outline the ideal economic arrangements of the new liberal.

THE NEW LIBERAL takes freedom of the individual as his ultimate goal in judging social arrangements. Freedom as a value in this sense has to do with the interrelations among people; it has no meaning whatsoever to a Robinson Crusoe on an isolated island (without his man Friday). Robinson Crusoe on his island is subject to “constraint,” he has limited “power,” he has only a limited number of alternatives, but there is no problem of freedom in the sense that is relevant to the present discussion. Similarly, in a society, freedom has nothing to say about what an individual does with his freedom; it isn’t an all-embracing ethic by any manner of means. Indeed, a major aim of the believer in freedom is to leave the ethical problem for the individual to wrestle with. The “really” important ethical problems are those that face an individual in a free society—what an individual should do with his freedom. There are thus two sets of values that a liberal will emphasize—the values relevant to relations among people which is the context in which he assigns first priority to freedom; and the values that are relevant to the individual in the exercise of his freedom, which is the realm of individual ethics and philosophy.

Fundamentally there are only two ways in which the activities of a large number of people can be co-ordinated: by central direction, which is the technique of the army and of the totalitarian state and involves some people telling other people what to do; or by voluntary co-operation, which is the technique of the market place and of arrangements involving voluntary exchange. The possibility of voluntary co-operation in its turn rests fundamentally on the proposition that both parties to an exchange can benefit from it. If it is voluntary and reasonably well informed, the exchange will not take place unless both parties do benefit from it.

The simplest way to see the principle at work is to go back to the economist’s favorite abstraction of Robinson Crusoe, only to have a number of Robinson Crusoe households on different islands, each of which is initially self-sufficient. Let the households come into contact with one another. The possibility of trade now emerges. What is it that gives them an incentive to trade? The answer clearly is that if each household concentrates on a small range of activities, producing things for itself indirectly, by trade, rather than doing everything for itself, everybody can be better off. This possibility arises for two reasons: one is that an individual can achieve a higher degree of competence in an activity if he specializes in it rather than engaging in many activities; the other, closely associated but not identical, is that people are different and each can specialize in those activities for which he has special capacities. Even if everyone were identical in all his capacities and abilities, there would still be a gain from division of labor which would make a larger total return possible because each individual could concentrate on a particular activity. But in addition, diversity among people becomes a source of strength because each individual can concentrate on doing those things that he can do best. So the incentive for the households to engage in trade and to specialize is the possibility of a greater total output.

“Fundamentally there are only two ways in which the activities of a large number of people can be co-ordinated: by central direction, which is the technique of the army and of the totalitarian state and involves some people telling other people what to do; or by voluntary co-operation, which is the technique of the market place and of arrangements involving voluntary exchange.”

The protection to Household A is that it need not enter into an exchange with Household B unless both parties benefit. If exchange is voluntary, it will take place if, and only if, both parties do benefit. Each individual always has the alternative of going back to producing for himself what he did before so he can never be worse off; he can only be better off.

OF COURSE, specialization of function and division of labor would not go far if the ultimate productive unit were the household. In a modern society, we have gone much farther. We have introduced enterprises which are intermediaries between individuals in their capacities as suppliers of services and as purchasers of goods. And similarly,
specialization of function and division of labor could not go very far if we had to continue to rely on the barter of product for product. In consequence, money has been introduced as a means of facilitating exchange and of enabling the act of purchase and of sale to be separated into two parts.

The introduction of enterprises and the introduction of money raise most of the really difficult problems for economics as a science. But from the point of view of the principles of social organization, they do not fundamentally alter the essential character of economic arrangements. In a modern complex society using enterprises and money it is no less true than in the simple idealized world that co-ordination through the markets is a system of voluntary co-operation in which all parties to the bargain gain.

“What most people really object to when they object to a free market is that it is so hard for them to shape it to their own will. The market gives people what the people want instead of what other people think they ought to want. At the bottom of many criticisms of the market economy is really lack of belief in freedom itself.”

So long as effective freedom of exchange is maintained, the essential feature of the market is that it enables people to co-operate voluntarily in complex tasks without any individual being in a position to interfere with any other. Many of the difficult technical problems that arise in applying our principles to actual economic arrangements are concerned with assuring effective freedom to enter or not to enter into exchanges. But so long as people are effectively free to enter into an exchange and are reasonably well informed the essential feature of the market remains that of our ideal example. It provides for co-operation without coercion; it prevents one person from interfering with another. The employer is protected from being interfered with or coerced by his employees by the existence of other employees whom he can hire. The employee is protected from being coerced by his employer by the existence of other employers for whom he can work; the customer by the existence of other sellers, and so on.

Of course, it is partly this feature of the market that leads many people to be opposed to it. What most people really object to when they object to a free market is that it is so hard for them to shape it to their own will. The market gives people what the people want instead of what other people think they ought to want. At the bottom of many criticisms of the market economy is really lack of belief in freedom itself.

The essence of political freedom is the absence of coercion of one man by his fellow men. The fundamental danger to political freedom is the concentration of power. The existence of a large measure of power in the hands of a relatively few individuals enables them to use it to coerce their fellow man. Preservation of freedom requires either the elimination of power where that is possible, or its dispersal where it cannot be eliminated. It essentially requires a system of checks and balances, like that explicitly incorporated in our Constitution. One way to think of a market system is as part of a broader system of checks and balances, as a system under which economic power can be a check to political power instead of an addition to it.

If I may speculate in an area in which I have little competence, there seems to be a really essential difference between political power and economic power that is at the heart of the use of a market mechanism to preserve freedom. With respect to political power, there is something like a law of conservation of energy or power. The notion that what one man gains another man loses has more applicability in the realm of politics than in the realm of economic arrangements. One can have many different small governments, but it is hard to think of having many different small centers of political power in any single government. It is hard for there to be more than one really outstanding leader, one person on whom the energies and enthusiasms and so on of his countrymen are centered. If the central government gains power, it is likely to do so at the expense of local governments. While I do not know how to formulate the statement precisely, there seems to be something like a fixed total of political power to be distributed.

There is no such fixed total, no law of conservation of power, with respect to economic power.
You cannot very well have two presidents in a country, although you may have two separate countries, but it is perfectly possible to have a large number of additional millionaires. You can have an additional millionaire without there being any fewer millionaires anywhere else. If somebody discovers a way to make resources more productive than they were before, he will simply add to the grand total of economic wealth. Economic power can thus be more readily dispersed than political power. There can be a larger number of independent foci of power. Further, if economic power is kept in separate hands from political power, it can serve as a check and an offset to political power.

“Economic power can thus be more readily dispersed than political power. There can be a larger number of independent foci of power. Further, if economic power is kept in separate hands from political power, it can serve as a check and an offset to political power.”

This is a very abstract argument and I think I can illustrate its force for our purpose best by turning to some examples. I would like to discuss first a hypothetical example that helps to bring out the principles involved and then an actual example from recent experience that also illustrates the way in which the market works to preserve political freedom.

I think that most of us will agree that an essential element of political freedom is the freedom to advocate and to try to promote radical changes in the organization of society. It is a manifestation of political freedom in our capitalist society that people are free to advocate, and to try to persuade others to favor socialism or communism. I want to contemplate for a moment the reverse problem. It would be a sign of political freedom in a socialist society that people in that society should be free to advocate, and try to persuade others to favor capitalism. I want to ask the hypothetical question: how could a socialist society preserve the freedom to advocate capitalism? I shall assume that the leading people and the public at large seriously wish to do so and ask how they could set up the institutional arrangements that would make this possible.

THE FIRST problem is that the advocates of capitalism must be able to earn a living. Since in a socialist society all persons get their incomes from the state as employees or dependents of employees of the state, this already creates quite a problem. It is one thing to permit private individuals to advocate radical change. It is another thing to permit governmental employees to do so. Our whole post-war experience with un-American activities committees and the McCarthy investigations and so on shows how difficult a problem it is to carry over this notion to governmental employees. The first thing that would be necessary would therefore be essentially a self-denying ordinance on the part of the government that would not discharge from public employment individuals who advocate subversive doctrines—since of course, in a socialist state the doctrine that capitalism should be restored would be a subversive doctrine. Let us suppose this hurdle, which is the least of the hurdles, is surmounted.

Next, in order to be able to advocate anything effectively it is necessary to be able to raise some money to finance meetings, propaganda, publications, writings and so on. In a socialist society, there might still be men of great wealth. There is no reason why a socialist society shouldn't have a wide and unequal distribution of income and of wealth. It is clear, however, that most, if not all of the people, of great wealth or income would be the leading figures in the government, directly or indirectly—high level civil servants or favored authors, actors, and the like. Perhaps it doesn't strain the bounds of credulity greatly to suppose that the government would countenance and tolerate the advocacy of capitalism by minor civil servants. It's almost incredible that it could tolerate the financing of subversive activity by leading civil servants. It is, therefore, hard to believe that these wealthy or high income individuals could be a source of finance. The only other recourse would be to try to get small sums from a large number of people. But this evades the issue. In order to get a lot of people to contribute you first have to persuade them. How do you get started persuading?

Note that in a capitalistic society radical movements have never been financed by small amounts from many people. They have been financed by a small
number of wealthy people being willing to foot the bill. To take an example that is quite old but very striking, who financed Karl Marx? It was Engels, and where did Engels get his money? He was an independent business man of wealth. (In the modern day it’s the Anita McCormick Blaines and Frederick Vanderbilt Fields, the Corliss Lamonts and so on who have been the source of finance of the radical movement.) This is the important source of the strength of freedom in a capitalist society. It means that anybody who has a “crazy” idea that he wants to propagate and promote has only to persuade a small number out of a very large number of potential backers in order to be able to get an opportunity to try out his crazy notions in the market place of ideas.

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Moreover, the situation is even more extreme. Suppose somebody has an idea that he thinks will appeal to a large number of people. He doesn’t even have to persuade somebody that he is right. He just has to persuade some capitalist in the society—in this particular case say a publisher or a magazine editor—that there’s a chance that a lot of people will be willing to pay to read about his idea. A publisher, for example, will have an incentive to publish a book, with whose ideas he doesn’t agree in the slightest, if there is a substantial chance that the book will sell enough copies to make money.

By contrast, let’s go back to the hypothetical socialist society. How does the proponent of capitalism in such a society raise money to propagate his ideas? He can’t get it from the wealthy individuals in the society. It is hard to believe that it is feasible for him to raise the necessary amount by getting small sums from a large number of people. Perhaps one can conceive of the socialist society being sufficiently aware of this problem and sufficiently anxious to preserve freedom to set up a governmental fund for the financing of subversive activities. It is a little difficult to conceive of this being done, but even if it were done it would not meet the problem. How would it be decided who should be supported from the fund? If subversive activity is made a profitable enterprise, it is clear that there will be an ample supply of people willing to take money for this purpose. If money is to be got for the asking, there will be plenty of asking. There must be some way of rationing. How could it be rationed?

Even if this problem were solved, the socialist society would still have difficulties in preserving freedom. The advocate of capitalism must not only have money, he must also be able to buy paper, print his material, distribute it, hold meetings, and the like. And, in the socialist society, in each instance this would involve dealing with an instrumentality of the government. The seller of paper in a capitalist society doesn’t care or indeed know whether the paper he’s selling is going to be used to print the Wall Street Journal or the Worker.

In the circumstances envisaged in the socialist society, the man who wants to print the paper to promote capitalism has to persuade a government mill to sell him the paper, a government printing press to print it, a government post office to distribute it among the people, a government agency to rent him a hall in which to talk and so on. Maybe there is some way in which one could make arrangements under a socialist society to preserve freedom and to make this possible. I certainly cannot say that it is utterly impossible. What is clear is that there are very real difficulties in preserving dissent and that, so far as I know, none of the people who have been in favor of socialism and also in favor of freedom have really faced up to this issue or made even a respectable start at developing the institutional arrangements that would permit freedom under
socialism. By contrast, it is clear how a free market capitalist society fosters freedom.

A striking example, which may be found in the January 26, 1959, issue of *Time*, has to do with the “Black List Fade-Out.” Says the *Time* story, “The Oscar awarding ritual is Hollywood’s biggest pitch for dignity but two years ago dignity suffered. When one Robert Rich was announced as top writer for *The Brave One*, he never stepped forward. Robert Rich was a pseudonym masking one of about 150 actors blacklisted by the industry since 1947 as suspected Communists or fellow travelers. The case was particularly embarrassing to the Motion Picture Academy because it had barred any Communist or 5th Amendment pleader from Oscar competition.

“Last week both the Communist rule and the mystery of Rich’s identity were suddenly revealed. Rich turned out to be Dalton (*Johnny Got His Gun*) Trumbo, one of the original Hollywood Ten writers who refused to testify at the 1947 hearing on Communism in the movie industry. Said producer Frank King who had stoutly insisted that Robert Rich was a young guy in Spain with a beard, ‘We have an obligation to our stockholders to buy the best script we can. Trumbo brought us *The Brave One* and we bought it . . .’ In effect it was the formal end of the Hollywood black list. For barred writers, the informal end came long ago. At least fifteen per cent of current Hollywood films are reportedly written by black list members. Said producer King, ‘There are more ghosts in Hollywood than in Forest Lawn. Every company in town has used the work of black listed people; we’re just the first to confirm what everybody knows.’”

One may believe, as I do, that Communism would destroy all of our freedoms, and one may be opposed to it as firmly and as strongly as possible and yet at the same time also believe that in a free society it is intolerable for a man to be prevented from earning his living because he believes in or is trying to promote Communism.

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If Hollywood and the movie industry had been government enterprises or if in England it had been a question of employment by the BBC it is difficult to believe that the Hollywood Ten or their equivalent would have found employment.

The essential feature of the market which is brought out by these examples, and one could multiply them many fold, is essentially that it separates the economic activities of the individual from his political ideas or activities and in this way provides individuals with an effective support for personal freedom. The person who buys bread doesn’t know whether the wheat from which it was made was grown by a pleader of the 5th Amendment or a McCarthyite, by a person whose skin is black or whose skin is white. The market is an impersonal mechanism that separates economic activities of individuals from their personal characteristics. It enables people to co-operate in the economic realm regardless of any differences of opinion or views or attitudes they may have in other areas. You and I may buy Mennen drug products even though we may think “Soapy” Williams was a terrible governor of the state of Michigan. This is the fundamental way in which a free-market capitalist organization of economic activity promotes personal freedom and political freedom.
Further Information

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FURTHER READING

Other works by Milton Friedman (1912-2007) <oll.libertyfund.org/people/141>.

Subject Area: Economics <oll.libertyfund.org/groups/42>.
“Entrepreneurial losses are incurred when producers make ‘wrong’ decisions; that is, whenever they use resources for purposes other than those that the market ranks as most important.”
Editor’s Introduction

Israel Kirzner (1930-) is among the foremost scholars in the Austrian School of economic thought. If the first generation of 20th century Austrian economists were Ludwig von Mises (1881-1973) and Friedrich Hayek (1899-1992), Kirzner must be considered one of the leading members of the second generation, along with Murray Rothbard (1926-1995) who continued to develop Austrian insights in new directions. He studied at the University of Cape Town, the University of London, and received his PhD studying under Ludwig von Mises at New York University where he taught for many years. One of his major areas of research concerns the role of entrepreneurship in economic activity. Liberty Fund is publishing his Collected Works in 10 volumes.

Kirzner is best known for his work on the role of the entrepreneur as a key actor in the coordination of the market, that is to discover the best way to bring together relatively scarce resources to produce goods and services which are most in demand by consumers. When they succeed at this difficult task they are able to make profits. When they fail they make losses. One of Kirzner's key contributions to economic theory was to explain the process by which economic actors with imperfect knowledge of market conditions discover profit opportunities which did not exist before and take steps to realize those profits while at the same time satisfying the unmet needs of consumers. In his view there was no need to make unrealistic assumptions about all actors having perfect knowledge of static prices in a market which was in equilibrium.

In this section of his chapter on “The General Market Process” Kirzner provides an excellent summary of the 4 different ways in which entrepreneurs can take advantage of common disequilibrium conditions and thus bring about better coordination in the market: the discovery of more than one price for a good, producers who misjudge the importance consumers place on a given good, producers who misjudge the value of two different productive resources, and the fact that producers may not be aware of inventions or new techniques for producing certain goods. In a constantly changing world the entrepreneur plays an important role in seeing these opportunities for profit and thus bringing better coordination to the market.

“With respect to all these different kinds of inconsistencies among decisions, and the entrepreneurial activity they give rise to, we must not forget that entrepreneurs may not only gain profits but may also incur losses. In fact, whenever a market is not in equilibrium, some entrepreneurs are clearly forgoing (unintentionally, of course) more desirable opportunities for less desirable ones. Thus, in the broad sense, entrepreneurial loss is always present in a disequilibrium market. ... Entrepreneurial mistakes are responsible for any subsequent disappointments in the plans of all market participants. However, the market contains a built-in device that operates to minimize the likelihood of entrepreneurial mistakes. This device is precisely the fact that such mistakes are inescapably accompanied by losses—that are, by definition, something entrepreneurs seek to avoid.”
"Entrepreneurial Activity and the General Market Process" (1963)\textsuperscript{40}

In this section we will discuss the various kinds of market forces that may be set into motion by entrepreneurial activity as a result of particular disequilibrium conditions.

"Entrepreneurs who find out this price discrepancy will simply buy the product or resource at the low price from those who do not know that any higher price can be obtained for it, and will sell at the higher price to those who do not know that it can be obtained at any lower price. In so doing entrepreneurs are wiping out a lack of coordination between decision makers."

1. Simplest of all will be the market agitation initiated by the discovery of more than one price for the same physical resource, or the same physical product. We have analyzed this already in Chapter 7. Entrepreneurs who find out this price discrepancy will simply buy the product or resource at the low price from those who do not know that any higher price can be obtained for it, and will sell at the higher price to those who do not know that it can be obtained at any lower price. In so doing entrepreneurs are wiping out a lack of coordination between decision makers. Among those who were aware only of the lower price, there were presumably some who might have sold more of the product or resource than they are prepared to sell at the lower price. Similarly, among those who knew only of the higher price, there were presumably some who might have bought a larger quantity had they known of the lower price. Entrepreneurial activity leading to a single intermediate price will remove this lack of coordination.

Of course, in considering a general market, we understand that the adjustment in the prices of the particular resource or product will affect market activity with respect to other products or resources as well. The nature of these secondary adjustments will depend on the particular relationships between the products or the resources. In general, the adjustments will follow the pattern we discuss below in the next few paragraphs.

2. A second possibility for entrepreneurial activity may be created by inconsistencies affecting most directly the decisions being made with respect to two different products. Ignoring the possibility of more than one price for the same physical resource, or the same physical product, there may be an absence of coordination among the production, selling, and buying decisions affecting two different products. This kind of inconsistency has already been noticed in this chapter, and it is, in addition, similar in some respects to cases considered in Chapter 7.

It may be possible, for example, that both consumers and entrepreneurs have each independently misjudged the relative significance that consumers attach to two particular products. As a result of this error consumers have adjusted their buying plans, and producers their production plans, according to the expectation of a price for the one product that is “too high,” and a price for the second product that is “too low.” Since all concerned make the same error, their price expectations prove initially correct. (We may imagine that the prices of the various resources, too, have become completely adjusted to the entrepreneurial plans constructed according to these expectations.) These production decisions are clearly inconsistent with each other in the light of prevailing consumer tastes. These production decisions would be mutually consistent only if the relative prices of the products would induce each consumer to allocate his income among the various available products in such a way that, in aggregate, consumers wish to buy precisely those quantities of each of the two products that producers have planned to produce. But if the market price of the one product is too high, and the price of the other product too low, the terms of “exchange”

between the two products are such that
disappointments must necessarily occur. These terms
of “exchange” between the two products will in general
induce consumers to allocate income so that more of
the second product is consumed in place of the first
product than would have been the case with “correct”
relative prices for the two products.[3] As a result
producers of the first product discover that they have
produced “too much” of it (that is, they find they
cannot sell at the prevailing price all they have
produced in expectation of this price); while producers
of the second product discover that they have produced
too little (that is, they are unable to satisfy all consumer
orders made at the ruling price for their product).

It should be observed that the inconsistency
among production decisions and consumption
decisions relevant to the two products implies still
further inconsistencies in decisions relevant to the
resources allocated to these products. Although we
have imagined resource prices to be completely
adjusted to the plans of producers, the lack of
coordination between the latter plans implicitly makes
the decisions regarding the buying and selling of
resources also internally inconsistent with each other in
the light of consumer tastes. Thus, the adjustments that
eventually will be brought about through the discovery
of the fundamental inconsistencies in decisions with
respect to the products will also exercise an influence
upon the resource markets.

It is not difficult to perceive the opportunities for
entrepreneurial activity created by these market
inconsistencies. The entrepreneur who gathers the
earliest information concerning the disappointed plans
of the producers of the first product, and the
disappointed plans of prospective consumers of the
second product, is in a position to gain profits by
exploiting his superior knowledge. He will refrain from
producing the first product and will
expand his output of the second product
for which he will be able to ask and
obtain a new higher price.”

Similarly, where the first product has been
produced with resources different from those used for
the second product, the more alert entrepreneurs will
cut down their purchases of the resources used for
the first factor and will expand their purchases of the
resources used for the second. A tendency is thus
causcd toward a fall in the prices of the former
resources and a rise in the prices of the latter resources.
Profits are gained by these nimbler entrepreneurs
because they perceive that they can obtain a high price
for the second product. They see that resources
hitherto thought able to create the greatest market
value at the margin when allocated to produce other
products (for example, the first product, perhaps) will in
fact create the greatest market value when applied at
the margin of production of the second product.
Continuation of previous plans for the production of
the first product must involve losses, they perceive
earlier than others, at least on the marginal units
produced. Their search for profits and fear of losses
induces them to alter their decisions in the pattern
described.[4]

Entrepreneurial activity will continue in this
fashion for as long as the relevant decisions have not
been shaken down into full mutual consistency. Prices
of the products, quantities produced of the products,
and prices of the resources affected must all be such as
to eliminate plan disappointments. In a general market
at any one time we may expect numerous groups of products (and these groups containing probably more than two products in each group) that will have the kind of inconsistency discussed here. In all such cases the market will be in agitation set off by entrepreneurial discovery of the profit possibilities thus presented.

3. A third possibility for entrepreneurial activity may be created by inconsistencies in market plans revealed most glaringly in the decisions affecting two different productive resources. We have seen, of course, that imperfection of knowledge in the market for products implies inconsistencies among decisions in the resource markets as well, and we have also seen that the resulting market forces will bring about corresponding changes in the decisions made in the resource markets. But there may be inconsistencies that have their root directly in resource market decisions.

Let us suppose that all resource owners and all entrepreneurs err in their assessment of the relative ease with which two different productive factors can be made available to the market; or that they err in their assessment of the relative usefulness of the two factors in the various branches of production open to the market as a whole. As a result of these errors, all concerned (correctly) expect prices for the resources that are “too high” for the first resource and “too low” for the second resource.

Presented with these market terms upon which the one resource can be substituted for the second, producers in aggregate ask to buy too much of the second resource and too little of the first, in comparison with the quantities of the two resources that their owners (in the light of the market terms upon which they can replace the one resource by the other in direct consumption) are offering for sale. We may assume that product prices are completely adjusted to the expected and initially realized resource prices, so that no entrepreneur sees any opportunity of improving his position from what he expects to gain by means of his production plans made in the light of the ruling resource and product prices.

Nevertheless, the resource prices are inconsistent with equilibrium conditions. Producers are induced by the relative prices of the two resources to produce definite quantities of various products requiring these resources, with methods of production calling in each case for an input mix with definite proportions of the various available resources. Resource owners are induced by the relative prices to sell definite quantities of the two resources. The aggregate quantity offered for sale of the second resource falls short of what producers are planning to use, while that offered for sale of the first resource is greater than what producers plan to use. The relatively high price of the first resource, as compared with the second, has led producers to plan production with methods substituting more of the second resource for the first, and to plan to produce more of those products requiring relatively heavy inputs of the second resource, and less of those products requiring relatively heavy inputs of the first resource. The relatively high price of the first resource may be inducing resource owners to substitute quantities of the second resource in direct consumption in place of quantities of the first.[5]

Some of the resource owners who have made plans to sell the first resource, and some of the producers who have made production plans calling for employment of the second resource, will find themselves disappointed. This is, of course, the direct result of the inconsistency between the decisions in the resource markets and will set into motion the appropriate corrective market forces. But the inconsistencies directly perceived in the resource market also imply indirect inconsistencies in the decisions made at the level of the product market. Consumers, we assumed, have been making consumption plans fully adjusted to the production plans that entrepreneurs have been making on the basis of their expected ability to buy all of each of the two resources that they might wish to buy at the expected prices. Since some of the plans of the producers are disappointed, some of the plans of consumers, too, are going to be disappointed (since these latter plans presuppose successful fulfillment of the former). The inconsistent plans of the producers are reflected here in the derived, inconsistent plans of the consumers.

This situation provides opportunity for entrepreneurial profits. As soon as some alert entrepreneur senses what is happening in the market for the two resources, he will immediately offer to buy quantities of the first resource at prices lower than the market prices prevailing initially. He will be able to secure these low prices, since resource owners will have been forced by their disappointments to revise downward their estimates of the price of the first resource. The alert entrepreneur will then apply his
supply of the first factor to the production of those products that, requiring heavy inputs of the first factor, had been sold in the product market at correspondingly high prices. No consumers, until now, have been disappointed in their plans to buy products requiring heavy inputs of the first factor (since we have assumed the existing product prices to be completely adjusted to the output plans of the producers, and no producer who planned to buy the first factor has been disappointed). The price of the products requiring heavy inputs of the first factor, therefore, has no reason to fall. Thus, the alert entrepreneur who discovers the new lower price the first factor can now be obtained at is able to gain profits. Similarly, the discovery by the alert entrepreneur of the new lower price of the first factor (relative to that of the second, especially in view of the higher price that will certainly be charged very shortly for this second factor) may open up for him opportunities for profit through the substitution at the margin of units of the first factor in place of units of the second, in the production of those products using both factors.

“This situation provides opportunity for entrepreneurial profits. As soon as some alert entrepreneur senses what is happening in the market for the two resources, he will immediately offer to buy quantities of the first resource at prices lower than the market prices prevailing initially. He will be able to secure these low prices, since resource owners will have been forced by their disappointments to revise downward their estimates of the price of the first resource.”

These profit possibilities have been made possible by the existing faulty allocation of resources. The “erroneous” market prices for the two resources had guided producers into substituting the second resource for the first in production, and into producing products requiring heavy use of the second resource in place of products requiring heavy use of the first—although, in view of the real factors underlying the market, a different pattern of production would have been more efficient. In view of consumer tastes, technological possibilities, and the willingness of resource owners to sell factors, the initially planned production pattern “wasted” the first resource and used the second resource too heavily.

As more and more entrepreneurs move in to exploit the profit possibilities thus created, they set into motion tendencies in price movements that both reflect the improving pattern of resource allocation and render more limited the possibilities for further profits. On the one hand, as entrepreneurs buy more of the first resource, and buy less of the second, they are directly easing the pressures that had been forcing the price of the first resource to fall, and that of the second to rise. At the same time, with the shift from the production of products requiring heavy inputs of the second resource toward products requiring heavy inputs of the first, a tendency is brought about for the price of the former products to rise, and for that of the latter products to fall.

We recognize, especially with respect to entrepreneurial activity set into motion by inconsistencies in the resource markets, that corrective adjustment may take considerable time to be completed. Even alert entrepreneurs may find themselves unable to exploit their earlier knowledge of market conditions, due to past decisions. They may be saddled with plants that cannot easily be converted from the production of one product to another, or from one method of production to another, or from one scale of output to another. What appear to be profits in the long-run view may not be profits in the short-run view (due to the differences in the respective opportunity costs). But eventually market forces will bring about the adjustments outlined above. Of course, in the general market we are dealing with, adjustments of this kind must be expected to bring about alterations in the conditions of related markets as well. These alterations, too, although they are likely to be of a smaller order of magnitude, will bring about adjustments that may be analyzed by one or other of the examples being considered here.
4. A fourth possibility for entrepreneurial activity may exist even where all resource and product prices are completely adjusted to the production and consumption plans that have actually been made. This possibility arises from the fact that these plans may not reflect the opportunities that "really" exist. Producers may be ignorant of particular inventions that might lower their costs; consumers may be ignorant of the way a new product may suit their given tastes.\[6\] In such cases resources are being used to produce goods that are less valuable than the goods that could be produced with the same resources, if the existing knowledge was fully exploited.\[7\]

Definite opportunities for entrepreneurial activity arise from circumstances of this kind. Disequilibrium conditions emerge as soon as someone perceives the profit possibilities inherent in the situation. He will then exploit these possibilities by applying the new invention to production (or by introducing the new product to the consumer market). The innovator (this term is used to distinguish him from the inventor) will then be able to produce products more cheaply than others, without having to sell these products at a lower price, or he may be able to produce a new product selling for a price greater than its full per-unit costs of production.

The market agitation set in motion in this way will gradually tend to subside as profit opportunities are exploited away. As knowledge of the new production possibilities spreads, the prices of resources, and of products, will adjust until equilibrium is restored, with no further opportunity for profitable entrepreneurial activity.

With respect to all these different kinds of inconsistencies among decisions, and the entrepreneurial activity they give rise to, we must not forget that entrepreneurs may not only gain profits but may also incur losses. In fact, whenever a market is not in equilibrium, some entrepreneurs are clearly forgoing (unintentionally, of course) more desirable opportunities for less desirable ones. Thus, in the broad sense, entrepreneurial loss is always present in a disequilibrium market. Entrepreneurial losses are incurred when producers make "wrong" decisions; that is, whenever they use resources for purposes other than those that the market ranks as most important.
Notes

[3.] Where the two products are complementary goods, the direct consequences of the market error may be more complicated than is spelled out in the text.

[4.] The discussion in these paragraphs illustrates what were described in Ch. 2 as “horizontal relationships” existing among different sub-markets. The reader may work out for himself possible further developments that might follow (working horizontally) on the course of events described here. The reader may work out, for example, the consequences for the market prices of products that are used complementarily with one or other of the two products referred to in the text.

[5.] This will not necessarily be the case. For some resources especially, economists have learned to expect a “backward-sloping” supply curve. The high price obtained for the first resource may make it worthwhile for its owners to sell less of it, since the smaller quantity sold can command a “sufficient” range of purchasing power.

[6.] Clearly, a question of semantics is involved here. If one chooses to define tastes as referring only to those commodities that the consumer knows, then by definition a product that is still unknown cannot be described as an unseized consumer “opportunity.” Nevertheless, the wider interpretation of “tastes” is in keeping with common usage.

[7.] Of course, the purist may point out that there are always unknown technological possibilities that future generations will discover. From this point of view a market system might be described as always in a state of disequilibrium, with respect to the infinity of knowledge that is beyond human reach. A more workable approach, however, is to define relevant technological knowledge as that which is possessed by someone in the system. Disequilibrium then exists, with respect to this knowledge, so long as it has not yet been placed at the service of the market.
Further Information

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FURTHER READING

Other works by Israel Kirzner (1930-) <oll.libertyfund.org/people/199>.

School of Thought: The Austrian School <oll.libertyfund.org/groups/8>
“In a market economy these problems of coordination find their solution in the market process. The key role is played by market prices (which) guide individual decision makers toward decisions that tend to consider implicitly all the relevant conditions prevailing in the market.”
Editor’s Introduction

Israel Kirzner (1930-) is among the foremost scholars in the Austrian School of economic thought. If the first generation of 20th century Austrian economists were Ludwig von Mises (1881-1973) and Friedrich Hayek (1899-1992), Kirzner must be considered one of the leading members of the second generation, along with Murray Rothbard (1926-1995) who continued to develop Austrian insights in new directions. He studied at the University of Cape Town, the University of London, and received his PhD studying under Ludwig von Mises at New York University where he taught for many years. One of his major areas of research concerns the role of entrepreneurship in economic activity. Liberty Fund is publishing his Collected Works in 10 volumes.

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In this chapter on “Efficiency, Coordination, and the Market Economy” Kirzner discusses the “economic problem” faced by every individual in society, namely the most effective utilization of the scarce resources at their disposal, and how the economic problems of a numberless group of individuals in a society can be coordinated in order to achieve a maximum of their different goals. Kirzner focusses on the key role played by prices in a free economy and how these prices lead entrepreneurs to find out how to best satisfy the needs of consumers in order to solve their individual economic problems.

“For a system of social cooperation, efficiency requires the coordination of separate activities. Social cooperation opens up the way to the improved fulfillment of individual wants through division of labor; but division of labor is beneficial only where carried on in a coordinated fashion. Coordination involves (a) the development of a priority system for the satisfaction of wants, (b) some way of determining the method of production to be employed for each adopted project, and (c) a way of assigning rewards to the individuals cooperating jointly in productive activities. The market simultaneously solves these coordinating problems through the price system.”
In this chapter we complete our broad preliminary survey of the theory of the market system, its operation and achievements. Chapter 2 attempted to provide a bird’s-eye view of the way the market transmits economic forces through the system, tending to make the actions of all market participants dovetail more closely in the system. The present chapter demonstrates how these interactions in the market economy enable it to fulfill the basic functions of any system of organization. We are not concerned here with what the market process is or with the patterns of relationships the process consists of, but with how it accomplishes what it is supposed to accomplish. Some remarks are necessary to make clear, at the very outset, the point of view from which such an appraisal can be undertaken.

THE ECONOMIC PROBLEM

Social phenomena can be examined from two distinct points of view. First of all, they can be examined merely positively. Chains of cause and effect can be proved to exist; the likely effects of particular changes can be foretold; the probable responsibility of particular prior events for definite current phenomena can be explained. Social phenomena, however, can be examined in addition from a normative point of view. The way prior causes bring about subsequent events can be judged by the success with which the process fulfills definite goals (believed by the investigator to be cherished by someone concerned with the usefulness of the process). A breakdown in a commuter bus service may be seen positively as responsible for highways swarming with an unusual number of private cars. It may be “blamed”—normatively—for the inconvenience experienced by those who use the bus service for a convenient means of transportation.

The economic theorist, too, is able to view his subject matter from both these perspectives. He may simply trace through the operation of market forces. Or he may, in addition, appraise the market from the perspective of one or other aspects of the “economic problem.” Although the concept of an economic problem is most frequently discussed with respect to an entire society, the idea is fundamentally one relating to the individual. For an individual, the economic problem consists in ensuring that the resources at his disposal be utilized in the most effective manner possible—from the point of view of the goals which he has set up. Successful solution of this economic problem requires that the individual apportion resources to promote his various adopted goals in a pattern that will faithfully reflect the hierarchy of importance to him of the various goals. If he desires goal A more urgently than goal B, and the available resources are insufficient for both goals, a “correct” solution of the economic problem requires that he allocate his resources to A rather than to B; and so on.

“For an individual, the economic problem consists in ensuring that the resources at his disposal be utilized in the most effective manner possible—from the point of view of the goals which he has set up.”

From the perspective defined by the goal of correctly solving his economic problem, an individual may judge his actions as being either efficient or otherwise. From the point of view of his own chosen goals, considering the varying degrees of urgency that he has assigned to these goals, the individual may frown at a particular course of action as being at variance with his goal program. Such a course of action is “inefficient,” “wasteful,” and “irrational”; it fails to aim at the most important of the chosen goals.

The goal of “efficiency” is not really a separate goal in its own right. Efficiency is nothing else, in the present context, than the consistent pursuit of other goals. Consistency in the pursuit of goals calls for a refusal to apply resources to achieve one goal when this implies forsaking a still more highly cherished goal. Inefficiency is thus synonymous with inconsistency. An inefficient course of action is one that is inconsistent

with a given program of goals. A course of action that is inefficient with respect to one set of goals may be highly efficient with respect to a different set. But the point is that, in making plans, individuals have in mind given sets of goals. With respect to this set of goals, they seek a consistent, efficient course of action.

**SOCIETY AND THE ECONOMIC PROBLEM**

Economists frequently speak of the economic problem facing society. What they usually have in mind is something closely similar to the economic problem faced by individuals. But the legitimacy of this interpretation of the term “economic problem” is by no means clear, and the limitations on its use in this sense must be understood. Discussions that deal with the economic problem facing society assume a group of human beings, on the one hand, having numerous different desires for consumer goods and services and, on the other hand, having command of a body of productive resources. The economic problem facing the society is, once again, that of securing efficiency. The problem consists in constructing an organized social system that will most efficiently utilize the limited resources of “society” for the satisfaction of the desires of “society” for consumer goods and services. Once again a successful solution of this problem calls for “consistency”—a pattern of activity and production that should faithfully reflect the respective weights assigned to each of the goals that it is desired to satisfy. [1]

“Each individual can be viewed as independently selecting his goal program. And in a market economy especially, each individual adopts his own courses of action to achieve his goals.”

The limitations surrounding this use of the term “economic problem” arise from the fact that society is made up of numerous individuals. Each individual can be viewed as independently selecting his goal program. And in a market economy especially, each individual adopts his own courses of action to achieve his goals. It is therefore unrealistic to speak of society as a single unit seeking to allocate resources in order to faithfully reflect “its” given hierarchy of goals. Society has no single mind where the goals of different individuals can be ranked on a single scale.

Nevertheless, there is a sense where one form of societal organization can be termed “more efficient” than another. For example, a market economy, as we shall see, is unquestionably more “efficient” than a system of self-sufficient individual “economies,” because each individual shows by his voluntary participation in the market that he is better off under the former than the latter. Thus, each individual finds he can most efficiently solve his own economic problem by cooperating with other individuals through division of labor and the market. Any form of voluntary social cooperation emerges only because each participant seeks in this way to further his own goals. If he participates in a social system of any kind, he does so in the interests of his own efficiency; his participation is a method of solving his own economic problem.

We will be speaking of the efficiency or inefficiency of a social system in this sense. We are not invoking the notion of a society having its goals in any sense apart from the goals of the individuals making up the society. Efficiency for a social system means the efficiency with which it permits its individual members to achieve their several goals.

**THE PROBLEM OF COORDINATION**

However, when individuals seek to fulfill their purposes through some form of social cooperation, the efficiency of the social system in the above sense depends on the degree of coordination with which the separate activities of the participants are carried on. The cooperation of individuals requires that their actions fit into an overall pattern of organization. The fundamental point is that the source of the advantages of social cooperation over individual autarky exists in the possibilities that social cooperation opens up for specialization and division of labor. It is efficient, for example, to participate in a market economy (instead of being a self-sufficient Robinson Crusoe) because the value of one’s specialized services to the market is higher than the value of all that one could produce by spreading one’s efforts over numerous branches of production for one’s own consumption.[2]
Now, the very factor specialization, which can make social cooperation “efficient” for each of the cooperating individuals, itself introduces problems upon whose successful solution the worthwhileness of specialization depends. Clearly, if everyone specialized in the same kind of production, specialization would be worse than useless. A social system will emerge only if the system promises individuals a way of cooperating with others in an efficient way; that is, only if the system coordinates the specialized activities of the participants.

“A social system will emerge only if the system promises individuals a way of cooperating with others in an efficient way; that is, only if the system coordinates the specialized activities of the participants.”

In this chapter we discuss the market economy with respect to the way it coordinates the activities of its participants. We do not “judge” the degree of success that the market economy attains in this regard either as compared with other economic systems or as to its own “efficiency.” We are concerned with finding out how the patterns of relationships existing in the market process succeed at all in organizing numberless, independently planned actions into a social system that efficiently serves the purposes of its participants.

The general problem of coordination can be reduced, for a market economy, into a number of fairly distinct special problems. First, we will outline these problems, and then proceed in subsequent sections to discuss how these problems are solved by the market.

1. The economy must somehow or other develop a system of “priorities” governing what goods and services should be produced. Resources are clearly insufficient to produce everything that the participants would like to enjoy. There must be some way to decide on the kinds and quantities of products to which resources should be allocated; this involves the notion of “priorities.” If Mr. Smith wants a new coat, and Mrs. Jones wants a new dress, then there must be some method of ranking these two wants so as to guide producers in making their decisions as to what to produce. If one viewed society as having wants that, in principle, can be ranked on a single scale of absolute “importance,” then this problem would be simply that of discovering this ranking. Such a view of things recognizes the possibility of declaring Mr. Smith’s need for a coat to be somehow or other more or less “urgent” from the standpoint of society than Mrs. Jones’s need for a dress. Efficiency in the operation of the economy requires that, in this view of things, the system find out which want is the more urgent and then direct producers to give it corresponding priority.

But even when it has become clear that no objective way exists of determining the relative importance of the wants of different individuals “from the point of view of society” in any such absolute sense (if any meaning at all can be attached to this term), the problem of ranking must and can be solved. For participation in a market economy to be attractive, individuals must be assured that some reasonably satisfactory—and definite—method will be used to assign priorities to the wants of all the different participants. From the point of view of coordination, participants must be assured that the decision of any individual entrepreneur to produce a given commodity is consistent with this priority system. The priority system used need not be able to lay claim to the achievement of ultimate justice or fairness. Participants must merely be convinced that the degrees of importance that the market attaches to different wants are such as to make the market system profitable from their own individual points of view.[3]

“Coordination involves (a) the development of a priority system for the satisfaction of wants, (b) some way of determining the method of production to be employed for each adopted project, and (c) a way of assigning rewards to the individuals cooperating jointly in productive activities.”

2. A second problem of coordination relates to the way resources are combined to produce those goods or services to which priority in production has somehow
been assigned. Once it has been decided that a certain good is to be produced, the next step is to decide on the method of production to be used. Very often there are a number of different methods of production that are technically capable of yielding a desired commodity. Drinking water can be brought from the mountains or extracted from the sea. The economic system requires a device that will guide the producer of the commodity to use the most efficient method of production—efficiency in production being measured with respect to the economy as a whole. The “correct” method of production means the correct combination of resources. The correct combination of resources used to produce a given commodity will leave as a remainder, out of the entire available stock of resources, that body of resources able to produce the greatest quantity of goods in their order of priority. In other words, production is carried on efficiently, from the viewpoint of society, when it interferes least with the rest of production.

Clearly, with innumerable producers making independent decisions as to production techniques, the economy must coordinate these decisions so as to ensure that each producer uses those resources least needed elsewhere in the economy. Just as products can be produced in different ways, so resources can be used to produce different products. It is in the interest of each market participant that each unit of each resource be directed toward the production of that product where it will be used most efficiently—in the sense stated above.

3. The essence of the market economy is specialization and division of labor in production; production, moreover, invariably involves the cooperation of the productive services of several different resources. For both these reasons it follows that, in a market economy, resources are generally used in processes of production which go to satisfy the wants of others than the owners of the resources themselves, and/or do not permit the productive contribution of any particular unit of a resource to be distinguished or identified. A truck driver transports food from one city to another. He himself may need very little of this food; and it is quite impossible to identify what portion of the utility of transportation is attributable to his services, what portion is attributable to the truck, to the highways, and so on. All this creates a problem of compensating each participant in the system for his productive contribution as a resource owner (or entrepreneur). If an individual is to participate in the economy, some definite system must exist, which will ensure that he will receive a share of what is being produced.[4] An efficient system will provide sufficient reward to each participant to enable all participants to enjoy the benefits of the widest possible range of resource services.

HOW THE MARKET SOLVES THE PROBLEMS OF COORDINATION

“In a market economy these problems of coordination find their solution in the market process. The key role is played by market prices. ... Market prices guide individual decision makers toward decisions that tend to consider implicitly all the relevant conditions prevailing in the market.”

In a market economy these problems of coordination find their solution in the market process. The key role is played by market prices. The reasonable success that a market economy is able to attain in the solution of the three coordination problems outlined in the previous section is the consequence of a market process that determines prices. Market prices guide individual decision makers toward decisions that tend to consider implicitly all the relevant conditions prevailing in the market.

Thus, the single process that determines the course of the various prices in a market continuously works toward the simultaneous solution of the three problems of coordination. These three, analytically distinct tasks are fulfilled as aspects of the same market process market prices emerge from. This will become apparent in the following paragraphs as we discuss the different aspects of the market solution.

1. In a market economy the task of production is carried out by entrepreneurs in search of profits. Where an entrepreneur has the choice of producing two products at equal cost, he will produce that which
promises to sell for the highest price. Thus, priorities in a market economy are assigned to different goods by the process that determines their prices. Where equivalent combinations of resources can produce different products, it is the product that can command the highest market price that top priority is automatically assigned to.

Much of our study is concerned with the process by which the market price of products is determined. Generally, it is obvious even at this point, however, that those products for which consumers are prepared to undergo the greatest pecuniary sacrifice will tend (other things being equal) to command the highest prices; so thus, the market tends to consider these products as socially more “important.” Resources will tend to be purchased by entrepreneurs for use in the production of the relatively higher-priced goods. Changes in the urgency with which consumers are anxious to obtain specific goods will tend to be reflected in changes in their prices and hence in the priority that the market attaches to their production. The more responsive the price system is to changes in consumer preferences, the more accurately will the decisions of producers be in conformity with the priority system based on pecuniary sacrifice.

“The more responsive the price system is to changes in consumer preferences, the more accurately will the decisions of producers be in conformity with the priority system based on pecuniary sacrifice. This kind of priority system is frequently described as consumer sovereignty.”

This kind of priority system is frequently described as consumer sovereignty. It is the consumers’ acts of purchase, translated into market forces, which determine market prices, and thus give directions to the producers as to what should be produced. Changes in consumer preferences, which are responsible for the price changes, compel producers to alter their production processes. Any non-market obstacles placed in the way of the pricing process thus necessarily interfere with the priority system that consumers have set up. It must always be borne in mind that such a priority system cannot necessarily lay claim to any kind of ethical excellence. All that can be claimed for the priority system is that it offers potential market participants more attractive alternatives than are available to them otherwise.

2. That production in a market economy is undertaken for profit also has definite consequences with respect to the second task of coordination. When a given product can be produced by different methods of production, it is most profitable to use the cheapest method of production. The entrepreneur will therefore tend to use this method of production. The cheapest method of production is that which requires the smallest expenditure for the resources used. Whether or not one production process is cheaper (and therefore more likely to be employed) than another depends not only on the quantities of resources required for the processes, but also on their prices. The market value of different resource combinations influences the decisions of producers to use more machinery or less, more skilled labor or less, a larger plant or a smaller, and so on.

Now, as with the prices of products, the analysis of the determination of the prices of resources must wait until later chapters in this book. But generally it is not difficult to see what factors are at work in the determination of resource prices, and to appreciate how these factors relate to the coordination problem of securing the use of “socially efficient” methods of production. Market prices are the basis of cost calculation by producers. The price of each resource tends toward the point where all supplies of the resource available at this price are bought by producers.[5] Producers tend to bid up resource prices in order to secure resources for the production of given products for as long as it is profitable to do so; thus, at the market price, the resource will be used by producers of those products in whose production the resource yields greatest profits. Producers bidding for the resource to produce a product in which the resource will be relatively less profitable will soon find it impossible to compete with the producers of more valuable products. In buying the cheapest resources (among all those resources that are for him technically equivalent), the producer will therefore tend to be buying those resources least valuable elsewhere in the economy.
It cannot be expected, to be sure, that at any one time the market process should have succeeded in securing complete coordination of decisions concerning methods of production. ... So long as the market is competitive the existence of such opportunities for increased efficiency will tend to be discovered and exploited by profit-seeking entrepreneurs.”

It cannot be expected, that at any one time the market process should have succeeded in securing complete coordination of decisions concerning methods of production. Inevitably, at any one time, certain processes of production will be carried on using resources some units of which could be used morevaluably in other production processes. So long as the market is competitive, however, the existence of such opportunities for increased efficiency will tend to be discovered and exploited by profit-seeking entrepreneurs. The market process will constantly tend to rearrange and reshuffle the allocation of productive resources so as to conform more closely with the most recent changes in the patterns of available resources and consumer preferences.[6]

3. The price system a market economy has its setting in is responsible also for the solution of the third problem of coordination, that of determining the individual rewards to be received by each of the resource owners cooperating in the productive process. This function is fulfilled as a different aspect of the same pricing process that determines resource allocation and the organization of production. Resource owners selling the services of their resources in the market secure prices that are determined by the interaction of resource supply and entrepreneurial demand. Acting in their capacity of consumers, the resource owners will in turn use the money prices, which they receive in the resource markets (their “incomes”), to buy goods in the product markets. Thus, the market value of the goods and services a consumer can buy with his income is determined by the value that the market places upon the services that, in his capacity of resource owner, he has furnished to the production process.

The real incomes received by consumers are therefore determined by the prices that emerge in the market for the services of the various resources. In general, the price of a resource depends on its productivity in the different branches of production. When a resource owner is otherwise indifferent to the use his resource will be applied to, he will sell its services to the highest bidder. The highest bidder will tend to be that entrepreneur to whose profit calculations the services of additional quantities of the resource add most. The market process therefore tends to ensure the apportioning of rewards among cooperating resource owners in a way that attracts resources to their most productive uses. At the same time each individual resource owner participating in the market process is able to enjoy the fruits of the production of the market to an extent depending on the usefulness to the market of the productive services that he is willing to supply on these terms. That portion of production that is not earned by resource owners is received by entrepreneurs as pure profit. We now consider briefly the factors that determine the size of profits, and especially the coordinating functions that profits fulfill.

THE COORDINATING FUNCTION OF PROFITS IN A MARKET ECONOMY

In the previous sections it was seen that the market process simultaneously solves the three fundamental problems of economic coordination through the price system. The emergence of a price structure reflects a priority system that guides resources to (what this priority system pronounces to be) their most productive uses. But the price system is not “automatic”; it functions only as the expression of human actions. In particular the price system is the expression of entrepreneurial decisions consciously planned and executed. Entrepreneurial decisions are made with the purpose of winning profits.
Profits are to be won whenever something can be sold for a price higher than the price it can be bought at (or higher than the sum of the prices of everything needed for its production). For an entrepreneur to win profits it is necessary, first, that such a price discrepancy exist; and second, that the entrepreneur know that it exists. Now, for a price discrepancy to exist, it is necessary that those willing to sell the commodity (or the factors necessary for its production) for the lower price and those willing to buy the commodity at the higher price be unaware of each other’s attitudes. If these sellers and buyers knew each other’s attitudes, these would soon be altered to eliminate the price discrepancy. The entrepreneur wins profits by becoming aware, earlier than others, of the hitherto unknown discrepancy (reflected in the price differential) between the attitudes of those willing to sell for less and of those willing to buy for more.

It is the characteristic of the real world to which the analysis of market theory may be applied that, at any one time, numerous instances occur of the kind of ignorance that makes it possible for price discrepancies and profits to emerge. Each market participant knows some of the market facts relevant to his own situation, but is ignorant of a great many more. Among the alternatives from which Market Participant A believes he has to choose, some particularly attractive alternative is usually missing (obtainable by dealing with Market Participant B) which might have been included if only A and B would have known of each other’s situation and attitude. From the point of view of an imaginary, disinterested outsider knowing all these facts, both A and B are the losers due to their ignorance of some market facts. From the point of view of the omniscient outsider, the market always has room for a reshuffling of resources or goods according to the pattern that would take place if the market participants themselves were not in ignorance of the opportunities available to them.

It is here that we can see the essential character of the coordinating functions performed by the market process. The market process tends to present market participants with alternatives that approximate those opportunities they would choose if they possessed all the relevant information. The market process achieves this without making it necessary for market participants to learn all this detailed information. Instead, the market reveals any lack of coordination resulting from ignorance by market participants of potentially available opportunities through the emergence of price discrepancies. Ignorance of available opportunities then equates to ignorance of price discrepancies. Where this kind of ignorance persists, the opportunity exists for the first discoverers of the price discrepancy to step in and win profits. In doing this they wipe out the price discrepancy itself, and thus remove the lack of coordination that resulted from the limited market knowledge of market participants.

“*The market process tends to present market participants with alternatives that approximate those opportunities they would choose if they possessed all the relevant information. The market process achieves this without making it necessary for market participants to learn all this detailed information.*

Instead, the market reveals any lack of coordination resulting from ignorance by market participants of potentially available opportunities through the emergence of price discrepancies.”

The quest for profits thus serves as a complete substitute for the search for conditions where ignorance exists on the part of market participants of the opportunities available to them. In the quest for profits the latter search has been replaced by a simple search for price discrepancies. Wherever discrepancies exist between prices paid for identical goods, or between prices paid for goods and those paid for everything required for their production, then the imaginary omniscient economist could point out possibilities for reallocation of goods or resources that would benefit all concerned. The market tends to act to achieve precisely this reallocation by offering prizes (profits) for the detection and removal of price discrepancies. It is thus the activity of the entrepreneur in his search for profits that serves as the driving force of the price system, enabling it to solve the problems of
coordination outlined in the previous sections of this chapter.

SUMMARY

Chapter 3 examines the operation of a market system, with respect to the way it achieves the goals or functions that its participants may seek to fulfill through this means of social organization.

An “economic problem” consists for an individual in ensuring that the resources at his disposal be utilized in the most effective manner possible, from the point of view of his own cherished goals. With some reservations, it is possible to speak of an economic problem facing society in general, and of the “efficiency” with which a form of social organization fulfills the goals set for it.

For a system of social cooperation, efficiency requires the coordination of separate activities. Social cooperation opens up the way to the improved fulfillment of individual wants through division of labor; but division of labor is beneficial only where carried on in a coordinated fashion. Coordination involves (a) the development of a priority system for the satisfaction of wants, (b) some way of determining the method of production to be employed for each adopted project, and (c) a way of assigning rewards to the individuals cooperating jointly in productive activities.

The market simultaneously solves these coordinating problems through the price system. Prices determine the priority with which the various possible products will be produced on the basis of consumer demand working through the entrepreneurial search for profits. The same process guides entrepreneurs to the employment of definite methods of production (those which can achieve a given result at the lowest money cost). At the same time the pricing process assigns prices to the services of those cooperating in production. The driving force in the process is thus the entrepreneurial search for profits, leading to the production of products commanding the highest prices (for given production costs) and to the employment of the resources involving least cost (for a given productive purpose).

Notes

[1.] This statement of the nature of the economic problem facing a society is worthy of notice. Most nineteenth-century economists (and many laymen today) use the adjective “economic” to denote a relationship to wealth (more or less carefully defined). Most economists today, however, recognize that the term “economic problem” is fundamentally suited to denote the problem discussed in the text.

[2.] The classic statement of the advantages to be derived from the division of labor is in the opening chapter of Adam Smith’s Wealth of Nations. See also Mises, L. v., Human Action, Yale University Press, New Haven, Connecticut, 1949, pp. 157–164.

[3.] The notion of priority in satisfying the wishes of market participants should be interpreted very broadly. Under this heading should be included, for example, at least part of the function frequently assigned to an economic system of providing for growth. Insofar as growth involves a problem of resource allocation (for example insofar as it involves denying Mr. Smith’s wants today in order that Mrs. Jones’s grandchildren should enjoy a better life in the future), the market must determine the rate of growth of the economy on some basis of priorities. It is also true that the priority attached by consumers to present consumption over future consumption may be such that no growth at all (or even economic decline) may be the most “efficient” outcome.

[4.] From a short-run viewpoint this coordinating problem is frequently seen as the problem of distributing the national product. Some of the early economists saw the principal task of economics as being the elucidation of the laws governing distribution.

[5.] The sentence in the text needs to be qualified to some extent. It is possible that a resource is so plentiful or so low in productivity that even if the price falls to practically zero, it does not pay to employ the entire supply for production.

[6.] See more on this point in Ch. 13.
Further Information

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FURTHER READING
Other works by Israel Kirzner (1930-) <oll.libertyfund.org/people/199>.

School of Thought: The Austrian School <oll.libertyfund.org/groups/8>
There exist in society orders of another kind which have not been designed by men but have resulted from the action of individuals without their intending to create such an order.”
Friedrich von Hayek (1899-1992) was one of the most important free market economists of the 20th century. He was a member of the “Austrian school of economics”, taught at the London School of Economics, wrote extensively on banking and monetary theory, the socialist calculation debate, and the theory of spontaneous orders. He was instrumental in helping revitalize classical liberalism after the Second World War by helping to found the Mont Pelerin Society with Milton Friedman and others. Hayek won the Nobel Prize for Economics in 1974. Among his many important works are *The Road to Serfdom* (1944) his critique of government regulation during the Second World War, *The Constitution of Liberty* (1960) his vision of limited constitutional government, and the three volume *Law. Legislation, and Liberty* (1973-79) in which he develops his theory of spontaneous orders to encompass society as a whole. Hayek is now also famous for his then unheeded criticism of John Maynard Keynes during the 1930s.

One of the greatest contributions made by Hayek to social theory is his idea of ‘spontaneous orders.” He distinguishes between the type of orders deliberately created by individuals to satisfy certain limited economic and social needs, such as the business firm, which he calls a “constructed” or “arranged” order or an organization; with other more complex types of orders which he terms “spontaneous” or “polycentric” orders. He describes the latter as “an order which, though it is the result of human action, has not been created by men deliberately arranging the elements in a preconceived pattern.” Examples of such complex, undesigned orders include “language, morals, law, writing, or money” which were once thought to have been created by one wise person or “legislator” but which are now known to have evolved spontaneously over long periods of time. In the modern economy, the best example of such an order for Hayek is “the division of labor on which our economic system rests.”

This very influential and important essay was published in 1964 in a graduate student run libertarian magazine at the University of Chicago, *The New Individualist Review*, edited by the historian Ralph Raico.
"Kinds of Order in Society" (1964)\textsuperscript{42}

WE CALL A MULTITUDE of men a society when their activities are mutually adjusted to one another. Men in society can successfully pursue their ends because they know what to expect from their fellows. Their relations, in other words, show a certain order. How such an order of the multifarious activities of millions of men is produced or can be achieved is the central problem of social theory and social policy.\[1\]

Sometimes the very existence of such an order is denied when it is asserted that society—or, more particularly, its economic activities—are “chaotic.” A complete absence of an order, however, cannot be seriously maintained. What presumably is meant by that complaint is that society is not as orderly as it should be. The orderliness of existing society may indeed be capable of great improvement; but the criticism is due mainly to the circumstance that both the order which exists and the manner in which it is formed are not readily perceived. The plain man will be aware of an order of social affairs only to the extent that such an order has been deliberately arranged; and he is inclined to blame the apparent absence of an order in much of what he sees on the fact that nobody has deliberately ordered those activities. Order, to the ordinary person, is the result of the ordering activity of an ordering mind. Much of the order of society of which we speak is, however, not of this kind; and the very recognition that there exists such an order requires a certain amount of reflection.

The chief difficulty is that the order of social events can generally not be perceived by our senses but can only be traced by our intellect. It is, as we shall say, an abstract and not a concrete order. It is also a very complex order. And it is an order which, though it is the result of human action, has not been created by men deliberately arranging the elements in a preconceived pattern. These peculiarities of the social order are closely connected, and it will be the task of this essay to make their interrelation clear. We shall see that, although there is no absolute necessity that a complex order must always be spontaneous and abstract, the more complex the order is at which we aim, the more we shall have to rely on spontaneous forces to bring it about, and the more our power of control will be confined in consequence to the abstract features and not extend to the concrete manifestations of that order.\[2\]

“The plain man will be aware of an order of social affairs only to the extent that such an order has been deliberately arranged; and he is inclined to blame the apparent absence of an order in much of what he sees on the fact that nobody has deliberately ordered those activities. Order, to the ordinary person, is the result of the ordering activity of an ordering mind. Much of the order of society of which we speak is, however, not of this kind; and the very recognition that there exists such an order requires a certain amount of reflection.”

(42) The terms “concrete” and “abstract,” which we shall have to use frequently, are often used in a variety of meanings. It may be useful, therefore, to state here in which sense they will be used. As “concrete” we shall describe particular real objects given to observation by our senses, and regard as the distinguishing characteristic of such concrete objects that there are always still more properties of them to be discovered than we already know or have perceived. In comparison with any such determinate object, and the intuitive knowledge we can acquire of it, all images and concepts of it are abstract and possess a limited number of attributes. All thought is in this sense necessarily abstract, although there are degrees of abstractness and it is customary to describe the relatively less abstract in contrast to the more abstract as (relatively) concrete. Strictly speaking, however, the contrast between the concrete and the abstract, as we
shall use it, is the same as that between a fact of which we always know only abstract attributes but can always discover still more such attributes, and all those images, conceptions, and concepts which we retain when we no longer contemplate the particular object.[3]

The distinction between an abstract and a (relatively) concrete order is, of course, the same as that between a concept with a small connotation (intention) and a consequently wide denotation on the one hand, and a concept with a rich connotation and a correspondingly narrow denotation on the other. An abstract order of a certain kind may comprise many different manifestations of that order. The distinction becomes particularly important in the case of complex orders based on a hierarchy of ordering relations where several such orders may agree with respect to their more general ordering principles but differ in others. What is significant in the present context is that it may be important that an order possesses certain abstract features irrespective of its concrete manifestations, and that we may have it in our power to bring it about that an order which spontaneously forms itself will have those desirable characteristics, but not to determine the concrete manifestations or the position of the individual elements.

THE SIMPLE CONCEPTION of an order of the kind which results when somebody puts the parts of an intended whole in their appropriate places applies in many parts of society. Such an order which is achieved by arranging the relations between the parts according to a preconceived plan we call in the social field an organization. The extent to which the power of many men can be increased by such deliberate co-ordination of their efforts is well-known and many of the achievements of man rest on the use of this technique. It is an order which we all understand because we know how it is made. But it is not the only nor even the chief kind of order on which the working of society rests; nor can the whole of the order of society be produced in this manner.

The discovery that there exist in society orders of another kind which have not been designed by men but have resulted from the action of individuals without their intending to create such an order, is the achievement of social theory ... And in the social field it provided the foundation for a systematic argument for individual liberty.

“The discovery that there exist in society orders of another kind which have not been designed by men but have resulted from the action of individuals without their intending to create such an order, is the achievement of social theory ... And in the social field it provided the foundation for a systematic argument for individual liberty.”

This kind of order which is characteristic not only of biological organisms (to which the originally much wider meaning of the term organism is now usually confined), is an order which is not made by anybody but which forms itself.

It is for this reason usually called a “spontaneous” or sometimes (for reasons we shall yet explain) a “polycentric” order. If we understand the forces which determine such an order, we can use them by creating the conditions under which such an order will form itself.

This indirect method of bringing about an order has the advantage that it can be used to produce orders which are far more complex than any order we can produce by putting the individual pieces in their appropriate places. But it has the drawback that it enables us to determine only the general character of the resulting order and not its detail. Its use in one sense thus extends our powers: it places us in a position to produce very complex orders which we could never produce by putting the individual elements in their places. Our power over the particular arrangement of the elements in such an order is however much more limited than it is over an order which we produce by individually arranging the parts. All we can control are
certain abstract features of such an order, but not its concrete detail.

All this is familiar in the physical and biological field. We could never produce a crystal by directly placing the individual molecules from which it is built up. But we can create the conditions under which such a crystal will form itself. If for that purpose we make use of known forces, we can, however, not determine the position an individual molecule will occupy within a crystal, or even the size or position of the several crystals. Similarly, we can create the conditions under which a biological organism will grow and develop. But all we can do is create conditions favorable to that growth, and we are able to determine the resulting shape and structure only within narrow limits. The same applies to spontaneous social orders.

IN THE CASE OF certain social phenomena, such as language, the fact that they possess an order which nobody has deliberately designed and which we have to discover, is now generally recognized. In these fields we have at last outgrown the naive belief that every orderly arrangement of parts which assist man in the pursuit of his ends must be due to a personal maker. There was a time when it was believed that all those useful institutions which serve the intercourse of men, such as language, morals, law, writing, or money, must be due to an individual inventor or legislator, or to an explicit agreement of wise men who consented to certain useful practices.[5] We understand now the process by which such institutions have gradually taken shape through men learning to act according to certain rules—rules which they long knew how to follow before there was any need to state them in words.

But if in those simpler instances we have overcome the belief that, wherever we find an order or a regular structure which serves a human purpose, there must also have been a mind which deliberately created it, the reluctance to recognize the existence of such spontaneous orders is still with us in many other fields. We still cling to a division, deeply embedded in Western thought since the classical antiquity, between things which owe their order to “nature” and those which owe it to “convention.”[6] It still seems strange and unbelievable to many people that an order may arise neither wholly independent of human action nor by design, but by a process which stands somewhere between these two possibilities which were long considered as exclusive alternatives.

Such spontaneous orders we find not only in the working of institutions like language or law (or, more conspicuously, the biological organisms) which show a recognizable permanent structure that is the result of slow evolution, but also in the relations of the market which must continuously form and reform themselves and where only the conditions conducive to their constant reconstitution have been shaped by evolution. The genetic and the functional aspects can never be fully separated.[7]

“That division of labor on which our economic system rests is the best example of such a daily renewed order. In the order created by the market, the participants are constantly induced to respond to events of which they do not directly know ... (It) is an order which consists of the adaptation to the multitudinous circumstances which no single person can know completely.”

That division of labor on which our economic system rests is the best example of such a daily renewed order. In the order created by the market, the participants are constantly induced to respond to events of which they do not directly know, in a way which secures a continuous flow of production, a coordination of the quantities of the different things so that the even flow is not interrupted and everything is produced at least as cheaply as anybody can still provide the last quantities for which others are prepared to pay the costs. That it is an order which consists of the adaptation to the multitudinous circumstances which no single person can know completely is one reason why its existence is not perceived by simple inspection. It is embodied in such relations as those between prices and costs of
commodities and the corresponding distribution of resources; and we can confirm that such an order in fact exists only after we have reconstructed its principles in our minds.

"the spontaneous orders which form themselves in the biological and social sphere ... are composed of many different elements which will respond to the same circumstances alike in some respects but not in others. But they will form orderly wholes, because each element responds to its particular environment in accordance with definite rules. The order results thus from the separate responses of the different elements to the particular circumstances which act on them and for this reason we describe it as a 'polycentric order'."

THE "ORDERING FORCES" of which we can make use in such instances are the rules governing the behavior of the elements of which the orders are formed. They determine that each element will respond to the particular circumstances which act on it in a manner which will result in an overall pattern. Each of the iron filings, for instance, which are magnetized by a magnet under the sheet of paper on which we have poured them, will so act on and react to all the others that they will arrange themselves in a characteristic figure of which we can predict the general shape but not the detail. In this simple instance the elements are all of the same kind and the known uniform rules which determine their behavior would enable us to predict the behavior of each in great detail if we only knew all the facts and were able to deal with them in all their complexity.

Some order of a determinate general character may form itself also from various kinds of different elements, i.e., of elements whose response to given circumstances will be alike only in some but not in all respects. The formation of the molecules of highly complex organic compounds provides an example from the physical sciences. But the fact is especially significant for many of the spontaneous orders which form themselves in the biological and social sphere. They are composed of many different elements which will respond to the same circumstances alike in some respects but not in others. But they will form orderly wholes, because each element responds to its particular environment in accordance with definite rules. The order results thus from the separate responses of the different elements to the particular circumstances which act on them and for this reason we describe it as a "polycentric order".[8]

The physical examples of spontaneous orders we have considered are instructive because they show that the rules which the elements follow need of course not be "known" to them. The same is true more often than not where living beings and particularly men are the elements of such an order. Man does not know most of the rules on which he acts;[9] and even what we call his intelligence is largely a system of rules which operate on him but which he does not know. In animal societies and in a great measure in primitive human society, the structure of social life is determined by rules of action which manifest themselves only in their being obeyed. It is only when individual intellects begin to differ sufficiently (or individual minds become more complex) that it becomes necessary to express the rules in communicable form so that they can be taught by example and deviant behavior can be corrected and differences of view expressed about what is to be decided.[10] Though man never existed without laws which he obeyed, he did exist for millennia without laws which he knew in the sense that he was able to articulate them.

Where the elements of the social order are individual men, the particular circumstances to which each of them reacts are those which are known to him. But it is only when the responses of the individuals show a certain similarity, or obey some common rules that this will result in an overall order. Even a limited similarity of their responses—common rules which determine only some aspects of their behavior—suffice, however, for the formation of an order of a general kind. The important fact is that this order will be an adaptation to a multitude of circumstances which are known only to the individual members but
not as a totality to any one of them; and that such an order will result only because, and in so far as, the different individuals follow similar rules in these responses to the particular circumstances known to them. This does not mean, nor is it necessary for the production of an order, that in similar circumstances different persons will do precisely the same thing. All that is meant and required is that in some respect they follow the same rule, that their responses are similar in some degree, or that they are limited to a certain range of actions which all have some attributes in common. This is true even of the iron filings in our former illustration which may not all move with the same speed because they will be different in shape, smoothness, or weight. Such differences will determine the particular manifestation of the resulting pattern which, in consequence of our ignorance of these particulars, will be unpredictable; but the general character of the pattern will be unaffected by them and will therefore be predictable.

Similarly, the responses of the human individuals to events in their environment need be similar only in certain abstract aspects in order that a definite overall pattern should result. There must be some regularity but not complete regularity in their actions: they must follow some common rules, but these common rules need not be sufficient to determine their action fully; and what action a particular individual will take will depend on further characteristics peculiar to him.

The question which is of central importance both for social theory and social policy is what rules the individuals must follow so that an order will result. Some such common rules the individuals will follow merely because of the similarity of their environment, or, rather, because of the similar manner in which this environment reflects itself in their minds. Others they will all follow spontaneously because they are part of the common cultural tradition of their society. But there are still others which it is necessary that they be made to obey, since it would be in the interest of each individual to disregard them, though the overall order will be formed only if the rule is generally obeyed.

The chief regularity in the conduct of individuals in a society based on division of labor and exchange follows from their common situation: they all work to earn an income. This means that they will normally prefer a larger income for a given effort—and possibly increase their effort if its productivity increases. This is a rule which is sufficiently generally followed in fact for those who follow it to impress upon society an order of a certain kind. But the fact that most people follow this rule in their actions leaves the character of the resulting order yet very indeterminate, and it certainly does not by itself insure that this order will be of a beneficent character. For this it is necessary that people also obey certain conventional rules, i.e., rules which do not follow simply from the nature of their knowledge and aims but which have become habitual in their society. The common rules of morals and of law are the chief instance of this.

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It is not our task here to analyze the relation between the different kinds of rules which people in fact follow and the order which results from this. We are interested only in one particular class of rules which contribute to the nature of the order and which, because we can deliberately shape them, are the chief tool through which we can influence the general character of the order which will form itself: the rules of law.

These rules differ from the others which individuals follow chiefly by the circumstances that people are made to obey them by their fellows. They are necessary because only if the individuals know what means are at their respective disposals, and are made to bear the consequences of their use of these means, will the resulting order possess certain desirable attributes. The appropriate delimitation of these
individual spheres is the main function of the rules of law, and their desirable content one of the chief problems of social policy. This is not altered by the fact that their desirable form has been found largely by the accumulated experience of ages and that their further improvement is also to be expected more from slow experimental piecemeal evolution than from redesign of the whole.

THOUGH THE CONDUCT of the individuals which produces the social order is guided in part by deliberately enforced rules, the order is still a spontaneous order, corresponding to an organism rather than to an organization. It does not rest on the activities being fitted together according to a preconceived plan, but on their being adjusted to each other through the confinement of the action of each by certain general rules. And the enforcement of these general rules insures only the general character of the order and not its concrete realization. It also provides only general facilities which unknown individuals may use for their own ends, but does not insure the achievement of any particular results.

In order to enforce the rules required for the formation of this spontaneous order, an order of the other kind, an organization, is also required. Even if the rules themselves were given once and for all, their enforcement would demand the coordinated effort of many men. The task of changing and improving the rules may also, though it need not, be the object of organized effort. And in so far as the state, in addition to upholding the law, renders other services to the citizens, this also requires an organized apparatus.

The organization of the apparatus of government is also effected in some measure by means of rules. But these rules which serve the creation and direction of an organization are of a different character from those which make possible the formation of a spontaneous order. They are rules which apply only to particular people selected by government; and they have to be followed by them in most instances (i.e., except in the case of judges) in the pursuit of particular ends also determined by government.

Even where the type of order chosen is that of organization and not a spontaneous order, the organizer must largely rely on rules rather than specific commands to the members of the organization. This is due to the fundamental problem which all complex order encounters: the organizer wants the individuals who are to cooperate to make use of knowledge which he himself does not possess. In none but the most simple kinds of social order it is conceivable that all activities are governed by a single mind. And certainly nobody has yet succeeded in deliberately arranging all the activities of a complex society; there is no such thing as a fully planned society of any degree of complexity. If anyone did succeed in organizing such a society, it would not make use of many minds but would instead be altogether dependent on one mind; it would certainly not be complex but very primitive—and so would soon be the mind whose knowledge and will determined everything. The facts which enter into the design of such an order could be only those which could be perceived and digested by this mind; and as only he could decide on action and thus gain experience, there could not be that interplay of many minds in which a lone mind can grow.

“Rules which are to enable individuals to find their own places in a spontaneous order of the whole society must be general; they must not assign to particular individuals a status, but rather leave the individual to create his own position.”

The kind of rules which govern an organization are rules for the performance of assigned tasks. They presuppose that the place of each individual in a fixed skeleton order is decided by deliberate appointment, and that the rules which apply to him depend on the place he has been given in that order. The rules thus regulate only the detail of the action of appointed functionaries or agencies of government—or the functioning of an organization created by arrangement.

Rules which are to enable individuals to find their own places in a spontaneous order of the whole society must be general; they must not assign to particular individuals a status, but rather leave the individual to create his own position. The rules which assist in the running of an organization, on the other hand, operate only within a framework of specific commands which designate the particular ends which the organization
aims at and the particular functions which the several members are to perform. Though applicable only to particular, individually designated people, these rules of an organization look very much like the general rules underlying a spontaneous order, but they must not be confused with the latter. They enable those who have to carry out commands to fill in detail according to circumstances which they, but not the author of the command, know.

“because it was not dependent on organization but grew as a spontaneous order, the structure of modern society has attained a degree of complexity which far exceeds that which it is possible to achieve by deliberate organization. Even the rules which made the growth of this complex order possible were not designed in anticipation of that result; but those peoples who happened to adopt suitable rules developed a complex civilization which prevailed over others.”

In the terms we have used, this means that the general rules of law aim at an abstract order whose concrete or particular manifestation is unpredictable; while both the commands and the rules which enable those who obey commands to fill in the detail left open by the command, serve a concrete order or an organization. The more complex the order aimed at, the greater will be the part of the circumstances determining its concrete manifestation which cannot be known to those whose concern it is to secure the formation of the order, and the more they will be able to control it only through rules and not through commands. In the most complex type of organizations little more than the assignment of particular functions to particular people will be determined by specific decisions, while the performance of these functions will be regulated only by rules. It is when we pass from the biggest organization, serving particular tasks, to the order of the whole of society which comprises the relations between those organizations as well as the relations between them and the individuals and among the individuals, that this overall order relies entirely on rules, i.e., is entirely of a spontaneous character, with not even its skeleton determined by commands. The situation is, of course, that, because it was not dependent on organization but grew as a spontaneous order, the structure of modern society has attained a degree of complexity which far exceeds that which it is possible to achieve by deliberate organization. Even the rules which made the growth of this complex order possible were not designed in anticipation of that result; but those peoples who happened to adopt suitable rules developed a complex civilization which prevailed over others. It is thus a paradox, based on a complete misunderstanding of these connections, when it is sometimes contended that we must deliberately plan modern society because it has grown so complex. The fact is rather that we can preserve an order of such complexity only if we control it not by the method of “planning,” i.e., by direct orders, but on the contrary aim at the formation of a spontaneous order based on general rules.

We shall presently have to consider how in such a complex system the different principles of order must be combined. At this stage it is necessary, however, at once to forestall a misunderstanding and to stress that there is one way in which it can never be sensible to mix the two principles. While in an organization it makes sense, and indeed will be the rule, to determine the skeleton by specific command and regulate the detail of the action of the different members only by rules, the reverse could never serve a rational purpose; if the overall character of an order is of the spontaneous kind, we cannot improve upon it by issuing to the elements of that order direct commands: because only these individuals and no central authority will know the circumstances which make them do what they do.

EVERY SOCIETY of any degree of complexity must make use of both ordering principles which we have discussed. But while they must be combined by being applied to different tasks and to the sectors of society corresponding to them, they cannot successfully be mixed in any manner we like. Lack of understanding of the difference between the two
principles constantly leads to such confusion. It is the manner in which the two principles are combined which determines the character of the different social and economic systems. (The fact that these different “systems” which result from different combinations of the two ordering principles, are sometimes also referred to as different “orders” has added to the terminological confusion.)

We shall consider further only a free system which relies on spontaneous ordering forces not merely (as every system must) to fill in the interstices left by the commands determining its aim and structure, but also for its overall order. Such systems not only have many organizations (in particular, firms) as their elements but also require an organization to enforce obedience to (and modify and develop) the body of abstract rules which are required to secure the formation of the spontaneous overall order. The fact that government is itself an organization and employs rules as an instrument of its organization, and that beyond its task of enforcing the law this organization renders a multitude of other services, has led to a complete confusion between the nature of the different kinds of rules and the orders which they serve.

The abstract and general rules of law in the narrow sense (in which “the law” comprises the rules of civil and criminal law) aim not at the creation of an order by arrangement but at creating the conditions in which an order will form itself. But the conception of law as a means of order-creation (a term which, as a translation of the equally ambiguous German Ordnungsgestaltung, is now invading Anglo-American jurisprudence[11]) in the hands of public lawyers and civil servants who are primarily concerned with tasks of organization rather than with the conditions of the formation of a spontaneous order, is increasingly interpreted as meaning an instrument of arrangement. This conception of law, which is the conception prevailing in totalitarian states, has characteristically been given its clearest expression by the legal theorist who became Hitler’s chief legal apologist, as “concrete order formation” (konkretes Ordnungsdenken).[12] This kind of law aims at creating a concrete preconceived order by putting each individual on a task assigned by authority.

But though this technique of creating an order is indispensable for organizing the institutions of government and all the enterprises and households which form the elements of the order of society as a whole, it is wholly inadequate for bringing about the infinitely more complex overall order.

“We have it in our power to assure that such an overall order will form itself and will possess certain desirable general characteristics, but only if we do not attempt to control the detail of that order.”

We have it in our power to assure that such an overall order will form itself and will possess certain desirable general characteristics, but only if we do not attempt to control the detail of that order. But we jettison that power and deprive ourselves of the possibility of achieving that abstract order of the whole, if we insist on placing particular pieces into the place we wish them to occupy. It is the condition of the formation of this abstract order that we leave the concrete and particular details to the separate individuals and bind them only by general and abstract rules. If we do not provide this condition but restrict the capacity of the individuals to adjust themselves to the particular circumstances known only to them, we destroy the forces making for a spontaneous overall order and are forced to replace them by deliberate arrangement which, though it gives us greater control over detail, restricts the range over which we can hope to achieve a coherent order.

IT IS NOT IRRELEVANT to our chief purpose if in conclusion we consider briefly the role which abstract rules play in the coordination not only of the actions of many different persons but also in the mutual adjustment of the successive decisions of a single individual or organization. Here, too, it is often not possible to make detailed plans for action in the more distant future (although what we should do now depends on what we shall want to do in the future), simply because we do not yet know the particular facts which we shall face. The method through which we nevertheless succeed in giving some coherence to our actions is that we adopt a framework of rules for guidance which makes the general pattern though not the detail of our life predictable. It is these rules of
which we are often not consciously aware—in many instances rules of a very abstract character—which make the course of our lives orderly. Many of these rules will be “customs” of the social group in which we have grown up and only some will be individual “habits” which we have accidentally or deliberately acquired. But they all serve to abbreviate the list of circumstances which we need to take into account in the particular instances, singling out certain classes of facts as alone determining the general kind of action which we should take. At the same time, this means that we systematically disregard certain facts which we know and which would be relevant to our decisions if we knew all such facts, but which it is rational to neglect because they are accidental partial information which does not alter the probability that, if we could know and digest all the facts, the balance of advantage would be in favor of following the rule.

It is, in other words, our restricted horizon of knowledge of the concrete facts which makes it necessary to coordinate our actions by submitting to abstract rules rather than to attempt to decide each particular case solely in view of the limited set of relevant particular facts which we happen to know. It may sound paradoxical that rationality should thus require that we deliberately disregard knowledge which we possess; but this is part of the necessity of coming to terms with our unalterable ignorance of much that would be relevant if we knew it. Where we know that the probability is that the unfavorable effects of a kind of action will overbalance the favorable ones, the decision should not be affected by the circumstance that in the particular case a few consequences which we happen to be able to foresee should all be favorable. The fact is that in an apparent striving after rationality in the sense of fuller taking into account all the foreseeable consequences, we may achieve greater irrationality, less effective taking into account of remote effects and an altogether less coherent result. It is the great lesson which science has taught us that we must resort to the abstract where we cannot master the concrete. The preference for the concrete is to renounce the power which thought gives us. It is therefore also not really surprising that the consequence of modern democratic legislation which disdains submitting to general rules and attempts to solve each problem as it comes on its specific merits, is probably the most irrational and disorderly arrangement of affairs ever produced by the deliberate decisions of men.

“The preference for the concrete is to renounce the power which thought gives us. It is therefore also not really surprising that the consequence of modern democratic legislation which disdains submitting to general rules and attempts to solve each problem as it comes on its specific merits, is probably the most irrational and disorderly arrangement of affairs ever produced by the deliberate decisions of men.”

Notes


[3] For a helpful survey of the abstract/concrete relation and especially its significance in jurisprudence, see K. Englisch, Die Idee der Konkretisierung in


[7] On the inseparability of the genetic and the functional aspects of these phenomena as well as the general relation between organisms and organizations, see Carl Menger, *Untersuchungen über die Methode der Sozialwissenschaften und der politischen Oekonomie insbesondere* (Leipzig: Duncker & Humblot, 1883), which is still the classical treatment of these topics.


[10] There thus seems to be some truth in the alleged original state of goodness in which everybody spontaneously did right and could not do otherwise, and to the idea that only with increased knowledge came wrongdoing. It is only with the knowledge of other possibilities that the individual becomes able to deviate from the established rules; without such knowledge, no sin.


Further Information

SOURCE


FURTHER READING

Other works by F.A. Hayek (1899-1992) <oll.libertyfund.org/people/52>

School of Thought: Austrian School of Economics <oll.libertyfund.org/groups/8>

<oll.libertyfund.org/titles/2507>

“The theory of spontaneous order is concerned with those regularities in society, or orders of events, which consist of those institutions and practices which are the result of human action but not the result of some specific human intention.”
Editor’s Introduction


Friedrich von Hayek (1899-1992) was one of the most important free market economists of the 20th century. He was a member of the “Austrian school of economics”, taught at the London School of Economics, wrote extensively on banking and monetary theory, the socialist calculation debate, and the theory of spontaneous orders. He was instrumental in helping reinvigorate classical liberalism after the Second World War by helping to found the Mont Pelerin Society with Milton Friedman and others. Hayek won the Nobel Prize for Economics in 1974. Among his many important works are *The Road to Serfdom* (1944) his critique of government regulation during the Second World War, *The Constitution of Liberty* (1960) his vision of limited constitutional government, and the three volume *Law: Legislation, and Liberty* (1973-79) in which he develops his theory of spontaneous orders to encompass society as a whole. Hayek is now also famous for his then unheeded criticism of John Maynard Keynes during the 1930s.

One of Hayek’s many important contributions to social and economic theory was the idea of “spontaneous order” which he took from Adam Ferguson (1723-1816) and applied more rigorously, firstly to the sphere of economics, and then to the sphere of law. Ferguson observed that many social structures were “the result of human action, but not the execution of any human design” (1782). In Barry’s bibliographical essay he explores Hayek’s seminal contributions to the theory of spontaneous order, first in the area of economics and then in the area of law which occupied Hayek in the latter part of his life. We have divided Barry’s essay into two parts, the first on spontaneous economic orders, and the second on spontaneous legal orders.

“What is important about the theory of spontaneous order is that the institutions and practices it investigates reveal well-structured social patterns, which appear to be a product of some omniscient designing mind yet which are in reality the spontaneous co-ordinated outcomes of the actions of, possibly, millions of individuals who had no intention of effecting such overall aggregate orders. The explanations of such social patterns have been, from Adam Smith onwards, commonly known as ‘invisible hand’ explanations since they refer to that process by which “man is led to promote an end which was no part of his intention.”
INTRODUCTION: THE RECENT REVIVAL OF SPONTANEOUS ORDER

The theory of spontaneous order has a long tradition in the history of social thought, yet it would be true to say that, until the last decade, it was all but eclipsed in the social science of the twentieth century. For much of this period the idea of spontaneous order—that most of those things of general benefit in a social system are the product of spontaneous forces that are beyond the direct control of man—was swamped by the various doctrines of (to use Friedrich A. Hayek's phrase in Law, Legislation and Liberty) 'constructivistic rationalism.'[1] No doubt the attraction of this rival notion of rationalism stems partly from the success of the physical sciences with their familiar methods of control, exact prediction, and experimentation. It is these methods which have an irresistible appeal to that hubris in man which associates the benefits of civilization not with spontaneous orderings but with conscious direction towards preconceived ends. It is particularly unfortunate that the effect of constructivistic rationalism should have been mainly felt in economics. This is unfortunate not merely because attempts to direct economics have repeatedly failed but also because the discipline of economics has developed most fully the theory of spontaneous order.

The last ten years have seen a rehabilitation of the economic philosophy of classical liberalism; indeed Hayek, its major contemporary exponent, was awarded the Nobel Prize for Economic Science in 1974. But the necessary accompaniment of that economic theory, the philosophy of law and social institutions, has been largely ignored by the social science establishment. This oversight has occurred despite the fact that, for example, the bulk of Hayek's own work in the last thirty years has consisted of a theoretical reconstruction of the social philosophy of classical liberalism and despite the fact that he has himself stressed that a knowledge of economic principles of resource allocation alone is quite inadequate for the understanding of the order of a free society. Indeed, the contemporary concern with specialization in the social sciences is itself an important barrier to the acceptance of the doctrine of spontaneous evolution precisely because this theory straddles so many of the artificial boundaries between academic disciplines.

“The simplest way of expressing the major thesis of the theory of spontaneous order is to say that it is concerned with those regularities in society, or orders of events, which are neither (1) the product of deliberate human contrivance (such as a statutory code of law or a dirigiste economic plan) nor (2) akin to purely natural phenomena (such as the weather, which exists quite independently of human intervention).”

THE MAIN ELEMENTS IN THE THEORY OF SPONTANEOUS ORDER

The simplest way of expressing the major thesis of the theory of spontaneous order is to say that it is concerned with those regularities in society, or orders of events, which are neither (1) the product of deliberate human contrivance (such as a statutory code of law or a dirigiste economic plan) nor (2) akin to purely natural phenomena (such as the weather, which exists quite independently of human intervention). While the words conventional and natural refer, respectively, to these two regularities, the ‘third realm,’ that of social regularities, consists of those institutions and practices which are the result of human action but not the result of some specific human intention. [2]
‘Invisible Hand’ Social Patterns & Methodological Individualism

Despite the complexity of the social world, which seems to preclude the existence of regularities which can be established by empirical observation, there is a hypothetical order which can be reconstructed out of the attitudes, actions, and opinions of individuals and which has considerable explanatory power. What is important about the theory of spontaneous order is that the institutions and practices it investigates reveal well-structured social patterns, which appear to be a product of some omniscient designing mind yet which are in reality the spontaneous co-ordinated outcomes of the actions of, possibly, millions of individuals who had no intention of effecting such overall aggregate orders. The explanations of such social patterns have been, from Adam Smith onwards, commonly known as ‘invisible hand’ explanations since they refer to that process by which “man is led to promote an end which was no part of his intention.”[3] It is a major contention of the theory of spontaneous order that the aggregate structures it investigates are the outcomes of the actions of individuals. In this sense spontaneous order is firmly within the tradition of methodological individualism.

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Spontaneous Order & ‘Reason’

The role of ‘reason’ is crucially important here because the theorists of spontaneous order are commonly associated with the anti-rationalist tradition in social thought. However, this does not mean that the doctrine turns upon any kind of irrationalism, or that the persistence and continuity of social systems is a product of divine intervention or some other extraterrestrial force which is invulnerable to rational explanation. Rather, the position is that originally formulated by David Hume. Hume argued that a pure and unaided human reason is incapable of determining a priori those moral and legal norms which are required for the servicing of a social order. In addition, Hume maintained that tradition, experience, and general uniformities in human nature themselves contain the guidelines for appropriate social conduct. In other words, so far from being irrationalist, the Humean argument is that rationality should be used to “whittle down” the exaggerated claims made on behalf of reason by the Enlightenment philosophes. The danger here, however, is that the doctrine of spontaneous evolution may collapse into a certain kind of relativism: the elimination of the role of reason from making universal statements about the appropriate structure of a social order may well tempt the social theorist into accepting a given structure of rules merely because it is the product of traditional processes.

The ‘rationalism’ to which the theory of spontaneous order is in intellectual opposition precedes the Enlightenment and perhaps is most starkly expressed in seventeenth-century natural law doctrines. In Thomas Hobbes’ model of society, for example, a simple ‘natural’ reason is deemed to be capable of constructing those rules which are universally appropriate for order and continuity. It is assumed that this reason can only conceive of a legal order in terms of rules emanating from a determinate sovereign at the head of a hierarchical system. That hidden wisdom immanent in a dispersed and evolutionary system is therefore systematically ignored in the pursuit of a statute or code structure. That other seventeenth-century natural law theorists took a more generous view of human nature, and hence produced rule structures more amenable to liberty and rights, does not alter the fact of their common anti-traditionalist and rationalist epistemology.

The theory of spontaneous order, then, is concerned with those ‘natural processes’ which are not the product of reason or intention. The classic example is the free market economy in which the co-ordination of the aims and purposes of countless actors, who cannot know the aims and purposes of more than a handful of their fellow-citizens, is achieved by the mechanism of prices. A change in the price of a
commodity is simply a signal which feeds back information into the system enabling actors to ‘automatically’ produce that spontaneous co-ordination which appears to be the product of an omniscient mind. The repeated crises in dirigiste systems are in essence crises of information since the abolition of the market leaves the central planner bereft of that economic knowledge which is required for harmony. There is no greater example of the hubris of the constructivist than in this failure to envisage order in a natural process (which is not of a directly physical kind). As Hayek says in “Principles of a Liberal Social Order”:

Much of the opposition to a system of freedom under general laws arises from the inability to conceive of an effective co-ordination of human activities without deliberate organization by a commanding intelligence. One of the achievements of economic theory has been to explain how such a mutual adjustment of the spontaneous activities of individuals is brought about by the market, provided that there is a known delimitation of the sphere of control of each individual.[4]

**Spontaneous Order & ‘Law’**

Following on from this account of reason to explain spontaneous orders is a related account of ‘law.’ There are terminological problems here because theorists of spontaneous order do not always use the term ‘natural law’ to describe those general rules that govern a free society precisely because the phrase has, as we have already observed, rationalistic overtones. The ‘natural’ law of spontaneous order theory refers to regularities in the social world brought about by men generating and adapting those rules appropriate to their circumstances. Thus law properly so-called is neither (1) the dictate of pure reason in which the structure of a legal order is designed independently of experience, nor is it (2) the positive law of, say, the Command School in which all law is deliberately created by an act of will. The theory of spontaneous order claims that in both deductivist natural law and positive law, legal structures are likely to be less regularized and more arbitrary and capricious. This capriciousness arises precisely because, to the extent that these legal structures ignore existing legal orders, they depend on a supermind both taking account of all possible human circumstances and devising appropriate rules from first principles. Rules appropriate for a spontaneous order, by contrast, are more likely to be discovered than deliberately created.

‘The theory of spontaneous order claims that in both deductivist natural law and positive law, legal structures are likely to be less regularized and more arbitrary and capricious. This capriciousness arises precisely because, to the extent that these legal structures ignore existing legal orders, they depend on a supermind both taking account of all possible human circumstances and devising appropriate rules from first principles.’

There is, of course, implicit in all the writers in this tradition the notion of an ethical payoff: that is, we are likely to enjoy beneficial consequences by cultivating spontaneous, natural mechanisms and by treating the claims of an unaided reason with some skepticism. Well-being, in other words, is the product of a special kind of accident. This is a quasi-utilitarian argument used to counter the more conventional utilitarian thesis that the public good can be rationalistically summed up from the preferences of individuals and directly promoted by centralized positive law. The theory of spontaneous order claims that the very complexities of social affairs mean that such a rationalistic project is almost certain to be self-defeating, even if one could assume the existence of benevolent and well-intentioned legislators. As Adam Smith put it: “I have never known much good done by those who affected to trade for the public good.”[5]

**Two Senses of Spontaneous Order: Noncoercive Emergent Patterns vs. ‘Survival of the Fittest’**

One important issue has a bearing on the explanatory power of the doctrine of spontaneous
order. This centers on the fact that the theory has two interrelated meanings, which the writers under discussion do not clearly distinguish. In one sense we speak of a spontaneous order to refer to a complex aggregate structure which is formed out of the uncoerced actions of individuals, whereas in another sense we speak of the evolutionary growth of laws and institutions through a kind of Darwinian ‘survival of the fittest’ process (and the biological analogy is not inappropriate). In both these meanings we are describing social structures that are similar in not being of conscious design and which emerge independently of our wills, but the explanations are significantly different.[6] One version shows how institutions and practices can emerge in a causal-genetic manner while the other shows how they in fact survive.

“In one sense we speak of a spontaneous order to refer to a complex aggregate structure which is formed out of the uncoerced actions of individuals, whereas in another sense we speak of the evolutionary growth of laws and institutions through a kind of Darwinian ‘survival of the fittest’ process (and the biological analogy is not inappropriate).”

We can perhaps illustrate this difference in the meanings of spontaneous order by comparing a market order with a legal order. Now the invisible hand explanation of the emergence of a market order is highly plausible because there is a mechanism, the price system, to bring about the requisite co-ordination. However, it is not obviously the case that there is an equivalent mechanism to produce that legal and political order which is required for the co-ordination of individual actions. Thus the legal system that a community has may have survived yet not necessarily be conducive to the hypothetical order of classical liberalism. Evolutionary undesigned processes may very well produce dead-ends, and the escape from these dead-ends would involve more expansive use of reason than that conventionally associated with the doctrine of spontaneous order.

[A section on the intellectual origins of the theory of spontaneous order has been omitted because of length]

F.A. HAYEK

Of all the twentieth-century theorists of spontaneous order, Friedrich A. Hayek (b. 1899) has contributed most to the intellectual reproduction of Adam Smith's vision of a self-correcting social order which requires little direction and control. Throughout the great variety of his works [46] he has stressed the importance of spontaneous processes and the impossibility of predicting the future growth of a social order. The whole of his social philosophy may be described as an assault on the exaggerated claims made for ‘reason’ and a justification for the view that we must adopt an attitude of humility towards natural processes and “submit to conventions which are not the result of intelligent design, whose justification in the particular instant may not be recognizable, and which will... often appear unintelligible and irrational.”[47]

While Hayek has been a rigorous critic of 'scientism,' the belief that the methods of the physical sciences can be readily applied to the study of society, with their concomitant advantages of prediction and control, he does not deny that a social system is governed by ‘laws.’ There are, for example, laws of economics; these consist of, to use Lord Robbins' phrase, “those necessities to which human action is subject.” In Hayek's opinion, many of the mistakes of rationalist planning stem from attempts to resist the operation of the basic principles of scarcity, supply and demand and so on, and well-established laws of human behavior. A genuine social science, then, would describe how men adjust to certain inevitable laws and stress how little they can, or need to, control their societies.

KNOWLEDGE AND SOCIETY

In his description of a self-regulating system Hayek's major achievement has been to show that the
advantages of decentralized decision-making in a market stem from the fact that this is the only device that man has discovered for coping with the universal facts of ignorance and uncertainty. It is because the social world does not consist of physical objects governed by simple laws of causality, but is a ‘kaleidic’ world inhabited by individuals with minds, whose the inner recesses are inaccessible to the external observer, that knowledge is not ‘fixed’ and available to a single person or institution.[48]

**Co-ordinating Dispersed Knowledge: Rationale for Market & Liberty**

The problem of knowledge arises because the ‘facts’ of a social and economic system are dispersed throughout the minds of thousands, possibly millions of actors; therefore this knowledge has to be co-ordinated if we are to exploit it for the benefit of man. This division of knowledge, which characterizes any social process with a degree of complexity, is, in Hayek's opinion, as important as the division of labor as a mechanism to explain progress; the co-ordination of this diffused knowledge via a market process allows us to utilize a much greater amount of knowledge than under known alternative systems. Thus, whereas Adam Smith and his successors saw the market and law as co-ordinating the self-interested actions of agents so as to produce an unintended beneficial outcome, Hayek speaks of the co-ordination of the actions of necessarily ignorant people. Thus the theory of spontaneous order does not depend for its truth on the so-called ‘egoistic’ behavior assumptions of traditional economic theory because there remain universal co-ordination problems whether people are selfish or altruistic in their impulses. Nevertheless, one should not ignore the importance of ‘vulgar’ motivations in the economic nexus; the interdependent parts of an economic system are normally held together by self-interest.

The justification for individual liberty is then largely instrumental in that the case for freedom “rests chiefly on the recognition of the inevitable ignorance of all of us concerning a great many of the factors on which the achievement of our ends and welfare depends.”[49] It is not that the theory of spontaneous order precludes planning as such; it is that only planning by individuals in decentralized markets will tend towards an optimal use of knowledge. The central planner has only that knowledge available to him, which is less than that which is co-ordinated among all the agents in a market process. Furthermore, because the future is unknowable, a system that relies on liberty allows for the accidental and spontaneous. Hayek's main objection to the rationalist theory of liberty is that the rationalist associates the growth of knowledge with predictability and control; but those things which can be predicted and controlled comprise only a small part of social and economic experience.

“Whereas Adam Smith and his successors saw the market and law as co-ordinating the self-interested actions of agents so as to produce an unintended beneficial outcome, Hayek speaks of the co-ordination of the actions of necessarily ignorant people.”

In Hayek's epistemology, scientific knowledge of society is knowledge of spontaneously formed orders: the knowledge that we do have of made orders cannot be genuine scientific knowledge. Thus much of contemporary sociology and political science is not scientific knowledge but rather contemporary history because those subjects deal with phenomena which are the product of will and intention: the only social phenomena which are explicable by scientific, causal-genetic laws are markets and legal systems.

**Ambiguity in Explaining Legal Orders: Spontaneous Order vs. Relativistic Evolution**

It is my intention to show that while Hayek's attempt to explain the spontaneous order of the market is largely successful, and indeed contains some of the most brilliant insights into the nature of economic processes since Adam Smith, his attempt to account for the legal order in similar terms is less successful. This is largely because he blends two subtly different types of explanation: one concerned with the formation of spontaneous orders, and one concerned with the evolution of rules and institutions by natural selection. Hayek himself speaks of the 'twin ideas' of evolution and of the spontaneous formation of an order without indicating that there might be an important difference.
between the two. But the emphasis on evolution and the cultural transmission of rules and practices introduces a note of historical relativism which does not always harmonize with the universalistic liberal rationalism characterizing his explanation of the formation of economic orders.

THE FREE EXCHANGE SYSTEM

‘Catallaxy’ vs. ‘Economy’ Market Coordination vs. Neoclassical Equilibrium

“A catallaxy is a network of many firms and households and has no specific purpose of its own: it is that which results naturally from the interaction of firms and households through the exchange process”

The word that Hayek uses to describe a spontaneous market order is catallaxy; and a catallaxy is contrasted with an economy. An economy is a social practice defined in terms of the pursuit of a ‘unitary hierarchy of ends,’ where knowledge of how to achieve these ends is given. A single firm (or a household) is an economy and may be evaluated with the methods of an engineering type of science for its success in achieving prescribed goals, or common purposes. However, a catallaxy is a network of many firms and households and has no specific purpose of its own: it is that which results naturally from the interaction of firms and households through the exchange process: “the order of the market rests not on common purposes but on reciprocity; that is, on the reconciliation of different purposes for the mutual benefit of the participants.”[50]

According to Hayek, the mistake of orthodox neoclassical theory is to treat a catallaxy as if it were an economy. This is because of the neoclassical emphasis on static equilibrium. This is an example of rationalism because it is assumed that an ‘efficient’ economic order, in the conventional sense of there being a state of affairs in which it is impossible to switch a resource from one use to another and receive a net benefit, can be designed without a market process to signal information about tastes, costs, and so on. However, this assumes perfect information, whereas the real world is characterized by ignorance, change, and uncertainty, so that knowledge cannot be ‘objectified’ and made to serve given ends. All we can expect is a tendency towards equilibrium as the actions of individuals are co-ordinated through the mechanism of prices. Thus Hayek extends subjectivism beyond the theory of value to the theory of market process.

This theory, that there is a tendency to equilibrium in a decentralized exchange system is of course an empirical theory, which may be falsified. It is logically possible that there may be such endogenous ‘shocks’ to the system that the plans of the participants may not harmonize. Indeed, there are extreme ‘subjectivists’ who do not merely reject the neoclassical orthodoxy concerning static equilibrium, but also suggest that, because of the divergence of ‘expectations,’ future profitable opportunities may not be exploited so that there is not even a tendency for the actions of economic agents to be co-ordinated. In the work of G.L.S. Shackle and Ludwig Lachmann there is the implication that the spontaneous emergence of an order may be only a chance phenomenon, rather than a theoretical property of an interdependent economic system. In other words, the market does not co-ordinate expectations in the way that it co-ordinates knowledge.[51] In Hayek’s early work on the theory of market process, his main concern was with the disequilibrating effect of certain exogenous factors, such as governmental control of money, which dis-coordinated the actions of economic agents; he did not consider seriously the possibility of the presence of ignorance and uncertainty producing spontaneous disorder. Further, although Hayek presented his theory as an empirical one, he did not indicate under what circumstances it might be falsified. The assumption was that a catallaxy was tending towards equilibrium rather than being moved away by endogenous factors.

Co-ordinating Market Knowledge: Competition & Entrepreneurship

However, it should be argued that there are certain identifiable causal factors at work which bring about this tendency, namely competition and entrepreneurship; and here, Hayek’s important suggestions have been taken up by other writers.[52] His argument is that in the standard general equilibrium model competition does
not exist, since, if there is an equilibrium, competition has ceased and opportunities for further trade are exhausted. What is not considered in the general equilibrium model is how this stable state of affairs comes about, or what mechanisms produced this optimum. Hayek's theory maintains that in an uncertain world, the ‘discovery procedure’ of competition spontaneously co-ordinates decentralized information and thus brings about a tendency towards equilibrium.[53] That array of ‘correct’ prices proposed by orthodox theory is an illusion; in reality prices are always to some extent ‘incorrect’ and therefore always suggestive of some re-allocation of resources through the competitive process.

It is here that the role of the entrepreneur becomes important because the co-ordination process depends upon the existence of entrepreneurship as a special activity. The concept of entrepreneurship can perhaps be better explained by reference to ‘prediction.’ Since the general equilibrium model assumes knowledge of tastes, costs, and so on, the implication is that it is possible to predict mechanically what an efficient allocation of resources would be. If this were so, then entrepreneurship would be redundant.

However, in a world of uncertainty, where the future is unknowable, a predictable outcome is an epistemological absurdity. The entrepreneur, albeit guided by self-interest, accidentally plays a socially beneficial role in co-ordinating economic knowledge to produce an outcome which looks as if it had been designed and predicted by an omniscient legislator, but clearly could not have been.[54]

In this view of a competitive process such market imperfections as monopoly are not therefore aberrations which can be legislated away so as to eliminate an alleged ‘welfare loss’ but may well be necessary elements in the emergence of a spontaneous order. It may be the case that the monopoly reflects superior efficiency, or that without the prospect of monopoly gains a particular good would not be produced at all. In these cases there is entrepreneurial activity. In any event, as long as there are no governmental barriers to entry the monopolist operates under some constraint so that rather than eliminate monopoly by law and artificially create some abstract concept of ‘perfect competition,’ it is better to let natural competitive processes operate. It is Hayek's claim that ‘natural’ monopolies are extremely rare, and that most monopolies are the product of deliberate government intervention; where they do exist, the market itself is a natural process which generates its own corrective devices.

“in a world of uncertainty, where the future is unknowable, a predictable outcome is an epistemological absurdity. The entrepreneur, albeit guided by self-interest, accidentally plays a socially beneficial role in co-ordinating economic knowledge to produce an outcome which looks as if it had been designed and predicted by an omniscient legislator, but clearly could not have been.”

The most important feature of the price system is that it economizes on knowledge. Each participant has to know little of the whole system for the co-ordination to be successful since its signals “enable individual producers to watch merely the movement of a few pointers, as an engineer might watch the hands of a few dials, in order to adjust their activities to changes of which they may never know more than is reflected in the price movement.”[55]

Disruptions of Catallaxy

How then does Hayek explain the breakdowns of this economical order? In short, he maintains that most of the disorder in the market system that we experience is a result of mistaken interventionist measures which distort natural self-correcting processes that are at work in the system. Thus the theoretical study of economic processes must emphasize those institutional structures which are disruptive of a spontaneous order. Later, of course, Hayek was to develop a theory of society which suggests how dis-coordinating institutions may be rectified, but in his writings as an economist he took institutions as given and made certain economic inferences from them. In this sense only is his economic theory independent of his general social theory.
Throughout his career as a pure economist the institutional factor which has concerned Hayek most is governmental control of the monetary instrument. It is this that has generated economic disorder and dis-coordination by distorting the system of relative prices which would otherwise induce economic actors to produce a stable order.”

Throughout his career as a pure economist the institutional factor which has concerned Hayek most is governmental control of the monetary instrument. It is this that has generated economic disorder and dis-coordination by distorting the system of relative prices which would otherwise induce economic actors to produce a stable order. Furthermore, arbitrary privileges granted to trade unions by statute law suppress the natural functioning of the labor market so that resources are misallocated and involuntary unemployment generated. Before looking at these types of disorder, however, we should give some attention to that spontaneous disorder that Hayek himself admits may be produced by a market subject to no controls.

This occurs in the now familiar areas of public goods and externalities. These areas were little discussed at the time Hayek wrote his pioneering essays on the theory of spontaneous order. He has, however, always argued, against the claims of anarchocapitalists, that the market cannot spontaneously produce a police and defense system, and other ‘public goods’ which, according to public goods theory assumptions, it would pay no individual economic actors to supply. In the logically similar area of ‘external bads,’ i.e. where each individual actor in the market has every incentive to impose external costs on the community, as in the case of pollution, Hayek agrees that there may be a role for collective action.

One familiar way of preventing this latter sort of spontaneous disorder is to specify a set of appropriate property rights so that any external harm falls on an individual property holder who can then sue the instigator of the harm for damages. In this way external ‘bads’ might be internalized. While this approach is not antithetical to the Hayekian system it does imply an activist role for some authority in determining new property rules and the deliberate agreement of actors to follow such rules. In this, and other areas, Hayek places (in the opinion of many critics) too much reliance on the evolution of appropriate property rules for the competitive process:[57] and this is a consequence of his refusal to consider the possibility that in some areas reason may improve on natural processes.

Austrian Perspective on Intervention: Dis-coordination of Economic Knowledge

The kind of disorder, however, to which Hayek has contributed much illumination is that brought about by government intervention in a catallaxy at the ‘macro’ level. Of course Hayek has never recognized a macroeconomic theory which is not reducible to individual volitions (holistic magnitudes are ‘fictions,’ they do not display irreducible regularities) but nevertheless his inquiries into the trade cycle focused on the behavior of a catallaxy as a whole.[58] Most of his economic theory addresses those who deny the basic proposition that an unhampered market economy (or catallaxy) tends towards the full employment of all resources. The most notorious of these theories is Keynesian macroeconomics, and it is to this that Hayekian economics is normally addressed, although he formulated his theory of money and the trade cycle before the publication of Keynes’ General Theory.

In the familiar Austrian theory of the trade cycle, disequilibrium and the dis-coordination of economic knowledge is a function of misleading signals being put out to market transactors by the monetary system. An automatic co-ordination of the intentions of savers and investors, which would produce more or less full employment of all resources, is systematically disrupted by manipulated money, which leads to misallocation and therefore painful periods of readjustment. What happens is that under the fractional-reserve banking system, increased credit lowers the rate of interest on the money market below its ‘natural’ rate (i.e., the rate determined by the time-preferences of individuals) so that extra investments are made at longer stages of production.
“In the familiar Austrian theory of the trade cycle, disequilibrium and the discoordination of economic knowledge is a function of misleading signals being put out to market transactors by the monetary system.”

In Austrian theory the structure of production consists of a series of integrated stages with immediate consumption goods located at the nearest stages and capital goods at the farthest. This ‘order’ is fundamentally stable if the investment at the farthest stages are warranted by the current consumption-savings ratio of the public, since, then, savings will make available those complementary capital goods which are required to complete the structure of production. However, under the fractional-reserve banking system the structure is unstable. The long-term investments, in this system, are malinvestments, brought about by cheaper credit and not by a lowering of time-preferences by the public. Since individuals are consuming at the same rate as before the credit injection begins, extra earnings of labor factors will be spent on consumer goods and therefore cause a switch back to the nearest stages to meet this new demand; and therefore a shrinking of the capital structure occurs. Thus there will be temporary unemployment in the remote stages. The resulting recession must be endured while normal market processes liquidate the malinvestments brought about by misleading price signals.

While this is the standard version of the theory, the particular form in which the disorder takes place will vary according to different institutional structures. In the 1930s it was increased bank credit that produced the cycle and its effect was visible in the form of unemployment in investment goods industries. In the contemporary world, characterized by massive government intervention, the misallocation is much more diffused throughout the whole system. Also, today the natural readjustment process may be slower, in Britain especially, because welfare legislation, union privileges, and housing policy have all combined to increase the immobility of labor.

Hayek on Monetary Disorder

In all this, the instability of a catallactic process is a function of the ‘non-neutrality’ of money. Since increases in credit do not affect all prices in a uniform manner (which is the implication of the Walrasian general equilibrium theory), disorder must occur under the orthodox banking systems of capitalist economies because changes in relative prices mislead market transactors. The question is whether such disorder is a necessary part of a catallaxy or whether it is always brought about by some exogenous agency.

Now Hayek has described money as a kind of ‘loose joint’ in a process which in other respects showed an automatic tendency towards equilibrium. The fractional-reserve system, while its elasticity of credit caused misleading price signals, had itself developed spontaneously, and therefore Hayek, in the 1930s, claimed that its abolition and replacement by a 100 per cent reserve system would create even more problems. All that was required for the self-regulating processes to work was something like the Gold Standard (or fixed rates of exchange) and the withdrawal of government from the economy: this would mitigate, if not entirely eliminate, the effects of the cycle. In practice, it was government mismanagement of the currency that caused severe maladjustment of the catallaxy.

Hayek gave no suggestion at this time that government should lose its monopoly over legal tender. Rather he claimed that the disequilibrating effects of this could be mitigated by institutional procedures. In recent years, however, Hayek has pioneered the idea that complete removal of government's monopoly over money is required and that competition between rival currencies, issued by banks and governments, would spontaneously generate monetary stability. The curious feature of this proposal is its contrast with previous theorists of spontaneous economic order who had argued that the removal of government from money would produce a commodity-based money (indeed, it was a fundamental feature of the monetary theory of Ludwig von Mises that the value of a money device could ultimately be traced back to its value in use). Hayek, however, appears to think that competition between paper currencies will produce stability. He is skeptical of gold becoming usable again—for the fallacious reason, according to orthodox theory, that “there is just not enough gold about”—and makes the constructivistic proposal that countries should mutually...
bind themselves by formal treaty not to impede the free use of currencies issued by other countries or banks.

[63]

"Hayek has pioneered the idea that complete removal of government's monopoly over money is required and that competition between rival currencies, issued by banks and governments, would spontaneously generate monetary stability."

Irrespective of the details of Hayek's proposed solution to the problems caused by monetary disorder, his persistent argument, over a period exceeding fifty years, that government control of money produces never-ending inflation and a consequent disruption of economic order, has been amply borne out by events. If his social science had been limited to this alone it would constitute a major achievement.

Notes

[For a full citation of books quoted in these notes see the Bibliography at <oll.libertyfund.org/titles/1305/10043>]


[46] See following Bibliography for a comprehensive list of Hayek's major works.


[52] Hayek's views are contained in the following essays, “The Use of Knowledge in Society,” and “The Meaning of Competition,” at pp. 77–91 and 91–106, respectively, in *Individualism and Economic Order*. Also, Hayek's theory of the competitive process emerged from his critique of those socialists who tried to use the neoclassical equilibrium as a model for a socialist economy without private property and a decentralized market. See Hayek's three essays on “Socialist Calculation,” in *Individualism and Economic Order*, pp. 119–208. Israel Kirzner has produced a sophisticated version of Hayek's pioneering ideas in *Competition and Entrepreneurship*. See also S.C. Littlechild, *The Fallacy of the Mixed Economy*.


Further Information

SOURCE


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FURTHER READING

Other works by F.A. Hayek (1899-1992) <oll.libertyfund.org/people/52>

School of Thought: Austrian School of Economics <oll.libertyfund.org/groups/8>

Topic: Spontaneous Order <oll.libertyfund.org/groups/104>.
"A spontaneous system of rules will be more efficient to the needs of the ‘Great Society’ precisely because it has survived an evolutionary process: a process in which not reason but natural selection determines which rules and institutions are appropriate."
Editor’s Introduction


Friedrich von Hayek (1899-1992) was one of the most important free market economists of the 20th century. He was a member of the “Austrian school of economics”, taught at the London School of Economics, wrote extensively on banking and monetary theory, the socialist calculation debate, and the theory of spontaneous orders. He was instrumental in helping revitalize classical liberalism after the Second World War by helping to found the Mont Pelerin Society with Milton Friedman and others. Hayek won the Nobel Prize for Economics in 1974. Among his many important works are The Road to Serfdom (1944) his critique of government regulation during the Second World War, The Constitution of Liberty (1960) his vision of limited constitutional government, and the three volume Law, Legislation, and Liberty (1973-79) in which he develops his theory of spontaneous orders to encompass society as a whole. Hayek is now also famous for his then unheeded criticism of John Maynard Keynes during the 1930s.

One of Hayek’s many important contributions to social and economic theory was the idea of “spontaneous order” which he took from Adam Ferguson (1723-1816) and applied more rigorously, firstly to the sphere of economics, and then to the sphere of law. Ferguson observed that many social structures were “the result of human action, but not the execution of any human design” (1782). In Barry’s bibliographical essay he explores Hayek’s seminal contributions to the theory of spontaneous order, first in the area of economics and then in the area of law which occupied Hayek in the latter part of his life. We have divided Barry’s essay into two parts, the first on spontaneous economic orders, and the second on spontaneous legal orders.

“One of Hayek’s most important contributions to knowledge is his penetrating exposure of those intentionalist policies which have set in train a seemingly ineluctible process of disintegration of the cosmos, that self-regulating order of events that once constituted western liberal society. Allied to this, and almost in defiance of his own belief in evolutionary processes, is his complex set of radical reforms which is designed to arrest this decline.”
THE STRUCTURE OF A LEGAL ORDER

Social Cosmos: Spontaneous Order vs. Constructivistic Rationalism

The most important aspect of the unity of Hayek's method is his attempt to explain the nature of legal and social institutions with the same intellectual tools which he used in the explanation of economic phenomena: tools that stress natural processes rather than reason and artifice. In an essay, “The Principles of a Liberal Social Order,” Hayek said:

Under the enforcement of universal rules of just conduct, protecting a recognizable private domain of individuals, a spontaneous order of human activities of much greater complexity will form itself than could ever be produced by deliberate arrangement. . .[64]

The problem here is the explanation of the origin of the ‘universal rules of just conduct.’ Do they emerge spontaneously? Or is some element of constructivistic rationalism required for the explanation of these rules that service a catallaxy? While Hayek has always been favorable to the common law, as opposed to statute, in the Constitution of Liberty he did suggest that the growth and development of a catallaxy could take place within the context of general codes of law that define the conditions of freedom.[65] However, in his trilogy, Law, Legislation and Liberty, there is almost an exclusive emphasis on the virtues of spontaneously developing law and institutions. The explanation for this change lies in the fact that although Hayek concedes that codified law may be more certain than judge-made law, this advantage is nullified if it leads to the view that “only what is thus expressed in statutes should have the force of law”[66] (italics in original). Spontaneous legal orders will contain rules that have yet to be formulated in words. Hayek does not regard a social system (or cosmos) as completely self-regulating and self-correcting, since he recognizes a role for coercive government in the enforcement of rules and concedes that ‘legislation’ will be required for the correction of ‘law’ that may have developed in an inappropriate manner. But the task allocated to evolution in the explanation of genuine law is clearly meant to parallel that of the ‘invisible hand’ in the explanation of harmony in the market economy.

“Just because ‘discovered,’ as opposed to ‘made,’ law is a product of accident this does not make it efficient law, in the sense of it providing an appropriate framework for the order of the market.”

However, many contemporary classical liberals argue that Hayek's analogy fails: that just because ‘discovered,’ as opposed to ‘made,’ law is a product of accident this does not make it efficient law, in the sense of it providing an appropriate framework for the order of the market. The elimination of reason from the construction of the rules of an economic system would seem to commit Hayek to a certain kind of conservatism and quietism in the face of some ineluctable flow of events, despite his own personal commitment to economic liberalism and his recommendation of quite radical institutional reforms.

Spontaneous ‘Nomos’ vs. Rationalist Law

Common Law vs. Statute Law

In Rules and Order Hayek defines ‘order’ as . . . a state of affairs in which a multiplicity of elements of various kinds are so related to each other that we may learn from our acquaintance with some spatial or temporal part of the whole to form correct expectations concerning the rest. . .[67] (italics in original)

This means that a social order is a structure of interrelated parts that displays predictability and regularity because of rules that govern its behavior. In a legal order such rules may be a product of command (and Hayek maintains that in any social system some of its rules will have to be of this type). However, his claim is that greater regularity and predictability, and therefore

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complexity, will exist in orders where the bulk of the rules that govern interdependency have emerged spontaneously. The point he is making here is the anti-rationalist one that rules are not the product of a mind, abstracted from experience, as in the Hobbesian model. Rather rules and society have developed, as Ferguson and the eighteenth-century writers insisted, coterminously. As a result, ‘law’ (in the sense of those rules of just conduct which govern individual relationships) differs from, and precedes, ‘legislation’ (that body of deliberate commands which is addressed to specific purposes). ‘Discovered’ law is called nomos[68] and is consistent with the order of a free society. This is because, since it is concerned with no overall purpose of its own, nomos enables an unknown number of individual purposes to be fulfilled. Its domain is the protection of the person, of property, and the enforcement of contracts.

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In this argument Hayek is, in effect, restating some familiar themes concerning the virtue of the common law system which he himself has detected in the writings of Hale, Burke, and the European historical school of jurisprudence. However, undoubtedly a major influence on his post-Constitution of Liberty jurisprudence has been the late Bruno Leoni’s Freedom and the Law.[69] This is perhaps the most sophisticated expression of the evolutionary theory of law; for Leoni does not merely rely on the ‘wisdom of history’ but constructs a direct analogy between law and the market. Law develops in a case by case manner during which judges fit and adapt existing law to circumstances so as to produce an overall order which, although it may not be ‘efficient’ in a technical, rationalistic sense, any more than competitive markets are ‘perfect,’ is more stable than that created by statute. Statute law may appear to be more predictable because it is written down, whereas common law (‘lawyers’ law’) may not actually be known until a judge has ‘discovered’ it; statute law is in fact much more capricious precisely because, in the modern world especially, statutes change frequently according to the whims of legislatures. Hayek’s position is similar to Leoni’s anti-statute approach in all important respects: because it is impossible to predict human (legislative) behavior, a structure of law which is not the result of will and cannot be known in its entirety, paradoxically, displays more regularities than a written code. Furthermore, because the future is unknowable and unpredictable, no code could be designed to cope with all possible cases. This is why judicial activity, as a form of ‘puzzle-solving,’ is essential to Hayek’s jurisprudence.[70]

Cultural Transmission of Rules of Conduct

However, Hayek adds to these not unfamiliar themes something rather more controversial. This is the argument that a spontaneous system of rules will be more efficient (than known alternatives) to the needs of what he calls the ‘Great Society’ precisely because it has survived an evolutionary process: a process in which not reason but natural selection determines which rules and institutions are appropriate. [71] The history of institutions consists of a kind of Darwinian struggle out of which certain rules and procedures prove to be more durable than others; and a society progresses not by designing institutions for specific purposes but by adapting those that have emerged independently of men’s wills to new circumstances. Furthermore, societies progress to the extent that they ‘imitate’ known successful rules and practices rather than construct them in some calculating manner.[72]
“A spontaneous system of rules will be more efficient (than known alternatives) to the needs of what he calls the ‘Great Society’ precisely because it has survived an evolutionary process: a process in which not reason but natural selection determines which rules and institutions are appropriate.”

The mechanism in this process is what Hayek calls ‘cultural transmission.’[73] This means that the rules and institutions that we inherit are neither (1) the product of a biological causality which is traceable to genetic structures (as the extreme socio-biologists would have it) nor (2) do they emanate from an unaided reason. They are ‘learnt rules’ which, although they may not yet be formulated explicitly, have been transmitted through a process of cultural evolution. Since an evolutionary order is unpredictable it follows that “we will have less power over the details of such an order that we would of one which we produce by arrangement.”[74]

The fact that we cannot fully comprehend or state such rules is not a reason for doubting their efficacy, since that efficacy itself would appear to be a function of their very survival. While Hayek wants to use this argument against a rationalistic legal positivism which erroneously supposes that all laws are mere conventions which are alterable at will, he frequently writes as if we must passively accept a given structure of rules precisely because it is undesigned. It may be true that “law existed for ages before it occurred to man that he could make or alter it.”[75] It does not follow, however, that such law is necessarily ‘efficient’ or appropriate to the order of classical liberalism (which Hayek favors for reasons other than those to do with evolution). The doctrine of the cultural evolution of rules of conduct would seem to bind man in a more decisive way then, say, the ‘laws’ of economics, which merely indicate the necessary boundaries within which free and rational action takes place.

**Hayek's Traditionalist Evolutionism and Liberalism**

It is in the epilogue to volume III of *Law, Legislation and Liberty, “Three Sources of Human Values,”* that Hayek's anti-rationalism seems to collapse into an uncritical traditionalism. In merging legal and moral rules into simply those rules that have developed culturally, he says: “Tradition is not something constant but the product of a process guided not by reason but by success.”[76] Also, the limitations of the human mind dictate that ‘all progress must be based on tradition’[77] (italics in original). Furthermore, not only are ethical rules relative to particular traditions, but we are incapacitated from recommending alteration, apart from minor tinkering, of such rules because, since the future is unknowable, we cannot predict the consequences of such alteration. This extreme anti-rationalism follows directly from Hayek's claim that mind itself is explicable only in terms of cultural transmission: “all enduring structures up to the brain and society are a product of selective evolution.”[78]

This clearly differentiates him from the rationalistic classical liberalism of, for example, Ludwig von Mises, who based a theory of *laissez-faire* economics and politics on the universal properties of the human mind.

The difficulty with Hayek's analysis is that social evolution does not necessarily culminate in the classical liberalism that he so clearly favors: there are many non-liberal institutions which have indeed survived. The period of the dominance of the open society, the market economy and minimal government may then be regarded as perhaps a chance mutation in a course of evolution which is proceeding in quite another direction, an evanescent torch in an inexorably darkening world. Yet if we are intellectually tied to tradition, and if our ‘reason’ is too fragile an instrument to recommend satisfactory alternatives, how are we to evaluate critically that statist and anti-individualist order of society which seems to have as much claim to be a product of evolution as any other social structure?

The problem is that the spontaneous formation of a market is not the same thing as the evolution of a legal system, although neither is designed. In a market there is a mechanism, the price system, which does coordinate the actions of economic agents to produce an efficient order (though even here the presence of externalities constitutes ‘disorder’); but there is no similar mechanism at work in a legal system. In Hayek's analysis it looks as if rules and practices are functional merely because they have survived rather than
because they adequately service a liberal order. One striking example, from the British experience, is the constitutional rule that parliament is sovereign. This is a product of evolution yet is probably the single most important institutional cause of the undermining of the rule of law and the breakdown of the market economy in that country.

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In fact, Hayek implicitly concedes part of the rationalist libertarian's argument in that much of his social philosophy does consist of rational criticism of anti-liberal and anti-individualist economic and political institutions. He admits that the common law does not automatically develop in desirable directions, and may even protect 'class' interests, so that it will have to be modified by legislation.[79] Presumably such artificial correction must be sanctioned by the principles of classical liberalism and individualism. But even here the normative principles that are used must be part of an ongoing tradition. It is epistemologically impossible to stand outside a tradition of conduct and appraise or reject it in its entirety: "Ethics is not a matter of choice. We have not designed it and cannot design it.”[80]

Law and Liberty: The Problem of Criteria To Distinguish Liberal and Non-Liberal Orders

Those modifications that have to be made to an ongoing system will normally take the form of additional rules of just conduct. Again Hayek does not offer any substantive criterion for the evaluation of such proposals: all that is required is that new rules be universalizable within an ongoing system. But, as is well known, this is a purely formal criterion, so that it is possible for a variety of quite different rules to be universalized within a given structure.

Perhaps, Hayek's explanation of the emergence of a self-regulating liberal order can be 'saved' by interpreting his argument to mean that which is a product of evolution is simply what would have occurred were it not for arbitrary interventions of a constructivistic kind. However, this could lead to an un-Hayekian anarcho-capitalism in which a rationalistic natural law guarantees each individual the right to 'opt out' of the state, and this is clearly not what he has in mind. The liberal order contains an organization (taxis), [81] the state, which operates through designed law (thesis); and this institution is charged with specific purposes. The rationale of this organization seems to be cultural and evolutionary in that, according to Hayek, experience indicates that a form of the state is required to enforce the rules of just conduct and supply public goods.

Hayek argues that the activities of government can be constrained by the meta-legal principle of the rule of law; rules should be perfectly general, binding on everybody, not be retrospective in application, and should name no individual or group. He does not in fact place substantive limitations on the actions of political authorities but insists only that they conform to certain formal requirements. In this sense law and liberty are consistent, since general rules set boundaries within which people may choose rather than be directed to specific tasks. In Hayek's legal theory a free order would appear to be a predictable order: as long as a person knows in advance how a law will affect him, and can therefore plan his life so as to avoid that law, he cannot be regarded as unfree.[82]

This contrasts strongly with the natural rights theory of a liberal order in which the boundaries of an individual's liberty are set by the moral requirement that he should not violate the rights of others rather than by certain formal requirements of legality. Under the Hayekian view, general prohibitions which did not require any positive action on the part of individuals could reduce dramatically the range of choices open to them, but they would not, paradoxically, count as restraints on liberty. Curiously, a regime which had a
number of mild commands or instructions but few general prohibitions would not count therefore as a free order. In fact, Hayek's own definition of freedom under law breaks down with his justification of conscription, since this is clearly a direct command. That such a command is predictable and perfectly general does not make it any the less destructive of personal liberty. It follows from Hayek's refusal to countenance a more substantive structure of natural law and morality, and his commitment to the outcomes of an undesigned evolutionary process, that it is difficult to distinguish between free and unfree orders. The general consensus of opinion is that Hayek's requirements of legality are necessary but not sufficient conditions for the operation of the order of classical liberalism.

**The Breakdown of the Cosmos**

One of Hayek's most important contributions to knowledge is his penetrating exposure of those intentionalist policies which have set in train a seemingly ineluctible process of disintegration of the cosmos, that self-regulating order of events that once constituted western liberal society. Allied to this, and almost in defiance of his own belief in evolutionary processes, is his complex set of radical reforms which is designed to arrest this decline. The major causes of this disruption are attempts to regulate an economy by inflationary methods; the granting of privileges to groups, especially trade unions, by way of 'legislation,' which distorts the functioning of the labor market; the attempt to re-distribute income away from that impersonal allocation made by the market on the ground of an entirely subjective theory of 'social justice'; and the tendency for law to be cast in the form of commands addressed to specific purposes rather than in the form of general rules. The combined effect of these measures is to divert a cosmos, in a politically-determined manner, away from its natural course (the destination of which can never be known). A 'road to serfdom' scenario will develop, in which ever-increasing amounts of coercion will have to be used as people naturally try to avoid the effects of the original intervention.

"One of Hayek's most important contributions to knowledge is his

**Political Interventionism vs. Market Self-Correction**

In fact, the dramatic kind of disruption of a spontaneous order that Hayek predicted would follow from interventionism has not actually occurred. Western welfare states have not (yet) collapsed into tyranny and serfdom under the weight of welfarist legislation and other forms of intervention. Rather they have become immobile, stagnant, and unable to make the best use of the dispersed knowledge that characterizes an open society. This is because democratic politics, subject to few constitutional restraints, has enabled groups to secure privileges for themselves and encouraged the spread of incomes in society to be a function of political rather than economic mechanisms.[83] Instead of liberal democracy maximizing the public interest (i.e., the interest each person has in such things as a stable currency, the rule of law and the predictability of government action), competition for votes produces coalitions of interest groups, which are held together by privileges which only government can grant. Such a political order is inherently unstable because there are no natural, correcting mechanisms in it that are equivalent to those in the market. Thus instead of being an organization charged with necessary but specific purposes, government becomes a machine for the solving of all problems and the meeting of all grievances. But as Hayek points out: "It is a fact that most of the grievances of particular individuals or groups can be removed only by measures which create new grievances elsewhere."[84]

"Apart from monetary disturbances, the reason the market economy appears to be unstable is that continual intervention
has impaired its self-correcting mechanisms. The biggest destabilizing factors here, according to Hayek, are the trade unions, which are able to prevent automatic adjustment in the labor market by keeping the price of labor above its market clearing price.”

Apart from monetary disturbances, the reason the market economy appears to be unstable is that continual intervention has impaired its self-correcting mechanisms. The biggest destabilizing factors here, according to Hayek, are the trade unions, which are able to prevent automatic adjustment in the labor market by keeping the price of labor above its market clearing price. They are able to do this, in many western countries, because of certain legal privileges: such as their exemption from the law of tort (in industrial disputes) and their exploitation of tolerant picketing laws. The former privilege is a breach of Hayek’s ‘rule of law’ doctrine, since it prevents the application of a general rule to particular groups and could not possibly be universalized within a legal order. This privilege is a product of statute law, and it is inconceivable that such a rule would have emerged spontaneously from the common law process. Aside from the distortions caused by inflation, the existence of union privilege and disincentives to work caused by welfare and housing policies constitute the major causes of unemployment. They are almost universally ignored by Keynesian macroeconomists, who deal only in holistic aggregates. These theorists erroneously interpret extensive unemployment as evidence of some inherent disequilibrating tendency in the system rather than as an indication of some deficiency in the adjustment process which can be traced back to a constructivistic intervention. As long as these defects remain unremedied monetary policy can have little or no permanent effect on unemployment.[85]

The Myth of Social Justice

Hayek’s objections to social justice similarly turn on the misallocative effect such essentially arbitrary redistributive measures have on the equilibrating process of a catallaxy.[86] Thus his concern, here, is not with the violation of a right to legitimately acquired property which social justice entails; his argument is that coercive redistributions of income reduce the real output of a catallaxy by suppressing those inequalities that act as signals to attract labor and capital to their most productive uses. He maintains that in the absence of such signals labor and capital will have to be directed by government.

The argument for social justice usually turns upon an alleged distinction between production and distribution: it is assumed that there is a ‘given’ volume of goods and services which can be distributed according to abstract moral principles, such as ‘desert,’ ‘need,’ or ‘merit,’ rather than according to the principles by which the goods and services were produced in the first place. In catallactics, however, there is no such distinction: income is distributed according to the anticipated marginal productivity of factors and the consequence of redistributing it in any other way will be a diminution of the volume of goods and services. A person’s income in a free society, then, is a function of the value of his services to his fellow men; it has logically nothing to do with any ‘merit’ or ‘desert’ (in a moral sense) in his actions.[87] Hayek argues that modern societies, which persist in using merit as a criterion of income, display remnants of the morality of the closed or intimate society. If this is so, however, it implies that these societies have not spontaneously generated a morality appropriate to the economic order of capitalism.

A catallactic order is a constantly changing system so that the prices paid to labor services must vary considerably over time. Any attempt to impose a pattern of earnings based on non-economic criteria on this order would spell not merely the end of economic efficiency, but would also bring about the collapse of the cosmos, since the enforcement of that pattern necessitates a vast increase in the law of thesis.

“He certainly gives us no guidance as to the justice or injustice of particular property holdings prior to the operation of an exchange process. Presumably his stance must be the conservative one that we ought not to disturb the existing
structure by, say, the application of a natural law rectification rule, because this would disturb a prevailing order of expectations; the consequences of such disturbance cannot, of course, be known.”

Hayek's arguments against social justice are of a purely consequentialist kind in that they derive from the misallocative tendencies of redistributive policies and from their long-run effect on the order of liberty. While Hayek claims that expressions such as ‘social justice’ are linguistically meaningless, he does not extend his philosophical arguments into the ethics of property. He certainly gives us no guidance as to the justice or injustice of particular property holdings prior to the operation of an exchange process. Presumably his stance must be the conservative one that we ought not to disturb the existing structure by, say, the application of a natural law rectification rule, because this would disturb a prevailing order of expectations; the consequences of such disturbance cannot, of course, be known.

The Problem of Controlling Government

While it is clear that political systems do no automatically develop corrective mechanisms, it is noticeable that Hayek does not want to restore the workings of the catallaxy and cosmos by rationalistic natural law limitations on what governments may actually do but, rather, to subject their behavior to strict legalistic and formalistic requirements. Thus in his complex, and somewhat unrealistic, constitutional reform proposals, he hopes to introduce a new version of the separation of powers, in which democratically elected parliaments would enact that public law which is required for government activity, while a separately-elected assembly (less subject to party politics) would be charged with the making of the general rules of just conduct.[88] Thus the Governmental Assembly would decide on what projects taxation would be spent, while the Legislative Assembly would determine what form the tax rules should take. There are in principle no limitations on the government's power to tax and therefore no substantive limits on government spending; of course, the free market in money will prevent government expenditure being financed by the economically damaging and dishonest method of inflation, but there is no actual limit on government spending.

“The main disruptive threat to the preservation of a spontaneous order (is) the inevitable formation, under present democratic rules, of coalitions of interests which divert the stream of income in a catallaxy to politically-favored groups—to the ultimate harm of all.”

Hayek is no doubt correct in identifying the main disruptive threat to the preservation of a spontaneous order as the inevitable formation, under present democratic rules, of coalitions of interests which divert the stream of income in a catallaxy to politically-favored groups—to the ultimate harm of all. The problem is that there is a ‘public good’ trap here in that no rational individual, given the normal behavioral assumptions of classical liberalism, can have any incentive to promote the public interest. This is why there must be an element of constructivistic rationalism in any explanation of the order of a free society. Men will have to design those institutions that will automatically encourage them to maximize their long-run interests.[89]

CONCLUSION

In conclusion, it may be suggested that Hayek's theory of spontaneous order is the product of two related but distinct influences that do not always tend in the same direction. As an economic theorist, his explanation of the co-ordinating properties of the catallaxy trades very heavily on those mechanisms that produce order, and which can be given a rational
explanation. But as a legal and social theorist, he leans, by contrast, very heavily on a conservative and traditionalist approach which, from Hale onwards, is so distrustful of reason that it instructs us to submit blindly to a flow of events over which we can have little control. But in this latter approach, reason may be so disabled that it is impossible to assess critically this flow of events. The evidence suggests, however, that there is no necessary tendency to equilibrium in a legal order, in which case spontaneous evolution will have to be arrested and diverted under the authority of ‘reason.’ But such is the force of Hayek's anti-rationalism that it tells just as much against a rationalist justification of the capitalist order of classical liberalism (which is largely derived from a moral order that enshrines an abstract and universalist structure of individual rights) as it does against the familiar varieties of rationalistic collectivism. Hayek's claim, following Hume, to ‘whittle down’ the claims of reason may have succeeded all too well in that his belief in spontaneous evolution, and his formalistic criteria for the evaluation of government activity, may well inhibit the search for those ground rules which are required for the servicing a free society. In some ways, his evolutionary gloss on the theory of spontaneous order distinguishes him from other writers in that tradition (for example, Menger) who do not preclude the use of reason in the critical evaluation of the outcomes of an undesigned process.

Notes

[For a full citation of books quoted in these notes see the Bibliography at <oll.libertyfund.org/titles/1305/100453>]


[70] Hayek, Rules and Order, pp. 18–23.


[74] Hayek, Rules and Order, p. 41.

[75] Hayek, Rules and Order, p. 73.


Further Information

SOURCE


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FURTHER READING

Other works by F.A. Hayek (1899-1992) <oll.libertyfund.org/people/52>

School of Thought: Austrian School of Economics <oll.libertyfund.org/groups/8>

Topic: Spontaneous Order <oll.libertyfund.org/groups/104>.
“All social phenomena emerge from the choices of individuals in response to expected benefits and costs to themselves.”
Editor’s Introduction

Paul Heyne (1931-2000) taught at Valparaiso University (1957–66), Southern Methodist University (1966–76), and the University of Washington (1976–2000). He was a well-trained theologian, a gifted and dedicated teacher of economics for over forty years, and the author of a highly regarded and widely used textbook, The Economic Way of Thinking which has gone through 11 editions.

In a mere five pages of text (and no equations) Paul Heyne brilliantly summarizes how good economists think about the world. He correctly calls this “economics as a way of thinking” by using the indefinite article and not the definite article. As an historian I can only agree with this analysis, since I believe that there are other ways in which to view the world - there is an “historical way of thinking” and a “political way of thinking” among others, all of which provide us with valuable insights.

Heyne’s great skill is to choose five key concepts which define what it means to think “economically”, namely economizing actions, marginal decisions, opportunity costs, interactions which coordinate the actions of economizers, and markets and prices; and to clearly explain what they mean, why they are important, and how economists use them to understand the economic world around them. It is a tour de force of analysis and exposition.

“Economizing means making trade-offs. We would like to have more of one thing, but we give it up in order to obtain more of something else. The marginal concept highlights two important but easily overlooked facets of this process. One is that trade-offs don’t have to be all or nothing affairs.”

“The concept of opportunity cost focuses our attention on the ultimately subjective character of all costs. The cost of any action—and only actions, not things, can have genuine costs—is the value of the opportunity that will have to be given up if that action is taken.”
"Economics Is a Way of Thinking" (1995)

“All social phenomena emerge from the choices of individuals in response to expected benefits and costs to themselves.”

What do economists know that is both true and important? Not nearly as much as we sometimes pretend. Every profession harbors an inability to appreciate the limitations of its perspective and a tendency to exaggerate its own significance in the larger scheme of things. Since this essay comes from the pen (word processor, actually) of a devout economist, it will probably exaggerate the power and social value of economists’ knowledge. But the critics of economics have lately enjoyed a substantial amount of public exposure in this part of the world. If you want a sample, see “A Consumers’ Guide to Recent Critiques of Economics” in Agenda, the new Australian policy journal.[2] A resounding defense of economics can therefore do no harm.

THE HEART OF THE MATTER

Why pay heed to economists? What do they know that is worth listening to? The answer differs, of course, among economists. Some know a lot about the form and functions of gross domestic product, labor force data, reserve banks, taxation and expenditure policies of governments, financial institutions and the markets in which they operate, and what economists usually call macroeconomics. Some know a lot about the history of economic systems. Most know a great deal of statistics and mathematics. But I shall emphasize what I think is most valuable in everything that economists know, or that at least the good economists know, with “good economist” circularly defined as one who not only knows it but believes strongly in its applicability and importance. A good economist knows how to employ the economic way of thinking.

Is it presumptuous to speak about the economic way of thinking? Aren’t there several economic ways of thinking? There are surely many ways to think about economic life, at least once we’ve decided exactly what we mean by “economic life” (which turns out not to be all that easy). But there is a particular perspective on human actions and interactions that regularly emerges when economists analyze the world that many economists recognize as uniquely the economic way of thinking. This article will try to explain and illustrate that way of thinking, with teachers of introductory economics especially in mind.

I like to summarize the economic way of thinking in a short sentence that states its basic assumption: All social phenomena emerge from the choices of individuals in response to expected benefits and costs to themselves.

ECONOMIZING ACTIONS

It took me many years of practicing with this way of thinking to realize that it actually has two aspects, both expressed in the statement that it offers a particular perspective on human actions and interactions. One aspect of the economic way of thinking focuses on human actions. The other—the more difficult, more useful, and more neglected aspect, I shall subsequently argue—focuses on human interactions.

“(The economic way of thinking) actually has two aspects, both expressed in the statement that it offers a particular perspective on human actions and interactions.”

The former, which I shall call the action aspect, picks up the notion that economics is about economizing. To economize means to allocate available resources in a way that extracts from those resources the most of whatever the economizer wants. Scarcity makes economizing necessary. Anyone with access to unlimited resources does not need to economize. Keep in mind, however, that time is one of those scarce

resources—except perhaps, when we are bored and time hangs heavy on our hands. The scarcity of time compels even those to economize who have more money than they know how to spend because they must ordinarily combine their scarce time with the resources their money can purchase in order to obtain what they want. A week in the Islands of the Aegean leaves less time, unfortunately, for lounging on the Left Bank in Paris, no matter how huge your monetary income.

Because scarcity makes economizing unavoidable, everybody does it. We don’t always do it consciously. And sometimes we do it badly, even by our own standards: we allocate our resources in a way that we subsequently come to regret. Most often that occurs because we lacked some relevant information when we made our allocation decision. But information is also a scarce good. If all the relevant information were one of the resources constantly available to us, we would never make mistakes. In the real world, however, we have to sacrifice other goods to acquire additional information. We have to use time and energy that could be employed in some other way to investigate, for example, the characteristics and prices of the various television sets available for purchase. At some point we decide that the results of further investigation probably won’t justify the time and trouble it will take. We stop searching for further information, and we act. But we may turn out to have been wrong. One more telephone call, we learn too late, would have revealed a better deal than the one on which we finally closed.

**Marginal Decisions**

Economic theory has a pair of bright lights to shine on the economizing process: the concept of the margin and the concept of opportunity cost. Even very young students can learn to interpret their own actions in terms of marginal decisions and opportunity costs, often with a sense of gleeful discovery.

Economizing means making trade-offs. We would like to have more of one thing, but we give it up in order to obtain more of something else. The marginal concept highlights two important but easily overlooked facets of this process. One is that trade-offs don’t have to be all or nothing affairs.

“Economizing means making trade-offs. *We would like to have more of one thing, but we give it up in order to obtain more of something else. The marginal concept highlights two important but easily overlooked facets of this process. One is that trade-offs don’t have to be all or nothing affairs.”

This is important because additional amounts of almost everything become less valuable to us as we acquire more. Water provides a good example. People like to claim that water is “a necessity of life,” and then to draw from this simple “truth” a lot of unwarranted conclusions, such as a city “needs” a specific amount of water and that those who supply water must keep its price very low. The amount of water that people “need,” however, will depend on how much they have grown accustomed to using, and that will depend heavily on how much they have had to pay for it. When water is inexpensive, homeowners maintain large lawns and farmers grow rice in desert areas. When water becomes more expensive, homeowners install water-saving devices in their showers and toilets, set their washing machines at lower water levels, and wash their cars less frequently and without letting the hose run the whole time they’re doing it. Farmers shift from crops like rice to crops that don’t require artificial irrigation.

Housing is another alleged “necessity” that turns out not to be quite what it originally seemed when we look at it through marginal spectacles. The real question is what quality and quantity of housing do people “need.” Once again this will prove to depend largely on what people have grown accustomed to, which will depend in turn on their accustomed income and the price they must pay for housing. Families “need” fewer bedrooms when housing costs more, and fewer bathrooms when the cost of installing plumbing goes up substantially. The sensible economizer, whether a householder or a business decision maker, makes trade-offs by comparing the expected benefits of obtaining an additional or marginal amount with the benefits expected to be lost from giving up (trading off) a small amount of something else. “All or nothing” is
the slogan of those who either aren’t thinking carefully or are deliberately trying to stampede others into giving them something they want.

The other aspect of the marginal concept worth nothing is the emphasis it places on the variety of margins or edges along which we can usually decide. When the cost of an option goes up, there are many more ways to react than we initially suppose. What would residents do, for example, if the councils of Auckland or Wellington decided to attack their traffic congestion problems by charging motorists for driving on crowded streets during busy times of the day; perhaps through an automated system of monitoring accompanied by monthly bills? Some few would choose to pay the tolls and drive just as much as before. Most motorists in these cities, however, would search for and discover a variety of margins along which they could adjust their behavior. They would eliminate those single-passenger trips for which they could find good substitutes, such as car pools, walking, consolidation of errands, buses, even the telephone, which is indeed a substitute for a car trip on some margins. We all like to insist that “we are left with no choice” when someone proposes a change in circumstances that is not immediately to our advantage; and we aren’t always lying when we do so. We may just not yet have had sufficient incentive to search for good alternatives.

**OPPORTUNITY COSTS**

Marginal thinking directs our attention to incremental benefits and incremental costs and to the variety of directions in which choice can be exercised. The concept of opportunity cost focuses our attention on the ultimately subjective character of all costs. The cost of any action—and only actions, not things, can have genuine costs—is the value of the opportunity that will have to be given up if that action is taken. If the price of seeing a particular movie is $10, the cost of seeing the movie to the individual who is thinking about it will be the value—the subjective value, of course—of what he or she would otherwise have been able to obtain with those $10.

If an action does not require the sacrifice of any valuable opportunity, then it costs nothing to take that action. The relevant point for checking on cost is *always at the margin*, at that position in time and space where the decision maker currently stands. Should you fly or should you drive your own car when you want to travel from Christchurch to Dunedin. Which costs less? You will want to ask about the value of the time you give up when you drive as well as the value of the money you give up when you decide to fly. In calculating the money cost of driving, you do not want to include any costs that are not actually the consequences of this decision. Licensing and insurance costs and a substantial portion of your depreciation costs are not costs of driving your car but costs of owning it. So unless you are going to buy a car specifically to make this trip, you do not want to include the costs of owning as part of the opportunity costs of driving from Christchurch to Dunedin. The only costs relevant to your decision will be the value of the opportunities you give up to follow the course decided upon.

“The concept of opportunity cost focuses our attention on the ultimately subjective character of all costs. The cost of any action—and only actions, not things, can have genuine costs—is the value of the opportunity that will have to be given up if that action is taken.”

Restaurant patrons who eat food they don’t want because they have already paid for it; householders who refuse to sell a piece of furniture that is only cluttering up their storage space because the best price they can get is so much less than they (foolishly) paid for it; and business firms that consult their research and development costs in determining the best price to set for new products are all paying attention to past expenses, none of which are relevant to current decisions, because they do not represent the value of opportunities that will be forgone.

*Will be forgone!* Opportunity costs, the only costs relevant to decisions, in addition to being costs of actions and subjective costs to some particular person or persons, always lie in the future. Teachers of introductory economics can do a great deal to clarify their own and their students’ thinking about costs just by keeping in the foreground these three interrelated aspects of costs.
INTERACTIONS: COORDINATING THE ACTIONS OF ECONOMIZERS

The economizing process is so central to the economic way of thinking that many economists have mistakenly concluded that there is nothing more to it. They seem to suppose that interactions among diverse individuals can also be analyzed and understood as an economizing process, in disregard of the fact that economizing presupposes a unified point of view, which implies a single person in command. If the core problem for economic actions is scarcity, the core problem for economic interactions is a multiplicity of diverse and incommensurable projects. The solution to the scarcity problem is economizing; the solution to the problem of diverse projects is coordination.

“If the core problem for economic actions is scarcity, the core problem for economic interactions is a multiplicity of diverse and incommensurable projects. The solution to the scarcity problem is economizing; the solution to the problem of diverse projects is coordination.”

Our economizing actions occur in societies characterized by extensive specialization. Specialization is a necessary condition for the increases in production that have so increased “the wealth of nations” in recent centuries. But specialization without coordination is the road to chaos, not to wealth. How is it possible for millions of people to pursue the particular projects in which they are interested, on the basis of their own resources and capabilities, in substantial ignorance and disregard of the interests, resources, and capabilities of almost all of the people upon whose cooperation their own projects depend for success? I specialize in writing about economics, which would bring me quickly to the verge of starvation were it not for the cooperation I regularly receive from editors, printers, paper manufacturers, postal employees, bookstores, teachers, and students, not to mention all the farmers, manufacturers, and service workers whose efforts made it possible for editors, printers, paper manufacturers, and all the others to do for me the things I needed done. How do all these activities get coordinated?

That is the “miracle of the market.” One of the economist’s most important tasks is to demythologize this miracle by enabling people to see how and why it occurs. We do that by teaching the process of supply and demand, and by teaching it as a process of continuous, ongoing interaction among suppliers and demanders. This is not an economizing process. Each supplier economizes and each demander economizes, but their interactions cannot appropriately be viewed as an economizing process in which there is something to be maximized, such as wealth or utility. It is an exchange process, and as such it has no maximand. That’s one very good reason for economists to suppress their inclination to pass judgment on market processes, usually by labelling them less or more efficient, and to be content with the sufficiently challenging and important task of explaining how markets work.

MARKETS AND PRICES

“Successful explanations will focus on changing relative prices, because prices provide both the information and the incentives without which coordination could not occur. ... How quickly and smoothly this will occur is going to depend upon, among other things, the clarity with which relevant property rights are defined and enforced.”

Successful explanations will focus on changing relative prices, because prices provide both the information and the incentives without which coordination could not occur. When demanders want more than suppliers have made available, competition among demanders tends to raise the price, which simultaneously induces demanders to get along with less and suppliers to provide more. Competition among suppliers tends to lower the price when suppliers want to offer more than demanders are willing to purchase. How quickly and smoothly this will occur is going to
depend upon, among other things, the clarity with which relevant property rights are defined and enforced.

When governments try to “fix” prices or otherwise to constrain the terms upon which demanders and suppliers may exchange, both sides will search for other margins along which to further their goals. Rent controls, for example, don’t prevent rents from rising in a situation where there is excess demand; the most they do is prevent the monetary component of the cost of renting from rising. When tenants want more space than owners are willing to make available at legal prices, owners and tenants find alternative ways of negotiating the arrangements they prefer. One acquires proficiency in the art of economic thinking largely by learning to recognize the ingenious ways in which market participants overcome obstacles to mutually advantageous exchanges, obstacles created not only by government but also by ignorance and uncertainty. The great variety of techniques that sellers employ in order to practice price discrimination among their customers provides an endless supply of examples that always fascinate my students.

“One acquires proficiency in the art of economic thinking largely by learning to recognize the ingenious ways in which market participants overcome obstacles to mutually advantageous exchanges, obstacles created not only by government but also by ignorance and uncertainty.”

EXPLANATIONS, NOT SOLUTIONS

Skilled practitioners of this art do not so much solve social problems as solve puzzles and mysteries. Social problems don’t have “solutions,” or at least none that can properly be imposed by economists. The subsidies and protections that New Zealand governments once doled out so generously to both agricultural and manufacturing interests had consequences. The economic way of thinking enables one to discern these consequences more clearly and to predict the consequences of alternative policies. Doing so will often clarify the origin of the subsidies and protections, at least for anyone who believes that democratic legislators pay attention to the interests that are paying attention to them. But the economic way of thinking provides no formula for deciding whether the benefits that a policy confers upon one set of people are greater or less than the costs it imposes upon some other set, even when it enables us to assign fairly accurate monetary measures to these costs and benefits.

There are two principal reasons. One is that the value of money itself varies from one person to another, so that while money measures can and do provide a useful way of comparing the costs to some with the benefits to others, they cannot provide an ultimate resolution when interests conflict.

The other principal reason is that some very real costs and benefits slip through the net of the market. Recall the basic assumption of economic theory. All social phenomena emerge from the choices of individuals in response to expected benefits and costs to themselves. When the costs or benefits of actions spill over on to others in such a fashion that the actors do not take them into account in making their decisions, economizing actions are leaving out potentially important data. Economists refer to such spillovers as externalities, and some go on to point to them as evidence of market failure. The latter is a mistake, another instance of economists’ regrettable inclination to pass premature judgment rather than stick to what they do best: explain and predict. The phenomena of externalities offer economists a rich arena in which to practice profitably the economic way of thinking, and there is no good reason for them to declare the whole area off limits to their art by posting the label market failure. Externalities, like all other social phenomena, emerge from interactions that are the product of individuals’ choices, and the economic way of thinking has a great deal to say about their origins and consequences as well as about the probable consequences of changes in the rules of the game that would produce quite different results.

The economic way of thinking remains useful even when we reach what some people think of as the outer boundaries of the market and where the border of government begins. Government measures and institutions are also social phenomena, and as such they are proper grist to the mill of all economists with a courageous faith in the basic assumption.
LEARNING BY DOING

I have found it extremely difficult to discuss such a large topic as the economic way of thinking in such a short space. It ordinarily takes me an entire school term to introduce the economic way of thinking to my students so that it becomes an enduring component of their own thinking. A short piece such as this had to rely on a lot of vague generalities. We teach and learn the economic way of thinking, however, through a multitude of specific applications. That is certainly how I learned it and how I now try to teach it. And as Adam Smith once suggested, there is no better way to learn a subject than by being required to teach it term after term. So go to it, all you teachers of economics. You learn by doing.

Notes

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Further Information

SOURCE


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FURTHER READING

Other works by Paul Heyne (1931-2000) <oll.libertyfund.org/people/4467>.

Subject Area: Economics <oll.libertyfund.org/groups/42>.
PART V: INDIVIDUAL LIBERTY
Richard Overton, "An Arrow against All Tyrants and Tyranny" (October, 1646)

"To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man."

AN ARROW AGAINST ALL TYRANTS

And Tyranny, flot from the Prison of New-gate into the Prerogative Bowels of the Arbitrary House of Lords and all other Uppers and Tyrants Whereunto.

wherein the original, rise, extent, and end of Magis terial powers, the natural and National rights, freedoms and properties of mankind are discovered, and indisputably maintained; the late operations and encroachments the Lords over the Commons legally, by the famous small Laws and Statutes of this Realm, as also by a memorable Extract out of the Records of the Tower of London, concluded. The late Presbyterian Ordinance, invented and conceived by the Diviners, and by the motion of Mr. Bates and Mr. Twen and the House of Commons examined, refined and exploded, as most inhuman, tyrannical and barbarous.

By Richard Overton

Prerogative Arrows to the Arbitrary House of Lords. Their Policies in New-gate, for the just and legal properties and freedoms of the Commons of England. Saved by way of a Letter from Him, to Mr. Henry Martyn, a Member of the House of Commons.

Imprimatur

Richard Overton (1631-1664)
Editor’s Introduction

Richard Overton (c. 1599–1664) is one of the intellectual and political leaders of the Levellers during the English Revolution. Little is known about his early life although he probably graduated from Queens College, Cambridge and worked as an actor before becoming involved in political pamphleteering at which he excelled. He wrote dozens of pamphlets in the early 1640s in which he attacked Catholicism and the Anglican establishment. He may have been imprisoned for debt in 1642 which kept him silent for a while but he returned to the fray with a popular tract "Mans Mortalitie" (1643) in which he argued that man's soul died with him and was not resurrected until Judgement Day. Overton became close friends with William Walwyn and John Lilburne who co-authored many tracts with him.

Gradually his concerns moved from the religious to more political and philosophical matters as he developed more general theories about the equality of all men under the law, the need for Parliament to represent the interests of all citizens, the need to replace the Monarch with a republican form of government, and opposition to the system of class and political privilege which governed the British state. In addition to many individual pamphlets he also wrote editorials for the Leveller weekly journal The Moderate.

As a leader of the Leveller movement he was often singled out and imprisoned in Newgate and The Tower between 1846-47 from which he continued to write and protest, most notable of these is his "An Arrow against all Tryants and Tyrany" written or "fired" (as he put it) from the Newgate prison; and then again in 1649. After Cromwell crushed the Leveller movement in 1649 Overton sought exile in Holland and little is known about his activities after that date.

"An Arrow against all Tryants and Tyrany" is his best known pamphlet and it shows both Overton's satirical and hard-hitting style of writing and the radicalism of his ideas. It begins with a typical long title which neatly summarizes his arguments, contains a mocking and irreverent place of publication in order to deceive the censors, and supporting documents to bolster his case for appeal. It then has an eloquent defence of the idea of the natural rights to liberty and property which all men have, regardless of their station in life, and is followed by two specific grievances against the growing encroachments on liberty by the House of Lords and the Presbyterian clergy, before closing with some veiled threats against what might happen to "England's Bloody Parliament" if these grievances are not remedied.

“AN ARROW AGAINST ALL TYRANTS and Tyrany, shot from the Prison of New-gate into the Prerogative Bowels of the Arbitrary House of Lords, and all other Usurpers and Tyrants Whatsoever.

By RICHARD OVERTON

Prerogative Archer to the Arbitrary House of Lords, Their Prisoner in New-gate, for the just and legal properties rights and freedoms of the Commons of England:

IMPRIMATUR Rectat Justitia.

Printed at the backside of the Cyclopian Mountains, by Martin Claw-Clergy, Printer to the Reverend Assembly of Divines, and are to be sould at the signe of the Subjects Liberty, right opposite to persecuting Court. 1646.”
An Arrow against all Tyrants (1646)46

An Arrow against all Tyrants and Tyrants, shot from the Prison of New-gate into the Prerogative Bowels of the Arbitrary House of Lords, and all other Usurpers and Tyrants

Sir,

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. Mine and thine cannot be, except this be. No man has power over my rights and liberties, and I over no man’s. I may be but an individual, enjoy my self and my self-propriety and may right myself no more than my self, or presume any further; if I do, I am an encroacher and an invader upon another man’s right - to which I have no right. For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and as we are delivered of God by the hand of nature into this world, every one with a natural, innate freedom and propriety - as it were writ in the table of every man’s heart, never to be obliterated - even so are we to live, everyone equally and alike to enjoy his birthright and privilege; even all whereof God by nature has made him free.

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of

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46 Richard Overton, "An Arrow against all Tyants and Tyrany" (October, 1646) in Leveller Tracts vol. 3 (1646) (Liberty Fund, forthcoming).
nature and of the rules of equity and justice between man and man.”

And this by nature everyone’s desire aims at and requires; for no man naturally would be befooled of his liberty by his neighbour’s craft or enslaved by his neighbour’s might. For it is nature’s instinct to preserve itself from all things hurtful and obnoxious; and this in nature is granted of all to be most reasonable, equal and just: not to be rooted out of the kind, even of equal duration with the creature. And from this fountain or root all just human powers take their original - not immediately from God (as kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representatives. For originally God has implanted them in the creature, and from the creature those powers immediately proceed and no further. And no more may be communicated than stands for the better being, weal, or safety thereof. And this is man’s prerogative and no further; so much and no more may be given or received thereof: even so much as is conducent to a better being, more safety and freedom, and no more. He that gives more, sins against his own flesh; and he that takes more is thief and robber to his kind - every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is.

“he that takes more is thief and robber to his kind - every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is.”

And thus sir and no otherwise are you instated into your sovereign capacity for the free people of this nation. For their better being, discipline, government, propriety and safety have each of them communicated so much unto you (their chosen ones) of their natural rights and powers, that you might thereby become their absolute commissioners and lawful deputies. But no more: that by contraction of those their several individual communications conferred upon and united in you, you alone might become their own natural, proper, sovereign power, therewith singly and only empowered for their several weals, safeties and freedoms, and no otherwise. For as by nature no man may abuse, beat, torment, or afflict himself, so by nature no man may give that power to another, seeing he may not do it himself; for no more can be communicated from the general than is included in the particulars whereof the general is compounded.

So that such, so deputed, are to the general no otherwise than as a school-master to a particular - to this or that man’s family. For as such an one’s mastership, ordering and regulating power is but by deputation - and that ad bene placitum and may be removed at the parents’ or headmaster’s pleasure upon neglect or abuse thereof, and be conferred upon another (no parents ever giving such an absolute unlimited power to such over their children as to do to them as they list, and not to be retracted, controlled, or restrained in their exorbitances) - even so and no otherwise is it with you our deputies in respect of the general. It is in vain for you to think you have power over us to save us or destroy us at your pleasure, to do with us as you list, be it for our weal or be it for our woe, and not be enjoined in mercy to the one or questioned in justice for the other. For the edge of your own arguments against the king in this kind may be turned upon yourselves. For if for the safety of the people he might in equity be opposed by you in his tyrannies, oppressions and cruelties, even so may you by the same rule of right reason be opposed by the people in general in the like cases of destruction and ruin by you upon them; for the safety of the people is the sovereign law, to which all must become subject, and for the which all powers human are ordained by them; for tyranny, oppression and cruelty whatsoever, and in whomsoever, is in itself unnatural, illegal, yea absolutely anti-magisterial; for it is even destructive to all human civil society, and therefore resistible.

Now sir, the commons of this nation, having empowered their body representative (whereof you are one) with their own absolute sovereignty, thereby authoritatively and legally to remove from amongst them all oppressions and tyrannies, oppressors and tyrants - how great soever in name, place, or dignity -
and to protect, safeguard and defend them from all such unnatural monsters, vipers and pests, bred of corruption or which are intruded amongst them; and as much as in them lies to prevent all such for the future. And to that end you have been assisted with our lives and fortunes most liberally and freely with most victorious and happy success, whereby your arms are strengthened with our might, that now you may make us all happy within the confines of this nation if you please. And therefore sir, in reason, equity and justice we deserve no less at your hands.

And (sir) let it not seem strange unto you that we are thus bold with you for our own. For by nature we are the sons of Adam, and from him have legitimately derived a natural propriety, right and freedom, which only we require. And how in equity you can deny us we cannot see. It is but the just rights and prerogative of mankind (whereunto the people of England are heirs apparent as well as other nations) which we desire; and sure you will not deny it us, that we may be men and live like men. If you do, it will be as little safe for yourselves and posterity as for us and our posterity.

"For by nature we are the sons of Adam, and from him have legitimately derived a natural propriety, right and freedom, which only we require. And how in equity you can deny us we cannot see. It is but the just rights and prerogative of mankind (whereunto the people of England are heirs apparent as well as other nations) which we desire; and sure you will not deny it us, that we may be men and live like men."

And therefore sir we desire your help for your own sakes as well as for ourselves, chiefly for the removal of two most insufferable evils daily encroaching and increasing upon us, portending and threatening inevitable destruction and confusion of yourselves, of us, and of all our posterities: namely the encroachments and usurpations of the House of Lords over the commons' liberties and freedoms, together with the barbarous, inhuman, blood-thirsty desires and endeavours of the Presbyterian clergy.

For the first, namely the exorbitances of the Lords: they are to such an height aspired, that contrary to all precedents, the free commoners of England are imprisoned, fined and condemned by them (their incompetent, illegal, unequal, improper judges) against the express letter of Magna Carta chapter 29 (so often urged and used): that no free man of England ‘shall be passed upon, tried, or condemned, but by the lawful judgement of his equals, or by the law of the land’, which, as says Sir Edward Coke in his exposition of Magna Carta, p. 28, last line, is ‘per pares, by his peers, that is, by his equals’. And page 46, branches 1, 2 and 5, in these words:

- 1. That no man be taken or imprisoned, but per legem terrae, that is by the common law, statute law, or custom of England. For these words, per legem terrae being towards the end of this chapter, do refer to all the pretended matters in this chapter; and this has the first place, because the liberty of a man’s person is more precious to him than all the rest that follow; and therefore it is great reason that he should by law be relieved therein, if he be wronged, as hereafter shall be showed.
- 2. No man shall be dispossessed, that is, put out of seisin, or dispossessed of his freehold (that is, lands or livelihood) or of his liberties or free customs (that is, of such franchises and freedoms, and free customs, as belong to him by his free birthright) unless it be by the lawful judgement, that is verdict of his equals (that is of men of his own condition) or by the law of the land (that is, to speak it once for all) by the due course and processes of law.
- 3. No man shall be in any sort destroyed unless it be by the verdict of his equals or according to the law of the land.

And, chapter 29 of Magna Carta, it is said, ‘secundum legem et consuetudinem Angliae’ (after the law and custom of England) ‘non regis Angliae’ (not of the king of England) - ‘lest it might be thought to bind the king
only, nec populi Angliae, not the people of England; ‘but that the law might tend to all, it is said, per legem terra, by the law of the land’.

‘Against this ancient and fundamental law, and in the very face thereof’, says Sir Edward Coke, he found an act of the parliament made in the 11 Hen. VII cap. 3:

that as well Justices of the Peace, without any finding or presentment by the verdict of twelve men, upon the bare information for the king before them - should have full power and authority by their discretions to hear and determine all offences and contempts committed or done by any person or persons against the form, ordinance, and effect of any statute made and not repealed. By colour of which act, shaking this fundamental law, it is not credible (says he) what horrible oppressions and exactions - to the undoing of infinite numbers of people - were committed by Sir Richard Empson, Knight, and Edmund Dudley, being Justices of the Peace through England; and upon this unjust and injurious act (as commonly in the like cases it falls out) a new office was erected, and they made Masters of the King’s Forfeitures.

But at the parliament held in 1 Hen. VIII (cap. 6), this Act of Henry VII is recited, made void and repealed; and the reason thereof is yielded: for that by force of the said act it was manifestly known that many sinister, crafty, and forged informations had been pursued against divers of the king’s subjects, to their great damage and unspeakable vexation - a thing most frequent and usual at this day and in these times - the ill success whereof, together with the most fearful end of these great oppressors, should deter others from committing the like and should admonish parliaments in the future, that instead of this ordinary and precious trial per legem terra they bring not in an absolute and partial trial by discretion.

And to this end the judgement upon Simon de Beresford, a commoner, in the fourth year of Edward III’s reign, is an excellent precedent for these times (as is to be seen upon record in the Tower in the second roll of parliament held the same year of the said king and delivered into the Chancery by Henry de Edenston, Clerk of the Parliament) - for that the said Simon de Beresford having counselled, aided and assisted Roger de Mortimer to the murder of the father of the said king, the king commanded the earls and barons in the said parliament assembled to give right and lawful judgement unto the said Simon de Beresford. But the earls, barons and peers came before the lord the king in the same parliament and said with one voice that the aforesaid Simon was not their peer or equal, wherefore they were not bound to judge him as a peer of the land. Yet notwithstanding all this, the earls, barons and peers (being over-swayed by the king) did award and adjudge (as judges of parliament, by the assent of the king in the said parliament) that the said Simon as a traitor and enemy of the realm should be hanged and drawn; and execution accordingly was done. But as by the said roll appears, it was by full parliament condemned and adjudged as illegal, and as a precedent not to be drawn into example. The words of the said roll are these, viz.

And it is assented and agreed by our lord the king and all the grandees in full parliament: that albeit the said peers as judges in full parliament took upon them in presence of our lord the king to make and give the said judgement by the assent of the king upon some of them that were not their peers (to wit commoners) by reason of the power of the liege lord, and destruction of him which was so near of the blood royal and the king’s father; that therefore the said peers which now are, or the peers which shall be for the time to come, be not bound or charged to give judgement upon others than upon their peers, nor shall do it; but of that for ever be discharged and acquitted; and that the aforesaid judgement now given be not drawn into example or consequent for the time to come, by which the said peers may be charged hereafter to judge others than their peers, being against the law of the land, if any such case happen, which God defend.

Agrees with the Record.
William Collet.

But notwithstanding all this our lords in parliament take upon them as judges in parliament to pass judgement and sentence (even of themselves) upon the commoners which are not their peers - and that to fining, imprisonment, etc. And this doth not only
content them, but they even send forth their armed men, and beset, invade, assault their houses and persons in a warlike manner and take what plunder they please, before so much as any of their pretended, illegal warrants be showed - as was lately upon 11 August 1646 perpetrated against me and mine, which was more than the king himself by his legal prerogative ever could do. For neither by verbal commands or commissions under the Great Seal of England could he ever give any lawful authority to any general, captain or person whatsoever, without legal trial and conviction, forcibly to assault, rob, spoil or imprison any of the free commoners of England. And in case any free commoner by such his illegal commissions, orders or warrants, before they be lawfully convicted, should be assaulted, spoiled, plundered, imprisoned, etc., in such cases his agents and ministers ought to be proceeded against, resisted, apprehended, indicted and condemned (notwithstanding such commissions) as trespassers, thieves, burglars, felons, murderers, both by statute and common law, as is enacted and resolved by Magna Carta, cap. 29; 15 Eliz. 3 stat. 1. caps. 1, 2, 3; 42 Eliz. 5 cap. 1, 13; 28 Eliz. 1 Artic. sup. chartas, cap. 2; 4 Eliz. 3 cap. 4; 5 Eliz. 3 cap. 2; 24 Eliz. 3 cap. 1; 2 Rich II cap. 7; 5 Rich. II cap. 5; 1 Hen V cap. 6; 11 Hen II caps. 1-6; 24 Hen. VIII cap. 5; 21 Jacob. cap. 3.

And if the king himself have not this arbitrary power, much less may his peers or companions, the lords, over the free commons of England. And therefore notwithstanding such illegal censures and warrants either of king or of Lords (no legal conviction being made) the persons invaded and assaulted by such open force of arms may lawfully arm themselves, fortify their houses (which are their castles in the judgement of the law) against them; yea, disarm, beat, wound, repress and kill them in their just necessary defence of their own persons, houses, goods, wives and families, and not be guilty of the least offence - as is expressly resolved by the Statute of 21 Edw. de malefactoribus in parcis; by 24 Hen. VIII cap. 5; 11 Hen. VI cap. 16; 14 Hen. VI cap. 24; 35 Hen. VI cap. 12; Edward IV cap. 6.

And therefore (sir) as even by nature and by the law of the land I was bound, I denied subjection to these lords and their arbitrary creatures thus by open force invading and assaulting my house, person, etc. - no legal conviction preceding, or warrant then shown. But and if they had brought and shown a thousand such warrants, they had all been illegal, antimagisterial and void in this case; for they have no legal power in that kind, no more than the king, but such their actions are utterly condemned and expressly forbidden by the law. Why therefore should you of the representative body sit still and suffer these lords thus to devour both us and our laws?

Be awakened, arise and consider their oppressions and encroachments and stop their lordships in their ambitious career. For they do not cease only here, but they soar higher and higher and now they are become arrogators to themselves of the natural sovereignty the represented have conveyed and issued to their proper representers. They even challenge to themselves the title of the supremest court of judicature in the land - as was claimed by the Lord Hunsden when I was before them, which you may see more at large in a printed letter published under my name, entitled A defiance against all arbitrary usurpations - which challenge of his (I think I may be bold to assert) was a most illegal, anti-parliamentary, audacious presumption, and might better be pleaded and challenged by the king singly than by all those lords in a distinction from the Commons. But it is more than may be granted to the king himself; for the parliament, and the whole kingdom whom it represents, is truly and properly the highest supreme power of all others - yea above the king himself.

And therefore much more above the Lords. For they can question, cancel, disannul and utterly revoke the king’s own royal charters, writs, commissions, patents, etc., though ratified with the Great Seal - even
against his personal will, as is evident by their late abrogation of sundry patents, commissions, writs, charters, loan, ship-money etc. Yea the body representative have power to enlarge or retract the very prerogative of the king, as the Statute de prerog. Reg and the parliament roll of 1 Hen. IV, num. 18. doth evidence; and therefore their power is larger and higher than the king’s; and if above the king’s, much more above the Lords’, who are subordinate to the king. And if the king’s writs, charters, etc. which entrench upon the weal of the people may be abrogated, nulled and made void by the parliament - the representative body of the land - and his very prerogatives bounded, restrained and limited by them, much more may the orders, warrants, commitments etc. of the Lords, with their usurped prerogatives over the Commons and people of England be restrained, nulled and made void by them. And therefore these lords must needs be inferior to them.

Further, the legislative power is not in the king himself but only in the kingdom and body representative, who has power to make or to abrogate laws, statutes etc. even without the king’s consent. For by law he has not a negative voice either in making or reversing, but by his own coronation oath he is sworn to ‘grant, fulfil, and defend all rightful laws, which the commons of the realm shall choose, and to strengthen and maintain them after his power’; by which clause of the oath is evident that the Commons (not the king or Lords) have power to choose what laws themselves shall judge meetest, and thereto of necessity the king must assent. And this is evident by most of our former kings and parliaments, and especially by the reigns of the Edwards I to IV, Richard II and the Henrys IV to VI. So that it cannot be denied that the king is subordinate and inferior to the whole kingdom and body representative. Therefore if the king, much more must the lords veil their bonnets to the Commons and may not be esteemed the Upper House, or supreme court of judicature of the land.

So that seeing the sovereign power is not originally in the king, or personally terminated in him, then the king at most can be but chief officer or supreme executioner of the laws, under whom all other legal executioners, their several executions, functions and offices are subordinate. Therefore the sovereign power, extending no further than from the represented to the representers - all this kind of sovereignty challenged by any (whether of king, Lords or others) is usurpation, illegitimate and illegal, and none of the kingdom’s or people’s. Neither are the people thereto obliged. Thus (sir) seeing the sovereign or legislative power is only from the represented to the representers, and cannot possibly further extend, the power of the king cannot be legislative but only executive, and he can communicate no more than he has himself. And the sovereign power not being inherent in him, it cannot be conveyed by or derived from him to any; for could he, he would have carried it away with him when he left the parliament. So that his mere prerogative creatures cannot have that which their lord and creator never had, has, or can have: namely, the legislative power. For it is a standing rule in nature, omne simile generas simile: every like begets its like.

And indeed they are as like him as if they were spit out of his mouth. For their proper station will not content them, but they must make incursions and inroads upon the people’s rights and freedoms and extend their prerogative patent beyond their master’s compass. Indeed all other courts might as well
challenge that prerogative of sovereignty, yea better, than this court of lords. But and if any court or courts in this kingdom should arrogate to themselves that dignity to be the supreme court of judicatory of the land, it would be judged no less than high treason, to wit, for an inferior subordinate power to advance and exalt itself above the power of the parliament.

And (sir) the oppressions, usurpations, and miseries from this prerogative head are not the sole cause of our grievance and complaint, but in especial, the most unnatural, tyrannical, blood-thirsty desires and continual endeavours of the clergy against the contrary-minded in matters of conscience - which have been so veiled, gilded and covered over with such various, fair and specious pretences that by the common discernings such wolfish, cannibal, inhuman intents against their neighbours, kindred, friends and countrymen, as is now clearly discovered was little suspected (and less deserved) at their hands. But now I suppose they will scarce hereafter be so hard of belief.

For now in plain terms and with open face, the clergy here discover themselves in their kind, and show plainly that inwardly they are no other but ravening wolves, even as roaring lions wanting their prey, going up and down, seeking whom they may devour.

For (sir) it seems these cruel minded men to their brethren, have, by the powerful agitation of Mr Tate and Mr Bacon (two members of the House) procured a most Romish inquisition ordinance to obtain an admission into the House, there to be twice read, and to be referred to a committee, which is of such a nature, if it should be but confirmed, enacted and established, as would draw all the innocent blood of the saints from righteous Abel unto this present upon this nation and fill the land with more martyrdoms, prisons, their fire and faggot, their gallows and halters, Amen. Then needed they not to have feared their soldiers their arrears. If it be, the Independents are like to have the best share, let them take that for their comfort. But I believe there was more tithe-providence than state-thrift in the matter; for if the Independents, Anabaptists, and Brownists were but sincerely addicted to the due payment of tithes, it would be better to them in this case than two-subsidymen to acquit them of felony.

For were it not for the loss of their trade and spoiling their custom, an Anabaptist, Brownist, Independent and presbyter were all one to them; then might they without doubt have the mercy of the clergy; then would they not have been entered into their Spanish Inquisition Calendar for absolute felons, or need they have feared the popish soul-murdering, antiChristian Oath of Abjuration, or branding in the left cheek with the letter B - the new Presbyterian mark of the beast: for you see the devil is now again entered amongst us in a new shape, not like an angel of light (as both he and his servants can transform themselves when they please) but even in the shape of the letter B. From the power of which Presbyterian Beelzebub, good Lord deliver us all and let all the people say Amen. Then needed they not to have feared their prisons, their fire and faggot, their gallows and halters, etc. (the strongest texts in all the Presbyterian new model of clergy divinity for the maintenance and reverence of their cloth, and confutation of errors). For he that doth but so much as question that priest-fattening ordinance for tithes, obliterations, obventions, etc. doth flatly deny the fundamentals of presbyters, for it was the first stone they lay in their building; and the second stone was the prohibition of all to teach God’s word but themselves - and so are ipso facto all felons etc.

By this (sir) you may see what bloody-minded men those of the black presbytery be: what little love, patience, meekness, longsuffering and forbearance they
have to their brethren. Neither do they as they would
be done to or do to others as is done to them. For they
would not be so served themselves of the
Independents, neither have the Independents ever
sought or desired any such things upon them, but
would bear with them in all brotherly love if they
would be but contented to live peaceably and
neighbourly by them, and not thus to brand, hang,
judge and condemn all for felons that are not like
themselves. Sure (sir) you cannot take this murdering,
bleeding, disposition of theirs for the spirit of
Christianity; for Christian charity ‘suffers long, is kind,
envieth not, exalteth not itself, seeketh not its own, is
not easily provoked, thinketh no evil; beareth all things,
believeth all things, hopeth all things, endureth all
things’. But these their desires and endeavours are
directly contrary.

“Therefore (sir) if you should suffer this
bloody inroad of martyrdom, cruelties
and tyrannies upon the free commoners
of England with whose weal you are
betrusted; if you should be so inhumane,
undutiful, yea and unnatural unto us,
our innocent blood will be upon you, and
all the blood of the righteous that shall be
shed by this ordinance, and you will be
branded to future generations for
England’s Bloody Parliament.”

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inroad of martyrdom, cruelties and tyrannies upon the
free commoners of England with whose weal you are
betrusted; if you should be so inhumane, undutiful, yea
and unnatural unto us, our innocent blood will be upon
you, and all the blood of the righteous that shall be
shed by this ordinance, and you will be branded to

If you will not think upon us, think upon your
posterities. For I cannot suppose that any one of you
would have your children hanged in case they should
prove Independents, Anabaptists, Brownists - I cannot
judge you so unnatural and inhumane to your own
children. Therefore (sir) if for our own sakes we shall
not be protected, save us for your children’s sakes
(though you think yourselves secure). For ye may be
assured their and our interest is interwoven in one; if
we perish, they must not think to escape. And (sir)
consider that the cruelties, tyrannies and martyrdoms
of the papal and episcopal clergy was one of the
greatest instigations to this most unnatural war; and
think you, if you settle a worse foundation of cruelty,
that future generations will not taste of the dregs of
that bitter cup?

Therefore now step in or never, and discharge your
duties to God and to us and tell us no longer that ‘such
motions are not yet seasonable’ and we must still wait;
for have we not waited on your pleasures many fair
seasons and precious occasions and opportunities these
six years, even till the halters are ready to be tied to the
gallows, and now must we hold our peace and wait till
we be all imprisoned, hanged, burnt and confounded?
Blame us not (sir) if we complain against you -
speak, write and plead thus - with might and main for
our lives, laws and liberties; for they are our earthly
sumnum bonum, wherewith you are chiefly betrusted,
and whereof we desire a faithful discharge at your
hands in especial. Therefore be not you the men that
shall betray the blood of us and our posterities into the
hands of those bloody black executioners. For God is
just and will avenge our blood at your hands. And let
heaven and earth bear witness against you, that for this
end, that we might be preserved and restored, we have
discharged our duties to you - both of love, fidelity and
assistance and in what else ye could demand or devise
in all your several needs, necessities and extremities -
not thinking our lives, estates, nor anything too
precious to sacrifice for you and the kingdom’s safety.
And shall we now be thus unfaithfully, undutifully and
ungratefully rewarded? For shame. Let never such
things be spoken, far less recorded, to future
generations.

Thus sir, I have so far emboldened myself with
you, hoping you will let grievances be uttered (that if
God see it good they may be redressed), and give losers
leave to speak without offence as I am forced to at this
time, not only in the discharge of my duty to myself in
particular but to yourselves and to our whole country
in general for the present and for our several posterities
for the future. And the Lord give you grace to take this
timely advice from so mean and unworthy an instrument.

One thing more (sir) I shall be bold to crave at your hands: that you would be pleased to present my appeal, here enclosed, to your honourable House. Perchance the manner of it may beget a disaffection in you or at least a suspicion of disfavour from the House. But howsoever I beseech you that you would make presentation thereof, and if any hazard and danger ensue let it fall upon me; for I have cast up mine accounts. I know the most that it can cost me is but the dissolution of this fading mortality, which once must be dissolved; but after - blessed be God - comes righteous judgement.

Thus (sir) hoping my earnest and fervent desires after the universal freedoms and properties of this nation in general, and especially of the most godly and faithful in their consciences, persons and estates, will be a sufficient excuse with you for this my tedious presumption upon your patience, I shall commit the premises to your deliberate thoughts - and the issue thereof unto God, expecting and praying for His blessing upon all your faithful and honest endeavours in the prosecution thereof. And rest,

From the most contemptuous gaol of Newgate (the Lords’ benediction)

In bonds for the just rights and freedoms of the commons of England, theirs and your faithful friend and servant, Richard Overton

25 September 1646
- with due reparations of all such damages to sustained, 
or else that he may undergo what penalty shall in equity 
by the impartial severity of the law be adjudged against 
him by this honourable House in case by them he shall 
be legally found a transgressor herein.

And your petitioner (as in duty bound) shall ever 
pray, etc.

Die martis 11 Augusti, 1646

It is this day ordered by the Lords in parliament 
assembled, that Overton, brought before a committee 
of this House for printing scandalous things against this 
House, is hereby committed to the prison of Newgate 
for his high contempt offer’d to this House and to the 
said committee by his contemptuous words and 
gesture, and refusing to answer unto the Speaker: And 
that the said Overton shall be kept in safe custody by 
the Keeper of Newgate or his deputy until the pleasure 
of the House be further signified.

To the Gentleman Usher attending this House, or 
his deputy, to be delivered to the Keeper of Newgate or 
his deputy.

John Brown Cleric. Parl. Examinat. per Ra. Brisco 
Clericu. de Newgate

Postscript

Sir,

Your unseasonable absence from the House, 
chiefly while Mistress Lilburne’s petition should have 
been read (you having a report to make in her 
husband’s behalf) whereby the hearing thereof was 
defered and retarded did possess my mind with strong 
jealousies and fears of you that you either preferred 
your own pleasure or private interest before the 
exection of justice and judgement, or else withdrew 
yourself on set purpose (through the strong instigation 
of the Lords) to evade the discharge of your trust to 
God and to your country. But at your return, 
understanding that you honestly and faithfully did 
redeem your absent time, I was dispossessed of those 
fears and jealousies. So that for my over-hasty 
censorious esteem of you I humbly crave your excuse, 
hoping you will rather impute it to the fervency of my 
faithful zeal to the common good than to any 
malignant disposition or disaffection in me towards 
you. Yet (sir) in this my suspicion I was not single, for it 
was even become a general surmise.

Wherefore (sir) for the awarding your innocency 
for the future from the tincture of such unjust and 
calumnious suspicions, be you diligent and faithful, 
instant in season and out of season; omit no 
opportunity (though with never so much hazard to 
your person, estate or family) to discharge the great 
trust in you reposed, with the rest of your fellow 
members, for the redemption of your native country 
from the arbitrary domination and usurpations, either 
of the House of Lords or any other.

And since by the divine providence of God it has 
pleased that honourable assembly whereof you are a 
member to select and sever you out from amongst 
themselves to be of that committee which they have 
designed to receive the commoners’ complaints against 
the House of Lords granted upon the foresaid most 
honourable petition, be you therefore impartial and 
just, active and resolute, care neither for favours nor 
smiles, and be no respecter of persons. Let not the 
greatest peers in the land be more respected with you 
than so many old bellows-menders, broom-men, 
cobblers, tinkers, or chimney-sweepers, who are all 
equally freeborn with the hugest men and loftiest 
Anakims in the land. Do nothing for favour of the one 
or fear of the other. And have a care of the temporary 
sagacity of the new sect of opportunity politicians, 
whereof we have got at least two or three too many. For 
delays and demurrers of justice are of more deceitful 
and dangerous consequence than the flat and open 
denial of its execution; for the one keeps in suspense, 
makes negligent and remiss, the other provokes to 
speedy defence, makes active and resolute. Therefore 
be wise, quick, stout and impartial: neither spare, 
favour, or connive at friend or foe, high or low, rich or 
poor, lord or commoner.

And let even the saying of the Lord, with which I 
will close this present discourse, close with your heart 
and be with you to the death. Leviticus 19:15.

‘Ye shall do no unrighteousness in judgement: thou shall not 
respect the person of the poor, nor honour the person of the mighty, 
but in righteouness shall thou judge thy neighbour.’

12 October 1646

FINIS
Further Information

SOURCE

The edition used for this extract: from *Leveller Tracts* vol. 3 (1646) (Liberty Fund, forthcoming).
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FURTHER READING

Other works from the School of Thought: The Levellers <oll.libertyfund.org/groups/139>.
Topic: The English Revolution <oll.libertyfund.org/groups/68>.
“No man during, either the whole of his life, or that of any considerable part of it, ever trod steadily and uniformly in the paths of prudence, of justice, or of proper beneficence, whose conduct was not principally directed by a regard to the sentiments of the supposed impartial spectator, of the great inmate of the breast, the great judge and arbiter of conduct.”
Editor’s Introduction

Adam Smith (1723-1790) is commonly regarded as the first modern economist with the publication in 1776 of *The Wealth of Nations*. He wrote in a wide range of disciplines: moral philosophy, jurisprudence, rhetoric and literature, and the history of science. He was one of the leading figures in the Scottish Enlightenment. Smith also studied the social forces giving rise to competition, trade, and markets. While professor of logic, and later professor of moral philosophy at Glasgow University, he also had the opportunity to travel to France, where he met François Quesnay and the physiocrats; he had friends in business and the government, and drew broadly on his observations of life as well as careful statistical work summarizing his findings in tabular form. He is viewed as the founder of modern economic thought, and his work inspires economists to this day.

The relationship between the views Smith expressed in *The Theory of Moral Sentiments* (1759), a work of moral philosophy, and those in *The Wealth of Nations* (1776), a work of political economy, has troubled historians for a long time. Perhaps one way to reconcile the two works is to recognize the role played in both books by the harmonious relationships which evolve in society as a result of both the self-interest of individuals and by feedback mechanisms which influence their behaviour. It is no coincidence that the phrase “invisible hand,” the term used by Smith to describe the unintended harmonious effects of social and economic interaction, occurs once in both books.

Here, in a section on the nature of virtue, Smith discusses prudence, justice, and beneficence. He notes that although they are an integral part of human nature their emergence is either stimulated or retarded by the kinds of societies in which human beings live. One of his memorable arguments is that within every person’s breast there resides an “impartial spectator, the man within the breast” who reminds us at the end of the day what our duty to ourselves and to others is.

Smith concludes that in a free, prosperous, commercial society these virtues will flourish. The danger comes from highly regulated societies in which the arrogant “man of system” attempts to plan and regulate society as if it were some giant “chess-board” where men and women were no more that carved chess pieces controlled by his very visible hand.

“In our approbation of the character of the prudent man, we feel, with peculiar complacency, the security which he must enjoy while he walks under the safeguard of that sedate and deliberate virtue. In our approbation of the character of the just man, we feel, with equal complacency, the security which all those connected with him, whether in neighbourhood, society, or business, must derive from his scrupulous anxiety never either to hurt or offend. In our approbation of the character of the beneficent man, we enter into the gratitude of all those who are within the sphere of his good offices, and conceive with them the highest sense of his merit.”
“Of the Character of Virtue” (1759)\(^{47}\)

PART VI. OF THE CHARACTER OF VIRTUE CONSISTING OF THREE SECTIONS

INTRODUCTION

§1. When we consider the character of any individual, we naturally view it under two different aspects; first, as it may affect his own happiness; and secondly, as it may affect that of other people.

SECTION I. OF THE CHARACTER OF THE INDIVIDUAL, SO FAR AS IT AFFECTS HIS OWN HAPPINESS; OR OF PRUDENCE

§1. The preservation and healthful state of the body seem to be the objects which Nature first recommends to the care of every individual. The appetites of hunger and thirst, the agreeable or disagreeable sensations of pleasure and pain, of heat and cold, etc. may be considered as lessons delivered by the voice of Nature herself, directing him what he ought to choose, and what he ought to avoid, for this purpose. The first lessons which he is taught by those to whom his childhood is entrusted, tend, the greater part of them, to the same purpose. Their principal object is to teach him how to keep out of harm’s way.

§2. As he grows up, he soon learns that some care and foresight are necessary for providing the means of gratifying those natural appetites, of procuring pleasure and avoiding pain, of procuring the agreeable and avoiding the disagreeable temperature of heat and cold. In the proper direction of this care and foresight consists the art of preserving and increasing what is called his external fortune.

§3. Though it is in order to supply the necessities and conveniencies of the body, that the advantages of external fortune are originally recommended to us, yet we cannot live long in the world without perceiving that the respect of our equals, our credit and rank in the society we live in, depend very much upon the degree in which we possess, or are supposed to possess, those advantages. The desire of becoming the proper objects of this respect, of deserving and obtaining this credit and rank among our equals, is, perhaps, the strongest of all our desires, and our anxiety to obtain the advantages of fortune is accordingly much more excited and irritated by this desire, than by that of supplying all the necessities and conveniencies of the body, which are always very easily supplied.

§4. Our rank and credit among our equals, too, depend very much upon, what, perhaps, a virtuous man would wish them to depend entirely, our character and conduct, or upon the confidence, esteem, and good-will, which these naturally excite in the people we live with.

§5. The care of the health, of the fortune, of the rank and reputation of the individual, the objects upon which his comfort and happiness in this life are supposed principally to depend, is considered as the proper business of that virtue which is commonly called Prudence.

§6. We suffer more, it has already been observed, \([1]\) when we fall from a better to a worse situation, than we ever enjoy when we rise from a worse to a better. Security, therefore, is the first and the principal object of prudence. It is averse to expose our health, our fortune, our rank, or reputation, to any sort of hazard. It is rather cautious than enterprising, and more anxious to preserve the advantages which we already possess, than forward to prompt us to the acquisition of still greater advantages. The methods of improving our fortune, which it principally recommends to us, are those which expose to no loss or hazard; real knowledge and skill in our trade or profession, assiduity and industry in the exercise of it, frugality, and even some degree of parsimony, in all our expences.

§7. The prudent man always studies seriously and earnestly to understand whatever he professes to understand, and not merely to persuade other people that he understands it; and though his talents may not always be very brilliant, they are always perfectly genuine. He neither endeavours to impose upon you by the cunning devices of an artful impostor, nor by the arrogant airs of an assuming pedant, nor by the

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confident assertions of a superficial and imprudent pretender. He is not ostentatious even of the abilities which he really possesses. His conversation is simple and modest, and he is averse to all the quackish arts by which other people so frequently thrust themselves into public notice and reputation. For reputation in his profession he is naturally disposed to rely a good deal upon the solidity of his knowledge and abilities; and he does not always think of cultivating the favour of those little clubs and cabals, who, in the superior arts and sciences, so often erect themselves into the supreme judges of merit; and who make it their business to celebrate the talents and virtues of one another, and to decry whatever can come into competition with them. If he ever connects himself with any society of this kind, it is merely in self–defence, not with a view to impose upon the public, but to hinder the public from being imposed upon, to his disadvantage, by the clamours, the whispers, or the intrigues, either of that particular society, or of some other of the same kind.

“The prudent man is averse to all the quackish arts by which other people so frequently thrust themselves into public notice and reputation... he does not always think of cultivating the favour of those little clubs and cabals, who, in the superior arts and sciences, so often erect themselves into the supreme judges of merit; and who make it their business to celebrate the talents and virtues of one another, and to decry whatever can come into competition with them.”

§8. The prudent man is always sincere, and feels horror at the very thought of exposing himself to the disgrace which attends upon the detection of falsehood. But though always sincere, he is not always frank and open; and though he never tells any thing but the truth, he does not always think himself bound, when not properly called upon, to tell the whole truth. As he is cautious in his actions, so he is reserved in his speech; and never rashly or unnecessarily obstructs his opinion concerning either things or persons.

§9. The prudent man, though not always distinguished by the most exquisite sensibility, is always very capable of friendship. But his friendship is not that ardent and passionate, but too often transitory affection, which appears so delicious to the generosity of youth and inexperience. It is a sedate, but steady and faithful attachment to a few well–tried and well–chosen companions; in the choice of whom he is not guided by the giddy admiration of shining accomplishments, but by the sober esteem of modesty, discretion, and good conduct. But though capable of friendship, he is not always much disposed to general sociality. He rarely frequents, and more rarely figures in those convivial societies which are distinguished for the jollity and gaiety of their conversation. Their way of life might too often interfere with the regularity of his temperance, might interrupt the steadiness of his industry, or break in upon the strictness of his frugality.

§10. But though his conversation may not always be very sprightly or diverting, it is always perfectly inoffensive. He hates the thought of being guilty of any petulance or rudeness. He never assumes impertinently over any body, and, upon all common occasions, is willing to place himself rather below than above his equals. Both in his conduct and conversation, he is an exact observer of decency, and respects with an almost religious scrupulosity, all the established decorums and ceremonials of society. And, in this respect, he sets a much better example than has frequently been done by men of much more splendid talents and virtues; who, in all ages, from that of Socrates and Aristippus,[2] down to that of Dr. Swift and Voltaire, and from that of Philip and Alexander the Great, down to that of the great Czar Peter of Moscovy, have too often distinguished themselves by the most improper and even insolent contempt of all the ordinary decorums of life and conversation, and who have thereby set the most pernicious example to those who wish to resemble them, and who too often content themselves with imitating their follies, without even attempting to attain their perfections.

§11. In the steadiness of his industry and frugality, in his steadily sacrificing the ease and enjoyment of the present moment for the probable expectation of the still greater ease and enjoyment of a more distant but more lasting period of time, the prudent man is always both supported and rewarded by the entire
approbation of the impartial spectator, and of the
representative of the impartial spectator, the man
within the breast. The impartial spectator does not feel
himself worn out by the present labour of those whose
conduct he surveys; nor does he feel himself solicited
by the importunate calls of their present appetites. To
him their present, and what is likely to be their future
situation, are very nearly the same: he sees them nearly
at the same distance, and is affected by them very
nearly in the same manner. He knows, however, that to
the persons principally concerned, they are very far
from being the same, and that they naturally affect them
in a very different manner. He cannot therefore but
approve, and even applaud, that proper exertion of
self-command, which enables them to act as if their
present and their future situation affected them nearly
in the same manner in which they affect him.

§12. The man who lives within his income, is
naturally contented with his situation, which, by
continual, though small accumulations, is growing
better and better every day. He is enabled gradually to
relax, both in the rigour of his parsimony and in the
severity of his application; and he feels with double
satisfaction this gradual increase of ease and
enjoyment, from having felt before the hardship which
attended the want of them. He has no anxiety to
change so comfortable a situation, and does not go in
quest of new enterprises and adventures, which might
endanger, but could not well increase, the secure
tranquillity which he actually enjoys. If he enters into
any new projects or enterprises, they are likely to be
well concerted and well prepared. He can never be
hurried or drove into them by any necessity, but has
always time and leisure to deliberate soberly and coolly
concerning what are likely to be their consequences.

§13. The prudent man is not willing to subject
himself to any responsibility which his duty does not impose upon him. He is not a bustler in business
where he has no concern; is not a meddler in other people’s affairs; is not a professed counsellor or adviser, who
obtrudes his advice where nobody is asking it. He confines himself, as much as his duty will permit, to his own
affairs, and has no taste for that foolish importance which many people wish to derive from appearing to have some
influence in the management of those of other people.

§14. Prudence, in short, when directed merely to
the care of the health, of the fortune, and of the rank
and reputation of the individual, though it is regarded
as a most respectable and even, in some degree, as an
amiable and agreeable quality, yet it never is considered
as one, either of the most endearing, or of the most
ennobling of the virtues. It commands a certain cold
esteem, but seems not entitled to any very ardent love
or admiration.

§15. Wise and judicious conduct, when directed to
greater and nobler purposes than the care of the health,
the fortune, the rank and reputation of the individual, is frequently and very properly called

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affairs, and has no taste for that foolish
importance which many people wish to
derive from appearing to have some
influence in the management of those of
other people.”

prudence. We talk of the prudence of the great general, of the great statesman, of the great legislator. Prudence is, in all these cases, combined with many greater and more splendid virtues, with valour, with extensive and strong benevolence, with a sacred regard to the rules of justice, and all these supported by a proper degree of self-command. This superior prudence, when carried to the highest degree of perfection, necessarily supposes the art, the talent, and the habit or disposition of acting with the most perfect propriety in every possible circumstance and situation. It necessarily supposes the utmost perfection of all the intellectual and of all the moral virtues. It is the best head joined to the best heart. It is the most perfect wisdom combined with the most perfect virtue. It constitutes very nearly the character of the Academical or Peripatetic[3] sage, as the inferior prudence does that of the Epicurean.

“The violence and injustice of great conquerors are often regarded with foolish wonder and admiration; those of petty thieves, robbers, and murderers, with contempt, hatred, and even horror upon all occasions. The former, though they are a hundred times more mischievous and destructive, yet when successful, they often pass for deeds of the most heroic magnanimity. The latter are always viewed with hatred and aversion, as the follies, as well as the crimes, of the lowest and most worthless of mankind.”

§16. Mere imprudence, or the mere want of the capacity to take care of one’s-self, is, with the generous and humane, the object of compassion; with those of less delicate sentiments, of neglect, or, at worst, of contempt, but never of hatred or indignation. When combined with other vices, however, it aggravates in the highest degree the infamy and disgrace which would otherwise attend them. The artful knave, whose dexterity and address exempt him, though not from strong suspicions, yet from punishment or distinct detection, is too often received in the world with an indulgence which he by no means deserves. The awkward and foolish one, who, for want of this dexterity and address, is convicted and brought to punishment, is the object of universal hatred, contempt, and derision. In countries where great crimes frequently pass unpunished, the most atrocious actions become almost familiar, and cease to impress the people with that horror which is universally felt in countries where an exact administration of justice takes place. The injustice is the same in both countries; but the imprudence is often very different. In the latter, great crimes are evidently great follies. In the former, they are not always considered as such. In Italy, during the greater part of the sixteenth century, assassinations, murders, and even murders under trust, seem to have been almost familiar among the superior ranks of people. Caesar Borgia invited four of the little princes in his neighbourhood, who all possessed little sovereignties, and commanded little armies of their own, to a friendly conference at Senigaglia, where, as soon as they arrived, he put them all to death.[4] This infamous action, though certainly not approved of even in that age of crimes, seems to have contributed very little to the discredit, and not in the least to the ruin of the perpetrator. That ruin happened a few years after from causes altogether disconnected with this crime. Machiavel, not indeed a man of the nicest morality even for his own times, was resident, as minister from the republic of Florence, at the court of Caesar Borgia when this crime was committed. He gives a very particular account of it,[5] and in that pure, elegant, and simple language which distinguishes all his writings. He talks of it very coolly; is pleased with the address with which Caesar Borgia conducted it; has much contempt for the dupery and weakness of the sufferers; but no compassion for their miserable and untimely death, and no sort of indignation at the cruelty and falsehood of their murderer. The violence and injustice of great conquerors are often regarded with foolish wonder and admiration; those of petty thieves, robbers, and murderers, with contempt, hatred, and even horror upon all occasions. The former, though they are a hundred times more mischievous and destructive, yet when successful, they often pass for
deeds of the most heroic magnanimity. The latter are always viewed with hatred and aversion, as the follies, as well as the crimes, of the lowest and most worthless of mankind. The injustice of the former is certainly, at least, as great as that of the latter; but the folly and imprudence are not near so great. A wicked and worthless man of parts often goes through the world with much more credit than he deserves. A wicked and worthless fool appears always, of all mortals, the most hateful, as well as the most contemptible. As prudence combined with other virtues, constitutes the noblest; so imprudence combined with other vices, constitutes the vilest of all characters.

SECTION II. OF THE CHARACTER OF THE INDIVIDUAL, SO FAR AS IT CAN AFFECT THE HAPPINESS OF OTHER PEOPLE

INTRODUCTION

§1. The character of every individual, so far as it can affect the happiness of other people, must do so by its disposition either to hurt or to benefit them.

§2. Proper resentment for injustice attempted, or actually committed, is the only motive which, in the eyes of the impartial spectator, can justify our hurting or disturbing in any respect the happiness of our neighbour. To do so from any other motive is itself a violation of the laws of justice, which force ought to be employed either to restrain or to punish. The wisdom of every state or commonwealth endeavours, as well as it can, to employ the force of the society to restrain those who are subject to its authority, from hurting or disturbing the happiness of one another. The rules which it establishes for this purpose, constitute the civil and criminal law of each particular state or country. The principles upon which those rules either are, or ought to be founded, are the subject of a particular science, of all sciences by far the most important, but hitherto, perhaps, the least cultivated, that of natural jurisprudence; concerning which it belongs not to our present subject to enter into any detail. A sacred and religious regard not to hurt or disturb in any respect the happiness of our neighbour, even in those cases where no law can properly protect him, constitutes the character of the perfectly innocent and just man.

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§3. The same unerring wisdom, it will be found, which regulates every other part of her conduct, directs, in this respect too, the order of her recommendations; which are always stronger or weaker in proportion as our beneficence is more or less necessary, or can be more or less useful.

CHAP. I. OF THE ORDER IN WHICH INDIVIDUALS ARE RECOMMENDED BY NATURE TO OUR CARE AND ATTENTION

§1. Every man, as the Stoics used to say, is first and principally recommended to his own care; and every
man is certainly, in every respect, fitter and able to take care of himself than of any other person. Every man feels his own pleasures and his own pains more sensibly than those of other people. The former are the original sensations; the latter the reflected or sympathetic images of those sensations. The former may be said to be the substance; the latter the shadow.

§2. After himself, the members of his own family, those who usually live in the same house with him, his parents, his children, his brothers and sisters, are naturally the objects of his warmest affections. They are naturally and usually the persons upon whose happiness or misery his conduct must have the greatest influence. He is more habituated to sympathize with them. He knows better how every thing is likely to affect them, and his sympathy with them is more precise and determinate, than it can be with the greater part of other people. It approaches nearer, in short, to what he feels for himself.

§3. This sympathy too, and the affections which are founded on it, are by nature more strongly directed towards his children than towards his parents, and his tenderness for the former seems generally a more active principle, than his reverence and gratitude towards the latter. In the natural state of things, it has already been observed,[1] the existence of the child, for some time after it comes into the world, depends altogether upon the care of the parent; that of the parent does not naturally depend upon the care of the child. In the eye of nature, it would seem, a child is a more important object than an old man; and excites a much more lively, as well as a much more universal sympathy. It ought to do so. Every thing may be expected, or at least hoped, from the child. In ordinary cases, very little can be either expected or hoped from the old man. The weakness of childhood interests the affections of the most brutal and hard-hearted. It is only to the virtuous and humane, that the infirmities of old age are not the objects of contempt and aversion. In ordinary cases, an old man dies without being much regretted by any body. Scarce a child can die without rending asunder the heart of somebody.

§4. The earliest friendships, the friendships which are naturally contracted when the heart is most susceptible of that feeling, are those among brothers and sisters. Their good agreement, while they remain in the same family, is necessary for its tranquillity and happiness. They are capable of giving more pleasure or pain to one another than to the greater part of other people. Their situation renders their mutual sympathy of the utmost importance to their common happiness; and, by the wisdom of nature, the same situation, by obliging them to accommodate to one another, renders that sympathy more habitual, and thereby more lively, more distinct, and more determinate.

§5. The children of brothers and sisters are naturally connected by the friendship which, after separating into different families, continues to take place between their parents. Their good agreement improves the enjoyment of that friendship; their discord would disturb it. As they seldom live in the same family, however, though of more importance to one another, than to the greater part of other people, they are of much less than brothers and sisters. As their mutual sympathy is less necessary, so it is less habitual, and therefore proportionably weaker.

§6. The children of cousins, being still less connected, are of still less importance to one another; and the affection gradually diminishes as the relation grows more and more remote.

§7. What is called affection, is in reality nothing but habitual sympathy. Our concern in the happiness or misery of those who are the objects of what we call our affections; our desire to promote the one, and to prevent the other; are either the actual feeling of that habitual sympathy, or the necessary consequences of that feeling. Relations being usually placed in situations which naturally create this habitual sympathy, it is expected that a suitable degree of affection should take place among them. We generally find that it actually does take place; we therefore naturally expect that it should; and we are, upon that account, more shocked when, upon any occasion, we find that it does not. The general rule is established, that persons related to one another in a certain degree, ought always to be affected towards one another in a certain manner, and that there is always the highest impropriety, and sometimes even a sort of impiety in their being affected in a different manner. A parent without parental tenderness, a child devoid of all filial reverence, appear monsters, the objects, not of hatred only, but of horror.

§8. Though in a particular instance, the circumstances which usually produce those natural affections, as they are called, may, by some accident, not have taken place, yet respect for the general rule will frequently, in some measure, supply their place, and produce something which, though not altogether the same, may bear, however, a very considerable
resemblance to those affections. A father is apt to be less attached to a child, who, by some accident, has been separated from him in its infancy, and who does not return to him till it is grown up to manhood. The father is apt to feel less paternal tenderness for the child; the child, less filial reverence for the father. Brothers and sisters, when they have been educated in distant countries, are apt to feel a similar diminution of affection. With the dutiful and the virtuous, however, respect for the general rule will frequently produce something which, though by no means the same, yet may very much resemble those natural affections. Even during the separation, the father and the child, the brothers or the sisters, are by no means indifferent to one another. They all consider one another as persons to and from whom certain affections are due, and they live in the hopes of being some time or another in a situation to enjoy that friendship which ought naturally to have taken place among persons so nearly connected. Till they meet, the absent son, the absent brother, are frequently the favourite son, the favourite brother. They have never offended, or, if they have, it is so long ago, that the offence is forgotten, as some childish trick not worth the remembering. Every account they have heard of one another, if conveyed by people of any tolerable good nature, has been, in the highest degree, flattering and favourable. The absent son, the absent brother, is not like other ordinary sons and brothers; but an all–perfect son, an all–perfect brother; and the most romantic hopes are entertained of the happiness to be enjoyed in the friendship and conversation of such persons. When they meet, it is often with so strong a disposition to conceive that habitual sympathy which constitutes the family affection, that they are very apt to fancy they have actually conceived it, and to behave to one another as if they had. Time and experience, however, I am afraid, too frequently undeceive them. Upon a more familiar acquaintance, they frequently discover in one another habits, humours, and inclinations, different from what they expected, to which, from want of habitual sympathy, from want of the real principle and foundation of what is properly called family–affection, they cannot now easily accommodate themselves. They have never lived in the situation which almost necessarily forces that easy accommodation, and though they may now be sincerely desirous to assume it, they have really become incapable of doing so. Their familiar conversation and intercourse soon become less pleasing to them, and, upon that account, less frequent. They may continue to live with one another in the mutual exchange of all essential good offices, and with every other external appearance of decent regard. But that cordial satisfaction, that delicious sympathy, that confidential openness and ease, which naturally take place in the conversation of those who have lived long and familiarly with one another, it seldom happens that they can completely enjoy.

§9. It is only, however, with the dutiful and the virtuous, that the general rule has even this slender authority. With the dissipated, the profligate, and the vain, it is entirely disregarded. They are so far from respecting it, that they seldom talk of it but with the most indecent derision; and an early and long separation of this kind never fails to estrange them most completely from one another. With such persons, respect for the general rule can at best produce only a cold and affected civility (a very slender semblance of real regard); and even this, the slightest offence, the smallest opposition of interest, commonly puts an end to altogether.

§10. The education of boys at distant great schools, of young men at distant colleges, of young ladies in distant nunneries and boarding–schools, seems, in the higher ranks of life, to have hurt most essentially the domestic morals, and consequently the domestic happiness, both of France and England.[2] Do you wish to educate your children to be dutiful to their parents, to be kind and affectionate to their brothers and sisters? put them under the necessity of being dutiful children, of being kind and affectionate brothers and sisters: educate them in your own house. From their parent's house they may, with propriety and advantage, go out every day to attend public schools: but let their dwelling be always at home. Respect for you must always impose a very useful restraint upon their conduct; and respect for them may frequently impose no useless restraint upon your own. Surely no acquirement, which can possibly be derived from what is called a public education, can make any sort of compensation for what is almost certainly and necessarily lost by it. Domestic education is the institution of nature; public education, the contrivance of man. It is surely unnecessary to say, which is likely to be the wisest.
“Do you wish to educate your children to be dutiful to their parents, to be kind and affectionate to their brothers and sisters? put them under the necessity of being dutiful children, of being kind and affectionate brothers and sisters: educate them in your own house... Domestic education is the institution of nature; public education, the contrivance of man. It is surely unnecessary to say, which is likely to be the wisest.”

§11. In some tragedies and romances, we meet with many beautiful and interesting scenes, founded upon, what is called, the force of blood, or upon the wonderful affection which near relations are supposed to conceive for one another, even before they know that they have any such connection. This force of blood, however, I am afraid, exists nowhere but in tragedies and romances. Even in tragedies and romances, it is never supposed to take place between any relations, but those who are naturally bred up in the same house; between parents and children, between brothers and sisters. To imagine any such mysterious affection between cousins, or even between aunts or uncles, and nephews or nieces, would be too ridiculous.

§12. In pastoral countries, and in all countries where the authority of law is not alone sufficient to give perfect security to every member of the state, all the different branches of the same family commonly choose to live in the neighbourhood of one another. Their association is frequently necessary for their common defence. They are all, from the highest to the lowest, of more or less importance to one another. Their concord strengthens their necessary association; their discord always weakens, and might destroy it. They have more intercourse with one another, than with the members of any other tribe. The remotest members of the same tribe claim some connection with one another; and, where all other circumstances are equal, expect to be treated with more distinguished attention than is due to those who have no such pretensions. It is not many years ago that, in the Highlands of Scotland, the Chieftain used to consider the poorest man of his clan, as his cousin and relation. The same extensive regard to kindred is said to take place among the Tartars, the Arabs, the Turkomans, and, I believe, among all other nations who are nearly in the same state of society in which the Scots Highlanders were about the beginning of the present century.

§13. In commercial countries, where the authority of law is always perfectly sufficient to protect the meanest man in the state, the descendants of the same family, having no such motive for keeping together, naturally separate and disperse, as interest or inclination may direct. They soon cease to be of importance to one another; and, in a few generations, not only lose all care about one another, but all remembrance of their common origin, and of the connection which took place among their ancestors. Regard for remote relations becomes, in every country, less and less, according as this state of civilization has been longer and more completely established. It has been longer and more completely established in England than in Scotland; and remote relations are, accordingly, more considered in the latter country than in the former, though, in this respect, the difference between the two countries is growing less and less every day. Great lords, indeed, are, in every country, proud of remembering and acknowledging their connection with one another, however remote. The remembrance of such illustrious relations flatters not a little the family pride of them all; and it is neither from affection, nor from any thing which resembles affection, but from the most frivolous and childish of all vanities, that this remembrance is so carefully kept up. Should some more humble, though, perhaps, much nearer kinsman, presume to put such great men in mind of his relation to their family, they seldom fail to tell him that they are bad genealogists, and miserably ill-informed concerning their own family history. It is not in that order, I am afraid, that we are to expect any extraordinary extension of, what is called, natural affection.

§14. I consider what is called natural affection as more the effect of the moral than of the supposed physical connection between the parent and the child. A jealous husband, indeed, notwithstanding the moral connection, notwithstanding the child's having been educated in his own house, often regards, with hatred and aversion, that unhappy child which he supposes to...
be the offspring of his wife’s infidelity. It is the lasting monument of a most disagreeable adventure; of his own dishonour, and of the disgrace of his family.

§15. Among well-disposed people, the necessity or convenience of mutual accommodation, very frequently produces a friendship not unlike that which takes place among those who are born to live in the same family. Colleagues in office, partners in trade, call one another brothers; and frequently feel towards one another as if they really were so. Their good agreement is an advantage to all; and, if they are tolerably reasonable people, they are naturally disposed to agree. We expect that they should do so; and their disagreement is a sort of a small scandal. The Romans expressed this sort of attachment by the word necessitudo, which, from the etymology, seems to denote that it was imposed by the necessity of the situation.[3]

§16. Even the trifling circumstance of living in the same neighbourhood, has some effect of the same kind. We respect the face of a man whom we see every day, provided he has never offended us. Neighbours can be very convenient, and they can be very troublesome, to one another. If they are good sort of people, they are naturally disposed to agree. We expect their good agreement; and to be a bad neighbour is a very bad character. There are certain small good offices, accordingly, which are universally allowed to be due to a neighbour in preference to any other person who has no such connection.

§17. This natural disposition to accommodate and to assimilate, as much as we can, our own sentiments, principles, and feelings, to those which we see fixed and rooted in the persons whom we are obliged to live and converse a great deal with, is the cause of the contagious effects of both good and bad company. The man who associates chiefly with the wise and the virtuous, though he may not himself become either wise or virtuous, cannot help conceiving a certain respect at least for wisdom and virtue.

§18. But of all attachments to an individual, that which is founded altogether upon the esteem and approbation of his good conduct and behaviour, confirmed by much experience and long acquaintance, is, by far, the most respectable. Such friendships, arising not from a constrained sympathy, not from a sympathy which has been assumed and rendered habitual for the sake of conveniency and accommodation; but from a natural sympathy, from an involuntary feeling that the persons to whom we attach ourselves are the natural and proper objects of esteem and approbation; can exist only among men of virtue. Men of virtue only can feel that entire confidence in the conduct and behaviour of one another, which can, at all times, assure them that they can never either offend or be offended by one another. Vice is always capricious; virtue only is regular and orderly. The attachment which is founded upon the love of virtue, as it is certainly, of all attachments, the most virtuous; so it is likewise the happiest, as well as the most permanent and secure. Such friendships need not be confined to a
single person, but may safely embrace all the wise and virtuous, with whom we have been long and intimately acquainted, and upon whose wisdom and virtue we can, upon that account, entirely depend. They who would confine friendship to two persons, seem to confound the wise security of friendship with the jealousy and folly of love. The hasty, fond, and foolish intimacies of young people, founded, commonly, upon some slight similarity of character, altogether unconnected with good conduct, upon a taste, perhaps, for the same studies, the same amusements, the same diversions, or upon their agreement in some singular principle or opinion, not commonly adopted; those intimacies which a freak begins, and which a freak puts an end to, how agreeable soever they may appear while they last, can by no means deserve the sacred and venerable name of friendship.

§19. Of all the persons, however, whom nature points out for our peculiar beneficence, there are none to whom it seems more properly directed than to those whose beneficence we have ourselves already experienced. Nature, which formed men for that mutal kindness, so necessary for their happiness, renders every man the peculiar object of kindness, to the persons to whom he himself has been kind. Though their gratitude should not always correspond to his beneficence, yet the sense of his merit, the sympathetic gratitude of the impartial spectator, will always correspond to it. The general indignation of other people, against the baseness of their ingratitude, will even, sometimes, increase the general sense of his merit. No benevolent man ever lost altogether the fruits of his benevolence. If he does not always gather them from the persons from whom he ought to have gathered them, he seldom fails to gather them, and with a tenfold increase, from other people. Kindness is the parent of kindness; and if to be beloved by our brethren be the great object of our ambition, the surest way of obtaining it is, by our conduct to show that we really love them.

§20. After the persons who are recommended to our beneficence, either by their connection with ourselves, by their personal qualities, or by their past services, come those who are pointed out, not indeed, what is called, our friendship, but to our benevolent attention and good offices; those who are distinguished by their extraordinary situation; the greatly fortunate and the greatly unfortunate, the rich and the powerful, the poor and the wretched. The distinction of ranks, the peace and order of society, are, in a great measure, founded upon the respect which we naturally conceive for the former. The relief and consolation of human misery depend altogether upon our compassion for the latter. The peace and order of society, is of more importance than even the relief of the miserable. Our respect for the great, accordingly, is most apt to offend by its excess; our fellow-feeling for the miserable, by its defect. Moralists exhort us to charity and compassion. They warn us against the fascination of greatness. This fascination, indeed, is so powerful, that the rich and the great are too often preferred to the wise and the virtuous. Nature has wisely judged that the distinction of ranks, the peace and order of society, would rest more securely upon the plain and palpable difference of birth and fortune, than upon the invisible and often uncertain difference of wisdom and virtue. The undistinguishing eyes of the great mob of mankind can well enough perceive the former: it is with difficulty that the nice discernment of the wise and the virtuous can sometimes distinguish the latter. In the order of all those recommendations, the benevolent wisdom of nature is equally evident.

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§21. It may, perhaps, be unnecessary to observe, that the combination of two, or more, of those exciting causes of kindness, increases the kindness. The favour and partiality which, when there is no envy in the case, we naturally bear to greatness, are much increased when it is joined with wisdom and virtue. If, notwithstanding that wisdom and virtue, the great man should fall into those misfortunes, those dangers and distresses, to which the most exalted stations are often the most exposed, we are much more deeply interested in his fortune than we should be in that of a person equally virtuous, but in a more humble situation. The most interesting subjects of tragedies and romances are the misfortunes of virtuous and magnanimous kings.
and princes. If, by the wisdom and manhood of their exertions, they should extricate themselves from those misfortunes, and recover completely their former superiority and security, we cannot help viewing them with the most enthusiastic and even extravagant admiration. The grief which we felt for their distress, the joy which we feel for their prosperity, seem to combine together in enhancing that partial admiration which we naturally conceive both for the station and the character.

§22. When those different beneficent affections happen to draw different ways, to determine by any precise rules in what cases we ought to comply with the one, and in what with the other, is, perhaps, altogether impossible. In what cases friendship ought to yield to gratitude, or gratitude to friendship; in what cases the strongest of all natural affections ought to yield to a regard for the safety of those superiors upon whose safety often depends that of the whole society; and in what cases natural affection may, without impropriety, prevail over that regard; must be left altogether to the decision of the man within the breast, the supposed impartial spectator, the great judge and arbiter of our conduct. If we place ourselves completely in his situation, if we really view ourselves with his eyes, and as he views us, and listen with diligent and reverential attention to what he suggests to us, his voice will never deceive us. We shall stand in need of no casuistic rules to direct our conduct. These it is often impossible to accommodate to all the different shades and gradations of circumstance, character, and situation, to differences and distinctions which, though not imperceptible, are, by their nicety and delicacy, often altogether undefinable. In that beautiful tragedy of Voltaire, the Orphan of China,[4] while we admire the magnanimity of Zamti, who is willing to sacrifice the life of his own child, in order to preserve that of the only feeble remnant of his ancient sovereigns and masters; we not only pardon, but love the maternal tenderness of Idame, who, at the risque of discovering the important secret of her husband, reclaims her infant from the cruel hands of the Tartars, into which it had been delivered.

**CHAP. II. OF THE ORDER IN WHICH SOCIETIES ARE BY NATURE RECOMMENDED TO OUR BENEFICENCE**

§1. The same principles that direct the order in which individuals are recommended to our beneficence, direct that likewise in which societies are recommended to it. Those to which it is, or may be of most importance, are first and principally recommended to it.

§2. The state or sovereignty in which we have been born and educated, and under the protection of which we continue to live, is, in ordinary cases, the greatest society upon whose happiness or misery, our good or bad conduct can have much influence. It is accordingly, by nature, most strongly recommended to us. Not only we ourselves, but all the objects of our kindest affections, our children, our parents, our relations, our friends, our benefactors, all those whom we naturally love and revere the most, are commonly comprehended within it; and their prosperity and safety depend in some measure upon its prosperity and safety. It is by nature, therefore, endeared to us, not only by all our selfish, but by all our private benevolent affections. Upon account of our own connexion with it, its prosperity and glory seem to reflect some sort of honour upon ourselves. When we compare it with other societies of the same kind, we are proud of its superiority, and mortified in some degree, if it appears in any respect below them. All the illustrious characters which it has produced in former times (for against those of our own times envy may sometimes prejudice us a little), its warriors, its statesmen, its poets, its philosophers, and men of letters of all kinds; we are disposed to view with the most partial admiration, and to rank them (sometimes most unjustly) above those of all other nations. The patriot who lays down his life for the safety, or even for the vain-glory of this society, appears to act with the most exact propriety. He appears to view himself in the light in which the impartial spectator naturally and necessarily views him, as but one of the multitude, in the eye of that equitable judge, of no more consequence than any other in it, but bound at all times to sacrifice and devote himself to the safety, to the service, and even to the glory of the greater number. But though this sacrifice appears to be perfectly just and proper, we know how difficult it is to make it, and how few people are capable of making it. His conduct, therefore, excites not only our entire approbation, but our highest wonder and admiration, and seems to merit all the applause which can be due to the most heroic virtue. The traitor, on the contrary,
who, in some peculiar situation, fancies he can promote his own little interest by betraying to the public enemy that of his native country; who, regardless of the judgment of the man within the breast, prefers himself, in this respect so shamefully and so basely, to all those with whom he has any connexion; appears to be of all villains the most detestable.

§3. The love of our own nation often disposes us to view, with the most malignant jealousy and envy, the prosperity and aggrandisement of any other neighbouring nation. Independent and neighbouring nations, having no common superior to decide their disputes, all live in continual dread and suspicion of one another. Each sovereign, expecting little justice from his neighbours, is disposed to treat them with as little as he expects from them. The regard for the laws of nations, or for those rules which independent states profess or pretend to think themselves bound to observe in their dealings with one another, is often very little more than mere pretence and profession. From the smallest interest, upon the slightest provocation, we see those rules every day, either evaded or directly violated without shame or remorse. Each nation foresees, or imagines it foresees, its own subjugation in the increasing power and aggrandisement of any of its neighbours; and the mean principle of national prejudice is often founded upon the noble one of the love of our own country. The sentence with which the elder Cato is said to have concluded every speech which he made in the senate, whatever might be the subject, ‘It is my opinion likewise that Carthage ought to be destroyed,’[1a] was the natural expression of the savage patriotism of a strong but coarse mind, enraged almost to madness against a foreign nation from which his own had suffered so much. The more humane sentence with which Scipio Nasica is said to have concluded all his speeches, ‘It is my opinion likewise that Carthage ought not to be destroyed,’[1b] was the liberal expression of a more enlarged and enlightened mind, who felt no aversion to the prosperity even of an old enemy, when reduced to a state which could no longer be formidable to Rome. France and England may each of them have some reason to dread the increase of the naval and military power of the other; but for either of them to envy the internal happiness and prosperity of the other, the cultivation of its lands, the advancement of its manufactures, the increase of its commerce, the security and number of its ports and harbours, its proficiency in all the liberal arts and sciences, is surely beneath the dignity of two such great nations.... In such improvements each nation ought, not only to endeavour itself to excel, but from the love of mankind, to promote, instead of obstructing the excellence of its neighbours.

§4. [2] The love of our own country seems not to be derived from the love of mankind. The former sentiment is altogether independent of the latter, and seems sometimes even to dispose us to act inconsistently with it. France may contain, perhaps, near three times the number of inhabitants which Great Britain contains.[3] In the great society of mankind, therefore, the prosperity of France should appear to be an object of much greater importance than that of Great Britain. The British subject, however, who, upon that account, should prefer upon

“France and England may each of them have some reason to dread the increase of the naval and military power of the other; but for either of them to envy the internal happiness and prosperity of the other, the cultivation of its lands, the advancement of its manufactures, the increase of its commerce, the security and number of its ports and harbours, its proficiency in all the liberal arts and sciences, is surely beneath the dignity of two such great nations.... In such improvements each nation ought, not only to endeavour itself to excel, but from the love of mankind, to promote, instead of obstructing the excellence of its neighbours.”

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all occasions the prosperity of the former to that of the latter country, would not be thought a good citizen of Great Britain. We do not love our country merely as a part of the great society of mankind: we love it for its own sake, and independently of any such consideration. That wisdom which contrived the system of human affections, as well as that of every other part of nature, seems to have judged that the interest of the great society of mankind would be best promoted by directing the principal attention of each individual to that particular portion of it, which was most within the sphere both of his abilities and of his understanding.

“That wisdom which contrived the system of human affections, as well as that of every other part of nature, seems to have judged that the interest of the great society of mankind would be best promoted by directing the principal attention of each individual to that particular portion of it, which was most within the sphere both of his abilities and of his understanding.”

§5. National prejudices and hatreds seldom extend beyond neighbouring nations. We very weakly and foolishly, perhaps, call the French our natural enemies; and they perhaps, as weakly and foolishly, consider us in the same manner. Neither they nor we bear any sort of envy to the prosperity of China or Japan. It very rarely happens, however, that our good–will towards such distant countries can be exerted with much effect.

§6. The most extensive public benevolence which can commonly be exerted with any considerable effect, is that of the statesmen, who project and form alliances among neighbouring or not very distant nations, for the preservation either of, what is called, the balance of power, or of the general peace and tranquillity of the states within the circle of their negotiations. The statesmen, however, who plan and execute such treaties, have seldom any thing in view, but the interest of their respective countries. Sometimes, indeed, their views are more extensive. The Count d’Avaux, the plenipotentiary of France, at the treaty of Munster, would have been willing to sacrifice his life (according to the Cardinal de Retz,[4] a man not overcredulous in the virtue of other people) in order to have restored, by that treaty, the general tranquillity of Europe. King William seems to have had a real zeal for the liberty and independency of the greater part of the sovereign states of Europe; which, perhaps, might be a good deal stimulated by his particular aversion to France, the state from which, during his time, that liberty and independency were principally in danger. Some share of the same spirit seems to have descended to the first ministry of Queen Anne.[5]

§7. Every independent state is divided into many different orders and societies, each of which has its own particular powers, privileges, and immunities. Every individual is naturally more attached to his own particular order or society, than to any other. His own interest, his own vanity, the interest and vanity of many of his friends and companions, are commonly a good deal connected with it. He is ambitious to extend its privileges and immunities. He is zealous to defend them against the encroachments of every other order or society.

§8. Upon the manner in which any state is divided into the different orders and societies which compose it, and upon the particular distribution which has been made of their respective powers, privileges, and immunities, depends, what is called, the constitution of that particular state.

§9. Upon the ability of each particular order or society to maintain its own powers, privileges, and immunities, against the encroachments of every other, depends the stability of that particular constitution. That particular constitution is necessarily more or less altered, whenever any of its subordinate parts is either raised above or depressed below whatever had been its former rank and condition.

§10. All those different orders and societies are dependent upon the state to which they owe their security and protection. That they are all subordinate to that state, and established only in subserviency to its prosperity and preservation, is a truth acknowledged by the most partial member of every one of them. It may often, however, be hard to convince him that the prosperity and preservation of the state require any diminution of the powers, privileges, and immunities of his own particular order or society. This partiality,
though it may sometimes be unjust, may not, upon that
account, be useless. It checks the spirit of innovation. It
tends to preserve whatever is the established balance
among the different orders and societies into which the
state is divided; and while it sometimes appears to
obstruct some alterations of government which may be
fashionable and popular at the time, it contributes in
reality to the stability and permanency of the whole
system.

§11. The love of our country seems, in ordinary
cases, to involve in it two different principles; first, a
certain respect and reverence for that constitution or
form of government which is actually established; and
secondly, an earnest desire to render the condition of
our fellow–citizens as safe, respectable, and happy as
we can. He is not a citizen who is not disposed to
respect the laws and to obey the civil magistrate; and
he is certainly not a good citizen who does not wish to
promote, by every means in his power, the welfare of
the whole society of his fellow–citizens.

§12. In peaceable and quiet times, those two
principles generally coincide and lead to the same
conduct. The support of the established government
seems evidently the best expedient for maintaining the
safe, respectable, and happy situation of our fellow–
citizens; when we see that this government actually
maintains them in that situation. But in times of public
discontent, faction, and disorder, those two different
principles may draw different ways, and even a wise
man may be disposed to think some alteration
necessary in that constitution or form of
government, which, in its actual
condition, appears plainly unable to
maintain the public tranquillity.

§13. Foreign war and civil faction are the two
situations which afford the most splendid opportunities
for the display of public spirit. The hero who serves his
country successfully in foreign war gratifies the wishes
of the whole nation, and is, upon that account, the
object of universal gratitude and admiration. In times
of civil discord, the leaders of the contending parties,
though they may be admired by one half of their
fellow–citizens, are commonly execrated by the other.
Their characters and the merit of their respective
services appear commonly more doubtful. The glory
which is acquired by foreign war is, upon this account,
almost always more pure and more splendid than that
which can be acquired in civil faction.

“The support of the established
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necessary in that constitution or form of
government, which, in its actual
condition, appears plainly unable to
maintain the public tranquillity.”

§14. The leader of the successful party, however, if
he has authority enough to prevail upon his own
friends to act with proper temper and moderation
(which he frequently has not), may sometimes render to
his country a service much more essential and
important than the greatest victories and the most
extensive conquests. He may re–establish and improve
the constitution, and from the very doubtful and
ambiguous character of the leader of a party, he may
assume the greatest and noblest of all characters, that
of the reformer and legislator of a great state; and, by
the wisdom of his institutions, secure the internal
tranquillity and happiness of his fellow–citizens for
many succeeding generations.

§15. Amidst the turbulence and disorder of
faction, a certain spirit of system is apt to mix itself
with that public spirit which is founded upon the love
of humanity, upon a real fellow–feeling with the
inconveniencies and distresses to which some of our
fellow–citizens may be exposed. This spirit of system
commonly takes the direction of that more gentle public spirit; always animates it, and often inflames it even to the madness of fanaticism. The leaders of the discontented party seldom fail to hold out some plausible plan of reformation which, they pretend, will not only remove the inconveniencies and relieve the distresses immediately complained of, but will prevent, in all time coming, any return of the like inconveniencies and distresses. They often propose, upon this account, to new-model the constitution, and to alter, in some of its most essential parts, that system of government under which the subjects of a great empire have enjoyed, perhaps, peace, security, and even glory, during the course of several centuries together. The great body of the party are commonly intoxicated with the imaginary beauty of this ideal system, of which they have no experience, but which has been represented to them in all the most dazzling colours in which the eloquence of their leaders could paint it. Those leaders themselves, though they originally may have meant nothing but their own aggrandisement, become many of them in time the dupes of their own sophistry, and are as eager for this great reformation as the weakest and foolishest of their followers. Even though the leaders should have preserved their own heads, as indeed they commonly do, free from this fanaticism, yet they dare not always disappoint the expectation of their followers; but are often obliged, though contrary to their principle and their conscience, to act as if they were under the common delusion. The violence of the party, refusing all palliatives, all temperaments, all reasonable accommodations, by requiring too much frequently obtains nothing; and those inconveniencies and distresses which, with a little moderation, might in a great measure have been removed and relieved, are left altogether without the hope of a remedy.

"Those leaders themselves (of the party), though they originally may have meant nothing but their own aggrandisement, become many of them in time the dupes of their own sophistry, and are as eager for this great reformation as the weakest and foolishest of their followers."

§16. The man whose public spirit is prompted altogether by humanity and benevolence, will respect the established powers and privileges even of individuals, and still more those of the great orders and societies, into which the state is divided. Though he should consider some of them as in some measure abusive, he will content himself with moderating what he often cannot annihilate without great violence. When he cannot conquer the rooted prejudices of the people by reason and persuasion, he will not attempt to subdue them by force; but will religiously observe what, by Cicero, is justly called the divine maxim of Plato,[7] never to use violence to his country no more than to his parents. He will accommodate, as well as he can, his public arrangements to the confirmed habits and prejudices of the people; and will remedy as well as he can, the inconveniences which may flow from the want of those regulations which the people are averse to submit to. When he cannot establish the right, he will not disdain to ameliorate the wrong; but like Solon, when he cannot establish the best system of laws, he will endeavour to establish the best that the people can bear.[8]

§17. The man of system, on the contrary, is apt to be very wise in his own conceit; and is often so enamoured with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it. He goes on to establish it completely and in all its parts, without any regard either to the great interests, or to the strong prejudices which may oppose it. He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board. He does not consider that the pieces upon the chess-board have no other principle of motion besides that which the hand impresses upon them; but that, in the great chess-board of human society, every single piece has a principle of motion besides that which the hand impresses upon them; but that, in the great chess-board of human society, every single piece has a principle of motion of its own, altogether different from that which the legislature might chuse to impress upon it. If those two principles coincide and act in the same direction, the game of human society will go on easily and harmoniously, and is very likely to be happy and successful. If they are opposite or different, the game will go on miserably, and the society must be at all times in the highest degree of disorder.
“The man of system... is apt to be very wise in his own conceit; and is often so enamoured with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it. He goes on to establish it completely and in all its parts, without any regard either to the great interests, or to the strong prejudices which may oppose it. He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board. He does not consider that the pieces upon the chess-board have no other principle of motion besides that which the hand impresses upon them.”

§18. Some general, and even systematical, idea of the perfection of policy and law, may no doubt be necessary for directing the views of the statesman. But to insist upon establishing, and upon establishing all at once, and in spite of all opposition, everything which that idea may seem to require, must often be the highest degree of arrogance. It is to erect his own judgment into the supreme standard of right and wrong. It is to fancy himself the only wise and worthy man in the commonwealth, and that his fellow-citizens should accommodate themselves to him and not he to them. It is upon this account, that of all political speculators, sovereign princes are by far the most dangerous. This arrogance is perfectly familiar to them. They entertain no doubt of the immense superiority of their own judgment. When such imperial and royal reformers, therefore, condescend to contemplate the constitution of the country which is committed to their government, they seldom see anything so wrong in it as the obstructions which it may sometimes oppose to the execution of their own will. They hold in contempt the divine maxim of Plato,[9] and consider the state as made for themselves, not themselves for the state. The great object of their reformation, therefore, is to remove those obstructions; to reduce the authority of the nobility; to take away the privileges of cities and provinces, and to render both the greatest individuals and the greatest orders of the state, as incapable of opposing their commands, as the weakest and most insignificant.

CHAP. III. OF UNIVERSAL BENEVOLENCE

§1. Though our effectual good offices can very seldom be extended to any wider society than that of our own country; our good-will is circumscribed by no boundary, but may embrace the immensity of the universe. We cannot form the idea of any innocent and sensible being, whose happiness we should not desire, or to whose misery, when distinctly brought home to the imagination, we should not have some degree of aversion. The idea of a mischievous, though sensible, being, indeed, naturally provokes our hatred: but the ill-will which, in this case, we bear to it, is really the effect of our universal benevolence. It is the effect of the sympathy which we feel with the misery and resentment of those other innocent and sensible beings, whose happiness is disturbed by its malice.

§2. This universal benevolence, how noble and generous soever, can be the source of no solid happiness to any man who is not thoroughly convinced that all the inhabitants of the universe, the meanest as well as the greatest, are under the immediate care and protection of that great, benevolent, and all-wise Being, who directs all the movements of nature; and who is determined, by his own unalterable perfections, to maintain in it, at all times, the greatest possible quantity of happiness. To this universal benevolence, on the contrary, the very suspicion of a fatherless world, must be the most melancholy of all reflections; from the thought that all the unknown regions of infinite and incomprehensible space may be filled with nothing but endless misery and wretchedness. All the splendour of the highest prosperity can never enlighten the gloom with which so dreadful an idea must necessarily over-shadow the imagination; nor, in a wise and virtuous man, can all the sorrow of the most afflicting adversity ever dry up the joy which
necessarily springs from the habitual and thorough conviction of the truth of the contrary system.

§3. The wise and virtuous man is at all times willing that his own private interest should be sacrificed to the public interest of his own particular order or society. He is at all times willing, too, that the interest of this order or society should be sacrificed to the greater interest of the state or sovereignty, of which it is only a subordinate part. He should, therefore, be equally willing that all those inferior interests should be sacrificed to the greater interest of the universe, to the interest of that great society of all sensible and intelligent beings, of which God himself is the immediate administrator and director. If he is deeply impressed with the habitual and thorough conviction that this benevolent and all-wise Being can admit into the system of his government, no partial evil which is not necessary for the universal good, he must consider all the misfortunes which may befall himself, his friends, his society, or his country, as necessary for the prosperity of the universe, and therefore as what he ought, not only to submit to with resignation, but as what he himself, if he had known all the connexions and dependencies of things, ought sincerely and devoutly to have wished for.

§4. Nor does this magnanimous resignation to the will of the great Director of the universe, seem in any respect beyond the reach of human nature. Good soldiers, who both love and trust their general, frequently march with more gaiety and alacrity to the forlorn station, from which they never expect to return, than they would to one where there was neither difficulty nor danger. In marching to the latter, they could feel no other sentiment than that of the dulness of ordinary duty: in marching to the former, they feel that they are making the noblest exertion which it is possible for man to make. They know that their general would not have ordered them upon this station, had it not been necessary for the safety of the army, for the success of the war. They cheerfully sacrifice their own little systems to the prosperity of a greater system. They take an affectionate leave of their comrades, to whom they wish all happiness and success; and march out, not only with submissive obedience, but often with shouts of the most joyful exultation, to that fatal, but splendid and honourable station to which they are appointed. No conductor of an army can deserve more unlimited trust, more ardent and zealous affection, than the great Conductor of the universe. In the

greatest public as well as private disasters, a wise man ought to consider that he himself, his friends and countrymen, have only been ordered upon the forlorn station of the universe; that had it not been necessary for the good of the whole, they would not have been so ordered; and that it is their duty, not only with humble resignation to submit to this allotment, but to endeavour to embrace it with alacrity and joy. A wise man should surely be capable of doing what a good soldier holds himself at all times in readiness to do.

§5. The idea of that divine Being, whose benevolence and wisdom have, from all eternity, contrived and conducted the immense machine of the universe, so as at all times to produce the greatest possible quantity of happiness, is certainly of all the objects of human contemplation by far the most sublime. Every other thought necessarily appears mean in the comparison. The man whom we believe to be principally occupied in this sublime contemplation, seldom fails to be the object of our highest veneration; and though his life should be altogether contemplative, we often regard him with a sort of religious respect much superior to that with which we look upon the most active and useful servant of the commonwealth. The Meditations of Marcus Antoninus,[1] which turn principally upon this subject, have contributed more, perhaps, to the general admiration of his character, than all the different transactions of his just, merciful, and beneficent reign.

“The administration of the great system of the universe, however, the care of the universal happiness of all rational and sensible beings, is the business of God and not of man. To man is allotted a much humbler department, but one much more suitable to the weakness of his powers, and to the narrowness of his comprehension; the care of his own happiness, of that of his family, his friends, his country”
§6. The administration of the great system of the universe, however, the care of the universal happiness of all rational and sensible beings, is the business of God and not of man. To man is allotted a much humbler department, but one much more suitable to the weakness of his powers, and to the narrowness of his comprehension; the care of his own happiness, of that of his family, his friends, his country: that he is occupied in contemplating the more sublime department; and he must not expose himself to the charge which Avidius Cassius is said to have brought, perhaps unjustly, against Marcus Antoninus[2] that while he employed himself in philosophical speculations, and contemplated the prosperity of the universe, he neglected that of the Roman empire. The most sublime speculation of the contemplative philosopher can scarce compensate the neglect of the smallest active duty.

[Section III "Of Self-command" has been cut for reasons of length.]

CONCLUSION OF THE SIXTH PART

§1. Concern for our own happiness recommends to us the virtue of prudence: concern for that of other people, the virtues of justice and beneficence; of which, the one restrains us from hurting, the other prompts us to promote that happiness. Independent of any regard either to what are, or to what ought to be, or to what upon a certain condition would be, the sentiments of other people, the first of those three virtues is originally recommended to us by our selfish, the other two by our benevolent affections. Regard to the sentiments of other people, however, comes afterwards both to enforce and to direct the practice of all those virtues; and no man during, either the whole of his life, or that of any considerable part of it, ever trod steadily and uniformly in the paths of prudence, of justice, or of proper beneficence, whose conduct was not principally directed by a regard to the sentiments of the supposed impartial spectator, of the great inmate of the breast, the great judge and arbiter of conduct. If in the course of the day we have swerved in any respect from the rules which he prescribes to us; if we have either exceeded or relaxed in our frugality; if we have either exceeded or relaxed in our industry; if, through passion or inadvertency, we have hurt in any respect the interest or happiness of our neighbour; if we have neglected a plain and proper opportunity of promoting that interest and happiness; it is this inmate who, in the evening, calls us to an account for all those omissions and violations, and his reproaches often make us blush inwardly both for our folly and inattention to our own happiness, and for our still greater indifference and inattention, perhaps, to that of other people.

§2. But though the virtues of prudence, justice, and beneficence, may, upon different occasions, be recommended to us almost equally by two different principles; those of self-command are, upon most occasions, principally and almost entirely recommended to us by one; by the sense of propriety, by regard to the sentiments of the supposed impartial spectator. Without the restraint which this principle imposes, every passion would, upon most occasions, rush headlong, if I may say so, to its own gratification. Anger would follow the suggestions of its own fury; fear those of its own violent agitations. Respect for what are, or for what ought to be, or for what upon a certain condition would be, the sentiments of other people, is the sole principle which, upon most occasions, overawes all those mutinous and turbulent passions into that tone and temper which the impartial spectator can enter into and sympathize with.

§3. Upon some occasions, indeed, those passions are restrained, not so much by a sense of their impropriety, as by prudential considerations of the bad consequences which might follow from their indulgence. In such cases, the passions, though restrained, are not always subdued, but often remain lurking in the breast with all their original fury. The man whose anger is restrained by fear, does not always lay aside his anger, but only reserves its gratification for a more safe opportunity. But the man who, in relating to some other person the injury which has been done to him, feels at once the fury of his passion cooled and becalmed by sympathy with the more moderate
sentiments of his companion, who at once adopts those more moderate sentiments, and comes to view that injury, not in the black and atrocious colours in which he had originally beheld it, but in the much milder and fairer light in which his companion naturally views it; not only restrains, but in some measure subdues, his anger. The passion becomes really less than it was before, and less capable of exciting him to the violent and bloody revenge which at first, perhaps, he might have thought of inflicting.

§4. Those passions which are restrained by the sense of propriety, are all in some degree moderated and subdued by it. But those which are restrained only by prudential considerations of any kind, are, on the contrary, frequently inflamed by the restraint, and sometimes (long after the provocation given, and when nobody is thinking about it) burst out absurdly and unexpectedly, and with tenfold fury and violence.

§5. Anger, however, as well as every other passion, may, upon many occasions, be very properly restrained by prudential considerations. Some exertion of manhood and self-command is even necessary for this sort of restraint; and the impartial spectator may sometimes view it with that sort of cold esteem due to that species of conduct which he considers as a mere matter of vulgar prudence; but never with that affectionate admiration with which he surveys the same passions, when, by the sense of propriety, they are moderated and subdued to what he himself can readily enter into. In the former species of restraint, he may frequently discern some degree of propriety; and, if you will, even of virtue; but it is a propriety and virtue of a much inferior order to those which he always feels with transport and admiration in the latter.

“In our approbation of the character of the prudent man, we feel, with peculiar complacency, the security which he must enjoy while he walks under the safeguard of that sedate and deliberate virtue. In our approbation of the character of the just man, we feel, with equal complacency, the security which all those connected with him, whether in neighbourhood, society, or business, must derive from his scrupulous anxiety never either to hurt or offend. In our approbation of the character of the beneficent man, we enter into the gratitude of all those who are within the sphere of his good offices, and conceive with them the highest sense of his merit.”

§6. The virtues of prudence, justice, and beneficence, have no tendency to produce any but the most agreeable effects. Regard to those effects, as it originally recommends them to the actor, so does it afterwards to the impartial spectator. In our approbation of the character of the prudent man, we feel, with peculiar complacency, the security which he must enjoy while he walks under the safeguard of that sedate and deliberate virtue. In our approbation of the character of the just man, we feel, with equal complacency, the security which all those connected with him, whether in neighbourhood, society, or business, must derive from his scrupulous anxiety never either to hurt or offend. In our approbation of the character of the beneficent man, we enter into the gratitude of all those who are within the sphere of his good offices, and conceive with them the highest sense of his merit. In our approbation of all those virtues, our sense of their agreeable effects, of their utility, either to the person who exercises them, or to some other persons, joins with our sense of their propriety, and constitutes always a considerable, frequently the greater part of that approbation.

§7. But in our approbation of the virtues of self-command, complacency with their effects sometimes constitutes no part, and frequently but a small part, of that approbation. Those effects may sometimes be agreeable, and sometimes disagreeable; and though our approbation is no doubt stronger in the former case, it is by no means altogether destroyed in the latter. The most heroic valour may be employed indifferently in the cause either of justice or of injustice; and though it is no doubt much more loved and admired in the
former case, it still appears a great and respectable quality even in the latter. In that, and in all the other virtues of self-command, the splendid and dazzling quality seems always to be the greatness and steadiness of the exertion, and the strong sense of propriety which is necessary in order to make and to maintain that exertion. The effects are too often but too little regarded.

Notes

SECTION I


[2] Aristippus of Cyrene, a companion of Socrates, noted for a combination of sensuality and self-control. He is often said to be the founder of the Cyrenaic philosophy of hedonism, but modern scholars think this is probably a confusion with his grandson of the same name.

[3] Platonic or Aristotelian.

[4] Two were strangled at Senigallia on the night of their arrival, 31 December 1502; the other two at the castle of Pieve on 18 January 1503.


SECTION II

CHAP. I


[2] In WN VI.i.f.36 (written before Part VI of TMS) Smith is equally critical of foreign travel as a substitute for university education.

[3] The Latin word means (1) necessity or need, (2) close connection or relationship.


CHAP. II

[1a] Plutarch, Lives, Marcus Cato (Cato the Elder), 27, reports the practice both of Cato and of Scipio.

[1b] Plutarch, Lives, Marcus Cato (Cato the Elder), 27, reports the practice both of Cato and of Scipio.

[2] Here and in § 11 Smith may possibly be criticizing Richard Price’s celebrated sermon on ‘The Love of our Country’, preached on 4 November 1789, welcoming the French Revolution. See note to § 12 below. In Letter 251 addressed to George Chalmers, dated 22 December 1785, Smith wrote of Price: ‘I have always considered him as a factious citizen, a most superficial Philosopher and by no means an able calculator.’

[3] In WN VII.k.78 (published in 1776) Smith cites the Abbé Expilly and Necker for an estimate of the population of France as 23 or 24 million, ‘three times the number perhaps contained in Great Britain’. Richard Price, in an appendix to his sermon, calculated the population of France as 30 million, a figure that others thought too high. Modern scholars estimate the population of France in 1789 as about 27 million and that of Great Britain about 9 million.


[5] William of Orange, both before and after he came to the British throne, fostered a grand alliance of European states against Louis XIV of France. The policy was maintained in the first years of Queen Anne’s reign by continuing the War of the Spanish Succession under the leadership of the Duke of Marlborough.

[6] It seems likely that Smith had the French Revolution in mind when writing this and the
succeeding paragraphs. His remarks in §§ 15 and 17 about a ‘spirit of system’ and ‘the man of system’ may refer to the constitution-makers of 1789, or perhaps to the rationalist philosopher Richard Price again (cf. editorial note 2 to § 4 above), especially if Smith is echoing d’Alembert’s disparaging use of the phrase ‘the spirit of system’ to describe rationalism in the Preliminary Discourse of the Encyclopédie. In Letter 287 addressed to Thomas Cadell, dated 31 March 1789, Smith says he has written a complete new Part VI for TMS; but since, according to Stewart, V.9, the manuscript was sent to the press at ‘the beginning of the [following] winter’, Smith doubtless made changes after March.

[7] Plato’s maxim is in Crito, 51 c. Cicero cites it in Epistulae ad Familiares, Lix.18, ‘vin neque parenti neque patriae afferi oportere’, but does not call it ‘divine’. Earlier in the same letter, Lix.12, Cicero uses the word ‘divinitus’ of another maxim of Plato, ‘Quales in republics principes essent, tales reliquos solere esse cives’ (usually taken, with some hesitation, to be a very free rendering of a passage in Plato, Laws, 711 c). Smith refers again to ‘the divine maxim of Plato’ in § 18 below, and Eckstein (i.579) thinks that there he apparently has in mind the maxim about leaders and citizens. It seems to us more probable that Smith is still thinking of the use of violence. In LJ(A) v.124 and LJ(B) 15 (Cannan ed., 11) Smith says that the Tory principle of authority equates rebellion against government with rebellion against a parent (‘father’ in LJ(A)).


[9] See § 16 above.

CHAP. III


[2] In a letter reported by Vulcavius Gallicanus, Life of Avidius Cassius, xiv.5 (in Scriptores Historiae Augustae). Smith gives a paraphrase, not a translation; the letter says nothing of ‘the prosperity of the universe’.

Further Information

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Other works by Adam Smith (1723-1790) <oll.libertyfund.org/people/44>.

School of Thought: The Scottish Enlightenment <oll.libertyfund.org/groups/19>.
“The true end of Man, or that which is prescribed by the eternal and immutable dictates of reason ... is the highest and most harmonious development of his powers to a complete and consistent whole. Freedom is the grand and indispensable condition which the possibility of such a development presupposes.”
Editor’s Introduction

Wilhelm von Humboldt (1767-1835) was a Prussian political theorist, educational reformer, diplomat, and linguist. When a young man he wrote one of the best works defending individual liberty and the limited state ever written, The Limits of State Action (1791-2), but which was never published in its entirety in his lifetime. As Director of the Section for Public Worship and Education in the Prussian Ministry of Interior he oversaw a complete reform of the Prussian education system including the founding of the University of Berlin. He worked as a diplomat between 1802 to 1819, serving in Rome, Vienna, Prague, and Frankfurt. Humboldt gave up his political career in 1819 when the Prussian government became increasingly autocratic in order to devote his time to the study of linguistics.

Humboldt summed up his philosophy as follows: he wanted to encourage “the highest and most harmonious development of (every individual’s) powers to a complete and consistent whole” and that “freedom (was) the grand and indispensable condition which the possibility of such a development presupposes; but there is besides another essential,—intimately connected with freedom, it is true,—a variety of situations. Even the most free and self-reliant of men is thwarted and hindered in his development by uniformity of position. But as it is evident, on the one hand, that such a diversity is a constant result of freedom, and on the other, that there is a species of oppression which, without imposing restrictions on man himself, gives a peculiar impress of its own to surrounding circumstances; these two conditions, of freedom and variety of situation, may be regarded, in a certain sense, as one and the same.”

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CHAPTER I. Introduction.

To discover the legitimate objects to which the energies of State organizations should be directed, and define the limits within which those energies should be exercised, is the design of the following pages. That the solution of this prime question of political philosophy must be pregnant with interest and high practical importance is sufficiently evident; and if we compare the most remarkable political constitutions with each other, and with the opinions of the most eminent philosophers, we shall, with reason, be surprised to find it so insufficiently discussed and vaguely answered; and agree, that any attempt to prosecute the inquiry with more success, is far from being a vain and superfluous labour.

"there are two grand objects, it seems to me, to be distinctly kept in view, neither of which can be overlooked or made subordinate without serious injury to the common design; these are—first, to determine, as regards the nation in question, who shall govern, who shall be governed, and to arrange the actual working of the constituted power; and secondly, to prescribe the exact sphere to which the government, once constructed, should extend or confine its operations."

Those who have either themselves remodelled the framework of State constitutions, or proposed schemes of political reform, seem mostly to have studied how to apportion the respective provinces which the nation, and any of its separate elements, should justly share in the administration,—to assign the due functions of each in the governmental plan,—and to adopt the precautions necessary for preserving the integrity of the several interests at stake. But in every attempt to frame or reorganize a political constitution, there are two grand objects, it seems to me, to be distinctly kept in view, neither of which can be overlooked or made subordinate without serious injury to the common design; these are—first, to determine, as regards the nation in question, who shall govern, who shall be governed, and to arrange the actual working of the constituted power; and secondly, to prescribe the exact sphere to which the government, once constructed, should extend or confine its operations. The latter object, which more immediately embraces the private life of the citizen, and more especially determines the limits of his free, spontaneous activity, is, strictly speaking, the true ultimate purpose; the former is only a necessary means for arriving at this important end. And yet, however strange it may appear, it is to the attainment of the first of these ends that man directs his most earnest attention; and, as it becomes us to show, this exclusive pursuit of one definite purpose only coincides with the usual manifestation of human activity. It is in the prosecution of some single object, and in striving to reach its accomplishment by the combined application of his moral and physical energies, that the true happiness of man, in his full vigour and development, consists. Possession, it is true, crowns exertion with repose; but it is only in the illusions of fancy that it has power to charm our eyes. If we consider the position of man in the universe,—if we remember the constant tendency of his energies towards some definite activity, and recognize the influence of surrounding nature, which is ever provoking him to exertion, we shall be ready to acknowledge that repose and possession do not indeed exist but in imagination. Now the partial or one-sided man finds repose in the discontinuance of one line of action; and in him whose powers are wholly undeveloped, one single object only serves to elicit a few manifestations of energy. It may be well to observe, before deriving inferences from these general considerations on the usual tendency of man's activity, that the dissatisfaction we notice as attendant on possession, does not at all apply to that ideal of human perfection which is conceivable by imagination; but it is true, in the fullest sense, of the wholly uncultured man,

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and proportionately true of every intermediate gradation between this utter want of culture and that ideal standard above mentioned. It would appear then, from these general characteristics of human nature, that to the conqueror his triumph affords a more exquisite sense of enjoyment than the actual occupation of the territory he has won, and that the perilous commotion of reformation itself is dearer to the reformer than the calm enjoyment of the fruits which crown its successful issue. And thus it is true, in general, that the exercise of dominion has something in it more immediately agreeable to human nature than the mere reposeful sense of freedom; or, at least, that the solicitude to secure freedom is a dearer satisfaction than that which is afforded by its actual possession. Freedom is but the possibility of a various and indefinite activity; while government, or the exercise of dominion, is a single, but yet real activity. The ardent desire for freedom, therefore, is at first only too frequently suggested by the deep-felt consciousness of its absence.

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But whatever the natural course of political development may be, and whatever the relation between the desire for freedom and the excessive tendency to governmental activity, it is still evident that the inquiry into the proper aims and limits of State agency must be of the highest importance—nay, that it is perhaps more vitally momentous than any other political question. That such an investigation comprises the ultimate object of all political science, has been already pointed out; but it is a truth that admits also of extensive practical application. Real State revolutions, or fresh organizations of the governing power, are always attended in their progress with many concurrent and fortuitous circumstances, and necessarily entail more or less injury to different interests; whereas a sovereign power that is actually existing—whether it be democratic, aristocratic, or monarchical—can extend or restrict its sphere of action in silence and secrecy, and, in general, attains its ends more surely, in proportion as it avoids startling innovations. Those processes of human agency advance most happily to their consummation, which most faithfully resemble the operations of the natural world. The tiny seed, for example, which drops into the awaiting soil, unseen and unheeded, brings forth a far richer and more genial blessing in its growth and germination than the violent eruption of a volcano, which, however necessary, is always attended with destruction; and, if we justly pride ourselves on our superior culture and enlightenment, there is no other system of reform so happily adapted, by its spirit of calm and consistent progression, to the capacities and requirements of our own times.

“It may easily be foreseen, therefore, that the important inquiry into the due limits of State agency must conduct us to an ampler range of freedom for human forces, and a richer diversity of circumstances and situations.”

It may easily be foreseen, therefore, that the important inquiry into the due limits of State agency must conduct us to an ampler range of freedom for human forces, and a richer diversity of circumstances and situations. Now the possibility of any higher degree of freedom presupposes a proportionate advancement in civilization,—a decreasing necessity of acting in large, compacted masses,—a richer variety of resources in the individual agents. If, then, the present age in reality possesses this increased culture and this power and diversity of resources, the freedom of which these are the precious conditions should unquestionably be accorded it. And so its methods of reform would be happily correspondent with a progressive civilization—if we do not err in supposing this to be its favourable characteristic. Generally speaking, it is the drawn sword of the nation which checks and overawes the physical strength of its rulers; but in our case, culture and enlightenment serve no less
effectually to sway their thoughts and subdue their will, so that the actual concessions of reform seem rather ascribable to them than to the nation. If even to behold a people breaking their fetters asunder, in the full consciousness of their rights as men and citizens, is a beautiful and ennobling spectacle: it must be still more fair, and full of uplifting hope, to witness a prince himself unloosing the bonds of thraldom and granting freedom to his people,—nor this as the mere bounty of his gracious condescension, but as the discharge of his first and most indispensable duty; for it is nobler to see an object effected through a reverent regard for law and order, than conceded to the imperious demands of absolute necessity; and the more so, when we consider that the freedom which a nation strives to attain through the overthrow of existing institutions, is but as hope to enjoyment, as preparation to perfection, when compared with that which a State, once constituted, can bestow.

If we cast a glance at the history of political organizations, we shall find it difficult to decide, in the case of any one of them, the exact limits to which its activity was conformed, because we discover in none the systematic working out of any deliberate scheme, grounded on a certain basis of principle. We shall observe, that the freedom of the citizen has been limited from two points of view; that is, either from the necessity of organizing or securing the constitution, or from the expediency of providing for the moral and physical condition of the nation. These considerations have prevailed alternately, according as the constitution, in itself powerful, has required additional support, or as the views of the legislators have been more or less expanded. Often indeed both of these causes may be found operating conjointly. In the ancient States, almost all the institutions relating to the private life of the citizens were of a strictly political character. Possessed, as it was, of but little absolute authority, the constitution was mainly dependent for its duration on the will of the nation, and hence it was necessary to discover or propose means by which due harmony might be preserved between the character of established institutions and this tendency of national feeling. The same policy is still observable in small republican States; and if we were to regard it in the light of these circumstances alone, we might accept it as true, that the freedom of private life always increases in exact proportion as public freedom declines; whereas security always keeps pace with the latter. It is true the ancient legislators very often, and the ancient philosophers invariably, directed their attention to the inner life of the individual; and, in their eyes, the moral worth of human nature seemed to deserve the highest regard: of this we have an illustration in Plato's Republic, of which Rousseau has very truly observed that it has more the character of an educational than a political treatise. Now if we compare the example of the modern States, with regard to this tendency, we shall find the design of acting for the individual citizen, and of providing for his welfare, to be clear and unmistakable from the number of laws and institutions directed to this end, and which often give a very determinate form to private life. The superior internal consistency of our constitutions,—their greater independence of national character and feeling,—the deeper influence of mere thinkers, who are naturally disposed to more expanded views,—the multitude of inventions which teach us to follow out and improve the common objects of national activity; and lastly, and before all, certain ideas of religion which represent the governing power as responsible, to a certain extent, for the moral and future welfare of the citizens, have all contributed to introduce this change and develop this positive solicitude. But if we examine into the origin of particular institutions and police-laws, we find that they frequently originate in the real or pretended necessity of imposing taxes on the subject, and in this we may trace the example, it is true, to the political characteristics of the ancient States, inasmuch as such institutions grow out of the same desire of securing the constitution which we noticed in them. With respect to those limitations of freedom, however, which do not so much affect the State as the individuals who compose it, we are led to notice a vast difference between ancient and modern governments. The ancients devoted their attention more exclusively to the harmonious development of the individual man, as man; the moderns are chiefly solicitous about his comfort, his prosperity, his productiveness. The former looked to virtue; the latter seek for happiness. And hence it follows, that the restrictions imposed on freedom in the ancient States were, in some important respects, more oppressive and dangerous than those which characterize our times. For they directly attacked that inner life of the soul, in which the individuality of human being essentially consists; and hence all the ancient nations betray a character of uniformity, which is not so much to be attributed to their want of higher...
refinement and more limited intercommunication, as to
the systematic education of their youth in common
(almost universal among them), and the designedly
collective life of the citizens. But, in another point of
view, it will be allowed that these ancient institutions
contributed especially to preserve and elevate the
vigorously activity of the individual man. The very
desire which still animated all their political efforts, to
train up temperate and nobleminded citizens, imparted
a higher impulse to their whole spirit and character.
With us, it is true, man is individually less restricted;
but the influence of surrounding circumstances only
the more operates to produce and continue a limiting
agency—a position, however, which does not preclude
the possibility of beginning a conflict against these
external hindrances, with our own internal antagonistic
strength. And yet the peculiar nature of the limitations
imposed on freedom in our States; the fact that they
regard rather what man possesses than what he really
is, and that with respect to the latter they do not
cultivate, even to uniformity, the physical, intellectual,
and moral faculties; and lastly and especially, the
prevalence of certain determining ideas, more binding
than laws, suppress those energies which are the source
of every active virtue, and the indispensable condition
of any higher and more various culture. With the
ancients, moreover, the increase of force served to
compensate for their uniformity; but with the moderns
uniformity is aggravated by the evil of diminished
energy. This difference between the States of antiquity
and those of our own times, is in general thoroughly
evident. Whilst in these later centuries, the rapid strides
of progress, the number and dissemination of artistic
inventions, and the enduring grandeur of establishments, especially attract our attention; antiquity captivates us above all by that inherent
greatness which is comprised in the life of the
individual, and perishes along with him,—the bloom of fancy, the depth of thought, the strength of will, the
perfect oneness of the entire being, which alone confer
true worth on human nature. Their strong consciousness of this essential worth of human nature,
of its powers and their consistent development, was to
tem them the quick impulse to every manifestation of
activity; but these seem to us but as abstractions, in
which the sense of the individual is lost, or at least in
which his inner life is not so much regarded as his case,
his material comfort, his happiness. The ancients
sought for happiness in virtue; the moderns have too
long been endeavouring to develope the latter from the
former:[1] and even he[2] who could conceive and
portray morality in its purest form, thinks himself
bound to supply happiness to his ideal of human
nature through the medium of a highly artificial
machinery, and this rather as a reward from without,
than as a boon obtained by man’s own exertions. I
need not trace any further the features of this striking
difference, but will draw these hints to a conclusion
with an illustrative passage from Aristotle’s Ethics:
—“For that which peculiarly belongs to each by nature,
is best and most pleasant to every one; and
consequently, to man, the life according to intellect (is
most pleasant), if intellect especially constitutes Man.
This life therefore is the most happy.[3]

“It has been from time to time disputed
by publicists, whether the State should
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disposed many to the latter opinion. And this belief has
undoubtedly prevailed, not only in political theory, but
in actual practice. Ample evidence of this is to be found in most of the systems of political jurisprudence, in the more recent philosophical codes, and in the history of Constitutions generally. The introduction of these principles has given a new form to the study of politics (as is shown for instance by so many recent financial and legislative theories), and has produced many new departments of administration, as boards of trade, finance, and national economy. But, however generally these principles may be accepted, they still appear to me to require a more radical investigation; and this can only proceed from a view of human nature in the abstract, and of the highest ends of human existence.

Notes

[1] This difference is never so strikingly evident as when we make the comparison between the ancient and modern philosophers. In place of other illustration, I quote some remarks of Tiedemann on one of the finest passages in Plato’s Republic:—“Quanquam autem per se sit justitia grata nobis: tamen si exercitium ejus nullam omnino afferret utilitatem, si justo ea omnia essent patienda, quæ fratres commeromorant; injustitia justitiae foret praferenda; quæ enim ad felicitatem maxime faciunt nostram, sunt absque dubio præponenda. Jam corporis cruciatus, omnium rerum inopia, fames, infamia, quæque alia evenire justo fratres dixerunt, animi illam e justitia mananent voluptatem dubio procul longe superant, esetque adeo injustitia justitiae antehabenda et in virtutum numero collocanda.” (Tiedemann in argumentis dialogorum Platonis. Ad l. 2, de Republica.)—“Now although justice is pleasing to us in its own nature, still if the practice of it did not confer any advantage whatever, if the just man had to endure all that the brothers relate, injustice would be preferable to justice; for the things which especially contribute to our happiness, are unquestionably to be preferred to others. Now bodily torture, utter indigence, hunger, infamy, and whatever else the brothers observed to befall the just man, far outweigh, doubtless, that spiritual pleasure which flows from justice; and so injustice would have to be preferred to justice, and ranked in the number of virtues.”

[2] Kant, on the *Summum Bonum*, in his Elements of Moral Metaphysics (Riga, 1785), and in the Critique of Practical Reason.

[3] Τὸ γὰρ οἰκεῖον ἐκάστῳ
CHAPTER II. Of the individual man, and the highest ends of his existence.49

The true end of Man, or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole. Freedom is the grand and indispensable condition which the possibility of such a development presupposes; but there is besides another essential,—intimately connected with freedom, it is true,—a variety of situations. Even the most free and self-reliant of men is thwarted and hindered in his development by uniformity of position. But as it is evident, on the one hand, that such a diversity is a constant result of freedom, and on the other, that there is a species of oppression which, without imposing restrictions on man himself, gives a peculiar impress of its own to surrounding circumstances; these two conditions, of freedom and variety of situation, may be regarded, in a certain sense, as one and the same. Still, it may contribute to perspicuity to point out the distinction between them.

"The true end of Man, or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole. Freedom is the grand and indispensable condition which the possibility of such a development presupposes."

Every human being, then, can act with but one force at the same time: or rather, our whole nature disposes us at any given time to some single form of spontaneous activity. It would therefore seem to follow from this, that man is inevitably destined to a partial cultivation, since he only enfeebles his energies by directing them to a multiplicity of objects. But we see the fallacy of such a conclusion when we reflect, that man has it in his power to avoid this one-sidedness, by striving to unite the separate faculties of his nature, often singly exercised; by bringing into spontaneous cooperation, at each period of his life, the gleams of activity about to expire, and those which the future alone will kindle into living effulgence; and endeavouring to increase and diversify the powers with which he works, by harmoniously combining them, instead of looking for a mere variety of objects for their separate exercise. That which is effected, in the case of the individual, by the union of the past and future with the present, is produced in society by the mutual cooperation of its different single members; for, in all the stages of his existence, each individual can exhibit but one of those perfections only, which represent the possible features of human character. It is through such social union, therefore, as is based on the internal wants and capacities of its members, that each is enabled to participate in the rich collective resources of all the others. The experience of all, even the rudest, nations, furnishes us an example of a union thus formative of individual character, in the union of the sexes. And, although in this case the expression, as well of the difference as of the longing for union, appears more marked and striking, it is still no less active in other kinds of association where there is actually no difference of sex; it is only more difficult to discover in these, and may perhaps be more powerful for that very reason. If we were to follow out this idea, it might perhaps conduct us to a clearer insight into the phenomena of those unions so much in vogue among the ancients, and more especially the Greeks, among whom we find them countenanced even by the legislators themselves: I mean those so frequently, but unworthily, classed under the general appellation of ordinary love, and sometimes, but always erroneously, designated as mere friendship. The efficiency of all such unions as instruments of cultivation, wholly depends on the degree in which the component members can succeed in combining their personal

independence with the intimacy of the common bond; for whilst, without this intimacy, one individual cannot sufficiently possess himself, as it were, of the nature of the others, independence is no less essential, in order that the perceived be assimilated into the being of the perceiver. Now, it is clear (to apply these conclusions to the respective conditions for culture,—freedom, and a variety of situations), that, on the one hand, individual energy is essential to the perceived and perceiver, into which social unions may be resolved; and, on the other, a difference between them, neither so great as to prevent the one from comprehending the other, nor so inconsiderable as to exclude admiration for that which the other possesses, and the desire of assimilating it into the perceiver’s character.

This individual vigour, then, and manifold diversity, combine themselves in originality; and hence, that on which the consummate grandeur of our nature ultimately depends,—that towards which every human being must ceaselessly direct his efforts, and on which especially those who design to influence their fellow men must ever keep their eyes, is the Individuality of Power and Development. Just as this individuality springs naturally from the perfect freedom of action, and the greatest diversity in the agents, it tends immediately to produce them in turn. Even inanimate nature, which, proceeding in accordance with unchangeable laws, advances by regular grades of progression, appears more individual to the man who has been developed in his individuality. He transports himself, as it were, into the very centre of nature; and it is true, in the highest sense, that each still perceives the beauty and rich abundance of the outer world, in the exact measure in which he is conscious of their existence in his own soul. How much sweeter and closer must this correspondence become between effect and cause,—this reaction between internal feeling and outward perception,—when man is not only passively open to external sensations and impressions, but is himself also an agent!

If we attempt to confirm these principles by a closer application of them to the nature of the individual man, we find that everything which enters into the latter, reduces itself to the two elements of Form and Substance. The purest form, beneath the most delicate veil, we call Idea; the crudest substance, with the most imperfect form, we call sensuous Perception. Form springs from the union of substance. The richer and more various the substance that is united, the more sublime is the resulting form. A child of the gods is the offspring only of immortal parents: and as the blossom swells and ripens into fruit, and from the tiny germ imbedded in its soft pulp the new stalk shoots forth, laden with newly-clustering buds; so does the Form become in turn the substance of a still more exquisite Form. The intensity of power, moreover, increases in proportion to the greater variety and delicacy of the substance; since the internal cohesion increases with these. The substance seems as if blended in the form, and the form merged in the substance. Or, to speak without metaphor, the richer a man’s feelings become in ideas, and his ideas in feelings, the more lofty and transcendent his sublimity; for upon this constant intermingling of form and substance, or of diversity with the individual unity, depends the perfect interfusion of the two natures which co-exist in man, and upon this, his greatness. But the force of the generation depends upon the energy of the generating forces. The consummating point of human existence is the flowering of these forces.[1] In the vegetable world, the simple and less graceful form of the fruit seems to prefigure the more perfect bloom and symmetry of the flower which it precedes, and which it is destined gradually to unfold. Everything conspires to the beautiful consummation of the blossom. That which first shoots forth from the little germ is not nearly so exquisite and fascinating. The full thick trunk, the broad leaves rapidly detaching themselves from each other, seem to require some fuller and fairer development; as the eye glances up the ascending stem, it marks the spiring grades of this development; more tender leaflets seem longing to unite themselves, and draw closer and closer together, until the central calyx of the crowning flower seems to give the sweet satisfaction to this growing desire.[2] But destiny has not blessed the tribe of plants in this the law and process of their growth. The flower fades and dies, and the germ of the fruit reproduces the stem, as rude and unfinished as the former, to ascend slowly through the same stages of development as before. But when, in man, the blossom fades away, it is only to give place to another still more exquisitely beautiful; and the charm of the last and loveliest is only hidden from our view in the endlessly receding vistas of an inscrutable eternity. Now, whatever man receives externally, is only as the grain of seed. It is his own active energy alone that can convert the germ of the fairest growth, into a full and precious blessing for himself. It leads to
beneficial issues only when it is full of vital power and essentially individual. The highest ideal, therefore, of the co-existence of human beings, seems to me to consist in a union in which each strives to develop himself from his own inmost nature, and for his own sake. The requirements of our physical and moral being would, doubtless, bring men together into communities; and even as the conflicts of warfare are more honourable than the fights of the arena, and the struggles of exasperated citizens more glorious than the hired and unsympathizing efforts of mere mercenaries, so would the exerted powers of such spontaneous agents succeed in eliciting the highest and noblest energies.

“It is his own active energy alone that can convert the germ of the fairest growth, into a full and precious blessing for himself. It leads to beneficial issues only when it is full of vital power and essentially individual. The highest ideal, therefore, of the co-existence of human beings, seems to me to consist in a union in which each strives to develop himself from his own inmost nature, and for his own sake.”

And is it not exactly this which so unspeakably captivates us in contemplating the life of Greece and Rome, and which in general captivates any age whatever in the contemplation of a remoter one? Is it not that these men had harder struggles to endure with the ruthless force of destiny, and harder struggles with their fellow men? that greater and more original energy and individuality constantly encountered each other, and gave rise in the encounter to ever new and beautiful forms? Every later epoch,—and in what a rapid course of declension must this now proceed!—is necessarily inferior in variety to that which it succeeded: in variety of nature,—the boundless forests have been cleared, the vast morasses dried up; in variety of human life, by the ever-increasing intercommunication and union of all human establishments.[3] It is in this we find one of the chief causes which render the idea of the new, the uncommon, the marvellous, so much more rare,—which make affright or astonishment almost a disgrace,—and not only render the discovery of fresh and, till now, unknown expedients, far less necessary, but also all sudden, unpremeditated and urgent decisions. For, partly, the pressure of outward circumstances is less violent, while man is provided with more ample means for opposing them; partly, this resistance is no longer possible with the simple forces which nature bestows on all alike, fit for immediate application; and, in fine, partly a higher and more extended knowledge renders inventions less necessary, and the very increase of learning serves to blunt the edge of discovery. It is, on the other hand, undeniable that, whereas physical variety has so vastly declined, it has been succeeded by an infinitely richer and more satisfying intellectual and moral variety, and that our superior refinement can recognize more delicate differences and gradations, and our disciplined and susceptible character, if not so firmly consolidated as that of the ancients, can transfer them into the practical conduct of life,—differences and gradations which might have wholly escaped the notice of the sages of antiquity, or at least would have been discernible by them alone. To the human family at large, the same has happened as to the individual: the ruder features have faded away, the finer only have remained. And in view of this sacrifice of energy from generation to generation, we might regard it as a blessed dispensation if the whole human species were as one man; or the living force of one age could be transmitted to the succeeding one, along with its books and inventions. But this is far from being the case. It is true that our refinement possesses a peculiar force of its own, perhaps even surpassing the former in strength, just in proportion to the measure of its refinement; but it is a question whether the prior development, through the more robust and vigorous stages, must not always be the antecedent transition. Still, it is certain that the sensuous element in our nature, as it is the earliest germ, is also the most vivid expression of the spiritual.

Whilst this is not the place, however, to enter on the discussion of this point, we are justified in concluding, from the other considerations we have urged, that we must at least preserve, with the most eager solicitude, all the force and individuality we may
yet possess, and cherish aught that can tend in any way to promote them.

I therefore deduce, as the natural inference from what has been argued, that reason cannot desire for man any other condition than that in which each individual not only enjoys the most absolute freedom of developing himself by his own energies, in his perfect individuality, but in which external nature even is left unfashioned by any human agency, but only receives the impress given to it by each individual of himself and his own free will, according to the measure of his wants and instincts, and restricted only by the limits of his powers and his rights.

From this principle it seems to me, that Reason must never yield aught save what is absolutely required to preserve it. It must therefore be the basis of every political system, and must especially constitute the starting-point of the inquiry which at present claims our attention.

“I therefore deduce, as the natural inference from what has been argued, that reason cannot desire for man any other condition than that in which each individual not only enjoys the most absolute freedom of developing himself by his own energies, in his perfect individuality, but in which external nature even is left unfashioned by any human agency, but only receives the impress given to it by each individual of himself and his own free will, according to the measure of his wants and instincts, and restricted only by the limits of his powers and his rights.”

Notes

[3] Rousseau has also noticed this in his ‘Emile.’

Further Information

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FURTHER READING

Other works by Wilhelm von Humboldt (1767-1835) <oll.libertyfund.org/people/3789>.

School of Thought: German Liberalism <oll.libertyfund.org/groups/32>.

Liberty Fund publishes a translation of Humboldt’s book under the title The Limits of State Action edited by J. W. Burrow (1993). It is not available online for copyright reasons.
"Liberty is the mother of virtue, and if women be, by their very constitution, slaves, and not allowed to breathe the sharp invigorating air of freedom, they must ever languish like exotics, and be reckoned beautiful flaws in nature."

Mary Wollstonecraft (1759-1797)
Editor’s Introduction

Mary Wollstonecraft (1759-1797) was an English author who rose to prominence in radical circles with a very quick response to Burke’s *Reflections on the Revolution in France* (1790) in which she defended the idea of natural rights. She extended her analysis two years later to defend the idea of equal rights for women in one of the founding texts of modern feminism - *A Vindication of the Rights of Woman*. Wollstonecraft lived in France during the Revolution and wrote an early history of that event. She also wrote travel letters and novels. In 1797 she married the radical political philosopher William Godwin. Her daughter Mary Wollstonecraft Godwin, later Mary Shelley, wrote the novel *Frankenstein* (1818).

This work is one of the founding documents of the modern feminist movement and came out of a spirited debate with conservatives like Edmund Burke who denounced the idea of natural rights and the corollary right to seek redress in a revolution if need be when the government refused to acknowledge those rights. Wollstonecraft joined other radicals such as Thomas Paine and William Godwin to defend the radical position.

What is intriguing about Wollstonecraft is that she continued the discussion in this later book in order to apply for the first time these ideas about individual liberty to women as well as men. Having established this to be the case to her satisfaction she then asked the further question why were women in the subordinate position they were in vis-à-vis men? Her answer was that they were held in this position by a combination of force (laws which discriminated against them in terms of property ownership, education, and marriage) and established opinion regarding the proper role of women in the home and in society. Her solution was to equalize women before the law and to encourage parents to devote the same effort in educating their daughters as they did their sons. Only when legal discrimination was ended and educational opportunities made available to young girls would women be able to find their true level in society.

Wollstonecraft also argued that traditional ideas about education and the proper roles for each gender handicapped young boys as much as it did young girls. Whereas young women were encouraged to be good wives and mothers, young men were encouraged to be heroic and obedient soldiers. Neither set of stereotypes encouraged individuals to find their own calling in life.

“if women are to be excluded, without having a voice, from a participation of the natural rights of mankind, prove first, to ward off the charge of injustice and inconsistency, that they want reason–else this flaw in your NEW CONSTITUTION will ever shew that man must, in some shape, act like a tyrant, and tyranny, in whatever part of society it rears its brazen front, will ever undermine morality”
TO M. TALLEYRAND-PÉRIGORD LATE BISHOP OF AUTUN

Sir,

Having read with great pleasure a pamphlet which you have lately published I dedicate this volume to you; to induce you to reconsider the subject, and maturely weigh what I have advanced respecting the rights of woman and national education: and I call with the firm tone of humanity; for my arguments, Sir, are dictated by a disinterested spirit—I plead for my sex—not for myself. Independence I have long considered as the grand blessing of life, the basis of every virtue—and independence I will ever secure by contracting my wants, though I were to live on a barren heath.

It is then an affection for the whole human race that makes my pen dart rapidly along to support what I believe to be the cause of virtue: and the same motive leads me earnestly to wish to see woman placed in a station in which she would advance, instead of retarding, the progress of those glorious principles that give a substance to morality. My opinion, indeed, respecting the rights and duties of woman, seems to flow so naturally from these simple principles, that I think it scarcely possible, but that some of the enlarged minds who formed your admirable constitution, will coincide with me.

In France there is undoubtedly a more general diffusion of knowledge than in any part of the European world, and I attribute it, in a great measure, to the social intercourse which has long subsisted between the sexes. It is true, I utter my sentiments with freedom, that in France the very essence of sensuality has been extracted to regale the voluptuary, and a kind of sentimental lust has prevailed, which, together with the system of duplicity that the whole tenour of their political and civil government taught, have given a sinister sort of sagacity to the French character, properly termed finesse; from which naturally flow a polish of manners that injures the substance, by hunting sincerity out of society—and, modesty, the fairest garb of virtue! has been more grossly insulted in France than even in England, till their women have treated as prudish that attention to decency, which brutes instinctively observe.

Manners and morals are so nearly allied that they have often been confounded, but, though the former should only be the natural reflection of the latter, yet, when various causes have produced factitious and corrupt manners, which are very early caught, morality becomes an empty name. The personal reserve, and sacred respect for cleanliness and delicacy in domestic life, which French women almost despise, are the graceful pillars of modesty; but, far from despising them, if the pure flame of patriotism have reached their bosoms, they should labour to improve the morals of their fellow-citizens, by teaching men, not only to respect modesty in women, but to acquire it themselves, as the only way to merit their esteem.

“Contending for the rights of woman, my main argument is built on this simple principle, that if she be not prepared by education to become the companion of man, she will stop the progress of knowledge and virtue; for truth must be common to all, or it will be inefficacious with respect to its influence on general practice.”

Contending for the rights of woman, my main argument is built on this simple principle, that if she be not prepared by education to become the companion of man, she will stop the progress of knowledge and virtue; for truth must be common to all, or it will be inefficacious with respect to its influence on general practice. And how can woman be expected to cooperate unless she know why she ought to be virtuous? unless freedom strengthen her reason till she comprehend her duty, and see in what manner it is connected with her real good? If children are to be educated to understand the true principle of

patriotism, their mother must be a patriot; and the love of mankind, from which an orderly train of virtues spring, can only be produced by considering the moral and civil interest of mankind; but the education and situation of woman, at present, shuts her out from such investigations.

In this work I have produced many arguments, which to me were conclusive, to prove that the prevailing notion respecting a sexual character was subversive of morality, and I have contended, that to render the human body and mind more perfect, chastity must more universally prevail, and that chastity will never be respected in the male world till the person of a woman is not, as it were, idolized, when little virtue or sense embellish it with the grand traces of mental beauty, or the interesting simplicity of affection.

Consider, Sir, dispassionately, these observations— for a glimpse of this truth seemed to open before you when you observed, ‘that to see one half of the human race excluded by the other from all participation of government, was a political phaenomenon that, according to abstract principles, it was impossible to explain. If so, on what does your constitution rest? If the abstract rights of man will bear discussion and explanation, those of woman, by a parity of reasoning, it was impossible to explain. If so, on what does your constitution rest? If the abstract rights of man will bear discussion and explanation, those of woman, by a parity of reasoning, will not shrink from the same test: though a different opinion prevails in this country, built on the very arguments which you use to justify the oppression of woman—prescription.

Consider, I address you as a legislator, whether, when men contend for their freedom, and to be allowed to judge for themselves respecting their own happiness, it be not inconsistent and unjust to subjugate women, even though you firmly believe that you are acting in the manner best calculated to promote their happiness? Who made man the exclusive judge, if woman partake with him the gift of reason?

In this style, argue tyrants of every denomination, from the weak king to the weak father of a family; they are all eager to crush reason; yet always assert that they usurp its throne only to be useful. Do you not act a similar part, when you force all women, by denying them civil and political rights, to remain immured in their families groping in the dark? for surely, Sir, you will not assert, that a duty can be binding which is not founded on reason? If indeed this be their destination, arguments may be drawn from reason: and thus augustly supported, the more understanding women acquire, the more they will be attached to their duty—comprehending it—for unless they comprehend it, unless their morals be fixed on the same immutable principle as those of man, no authority can make them discharge it in a virtuous manner. They may be convenient slaves, but slavery will have its constant effect, degrading the master and the abject dependent.

But, if women are to be excluded, without having a voice, from a participation of the natural rights of mankind, prove first, to ward off the charge of injustice and inconsistency, that they want reason—else this flaw in your NEW CONSTITUTION will ever shew that man must, in some shape, act like a tyrant, and tyranny, in whatever part of society it rears its brazen front, will ever undermine morality.

I have repeatedly asserted, and produced what appeared to me irrefragable arguments drawn from matters of fact, to prove my assertion, that women cannot, by force, be confined to domestic concerns; for they will, however ignorant, intermeddle with more weighty affairs, neglecting private duties only to disturb, by cunning tricks, the orderly plans of reason which rise above their comprehension.

Besides, whilst they are only made to acquire personal accomplishments, men will seek for pleasure in variety, and faithless husbands will make faithless wives, such ignorant beings, indeed, will be very excusable when, not taught to respect public good, nor allowed any civil rights, they attempt to do themselves justice by retaliation.

The box of mischief thus opened in society, what is to preserve private virtue, the only security of public freedom and universal happiness?

“Let there be then no coercion established in society, and the common law of gravity prevailing, the sexes will fall into their proper places."

Let there be then no coercion established in society, and the common law of gravity prevailing, the sexes will fall into their proper places. And, now that more equitable laws are forming your citizens, marriage may become more sacred: your young men may choose wives from motives of affection, and your maidens allow love to root out vanity.
The father of a family will not then weaken his constitution and debase his sentiments, by visiting the harlot, nor forget, in obeying the call of appetite, the purpose for which it was implanted. And, the mother will not neglect her children to practise the arts of coquetry, when sense and modesty secure her the friendship of her husband.

But, till men become attentive to the duty of a father, it is vain to expect women to spend that time in their nursery which they, ‘wise in their generation,’ choose to spend at their glass; for this exertion of cunning is only an instinct of nature to enable them to obtain indirectly a little of that power of which they are unjustly denied a share: for, if women are not permitted to enjoy legitimate rights, they will render both men and themselves vicious, to obtain illicit privileges.

I wish, Sir, to set some investigations of this kind afloat in France; and should they lead to a confirmation of my principles, when your constitution is revised the Rights of Woman may be respected, if it be fully proved that reason calls for this respect, and loudly demands JUSTICE for one half of the human race.

I am, Sir,
Your’s respectfully,
M.W.

CHAPTER II. THE PREVAILING OPINION OF A SEXUAL CHARACTER DISCUSSED

To account for, and excuse the tyranny of man, many ingenious arguments have been brought forward to prove, that the two sexes, in the acquirement of virtue, ought to aim at attaining a very different character: or, to speak explicitly, women are not allowed to have sufficient strength of mind to acquire what really deserves the name of virtue. Yet it should seem, allowing them to have souls, that there is but one way appointed by Providence to lead mankind to either virtue or happiness.

If then women are not a swarm of ephemeron triflers, why should they be kept in ignorance under the specious name of innocence? Men complain, and with reason, of the follies and caprices of our sex, when they do not keenly satirize our head-strong passions and groveling vices. – Behold, I should answer, the natural effect of ignorance! The mind will ever be unstable that has only prejudices to rest on, and the current will run with destructive fury when there are no barriers to break its force. Women are told from their infancy, and taught by the example of their mothers, that a little knowledge of human weakness, justly termed cunning, softness or temper, outward obedience, and a scrupulous attention to a puerile kind of propriety, will obtain for them the protection of man; and should they be beautiful, every thing else is needless, for, at least, twenty years of their lives.

Thus Milton describes our first frail mother; though when he tells us that women are formed for softness and sweet attractive grace, I cannot comprehend his meaning, unless, in the true Mahometan strain, he meant to deprive us of souls, and insinuate that we were beings only designed by sweet attractive grace, and docile blind obedience, to gratify the senses of man when he can no longer soar on the wing of contemplation.

How grossly do they insult us who thus advise us only to render ourselves gentle, domestic brutes! For instance, the winning softness so warmly, and frequently, recommended, that governs by obeying. What childish expression, and how insignificant is the being – can it be an immortal one? who will condescend to govern by such sinister methods! ‘Certainly,’ says Lord Bacon, ‘man is of kin to the beasts by his body; and if he be not of kin to God by his spirit, he is a base and ignoble creature!’ Men, indeed, appear to me to act in a very unphilosophical manner when they try to secure the good conduct of women by attempting to keep them always in a state of childhood. Rousseau was more consistent when he wished to stop the progress of reason in both sexes, for if men eat of the tree of knowledge, women will come in for a taste; but, from the imperfect cultivation which their understandings now receive, they only attain a knowledge of evil.

Children, I grant, should be innocent; but when the epithet is applied to men, or women, it is but a civil term for weakness. For if it be allowed that women were destined by Providence to acquire human virtues, and by the exercise of their understandings, that stability of character which is the firmest ground to rest our future hopes upon, they must be permitted to turn to the fountain of light, and not forced to shape their course by the twinkling of a mere satellite. Milton, I grant, was of a very different opinion; for he only
bends to the indefeasible right of beauty, though it would be difficult to render two passages which I now mean to contrast, consistent. But into similar inconsistencies are great men often led by their senses.

‘To whom thus Eve with perfect beauty adorn’d.

My Author and Disposer, what thou bidst
Unargued I obey; so God ordains;
God is thy law, thou mine: to know no more
Is Woman’s happiest knowledge and her praise.’

These are exactly the arguments that I have used to children; but I have added, your reason is now gaining strength, and, till it arrives at some degree of maturity, you must look up to me for advice – then you ought to think, and only rely on God

Yet in the following lines Milton seems to coincide with me; when he makes Adam thus expostulate with his Maker

‘Hast thou not made me here thy substitute,
And these inferior far beneath me set?
Among unequals what society
Can sort, what harmony or true delight?
Which must be mutual, in proportion due
Giv’n and receiv’d, but in disparity
The one intense, the other still remiss
Cannot well suit with either, but soon prove
Tedious alike of fellowship I speak
Such as I seek, fit to participate
All rational delight –’

In treating, therefore, of the manners of women, let us, disregarding sensual arguments, trace what we should endeavour to make them in order to co-operate, if the expression be not too bold, with the supreme Being.

By individual education, I mean, for the sense of the word is not precisely defined, such an attention to a child as will slowly sharpen the senses, form the temper, regulate the passions as they begin to ferment, and set the understanding to work before the body arrives at maturity; so that the man may only have to proceed, not to begin, the important task of learning to think and reason.

To prevent any misconstruction, I must add, that I do not believe that a private education can work the wonders which some sanguine writers have attributed to it. Men and women must be educated, in a great degree, by the opinions and manners of the society they live in. In every age there has been a stream of popular opinion that has carried all before it, and given a family character, as it were, to the century. It may then fairly be inferred, that, till society be differently constituted, much cannot be expected from education. It is, however, sufficient for my present purpose to assert, that, whatever effect circumstances have on the abilities, every being may become virtuous by the exercise of its own reason; for if but one being was created with vicious inclinations, that is positively bad, what can save us from atheism? or if we worship a God, is not that God a devil?

“But for this epoch we must wait – wait, perhaps, till kings and nobles, enlightened by reason, and, preferring the real dignity of man to childish state, throw off their gaudy hereditary trappings: and if then women do not resign the arbitrary power of beauty – they will prove that they have less mind than man.”

Consequently, the most perfect education, in my opinion, is such an exercise of the understanding as is best calculated to strengthen the body and form the heart. Or, in other words, to enable the individual to attain such habits of virtue as will render it independent. In fact, it is a farce to call any being virtuous whose virtues do not result from the exercise of its own reason. This was Rousseau’s opinion respecting men: I extend it to women, and confidently assert that they have been drawn out of their sphere by false refinement, and not by an endeavour to acquire masculine qualities. Still the regal homage which they receive is so intoxicating, that till the manners of the times are changed, and formed on more reasonable principles, it may be impossible to convince them that the illegitimate power, which they obtain, by degrading themselves, is a curse, and that they must return to nature and equality, if they wish to secure the placid satisfaction that unsophisticated affections impart. But for this epoch we must wait – wait, perhaps, till kings and nobles, enlightened by reason, and, preferring the
real dignity of man to childish state, throw off their
gaudy hereditary trappings: and if then women do not
resign the arbitrary power of beauty — they will prove
that they have less mind than man.

I may be accused of arrogance; still I must declare
what I firmly believe, that all the writers who have
written on the subject of female education and
manners from Rousseau to Dr Gregory, have
contributed to render women more artificial, weak
characters, than they would otherwise have been; and,
consequently, more useless members of society. I might
have expressed this conviction in a lower key; but I am
afraid it would have been the whine of affectation, and
not the faithful expression of my feelings, of the clear
result, which experience and reflection have led me to
draw. When I come to that division of the subject, I
shall advert to the passages that I more particularly
disapprove of, in the works of the authors I have just
alluded to; but it is first necessary to observe, that my
objection extends to the whole purport of those books,
which tend, in my opinion, to degrade one half of the
human species, and render women pleasing at the
expense of every solid virtue.

Though, to reason on Rousseau’s ground, if man
did attain a degree of perfection of mind when his
body arrived at maturity, it might be proper, in order to
make a man and his wife one, that she should rely
entirely on his understanding; and the graceful ivy,
classing the oak that supported it, would form a whole
in which strength and beauty would be equally
conspicuous. But, alas! husbands, as well as their
helpmates, are often only overgrown children; nay,
thanks to early debauchery, scarcely men in their
outward form — and if the blind lead the blind, one
need not come from heaven to tell us the consequence.

Many are the causes that, in the present corrupt
state of society, contribute to enslave women by
cremping their understandings and sharpening their
senses. One, perhaps, that silently does more mischief
than all the rest, is their disregard of order.

To do every thing in an orderly manner, is a most
important precept, which women, who, generally
speaking, receive only a disorderly kind of education,
seldom attend to with that degree of exactness that
men, who from their infancy are broken into method,
obsery. This negligent kind of guesswork, for what
other epithet can be used to point out the random
exertions of a sort of instinctive common sense, never
brought to the test of reason? prevents their
generealizing matters of fact — so they do to-day, what
they did yesterday, merely because they did it yesterday.

This contempt of the understanding in early life
has more baneful consequences than is commonly
supposed; for the little knowledge which women of
strong minds attain, is, from various circumstances, of
a more desultory kind than the knowledge of men, and
it is acquired more by sheer observations on real life,
than from comparing what has been individually
observed with the results of experience generalized by
speculation. Led by their dependent situation and
domestic employments more into society, what they
learn is rather by snatches; and as learning is with
them, in general, only a secondary thing, they do not
pursue any one branch with that persevering ardour
necessary to give vigour to the faculties, and clearness
to the judgment. In the present state of society, a little
learning is required to support the character of a
gentleman; and boys are obliged to submit to a few
years of discipline. But in the education of women, the
cultivation of the understanding is always subordinate
to the acquirement of some corporeal accomplishment;
even while enervated by confinement and false notions of modesty, the body is prevented
from attaining that grace and beauty which relaxed
half-formed limbs never exhibit. Besides, in youth their
faculties are not brought forward by emulation; and,
having no serious scientific study, if they have natural
sagacity it is turned too soon on life and manners. They
dwell on effects, and modifications, without tracing
them back to causes; and complicated rules to adjust
behaaviour are a weak substitute for simple principles.

As a proof that education gives this appearance of
weakness to females, we may instance the example of
military men, who are, like them, sent into the world
before their minds have been formed with knowledge or
fortified by principles. The consequences are similar,
soldiers acquire a little superficial knowledge, snatched
from the muddy current of conversation, and, from
continually mixing with society, they gain, what is
termed a knowledge of the world, and this
acquaintance with manners and customs has frequently
been confounded with a knowledge of the human
heart. But can the crude fruit of casual observation,
ever brought to the test of judgment, formed by
comparing speculation and experience, deserve such a
distinction? Soldiers, as well as women, practise the
minor virtues with punctilious politeness. Where is then
the sexual difference, when the education has been the
same? All the difference that I can discern, arises from
the superior advantage of liberty, which enables the
former to see more of life.

It is wandering from my present subject, perhaps,
to make a political remark; but, as it was produced
naturally by the train of my reflections, I shall not pass
it silently over.

"Standing armies can never consist of resolute, robust men; they may be well disciplined machines, but they will seldom contain men under the influence of strong passions, or with very vigorous faculties. And as for any depth of understanding, I will venture to affirm, that it is as rarely to be found in the army as amongst women; and the cause, I maintain, is the same."

Standing armies can never consist of resolute, robust men; they may be well disciplined machines, but they will seldom contain men under the influence of strong passions, or with very vigorous faculties. And as for any depth of understanding, I will venture to affirm, that it is as rarely to be found in the army as amongst women; and the cause, I maintain, is the same. It may be further observed, that officers are also particularly attentive to their persons, fond of dancing, crowded rooms, adventures, and ridicule. [1] Like the fair sex, the business of their lives is gallantry. – They were taught to please, and they only live to please. Yet they do not lose their rank in the distinction of sexes, for they are still reckoned superior to women, though in what their superiority consists, beyond what I have just mentioned, it is difficult to discover.

The great misfortune is this, that they both acquire manners before morals, and a knowledge of life before they have, from reflection, any acquaintance with the grand ideal outline of human nature. The consequence is natural; satisfied with common nature, they become a prey to prejudices, and taking all their opinions on credulity, they blindly submit to authority. So that if they have any sense, it is a kind of instinctive glance, that catches proportions, and decides with respect to manners; but fails when arguments are to be pursued below the surface, or opinions analyzed.

May not the same remark be applied to women? Nay, the argument may be carried still further, for they are both thrown out of a useful station by the unnatural distinctions established in civilized life. Riches and hereditary honours have made cyphers of women to give consequence to the numerical figure; and idleness has produced a mixture of gallantry and despotism into society, which leads the very men who are the slaves of their mistresses to tyrannize over their sisters, wives, and daughters. This is only keeping them in rank and file, it is true. Strengthen the female mind by enlarging it, and there will be an end to blind obedience; but, as blind obedience is ever sought for by power, tyrants and sensualists are in the right when they endeavour to keep women in the dark, because the former only want slaves, and the latter a play-thing. The sensualist, indeed, has been the most dangerous of tyrants, and women have been duped by their lovers, as princes by their ministers, whilst dreaming that they reigned over them.

I now principally allude to Rousseau, for his character of Sophia is, undoubtedly, a captivating one, though it appears to me grossly unnatural; however it is not the superstructure, but the foundation of her character, the principles on which her education was built, that I mean to attack; nay, warmly as I admire the genius of that able writer, whose opinions I shall often have occasion to cite, indignation always takes place of admiration, and the rigid frown of insulted virtue effaces the smile of complacency, which his eloquent periods are wont to raise, when I read his voluptuous reveries. Is this the man, who, in his ardour for virtue, would banish all the soft arts of peace, and almost carry us back to Spartan discipline? Is this the man who delights to paint the useful struggles of passion, the triumphs of good dispositions, and the heroic flights which carry the glowing soul out of itself? – How are these mighty sentiments lowered when he describes the pretty foot and enticing airs of his little favourite! But, for the present, I wave the subject, and, instead of severely reprehending the transient effusions of overweening sensibility, I shall only observe, that whoever has cast a benevolent eye on society, must often have been gratified by the sight of humble mutual love, not dignified by sentiment, or strengthened by a union in intellectual pursuits. The
domestic trifles of the day have afforded matters for cheerful converse, and innocent caresses have softened toils which did not require great exercise of mind or stretch of thought: yet, has not the sight of this moderate felicity excited more tenderness than respect? An emotion similar to what we feel when children are playing, or animals sporting, whilst the contemplation of the noble struggles of suffering merit has raised admiration, and carried our thoughts to that world where sensation will give place to reason.

Women are, therefore, to be considered either as moral beings, or so weak that they must be entirely subjected to the superior faculties of men.

"Women are, therefore, to be considered either as moral beings, or so weak that they must be entirely subjected to the superior faculties of men."

Let us examine this question. Rousseau declares that a woman should never, for a moment, feel herself independent, that she should be governed by fear to exercise her natural cunning, and made a coquetish slave in order to render her a more alluring object of desire, a sweeter companion to man, whenever he chooses to relax himself. He carries the arguments, which he pretends to draw from the indications of nature, still further, and insinuates that truth and fortitude, the corner stones of all human virtue, should be cultivated with certain restrictions, because, with respect to the female character, obedience is the grand lesson which ought to be impressed with unrelenting rigour.

What nonsense! when will a great man arise with sufficient strength of mind to puff away the fumes which pride and sensuality have thus spread over the subject! If women are by nature inferior to men, their virtues must be the same in quality, if not in degree, or virtue is a relative idea; consequently, their conduct should be founded on the same principles, and have the same aim.

Connected with man as daughters, wives, and mothers, their moral character may be estimated by their manner of fulfilling those simple duties; but the end, the grand end of their exertions should be to unfold their own faculties and acquire the dignity of conscious virtue. They may try to render their road pleasant; but ought never to forget, in common with man, that life yields not the felicity which can satisfy an immortal soul. I do not mean to insinuate, that either sex should be so lost in abstract reflections or distant views, as to forget the affections and duties that lie before them, and are, in truth, the means appointed to produce the fruit of life; on the contrary, I would warmly recommend them, even while I assert, that they afford most satisfaction when they are considered in their true, sober light.

Probably the prevailing opinion, that woman was created for man, may have taken its rise from Moses's poetical story; yet, as very few, it is presumed, who have bestowed any serious thought on the subject, ever supposed that Eve was, literally speaking, one of Adam's ribs, the deduction must be allowed to fall to the ground; or, only be so far admitted as it proves that man, from the remotest antiquity, found it convenient to exert his strength to subjugate his companion, and his invention to shew that she ought to have her neck bent under the yoke, because the whole creation was only created for his convenience or pleasure.

Let it not be concluded that I wish to invert the order of things; I have already granted, that, from the constitution of their bodies, men seem to be designed by Providence to attain a greater degree of virtue. I speak collectively of the whole sex; but I see not the shadow of a reason to conclude that their virtues should differ in respect to their nature. In fact, how can they, if virtue has only one eternal standard? I must therefore, if I reason consequentially, as strenuously maintain that they have the same simple direction, as that there is a God.

It follows then that cunning should not be opposed to wisdom, little cares to great exertions, or insipid softness, varnished over with the name of gentleness, to that fortitude which grand views alone can inspire.

I shall be told that woman would then lose many of her peculiar graces, and the opinion of a well known poet might be quoted to refute my unqualified assertion. For Pope has said, in the name of the whole male sex,

‘Yet ne’er so sure our passion to create,
As when she touch’d the brink of all we hate.’

In what light this sally places men and women, I shall leave to the judicious to determine; meanwhile I shall content myself with observing, that I cannot
discover why, unless they are mortal, females should always be degraded by being made subservient to love or lust.

[we have cut the discussion about romantic love for reasons of space]

As a philosopher, I read with indignation the plausible epithets which men use to soften their insults; and, as a moralist, I ask what is meant by such heterogeneous associations, as fair defects, amiable weaknesses, etc.? If there be but one criterion of morals, but one archetype for man, women appear to be suspended by destiny, according to the vulgar tale of Mahomet's coffin; they have neither the unerring instinct of brutes, nor are allowed to fix the eye of reason on a perfect model. They were made to be loved, and must not aim at respect, lest they should be hunted out of society as masculine.

“Do passive indolent women make the best wives? ... And have women, who have early imbibed notions of passive obedience, sufficient character to manage a family or educate children?”

But to view the subject in another point of view. Do passive indolent women make the best wives? Confining our discussion to the present moment of existence, let us see how such weak creatures perform their part? Do the women who, by the attainment of a few superficial accomplishments, have strengthened the prevailing prejudice, merely contribute to the happiness of their husbands? Do they display their charms merely to amuse them? And have women, who have early imbibed notions of passive obedience, sufficient character to manage a family or educate children? So far from it, that, after surveying the history of woman, I cannot help, agreeing with the severest satirist, considering the sex as the weakest as well as the most oppressed half of the species. What does history disclose but marks of inferiority, and how few women have emancipated themselves from the galling yoke of sovereign man? – So few, that the exceptions remind me of an ingenious conjecture respecting Newton: that he was probably a being of a superior order, accidently caged in a human body. Following the same train of thinking, I have been led to imagine that the few extraordinary women who have rushed in eccentric directions out of the orbit prescribed to their sex, were male spirits, confined by mistake in female frames. But if it be not philosophical to think of sex when the soul is mentioned, the inferiority must depend on the organs; or the heavenly fire, which is to ferment the clay, is not given in equal portions.

But avoiding, as I have hitherto done, any direct comparison of the two sexes collectively, or frankly acknowledging the inferiority of woman, according to the present appearance of things, I shall only insist that men have increased that inferiority till women are almost sunk below the standard of rational creatures. Let their faculties have room to unfold, and their virtues to gain strength, and then determine where the whole sex must stand in the intellectual scale. Y et let it be remembered, that for a small number of distinguished women I do not ask a place.

It is difficult for us purblind mortals to say to what height human discoveries and improvements may arrive when the gloom of despotism subsides, which makes us stumble at every step; but, when morality shall be settled on a more solid basis, then, without being gifted with a prophetic spirit, I will venture to predict that woman will be either the friend or slave of man. We shall not, as at present, doubt whether she is a moral agent, or the link which unites man with brutes. But, should it then appear, that like the brutes they were principally created for the use of man, he will let them patiently bite the bridle, and not mock them with empty praise; or, should their rationality be proved, he will not impede their improvement merely to gratify his sensual appetites. He will not, with all the graces of rhetoric, advise them to submit implicitly their understanding to the guidance of man. He will not, when he treats of the education of women, assert that they ought never to have the free use of reason, nor would he recommend cunning and dissimulation to beings who are acquiring, in like manner as himself, the virtues of humanity.

Surely there can be but one rule of right, if morality has an eternal foundation, and whoever sacrifices virtue, strictly so called, to present convenience, or whose duty it is to act in such a manner, lives only for the passing day, and cannot be an accountable creature.
The poet then should have dropped his sneer when he says,

‘If weak women go astray,
The stars are more in fault than they’

For that they are bound by the adamantine chain of destiny is most certain, if it be proved that they are never to exercise their own reason, never to be independent, never to rise above opinion, or to feel the dignity of a rational will that only bows to God, and often forgets that the universe contains any being but itself and the model of perfection to which its ardent gaze is turned, to adore attributes that, softened into virtues, may be imitated in kind, though the degree overwhims the enraptured mind.

If, I say, for I would not impress by declamation when Reason offers her sober light, if they be really capable of acting like rational creatures, let them not be treated like slaves; or, like the brutes who are dependent on the reason of man, when they associate with him; but cultivate their minds, give them the salutary, sublime curb of principle, and let them attain conscious dignity by feeling themselves only dependent on God. Teach them, in common with man, to submit to necessity, instead of giving, to render them more pleasing, a sex to morals.

Further, should experience prove that they cannot attain the same degree of strength of mind, perseverance, and fortitude, let their virtues be the same in kind, though they may vainly struggle for the same degree; and the superiority of man will be equally clear, if not clearer; and truth, as it is a simple principle, which admits of no modification, would be common to both. Nay, the order of society as it is at present regulated would not be inverted, for woman would then only have the rank that reason assigned her, and arts could not be practised to bring the balance even, much less to turn it.

These may be termed utopian dreams. — Thanks to that Being who impressed them on my soul, and gave me sufficient strength of mind to dare to exert my own reason, till, becoming dependent only on him for the support of my virtue, I view, with indignation, the mistaken notions that enslave my sex.

I love man as my fellow; but his scepter, real, or usurped, extends not to me, unless the reason of an individual demands my homage; and even then the submission is to reason, and not to man. In fact, the conduct of an accountable being must be regulated by the operations of its own reason; or on what foundation rests the throne of God?

“I love man as my fellow; but his scepter, real, or usurped, extends not to me, unless the reason of an individual demands my homage; and even then the submission is to reason, and not to man.”

It appears to me necessary to dwell on these obvious truths, because females have been insulated, as it were; and, while they have been stripped of the virtues that should clothe humanity, they have been decked with artificial graces that enable them to exercise a short-lived tyranny. Love, in their bosoms, taking place of every nobler passion, their sole ambition is to be fair, to raise emotion instead of inspiring respect; and this ignoble desire, like the servility in absolute monarchies, destroys all strength of character. Liberty is the mother of virtue, and if women be, by their very constitution, slaves, and not allowed to breathe the sharp invigorating air of freedom, they must ever languish like exotics, and be reckoned beautiful flaws in nature.

“Liberty is the mother of virtue, and if women be, by their very constitution, slaves, and not allowed to breathe the sharp invigorating air of freedom, they must ever languish like exotics, and be reckoned beautiful flaws in nature.”

As to the argument respecting the subjection in which the sex has ever been held, it retorts on man. The many have always been enthralled by the few; and monsters, who scarcely have shewn any discernment of human excellence, have tyrannized over thousands of their fellow-creatures. Why have men of superior endowments submitted to such degradation? For, is it not universally acknowledged that kings, viewed
collectively, have ever been inferior, in abilities and virtue, to the same number of men taken from the common mass of mankind – yet, have they not, and are they not still treated with a degree of reverence that is an insult to reason? China is not the only country where a living man has been made a God. Men have submitted to superior strength to enjoy with impunity the pleasure of the moment – women have only done the same, and therefore till it is proved that the courtier, who servilely resigns the birthright of a man, is not a moral agent, it cannot be demonstrated that women is essentially inferior to man because she has always been subjugated.

"The many have always been enthralled by the few; and monsters, who scarcely have shown any discernment of human excellence, have tyrannized over thousands of their fellow-creatures. Why have men of superior endowments submitted to such degradation? For, is it not universally acknowledged that kings, viewed collectively, have ever been inferior, in abilities and virtue, to the same number of men taken from the common mass of mankind – yet, have they not, and are they not still treated with a degree of reverence that is an insult to reason?"

Brutal force has hitherto governed the world, and that the science of politics is in its infancy, is evident from philosophers scrupling to give the knowledge most useful to man that determinate distinction.

I shall not pursue this argument any further than to establish an obvious inference, that as sound politics diffuse liberty, mankind, including woman, will become more wise and virtuous.

Notes

[1] Why should women be censured with petulant acrimony, because they seem to have a passion for a scarlet coat? Has not education placed them more on a level with soldiers than any other class of men?

[2] Similar feelings has Milton’s pleasing picture of paradisiacal happiness ever raised in my mind, yet, instead of envying the lovely pair, I have, with conscious dignity, or Satanic pride, turned to hell for sublimer objects. In the same style, when viewing some noble monument of human art, I have traced the emanation of the Deity in the order I admired, till, descending from that giddy height, I have caught myself contemplating the grandest of all human sights, – for fancy quickly placed, in some solitary recess, an outcast of fortune, rising superior to passion and discontent.

Further Information

SOURCE


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FURTHER READING

Other works by Mary Wollstonecraft (1759-1797) <oll.libertyfund.org/people/11>.

Topic: The Rights of Women <oll.libertyfund.org/groups/61>.

The Debate about the French Revolution: <oll.libertyfund.org/groups/73>.
Lysander Spooner, "Vices are Not Crimes" (1875)

<oll.libertyfund.org/titles/2499>

“Unless this clear distinction between vices and crimes be made and recognized by the laws, there can be on earth no such thing as individual right, liberty, or property”

Lysander Spooner (1808-1887)
Editor’s Introduction

Lysander Spooner (1808-1887) was a legal theorist, abolitionist, and radical individualist who started his own mail company in order to challenge the monopoly held by the US government. He wrote on the constitutionality of slavery, natural law, trial by jury, intellectual property, paper currency, and banking. Some of his most important works are An Essay on the Trial by Jury (1852), The Unconstitutionality of Slavery (1860), No Treason, No. 1, 2, and 6 (1867, 1870), A Letter to Thomas F Bayard (1882), and A Letter to Grover Cleveland (1886).

This pamphlet comes from vol. 2 of a two volume compilation of Spooner’s shorter works and pamphlets: The Shorter Works and Pamphlets of Lysander Spooner.

The distinction Spooner makes between “vice” and “crime” is a crucial one which still has considerable relevance today. In Spooner’s day the great vice was alcohol which is why he devotes much space to discussing it. For him, vices are acts by which a person harms themselves and their property; crimes on the other hand are acts by which a person harms the person or property of another person. The latter he believes is the proper concern of the police and the courts; the former is not. According to Spooner’s theory of individual liberty it is important that each person be free to make their own mistakes, if necessary, as this is the most important means by which they learn about themselves and the world around them. He wants to see the fullest possible freedom for people so they can “be left free and open for experiment” in the way they live their lives. In other words, to be free to pursue their own idea of happiness.

Although Spooner does not use this term, he is talking about “victimless crimes” when he quotes the Latin legal maxim that “violenti no fit injuria” (to the willing no injury is done). Among these so-called “crimes” he includes consensual sex, prize-fighting, fighting duels, gambling, assisted suicide, and so on. Although American prisons were filled with people who had violated the laws against vices like these, they were not the greatest criminals. He reserved this distinction for governments which fought wars and the men who made the laws which allowed them and their friends “to usurp arbitrary power” legally.

“The object aimed at in the punishment of crimes is to secure, to each and every man alike, the fullest liberty he possibly can have—consistently with the equal rights of others—to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property. On the other hand, the object aimed at in the punishment of vices, is to deprive every man of his natural right and liberty to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property.”
I.

“VICES are those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property. In vices, the very essence of crime—that is, the design to injure the person or property of another—is wanting.”

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In vices, the very essence of crime—that is, the design to injure the person or property of another—is wanting.

It is a maxim of the law that there can be no crime without a criminal intent; that is, without the intent to invade the person or property of another. But no one ever practises a vice with any such criminal intent. He practises his vice for his own happiness solely, and not from any malice toward others.

Unless this clear distinction between vices and crimes be made and recognized by the laws, there can be on earth no such thing as individual right, liberty, or property; no such things as the right of one man to the control of his own person and property, and the corresponding and co-equal rights of another man to the control of his own person and property.

For a government to declare a vice to be a crime, and to punish it as such, is an attempt to falsify the very nature of things. It is as absurd as it would be to declare truth to be falsehood, or falsehood truth.

II.

EVERY voluntary act of a man's life is either virtuous or vicious. That is to say, it is either in accordance, or in conflict, with those natural laws of matter and mind, on which his physical, mental, and emotional health and well-being depend. In other words, every act of his life tends, on the whole, either to his happiness, or to his unhappiness. No single act in his whole existence is indifferent.

Furthermore, each human being differs in his physical, mental, and emotional constitution, and also in the circumstances by which he is surrounded, from every other human being. Many acts, therefore, that are virtuous, and tend to happiness, in the case of one person, are vicious, and tend to unhappiness, in the case of another person.

Many acts, also, that are virtuous, and tend to happiness, in the case of one man, at one time, and under one set of circumstances, are vicious, and tend to unhappiness, in the case of the same man, at another time, and under other circumstances.

III.

TO know what actions are virtuous, and what vicious,—in other words, to know what actions tend, on the whole, to happiness, and what to unhappiness,—in the case of each and every man, in each and all the conditions in which they may severally be placed, is the profoundest and most complex study to which the greatest human mind ever has been, or ever can be, directed. It is, nevertheless, the constant study to which each and every man—the humblest in intellect as well as the greatest—is necessarily driven by the desires and necessities of his own existence. It is also the study in

which each and every person, from his cradle to his grave, must necessarily form his own conclusions; because no one else knows or feels, or can know or feel, as he knows and feels, the desires and necessities, the hopes, and fears, and impulses of his own nature, or the pressure of his own circumstances.

IV.

IT is not often possible to say of those acts that are called vices, that they really are vices, except in degree. That is, it is difficult to say of any actions, or courses of action, that are called vices, that they really would have been vices, if they had stopped short of a certain point. The question of virtue or vice, therefore, in all such cases, is a question of quantity and degree, and not of the intrinsic character of any single act, by itself. This fact adds to the difficulty, not to say the impossibility, of any one’s—except each individual for himself—drawing any accurate line, or anything like any accurate line, between virtue and vice; that is, of telling where virtue ends, and vice begins. And this is another reason why this whole question of virtue and vice should be left for each person to settle for himself.

V.

VICES are usually pleasurable, at least for the time being, and often do not disclose themselves as vices, by their effects, until after they have been practised for many years; perhaps for a lifetime. To many, perhaps most, of those who practise them, they do not disclose themselves as vices at all during life. Virtues, on the other hand, often appear so harsh and rugged, they require the sacrifice of so much present happiness, at least, and the results, which alone prove them to be virtues, are often so distant and obscure, in fact, so absolutely invisible to the minds of many, especially of the young, that, from the very nature of things, there can be no universal, or even general, knowledge that they are virtues. In truth, the studies of profound philosophers have been expended—if not wholly in vain, certainly with very small results—in efforts to draw the lines between the virtues and the vices.

If, then, it be so difficult, so nearly impossible, in most cases, to determine what is, and what is not, vice; and especially if it be so difficult, in nearly all cases, to determine where virtue ends, and vice begins; and if these questions, which no one can really and truly determine for anybody but himself, are not to be left free and open for experiment by all, each person is deprived of the highest of all his rights as a human being, to wit: his right to inquire, investigate, reason, try experiments, judge, and ascertain for himself, what is, to him, virtue, and what is, to him, vice; in other words, what, on the whole, conduces to his happiness, and what, on the whole, tends to his unhappiness. If this great right is not to be left free and open to all, then each man’s whole right, as a reasoning human being, to “liberty and the pursuit of happiness,” is denied him.

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VI.

WE all come into the world in ignorance of ourselves, and of everything around us. By a fundamental law of our natures we are all constantly impelled by the desire of happiness, and the fear of pain. But we have everything to learn, as to what will give us happiness, and save us from pain. No two of us are wholly alike, either physically, mentally, or emotionally; or, consequently, in our physical, mental, or emotional requirements for the acquisition of happiness, and the avoidance of unhappiness. No one of us, therefore, can learn this indispensable lesson of happiness and unhappiness, of virtue and vice, for another. Each must learn it for himself. To learn it, he must be at liberty to try all experiments that commend themselves to his judgment. Some of his experiments succeed, and, because they succeed, are called virtues; others fail, and, because they fail, are called vices. He
gathers wisdom from his failures, as well as from his successes; from his so-called vices, as from his so-called virtues. He gathers wisdom as much from his failures as from his successes; from his so-called vices, as from his so-called virtues. Both are necessary to his acquisition of that knowledge—of his own nature, and of the world around him, and of their adaptations or non-adaptations to each other—which shall show him how happiness is acquired, and pain avoided. And, unless he can be permitted to try these experiments to his own satisfaction, he is restrained from the acquisition of knowledge, and, consequently, from pursuing the great purpose and duty of his life.

VII.

A MAN is under no obligation to take anybody's word, or yield to anybody's authority, on a matter so vital to himself, and in regard to which no one else has, or can have, any such interest as he. He cannot, if he would, safely rely upon the opinions of other men, because he finds that the opinions of other men do not agree. Certain actions, or courses of action, have been practised by many millions of men, through successive generations, and have been held by them to be, on the whole, conducive to happiness, and therefore virtuous. Other men, in other ages or countries, or under other conditions, have held, as the result of their experience and observation, that these actions tended, on the whole, to unhappiness, and were therefore vicious. The question of virtue or vice, as already remarked in a previous section, has also been, in most minds, a question of degree; that is, of the extent to which certain actions should be carried; and not of the intrinsic character of any single act, by itself. The questions of virtue and vice have therefore been as various, and, in fact, as infinite, as the varieties of mind, body, and condition of the different individuals inhabiting the globe. And the experience of ages has left an infinite number of these questions unsettled. In fact, it can scarcely be said to have settled any of them.

VIII.

IN the midst of this endless variety of opinion, what man, or what body of men, has the right to say, in regard to any particular action, or course of action, “We have tried this experiment, and determined every question involved in it? We have determined it, not only for ourselves, but for all others? And, as to all those who are weaker than we, we will coerce them to act in obedience to our conclusion? We will suffer no further experiment or inquiry by any one, and, consequently, no further acquisition of knowledge by anybody?”

Who are the men who have the right to say this? Certainly there are none such. The men who really do say it, are either shameless impostors and tyrants, who would stop the progress of knowledge, and usurp absolute control over the minds and bodies of their fellow-men; and are therefore to be resisted instantly, and to the last extent; or they are themselves too ignorant of their own weaknesses, and of their true relations to other men, to be entitled to any other consideration than sheer pity or contempt.

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We know, however, that there are such men as these in the world. Some of them attempt to exercise their power only within a small sphere, to wit, upon their children, their neighbors, their townsmen, and their countrymen. Others attempt to exercise it on a larger scale. For example, an old man at Rome, aided by a few subordinates, attempts to decide all questions of virtue and vice; that is, of truth or falsehood, especially in matters of religion. He claims to know and teach what religious ideas and practices are conducive, or fatal, to a man’s happiness, not only in this world, but in that which is to come. He claims to be miraculously inspired for the performance of this
work; thus virtually acknowledging, like a sensible man, that nothing short of miraculous inspiration would qualify him for it. This miraculous inspiration, however, has been ineffectual to enable him to settle more than a very few questions. The most important of these are, first, that the highest religious virtue to which common mortals can attain, is an implicit belief in his (the pope's) infallibility; and, secondly, that the blackest vices of which they can be guilty are to believe and declare that he is only a man like the rest of them!

It required some fifteen or eighteen hundred years to enable him to reach definite conclusions on these two vital points. Yet it would seem that the first of these must necessarily be preliminary to his settlement of any other questions; because, until his own infallibility is determined, he can authoritatively decide nothing else. He has, however, heretofore attempted or pretended to settle a few others. And he may, perhaps, attempt or pretend to settle a few more in the future, if he shall continue to find anybody to listen to him. But his success, thus far, certainly does not encourage the belief that he will be able to settle all questions of virtue and vice, even in his peculiar department of religion, in time to meet the necessities of mankind. He, or his successors, will undoubtedly be compelled, at no distant day, to acknowledge that he has undertaken a task to which all his miraculous inspiration was inadequate; and that, of necessity, each human being must be left to settle all questions of this kind for himself. And it is not unreasonable to expect that all other popes, in other and lesser spheres, will some time have cause to come to the same conclusion. No one, certainly, not claiming supernatural inspiration, should undertake a task to which obviously nothing less than such inspiration is adequate. And, clearly, no one should surrender his own judgment to the teachings of others, unless he be first convinced that these others have something more than ordinary human knowledge on this subject.

If those persons, who fancy themselves gifted with both the power and the right to define and punish other men's vices, would but turn their thoughts inwardly, they would probably find that they have a great work to do at home; and that, when that shall have been completed, they will be little disposed to do more towards correcting the vices of others, than simply to give to others the results of their experience and observation. In this sphere their labors may possibly be useful; but, in the sphere of infallibility and coercion, they will probably, for well-known reasons, meet with even less success in the future than such men have met with in the past.

IX.

“government would be utterly impracticable, if it were to take cognizance of vices, and punish them as crimes... to be consistent, it must take cognizance of all, and punish all impartially. The consequence would be, that everybody would be in prison for his or her vices. There would be no one left outside to lock the doors upon those within. In fact, courts enough could not be found to try the offenders, nor prisons enough built to hold them.”

IT is now obvious, from the reasons already given, that government would be utterly impracticable, if it were to take cognizance of vices, and punish them as crimes. Every human being has his or her vices. Nearly all men have a great many. And they are of all kinds; physiological, mental, emotional; religious, social, commercial, industrial, economical, &c., &c. If government is to take cognizance of any of these vices, and punish them as crimes, then, to be consistent, it must take cognizance of all, and punish all impartially. The consequence would be, that everybody would be in prison for his or her vices. There would be no one left outside to lock the doors upon those within. In fact, courts enough could not be found to try the offenders, nor prisons enough built to hold them. All human industry in the acquisition of knowledge, and even in acquiring the means of subsistence, would be arrested; for we should all be under constant trial or imprisonment for our vices. But even if it were possible to imprison all the vicious, our knowledge of human nature tells us that, as a general rule, they would be far more vicious in prison than they ever have been out of it.
X.

A GOVERNMENT that shall punish all vices impartially is so obviously an impossibility, that nobody was ever found, or ever will be found, foolish enough to propose it. The most that any one proposes is, that government shall punish some one, or at most a few, of what he esteems the grossest of them. But this discrimination is an utterly absurd, illogical, and tyrannical one. What right has any body of men to say, “The vices of other men we will punish; but our own vices nobody shall punish? We will restrain other men from seeking their own happiness, according to their own notions of it; but nobody shall restrain us from seeking our own happiness, according to our own notions of it? We will restrain other men from acquiring any experimental knowledge of what is conducive or necessary to their own happiness; but nobody shall restrain us from acquiring an experimental knowledge of what is conducive or necessary to our own happiness?”

Nobody but knaves or blockheads ever thinks of making such absurd assumptions as these. And yet, evidently, it is only upon such assumptions that anybody can claim the right to punish the vices of others, and at the same time claim exemption from punishment for his own.

XI.

SUCH a thing as a government, formed by voluntary association, would never have been thought of, if the object proposed had been the punishment of all vices, impartially; because nobody wants such an institution, or would voluntarily submit to it. But a government, formed by voluntary association, for the punishment of all crimes, is a reasonable matter; because everybody wants protection for himself against all crimes by others, and also acknowledges the justice of his own punishment, if he commits a crime.

XII.

IT is a natural impossibility that a government should have a right to punish men for their vices; because it is impossible that a government should have any rights, except such as the individuals composing it had previously had, as individuals. They could not delegate to a government any rights which they did not themselves possess. They could not contribute to the government any rights, except such as they themselves possessed as individuals. Now, nobody but a fool or an impostor pretends that he, as an individual, has a right to punish other men for their vices. But anybody and everybody have a natural right, as individuals, to punish other men for their crimes; for everybody has a natural right, not only to defend his own person and property against aggressors, but also to go to the assistance and defence of everybody else, whose person or property is invaded. The natural right of each individual to defend his own person and property against an aggressor, and to go to the assistance and defence of every one else whose person or property is invaded, is a right without which men could not exist on the earth. And government has no rightful existence, except in so far as it embodies, and is limited by, this natural right of individuals. But the idea that each man has a natural right to sit in judgment on all his neighbor's actions, and decide what are virtues, and what are vices,—that is, what contribute to that neighbor's happiness, and what do not,—and to punish him for all that do not contribute to it, is what no one ever had the impudence or folly to assert. It is only those who claim that government has some rightful power, which no individual or individuals ever did, or ever could, delegate to it, that claim that government has any rightful power to punish vices.

It will do for a pope or a king—who claims to have received direct authority from Heaven, to rule over his fellow-men—to claim the right, as the vicegerent of God, to punish men for their vices; but it is a sheer and utter absurdity for any government, claiming to derive its power wholly from the grant of the governed, to claim any such power; because everybody knows that the governed never would grant it. For them to grant it would be an absurdity, because it would be granting away their own right to seek their own happiness; since to grant away their right to judge of what will be for their happiness, is to grant away all their right to pursue their own happiness.

XIII.

WE can now see how simple, easy, and reasonable a matter is a government for the punishment of crimes, as compared with one for the punishment of vices. Crimes are few, and easily distinguished from all other acts; and mankind are generally agreed as to what acts
are crimes. Whereas vices are innumerable; and no two persons are agreed, except in comparatively few cases, as to what are vices. Furthermore, everybody wishes to be protected, in his person and property, against the aggressions of other men. But nobody wishes to be protected, either in his person or property, against himself; because it is contrary to the fundamental laws of human nature itself, that any one should wish to harm himself. He only wishes to promote his own happiness, and to be his own judge as to what will promote, and does promote, his own happiness. This is what every one wants, and has a right to, as a human being. And though we all make many mistakes, and necessarily must make them, from the imperfection of our knowledge, yet these mistakes are no argument against the right; because they all tend to give us the very knowledge we need, and are in pursuit of, and can get in no other way.

The object aimed at in the punishment of crimes, therefore, is not only wholly different from, but it is directly opposed to, that aimed at in the punishment of vices.

“The object aimed at in the punishment of crimes is to secure, to each and every man alike, the fullest liberty he possibly can have—consistently with the equal rights of others—to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property. On the other hand, the object aimed at in the punishment of vices, is to deprive every man of his natural right and liberty to pursue his own happiness, under the guidance of his own judgment, and by the use of his own property.”

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These two objects, then, are directly opposed to each other. They are as directly opposed to each other as are light and darkness, or as truth and falsehood, or as liberty and slavery. They are utterly incompatible with each other; and to suppose the two to be embraced in one and the same government, is an absurdity, an impossibility. It is to suppose the objects of a government to be to commit crimes, and to prevent crimes; to destroy individual liberty, and to secure individual liberty.

XIV.

FINALLY, on this point of individual liberty: Every man must necessarily judge and determine for himself as to what is conducive and necessary to, and what is destructive of, his own well-being; because, if he omits to perform this task for himself, nobody else can perform it for him. And nobody else will even attempt to perform it for him, except in very few cases. Popes, and priests, and kings will assume to perform it for him, in certain cases, if permitted to do so. But they will, in general, perform it only in so far as they can minister to their own vices and crimes, by doing it. They will, in general, perform it only in so far as they can make him their fool and their slave. Parents, with better motives, no doubt, than the others, too often attempt the same work. But in so far as they practise coercion, or restrain a child from anything not really and seriously dangerous to himself, they do him a harm, rather than a good. It is a law of Nature that to get knowledge, and to incorporate that knowledge into his own being, each individual must get it for himself. Nobody, not even his parents, can tell him the nature of fire, so that he will really know it. He must himself experiment with it, and be burnt by it, before he can know it.

Nature knows, a thousand times better than any parent, what she designs each individual for, what knowledge he requires, and how he must get it. She knows that her own processes for communicating that knowledge are not only the best, but the only ones that can be effectual.
The attempts of parents to make their children virtuous are generally little else than attempts to keep them in ignorance of vice. They are little else than attempts to teach their children to know and prefer truth, by keeping them in ignorance of falsehood. They are little else than attempts to make them seek and appreciate health, by keeping them in ignorance of disease, and of everything that will cause disease. They are little else than attempts to make their children love the light, by keeping them in ignorance of darkness. In short, they are little else than attempts to make their children happy, by keeping them in ignorance of everything that causes them unhappiness.

"to practise coercion in matters of which the children are reasonably competent to judge for themselves, is only an attempt to keep them in ignorance. And this is as much a tyranny, and as much a violation of the children’s right to acquire knowledge for themselves, and such knowledge as they desire, as is the same coercion when practised upon older persons”

In so far as parents can really aid their children in the latter’s search after happiness, by simply giving them the results of their (the parents’) own reason and experience, it is all very well, and is a natural and appropriate duty. But to practise coercion in matters of which the children are reasonably competent to judge for themselves, is only an attempt to keep them in ignorance. And this is as much a tyranny, and as much a violation of the children’s right to acquire knowledge for themselves, and such knowledge as they desire, as is the same coercion when practised upon older persons. Such coercion, practised upon children, is a denial of their right to develop the faculties that Nature has given them, and to be what Nature designs them to be. It is a denial of their right to themselves, and to the use of their own powers. It is a denial of their right to acquire the most valuable of all knowledge, to wit, the knowledge that Nature, the great teacher, stands ready to impart to them.

The results of such coercion are not to make the children wise or virtuous, but to make them ignorant, and consequently weak and vicious; and to perpetuate through them, from age to age, the ignorance, the superstitions, the vices, and the crimes of the parents. This is proved by every page of the world’s history.

Those who hold opinions opposite to these, are those whose false and vicious theologies, or whose own vicious general ideas, have taught them that the human race are naturally given to evil, rather than good; to the false, rather than the true; that mankind do not naturally turn their eyes to the light; that they love darkness, rather than light; and that they find their happiness only in those things that tend to their misery.

XV.

BUT these men, who claim that government shall use its power to prevent vice, will say, or are in the habit of saying, “We acknowledge the right of an individual to seek his own happiness in his own way, and consequently to be as vicious as he pleases; we only claim that government shall prohibit the sale to him of those articles by which he ministers to his vice.”

The answer to this is, that the simple sale of any article whatever—independently of the use that is to be made of the article—is legally a perfectly innocent act. The quality of the act of sale depends wholly upon the quality of the use for which the thing is sold. If the use of anything is virtuous and lawful, then the sale of it, for that use, is virtuous and lawful. If the use is vicious, then the sale of it, for that use, is vicious. If the use is criminal, then the sale of it, for that use, is criminal. The seller is, at most, only an accomplice in the use that is to be made of the article sold, whether the use be virtuous, vicious, or criminal. Where the use is criminal, the seller is an accomplice in the crime, and punishable as such. But where the use is only vicious, the seller is only an accomplice in the vice, and is not punishable.

XVI.
BUT it will be asked, “Is there no right, on the part of government, to arrest the progress of those who are bent on self-destruction?”

The answer is, that government has no rights whatever in the matter, so long as these so-called vicious persons remain sane, *compos mentis*, capable of exercising reasonable discretion and self-control; because, so long as they do remain sane, they must be allowed to judge and decide for themselves whether their so-called vices really are vices; whether they really are leading them to destruction; and whether, on the whole, they will go there or not. When they shall become insane, *non compos mentis*, incapable of reasonable discretion or self-control, their friends or neighbors, or the government, must take care of them, and protect them from harm, and against all persons who would do them harm, in the same way as if their insanity had come upon them from any other cause than their supposed vices.

“Men and women may be addicted to very gross vices, and to a great many of them,—such as gluttony, drunkenness, prostitution, gambling, prize-fighting, tobacco-chewing, smoking, and snuffing, opium-eating, corset-wearing, idleness, waste of property, avarice, hypocrisy, &c., &c.,—and still be sane, *compos mentis*, capable of reasonable discretion and self-control, within the meaning of the law.”

But because a man is supposed, by his neighbors, to be on the way to self-destruction, from his vices, it does not, therefore, follow that he is insane, *non compos mentis*, incapable of reasonable discretion and self-control, within the legal meaning of those terms. Men and women may be addicted to very gross vices, and to a great many of them,—such as gluttony, drunkenness, prostitution, gambling, prize-fighting, tobacco-chewing, smoking, and snuffing, opium-eating, corset-wearing, idleness, waste of property, avarice, hypocrisy, &c., &c., and still be sane, *compos mentis*, capable of reasonable discretion and self-control, within the meaning of the law. And so long as they are sane, they must be permitted to control themselves and their property, and to be their own judges as to where their vices will finally lead them. It may be hoped by the lookers-on, in each individual case, that the vicious person will see the end to which he is tending, and be induced to turn back. But, if he chooses to go on to what other men call destruction, he must be permitted to do so. And all that can be said of him, so far as this life is concerned, is, that he made a great mistake in his search after happiness, and that others will do well to take warning by his fate. As to what may be his condition in another life, that is a theological question with which the law, in this world, has no more to do than it has with any other theological question, touching men’s condition in a future life.

If it be asked how the question of a vicious man’s sanity or insanity is to be determined? the answer is, that it is to be determined by the same kinds of evidence as is the sanity or insanity of those who are called virtuous; and not otherwise. That is, by the same kinds of evidence by which the legal tribunals determine whether a man should be sent to an asylum for lunatics, or whether he is competent to make a will, or otherwise dispose of his property. Any doubt must weigh in favor of his sanity, as in all other cases, and not of his insanity.

If a person really does become insane, *non compos mentis*, incapable of reasonable discretion or self-control, it is then a crime, on the part of other men, to give to him or sell to him, the means of self-injury. And such a crime is to be punished like any other crime.

There are no crimes more easily punished, no cases in which juries would be more ready to convict, than those where a sane person should sell or give to an insane one any article with which the latter was likely to injure himself.

XVII.

BUT it will be said that some men are made, by their vices, dangerous to other persons; that a drunkard, for example, is sometimes quarrelsome and dangerous toward his family or others. And it will be asked, “Has the law nothing to do in such a case?”
The answer is, that if, either from drunkenness or any other cause, a man be really dangerous, either to his family or to other persons, not only himself may be rightfully restrained, so far as the safety of other persons requires, but all other persons—who know or have reasonable grounds to believe him dangerous—may also be restrained from selling or giving to him anything that they have reason to suppose will make him dangerous.

But because one man becomes quarrelsome and dangerous after drinking spirituous liquors, and because it is a crime to give or sell liquor to such a man, it does not follow at all that it is a crime to sell liquors to the hundreds and thousands of other persons, who are not made quarrelsome or dangerous by drinking them. Before a man can be convicted of crime in selling liquor to a dangerous man, it must be shown that the particular man, to whom the liquor was sold, was dangerous; and also that the seller knew, or had reasonable grounds to suppose, that the man would be made dangerous by drinking it.

The presumption of law is, in all cases, that the sale is innocent; and the burden of proving it criminal, in any particular case, rests upon the government. And that particular case must be proved criminal, independently of all others.

Subject to these principles, there is no difficulty in convicting and punishing men for the sale or gift of any article to a man, who is made dangerous to others by the use of it.

XVIII.

BUT it is often said that some vices are nuisances (public or private), and that nuisances can be abated and punished.

It is true that anything that is really and legally a nuisance (either public or private) can be abated and punished. But it is not true that the mere private vices of one man are, in any legal sense, nuisances to another man, or to the public.

No act of one person can be a nuisance to another, unless it in some way obstructs or interferes with that other's safe and quiet use or enjoyment of what is rightfully his own.

Whatever obstructs a public highway, is a nuisance, and may be abated and punished. But a hotel where liquors are sold, a liquor store, or even a grog-shop, so called, no more obstructs a public highway, than does a dry goods store, a jewelry store, or a butcher's shop.

Whatever poisons the air, or makes it either offensive or unhealthful, is a nuisance. But neither a hotel, nor a liquor store, nor a grog-shop poisons the air, or makes it offensive or unhealthful to outside persons.

Whatever obstructs the light, to which a man is legally entitled, is a nuisance. But neither a hotel, nor a liquor store, nor a grog-shop, obstructs anybody's light, except in cases where a church, a school-house, or a dwelling-house would have equally obstructed it. On this ground, therefore, the former are no more, and no less, nuisances than the latter would be.

Some persons are in the habit of saying that a liquor-shop is dangerous, in the same way that gunpowder is dangerous. But there is no analogy between the two cases. Gunpowder is liable to be exploded by accident, and especially by such fires as often occur in cities. For these reasons it is dangerous to persons and property in its immediate vicinity. But liquors are not liable to be thus exploded, and therefore are not dangerous nuisances, in any such sense as is gunpowder in cities.

But it is said, again, that drinking-places are frequently filled with noisy and boisterous men, who disturb the quiet of the neighborhood, and the sleep and rest of the neighbors.

"An assembly of noisy drinkers is no more, and no less, a nuisance than is an assembly of shouting religious fanatics. Both of them are nuisances when they disturb the rest and sleep, or quiet, of neighbors."

This may be true occasionally, though not very frequently. But whenever, in any case, it is true, the nuisance may be abated by the punishment of the proprietor and his customers, and if need be, by shutting up the place. But an assembly of noisy drinkers is no more a nuisance than is any other noisy assembly. A jolly or hilarious drinker disturbs the quiet of a neighborhood no more, and no less, than does a shouting religious fanatic. An assembly of noisy
drinkers is no more, and no less, a nuisance than is an assembly of shouting religious fanatics. Both of them are nuisances when they disturb the rest and sleep, or quiet, of neighbors. Even a dog that is given to barking, to the disturbance of the sleep or quiet of the neighborhood, is a nuisance.

XIX.

BUT it is said, that for one person to entice another into a vice, is a crime.

This is preposterous. If any particular act is simply a vice, then a man who entices another to commit it, is simply an accomplice in the vice. He evidently commits no crime, because the accomplice can certainly commit no greater offence than the principal.

Every person who is sane, *compos mentis*, possessed of reasonable discretion and self-control, is presumed to be mentally competent to judge for himself of all the arguments, *pro and con*, that may be addressed to him, to persuade him to do any particular act; *provided no fraud is employed to deceive him.* And if he is persuaded or induced to do the act, his act is then his own; and even though the act prove to be harmful to himself, he cannot complain that the persuasion or arguments, to which he yielded his assent, were crimes against himself.

When fraud is practised, the case is, of course, different. If, for example, I offer a man poison, assuring him that it is a safe and wholesome drink, and he, on the faith of my assertion, swallows it, my act is a crime.

"*Volenti non fit injuria, is a maxim of the law. To the willing no injury is done. That is, no legal wrong.*"

Volenti non fit injuria, is a maxim of the law. To the willing no injury is done. That is, no legal wrong. And every person who is sane, *compos mentis*, capable of exercising reasonable discretion in judging of the truth or falsehood of the representations or persuasions to which he yields his assent, is "willing" in the view of the law; and takes upon himself the entire responsibility for his acts, when no intentional fraud has been practised upon him.

This principle, *that to the willing no injury is done*, has no limit, except in the case of frauds, or of persons not possessed of reasonable discretion for judging in the particular case. If a person possessed of reasonable discretion, and not deceived by fraud, consents to practise the grossest vice, and thereby brings upon himself the greatest moral, physical, or pecuniary sufferings or losses, he cannot allege that he has been legally wronged. To illustrate this principle, take the case of rape. To have carnal knowledge of a woman, *against her will*, is the highest crime, next to murder, that can be committed against her. But to have carnal knowledge of her, *with her consent*, is no crime; but at most, a vice. And it is usually helden that a female child, of no more than ten years of age, has such reasonable discretion, that her consent, even though procured by rewards, or promises of reward, is sufficient to convert the act, which would otherwise be a high crime, into a simple act of vice.[2]

"*We see the same principle in the case of prize-fighters. If I but lay one of my fingers upon another man’s person, against his will, no matter how lightly, and no matter how little practical injury is done, the act is a crime. But if two men agree to go out and pound each other’s faces to a jelly, it is no crime, but only a vice.*"

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Even duels have not generally been considered crimes, because each man’s life is his own, and the parties agree that each may take the other’s life, if he can, by the use of such weapons as are agreed upon, and in conformity with certain rules that are also mutually assented to.

And this is a correct view of the matter, unless it can be said (as it probably cannot), that “anger is a
madness” that so far deprives men of their reason as to make them incapable of reasonable discretion.

Gambling is another illustration of the principle that to the willing no injury is done. If I take but a single cent of a man's property, without his consent, the act is a crime. But if two men, who are composs mentis, possessed of reasonable discretion to judge of the nature and probable results of their act, sit down together, and each voluntarily stakes his money against the money of another, on the turn of a die, and one of them loses his whole estate (however large that may be), it is no crime, but only a vice.

“It is not a crime, even, to assist a person to commit suicide, if he be in possession of his reason.”

It is not a crime, even, to assist a person to commit suicide, if he be in possession of his reason.

It is a somewhat common idea that suicide is, of itself, conclusive evidence of insanity. But, although it may ordinarily be very strong evidence of insanity, it is by no means conclusive in all cases. Many persons, in undoubted possession of their reason, have committed suicide, to escape the shame of a public exposure for their crimes, or to avoid some other great calamity. Suicide, in these cases, may not have been the highest wisdom, but it certainly was not proof of any lack of reasonable discretion.[3] And being within the limits of reasonable discretion, it was no crime for other persons to aid it, either by furnishing the instrument or otherwise. And if, in such cases, it be no crime to aid a suicide, how absurd to say that it is a crime to aid him in some act that is really pleasurable, and which a large portion of mankind have believed to be useful?

XX.

BUT some persons are in the habit of saying that the use of spirituous liquors is the great source of crime; that “it fills our prisons with criminals;” and that this is reason enough for prohibiting the sale of them.

Those who say this, if they talk seriously, talk blindly and foolishly. They evidently mean to be understood as saying that a very large percentage of all the crimes that are committed among men, are committed by persons whose criminal passions are excited, at the time, by the use of liquors, and in consequence of the use of liquors.

This idea is utterly preposterous.

In the first place, the great crimes committed in the world are mostly prompted by avarice and ambition.

“The greatest of all crimes are the wars that are carried on by governments, to plunder, enslave, and destroy mankind.”

The greatest of all crimes are the wars that are carried on by governments, to plunder, enslave, and destroy mankind.

“The next greatest crimes committed in the world ... are committed, not so much by men who violate the laws, as by men who ... make the laws; by men who have combined to usurp arbitrary power, and to maintain it by force and fraud.... The robberies and wrongs thus committed by these men, in conformity with the laws, —that is, their own laws,—are as mountains to molehills, compared with the crimes committed by all other criminals, in violation of the laws.”

The next greatest crimes committed in the world are equally prompted by avarice and ambition; and are committed, not on sudden passion, but by men of calculation, who keep their heads cool and clear, and who have no thought whatever of going to prison for them. They are committed, not so much by men who violate the laws, as by men who, either by themselves or by their instruments, make the laws; by men who have combined to usurp arbitrary power, and to maintain it by force and fraud, and whose purpose in usurping and maintaining it is, by unjust and unequal legislation, to secure to themselves such advantages and monopolies
as will enable them to control and extort the labor and properties of other men, and thus impoverish them, in order to minister to their own wealth and aggrandizement.[4] The robberies and wrongs thus committed by these men, in conformity with the laws,—that is, their own laws,—are as mountains to molehills, compared with the crimes committed by all other criminals, in violation of the laws.

But, thirdly, there are vast numbers of frauds, of various kinds, committed in the transactions of trade, whose perpetrators, by their coolness and sagacity, evade the operation of the laws. And it is only their cool and clear heads that enable them to do it. Men under the excitement of intoxicating drinks are little disposed, and utterly unequal, to the successful practice of these frauds. They are the most incautious, the least successful, the least efficient, and the least to be feared, of all the criminals with whom the laws have to deal.

Fourthly. The professed burglars, robbers, thieves, forgers, counterfeiters, and swindlers, who prey upon society, are anything but reckless drinkers. Their business is of too dangerous a character to admit of such risks as they would thus incur.

Fifthly. The crimes that can be said to be committed under the influence of intoxicating drinks are mostly assaults and batteries, not very numerous, and generally not very aggravated. Some other small crimes, as petty thefts, or other small trespasses upon property, are sometimes committed, under the influence of drink, by feebleminded persons, not generally addicted to crime. The persons who commit these two kinds of crime are but few. They cannot be said to “fill our prisons;” or, if they do, we are to be congratulated that we need so few prisons, and so small prisons, to hold them.

The State of Massachusetts, for example, has a million and a half of people. How many of these are now in prison for crimes—not for the vice of intoxication, but for crimes—committed against persons or property under the instigation of strong drink? I doubt if there be one in ten thousand, that is, one hundred and fifty in all; and the crimes for which these are in prison are mostly very small ones.

And I think it will be found that these few men are generally much more to be pitied than punished, for the reason that it was their poverty and misery, rather than any passion for liquor, or for crime, that led them to drink, and thus led them to commit their crimes under the influence of drink.

The sweeping charge that drink “fills our prisons with criminals” is made, I think, only by those men who know no better than to call a drunkard a criminal; and who have no better foundation for their charge than the shameful fact that we are such a brutal and senseless people, that we condemn and punish such weak and unfortunate persons as drunkards, as if they were criminals.

“The legislators who authorize, and the judges who practise, such atrocities as these, are intrinsically criminals; unless their ignorance be such—as it probably is not—as to excuse them. And, if they were themselves to be punished as criminals, there would be more reason in our conduct.”

The legislators who authorize, and the judges who practise, such atrocities as these, are intrinsically criminals; unless their ignorance be such—as it probably is not—as to excuse them. And, if they were themselves to be punished as criminals, there would be more reason in our conduct.

A police judge in Boston once told me that he was in the habit of disposing of drunkards (by sending them to prison for thirty days—I think that was the stereotyped sentence) at the rate of one in three minutes! and sometimes more rapidly even than that; thus condemning them as criminals, and sending them to prison, without mercy, and without inquiry into circumstances, for an infirmity that entitled them to compassion and protection, instead of punishment. The real criminals in these cases were not the men who went to prison, but the judge, and the men behind him, who sent them there.

I recommend to those persons, who are so distressed lest the prisons of Massachusetts be filled with criminals, that they employ some portion, at least, of their philanthropy in preventing our prisons being filled with persons who are not criminals. I do not remember to have heard that their sympathies have ever been very actively exercised in that direction. On the contrary, they seem to have such a passion for
punishing criminals, that they care not to inquire particularly whether a candidate for punishment really be a criminal. Such a passion, let me assure them, is a much more dangerous one, and one entitled to far less charity, both morally and legally, than the passion for strong drink.

It seems to be much more consonant with the merciless character of these men to send an unfortunate man to prison for drunkenness, and thus crush, and degrade, and dishearten him, and ruin him for life, than it does for them to lift him out of the poverty and misery that caused him to become a drunkard.

It is only those persons who have either little capacity, or little disposition, to enlighten, encourage, or aid mankind, that are possessed of this violent passion for governing, commanding, and punishing them. If, instead of standing by, and giving their consent and sanction to all the laws by which the weak man is first plundered, oppressed, and disheartened, and then punished as a criminal, they would turn their attention to the duty of defending his rights and improving his condition, and of thus strengthening him, and enabling him to stand on his own feet, and withstand the temptations that surround him, they would, I think, have little need to talk about laws and prisons for either rum-sellers or rum-drinkers, or even any other class of ordinary criminals. If, in short, these men, who are so anxious for the suppression of crime, would suspend, for a while, their calls upon the government for aid in suppressing the crimes of individuals, and would call upon the people for aid in suppressing the crimes of the government, they would show both their sincerity and good sense in a much stronger light than they do now. When the laws shall all be so just and equitable as to make it possible for all men and women to live honestly and virtuously, and to make themselves comfortable and happy, there will be much fewer occasions than now for charging them with living dishonestly and viciously.

XXI.

BUT it will be said, again, that the use of spirituous liquors tends to poverty, and thus to make men paupers, and burdensome to the tax-payers; and that this is a sufficient reason why the sale of them should be prohibited.

There are various answers to this argument.

1. One answer is, that if the fact that the use of liquors tends to poverty and pauperism, be a sufficient reason for prohibiting the sale of them, it is equally a sufficient reason for prohibiting the use of them; for it is the use, and not the sale, that tends to poverty. The seller is, at most, merely an accomplice of the drinker. And it is a rule of law, as well as of reason, that if the principal in any act is not punishable, the accomplice cannot.

2. A second answer to the argument is, that if government has the right, and is bound, to prohibit any one act—that is not criminal—merely because it is supposed to tend to poverty, then, by the same rule, it has the right, and is bound, to prohibit any and every other act—though not criminal—which, in the opinion of the government, tends to poverty. And, on this principle, the government would not only have the right, but would be bound, to look into every man's private affairs, and every person's personal expenditures, and determine as to which of them did, and which of them did not, tend to poverty; and to prohibit and punish all of the former class. A man would have no right to expend a cent of his own property, according to his own pleasure or judgment, unless the legislature should be of the opinion that such expenditure would not tend to poverty.

3. A third answer to the same argument is, that if a man does bring himself to poverty, and even to beggary,—either by his virtues or his vices,—the government is under no obligation whatever to take care of him, unless it pleases to do so. It may let him perish in the street, or depend upon private charity, if it so pleases. It can carry out its own free will and discretion in the matter; for it is above all legal responsibility in such a case. It is not, necessarily, any part of a government's duty to provide for the poor. A government—that is, a legitimate government—is simply a voluntary association of individuals, who unite for such purposes, and only for such purposes, as suits them. If taking care of the poor—whether they be virtuous or vicious—be not one of those purposes, then the government, as a government, has no more right, and is no more bound, to take care of them, than has or is a banking company, or a railroad company.

Whatever moral claims a poor man—whether he be virtuous or vicious—may have upon the charity of
his fellow-men, he has no legal claims upon them. He must depend wholly upon their charity, if they so please. He cannot demand, as a legal right, that they either feed or clothe him. And he has no more legal or moral claims upon a government—which is but an association of individuals—than he has upon the same, or any other individuals, in their private capacity.

Inasmuch, then, as a poor man—whether virtuous or vicious—has no more or other claims, legal or moral, upon a government, for food or clothing, than he has upon private persons, a government has no more right than a private person to control or prohibit the expenditures or actions of an individual, on the ground that they tend to bring him to poverty.

Mr. A, as an individual, has clearly no right to prohibit any acts or expenditures of Mr. Z, through fear that such acts or expenditures may tend to bring him (Z) to poverty, and that he (Z) may, in consequence, at some future unknown time, come to him (A) in distress, and ask charity. And if A has no such right, as an individual, to prohibit any acts or expenditures on the part of Z, then government, which is a mere association of individuals, can have no such right.

Certainly no man, who is compos mentis, holds his right to the disposal and use of his own property, by any such worthless tenure as that which would authorize any or all of his neighbors,—whether calling themselves a government or not,—to interfere, and forbid him to make any expenditures, except such as they might think would not tend to poverty, and would not tend to ever bring him to them as a supplicant for their charity.

Whether a man, who is compos mentis, come to poverty, through his virtues or his vices, no man, nor body of men, can have any right to interfere with him, on the ground that their sympathy may some time be appealed to in his behalf; because, if it should be appealed to, they are at perfect liberty to act their own pleasure or discretion as to complying with his solicitations.

This right to refuse charity to the poor—whether the latter be virtuous or vicious—is one that governments always act upon. No government makes any more provision for the poor than it pleases. As a consequence, the poor are left, to a great extent, to depend upon private charity. In fact, they are often left to suffer sickness, and even death, because neither public nor private charity comes to their aid. How absurd, then, to say that government has a right to control a man’s use of his own property, through fear that he may sometime come to poverty, and ask charity.

4. Still a fourth answer to the argument is, that the great and only incentive which each individual man has to labor, and to create wealth, is that he may dispose of it according to his own pleasure or discretion, and for the promotion of his own happiness, and the happiness of those whom he loves.[5]

Although a man may often, from inexperience or want of judgment, expend some portion of the products of his labor injudiciously, and so as not to promote his highest welfare, yet he learns wisdom in this, as in all other matters, by experience; by his mistakes as well as by his successes. And this is the only way in which he can learn wisdom. When he becomes convinced that he has made one foolish expenditure, he learns thereby not to make another like it. And he must be permitted to try his own experiments, and to try them to his own satisfaction, in this as in all other matters; for otherwise he has no motive to labor, or to create wealth at all.

“Any man, who is a man, would rather be a savage, and be free, ... than to be a civilized man, knowing how to create and accumulate wealth indefinitely, and yet not permitted to use or dispose of it, except under the supervision, direction, and dictation of a set of meddlesome, superserviceable fools and tyrants”

Any man, who is a man, would rather be a savage, and be free, creating or procuring only such little wealth as he could control and consume from day to day, than to be a civilized man, knowing how to create and accumulate wealth indefinitely, and yet not permitted to use or dispose of it, except under the supervision, direction, and dictation of a set of meddlesome, superserviceable fools and tyrants, who, with no more knowledge than himself, and perhaps with not half so much, should assume to control him, on the ground that he had not the right, or the capacity, to determine for himself as to what he would do with the proceeds of his own labor.
5. A fifth answer to the argument is, that if it be the duty of government to watch over the expenditures of any one person,—who is *compos mentis*, and not criminal,—to see what ones tend to poverty, and what do not, and to prohibit and punish the former; then, by the same rule, it is bound to watch over the expenditures of all other persons, and prohibit and punish all that, in its judgment, tend to poverty.

If such a principle were carried out impartially, the result would be, that all mankind would be so occupied in watching each other's expenditures, and in testifying against, trying, and punishing such as tended to poverty, that they would have no time left to create wealth at all. Everybody capable of productive labor would either be in prison, or be acting as judge, juror, witness, or jailer. It would be impossible to create courts enough to try, or to build prisons enough to hold, the offenders. All productive labor would cease; and the fools that were so intent on preventing poverty, would not only all come to poverty, imprisonment, and starvation themselves, but would bring everybody else to poverty, imprisonment, and starvation.

6. If it be said that a man may, at least, be rightfully compelled to support his family, and, consequently, to abstain from all expenditures that, in the opinion of the government, tend to disable him to perform that duty, various answers might be given. But this one is sufficient, viz.: that no man, unless a fool or a slave, would acknowledge any family to be his, if that acknowledgment were to be made an excuse, by the government, for depriving him, either of his personal liberty, or the control of his property.

When a man is allowed his natural liberty, and the control of his property, his family is usually, almost universally, the great paramount object of his pride and affection; and he will, not only voluntarily, but as his highest pleasure, employ his best powers of mind and body, not merely to provide for them the ordinary necessaries and comforts of life, but to lavish upon them all the luxuries and elegancies that his labor can procure.

A man enters into no moral or legal obligation with his wife or children to do anything for them, except what he can do consistently with his own personal freedom, and his natural right to control his own property at his own discretion.

If a government can step in and say to a man,—who is *compos mentis*, and who is doing his duty to his family, as he sees his duty, and according to his best judgment, however imperfect that may be,—“We (the government) suspect that you are not employing your labor to the best advantage for your family; we suspect that your expenditures, and your disposal of your property, are not so judicious as they might be, for the interest of your family; and therefore we (the government) will take you and your property under our special surveillance, and prescribe to you what you may, and may not do, with your own property; and your family shall hereafter look to us (the government), and not to you, for support”—if a government can do this, all a man's pride, ambition, and affection, relative to his family, would be crushed, so far as it would be possible for human tyranny to crush them; and he would either never have a family (whom he would publicly acknowledge to be his), or he would risk both his property and his life in overthrowing such an insulting, outrageous, and insufferable tyranny. And any woman who would wish her husband—he being *compos mentis*—to submit to such an unnatural insult and wrong, is utterly undeserving of his affection, or of anything but his disgust and contempt. And he would probably very soon cause her to understand that, if she chose to rely on the government, for the support of herself and her children, rather than on him, she must rely on the government alone.

XXII.

STILL another and all-sufficient answer to the argument that the use of spirituous liquors tends to poverty, is that, *as a general rule*, it puts the effect before the cause. It assumes that it is the use of the liquors that causes the poverty, instead of its being the poverty that causes the use of the liquors.

Poverty is the natural parent of nearly all the ignorance, vice, crime, and misery there are in the world.[6]

Why is it that so large a portion of the laboring people of England are drunken and vicious? Certainly not because they are by nature any worse than other men. But it is because their extreme and hopeless poverty keeps them in ignorance and servitude, destroys their courage and self-respect, subjects them to such constant insults and wrongs, to such incessant and bitter miseries of every kind, and finally drives them to such despair, that the short respite that drink or other vice affords them, is, for the time being, a relief. This is
the chief cause of the drunkenness and other vices that prevail among the laboring people of England.

If those laborers of England, who are now drunken and vicious, had had the same chances and surroundings in life as the more fortunate classes have had; if they had been reared in comfortable, and happy, and virtuous homes, instead of squalid, and wretched, and vicious ones; if they had had opportunities to acquire knowledge and property, and make themselves intelligent, comfortable, happy, independent, and respected, and to secure to themselves all the intellectual, social, and domestic enjoyments which honest and justly rewarded industry could enable them to secure,—if they could have had all this, instead of being born to a life of hopeless, unrewarded toil, with a certainty of death in the workhouse, they would have been as free from their present vices and weaknesses as those who reproach them now are.

It is of no use to say that drunkenness, or any other vice, only adds to their miseries; for such is human nature—the weakness of human nature, if you please—that men can endure but a certain amount of misery, before their hope and courage fail, and they yield to almost anything that promises present relief or mitigation; though at the cost of still greater misery in the future. To preach morality or temperance to such wretched persons, instead of relieving their sufferings, or improving their conditions, is only insulting their wretchedness.

Will those who are in the habit of attributing men's poverty to their vices, instead of their vices to their poverty,—as if every poor person, or most poor persons, were specially vicious,—tell us whether all the poverty and want that, within the last year and a half,[7] have been brought so suddenly—as it were in a moment—upon at least twenty millions of the people of the United States, were brought upon them as a natural consequence, either of their drunkenness, or of any other of their vices? Was it their drunkenness, or any other of their vices, that paralyzed, as by a stroke of lightning, all the industries by which they lived, and which had, but a few days before, been in such prosperous activity? Was it their vices that turned the adult portion of those twenty millions out of doors without employment, compelled them to consume their little accumulations, if they had any, and then to become beggars,—beggars for work, and, failing in this, beggars for bread? Was it their vices that, all at once, and without warning, filled the homes of so many of them with want, misery, sickness, and death? No. Clearly it was neither the drunkenness, nor any other vices, of these laboring people, that brought upon them all this ruin and wretchedness. And if it was not, what was it?

This is the problem that must be answered; for it is one that is repeatedly occurring, and constantly before us, and that cannot be put aside.

In fact, the poverty of the great body of mankind, the world over, is the great problem of the world. That such extreme and nearly universal poverty exists all over the world, and has existed through all past generations, proves that it originates in causes which the common human nature of those who suffer from it, has not hitherto been strong enough to overcome. But these sufferers are, at least, beginning to see these causes, and are becoming resolute to remove them, let it cost what it may. And those who imagine that they have nothing to do but to go on attributing the poverty of the poor to their vices, and preaching to them against their vices, will ere long wake up to find that the day for all such talk is past. And the question will then be, not what are men's vices, but what are their rights?

“the poverty of the great body of mankind ... is the great problem of the world. ... And those who ... attribut(e) the poverty of the poor to their vices, and preaching to them against their vices, will ere long wake up to find that the day for all such talk is past. And the question will then be, not what are men's vices, but what are their rights?”

Notes

[1] To give an insane man a knife, or any other weapon, or thing, by which he is likely to injure himself, is a crime.
[2] The statute book of Massachusetts makes ten years the age at which a female child is supposed to have discretion enough to part with her virtue. But the same statute book holds that no person, man or woman, of any age, or any degree of wisdom or experience, has discretion enough to be trusted to buy and drink a glass of spirits, on his or her own judgment! What an illustration of the legislative wisdom of Massachusetts!

[3] Cato committed suicide to avoid falling into the hands of Caesar. Who ever suspected that he was insane? Brutus did the same. Colt committed suicide only an hour or so before he was to be hanged. He did it to avoid bringing upon his name and his family the disgrace of having it said that he was hanged. This, whether a really wise act or not, was clearly an act within reasonable discretion. Does any one suppose that the person who furnished him with the necessary instrument was a criminal?

[4] An illustration of this fact is found in England, whose government, for a thousand years and more, has been little or nothing else than a band of robbers, who have conspired to monopolize the land, and, as far as possible, all other wealth. These conspirators, calling themselves kings, nobles, and freeholders, have, by force and fraud, taken to themselves all civil and military power; they keep themselves in power solely by force and fraud, and the corrupt use of their wealth; and they employ their power solely in robbing and enslaving the great body of their own people, and in plundering and enslaving other peoples. And the world has been, and now is, full of examples substantially similar. And the governments of our own country do not differ so widely from others, in this respect, as some of us imagine.

[5] It is to this incentive alone that we are indebted for all the wealth that has ever been created by human labor, and accumulated for the benefit of mankind.

[6] Except those great crimes, which the few, calling themselves governments, practise upon the many, by means of organized, systematic extortion and tyranny. And it is only the poverty, ignorance, and consequent weakness of the many, that enable the combined and organized few to acquire and maintain such arbitrary power over them.

[7] That is, from September 1, 1873, to March 1, 1875.

Further Information

SOURCE
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FURTHER READING
Other works by Lysander Spooner (1808-1887) <oll.libertyfund.org/people/4664>.
School of Thought: 19th Century Natural Rights Theorists <oll.libertyfund.org/groups/38>.
PART VI: WAR & PEACE
"War, that giant fiend, is stalking over empires in garments dropping with the blood of men, shed by men, personally unoffended and unoffending"
Editor’s Introduction

Vicesimus Knox (1752-1821) was an English minister who ran afoul of the British authorities in the 1790s with his sermons opposing the war against the French. He was educated at home by his father, attended St. John’s College, Oxford, where he became a fellow, and then was headmaster of Tonbridge School from 1778 to 1812. His main work, *The Spirit of Despotism* (1795), is an analysis of how political despotism at home can arise under the cover of fighting a foreign war.

This extract is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14].

The radical anti-war English minister Vicesimus Knox got into a lot of trouble with the authorities when he began preaching against the British and other European monarchies’ efforts to defeat the new French Republic by force of arms during the 1790s. He reminded them that “the motto of Christianity” had been clearly stated in Luke II, 14, namely “peace on earth and goodwill towards men.” What makes this sermon rise above the sometimes empty homilies about peace which are offered up at Christmas time are his profound moral and political objections to war.

Knox’s solution to the problem of war is “to compose the differences of nations by negotiation” “in a league of philanthropy” and to return to the Christian ideal of considering “all men under the sun, as united to us by brotherly love, or, as it is termed, fraternity; natural, not political fraternity; the strong tie of one common nature”. In this way Christian principles would come into “full force” and “the sword of offensive war (would) be sheathed for ever, and the din of arms would at last be silenced in perpetual peace.”

“Glory to God in the highest, on earth peace, good will towards men.” [St. Luke, ii. 14]
SERMON XXV. “The prospect of perpetual and universal peace to be established on the principles of Christian philanthropy.”
[Preached at Brighton, Aug. 18, 1793.]52

St. Luke, ii. 14, — Glory to God in the highest, on earth peace, good will towards men.

This gracious proclamation from Heaven announces the great purpose of Jesus Christ, the promotion of piety to God and benevolence to man. It may indeed be called the motto of Christianity. It may form the inscription on its unstained banners, as it advances in its progress, endeavouring to diffuse the blessings of perpetual peace and universal love.

Our Saviour's own words of invitation are indeed sweetly persuasive, if the world would hear them, amidst the cares of avarice, the struggles of ambition, and the clangor of arms. Come unto me, says he, all ye that labour and are heavy laden and I will give you rest.

Who among us is not concerned in this address, which of us is not labouring with some evil or laden with some sin, some infirmity, some habitual passion or some sore disease?

In what part of Christendom is that Christianity which we all profess, suffered to have its full effect, either on the national character and conduct, or on the regulation of private life?

Give me leave to bring before you, for a few moments, the great picture of the living world, as it is now exhibited, in the most polished part of it, Europe, enlightened as it is by science and professing Christianity. Let us consider whether among those who bear rule, by power or by example, glory is duly given to god; whether they do really promote to the utmost of their power, peace on earth; and whether they seem to entertain good will towards men, in that extent and degree which the Gospel of Jesus Christ requires of all who profess to believe it, and who expect the rewards of the pious and the peaceful.

“war, that giant fiend, is stalking over empires in garments dropping with the blood of men, shed by men, personally unoffended and unoffending”

The picture is sadly shaded with misery. Peace on earth! Alas where is it? amid all our refinement in the modes of cultivated life, all our elegant pleasures, all our boasted humanity; war, that giant fiend, is stalking over empires in garments dropping with the blood of men, shed by men, personally unoffended and unoffending; of men, professing to love as brethren, yet cutting off each other from the land of the living, long before the little time allotted them by nature is elapsed; and increasing beyond measure, all the evils to which man is naturally and morally doomed, at the command of a narrow shortsighted human policy, and an ambition which, considering the calamities it causes, I must call accursed.

“The shades of the picture are black as death, the colouring of blood. No; not all the arts of politicians can veil its shocking deformity, from any eyes but those of the vulgar; the vulgar, I mean, rich as well as poor, titled as well as untitled, swaying sceptres or wielding a spade.”

The shades of the picture are black as death, the colouring of blood. No; not all the arts of politicians can veil its shocking deformity, from any eyes but those of the vulgar; the vulgar, I mean, rich as well as poor, titled as well as untitled, swaying sceptres or wielding a spade. By all but the vulgar and the creatures of despotism, offensive war, with all its pompous exterior, must be deprecated as the disgrace and calamity of

human nature. Poor outside pageantry! What avails the childish or womanish finery of gaudy feathers on the heads of warriors? Though tinged with the gayest colours by the dyer's art, they appear to the eye of humanity, weeping over the fields of battle, dipt in gore. What avail the tinsel, the trappings, the gold and the scarlet? Ornaments fitter for the pavilions of pleasure than the field of carnage. Can they assuage the anguish of a wound, or call back the departed breath of the pale victims of war; poor victims, unnoticed and unpitied, far from their respective countries, on the plains of neighbouring provinces, the wretched seat of actual war; not of parade, the mere play of soldiers, the pastime of the idle spectator, a summer day's sight for the gazing saunterer; but on the scene of carnage, the Aceldama, the field of blood, where, in the fury of the conflict, man appears to forget his nature and exhibits feats at which angels weep, while nations shout in barbarous triumph.

The elegant decorations of a sword, wantonly drawn in offensive war, what are they, but a mockery of the misery it was intended to create? An instrument of death to a fellow-creature who has never injured me, a holiday ornament! Colours of the darkest hue might form the appropriate habiliments of those who are causelessly sent as the messengers of death; of death, not to animals of another species, fierce and venomous; but to those who like themselves, were born of woman, who sucked the breast of a woman, and who, if spared by the ruthless sword, must like themselves in a few short years die by the necessity of nature; die, and moulder into dust, under the turf once verdant and flowery, but now crimsoned with human gore. Alike born the victors and the vanquished, alike they die if spared in the battle; and alike must stand at the latter day, all stript of the distinctions of finer dress and superior rank, in the presence of those whom they cut off in this world before their time, in youth and health, like rose-buds cropt in the bud of existence.

Cease, oh! cease, while such scenes are passing in the field of actual slaughter, cease, for humanity's sake, the din of martial music. It is surely a mockery of wretchedness! Poor artifice! to drown the voice of anguish calling for help, and calling in vain; the yells of the dying, the groans of those who lie agonizing without any hand to pour balsam into their wounds: cruel contrivance to stifle by noise the bitter lamentations, the last sad privilege of the mourners, who bereaved of their friend, their parent, or their child, are bereaved indeed!

Oh war! thy blood-stained visage cannot be disguised by the politician's artifice. Thy brilliant vestments are to him who sympathizes with human woe in all climes and conditions, no better than sable mourning; thy melody, doleful discord, the voice of misery unutterable. Decked, like the harlot, in finery not thine own, thou art even the pest of human nature; and in countries where arbitrary power prevails, the last sad refuge of selfish cruel despotism, building its gorgeous palaces on the ruins of those who support its grandeur by their personal labour; and whom it ought to protect and to nourish under the olive shade of peace.

What feeling man can cast his eyes (as he proceeds in contemplating the picture) over the tented plains, on the theatre of war, glittering in the sunbeams with polished arms and gay with silken banners, without a sigh, if he views it undazzled by the "pride, pomp and circumstance," which the wisdom of this world has, from the earliest times, devised to facilitate its own purposes; purposes, it is to be feared, that have little reference to him who said, that his kingdom was not of this world; and whose religion was announced by a proclamation of peace on earth. What a picture is the tablet we are viewing of the heart of man, and of the misery of man! that he should thus find it necessary to defend himself with so much effort, at such expense of blood and treasure, not, as I said before, against the beast of the forest, not against the tiger and the wolf, for then it were well; but against his fellow man, his Christian brother, subject to the same wants, agonized with the same natural sufferings, doomed to the same natural death, and as a Christian, hoping for the same salvation; and perhaps separated from him only by a few leagues of intervening ocean.

All the waters of that ocean cannot wash away the stain thus deeply fixed on the human character.

Lo! in countries where war actually rages, thousands and tens of thousands of our fellow-creatures, all perhaps Christians in profession, many in the flower of their youth, torn from the peaceful vale, the innocent occupations of agriculture, or the useful employments of mechanic arts, to learn with indefatigable pains (separated at the same time from all the sweet endearments and duties of domestic life) to learn the art of spreading devastation and most expeditiously and effectually destroying those of their
fellow-creatures, whom politicians have bade them consider as enemies, and therefore to cut off in their prime; but whom Christ taught, even if they were personal enemies, to love, to pity, and to save. Do they not, thoughtless as they are, require to be reminded of the gracious proclamation from Heaven, “On earth peace, Good-will towards men.”

Alas! is it not enough that age, disease, death, and misery, in a hundred forms, are hourly waging war with all mankind; but they must add to the sting of death new venom; new anguish to every pang by waging war with each other? Men who as individuals are kind and humane, appear as nations, still in a state of barbarism and savage nature.

Yet we must believe and maintain the political necessity of war, though the greatest evil which can be endured by a civilized, flourishing and free people; we must believe its political necessity, because they, who in the various nations of the world, seem to claim an hereditary right to wisdom, as well as power, have, in all ages and in the most enlightened and Christian countries, so determined; yet, with all due submission to that wisdom and to that power, let every man who justly glories in the name and feelings of a man, mourn and lament the existence of that political necessity; and if it be such, pray to the father of us all, of every clime and colour, that under the benign influence of that Christianity which we profess, war may be no more on the face of the whole earth, and the sword everywhere converted into the pruning hook and the plough share….

“many in the flower of their youth, torn from the peaceful vale, the innocent occupations of agriculture, or the useful employments of mechanic arts ... to learn the art of spreading devastation”

Let us all, in our several stations, promote peace on earth, if it be possible; not only by seeking as we have power, to compose the differences of nations by negotiation, but by subduing our own pride and ambition, by learning to consider all men under the sun, as united to us by brotherly love, or, as it is termed, fraternity; natural, not political fraternity; the strong tie of one common nature. Let us appeal to reason in all national disputes; to reason, the constituent essence of man, and not only to the sad resource of creatures without reason, brute force and violence....

If the Christian religion in all its purity, and in its full force, were suffered to prevail universally, the sword of offensive war must be sheathed for ever, and the din of arms would at last be silenced in perpetual peace. Glorious idea! I might be pardoned, if I indulged the feelings of enthusiastic joy at a prospect so transporting. Perpetual and universal peace! The jubilee of all human nature. Pardon my exultation, if it be only an illusive prospect. Though the vision is fugacious as the purple tints of an evening sky, it is enchanting; it is as innocent as delightful. The very thought furnishes a rich banquet for Christian benevolence. But let us pause in our expressions of joy, for when we turn from the fancied Elysium, to sad reality, to scenes of blood and desolation, we are the more shocked by the dismal contrast. Let us then leave ideal pictures, and consider a moment the most rational means of promoting, as far as in our power, perpetual and universal peace. If war be a scourge, as it has been ever called and allowed to be, it must be inflicted for our offences.

Then let every one, in every rank, the most elevated as well as the most abject, endeavour to propitiate the Deity, by innocence of life and obedience to the divine law, that the scourge may be no longer necessary. Let him add his prayers to his endeavours, that devastation may no more waste the ripe harvest, (while many pine with hunger,) burn the peaceful village, level the hut of the harmless cottager, overturn the palace, and deface the temple; destroying, in its deadly progress, the fine productions of art, as well as of nature: but that the shepherd’s pipe may warble in the vale, where the shrill clarion and the drums dissonance now grate harshly on the ear of humanity; that peace, may be within and without our walls, and plenteousness in our cottages as well as in our palaces; that we may learn to rejoice in subduing ourselves, our pride, whence cometh contention and all other malignant passions, rather than in reducing fair cities to ashes, and erecting a blood-stained streamer in triumph over those who may have fallen indeed—but fallen in defending with bravery, even to death, their wives, their children, their houses, and their altars, from the destroying demon of offensive war.
“Oh war! thy blood-stained visage cannot be disguised by the politician’s artifice. Thy brilliant vestments are to him who sympathizes with human woe in all climes and conditions, no better than sable mourning; thy melody, doleful discord, the voice of misery unutterable. Decked, like the harlot, in finery not thine own, thou art even the pest of human nature; and in countries where arbitrary power prevails, the last sad refuge of selfish cruel despotism, building its gorgeous palaces on the ruins of those who support its grandeur by their personal labour; and whom it ought to protect and to nourish under the olive shade of peace.”

O thou God of mercy, grant that the sword may return to its scabbard for ever; that the religion of Jesus Christ may be duly understood, and its benign influence powerfully felt by all kings, princes, rulers, nobles, counsellors, and legislators, on the whole earth; that they may all combine in a league of philanthropy, to enforce by reason and mild persuasion, the law of love, or Christian charity, among all mankind, in all climes, and in all sects; consulting, like superior beings, the good of those beneath them; not endeavouring to promote their own power and aggrandizement by force and arms; but building their thrones, and establishing their dominion on the hearts of their respective people, preserved from the horrors of war by their prudence and clemency; and enjoying, exempt from all unnecessary burthens, the fruits of their own industry; every nation thus blest, permitting all others under the canopy of heaven to enjoy the same blessings uninterrupted, in equal peace and security. O melt the hard heart of pride and ambition, that it may sympathize with the lowest child of poverty, and grant, O thou God of order, as well as of mercy and love, that we of this happily constituted nation may never experience the curse of despotism on one hand; nor, on the other, the cruel evils of anarchy; that as our understandings become enlightened by science, our hearts may be softened by humanity, that we may be ever free, not using our liberty as a cloak for licentiousness, that we may all, in every rank and degree, live together peaceably in Christian love, and die in Christian hope, and that all nations which the sun irradiates in his course, united in the bonds of amity, may unite also in the joyful acclamation of the text, with heart and voice, and say, “Glory to God in the highest, on earth peace, good-will towards men.”
Further Information

SOURCE
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FURTHER READING
More about Vicesimus Knox (1752-1821) <oll.libertyfund.org/people/3802>.
The collection of books in the Online Library of Liberty on “War & Peace” <oll.libertyfund.org/groups/57>.
The Topic on “The Laws of War” <oll.libertyfund.org/groups/62>.
“A free government with arbitrary means to administer it is a contradiction; a free government without adequate provisions for personal security is an absurdity, a free government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous & abominable that ever entered into the head of man.”
Editor’s Introduction

Daniel Webster (1782-1852) was elected to Congress as a Federalist and served in the House of Representatives from 1813 to 1817. He was a prominent opponent of the Republican embargo and the War of 1812 and was elected to the House of Representatives from Boston, serving from 1823 to 1827, and then to the Senate in 1827. He opposed the protective tariff from 1816 to 1824 but voted for the tariff act of 1828. Webster was reelected to the Senate in 1833 and 1839, resigning in 1841 to become Secretary of State under William Henry Harrison and John Tyler. He later served in the administration of Millard Fillmore as Secretary of State from 1850 until his death in 1852.

Webster’s speech against conscription was republished in 1967 by a group of young classical liberals studying at the University of Chicago. They opposed the escalation of the war in Vietnam undertaken by President Johnson and turned to the tradition of anti-militarism which had been part of American thought since the founding. One of the most powerful statements of this tradition was Webster’s speech in which he opposed the introduction of conscription during the War of 1812 against Britain.

In opposing conscription he believed he was defending “the most essential rights of personal liberty” and opposing an unjust, despotic, and “failing state” which was planning another invasion of Canada. Although he discusses some of the constitutional issues concerning states rights and the use of their militias, his main argument is that a a society based upon “a plain written charter of National Liberty” cannot use “open force and violence” to conscript its citizens without undermining the very basis of its existence. For Webster, the means by which a free society functions was just as important as the ends pursued by that society. To do otherwise was ridiculous, absurd, contradictory, and an abominable solecism.

He concludes with a dire warning that in promoting “battles of invasion” the government was sending young men to their deaths, which amounted to murder, and that those responsible would one day have to face “the bar of omnipotent justice.”

The 200th anniversary of Webster’s speech will be in 2014.

“The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government, and to demonstrate, by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.”
“Speech on the Draft” (1814)\textsuperscript{53}

MR. CHAIRMAN:[1] AFTER the best reflection which I have been able to bestow on the subject of the bill before you, I am of the opinion that its principles are not warranted by any provision of the Constitution. It appears to me to partake of the nature of those other propositions for military measures which this session, so fertile in inventions, has produced. It is of the same class with the plan of the Secretary of War; with the bill reported to this House by its own Committee for filling the ranks of the regular army, by classifying the free male population of the United States; and with the resolution recently introduced by an honorable gentleman from Pennsylvania [Mr. Ingersoll], and which now lies on your table, carrying the principle of compulsory service in the regular army to its utmost extent.

This bill indeed is less undisguised in its object, and less direct in its means, than some of the measures proposed. It is an attempt to exercise the power of forcing the free men of this country into the ranks of an army, for the general purposes of war, under color of a military service. To this end it commences with a classification which is no way connected with the general organization of the militia, nor, to my apprehension, included within any of the powers which Congress possesses over them. All the authority which this government has over the Militia, until actually called into the service, is to enact laws for their organization and discipline. This power it has exercised. It now possesses the further power of calling into its service any portion of the militia of the States, in the particular exigencies for which the Constitution provides, and of governing them during the continuance of such service. Here its authority ceases. The classification of the whole body of the militia, according to the provisions of this bill, is not a measure which respects either their general organization or their discipline. It is a distinct system, introduced for new purposes, and not connected with any power which the Constitution has conferred on Congress.

But, sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution, “to repel invasion, suppress insurrection, or execute the laws.” But this bill has no limitation in this respect. The usual mode of legislating on the subject is abandoned. The only section which would have confined the service of the militia, proposed to be raised, within the United States has been stricken out; and if the President should not march them into the Provinces of England at the north, or of Spain at the south, it will not be because he is prohibited by any provision in this act.

This, sir, is a bill for calling out the militia, not according to its existing organization, but by draft from new created classes;—not merely for the purpose of “repelling invasion, suppressing insurrection, or executing the laws,” but for the general objects of war—for defending ourselves, or invading others, as may be thought expedient;—not for a sudden emergency, or for a short time, but for long stated periods; for two years, if the proposition of the Senate should finally prevail; for one year, if the amendment of the House should be adopted. What is this, sir, but raising a standing army out of militia by draft, and to be recruited by draft, in like manner, as often as occasion may require?

“That measures of this nature should be debated at all, in the councils of a free government, is cause of dismay. The question is nothing less than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form.”

This bill, then, is not different in principle from the other bills, plans, and resolutions which I have mentioned. The present discussion is properly and necessarily common to them all. It is a discussion, sir, of the last importance. That measures of this nature should be debated at all, in the councils of a free

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government, is cause of dismay. The question is nothing less than whether the most essential rights of personal liberty shall be surrendered, and despotism embraced in its worst form.

“When the present generation of men shall be swept away, and that this government ever existed shall be matter of history only, I desire that it may be known that you have not proceeded in your course unadmonished and unforewarned. Let it then be known, that there were those who would have stopped you, in the career of your measures, and held you back, as by the skirts of your garments, from the precipice over which you are plunging and drawing after you the government of your country.”

I HAVE Risen, ON this occasion, with anxious and painful emotions, to add my admonition to what has been said by others. Admonition and remonstrance, I am aware, are not acceptable strains. They are duties of unpleasant performance. But they are, in my judgment, the duties which the condition of a falling state imposes. They are duties which sink deep in his conscience, who believes it probable that they may be the last services which he may be able to render to the government of his country. On the issue of this discussion, I believe the fate of the government may rest. Its duration is incompatible, in my opinion, with the existence of the measures in contemplation. A crisis has at last arrived, to which the course of things has long tended, and which may be decisive upon the happiness of present and of future generations. If there be anything important in the concerns of men, the considerations which fill the present hour are important, I am anxious, above all things, to stand acquitted before God and my own conscience, and in the public judgment, of all participations in the counsels which have brought us to our present condition and which now threaten the dissolution of the government. When the present generation of men shall be swept away, and that this government ever existed shall be matter of history only, I desire that it may be known that you have not proceeded in your course unadmonished and unforewarned. Let it then be known, that there were those who would have stopped you, in the career of your measures, and held you back, as by the skirts of your garments, from the precipice over which you are plunging and drawing after you the government of your country.

I had hoped, sir, at an early period of the session, to find gentlemen in another temper. I trusted that the existing state of things would have impressed on the minds of those who decide national measures, the necessity of some reform in the administration of affairs. If it was not to have been expected that gentlemen would be convinced by argument, it was still not unreasonable to hope that they would listen to the solemn preaching of events. If no previous reasoning could satisfy them, that the favorite plans of government would fail, they might yet be expected to regard the fact, when it happened, and to yield to the lesson which it taught. Although they had, last year, given no credit to those who predicted the failure of the campaign against Canada, yet they had seen that failure. Although they then treated as idle all doubts of the success of the loan, they had seen the failure of that loan. Although they then held in derision all fears for the public credit, and the national faith, they had yet seen the public credit destroyed, and the national faith violated and disgraced. They had seen much more than was predicted; for no man had foretold that our means of defense would be so far exhausted in foreign invasion, as to leave the place of our own deliberations insecure, and that we should this day be legislating in view of the crumbling monuments of our national disgrace. No one had anticipated that this city would have fallen before a handful of troops, and that British generals and British admirals would have taken their airings along the Pennsylvania Avenue, while the government was in full flight, just awaked perhaps from one of its profound meditations on the plan of a conscription for the conquest of Canada. These events, sir, with the present state of things, and the threatening aspect of what is future, should have brought us to a pause. They might have reasonably been expected to
induce Congress to review its own measures, and to exercise its great duty of inquiry relative to the conduct of others. If this was too high a pitch of virtue for the multitude of party men, it was at least to have been expected from gentlemen of influence and character, who ought to be supposed to value something higher than mere party attachment, and to act from motives somewhat nobler than a mere regard to party consistency. All that we have yet suffered will be found light and trifling in comparison with what is before us, if the government shall learn nothing from experience but to despise it, and shall grow more and more desperate in its measures, as it grows more and more desperate in its affairs.

IT IS TIME FOR Congress to examine and decide for itself. It has taken things on trust long enough. It has followed executive recommendation, 'till there remains no hope of finding safety in that path. What is there, sir, that makes it the duty of this people now to grant new confidence to the Administration, and to surrender their most important rights to its discretion? On what merits of its own does it rest this extraordinary claim? When it calls thus loudly for the treasure and the lives of the people, what pledge does it offer that it will not waste all in the same preposterous pursuits which have hitherto engaged it? In the failure of all past promises, do we see any assurance of future performance? Are we to measure out our confidence in proportion to our disgrace and now at last to grant away everything, because all that we have heretofore granted has been wasted or misapplied? What is there in our condition that bespeaks a wise or an able government? What is the evidence that the protection of the country is the object principally regarded? In every quarter that protection has been more or less abandoned to the States. That every town on the coast is not now in possession of the enemy, or in ashes, is owing to the vigilance and exertions of the States themselves, and to no protection granted to them by those on whom the whole duty of their protection rested.

Or shall we look to the acquisition of the professed objects of the war, and there find grounds for approbation and confidence. The professed objects of the war are abandoned in all due form. The contest for sailors' rights is turned into a negotiation about boundaries and military roads, and the highest hope entertained by any man of the issue, is that we may be able to get out of the war without a cession of territory.

“I forebear to speak of the present condition of the treasury; and as to public credit, the last reliance of government, I use the language of government itself only, when I say it does not exist. ... Nothing is talked of but banks, and a circulating paper medium, and exchequer notes, and the thousand other contrivances which ingenuity, vexed and goaded by the direst necessity, can devise, with the vain hope of giving value to mere paper. All these things are not revenue, nor do they produce it.”

Look, sir, to the finances of the country. What a picture do they exhibit of the wisdom and prudence and foresight of government. “The revenue of a state,” says a profound writer, “is the state.” If we are to judge of the condition of the country by the condition of its revenues, what is the result? A wise government sinks deep the fountain of its revenues—not only 'till it can touch the first springs, and slake the present thirst of the treasury, but 'till lasting sources are opened, too abundant to be exhausted by demands, too deep to be affected by heats and droughts. What, sir, is our present supply, and what our provision for the future resource? I forebear to speak of the present condition of the treasury; and as to public credit, the last reliance of government, I use the language of government itself only, when I say it does not exist. This is a state of things calling for the soberest counsels, and yet it seems to meet only the wildest speculations. Nothing is talked of but banks, and a circulating paper medium, and exchequer notes, and the thousand other contrivances which ingenuity, vexed and goaded by the direst necessity, can devise, with the vain hope of giving value to mere paper. All these things are not revenue, nor do they produce it. They are the effect of a productive commerce, and a well ordered system of finance, and in their operation may be favorable to both, but are not
the cause of either. In other times these facilities existed. Bank paper and government paper circulated because both rested on substantial capital or solid credit. Without these they will not circulate, nor is there a device more shallow or more mischievous, than to pour forth new floods of paper without credit as a remedy for the evils which paper without credit has already created. As was intimated the other day by my honorable friend from North Carolina (Mr. Gaston) this is an attempt to act over again the farce of the Assignats of France. Indeed, sir, our politicians appear to have but one school. They learn everything of modern France; with this variety only, that for examples of revenue they go to the Revolution, when her revenue was in the worst state possible, while their model for military force is sought after in her imperial era, when her military was organized on principles the most arbitrary and abominable.

LET US EXAMINE the nature and extent of the power which is assumed by the various military measures before us. In the present want of men and money, the Secretary of War has proposed to Congress a military conscription. For the conquest of Canada, the people will not enlist; and if they would, the treasury is exhausted, and they could not be paid. Conscription is chosen as the most promising instrument, both of overcoming reluctance to the service, and of subduing the difficulties which arise from the deficiencies of the exchequer. The Administration asserts the right to fill the ranks of the regular army by compulsion. It contends that it may now take one out of every twenty-five men, and any part, or the whole of the rest, whenever its occasions require. Persons thus taken by force, and put into an army, may be compelled to serve there during the war, or for life. They may be put on any service, at home or abroad, for defense or for invasion, accordingly to the will and pleasure of the government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to government at all times, in peace as well as in war, and it is to be exercised under all circumstances, according to its mere discretion. This sir, is the amount of the principle contended for by the Secretary of War.

*Is this the real character of our Constitution? No sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves.*

Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it? Under what concealment has this power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any Constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and
argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our government. It has been the labor of other men, at other times, to mitigate and reform the powers of government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government, and to demonstrate, by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.

The Secretary of War has favored us with an argument on the constitutionality of this power. Those who lament that such doctrines should be supported by the opinions of a high officer of government, may a little abate their regret, when they remember that the same officer, in his last letter of instructions to our ministers abroad, maintained the contrary. In that letter he declares, that even the impressment of seamen, for which many more plausible reasons may be given than for the impressment of soldiers, is repugnant to our Constitution. It might therefore be a sufficient answer to his argument, in the present case, to quote against it the sentiments of its own author, and to place the two opinions before the House, in a state of irreconcilable conflict. Further comment on either might then by properly foreborne, until he should be pleased to inform us which he retracted, and to which he adhered. But the importance of the subject may justify a further consideration of the arguments.

CONGRESS HAVING, BY the Constitution, a power to raise armies, the Secretary contends that no restraint is to be imposed on the exercise of this power, except such as is expressly stated in the written letter of the instrument. In other words, that Congress may execute its powers, by any means it chooses, unless such means are particularly prohibited. But the general nature and object of the Constitution impose as rigid a restriction on the means of exercising power as could be done by the most explicit injunctions. It is the first principle applicable to such a case, that no construction shall be admitted which impairs the general nature and character of the instrument. A free constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication which would strike us absurdly if expressed. And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to government an uncontrolled power of military conscription? Yet such is the absurdity which it is made to exhibit, under the commentary of the Secretary of War.

“A free constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication which would strike us absurdly if expressed. And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to government an uncontrolled power of military conscription?”

But it is said that it might happen that an army could not be raised by voluntary enlistment, in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything, it would equally show, that whenever the legitimate power of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing Administration may deem expedient. This is the result of his own
reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed, that all powers were granted, which might by possibility become necessary, and that government itself is the judge of this possible necessity, then the powers of government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress, and test its accuracy by the result. Congress has power to borrow money. How is it to exercise this power? Is it confined to voluntary loans? There is no express limitation to that effect, and, in the language of the secretary, it might happen, indeed it has happened, that persons could not be found willing to lend. Money might be borrowed then in any other mode. In other words. Congress might resort to a forced loan. It might take the money of any man by force, and give him in exchange exchequer notes or certificates of stock. Would this be quite constitutional, sir? It is entirely within the reasoning of the Secretary, and it is a result of his argument, outraging the rights of individuals in a far less degree than the practical consequences which he himself draws from it. A compulsory loan is not to be compared, in point of enormity, with a compulsory military service.

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the regular army, he will at any time be able to prove, quite as clearly, that Congress has power to create a Dictator. The arguments which have helped him in one case, will equally aid him in the other; the same reason of a supposed or possible state necessity, which is urged now, may be repeated then, with equal pertinency and effect.

Sir, in granting Congress the power to raise armies, the people have granted all the means which are ordinary and usual, and which are consistent with the liberties and security of the people themselves, and they have granted no others. To talk about the unlimited power of the government over the means to execute its authority, is to hold a language which is true only in regard to despotism. The tyranny of arbitrary governments consists as much in its means as in its ends; and it would be a ridiculous and absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means and instruments which a free government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provisions for personal security is an absurdity, a free government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

“All the means and instruments which a free government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provisions for personal security is an absurdity, a free government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.”

SIR, I INVITE THE supporters of the measures before you to look to their actual operation. Let the men who have so often pledged their own fortunes and their own lives to the support of this war, look to the wanton sacrifice which they are about to make of their lives and fortunes. They may talk as they will about substitutes, and compensations, and exemptions. It must come to the draft at last. If the government cannot hire men voluntarily to fight its battles, neither can individuals. If the war should continue, there will be no escape, and every man’s fate and every man’s life will come to depend on the issue of the military draft. Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the distress and anguish which they will spread over those hills and valleys, where men have heretofore been accustomed to
labor, and to rest in security and happiness. Anticipate the scene, sir, when the class shall assemble to stand its draft, and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theatre of this horrible lottery, as if the stroke of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband. And in a majority of cases, it will be the stroke of death. Under present prospects of the continuance of the war, not one half of them on whom your conscription shall fall will ever return to tell the tale of their sufferings. They will perish of disease and pestilence, or they will leave their bones to whiten in fields beyond the frontier. Does the lot fall on the father of a family? His children, already orphans, shall see his face no more. When they behold him for the last time, they shall see him lashed and fettered, and dragged away from his own threshold, like a felon and an outlaw. Does it fall on a son, the hope and the staff of aged parents? That hope shall fail them. On that staff they shall lean no longer. They shall not enjoy the happiness of dying before their children. They shall totter to their grave, bereft of their offspring and unwept by any who inherit their blood. Does it fall on a husband? The eyes which watch his parting steps may swim in tears forever. She is a wife no longer. There is no relation so tender or so sacred that by these accursed measures you do not propose to violate it. There is no happiness so perfect that you do not propose to destroy it. Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence.

But this father, or this son, or this husband goes to the camp. With whom do you associate him? With those only who are sober and virtuous and respectable like himself? No, sir. But you propose to find him companions in the worst men of the worst sort. Another bill lies on your table offering a bounty to deserters from your enemy. Whatever is most infamous in his ranks you propose to make your own. You address yourselves to those who will hear you and advise them to perjury and treason. All who are ready to set heaven and earth at defiance at the same time, to violate their oaths and run the hazard of capital punishment, and none others, will yield to your solicitations. And these are they whom you are allowing to join ranks, by holding out to them inducements and bounties with one hand, while with the other you are driving thither the honest and worthy members of your own community, under the lash and scourge of conscription. In the line of your army, with the true levelling of despotism, you propose a promiscuous mixture of the worthy and the worthless, the virtuous and the profligate; the husbandman, the merchant, the mechanic of your own country, with the beings whom war selects from the excess of European population, who possess neither interest, feeling, nor character in common with your own people, and who have no other recommendation to your notice than their propensity to crimes.

“The battles which he is to fight are the battles of invasion—battles which he detests perhaps, and abhors ... but to prosecute a miserable and detestable project of invasion, and in that strife he fall ’tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder”

Nor is it, sir, for the defense of his own house and home, that he who is the subject of military draft is to perform the task allotted to him. You will put him upon a service equally foreign to his interests and abhorrent to his feelings. With his aid you are to push your purposes of conquest. The battles which he is to fight are the battles of invasion—battles which he detests perhaps, and abhors, less from the danger and the death that gather over them, and the blood with which they drench the plain, than from the principles in which they have their origin. Fresh from the peaceful pursuits of life, and yet a soldier but in name, he is to be opposed to veteran troops, hardened under every scene, inured to every privation, and disciplined in every service. If, sir, in this strife he fall—if, while ready to obey every rightful command of government, he is forced from his home against right, not to contend for the defense of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall ’tis murder. It may stalk above the cognizance of human law, but in the sight of Heaven it is murder; and though millions of years may roll away, while his ashes and yours lie mingled together in the earth, the day will
yet come when his spirit and the spirits of his children must be met at the bar of omnipotent justice. May God, in his compassion, shield me from any participation in the enormity of this guilt.

I WOULD ASK, SIR, whether the supporters of these measures have well weighed the difficulties of their undertaking. Have they considered whether it will be found easy to execute laws which bear such marks of despotism on their front, and which will be so productive of every sort and degree of misery in their execution? For one, sir, I hesitate not to say that they cannot be executed. No law professedly passed for the purpose of compelling a service in the regular army, nor any law which, under color of military draft, shall compel men to serve in the army, not for the emergencies mentioned in the Constitution, but for long periods, and for the general objects of war, can be carried into effect. In my opinion it ought not to be carried into effect. The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State governments to protect their own authority over their own militia, and to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist; and their highest obligations bind them to the preservation of their own rights and the liberties of their people. I express these sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a constitution which teaches us that “the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.” [New Hampshire Bill of Rights] With the same earnestness with which I now exhort you to forebear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.

In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it. You may talk to them as much as you please, of the victory and glory to be obtained in the enemy’s provinces; they will hold those objects in light estimation if the means be a forced military service. You may sing to them the song of Canada Conquest in all its variety, but they will not be charmed out of the remembrance of their substantial interests and true happiness. Similar pretences, they know, are the grave in which the liberties of other nations have been buried, and they will take warning.

“Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpents’ teeth, they will spring up into armed men. A military force cannot be raised in this manner, but by the means of a military force. If the Administration has found that it cannot form an army without conscription, it will find, if it ventures on these experiments, that it cannot enforce conscription without an army.”

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpents’ teeth, they will spring up into armed men. A military force cannot be raised in this manner, but by the means of a military force. If the Administration has found that it cannot form an army without conscription, it will find, if it ventures on these experiments, that it cannot enforce conscription without an army. The government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our government.

Allusions have been made, sir, to the state of things in New England, and, as usual, she has been charged with an intention to dissolve the Union. The charge is unfounded. She is much too wise to entertain such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace, we may thereby throw away our government.
sentiment, and every feeling which have hitherto contributed to uphold it. Those who cry out that the Union is in danger are themselves the authors of that danger. They put its existence to hazard by measures of violence, which it is not capable of enduring. They talk of dangerous designs against government, when they are overthrowing the fabric from its foundations. They alone, sir, are friends to the union of the States, who endeavor to maintain the principles of civil liberty in the country, and to preserve the spirit in which the Union was framed.

Notes

[1] This famous speech, which Webster delivered in the House of Representatives in December 1814, is reprinted here in its entirety. It is an example of Webster in his prime, when he opposed conscription and favored free trade. It was in large measure Webster’s work which defeated Mr. Madison’s conscription proposal in 1814, and we hope his words may have some influence on today’s Status Quo, which has lined up behind Mr. Johnson’s conscription. It is both amusingly enlightening and sadly regrettable that so many of the concepts of the Federal Republic which Webster defended and relied upon in his lifetime have completely passed away in this century.

This text is taken from D. Webster, Writings and Speeches (Boston: Little, Brown, 1903), pp. 55-69. The article was originally delivered as a speech on the floor of the House of Representatives, December 9, 1814, in opposition to President Madison’s proposal for compulsory military service: the speech was transcribed afterwards by Webster himself.
Further Information

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FURTHER READING

Other works by Daniel Webster (1782-1852): <oll.libertyfund.org/people/205>.

Subject Area: War and Peace <oll.libertyfund.org/groups/57>.
“The war with Spain was precipitated upon us headlong, without reflection or deliberation ... Whenever a voice was raised in behalf of deliberation ... it was howled down in a storm of vituperation and cant.”
Editor’s Introduction

William Graham Sumner (1840-1910) was one of the founding fathers of American sociology. He trained as an Episcopalian clergyman and went on to teach at Yale University where he wrote his most influential works. His interests included money and tariff policy, critiques of socialism, social classes, and anti-imperialism. Sumner was an important member of the Anti-Imperialist League which campaigned against the rise of American imperialism in the late 1890s. Its members included Edward Atkinson, Ambrose Bierce, Andrew Carnegie, Grover Cleveland, John Dewey, Edwin Godkin, Henry James, William James, Carl Schurz, Mark Twain, and Oswald Garrison Villard.

Sumner penned two powerful essays between 1896 and 1898 to voice his opposition to the emergence of an American empire with the acquisition of Hawaii and the Philippines. His vision of a free and democratic American republic was rooted in an original notion of “American exceptionalism” which saw the founding of America as an opportunity to void the militarism and great power politics of Old Europe and to create a new society in which individuals would be free to pursue their own goals unrestricted by government regulation and taxation. In the 1890s he saw a new kind of exceptionalism emerging around him which was expansionist, aggressive, high taxing, and full of missionary zeal to “civilize” the less-developed world. He concluded that the ideals of Old Europe had won with the Spanish “moral” conquest of the United States in 1898.

In this essay he was concerned with how the republican institutions and ideals of the early United States were evolving gradually towards those of the great centralized monarchies of Europe. The Spanish-American War of 1898 he thought was a warning bell that “old world” practices had arrived in America, such as standing armies, pubic debt, “grand diplomacy” and “reason of state,” and territorial acquisitions. By 1898 he concluded that the morality of old world Spain had truly succeeded in conquering new world America.

“(the Founding Fathers believed that) there should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There were to be no armies except a militia, which would have no functions but those of police. They would have no court and no pomp; no orders, or ribbons, or decorations, or titles. They would have no public debt. They repudiated with scorn the notion that a public debt is a public blessing; if debt was incurred in war it was to be paid in peace and not entailed on posterity.”
During the last year the public has been familiarized with descriptions of Spain and of Spanish methods of doing things until the name of Spain has become a symbol for a certain well-defined set of notions and policies. On the other hand, the name of the United States has always been, for all of us, a symbol for a state of things, a set of ideas and traditions, a group of views about social and political affairs. Spain was the first, for a long time the greatest, of the modern imperialistic states. The United States, by its historical origin, its traditions, and its principles, is the chief representative of the revolt and reaction against that kind of a state. I intend to show that, by the line of action now proposed to us, which we call expansion and imperialism, we are throwing away some of the most important elements of the American symbol and are adopting some of the most important elements of the Spanish symbol. We have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies. Expansionism and imperialism are nothing but the old philosophies of national prosperity which have brought Spain to where she now is. Those philosophies appeal to national vanity and national cupidity. They are seductive, especially upon the first view and the most superficial judgment, and therefore it cannot be denied that they are very strong for popular effect. They are delusions, and they will lead us to ruin unless we are hard-headed enough to resist them. In any case the year 1898 is a great landmark in the history of the United States. The consequences will not be all good or all bad, for such is not the nature of societal influences. They are always mixed of good and ill, and so it will be in this case. Fifty years from now the historian, looking back to 1898, will no doubt see, in the course which things will have taken, consequences of the proceedings of that year and of this present one which will not all be bad, but you will observe that that is not a justification for a happy-go-lucky policy; that does not affect our duty to-day in all that we do to seek wisdom and prudence and to determine our actions by the best judgment which we can form.

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War, expansion, and imperialism are questions of statesmanship and of nothing else. I disregard all other aspects of them and all extraneous elements which have been intermingled with them. I received the other day a circular of a new educational enterprise in which it was urged that, on account of our new possessions, we ought now to devote especial study to history, political economy, and what is called political science. I asked myself, Why? What more reason is there for pursuing these studies now on behalf of our dependencies than there was before to pursue them on behalf of ourselves? In our proceedings of 1898 we made no use of whatever knowledge we had of any of these lines of study. The original and prime cause of the war was that it was a move of partisan tactics in the strife of parties at Washington. As soon as it seemed resolved upon, a number of interests began to see their advantage in it and hastened to further it. It was

necessary to make appeals to the public which would bring quite other motives to the support of the enterprise and win the consent of classes who would never consent to either financial or political jobbery. Such appeals were found in sensational assertions which we had no means to verify, in phrases of alleged patriotism, in statements about Cuba and the Cubans which we now know to have been entirely untrue.

Where was the statesmanship of all this? If it is not an established rule of statecraft that a statesman should never impose any sacrifices on his people for anything but their own interests, then it is useless to study political philosophy any more, for this is the alphabet of it. It is contrary to honest statesmanship to imperil the political welfare of the state for party interests. It was unstatesmanlike to publish a solemn declaration that we would not seize any territory, and especially to characterize such action in advance as “criminal aggression,” for it was morally certain that we should come out of any war with Spain with conquered territory on our hands, and the people who wanted the war, or who consented to it, hoped that we should do so.

We talk about “liberty” all the time in a big and easy way, as if liberty was a thing that men could have if they want it, and to any extent to which they want it. It is certain that a very large part of human liberty consists simply in the choice either to do a thing or to let it alone. If we decide to do it, a whole series of consequences is entailed upon us in regard to which it is exceedingly difficult, or impossible, for us to exercise any liberty at all. The proof of this from the case before us is so clear and easy that I need spend no words upon it. Here, then, you have the reason why it is a rule of sound statesmanship not to embark on an adventurous policy. A statesman could not be expected to know in advance that we should come out of the war with the Philippines on our hands, but it belongs to his education to warn him that a policy of adventure would be sure to entail embarrassments of some kind. What comes to us in the evolution of our own life and interests, that we must meet; what we go to seek which lies beyond that domain is a waste of our energy and a compromise of our liberty and welfare. If this is not sound doctrine, then the historical and social sciences have nothing to teach us which is worth any trouble.

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There is another observation, however, about the war which is of far greater importance: that is, that it was a gross violation of self-government. We boast that we are a self-governing people, and in this respect, particularly, we compare ourselves with pride with older nations. What is the difference after all? The Russians, whom we always think of as standing at the opposite pole of political institutions, have self-government, if you mean by it acquiescence in what a little group of people at the head of the government agree to do. The war with Spain was precipitated upon us headlong, without reflection or deliberation, and without any due formulation of public opinion. Whenever a voice was raised in behalf of deliberation and the recognized maxims of statesmanship, it was howled down in a storm of vituperation and cant. Everything was done to make us throw away sobriety of thought and calmness of judgment and to inflate all expressions with sensational epithets and turgid phrases. It cannot be denied that everything in regard to the war has been treated in an exalted strain of sentiment and rhetoric very unfavorable to the truth. At present the whole periodical press of the country seems to be occupied in tickling the national vanity to the utmost by representations about the war which are extravagant and fantastic. There will be a penalty to be paid for all this. Nervous and sensational newspapers are just as corrupting, especially to young people, as nervous and sensational novels. The habit of expecting that all mental pabulum shall be highly spiced, and the corresponding loathing for whatever is soberly truthful, undermines character as much as any other vice. Patriotism is being prostituted into a nervous intoxication which is fatal to an apprehension of truth. It builds around us a fool's paradise, and it will lead us
into errors about our position and relations just like those which we have been ridiculing in the case of Spain.

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There are some now who think that it is the perfection of statesmanship to say that expansion is a fact and that it is useless to discuss it. We are told that we must not cross any bridges until we come to them; that is, that we must discuss nothing in advance, and that we must not discuss anything which is past because it is irretrievable. No doubt this would be a very acceptable doctrine to the powers that be, for it would mean that they were relieved from responsibility, but it would be a marvelous doctrine to be accepted by a self-governing people. Senator Foraker has told us that we are not to keep the Philippines longer than is necessary to teach the people self-government. How one man can tell what we are to do before the constitutional authorities have decided it, I do not know. Perhaps it is a detail in our new method of self-government. If his assurances are to be trusted, we are paying $20,000,000 for the privilege of tutoring the Tagals up to liberty and self-government. I do not believe that, if the United States undertakes to govern the islands, it will ever give them up except to superior force, but the weakening of imperialism shown by this gentleman’s assurances, after a few days of mild debate in the senate, shows that agitation of the subject is not yet in vain. Then again, if we have done anything, especially if we have acted precipitately, it is a well-recognized course of prudent behavior to find out where we are, what we have done, and what the new situation is into which we have come. Then, too, we must remember that when the statesman lays a thing down the historian takes it up, and he will group it with historical parallels and contrasts. There is a set of men who have always been referred to, in our Northern states, for the last thirty years, with especial disapproval. They are those Southerners who, in 1861, did not believe in secession, but, as they said, “went with their states.” They have been condemned for moral cowardice. Yet within a year it has become almost a doctrine with us that patriotism requires that we should hold our tongues while our interests, our institutions, our most sacred traditions, and our best established maxims have been trampled underfoot. There is no doubt that moral courage is the virtue which is more needed than any other in the modern democratic state, and that truckling to popularity is the worst political vice. The press, the platform, and the pulpit have all fallen under this vice, and there is evidence that the university also, which ought to be the last citadel of truth, is succumbing to it likewise. I have no doubt that the conservative classes of this country will yet look back with great regret to their acquiescence in the events of 1898 and the doctrines and precedents which have been silently established. Let us be well assured that serf-government is not a matter of flags and Fourth of July orations, nor yet of strife to get offices. Eternal vigilance is the price of that as of every other political good. The perpetuity of self-government depends on the sound political sense of the people, and sound political sense is a matter of habit and practice. We can give it up and we can take instead pomp and glory. That is what Spain did. She had as much self-government as any country in Europe at the beginning of the sixteenth century. The union of the smaller states into one big one gave an impulse to her national feeling and national development. The discovery of America put into her hands the control of immense territories. National pride and ambition were stimulated. Then came the struggle with France for world-dominion, which resulted in absolute monarchy and bankruptcy for Spain. She lost self-government and saw her resources spent on interests which were foreign to her, but she could talk about an empire on which the sun never set and boast of her colonies, her gold-mines, her fleets and armies and debts. She had glory and pride, mixed, of course, with defeat and disaster, such as must be experienced by any nation on that course of policy; and she grew weaker in her industry and commerce and poorer in the status of the population all the time. She has never been able to recover real self-government yet. If we Americans believe in self-government, why do we let it slip away from us? Why do we barter it away for military glory as Spain did?

There is not a civilized nation which does not talk about its civilizing mission just as grandly as we do.
The English, who really have more to boast of in this respect than anybody else, talk least about it, but the Phariseeism with which they correct and instruct other people has made them hated all over the globe. The French believe themselves the guardians of the highest and purest culture, and that the eyes of all mankind are fixed on Paris, whence they expect oracles of thought and taste. The Germans regard themselves as charged with a mission, especially to us Americans, to save us from egoism and materialism. The Russians, in their books and newspapers, talk about the civilizing mission of Russia in language that might be translated from some of the finest paragraphs in our imperialistic newspapers. The first principle of Mohammedanism is that we Christians are dogs and infidels, fit only to be enslaved or butchered by Moslems. It is a corollary that wherever Mohammedanism extends it carries, in the belief of its votaries, the highest blessings, and that the whole human race would be enormously elevated if Mohammedanism should supplant Christianity everywhere. To come, last, to Spain, the Spaniards have, for centuries, considered themselves the most zealous and self-sacrificing Christians, especially charged by the Almighty, on this account, to spread true religion and civilization over the globe. They think themselves free and noble, leaders in refinement and the sentiments of personal honor, and they despise us as sordid money-grabbers and heretics. I could bring you passages from peninsular authors of the first rank about the grand rôle of Spain and Portugal in spreading freedom and truth. Now each nation laughs at all the others when it observes these manifestations of national vanity. You may rely upon it that they are all ridiculous by virtue of these pretensions, including ourselves. The point is that each of them repudiates the standards of the others, and the outlying nations, which are to be civilized, hate all the standards of civilized men. We assume that what we like and practice, and what we think better, must come as a welcome blessing to Spanish-Americans and Filipinos. This is grossly and obviously untrue. They hate our ways. They are hostile to our ideas. Our religion, language, institutions, and manners offend them. They like their own ways, and if we appear amongst them as rulers, there will be social discord in all the great departments of social interest. The most important thing which we shall inherit from the Spaniards will be the task of suppressing rebellions. If the United States takes out of the hands of Spain her mission, on the ground that Spain is not executing it well, and if this nation in its turn attempts to be school-mistress to others, it will shrivel up into the same vanity and self-conceit of which Spain now presents an example. To read our current literature one would think that we were already well on the way to it. Now, the great reason why all these enterprises which begin by saying to somebody else, We know what is good for you better than you know yourself and we are going to make you do it, are false and wrong is that they violate liberty; or, to turn the same statement into other words, the reason why liberty, of which we Americans talk so much, is a good thing is that it means leaving people to live out their own lives in their own way, while we do the same. If we believe in liberty, as an American principle, why do we not stand by it? Why are we going to throw it away to enter upon a Spanish policy of dominion and regulation?

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The United States cannot be a colonizing nation for a long time yet. We have only twenty-three persons to the square mile in the United States without Alaska. The country can multiply its population by thirteen; that is, the population could rise above a billion before the whole country would be as densely populated as Rhode Island is now. There is, therefore, no pressure of population, which is the first condition of rational expansion, unless we could buy another territory like the Mississippi Valley with no civilized population in it.
If we could do that it would postpone the day of over-population still further, and make easier conditions for our people in the next generations. In the second place, the islands which we have taken from Spain never can be the residence of American families, removing and settling to make their homes there. The climatic conditions forbid it. Although Spaniards have established themselves in Spanish America, even in the tropics, the evils of Spanish rule have largely arisen from the fact that Spaniards have gone to the colonies as adventurers, eager to make fortunes as quickly as possible, that they might return to Spain to enjoy them. That the relation of our people to these possessions will have that character is already apparent. It is, therefore, inaccurate to speak of a colonial system in describing our relation to these dependencies, but as we have no other term, let us use this one and inquire what kind of a colonial system we are to establish.

I. Spain stands, in modern history, as the first state to develop and apply a colonial system to her outlying possessions. Her policy was to exclude absolutely all non-Spaniards from her subject territories and to exploit them for the benefit of Spain, without much regard for the aborigines or the colonists. The cold and unnecessary cruelty of the Spaniards to the aborigines is appalling, even when compared with the treatment of the aborigines by other Europeans.

It would not be becoming to try, in a paragraph, to set forth the causes of the decadence of Spain, and although the economic history of that country has commanded such attention from me as I could give to it consistently with other obligations, yet I could not feel prepared to do any justice to that subject; but one or two features of the history can be defined with confidence, and they are such as are especially instructive for us.

In the first place Spain never intended, of set purpose, to ruin the material prosperity of herself or her colonies. Her economic history is one long lesson to prove that any prosperity policy is a delusion and a path to ruin. There is no economic lesson which the people of the United States need to take to heart more than that. In the second place the Spanish mistakes arose, in part, from confusing the public treasury with the national wealth. They thought that, when gold flowed into the public treasury, that was the same as an increase of wealth of the people. It really meant that the people were bearing the burdens of the imperial system and that the profits of it went into the public treasury; that is, into the hands of the king. It was no wonder, then, that as the burdens grew greater the people grew poorer. The king spent the revenues in extending the imperial system in Germany, Italy, and the Netherlands, so that the revenues really became a new cause of corruption and decay. The only people who were well off, in the midst of the increasing distress, were the ecclesiastics and nobles, who were protected by entails and charters, which, in their turn, were a new cause of restriction and destruction to the industries of the country. As to the treatment of the aborigines in the outlying possessions of Spain, the orders from the home government were as good as could possibly be desired. No other European government issued any which were nearly so enlightened or testified to such care about that matter.

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Spanish America is still covered with institutions founded by Spain for the benefit of the aborigines, so far as they have not been confiscated or diverted to other uses. Nevertheless the Spanish rule nearly exterminated the aborigines in one hundred and fifty years. The Pope gave them into servitude to the Spaniards. The Spaniards regarded them as savages, heretics, beasts, not entitled to human consideration. Here you have the great explanation of man's inhumanity to man. When Spaniards tortured and burned Protestants and Jews it was because, in their minds, Protestants and Jews were heretics; that is to say, were beyond the pale, were abominable, were not entitled to human consideration. Humane men and pious women felt no more compunctions at the sufferings of Protestants and Jews than we would at the execution of mad dogs or rattlesnakes. There are plenty of people in the United States to-day who regard negroes as human beings, perhaps, but of a different order from white men, so that the ideas and social arrangements of white men cannot be applied to them with propriety. Others feel the same way about Indians. This attitude of mind, wherever you meet with it, is what causes tyranny and cruelty. It is this disposition to decide off-hand that some people are not fit for liberty and self-government which gives relative truth to the doctrine that all men are equal, and inasmuch as the history of mankind has been one long story of the abuse of some by others, who, of course, smoothed over their tyranny by some beautiful doctrines of religion, or ethics, or political philosophy, which proved that it was all for the best good of the oppressed, therefore the doctrine that all men are equal has come to stand as one of the corner-stones of the temple of justice and truth. It was set up as a bar to just this notion that we are so much better than others that it is liberty for them to be governed by us.

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The Americans have been committed from the outset to the doctrine that all men are equal. We have elevated it into an absolute doctrine as a part of the theory of our social and political fabric. It has always been a domestic dogma in spite of its absolute form, and as a domestic dogma it has always stood in glaring contradiction to the facts about Indians and negroes and to our legislation about Chinamen. In its absolute form it must, of course, apply to Kanakas, Malays, Tagals, and Chinese just as much as to Yankees, Germans, and Irish. It is an astonishing event that we have lived to see American arms carry this domestic dogma out where it must be tested in its application to uncivilized and half-civilized peoples. At the first touch of the test we throw the doctrine away and adopt the Spanish doctrine. We are told by all the imperialists that these people are not fit for liberty and self-government; that it is rebellion for them to resist our beneficence; that we must send fleets and armies to kill them if they do it; that we must devise a government for them and administer it ourselves; that we may buy them or sell them as we please, and dispose of their “trade” for our own advantage. What is that but the policy of Spain to her dependencies? What can we expect as a consequence of it? Nothing but that it will bring us where Spain is now.

But then, if it is not right for us to hold these islands as dependencies, you may ask me whether I think that we ought to take them into our Union, at least some of them, and let them help to govern us. Certainly not. If that question is raised, then the question whether they are, in our judgment, fit for self-government or not is in order. The American people, since the Civil War, have to a great extent lost sight of the fact that this state of ours, the United States of America, is a confederated state of a very peculiar and artificial form. It is not a state like the states of Europe, with the exception of Switzerland. The field for dogmatism in our day is not theology, it is political philosophy. “Sovereignty” is the most abstract and metaphysical term in political philosophy. Nobody can define it. For this reason it exactly suits the purposes of the curbstone statesman. He puts it into whatever he
wants to get out of it again, and he has set to work lately to spin out a proof that the United States is a great imperialistic state, although the Constitution, which tells us just what it is and what it is not, is there to prove the contrary.

"Here is another point in regard to which the conservative elements in the country are making a great mistake to allow all this militarism and imperialism to go on without protest. It will be established as a rule that, whenever political ascendency is threatened, it can be established again by a little war, filling the minds of the people with glory and diverting their attention from their own interests."

The thirteen colonies, as we all know, were independent commonwealths with respect to each other. They had little sympathy and a great deal of jealousy. They came into a union with each other upon terms which were stipulated and defined in the Constitution, but they united only unwillingly and under the pressure of necessity. What was at first only a loose combination or alliance has been welded together into a great state by the history of a century. Nothing, however, has altered that which was the first condition of the Union; viz., that all the states members of it should be on the same plane of civilization and political development; that they should all hold the same ideas, traditions, and political creed; that their social standards and ideals should be such as to maintain cordial sympathy between them. The Civil War arose out of the fact that this condition was imperfectly fulfilled. At other times actual differences in standpoint and principle, or in ideals and opinion, have produced discord within the confederation. Such crises are inevitable in any confederated state. It is the highest statesmanship in such a system to avoid them, or smooth them over, and above all, never to take in voluntarily any heterogeneous elements. The prosperity of such a state depends on closer and closer sympathy between the parts in order that differences which arise may be easily harmonized. What we need is more intensity, not more extension.

It follows, then, that it is unwise to take into a State like this any foreign element which is not congenial to it. Any such element will act as a solvent upon it. Consequently we are brought by our new conquests face to face with this dilemma: we must either hold them as inferior possessions, to be ruled and exploited by us after the fashion of the old colonial system, or we must take them in on an equality with ourselves, where they will help to govern us and to corrupt a political system which they do not understand and in which they cannot participate. From that dilemma there is no escape except to give them independence and to let them work out their own salvation or go without it. Hayti has been independent for a century and has been a theater of revolution, tyranny, and bloodshed all the time. There is not a Spanish-American state which has proved its capacity for self-government as yet. It is a fair question whether any one of them would have been worse off than it is to-day if Spanish rule had been maintained in it. The chief exception is Mexico. Mr. Lummis, an American, has recently published a book on Mexico, in which he tells us that we would do well to go to school to Mexico for a number of important public interests, but Mexico has been, for ten or fifteen years, under a dictator, and the republican forms have been in abeyance. What will happen there when the dictator dies nobody knows. The doctrine that we are to take away from other nations any possessions of theirs which we think that we could manage better than they are managing them, or that we are to take in hand any countries which we do not think capable of self-government, is one which will lead us very far. With that doctrine in the background, our politicians will have no trouble to find a war ready for us the next time that they come around to the point where they think that it is time for us to have another. We are told that we must have a big army hereafter. What for; unless we propose to do again by and by what we have just done? In that ease our neighbors have reason to ask themselves whom we will attack next. They must begin to arm, too, and by our act the whole western world is plunged into the distress under which the eastern world is groaning. Here is another point in regard to which the conservative elements in the country are making a
great mistake to allow all this militarism and imperialism to go on without protest. It will be established as a rule that, whenever political ascendancy is threatened, it can be established again by a little war, filling the minds of the people with glory and diverting their attention from their own interests. Hard-headed old Benjamin Franklin hit the point when, referring back to the days of Marlborough, he talked about the “pest of glory.” The thirst for glory is an epidemic which robs a people of their judgment, seduces their vanity, cheats them of their interests, and corrupts their consciences.

This country owes its existence to a revolt against the colonial and navigation system which, as I have said, Spain first put in practice. The English colonial system never was even approximately so harsh and tyrannical as that of Spain. The first great question which arose about colonies in England was whether they were parts of the possessions of the king of England or part of the dominion of the crown. The constitutional difference was great. In the one case they were subject to the king and were not under the constitutional guarantees; in the other case they were subject to the Parliament and were under the constitutional guarantees. This is exactly the same question which arose in the middle of this century in this country about territories, and which helped to bring on the Civil War. It is already arising again. It is the question whether the Constitution of the United States extends over all men and territory owned by the United States, or whether there are to be grades and planes of rights for different parts of the dominions over which our flag waves. This question already promises to introduce dissensions amongst us which will touch the most vital elements in our national existence.

The constitutional question, however, goes even deeper than this. Of the interpretation of clauses in the Constitution I am not competent to speak, but the Constitution is the organic law of this confederated state in which we live, and therefore it is the description of it as it was planned and as it is. The question at stake is nothing less than the integrity of this state in its most essential elements. The expansionists have recognized this fact by already casting the Constitution aside. The military men, of course, have been the first to do this. It is of the essence of militarism that under it military men learn to despise constitutions, to sneer at parliaments, and to look with contempt on civilians.

Some of the imperialists are not ready to go quite so fast as yet. They have remonstrated against the military doctrine, but that only proves that the military men see the point at issue better than the others do. Others say that if the legs of the Constitution are too short to straddle the gulf between the old policy and the new, they can be stretched a little, a view of the matter which is as flippant as it is in bad taste. It would require too much time to notice the various contemptuous and jaunty references to the Constitution which every day brings to our notice, and from the same class, at least, who, two years ago, were so shocked at a criticism of the interpretation of the Constitution which was inserted in the Chicago platform.

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The question of imperialism, then, is the question whether we are going to give the lie to the origin of our own national existence by establishing a colonial system of the old Spanish type, even if we have to sacrifice our existing civil and political system to do it. I submit that it is a strange incongruity to utter grand platitudes about the blessings of liberty, etc., which we are going to impart to these people, and to begin by refusing to extend the Constitution over them, and still more, by throwing the Constitution into the gutter here at home. If you take away the Constitution, what is American liberty and all the rest? Nothing but a lot of phrases. Some will answer me that they do not intend to adopt any Spanish colonial system; that they intend to imitate the modern English policy with respect to colonies. The proudest fact in the history of England is that, since the Napoleonic wars, she has steadily corrected abuses, amended her institutions, redressed grievances, and so has made her recent history a story of amelioration of all her institutions, social, political,
and civil. To do this she has had to overcome old traditions, established customs, vested rights, and all the other obstacles which retard or prevent social improvement. The consequence is that the traditions of her public service, in all its branches, have been purified, and that a body of men has grown up who have a noble spirit, high motives, honorable methods, and excellent standards. At the same time the policy of the country has been steadily growing more and more enlightened in regard to all the great interests of society. These triumphs of peace are far greater than any triumphs of war. It takes more national grit to correct abuses than to win battles. England has shown herself very willing indeed to learn from us whatever we could teach, and we might learn a great deal from her on matters far more important than colonial policy. Her reform of her colonial policy is only a part, and perhaps a consequence, of the improvements made elsewhere in her political system.

We have had some experience this last summer in the attempt to improve an army. We may be very sure that it is equally impossible to improvise a colonial system. The present English colonial system is aristocratic. It depends upon a large body of specially trained men, acting under traditions which have become well established, and with a firm esprit de corps. Nobody can get into it without training. The system is foreign to our ideas, tastes, and methods. It would require a long time and radical changes in our political methods, which we are not as yet at all disposed to make, to establish any such thing here, and then it would be an imitation. Moreover, England has three different colonial systems, according to the development of the resident population in each colony or dependency; and the selection of the one of these three systems which we will adopt and apply involves all the difficulties which I have been discussing.

There is, however, another objection to the English system. A great many people talk about the revenue which we are to get from these possessions. If we attempt to get any revenues from them we shall repeat the conduct of England towards her colonies against which they revolted. England claimed that it was reasonable that the colonies should pay their share of imperial expenses which were incurred for the benefit of all. I have never been able to see why that was not a fair demand. As you know, the colonies spurned it with indignation, on the ground that the taxation, being at the discretion of a foreign power, might be made unjust. Our historians and publicists have taught us that the position of the colonists was right and heroic, and the only one worthy of freemen. The revolt was made on the principle of no taxation, not on the size of the tax. The colonists would not pay a penny. Since that is so, we cannot get a penny of revenue from the dependencies, even for their fair share of imperial expenditures, without burning up all our histories, revising all the great principles of our heroic period, repudiating our great men of that period, and going over to the Spanish doctrine of taxing dependencies at the discretion of the governing State. Already one of these dependencies is in arms struggling for liberty against us. Read the threats of the imperialists against these people, who dare to rebel against us, and see whether I am misstating or exaggerating the corruption of imperialism on ourselves. The question is once more, whether we are prepared to repudiate the principles which we have been insisting on for one hundred and fifty years, and to embrace those of which Spain is the oldest and most conspicuous representative, or not.

In regard to this matter of taxation and revenue, the present English colonial system is as unjust to the mother-country as the old system was to the colonies, or more so. The colonies now tax the mother-country. She pays large expenses for their advantage, for which they return nothing. They set up tax barriers against her trade with them. I do not believe that the United States will ever consent to any such system, and I am clear in the opinion that they never ought to. If the colonies ought not to be made tributary to the mother-country, neither ought the mother-country to be made tributary to them. The proposition to imitate England's colonial policy is evidently made without the necessary knowledge of what it means, and it proves that those who thrust aside prudent objections by declaring off-hand that we will imitate England have not any serious comprehension of what it is that they propose to us to do.

The conclusion of this branch of the subject is that it is fundamentally antagonistic to our domestic system to hold dependencies which are unfit to enter into the Union. Our system cannot be extended to take them in or adjusted to them to keep them out without sacrificing its integrity. If we take in dependencies which, as we now agree, are not fit to come in as states, there will be constant political agitation to admit them as states, for such agitation will be fomented by any
party which thinks that it can win votes in that way. It was an enormous blunder in statecraft to engage in a war which was sure to bring us into this predicament.

“Our ancestors revolted against the colonial and navigation system, but as soon as they got their independence, they fastened a navigation system on themselves. The consequence is that our industry and commerce are to-day organized under a restrictive system which is the direct offspring of the old Spanish restrictive system, and is based on the same ideas of economic policy; viz., that statesmen can devise a prosperity policy for a country which will do more for it than a spontaneous development of the energy of the people and the resources of the territory would do.”

II. It seems as if this new policy was destined to thrust a sword into every joint in our historical and philosophical system. Our ancestors revolted against the colonial and navigation system, but as soon as they got their independence, they fastened a navigation system on themselves. The consequence is that our industry and commerce are to-day organized under a restrictive system which is the direct offspring of the old Spanish restrictive system, and is based on the same ideas of economic policy; viz., that statesmen can devise a prosperity policy for a country which will do more for it than a spontaneous development of the energy of the people and the resources of the territory would do.

I have watched the newspapers with great interest for six months, to see what indications were presented of the probable currents of opinion on the dilemma which I have described. There have been but few. A few extreme protectionist newspapers have truculently declared that our protective system was to be extended around our possessions, and that everybody else was to be excluded from them. From a number of interviews and letters, by private individuals, I select the following as expressing well what is sure to be the view of the unre-generate man, especially if he has an interest to be protected as this writer had.

“I am opposed to the ‘open door’ policy, as I understand it. To open the ports of our new territories free to the world would have the effect of cheapening or destroying many of the benefits of territorial result of the presence in men’s minds of two opposite philosophies, the adjustment of which has never yet been fought out. The extension of our authority over these new territories forces the inconsistency between our internal and our external policy out of the field of philosophy into that of practical politics. Wherever the boundary line of the national system falls we have one rule inside of it and another outside of it. Are the new territories to be taken inside or to be treated as outside? If we develop this dilemma, we shall see that it is of the first importance.

If we treat the dependencies as inside the national system, we must have absolute free trade with them. Then if, on the policy of the “open door,” we allow all others to go to them on the same terms as ourselves, the dependencies will have free trade with all the world, while we are under the restrictive system ourselves. Then, too, the dependencies can obtain no revenues by import duties.

If we take the other branch of the dilemma and treat the dependencies as outside of our national policy, then we must shut out their products from our market by taxes. If we do this on the policy of the “open door,” then any taxes which the islands lay upon imports from elsewhere they must also lay upon imports from us. Then they and we will be taxing each other. If we go upon the protectionist policy, we shall determine our taxes against them and theirs against other nations, and we shall let them lay none against us. That is exactly the Spanish system. Under it the colonies will be crushed between the upper and the nether millstone. They will revolt against us for just the same reason for which they revolted against Spain.
acquisition, which has cost us blood and money. As a nation we are well qualified to develop and handle the trade of our new possessions, and by permitting others to come in and divide the advantages and profits of this trade we not only wrong our own citizens, who should be given preference, but exhibit a weakness that ill becomes a nation of our prominence.”

This is exactly the view which was held in Spain, France, Holland, and England in the eighteenth century, and upon which the navigation system, against which our fathers revolted, was founded. If we adopt this view we may count upon it that we shall be embroiled in constant wars with other nations, which will not consent that we should shut them out of parts of the earth's surface until we prove that we can do it by force. Then we shall be parties to a renewal of all the eighteenth century wars for colonies, for supremacy on the sea, for “trade,” as the term is used, for world supremacy, and for all the rest of the heavy follies from which our fathers fought to free themselves. That is the policy of Russia and France at the present time, and we have before our eyes proofs of its effect on the peace and welfare of mankind.

Our modern protectionists have always told us that the object of their policy is to secure the home market. They have pushed their system to an extravagant excess. The free traders used to tell them that they were constructing a Chinese wall. They answered that they wished we were separated from other nations by a gulf of fire. Now it is they who are crying out that they are shut in by a Chinese wall. When we have shut all the world out, we find that we have shut ourselves in. The protective system is applied especially to certain selected lines of production. Of course these are stimulated out of proportion to the requirements of the community, and so are exposed to sharp fluctuations of high profits and over-production. At great expense and loss we have carried out the policy of the home market, and now we are called upon at great expense and loss to go out and conquer territory in order to widen the market. In order to have trade with another community the first condition is that we must produce what they want and they must produce what we want. That is the economic condition. The second condition is that there must be peace and security and freedom from arbitrary obstacles interposed by government. This is the political condition. If these conditions are fulfilled, there will be trade, no matter whether the two communities are in one body politic or not. If these conditions are not fulfilled, there will be no trade, no matter what flag floats. If we want more trade we can get it any day by a reciprocity treaty with Canada, and it will be larger and more profitable than that of all the Spanish possessions. It will cost us nothing to get it. Yet while we were fighting for Puerto Rico and Manila, and spending three or four hundred millions to get them, negotiations with Canada failed through the narrow-mindedness and bigotry which we brought to the negotiation. Conquest can do nothing for trade except to remove the political obstacles which the conquered could not, or would not, remove. From this it follows that the only justification for territorial extension is the extension of free and enlightened policies in regard to commerce. Even then extension is an irksome necessity. The question always is, whether you are taking an asset or a liability. Land grabbing means properly taking territory and shutting all the rest of the world out of it, so as to exploit it ourselves. It is not land grabbing to take it and police it and throw it open to all. This is the policy of the “open door.” Our external commercial policy is, in all its principles, the same as that of Spain. We had no justification, on that ground, in taking anything away from her. If we now seek to justify ourselves, it must be by going over to the free policy; but, as I have shown, that forces to a crisis the contradiction between our domestic and our external policy as to trade. It is very probable, indeed, that the destruction of our restrictive system will be the first good result of expansion, but my object here has been to show what a network of difficulties environ us in the attempt to establish a commercial policy for these dependencies. We have certainly to go through years of turmoil and political bitterness, with all the consequent chances of internal dissension, before these difficulties can be overcome.

III. Another phenomenon which deserves earnest attention from the student of contemporaneous history and of the trend of political institutions is the failure of the masses of our people to perceive the inevitable effect of imperialism on democracy. On the twenty-ninth of last November [1898] the Prime Minister of France was quoted in a cable dispatch as follows: “For twenty-eight years we have lived under a contradiction. The army and democracy subsist side by side. The maintenance of the traditions of the army is a menace to liberty, yet they assure the safety of the country and its most sacred duties.”
That antagonism of democracy and militarism is now coming to a crisis in France, and militarism is sure to win, because the French people would make any other sacrifice rather than diminish their military strength. In Germany the attempt has been going on for thirty years to establish constitutional government with parliamentary institutions. The parts of the German system are at war with each other. The Emperor constantly interferes with the operation of the system and utters declarations which are entirely personal. He is not responsible and cannot be answered or criticised. The situation is not so delicate as in France, but it is exceedingly unstable. All the desire of Germans for self-government and civil liberty runs out into socialism, and socialism is repressed by Force or by trickery. The conservative classes of the country acquiesce in the situation while they deplore it. The reason is because the Emperor is the war lord. His power and authority are essential to the military strength of the State in face of its neighbors. That is the preponderating consideration to which everything else has to yield, and the consequence of it is that there is to-day scarcely an institution in Germany except the army.

Everywhere you go on the continent of Europe at this hour you see the conflict between militarism and industrialism. You see the expansion of industrial power pushed forward by the energy, hope, and thrift of men, and you see the development arrested, diverted, crippled, and defeated by measures which are dictated by military considerations. At the same time the press is loaded down with discussions about political economy, political philosophy, and social policy. They are discussing poverty, labor, socialism, charity, reform, and social ideals, and are boasting of enlightenment and progress, at the same time that the things which are done are dictated by none of these considerations, but only by military interests. It is militarism which is eating up all the products of science and art, defeating the energy of the population and wasting its savings. It is militarism which forbids the people to give their attention to the problems of their own welfare and to give their strength to the education and comfort of their children. It is militarism which is combating the grand efforts of science and art to ameliorate the struggle for existence.

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The American people believe that they have a free country, and we are treated to grandiloquent speeches about our flag and our reputation for freedom and enlightenment. The common opinion is that we have these things because we have chosen and adopted them, because they are in the Declaration of Independence and the Constitution. We suppose, therefore, that we are sure to keep them and that the follies of other people are things which we can hear about with complacency. People say that this country is like no other; that its prosperity proves its exceptionality, and so on. These are popular errors which in time will meet with harsh correction. The United States is in a protected situation. It is easy to have equality where land is abundant and where the population is small. It is easy to have prosperity where a few men have a great continent to exploit. It is easy to have liberty when you have no dangerous neighbors and when the struggle for existence is easy. There are no severe penalties, under such circumstances, for political mistakes. Democracy is not then a thing to be nursed and defended, as it is in an old country like France. It is rooted and founded in the economic circumstances of the country. The orators and constitution-makers do not make democracy. They are made by it. This protected position, however, is sure to pass away. As the country fills up with population, and the task of getting a living out of the ground becomes more difficult, the struggle for existence will become harder and the competition of life more severe. Then
liberty and democracy will cost something, if they are to be maintained.

“what will hasten the day when our present advantages will wear out and when we shall come down to the conditions of the older and densely populated nations? The answer is: war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery — in a word, imperialism.”

Now what will hasten the day when our present advantages will wear out and when we shall come down to the conditions of the older and densely populated nations? The answer is: war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery — in a word, imperialism.

The great foe of democracy now and in the near future is plutocracy. Every year that passes brings out this antagonism more distinctly. It is to be the social war of the twentieth century. In that war militarism, expansion and imperialism will all favor plutocracy. In the first place, war and expansion will favor jobbery, both in the dependencies and at home. In the second place, they will take away the attention of the people from what the plutocrats are doing. In the third place, they will cause large expenditures of the people's money.

The point which I have tried to make in this lecture is that expansion and imperialism are at war with the best traditions, principles, and interests of the American people, and that they will plunge us into a network of difficult problems and political perils, which we might have avoided, while they offer us no corresponding advantage in return.

Of course “principles,” phrases, and catch-words are always invented to bolster up any policy which anybody wants to recommend. So in this case. The people who have led us on to shut ourselves in, and who now want us to break out, warn us against the terrors of “isolation.” Our ancestors all came here to isolate themselves from the social burdens and inherited errors of the old world. When the others are all over ears in trouble, who would not be isolated in freedom from care? When the others are crushed under the burden of militarism, who would not be isolated in peace and industry? When the others are all
struggling under debt and taxes, who would not be isolated in the enjoyment of his own earnings for the benefit of his own family? When the rest are all in a quiver of anxiety, lest at a day's notice they may be involved in a social cataclysm, who would not be isolated out of reach of the disaster? What we are doing is that we are abandoning this blessed isolation to run after a share in the trouble.

The expansionists answer our remonstrances on behalf of the great American principles by saying that times have changed and that we have outlived the fathers of the republic and their doctrines. As far as the authority of the great men is concerned, that may well be sacrificed without regret. Authority of persons and names is a dangerous thing. Let us get at the truth and the right. I, for my part, am also afraid of the great principles, and I would make no fight on their behalf. In the ten years before the Revolution our ancestors invented a fine lot of "principles" which they thought would help their case. They repudiated many of them as soon as they got their independence, and the rest of them have since made us a great deal of trouble. I have examined them all critically, and there is not one of them which I consider sound, as it is popularly understood. I have been denounced as a heretic on this account by people who now repudiate them all in a sentence. But this only clears the ground for the real point. There is a consistency of character for a nation as well as for a man. A man who changes his principles from week to week is destitute of character and deserves no confidence. The great men of this nation were such because they embodied and expressed the opinion and sentiments of the nation in their time. Their names are something more than clubs with which to knock an opponent down when it suits one's purpose, but to be thrown away with contempt when they happen to be on the other side. So of the great principles; whether some of us are skeptical about their entire validity and want to define and limit them somewhat is of little importance. If the nation has accepted them, sworn by them, founded its legislation on them, imbedded them in the decisions of its courts, and then if it throws them away at six months' warning, you may depend upon it that that nation will suffer in its moral and political rectitude a shock of the severest kind. Three years ago we were ready to fight Great Britain to make her arbitrate a quarrel which she had with Venezuela. The question about the Maine arose between two nations, and we refused to listen to such a proposition. Three years ago, if you had said that any proposition put forth by anybody was "English," he might have been mobbed in the streets. Now the English are our beloved friends, and we are going to try to imitate them and adopt their way of doing things. They are encouraging us to go into difficulties, first because our hands will be full and we shall be unable to interfere elsewhere, and secondly, because if we are in difficulties we shall need allies, and they think that they will be our first choice as such. Some of our public journals have been pouring out sentimental drivel for years about arbitration, but last summer they turned around and began to pour out sentimental drivel about the benefits of war. We congratulate ourselves all the time on the increased means of producing wealth, and then we take the opposite fit and commit some great folly in order to prove that there is something grander than the pursuit of wealth. Three years ago we were on the verge of a law to keep immigrants out who were not good enough to be in with us. Now we are going to take in eight million barbarians and semi-barbarians, and we are paying twenty million dollars to get them. For thirty years the negro has been in fashion. He has had political value and has been petted. Now we have made friends with the Southerners. They and we are hugging each other. We are all united. The negro's day is over. He is out of fashion. We cannot treat him one way and the Malays, Tagals, and Kanakas another way. A Southern senator two or three days ago thanked an expansionist senator from Connecticut for enunciating doctrines which proved that, for the last thirty years, the Southerners have been right all the time, and his inference was incontrovertible. So the "great principles" change all the time; or, what is far more important, the phrases change. Some go out of fashion, others come in; but the phrase-makers are with us all the time. So when our friends the expansionists tell us that times have changed, what it means is that they have a whole set of new phrases which they want to force into the place of the old ones. The new ones are certainly no more valid than the old ones. All the validity that the great principles ever had they have now. Anybody who ever candidly studied them and accepted them for no more than they were really worth can stand by them now as well as ever. The time when a maxim or principle is worth something is when you are tempted to violate it.
“the off-hand disposal of an important question of policy by the declaration that Americans can do anything proves to be only a silly piece of bombast, and upon a little reflection we find that our hands are quite full at home of problems by the solution of which the peace and happiness of the American people could be greatly increased.”

Another answer which the imperialists make is that Americans can do anything. They say that they do not shrink from responsibilities. They are willing to run into a hole, trusting to luck and cleverness to get out. There are some things that Americans cannot do. Americans cannot make $2 + 2 = 5$. You may answer that that is an arithmetical impossibility and is not in the range of our subject. Very well; Americans cannot collect two dollars a gallon tax on whisky. They tried it for many years and failed. That is an economic or political impossibility, the roots of which are in human nature. It is as absolute an impossibility on this domain as the former on the domain of mathematics. So far as yet appears, Americans cannot govern a city of one hundred thousand inhabitants so as to get comfort and convenience in it at a low cost and without jobbery. The fire department of this city is now demoralized by political jobbery — and Spain and all her possessions are not worth as much to you and me as the efficiency of the fire department of New Haven. The Americans in Connecticut cannot abolish the rotten borough system. The English abolished their rotten borough system seventy years ago, in spite of nobles and landlords. We cannot abolish ours in spite of the small towns. Americans cannot reform the pension list. Its abuses are rooted in the methods of democratic self-government, and no one dares to touch them. It is very doubtful, indeed if Americans can keep up an army of one hundred thousand men in time of peace. Where can one hundred thousand men be found in this country who are willing to spend their lives as soldiers; or if they are found, what pay will it require to induce them to take this career? Americans cannot disentangle their currency from the confusion into which it was thrown by the Civil War, and they cannot put it on a simple, sure, and sound basis which would give stability to the business of the country. This is a political impossibility. Americans cannot assure the suffrage to negroes throughout the United States; they have tried it for thirty years and now, contemporaneously with this war with Spain, it has been finally demonstrated that it is a failure. Inasmuch as the negro is now out of fashion, no further attempt to accomplish this purpose will be made. It is an impossibility on account of the complexity of our system of State and Federal government. If I had time to do so, I could go back over the history of negro suffrage and show you how curbstone arguments, exactly analogous to the arguments about expansion, were used to favor it, and how objections were thrust aside in this same blustering and senseless manner in which objections to imperialism are met. The ballot, we were told, was an educator and would solve all difficulties in its own path as by magic. Worse still, Americans cannot assure life, liberty, and the pursuit of happiness to negroes inside of the United States. When the negro postmaster's house was set on fire in the night in South Carolina, and not only he, but his wife and children, were murdered as they came out, and when, moreover, this incident passed without legal investigation or punishment, it was a bad omen for the extension of liberty, etc., to Malays and Tagals by simply setting over them the American flag. Upon a little serious examination the off-hand disposal of an important question of policy by the declaration that Americans can do anything proves to be only a silly piece of bombast, and upon a little reflection we find that our hands are quite full at home of problems by the solution of which the peace and happiness of the American people could be greatly increased. The laws of nature and of human nature are just as valid for Americans as for anybody else, and if we commit acts we shall have to take consequences, just like other people. Therefore prudence demands that we look ahead to see what we are about to do, and that we gauge the means at our disposal, if we do not want to bring calamity on ourselves and our children. We see that the peculiarities of our system of government set limitations on us. We cannot do things which a great centralized monarchy could do. The very blessings and special advantages which we enjoy, as compared with
others, bring disabilities with them. That is the great fundamental cause of what I have tried to show throughout this lecture, that we cannot govern dependencies consistently with our political system, and that, if we try it, the State which our fathers founded will suffer a reaction which will transform it into another empire just after the fashion of all the old ones. That is what imperialism means. That is what it will be; and the democratic republic, which has been, will stand in history, like the colonial organization of earlier days, as a mere transition form.

“(the Founding Fathers believed that) there should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There were to be no armies except a militia, which would have no functions but those of police. They would have no court and no pomp; no orders, or ribbons, or decorations, or titles. They would have no public debt. They repudiated with scorn the notion that a public debt is a public blessing; if debt was incurred in war it was to be paid in peace and not entailed on posterity.”

And yet this scheme of a republic which our fathers formed was a glorious dream which demands more than a word of respect and affection before it passes away. Indeed, it is not fair to call it a dream or even an ideal; it was a possibility which was within our reach if we had been wise enough to grasp and hold it. It was favored by our comparative isolation, or, at least, by our distance from other strong states. The men who came here were able to throw off all the trammels of tradition and established doctrine. They went out into a wilderness, it is true, but they took with them all the art, science, and literature which, up to that time, civilization had produced. They could not, it is true, strip their minds of the ideas which they had inherited, but in time, as they lived on in the new world, they sifted and selected these ideas, retaining what they chose. Of the old-world institutions also they selected and adopted what they chose and threw aside the rest. It was a grand opportunity to be thus able to strip off all the follies and errors which they had inherited, so far as they chose to do so. They had unlimited land with no feudal restrictions to hinder them in the use of it. Their idea was that they would never allow any of the social and political abuses of the old world to grow up here. There should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There were to be no armies except a militia, which would have no functions but those of police. They would have no court and no pomp; no orders, or ribbons, or decorations, or titles. They would have no public debt. They repudiated with scorn the notion that a public debt is a public blessing; if debt was incurred in war it was to be paid in peace and not entailed on posterity. There was to be no grand diplomacy, because they intended to mind their own business and not be involved in any of the intrigues to which European statesmen were accustomed. There was to be no balance of power and no “reason of state” to cost the Life and happiness of citizens. The only part of the Monroe doctrine which is valid was their determination that the social and political systems of Europe should not be extended over any part of the American continent, lest people who were weaker than we should lose the opportunity which the new continent gave them to escape from those systems if they wanted to. Our fathers would have an economical government, even if grand people called it a parsimonious one, and taxes should be no greater than were absolutely necessary to pay for such a government. The citizen was to keep all the rest of his earnings and use them as he thought best for the happiness of himself and his family; he was, above all, to be insured peace and quiet while he pursued his honest industry and obeyed the laws. No adventurous policies of conquest or ambition, such as, in the belief of our fathers, kings and nobles had forced, for their own advantage, on European states, would ever be undertaken by a free democratic republic. Therefore the citizen here would never be forced to leave his family or to give his sons to shed blood for glory and to leave widows and orphans in misery for nothing. Justice

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and law were to reign in the midst of simplicity, and a
government which had little to do was to offer little
field for ambition. In a society where industry, frugality,
and prudence were honored, it was believed that the
vices of wealth would never flourish.

“My patriotism is of the kind which is
outraged by the notion that the United
States never was a great nation until in a
petty three months' campaign it knocked
to pieces a poor, decrepit, bankrupt old
state like Spain. To hold such an opinion
as that is to abandon all American
standards, to put shame and scorn on all
that our ancestors tried to build up here,
and to go over to the standards of which
Spain is a representative.”

We know that these beliefs, hopes, and intentions
have been only partially fulfilled. We know that, as time
has gone on and we have grown numerous and rich,
some of these things have proved impossible ideals,
incompatible with a large and flourishing society, but it
is by virtue of this conception of a commonwealth that
the United States has stood for something unique and
grand in the history of mankind and that its people
have been happy. It is by virtue of these ideals that we
have been “isolated,” isolated in a position which the
other nations of the earth have observed in silent envy;
and yet there are people who are boasting of their
patriotism, because they say that we have taken our
place now amongst the nations of the earth by virtue
of this war. My patriotism is of the kind which is
outraged by the notion that the United States never
was a great nation until in a petty three months' campaign it knocked to pieces a poor, decrepit, bankrupt old state like Spain. To hold such an opinion
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Further Information

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FURTHER READING

Other works by William Graham Sumner (1840-1910) <oll.libertyfund.org/people/236>

Subject Area: War and Peace <oll.libertyfund.org/groups/57>
LUDWIG VON MISES, “THE ECONOMICS OF WAR” (1949)
<oll.libertyfund.org/titles/2469>

“The market economy involves peaceful cooperation. It bursts asunder when the citizens turn into warriors and, instead of exchanging commodities and services, fight one another.”

Ludwig von Mises (1881-1973)
Editor’s Introduction

Ludwig von Mises (1881-1973) was an important theorist of the Austrian School of economic thought and an original and prolific author. His contributions to economic theory include work on the quantity theory of money, the theory of the trade cycle, the integration of monetary theory with economic theory in general, and a demonstration that socialism must fail because it cannot solve the problem of economic calculation. Mises was the first scholar to recognize that economics is part of a larger science of human action, a science which Mises called “praxeology”. He taught at the University of Vienna and later at New York University.

This extract comes from Mises’ main theoretical work Human Action: A Treatise on Economics which was first published in 1949 shortly after the end of the Second World War. Mises was unfortunate enough to have lived through the two world wars and it is not surprising that he viewed war as the greatest source of destruction of both lives and property. He wrote several books on the economic and political impact of war often as a war was raging about him. See Nation, State, and Economy: Contributions to the Politics and History of Our Time (1919); Interventionism: An Economic Analysis (1940); Bureaucracy (1944); Omnipotent Government: The Rise of the Total State and Total War (1944); and his general work on his political philosophy Liberalism: The Classical Tradition (1962).

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Ludwig von Mises, “The Economics of War” (1949)

1. TOTAL WAR

The market economy involves peaceful cooperation. It bursts asunder when the citizens turn into warriors and, instead of exchanging commodities and services, fight one another.

The wars fought by primitive tribes did not affect cooperation under the division of labor. Such cooperation by and large did not exist between the warring parties before the outbreak of hostilities. These wars were unlimited or total wars. They aimed at total victory and total defeat. The defeated were either exterminated or expelled from their dwelling places or enslaved. The idea that a treaty could settle the conflict and make it possible for both parties to live in peaceful neighborly conditions was not present in the minds of the fighters.

The spirit of conquest does not acknowledge restraints other than those imposed by a power which resists successfully. The principle of empire building is to expand the sphere of supremacy as far as possible. The great Asiatic conquerors and the Roman Imperators stopped only when they could not march farther. Then they postponed aggression for later days. They did not abandon their ambitious plans and did not consider independent foreign states as anything else than targets for later onslaughts.

This philosophy of boundless conquest also animated the rulers of medieval Europe. They too aimed first of all at the utmost expansion of the size of their realms. But the institutions of feudalism provided them with only scanty means for warfare. Vassals were not obliged to fight for their lord more than a limited time. The selfishness of the vassals who insisted on their rights checked the king’s aggressiveness. Thus the peaceful coexistence of a number of sovereign states originated. In the sixteenth century a Frenchman, Bodin, developed the theory of national sovereignty. In the seventeenth century a Dutchman, Grotius, added to it a theory of international relations in war and peace.

With the disintegration of feudalism, sovereigns could no longer rely upon summoned vassals. They “nationalized” the country’s armed forces. Henceforth, the warriors were the king’s mercenaries. The organization, equipment, and support of such troops were rather costly and a heavy burden on the ruler’s revenues. The ambitions of the princes were unbounded, but financial considerations forced them to moderate their designs. They no longer planned to conquer a whole country. All they aimed at was the conquest of a few cities or of a province. To attain more would also have been unwise politically. For the European powers were anxious not to let any one of them become too powerful and a menace to their own safety. A too impetuous conqueror must always fear a coalition of all those whom his bigness has frightened.

The combined effect of military, financial, and political circumstances produced the limited warfare which prevailed in Europe in the three hundred years preceding the French Revolution. Wars were fought by comparatively small armies of professional soldiers. War was not an affair of the peoples; it concerned the rulers only. The citizens detested war which brought mischief to them and burdened them with taxes and contributions. But they considered themselves victims of events in which they did not participate actively. Even the belligerent armies respected the “neutrality” of the civilians. As they saw it, they were fighting the supreme warlord of the hostile forces, but not the noncombatant subjects of the enemy. In the wars fought on the European continent the property of civilians was considered inviolable. In 1856 the Congress of Paris made an attempt to extend this principle to naval warfare. More and more, eminent minds began to discuss the possibility of abolishing war altogether.

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Looking at conditions as they had developed under the system of limited warfare, philosophers found wars useless. Men are killed or maimed, wealth is destroyed, countries are devastated for the sole benefit of kings and ruling oligarchies. The peoples themselves do not derive any gain from victory. The individual citizens are not enriched if their rulers expand the size of their realm by annexing a province. For the people wars do
not pay. The only cause of armed conflict is the greed of autocrats. The substitution of representative government for royal despotism will abolish war altogether. Democracies are peaceful. It is no concern of theirs whether their nation’s sovereignty stretches over a larger or smaller territory. They will treat territorial problems without bias and passion. They will settle them peacefully. What is needed to make peace durable is to dethrone the despots. This, of course, cannot be achieved peacefully. It is necessary to crush the mercenaries of the kings. But this revolutionary war of the people against the tyrants will be the last war, the war to abolish war forever.

This idea was already dimly present in the minds of the French revolutionary leaders when, after having repelled the invading armies of Prussia and Austria, they embarked upon a campaign of aggression. Of course, under the leadership of Napoleon they themselves very soon adopted the most ruthless methods of boundless expansion and annexation until a coalition of all European powers frustrated their ambitions. But the idea of durable peace was soon resurrected. It was one of the main points in the body of nineteenth-century liberalism as consistently elaborated in the much abused principles of the Manchester School.

These British liberals and their continental friends were keen enough to realize that what can safeguard durable peace is not simply government by the people, but government by the people under unlimited laissez faire. In their eyes free trade, both in domestic affairs and in international relations, was the necessary prerequisite of the preservation of peace. In such a world without trade and migration barriers no incentives for war and conquest are left. Fully convinced of the irresistible persuasiveness of the liberal ideas, they dropped the notion of the last war to abolish all wars. All peoples will of their own accord recognize the blessings of free trade and peace and will curb their domestic despots without any aid from abroad.

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Most historians entirely fail to recognize the factors which replaced the “limited” war of the ancien régime by the “unlimited” war of our age. As they see it, the change came with the shift from the dynastic to the national form of state and was a consequence of the French Revolution. They look only upon attending phenomena and confuse causes and effects. They speak of the composition of the armies, of strategical and tactical principles, of weapons and transportation facilities, and of many other matters of military art and administrative technicalities. However, all these things do not explain why modern nations prefer aggression to peace.

There is perfect agreement with regard to the fact that total war is an offshoot of aggressive nationalism. But this is merely circular reasoning. We call aggressive nationalism that ideology which makes for modern total war. Aggressive nationalism is the necessary derivative of the policies of interventionism and national planning. While laissez faire eliminates the causes of international conflict, government interference with business and socialism creates conflicts for which no peaceful solution can be found. While under free trade and freedom of migration no individual is concerned about the territorial size of his country, under the protective measures of economic nationalism nearly every citizen has a substantial interest in these territorial issues. The enlargement of the territory subject to the sovereignty of his own government means material improvement for him or at least relief from restrictions which a foreign government has imposed upon his well-being. What has transformed the limited war between royal armies into total war, the clash between peoples, is not
technicalities of military art, but the substitution of the welfare state for the laissez faire state.

If Napoleon I had reached his goal, the French Empire would have stretched far beyond the limits of 1815. Spain and Naples would have been ruled by kings of the house of Bonaparte-Murat instead of kings of another French family, the Bourbons. The palace of Kassel would have been occupied by a French playboy instead of one of the egregious Electors of the Hesse family. All these things would not have made the citizens of France more prosperous. Neither did the citizens of Prussia win anything from the fact that their king in 1866 evicted his cousins of Hanover, Hesse-Kassel and Nassau from their luxurious residences. But if Hitler had realized his plans, the Germans expected to enjoy a higher standard of living. They were confident that the annihilation of the French, the Poles, and the Czechs would make every member of their own race richer. The struggle for more Lebensraum [living space] was their own war.

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Under laissez faire peaceful coexistence of a multitude of sovereign nations is possible. Under government control of business it is impossible. The tragic error of President Wilson was that he ignored this essential point. Modern total war has nothing in common with the limited war of the old dynasties. It is a war against trade and migration barriers, a war of the comparatively overpopulated countries against the comparatively underpopulated. It is a war to abolish those institutions which prevent the emergence of a tendency toward an equalization of wage rates all over the world. It is a war of the farmers tilling poor soil against those governments which bar them from access to much more fertile soil lying fallow. It is, in short, a war of wage earners and farmers who describe themselves as underprivileged “have-nots” against the wage earners and farmers of other nations whom they consider privileged “haves.”

The acknowledgment of this fact does not suggest that victorious wars would really do away with those evils about which the aggressors complain. These conflicts of vital interests can be eliminated only by a general and unconditional substitution of a philosophy of mutual cooperation for the prevailing ideas of allegedly irreconcilable antagonisms between the various social, political, religious, linguistic, and racial subdivisions of mankind.

It is futile to place confidence in treaties, conferences, and such bureaucratic outfits as the League of Nations and the United Nations. Plenipotentiaries, office clerks and experts make a poor show in fighting ideologies. The spirit of conquest cannot be smothered by red tape. What is needed is a radical change in ideologies and economic policies.

2. WAR AND THE MARKET ECONOMY

The market economy, say the socialists and the interventionists, is at best a system that may be tolerated in peacetime. But when war comes, such indulgence is impermissible. It would jeopardize the vital interests of the nation for the sole benefit of the selfish concerns of capitalists and entrepreneurs. War, and in any case modern total war, peremptorily requires government control of business. Hardly anybody has been bold enough to challenge this dogma. It served in both World Wars as a convenient pretext for innumerable measures of government interference with business which in many countries step by step led to full “war socialism.” When the hostilities ceased, a new slogan was launched. The period of transition from war to peace and of “reconversion,” people contended, requires even more government control than the period of war. Besides, why should one ever return to a social system which can work, if at all, only in the interval between two wars? The most appropriate thing would be to cling permanently to government control in order to be duly prepared for any possible emergency.

An examination of the problems which the United States had to face in the second World War will clearly show how fallacious this reasoning is.

What America needed in order to win the war was a radical conversion of all its production activities. All not absolutely indispensable civilian consumption was to be eliminated. The plants and farms were
henceforth to turn out only a minimum of goods for nonmilitary use. For the rest, they were to devote themselves completely to the task of supplying the armed forces.

The realization of this program did not require the establishment of controls and priorities. If the government had raised all the funds needed for the conduct of war by taxing the citizens and by borrowing from them, everybody would have been forced to cut down his consumption drastically. The entrepreneurs and farmers would have turned toward production for the government because the sale of goods to private citizens would have dropped. The government, now by virtue of the inflow of taxes and borrowed money the biggest buyer on the market, would have been in a position to obtain all it wanted. Even the fact that the government chose to finance a considerable part of the war expenditure by increasing the quantity of money in circulation and by borrowing from the commercial banks would not have altered this state of affairs. The inflation must, of course, bring about a marked tendency toward a rise in the prices of all goods and services. The government would have had to pay higher nominal prices. But it would still have been the most solvent buyer on the market. It would have been possible for it to outbid the citizens who on the one hand had not the right of manufacturing the money they needed and on the other hand would have been squeezed by enormous taxes.

But the government deliberately adopted a policy which was bound to make it impossible for it to rely upon the operation of the unhampered market. It resorted to price control and made it illegal to raise commodity prices. Furthermore it was very slow in taxing the incomes swollen by the inflation. It surrendered to the claim of the unions that the workers’ real take-home wages should be kept at a height which would enable them to preserve in the war their prewar standard of living. In fact, the most numerous class of the nation, the class which in peacetime consumed the greatest part of the total amount of goods consumed, had so much more money in their pockets that their power to buy and to consume was greater than in peacetime. The wage earners—and to some extent also the farmers and the owners of plants producing for the government—would have frustrated the government’s endeavors to direct industries toward the production of war materials. They would have induced business to produce more, not less, of those goods which in wartime are considered superfluous luxuries. It was this circumstance that forced the Administration to resort to the systems of priorities and of rationing. The shortcomings of the methods adopted for financing war expenditure made government control of business necessary. If no inflation had been made and if taxation had cut down the income (after taxes) of all citizens, not only of those enjoying higher incomes, to a fraction of their peacetime revenues, these controls would have been supererogatory. The endorsement of the doctrine that the wage earners’ real income must in wartime be even higher than in peacetime made them unavoidable.

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Not government decrees and the paperwork of hosts of people on the government’s payroll, but the
efforts of private enterprise produced those goods which enabled the American armed forces to win the war and to provide all the material equipment its allies needed for their cooperation. The economist does not infer anything from these historical facts. But it is expedient to mention them as the interventionists would have us believe that a decree prohibiting the employment of steel for the construction of apartment houses automatically produces airplanes and battleships.

The adjustment of production activities to a change in the demand of consumers is the source of profits. The greater the discrepancy between the previous state of production activities and that agreeing with the new structure of demand, the greater adjustments are required and the greater profits are earned by those who succeed best in accomplishing these adjustments. The sudden transition from peace to war revolutionizes the structure of the market, makes radical readjustments indispensable and thus becomes for many a source of high profits. The planners and interventionists regard such profits as a scandal. As they see it, the first duty of government in time of war is to prevent the emergence of new millionaires. It is, they say, unfair to let some people become richer while other people are killed or maimed.

Nothing is fair in war. It is not just that God is for the big battalions and that those who are better equipped defeat poorly equipped adversaries. It is not just that those in the front line shed their life-blood in obscurity, while the commanders, comfortably located in headquarters hundreds of miles behind the trenches, gain glory and fame. It is not just that John is killed and Mark crippled for the rest of his life, while Paul returns home safe and sound and enjoys all the privileges accorded to veterans.

It may be admitted that it is not “fair” that war enhances the profits of those entrepreneurs who contribute best to the equipment of the fighting forces. But it would be foolish to deny that the profit system produces the best weapons. It was not socialist Russia that aided capitalist America with lend-lease; the Russians were lamentably defeated before American-made bombs fell on Germany and before they got the arms manufactured by American big business. The most important thing in war is not to avoid the emergence of high profits, but to give the best equipment to one’s own country’s soldiers and sailors. The worst enemies of a nation are those malicious demagogues who would give their envy precedence over the vital interests of their nation’s cause.

Of course, in the long run war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. But this does not mean that a nation which is forced to repel foreign aggressors must substitute government control for private enterprise. If it were to do this, it would deprive itself of the most efficient means of defense. There is no record of a socialist nation which defeated a capitalist nation. In spite of their much glorified war socialism, the Germans were defeated in both World Wars.

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What the incompatibility of war and capitalism really means is that war and high civilization are incompatible. If the efficiency of capitalism is directed by governments toward the output of instruments of destruction, the ingenuity of private business turns out weapons which are powerful enough to destroy everything. What makes war and capitalism incompatible with one another is precisely the unparalleled efficiency of the capitalist mode of production.

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[Section 3 on “War and Autarky” has been omitted from this extract.]

4. THE FUTILITY OF WAR

What distinguishes man from animals is the insight into the advantages that can be derived from cooperation under the division of labor. Man curbs his innate instinct of aggression in order to cooperate with other human beings. The more he wants to improve his material well-being, the more he must expand the system of the division of labor. Concomitantly he must more and more restrict the sphere in which he resorts to military action. The emergence of the international division of labor requires the total abolition of war. Such is the essence of the laissez-faire philosophy of Manchester.

This philosophy is, of course, incompatible with statolatry. In its context the state, the social apparatus of violent oppression, is entrusted with the protection of the smooth operation of the market economy against the onslaughts of antisocial individuals and gangs. Its function is indispensable and beneficial, but it is an ancillary function only. There is no reason to idolize the police power and ascribe to it omnipotence and omniscience. There are things which it can certainly not accomplish. It cannot conjure away the scarcity of the factors of production, it cannot make people more prosperous, it cannot raise the productivity of labor. All it can achieve is to prevent gangsters from frustrating the efforts of those people who are intent upon promoting material well-being.

The liberal philosophy of Bentham and Bastiat had not yet completed its work of removing trade barriers and government meddling with business when the counterfeit theology of the divine state began to take effect. Endeavors to improve the conditions of wage earners and small farmers by government decree made it necessary to loosen more and more the ties which connected each country’s domestic economy with those of other countries. Economic nationalism, the necessary complement of domestic interventionism, hurts the interests of foreign peoples and thus creates international conflict. It suggests the idea of amending this unsatisfactory state of affairs by war. Why should a powerful nation tolerate the challenge of a less powerful nation? Is it not insolence on the part of small Laputania to injure the citizens of big Ruritania by customs, migration barriers, foreign exchange control, quantitative trade restrictions, and expropriation of Ruritanian investments in Laputania? Would it not be easy for the army of Ruritania to crush Laputania’s contemptible forces?

“How far we are today from the rules of international law developed in the age of limited warfare! Modern war is merciless, it does not spare pregnant women or infants; it is indiscriminate killing and destroying. It does not respect the rights of neutrals. Millions are killed, enslaved, or expelled from the dwelling places in which their ancestors lived for centuries. Nobody can foretell what will happen in the next chapter of this endless struggle. “

Such was the ideology of the German, Italian, and Japanese warmongers. It must be admitted that they were consistent from the point of view of the new “unorthodox” teachings. Interventionism generates economic nationalism, and economic nationalism generates bellicosity. If men and commodities are prevented from crossing the borderlines, why should not the armies try to pave the way for them?

From the day when Italy, in 1911, fell upon Turkey, fighting was continual. There was almost always shooting somewhere in the world. The peace treaties concluded were virtually merely armistice agreements. Moreover they had to do only with the armies of the great powers. Some of the smaller nations were always at war. In addition there were no less pernicious civil wars and revolutions.
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This has little to do with the atomic bomb. The root of the evil is not the construction of new, more dreadful weapons. It is the spirit of conquest. It is probable that scientists will discover some methods of defense against the atomic bomb. But this will not alter things, it will merely prolong for a short time the process of the complete destruction of civilization.

Modern civilization is a product of the philosophy of laissez faire. It cannot be preserved under the ideology of government omnipotence. Statolatry owes much to the doctrines of Hegel. However, one may pass over many of Hegel’s inexcusable faults, for Hegel also coined the phrase *die Ohnmacht des Sieges*, the futility of victory. To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war.

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Further Information

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FURTHER READING


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PART VII: KEY LEGAL & POLITICAL DOCUMENTS
“Magna Carta” (The Great Charter) (1215)

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“No Free-man shall be taken, or imprisoned, or dispossessed, of his free tenement, or liberties, or free customs, or be outlawed, or exiled, or in anyway destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.”
Editor’s Introduction

The document known as Magna Carta was an agreement signed between King John and his feudal nobles settling disputes they had had about taxation and the exercise of political power which had led to fighting. What makes this document stand out from many others is the language used in the agreement which referred to general principles in many cases rather than to the nitty gritty of the specific disputes at hand. Thus, it could be and was interpreted as a more general and principled limit placed upon the power of both the King and the nobles vis-à-vis each other. This was not the intent of the parties involved in 1215 but a fortunate unintended consequence of history.

The most important clauses in the Charter had to do with the freedom of the Church from monarchical control, limits placed on the power of the King to tax and seize property (the nobles had to agree to tax increases in council and seized property had to be paid for), and that the operations of the state had to proceed upon settled and accepted rules (the embryo of the rule of law). Over time the liberties enumerated in the Charter came to be regarded as the birthright of all Englishmen not just the King, the nobles, and the senior clergy.

These restrictions on the power of the English king were often resisted which prompted resistance from powerful groups within English society. This was especially true during the 17th century when the Stuart monarchy challenged the power of Parliament, leading to the English Revolution and the execution of King Charles I, and during the 18th century when English colonists in North America turned the principles enunciated in the Charter against the power of the British crown. Thus, the first written charter of English legal principles spawned several offspring in the 17th and 18th centuries which had a profound impact on the emergence of constitutional, limited government.

It should be noted that the 800th anniversary of the signing of the Great Charta will be in June 2015.

“Also all those customs and liberties aforesaid, which we have granted to be held in our kingdom, for so much of it as belongs to us, all our subjects, as well clergy as laity, shall observe towards their tenants as far as concerns them. And for this our grant and gift of these Liberties, and of the others contained in our Charter of Liberties of our Forest, the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Free Tenants, and all others of our Kingdom, have given unto us the fifteenth part of all their move-ables. And we have granted to them for us and our heirs, that neither we nor our heirs shall procure or do any thing, whereby the Liberties in this Charter contained shall be infringed or broken.”
Magna Carta (1215, 1225)\textsuperscript{57}

THE THIRD GREAT CHARTER OF KING HENRY THE THIRD [1]

Granted A.D. 1224–25,
In the Ninth Year of His Reign.
[Translated from the Original, Preserved in the Archives of Durham Cathedral.]

Henry, by the Grace Of God, King of England, 
Lord of Ireland, Duke of Normandy and Aquitaine, 
and Count of Anjou, to the Archbishops, Bishops, 
Abbots, Priors, Earls, Barons, Sheriffs, Governors, 
Officers, and all Bailiffs, and his faithful subjects, who see this present Charter,

Greeting. Know ye, that in the presence of God, 
and for the salvation of our own soul, and of the souls of our ancestors, and of our successors, to the exaltation of the Holy Church, and the amendment of our kingdom, that we spontaneously and of our own free will, do give and grant to the Archbishops, the Bishops, Abbots, 

Priors, Earls, Barons, and all of our kingdom, 

these under-written liberties to be held in our realm of England for ever.

(I.) In the first place we grant unto God, and by this our present Charter we have confirmed for us, and for our heirs for ever, that the English Church shall be free, and shall have her whole rights and her liberties inviolable. We have also granted to all the free-men of our kingdom, for us and for our heirs for ever, all the under-written liberties to be had and held by them and by their heirs.

(II.) If any of our Earls or Barons, or others who hold of us in chief by Military Service, shall die, and at his death his heir shall be of full age, and shall owe a relief, he shall have his inheritance by the ancient relief; that is to say, the heir or heirs of an Earl, a whole Earl’s Barony for one hundred pounds: the heir or heirs of a Baron, a whole Barony, for one hundred pounds; the heir or heirs of a Knight, a whole Knight’s Fee, for one hundred shillings at the most: and he who owes less, shall give less, according to the ancient customs of fees.

(III.) But if the heir of any such be under age, his Lord shall not have the Wardship of him nor of his land, before he shall have received his homage, and afterward such heir shall be in ward; and when he shall come to age, that is to say, to twenty and one years, he shall have his inheritance without relief and without fine: yet so, that if he be made a Knight, whilst he is under age, his lands shall nevertheless remain in custody of his Lords, until the term aforesaid.

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(IV.) The warden of the land of such heir who shall be under age, shall not take from the lands of the heir any but reasonable issues, and reasonable customs, and reasonable services, and that without destruction and waste of the men or goods. And if we commit the custody of any such lands to a Sheriff, or to any other person who is bound to us for the issues of them, and he shall make destruction or waste upon the ward-lands, we will recover damages from him, and the lands shall be committed to two lawful and discreet men of the same fee, who shall answer for the issues to us, or to him to whom we have assigned them: and if we shall give or sell to any one the custody of any such lands, he shall lose the custody; and it shall be committed to two lawful and discreet men of the same fee, who shall answer to us in like manner as it is said before.

(V.) But the warden, as long as he hath the custody of the lands, shall keep up and maintain the houses,

parks, warrens, ponds, mills, and other things belonging to them, out of their issues; and shall restore to the heir, when he comes of full age, his whole estate, provided with carriages and all other things at the least as such as he received it. All these things shall be observed in the custodies of vacant Archbishoprics, Bishoprics, Abbies, Priories, Churches, and Dignities, which appertain to us; excepting that these wardships are not to be sold.

(VI.) Heirs shall be married without disparagement.

(VII.) A widow, after the death of her husband, shall immediately, and without difficulty, have her freedom of marriage and her inheritance; nor shall she give any thing for her dower, or for her freedom of marriage, or for her inheritance, which her husband and she held at the day of his death; and she may remain in the principal messuage of her husband, for forty days after husband's death, within which time her dower shall be assigned; unless it shall have been assigned before, or excepting his house shall be a Castle; and if she depart from the Castle, there shall be provided for her a complete house in which she may decently dwell, until her dower shall be assigned to her as aforesaid: and she shall have her reasonable Estover within a common term. And for her dower, shall be assigned to her the third part of all the lands of her husband, which were his during his life, except she were endowed with less at the church door.

No widow shall be distrained to marry herself, whilst she is willing to live without a husband; but yet she shall give security that she will not marry herself, without our consent, if she hold of us, or without the consent of her lord if she hold of another.

(VIII.) We nor our Bailiffs, will not seize any land or rent for any debt, whilst the chattels of the debtor present sufficient for the payment of the debt, and the debtor shall be ready to make satisfaction; nor shall the sureties of the debtor be distrained, whilst the principal debtor is able to pay the debt; and if the principal debtor fail in payment of the debt, not having wherewith to discharge it, or will not discharge it when he is able, then the sureties shall answer for the debt; and if they be willing, they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can shew himself acquitted thereof against the said sureties.

“The City of London shall have all its ancient liberties, and its free customs, as well by land as by water. Furthermore, we will and grant that all other Cities, and Burghs, and Towns, and the Barons of the Cinque Ports, and all Ports, should have all their liberties and free customs.”

(IX.) The City of London shall have all its ancient liberties, and its free customs, as well by land as by water.

Furthermore, we will and grant that all other Cities, and Burghs, and Towns, and the Barons of the Cinque Ports, and all Ports, should have all their liberties and free customs.

(X.) None shall be distrained to do more service for a Knight’s-Fee, nor for any other free tenement, than what is due from thence.

(XI.) Common Pleas shall not follow our court, but shall be held in any certain place.

(XII.) Trials upon the Writs of Novel Disseisin and of Mort d’Ancestre, shall not be taken but in their proper counties, and in this manner:

We, or our Chief Justiciary, if we should be out of the kingdom, will send Justiciaries into every county, once in the year; who, with the knights of each county, shall hold in the county, the aforesaid assizes.

And those things, which at the coming of the aforesaid Justiciaries being sent to take the said assizes, cannot be determined, shall be ended by them in some other place in their circuit; and those things which for difficulty of some of the articles cannot be determined by them, shall be determined by our Justiciaries of the Bench, and there shall be ended.

(XIII.) Assizes of Last Presentation shall always be taken before our Justiciaries of the Bench, and there shall be determined.

(XIV.) A Free-man shall not be amerced for a small offence, but only according to the degree of the offence; and for a great delinquency, according to the magnitude of the delinquency, saving his contentment: and a Merchant in the same manner, saving his merchandise, and a villain, if he belong to another, shall be amerced after the same manner, saving to him his Wainage, if he shall fall into our mercy; and none
of the aforesaid amerciaments shall be assessed, but by
the oath of honest and lawful men of the vicinage.

“A Free-man shall not be amerced for a
small offence, but only according to the
degree of the offence; and for a great
delinquency, according to the magnitude
of the delinquency,”

Earls and Barons shall not be amerced but by their
Peers, and that only according to the degree of their
delinquency.

No Ecclesiastical person shall be amerced
according to the quantity of his ecclesiastical benefice,
but according to the quantity of his lay-fee, and
the extent of his crime.

(XV) Neither a town nor any person shall be
distained to build bridges or embankments, excepting
those which anciently, and of right, are bound to do it.

(XVI.) No embankments shall from henceforth be
defended, but such as were in defence in the time of
King Henry our grandfather; by the same places, and
the same bounds as they were accustomed to be in his
time.

(XVII.) No Sheriff, Constable, Coroners, nor other
of our Bailiffs, shall hold pleas of our crown.

(XVIII.) If any one holding of us a lay-fee die, and
the Sheriff or our Bailiff shall shew our letters-patent
of summons concerning the debt, which the defunct
owed to us, it shall be lawful for the Sheriff, or for our
Bailiff to attach and register all the goods and chattels
of the defunct found on that lay-fee, to the amount of
that debt by the view of lawful men. So that nothing
shall be removed from thence until our debt be paid to
us; and the rest shall be left to the executors to fulfil
the will of the defunct; and if nothing be owing to us by
him, all the chattels shall fall to the defunct, saving to
his wife and children their reasonable shares.

(XIX.) No Constable, nor his Bailiff, shall take the
corn or other goods of any one, who is not of that
town where his Castle is, without instantly paying
money for them, unless he can obtain a respite from
the free will of the seller.”

(XX.) No Constable shall distrain any Knight to
give him money for Castle-guard, if he be willing to
perform it in his own person, or by another able man,
if he cannot perform it himself, for a reasonable cause:
and if we do lead or send him into the army, he shall
be excused from Castle-guard, according to the time
that he shall be with us in the army, on account of the
fee for which he hath done service in the host.

(XXI.) No Sheriff nor Bailiff of ours, nor of any
other person, shall take the horses or carts of any, for
the purpose of carriage, without paying according to
the rate anciently appointed; that is to say, for a cart
with two horses, ten-pence by the day, and for a cart
with three horses, fourteen-pence by the day.

No demesne cart of any ecclesiastical person, or
knight, or of any lord, shall be taken by the aforesaid
Bailiffs.

Neither we, nor our Bailiffs, nor those of another,
shall take another man’s wood, for our Castles or for
other uses, unless by the consent of him to whom the
wood belongs.

(XXII.) We will not retain the lands of those who
have been convicted of felony, excepting for one year
and one day, and then they shall be given up to the
Lords of the fees.

(XXIII.) All Kydells (weirs) for the future, shall be
quite removed out of the Thames and the Medway,
and through all England, excepting upon the sea coast.

(XXIV.) The Writ which is called Præcipe, for the
future shall not be granted to any one of any tenement,
by which a Free-man loses his court.

(XXV.) There shall be one Measure of Wine
throughout all our kingdom, and one Measure of Ale,
and one Measure of Corn, namely, the Quarter of
London; and one breadth of Dyed Cloth, of Russets,
and of Halberjects, namely, Two Ells within the lists.
Also it shall be the same with Weights as with
Measures.
“There shall be one Measure of Wine throughout all our kingdom, and one Measure of Ale, and one Measure of Corn, namely, the Quarter of London... Also it shall be the same with Weights as with Measures.”

(XXVI.) Nothing shall for the future be given or taken for a Writ of Inquisition, nor taken of him that prayeth Inquisition of life or limb; but it shall be given without charge, and not denied.

“No Free-man shall be taken, or imprisoned, or dispossessed, of his free tenement, or liberties, or free customs, or be outlawed, or exiled, or in anyway destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land. To none will we sell, to none will we deny, to none will we delay right or justice.

(XXVII.) If any hold of us by Fee-Farm, or Socage, or Burgage, and hold land of another by Military Service, we will not have the custody of the heir, nor of his lands, which are of the fee of another, on account of that Fee-Farm, or Socage, or Burgage; nor will we have the custody of the Fee-Farm, Socage, or Burgage, unless the Fee-Farm owe Military Service. We will not have the custody of the heir, nor of the lands of any one, which he holds of another by Military Service, on account of any Petty-Sergeantry which he holds of us, by the service of giving us daggers, or arrows, or the like.

(XXVIII.) No Bailiff, for the future, shall put any man to his open law, nor to an oath, upon his own simple affirmation, without faithful witnesses produced for that purpose.

(XXIX.) No Free-man shall be taken, or imprisoned, or dispossessed, of his free tenement, or liberties, or free customs, or be outlawed, or exiled, or in anyway destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

To none will we sell, to none will we deny, to none will we delay right or justice.

“All Merchants, unless they have before been publicly prohibited, shall have safety and security in going out of England, and in coming into England, and in staying and in travelling through England, as well by land as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war,”

(XXX.) All Merchants, unless they have before been publicly prohibited, shall have safety and security in going out of England, and in coming into England, and in staying and in travelling through England, as well by land as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war, and if they be of a country at war against us: and if such are found in our land at the beginning of a war, they shall be apprehended, without injury of their bodies or goods, until it be known to us, or to our Chief Justiciary, how the Merchants of our country are treated who are found in the country at war against us: and if ours be in safety there, the others shall be in safety in our land.

(XXXI.) If any hold of any Escheat, as of the Honour of Wallingford, Boulogne, Nottingham, Lancaster, or of other Escheats which are in our hand, and are Baronies, and shall die, his heir shall not give any other relief, nor do any other service to us, than he should have done to the Baron, if those lands had been in the hands of the Baron; and we will hold it in the same manner that the Baron held it. Neither will we
have, by occasion of any Barony or Escheat, any
Escheat, or the custody of any of our men, unless he
who held the Barony or Escheat, held otherwise of us
in chief.

(XXXII.) No Free-man shall, from henceforth,
give or sell any more of his land, but so that of the
residue of his lands, the Lord of the fee may have the
service due to him which belongeth to the fee.

(XXXIII.) All Patrons of Abbies, which are held
by Charters of Advowson from the Kings of England,
or by ancient tenure or possession of the same, shall
have the custody of them when they become vacant, as
they ought to have, and such as it hath been declared
above.

(XXXIV.) No man shall be apprehended or
imprisoned on the appeal of a woman, for the death of
any other man than her husband.

(XXXV.) No County Court shall, from henceforth,
be holden but from month to month; and where a
greater term hath been used, it shall be greater. Neither
shall any Sheriff or his Bailiff, keep his turn in the
hundred but twice in the year; and no where but in due
and accustomed place; that is to say, once after Easter,
and again after the Feast of Saint Michael. And the
view of Frank-pledge, shall be likewise at Saint
Michael's term, without occasion; so that every man
may have his liberties, which he had and was
accustomed to have, in the time of King Henry our
grandfather, or which he hath since procured him. Also
the view of Frank-pledge shall be so done, that our
peace may be kept, and that the tything may be wholly
kept, as it hath been accustomed; and that the Sheriff
seek no occasions, and that he be content with so much
as the Sheriff was wont to have for his view-making, in
the time of King Henry our grandfather.

(XXXVI.) It shall not from henceforth, be lawful
for any to give his lands to any Religious House, and to
take the same land again to hold of the same House. Nor
shall it be lawful to any House of Religion to take
the lands of any, and to lease the same to him from
whom they were received. Therefore, if any from
henceforth do give his land to any Religious House,
and thereupon be convict, his gift shall be utterly void,
and the land shall accrue to the Lord of the fee.

(XXXVII.) Scutage from henceforth shall be taken
as it was accustomed to be taken in the time of King
Henry our grandfather.

Saving to the Archbishops, Bishops, Abbots, Priors,
Templars, Hospitallers, Earls, Barons, and all others, as
well ecclesiastical as secular persons, the liberties and
free customs which they have formerly had.

“Also all those customs and liberties
aforesaid, which we have granted to be
held in our kingdom, for so much of it as
belongs to us, all our subjects, as well
clergy as laity, shall observe towards
their tenants as far as concerns them.
And for this our grant and gift of these
Liberties, and of the others contained in
our Charter of Liberties of our Forest, the
Archbishops, Bishops, Abbots, Priors,
Earls, Barons, Knights, Free Tenants,
and all others of our Kingdom, have
given unto us the fifteenth part of all their
move-ables. And we have granted to
them for us and our heirs, that neither
we nor our heirs shall procure or do any
thing, whereby the Liberties in this
Charter contained shall be infringed or
broken”

Also all those customs and liberties aforesaid,
which we have granted to be held in our kingdom, for
so much of it as belongs to us, all our subjects, as well
clergy as laity, shall observe towards their tenants as far
as concerns them. And for this our grant and gift of
these Liberties, and of the others contained in our
Charter of Liberties of our Forest, the Archbishops,
Bishops, Abbots, Priors, Earls, Barons, Knights, Free
Tenants, and all others of our Kingdom, have given
unto us the fifteenth part of all their move-ables. And
we have granted to them for us and our heirs, that
neither we nor our heirs shall procure or do any thing,
whereby the Liberties in this Charter contained shall be
infringed or broken; and if any thing shall be procured
by any person contrary to the premises, it shall be had
of no force nor effect. These being witnesses, the Lord
Stephen Archbishop of Canterbury, Roger of London,
Joceline of Bath, Peter of Winchester, Hugh of
Lincoln, Richard of Salisbury, Benedict of Rochester,
William of Worcester, John of Ely, Hugh of Hereford,
Ralph of Chi-chester, William of Exeter, for the
Bishops: the Abbot of Saint Edmund's, the Abbot of
Saint Alban's, the Abbot of Battle Abbey, the Abbot of
Saint Augustine's Canterbury, the Abbot of Evesham,
the Abbot of Westminster, the Abbot of Peterborough,
the Abbot of Reading, the Abbot of Abingdon, the
Abbot of Malmsbury, the Abbot of Winchcomb, the
Abbot of Hyde, the Abbot of Chertsey, the Abbot of
Sherburn, the Abbot of Cerne, the Abbot of
Abbotsbury, the Abbot of Middleton, the Abbot of
Selby, the Abbot of Whitby, the Abbot of Cirencester,
Hubert de Burgh, the King's Justiciary, Randolph Earl
of Chester and Lincoln, William Earl of Salisbury,
William Earl of Warren, Gilbert de Clare, Earl of
Gloucester and Hertford, William de Ferrers, Earl of
Derby, William de Mandeville, Earl of Essex, Hugh le
Bigod, Earl of Norfolk, William Earl of Albemarle,
Humphrey Earl of Hereford, John Constable of
Chester, Robert de Ros, Robert Fitz Walter, Robert de
Vipont, William de Brewer, Richard de Montfichet,
Peter Fitz Herbert, Matthew Fitz Herbert, William de
Albiniac, Robert Gresley, Reginald de Bruce, John de
Monmouth, John Fitz Alan, Hugh de Mortimer, Walter
de Beauchamp, William de Saint John, Peter de
Mauley, Brian de Lisle, Thomas de Muleton, Richard
de Argentine, Walter de Neville, William Mauduit,
John de Baalun.

Given at Westminster, the Eleventh day of
February, in the Ninth Year of our Reign.

Notes

[1] The text given here is that of Statutes of the
Realm (London: Record Commission, 1810–1828),
1:22–25, as reprinted in Faith Thompson, Magna Carta:
Its Role in the Making of the English Constitution, 1300–1629
(Minneapolis, 1948), 377–82. Italicized words indicate
those passages not found in the original 1215 Magna
Carta of King John which were introduced in 1216,
1217, or 1225; numbers in parentheses refer to articles
in the 1215 document. Source: Richard Thomson, An
Historical Essay on the Magna Charta of King John: To which
are added, the Great Charter in Latin and English; The Charters
of Liberties and Confirmations, Granted by Henry III. and
Edward I.; The Original Charter of the Forests; and Various
Authentic Instruments Connected with Them; etc. (London,
1829), 131–44.

Further Information

SOURCE

The edition used for this extract: The Roots of
Liberty: Magna Carta, Ancient Constitution, and the Anglo-
American Tradition of Rule of Law, edited and with an
Introduction by Ellis Sandoz (Indianapolis: Liberty
Fund, 2008). Appendix: Text and Translation of
Magna Carta. <oll.libertyfund.org/titles/2180/201016>.

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Fortescue made by S.B. Chrimes which is held by
Cambridge University Press 1942.

FURTHER READING

Subject Area: Law <oll.libertyfund.org/groups/50>.

Collection: Laws, Charters, Constitutions, Bills of
Right <oll.libertyfund.org/groups/103>.

Topic: Magna Carta <oll.libertyfund.org/groups/132>.

For a detailed analysis of each clause of the
Magna Carta see Magna Carta: A Commentary on the Great
Charter of King John, with an Historical Introduction, by
William Sharp McKechnie (Glasgow: Maclehose,
“And by other laws of this realm it is provided that ... your subjects have inherited this freedom, and they should not be compelled to contribute any tax, tallage, or aid, or other like charge not set by common consent in parliament.”
**Editor’s Introduction**

Sir Edward Coke (pronounced cook) (1552-1634) was a lawyer, Member of Parliament, solicitor general, Speaker of the House of Commons, Attorney General and Chief Justice of the Court of Common Pleas and of the King's Bench. He is considered one of the premier champions of the common law, which he defended against the attempted encroachments of the courts of equity and the royal prerogative of the Stuarts (James I (r. 1603-1625) in particular). Coke is best known for his collection of court cases, known simply as "The Reports", which he published from 1600 onwards, and his analysis of the law in *The Institutes* (1628-34), which helped define the nature of the English common law system. As a member of Parliament he was instrumental in defending liberty of speech, freedom from arrest and harassment by the Crown, and the Petition of Right (1628) which famously limited the power of the Crown to tax without the consent of Parliament.

The Petition of Right (1628) was an act passed by Parliament under Coke’s guidance in order to prevent King Charles I from using forced loans to fund his foreign wars. According to Frohnen, “Parliament refuse(d) to grant him increased tax monies and Charles had responded by forcing wealthy subjects to lend money to his government, quartering his troops in private homes, and arbitrarily arresting and imprisoning important figures who publicly opposed his policies. In response, Parliament, led by the famous lawyer Sir Edward Coke, drafted and sent to the king the Petition of Right. In this document, Parliament sets forth its view that long-standing law and custom established its right to consent to all taxes, and the right of the people to be free from arbitrary imprisonment, the forced quartering of soldiers, and martial law during time of peace. In return for Charles’s assent to this Petition, Parliament granted him increased subsidies.”

The Petition of Right thus became one of the foundation documents of English liberty and became a model for similar legal limits placed on the power of the Crown later in the 17th century and in 18th century America.

“*They do therefore most humbly pray your most excellent Majesty that none hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament. And that none be called to make answer, or to take such oath, or to give attendance, or to be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof. And that no free man, in any such manner as is before mentioned, be imprisoned or detained. And that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come. And that the aforesaid commissions for proceeding by martial law may be revoked and annulled.*”
Petition of Right (May 9, 1628)\(^{58}\)

IN CONFERENCE WITH THE LORDS ON MAY 8, 1628. [199]

[Ed.: Presenting the Commons’ view to promote the Petition of Right.]

I pray your Lordships to excuse us, for we have been this day till one of the clock about the great business, and (blessed be God) we have dispatched it in some measure; and before this time we were not able to attend your Lordships, but I hope that this meeting will prove to be a great blessing to us. My Lords, I am commanded from the House of Commons to express the singular care and affection they have of concurrence with your Lordships in these urgent affairs and proceedings in this parliament, both for the good of the commonwealth and principally for his Majesty. And this I must say in this particular: if we had hundreds of tongues we were not able to express that desire which we have of that concurrence with your Lordships; but I will leave that without any further expression.

My Lords, it is evident what necessity there is, both in respect of ourselves and our posterities, to have good success of this business. We have acquainted your Lordships with the reasons and the grounds, and after we had some conference we received from your Lordships five propositions, and it behooves me to give your Lordships some reasons why you have not heard from us before now. For in the meantime, as we were consulting of this weighty business, we have received divers messages from our great sovereign the King, and they consisted of five parts:

First, that his Majesty would maintain all his subjects in the just freedom both of their persons and estates.

Secondly, that he will govern us according to the laws and statutes.

Thirdly, that we shall find much confidence in his royal word, (I pray observe it).

Fourthly, that we shall enjoy all our rights and liberties with as much freedom as ever any subjects have done in former times.

Fifthly, that whether we shall think it fit, either by way of bill or otherwise, to go on in this great business, his Majesty would be pleased to give way to it.

“That we shall enjoy all our rights and liberties with as much freedom as ever any subjects have done in former times.”

These gracious messages did so work upon our affections that we have taken them into deep consideration. My Lords, when we had those messages (I deal plainly, for so I am commanded by the House of Commons), we did consider in what way we might go for our most secure way (nay, yours). We did think it the safest way to go in a parliamentary course, for we have a maxim in our House of Commons, and written on the walls of our House, that old ways are the safest and surest ways.

And at last we fell upon that which we did think (if that your Lordships did consent with us) is the most ancient way of all, and this is, my Lords, via fausta [through love], both to his Majesty, to your Lordships, and to ourselves; for, my Lords, this is the greatest bond that any subject can have in any parliament: verbum regis [word of the King]. This is an high point of honor, but this shall be done by the Lords and Commons assented unto by the King in parliament. This is the greatest obligation of all, and this is for the King’s honor and our safety.

Therefore (my Lords), we have drawn a form of a petition, desiring your Lordships to concur with us therein. For we do come with an unanimous consent of all this House of Commons, for there is great reason your Lordships should do so, for your Lordships be involved in the same. Commune periculum requires commune auxilium [Mutual danger (requires) mutual assistance]. And so I have done with the first part. And now I shall be bold to read that which we have so agreed on. I shall desire your Lordships that I may read it, which he did, and is as follows.

[Ed.: Coke’s language following is the Petition of Right, as considered by the Lords and as adopted,\(^{674}\).]
modified only by two lines added at the Lords’ behest on May 11 and 20. The final petition was adopted on June 2.]

To the King’s most excellent Majesty:

Humbly show unto our Sovereign Lord the King, the Lords spiritual and temporal, and Commons in this present parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward the first, commonly called Statutum de Tallagio Non Concedendo, that no tallage or aid should be laid or levied by the King or his heirs in this realm without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the free men of the commonality of this realm, and by an authority of parliament held in the XXVth year of the reign of King Edward the Third, it is declared and enacted that from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason and the franchises of the land. And by other laws of this realm it is provided that none shall be charged by any charge or imposition called a benevolence, or by such like charge; by which the statutes beforementioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, and they should not be compelled to contribute any tax, tallage, or aid, or other like charge not set by common consent in parliament. Yet, nevertheless, of late divers commissions directed to several commissioners in several counties, with instructions, have issued; by pretext whereof your people have been in divers places assembled and required to lend certain sums of money to your Majesty. And many of them, upon their refusal so to do, have had an unlawful oath administered unto them, and have been constrained to become bound to make appearance and to give attendance before your Privy Council, and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace, and others by command and direction from your Majesty, or your Privy Council, against the laws and free customs of the realm.

And where also by the statute called the Great Charter of the Liberties of England, it is declared and enacted that no free man may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land; and in the 28th year of the reign of King Edward the Third it was declared and enacted by authority of parliament that no man, of what state or condition that he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor dispossessed, nor put to death without being brought to answer by due process of law.

“no free man may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land”

Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of the realm to that end provided, divers of your subjects have been of late imprisoned without any cause shown, and when for their deliverance they were brought before your justices by your Majesty’s writs of habeas corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty’s special command, signified by the lords of your Privy Council, and yet were returned back to several prisons without being charged with anything to which they might make answer according to the law.

And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people; and whereas also by authority of parliament, in the 25th year of the reign of King Edward the Third, it is declared and enacted
that no man shall be forejudged of life or limb against the form of the Great Charter and the law of the land; and by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the said realm, or by acts of parliament; and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm; nevertheless, of late time divers commissions under your Majesty's Great Seal have issued forth by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners or other dissolute persons joining with them as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to, have been judged and executed.

And also sundry grievous offenders, by color thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm by reason that divers of your officers and ministers of justice have unjustly refused or forborne to proceed against such offenders according to the said laws and statutes upon pretense that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

They do therefore most humbly pray your most excellent Majesty that none hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament. All which they most humbly pray of your most excellent Majesty as their rights and liberties according to the laws and statutes of this realm. And that your Majesty would also vouchsafe to declare that the awards, doings, and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter in consequence or example. And that your Majesty will be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honor of your Majesty and the prosperity of this kingdom.

Notes

Further Information

SOURCE


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FURTHER READING

Other works by Sir Edward Coke (pronounced cook) (1552-1634): <oll.libertyfund.org/people/3894>.

Subject Area: Law <oll.libertyfund.org/groups/50>.

"THE HABEAS CORPUS ACT" (1679)

<oll.libertyfund.org/titles/2546>

“Great delays have been used by sheriffs, gaolers and other officers, to whose custody any of the king's subjects have been committed, for criminal or supposed criminal matters, in making returns of writs of habeas corpus ... contrary to their duty and the known laws of the land, whereby many of the king's subjects have been ... long detained in prison, in such cases where by law they are bailable, to their great charge and vexation.”
Editor’s Introduction

There had been previous attempts to secure the right of "habeas corpus" in British history such as the statements in Magna Carta denouncing the practice of unlawful imprisonment, and Coke's speeches in Parliament in 1628 when the Petition of Right was being debated. The Act of 1679 enshrined the principle in English law where it has remained ever since with the occasional suspension. The phrase comes from the medieval Latin legal expression which literally means "you may have the body", in other words the person being detained must be presented in court to either face charges and be tried by a court of law or be freed depending upon the determination of a judge.

One of the most famous examples of its use was the case of the slave James Somersett in 1772 whose master brought to England for a visit. While he was in England Somersett escaped and was imprisoned. Abolitionist groups sought a writ of habeas corpus which was brought before Lord Mansfield who ruled that Somersett had to be released as slavery as such did not exist in England (although it did in the colonies of the Empire).

Parliament passed the Habeas Corpus Act in 1679 as part of a campaign against King Charles II led by the Earl of Shaftesbury who was attempting to exclude Charles II's brother James from the succession to the throne of England because of his Catholic religious beliefs and the fear that he would rule in an arbitrary manner. The Habeas Corpus Act was designed to place limits on the arbitrary power of the monarch to imprison his political opponents by by-passing the courts.

The principle of Habeas Corpus is recognized in the American Constitution in Article 1, Section 9, Clause 2 which states that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." It is also the sentiment behind the 5th and 6th Amendments (Bill of Rights).

See also the letter from Thomas Jefferson to James Madison, 31 July 1788 concerning it. <http://oll.libertyfund.org/titles/802/86707>.

“For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; (2) Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons ... That whenever any person or persons shall bring any habeas corpus directed unto any sheriff or sheriffs, gaoler, (etc.) ... the said writ shall be served upon the said officer ... and bring, or cause to be brought, the body of the party so committed or restrained, unto or before the lord chancellor, or lord keeper of the great seal of England (etc.) ... and shall then likewise certify the true causes of his detainer or imprisonment ...”
The Habeas Corpus Act (1679)\textsuperscript{59}


Whereas great delays have been used by sheriffs, gaolers and other officers, to whose custody any of the king's subjects have been committed, for criminal or supposed criminal matters, in making returns of writs of habeas corpus, to them directed, by standing out on alias or pluries habeas corpus, and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the king's subjects have been, and hereafter may be, long detained in prison, in such cases where by law they are bailable, to their great charge and vexation:

‘great delays have been used by sheriffs, gaolers and other officers, to whose custody any of the king's subjects have been committed, for criminal or supposed criminal matters, in making returns of writs of habeas corpus, to them directed, by standing out on alias or pluries habeas corpus, and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the king's subjects have been, and hereafter may be, long detained in prison, in such cases where by law they are bailable, to their great charge and vexation’

II. For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; (2) Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority thereof, That whenever any person or persons shall bring any habeas corpus directed unto any sheriff or sheriffs, gaoler, minister, or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison with any of the under-officers, under-keepers, or deputy of the said officers or keepers, that the said officer or officers, his or their under-officers, under-keepers or deputies, shall within three days after the service thereof, unless the commitment aforesaid were for treason or felony plainly and especially expressed in the warrant of commitment, upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same, and endorsed upon the said writ, not exceeding 12 pence per mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought, according to the true intent of this present act, and that he will not make any escape by the way, make return of such writ; (3) and bring, or cause to be brought, the body of the party so committed or restrained, unto or before the lord chancellor, or lord keeper of the great seal of England, for the time being, or the judges or barons of the said court, from whence the said writ shall issue, or unto and before such other person or persons before whom the said writ is made returnable, according to the command thereof; (4) and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is, or shall be residing; and if beyond the

distance of 20 miles, and not above 100 miles, then within the space of ten days, and if beyond the distance of 100 miles, then within the space of 20 days after such delivery aforesaid, and not longer.

“For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; (2) Be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons ... That whenever any person or persons shall bring any habeas corpus directed unto any sheriff or sheriffs, gaoler, (etc.) ... the said writ shall be served upon the said officer ... and bring, or cause to be brought, the body of the party so committed or restrained, unto or before the lord chancellor, or lord keeper of the great seal of England (etc.) ... and shall then likewise certify the true causes of his detainer or imprisonment ...”

III. And to the intent that no sheriff, gaoler or other officer may pretend ignorance of the import of any such writ; (2) Be it enacted by the authority aforesaid, that all such writs shall be marked in this manner: “Per statutum, tricesimo primo Caroli secundi Regis,” and shall be signed by the person that awards the same; (3) and if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for felony or treason, plainly expressed in the warrant of commitment, in the vacation time and out of term it shall and may be lawful to and for the person or persons so committed or detained (other than persons convict or in execution by legal process), or any one in his or their behalf, to appeal or complain to the lord chancellor or lord keeper, or any one of his majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; (4) and the said lord chancellor, lord keeper, justices or barons, or any of them, upon view of the copy or copies of the warrant or warrants of commitment and detainer, or otherwise upon oath made that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons, or any on his, her, or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an habeas corpus, under the seal of such court whereof he shall then be one of the judges, (5) to be directed to the officer or officers in whose custody the party so committed or detained shall be, returnable immediate before the said lord chancellor or lord keeper, or such justice, baron, or any other justice or baron of the degree of the coif, of any of the said courts; (6) and upon service thereof as aforesaid, the officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or their deputy, in whose custody the party is so committed or detained, shall within the time respectively before limited, bring such prisoner or prisoners before the said lord chancellor, or lord keeper, or such justices, barons, or one of them, before whom the said writ is made returnable, and in case of his absence, before any other of them, with the return of such writ and the true causes of the commitment or detainer; (7) and thereupon, within two days after the party shall be brought before them, the said lord chancellor or lord keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and the nature of the offence, for his or their appearance in the court of king's bench the term following, or at the next assizes, sessions, or general gaol delivery, of or for such county, city or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or
recognizances into the said court where such appearance is to be made; (8) unless it shall appear to the said lord chancellor, or lord keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for which by the law the prisoner is not bailable.

IV. Provided always, and be it enacted, That if any person shall have wilfully neglected, by the space of two whole terms after his imprisonment, to pray a habeas corpus for his enlargement, such person so wilfully neglecting shall not have any habeas corpus to be granted in vacation time, in pursuance of this act.

V. And be it further enacted, by the authority aforesaid, That if any officer or officers, his or their under-officer or under-officers, under-keeper or under-keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand, shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly; all and every the head gaolers and keepers of such person, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of £100; (2) and for the second offence the sum of £200, and shall and is hereby made incapable to hold or execute his said office; (3) the said penalties to be recovered by the prisoner or party grieved, his executors and administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the king's courts at Westminster, wherein no essoin, protection, privilege, injunction, wager of law, or stay of prosecution by “Non vult ulterius prosequi,” or otherwise, shall be admitted or allowed, or any more than one imparlance; (4) and any recovery or judgment at the suit of any party grieved, shall be a sufficient conviction for the first offence; and any after recovery or judgment at the suit of a party grieved, for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.

“And be it further enacted, by the authority aforesaid, That if any officer or officers, his or their under-officer or under-officers (etc.) … shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand, shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly; all and every the head gaolers and keepers of such person, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of £100”

VI. And for the prevention of unjust vexation by reiterated commitments for the same offence; (2) Be it enacted, by the authority aforesaid, That no person or persons, which shall be delivered or set at large upon any habeas corpus, shall at any time hereafter be again imprisoned or committed for the same offence, by any person or persons whatsoever, other than by the legal
order and process of such court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause; (3) and if any other person or persons shall knowingly, contrary to this act, recommit or imprison, or knowingly procure or cause to be recommitted or imprisoned, for the same offence or pretended offence, any person or persons delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he or they shall forfeit to the prisoner or party grieved, the sum of £500; any colorable pretence or variation in the warrant or warrants of commitment notwithstanding, to be recovered as aforesaid.

VII. Provided always, and be it further enacted, That if any person or persons shall be committed for high treason or felony, plainly and especially expressed in the warrant of commitment, upon his prayer or petition in open court, the first week of the term, or first day of the sessions of oyer and terminer or general gaol delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of oyer and terminer or general gaol delivery, after such commitment; it shall and may be lawful to and for the judges of the court of king's bench, and justices of oyer and terminer or general gaol delivery, and they are hereby required, upon motion to them made in open court the last day of the term, sessions or gaol delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail, unless it appear to the judges and justices, upon oath made, that the witnesses for the king could not be produced the same term, sessions or general gaol delivery; (2) and if any person or persons committed as aforesaid, upon his prayer or petition in open court the first week of the term or the first day of the sessions of oyer and terminer and general gaol delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions or general gaol delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions of oyer and terminer or general gaol delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

VIII. Provided always, That nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause, but that after he shall be discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to the law for such other suit.

IX. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons, subjects of this realm, shall be committed to any prison, or in custody of any officer or officers whatsoever, for any criminal or supposed criminal matter, that the said person shall not be removed from the said prison and custody, into the custody of any other officer or officers; (2) unless it be by habeas corpus or some other legal writ; or where the prisoner is delivered to the constable or other inferior officer, to carry such prisoner to some common gaol; (3) or where any person is sent by order of any judge of assize, or justice of the peace, to any common workhouse or house of correction; (4) or where the prisoner is removed from one place or prison to another within the same county, in order to his or her trial or discharge in due course of law; (5) or in case of sudden fire or infection, or other necessity; (6) and if any person or persons shall, after such commitment aforesaid, make out and sign or countersign any warrant or warrants for such removal aforesaid, contrary to this act; as well he that makes or signs or countersigns such warrant or warrants, as the officer or officers that obey or execute the same, shall suffer and incur the pains and forfeitures in this act before mentioned, both for the first and second offence respectively, to be recovered in manner aforesaid by the party grieved.

X. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any prisoner and prisoners as aforesaid, to move and obtain his or their habeas corpus, as well out of the high court of chancery or court of exchequer as out of the courts of king's bench or common pleas, or either of them; (2) and if the said lord chancellor or lord keeper, or any judge or judges, baron or barons, for the time being, of the degree of the coif, of any of the courts aforesaid, in the vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of habeas corpus, by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved, the sum of £500, to be recovered in manner aforesaid.

XI. And be it declared and enacted by the authority aforesaid, That an habeas corpus, according to the true intent and meaning of this act, may be directed and run into any county Palatine, the Cinque Ports, or other privileged places within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, and the islands of Jersey or Guernsey; any law or usage to the contrary notwithstanding.
XII. And for preventing illegal imprisonments in prisons beyond the seas; (2) Be it further enacted by the authority aforesaid, That no subject of this realm, that now is or hereafter shall be an inhabitant or resiant of this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into parts, garrisons, islands, or places, beyond the seas, which are or at any time hereafter shall be within or without the dominions of his majesty, his heirs or successors; (3) and that every such imprisonment is hereby enacted and adjudged to be illegal; (4) and that if any of the said subjects now is or hereafter shall be so imprisoned, every such person and persons so imprisoned, shall and may for every such imprisonment maintain, by virtue of this act, an action or actions of false imprisonment, in any of his majesty's courts of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, sent prisoner or transported, contrary to the true meaning of this act, and against all or any person or persons that shall frame, contrive, write, seal or countersign any warrant or writing for such commitment, detainer, imprisonment, or transportation, or shall be advising, aiding, or assisting in the same, or any of them; (5) and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given shall not be less than £500; (6) in which action no delay, stay or stop of proceeding by rule, order or command, nor no injunction, protection or privilege whatsoever, nor any other than one imparlance, shall be allowed, excepting such rule of the court wherein such action shall depend, made in open court, as shall be thought in justice necessary for special cause to be expressed in said rule; (7) and the person or persons who shall knowingly frame, contrive, write, seal or countersign any warrant for such commitment, detainer, imprisonment, or transportation, or shall so commit, detain, imprison, or transport any person or persons, contrary to this act, or be in any ways advising, aiding or assisting therein, being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of England, dominion of Wales, or town of Berwick upon Tweed, or any of the islands, territories or dominions thereunto belonging; (8) and shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and præmunire, made in the sixteenth year of king Richard the Second; (9) and be incapable of any pardon from the king, his heirs or successors, of the said forfeitures, losses or disabilities, or any of them.

“And for preventing illegal imprisonments in prisons beyond the seas; (2) Be it further enacted by the authority aforesaid, That no subject of this realm ... shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into parts, garrisons, islands, or places, beyond the seas ... and that every such imprisonment is hereby enacted and adjudged to be illegal; (4) and that if any of the said subjects now is or hereafter shall be so imprisoned, every such person and persons so imprisoned, shall and may for every such imprisonment maintain, by virtue of this act, an action or actions of false imprisonment ... and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given shall not be less than £500”

XIII. Provided always, That nothing in this act shall extend to give benefit to any person who shall by contract in writing agree with any merchant or owner of any plantation, or other person whatsoever, to be transported to any parts beyond the seas, and receive earnest upon such agreement, although that afterwards such person shall renounce such contract.

XIV. Provided always, and be it enacted, That if any person or persons lawfully convicted of any felony,
shall in open court pray to be transported beyond the seas, and the court shall think fit to leave him or them in prison for that purpose, such person or persons may be transported into any parts beyond the seas; this act, or anything herein contained, to the contrary notwithstanding.

XV. Provided also, and be it enacted, That nothing herein contained shall be deemed, construed or taken to extend to the imprisonment of any person before the first day of June, one thousand six hundred and seventy-nine, or to anything advised, procured or otherwise done relating to such imprisonment; anything herein contained to the contrary notwithstanding.

XVI. Provided also, That if any person or persons at any time resiant in this realm, shall have committed any capital offence in Scotland or in Ireland, or in any of the islands or foreign plantations of the king, his heirs or successors, where he or she ought to be tried for such offence, such person or persons may be sent to such place, there to receive such trial in such manner as the same might have been used before the making of this act; anything herein contained to the contrary notwithstanding.

XVII. Provided also, and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this act, unless the party offending be sued or impleaded for the same within two years at the most, after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison; and if he shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

XVIII. And to the intent no person may avoid his trial at the assizes or general gaol delivery, by procuring his removal before the assizes, at such time as he cannot be brought back to receive his trial there; (2) Be it enacted, that after the assizes proclaimed for that county where the prisoner is detained, no person shall be removed from the common gaol upon any habeas corpus granted in pursuance of this act, but upon any such habeas corpus shall be brought before the judge of assize in open court, who is thereupon to do what to justice shall appertain.

XIX. Provided nevertheless, That after the assizes are ended, any person or persons detained may have his or her habeas corpus according to the direction and intention of this act.

XX. And be it also enacted by the authority aforesaid, That if any information, suit or action shall be brought or exhibited against any person or persons for any offence committed or to be committed against the form of this law, it shall be lawful for such defendants to plead the general issue, that they are not guilty or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit or action, and the same matter shall be then as available to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth or alleged the same matter in bar, or discharge of such information, suit or action.

XXI. And because many times persons charged with petty treason or felony, or accessory thereunto, are committed upon suspicion only, whereupon they are bailable or not, according as the circumstances making out that suspicion are more or less weighty, which are best known to the justices of the peace that committed the persons, and have the examination before them, or to other justices of the peace in the county; (2) Be it therefore enacted, That where any person shall appear to be committed by any judge or justice of the peace, and charged as accessory before the fact to any petty treason or felony, or upon suspicion thereof, or with suspicion of petty treason or felony, which petty treason or felony shall be plainly and specially expressed in the warrant of commitment, that such person shall not be removed or bailed by virtue of this act, or in any other manner than they might have been before the making of this act.

Notes

Further Information

SOURCE


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FURTHER READING

Collection: Laws, Charters, Constitutions, Bills of Right <oll.libertyfund.org/groups/103>.


See also the letter from Thomas Jefferson to James Madison, 31 July 1788 concerning it. <http://oll.libertyfund.org/titles/802/86707>.
“THE ENGLISH BILL OF RIGHTS” (1689)

<oll.libertyfund.org/titles/2544>

“That it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom.”
Editor’s Introduction

After a period of 46 years (1642-1688) during which time civil war, revolution, the execution of a monarch, the rise of Parliament, the rise of a dictator, the restoration of the monarchy, and a virtual coup d’état which brought another monarch to throne, wracked British politics, a settlement was finally reached which placed limits on the power of the crown and asserted the primacy of Parliament. This was codified in the English Bill of Rights which was passed by Parliament on 16 December, 1689. Prince William and Princess Mary of Orange (Netherlands) were proclaimed King and Queen of England, France, and Ireland on certain conditions which were clearly spelled out in the Bill, which had as its subtitle "An Act for declaring the rights and liberties of the Subject, and settling the succession of the Crown."

The Bill of Rights was significant for bringing to an end a period of enormous turmoil in Britain, asserting the primacy of Parliament in the British system of government, introducing legal limits on the power of the government over the citizens, and in providing a model for similar American bills of rights in the 18th century. Among some of the more important clauses are those that reserve the power to enact or suspend the law to Parliament, that taxes cannot be levied without Parliament's consent, that Parliament will decide whether or not to maintain a standing army, that individuals have the right to bear arms, and that the freedom of speech should not be interfered with without Parliament's consent.

What is striking to the modern reader is the considerable hostility expressed towards Catholics in the document and that only Protestants can serve as king or queen in Britain.

It should be noted that this Bill is part of a series of legal statements about the rights of Englishmen which were proclaimed during the 17th century. Others include the Petition of Right (1628), the Agreement of the People (1647, 1648), and the Habeas Corpus Act (1679).

“(1.) That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

(4.) That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

(5.) That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

(6.) That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

(7.) That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

(9.) That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.”
The English Bill of Rights (16 December, 1689)\textsuperscript{60}

AN ACT FOR DECLARING THE RIGHTS AND LIBERTIES OF THE SUBJECT, AND SETTLING THE SUCCESSION OF THE CROWN.

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the Thirteenth day of February, in the year of our Lord One Thousand Six Hundred Eighty-eight, present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain Declaration in writing, made by the said Lords and Commons, in the words following, viz.:

"Whereas the late King James II., by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom:

(1.) By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.
(2.) By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.
(3.) By issuing and causing to be executed a commission under the Great Seal for erecting a court, called the Court of Commissioners for Ecclesiastical Causes.
(4.) By levying money for and to the use of the Crown by pretence of prerogative, for other time and in other manner than the same was granted by Parliament.
(5.) By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

(6.) By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed contrary to law.
(7.) By violating the freedom of election of members to serve in Parliament.
(8.) By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal causes.
(9.) And whereas of late years, partial, corrupt, and unqualified persons have been returned, and served on juries in trials, and particularly diverse jurors in trials for high treason, which were not freeholders.
(10.) And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.
(11.) And excessive fines have been imposed; and illegal and cruel punishments inflicted.
(12.) And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

"the late King James II., by the assistance of divers evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom"

And whereas the said late King James II, having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and diverse principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports, for the

choosing of such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted; upon which letters elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare:

(1.) That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

(2.) That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath assumed and exercised of late, is illegal.

(3.) That the commission for erecting the late Court of Commissioners for Ecclesiastical causes, and all other commissions and courts of like nature, are illegal and pernicious.

(4.) That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

(5.) That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

(6.) That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.

(7.) That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

(8.) That election of members of Parliament ought to be free.

(9.) That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

(10.) That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

(11.) That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

(12.) That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.

(13.) And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliament ought to be held frequently.

“1.) That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal...

(4.) That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal...

(6.) That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.”

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties.
II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve, that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them; and that the said oaths of allegiance and supremacy be abrogated.

“I, A. B., do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties King William and Queen Mary:

“So help me God.”

“I, A. B., do swear, That I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, preeminence, or authority, ecclesiastical or spiritual, within this realm:

“So help me God!”

IV. Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased, that the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties’ royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

“I, A. B., do swear, That I do from my heart abhor, detest, and abjure as impious and heretical that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, preeminence, or authority, ecclesiastical or spiritual, within this realm:

“So help me God!”

VI. Now in pursuance of the premises, the said Lords Spiritual and Temporal, and Commons, in Parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every of the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.
“that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every of the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration”

VII. And the said Lords Spiritual and Temporal, and Commons, seriously considering how it hath pleased Almighty God, in his marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties’ royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts, think, and do hereby recognize, acknowledge, and declare, that King James II, having abdicated the Government, and their Majesties having accepted the Crown and royal dignity aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege Lord and Lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, crown, and dignity of the same realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united, and annexed.

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquility, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established, and declared, that the Crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in, and executed by, his Majesty, in the names of both their Majesties, during their joint lives; and after their deceases the said Crown and premises shall be and remain to the heirs of the body of her Majesty; and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty: And thereunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities, forever: and do faithfully promise, that they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

IX. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and Government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said Crown and Government shall from time to time descend to, and be enjoyed by, such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or
professing, or marrying, as aforesaid, were naturally dead.

“it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and Government of this realm, and Ireland”

X. And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall, on the first day of the meeting of the first Parliament, next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirteenth year of the reign of King Charles II., intituled “An act for the more effectual preserving the King’s person and Government, by disabling Papists from sitting in either House of Parliament.” But if it shall happen, that such King or Queen, upon his or her succession to the Crown of this realm, shall be under the age of twelve years, then every such King or Queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of meeting of the first Parliament as aforesaid, which shall first happen after such King or Queen shall have attained the said age of twelve years.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, or established accordingly.

XII. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament, no dispensation by non obstante of or to any statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

XIII. Provided that no charter, or grant, or pardon granted before the three-and-twentieth day of October, in the year of our Lord One thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this Act, by that the same shall be and remain of the same force and effect in law, and no other, than as if this Act had never been made.
Further Information

SOURCE


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FURTHER READING

Subject Area: Law <oll.libertyfund.org/groups/50>.
[GEORGE MASON], “THE VIRGINIA DECLARATION OF RIGHTS” (1776)

<oll.libertyfund.org/titles/2547>

“That all Men are born equally free and independant, and have certain inherent natural Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety”
Editor’s Introduction

George Mason (1725-1792) wrote the first draft of what was to become the Virginia Declaration of Rights in May 1776 and it was ratified by the Fifth Virginia Convention on June 12, 1776. It is noteworthy for being the first declaration of rights, preceding Jefferson's Declaration of Independence (written in June 1776 and adopted July 2), the Amendments to the U.S. Constitution (known as the Bill of Rights which was adopted by the House of representatives on August 21, 1789), and the French Declaration of the Rights of Man and the Citizen which was adopted on 26 August 1789. All three of these important documents were influenced to some degree by what Mason had written.

Mason objected to the powers granted to the new Federal government by the Constitution and so lobbied the state of Virginia not to ratify it, and refused to sign it himself. He, along with other Anti-Federalists, feared that without a clear statement of the rights of individuals embedded in the Constitution itself the Federal government would inevitably abuse its powers. Perhaps Mason's lasting legacy to the new nation was the passing of the first Amendments to the Constitution which are known as the "Bill of Rights."

In this paper we include Mason's original draft of May 1776, the Committee's corrected draft, and the final version which was enacted into law.

“That all Men are born equally free and independant, and have certain inherent natural Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety...

That Government is, or ought to be, instituted for the common Benefit and Security of the People, Nation, or Community. Of all the various Modes and Forms of Government, that is best, which is capable of producing the greatest Degree of Happiness and Safety, and is most effectually secured against the Danger of mal-administration. And that whenever any Government shall be found inadequate, or contrary to these Purposes, a Majority of the Community had an indubitable, inalienable and indefeasible Right to reform, alter or abolish it, in such Manner as shall be judged most conducive to the Public Weal.”
A Declaration of Rights, made by the Representatives of the good People of Virginia, assembled in full Convention; and recommended to Posterity as the Basis and Foundation of Government.

That all Men are born equally free and independant, and have certain inherent natural Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety.

That Power is, by God and Nature, vested in, and consequently derived from the People; that Magistrates are their Trustees and Servants, and at all times amenable to them.

That Government is, or ought to be, instituted for the common Benefit and Security of the People, Nation, or Community. Of all the various Modes and Forms of Government, that is best, which is capable of producing the greatest Degree of Happiness and Safety, and is most effectually secured against the Danger of mal-administration. And that whenever any Government shall be found inadequate, or contrary to these Purposes, a Majority of the Community had an indubitable, inalienable and indefeasible Right to reform, alter or abolish it, in such Manner as shall be judged most conducive to the Public Weal.

That no part of a Man's Property can be taken from him, or applied to public uses, without the Consent of himself, or his legal Representatives; nor are the People bound by any Laws, but such as they have in like Manner assented to for their common Good.

That in all capital or criminal Prosecutions, a Man hath a right to demand the Cause and Nature of his Accusation, to be confronted with the Accusers or Witnesses, to call for Evidence in his favour, and to a speedy Tryal by a Jury of his Vicinage; without whose unanimous Consent, he can not be found guilty; nor can he be compelled to give Evidence against himself.

That no free Government, or the Blessings of Liberty can be preserved to any People, but by a firm adherence to Justice, Moderation, Temperance, Frugality, and Virtue and by frequent Recurrence to fundamental Principles.

That as Religion, or the Duty which we owe to our divine and omnipotent Creator, and the Manner of discharging it, can be governed only by Reason and Conviction, not by Force or Violence; and therefore that all Men should enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished and unrestrained by the Magistrate, unless, under Colour of Religion, any Man

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disturb the Peace, the Happiness, or Safety of Society, or of Individuals. And that it is the mutual Duty of all, to practice Christian Forbearance, Love and Charity towards Each other.

That in all controversies respecting Property, and in Suits between Man and Man, the ancient Tryal by Jury is preferable to any other, and ought to be held sacred.

That the freedom of the press, being the great bulwark of Liberty, can never be restrained but in a despotic government. That laws having a retrospect to crimes, & punishing offences committed before the existence of such laws, are generally dangerous, and ought to be avoided.

Notes

N. B. It is proposed to make some alteration in this last article when reported to the house. Perhaps somewhat like the following That all laws having a retrospect to crimes, & punishing offences committed before the existence of such laws are dangerous, and ought to be avoided, except in cases of great, & evident necessity, when safety of the state absolutely requires them. This is thought to state with more precision the doctrine respecting ex post facto laws & to signify to posterity that it is considered not so much as a law of right, as the great law of necessity, which by the well known maxim is -- allowed to supersede all human institutions.

Another is agreed to in committee condemning the use of general warrants; & one other to prevent the suspension of laws, or the execution of them.

The above clauses, with some small alterations, & the addition of one, or two more, have already been agreed to in the Committee appointed to prepare a declaration of rights; when this business is finished in the house, the committee will proceed to the ordinance of government.

T. L. Lee

Committee Draft (May 27, 1776)\(^{62}\)

A DECLARATION of RIGHTS made by the representatives of the good people of Virginia, assembled in full and free Convention; <which rights do pertain to us, and our> posterity, as the basis and foundation of government.

Article 1. THAT all men are born equally free and independent, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Article 2. That <all> power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Article 3. That government is, or ought to be, instituted for the common benefit, <protection,> and security, of the people, nation, or community, of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conductive to the publick Weal.

Article 4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of publick services; which, not being descendible, or hereditary, the idea of a man born a magistrate, a legislator, or a judge, is unnatural and absurd.

Article 5. That the legislative and executive powers of the state should be separate and distinct from the judicative; and that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were <originally>
taken, <and the vacancies be supplied> by frequent, certain, and regular elections.

Article 6. <That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage.>

Article 7. That no part of a man's property can be taken from him, or applied to publick uses, without his own consent, or that of his legal representatives; nor are the people bound by any laws but such as they have, in like manner, assented to, for their common good.

Article 8. <That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.>

Article 9. That laws having retrospect to crimes, and punishing offences, committed before the existence of such laws, are generally <oppressive,> and ought to be avoided.

Article 10. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers or witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, <nor> can he be compelled to give evidence against himself; that <no man be deprived of his liberty except by the law of the land, or the judgment of his peers>.

Article 11. <That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.>

Article 12. <That warrants unsupported by evidence, whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are grievous and oppressive, and ought not to be granted.>

Article 13. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

Article 14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotick governments.

“That warrants unsupported by evidence, whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are grievous and oppressive, and ought not to be granted.”

Article 15. <That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power.>

Article 16. <That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought, of right, to be erected or established within the limits thereof.>

Article 17. That no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Article 18. That religion, or the duty which we owe to our CREATOR, and the manner of discharging it, can be <directed> only by reason and conviction, not by force or violence; and therefore, that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless, under colour of religion, any man disturb the peace, the happiness, or safety of society. And that it is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other.
Final Draft (June 12, 1776)\textsuperscript{63}

Made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights to pertain to them and their posterity as the basis and foundation of government.

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amendable to them.

III. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when a government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

V. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

VI. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community have the right of suffrage, and cannot be taxed, or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

“XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies in time of peace should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.”

XIV. That the people have a right to uniform government; and therefore, that no government separate from or independent of the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the duty of all to practice Christian forbearance, love and charity towards each other.

Further Information

SOURCE

The editions used for this extract: George Mason's 1st draft at George Mason's Gunston Hall website <http://www.gunstonhall.org/georgemason/human_rights/vdr_first_draft.html>.


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FURTHER READING

School of Thought: The Founding Fathers of the U.S. Constitution <http://oll.libertyfund.org/groups/36>.

“We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness; that to secure these Ends, Governments are instituted among Men, deriving their just Powers from the Consent of the governed.”
Editor's Introduction

Thomas Jefferson (1743-1826), a Virginian, was the author of the American Declaration of Independence (1776), an active participant in the Revolution, Governor of Virginia (1779), member of Congress, Minister to France, Secretary of State under President Washington, and president of the United States (1800). He was a polymath who wrote on and was knowledgeable about science, architecture, music, agriculture, law, education, geography, and music.

According to Carl Becker, a committee consisting of Jefferson, Adams, Franklin, Sherman, and Robert R. Livingston was appointed on June 11, 1776 to prepare a declaration of independence from Great Britain. The first version was written by Jefferson and submitted to Franklin for consideration. A second version was called the "Rough Draft" or the "Reported Draft" which included corrections by Franklin and Adams. The final version which was officially promulgated on July 4 was called the "Engrossed" or "Parchment" Copy. We include all three here because they show how Jefferson's original ideas were gradually transformed in committee into what became known as the Declaration of Independence.

The most important differences are the following: the final version is much shorter than either Jefferson's or the committee's draft (some 380 words or 22%); the phrase "Rights inherent and unalienable" was replaced by "certain inalienable rights"; the idea that rights come from "that equal Creation" was replaced with the idea that "their Creator" endows them with rights; among these rights were "the Preservation of Life, and Liberty, and the Pursuit of Happiness" which is changed to simply "Life, Liberty, and the Pursuit of Happiness"; that the aim of the Declaration is to announce that the People were advancing from a state of "Subordination" to a more "equal and independent Station", which was changed to dissolving "political bands" and assuming a "separate and equal station" among the powers of the earth"; and most significantly, in the list of grievances against the Crown, three whole paragraphs attacking the trade in and the sale of slaves were removed entirely.

Nevertheless, the Declaration remains one of the founding documents of liberty and is justly commemorated every July 4.

“He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain. He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold, and that this assemblage of Horrors might want no Fact of distinguished Die. He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.”
The Declaration of Independence (July 4, 1776)\textsuperscript{64}

**FIRST DRAFT [1]**

A Declaration by the Representatives of the United States of America in general Congress assembled.

When in the Course of human Events it becomes necessary for a People to advance from that Subordination, in which they have hitherto remained and to assume among the Powers of the Earth, the equal and independent Station to which the Laws of Nature and of Nature’s God entitle them, a decent Respect to the opinions of Mankind requires that they should declare the Causes, which impel them to the Change.

“We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness.”

We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness; that to secure these Ends, Governments are instituted among Men, deriving their just Powers from the Consent of the governed; that whenever, any form of Government, shall become destructive of these ends, it is the Right of the People to alter, or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall Seem most likely to effect their Safety and Happiness. Prudence indeed will dictate that Governments long established should not change for light and transient Causes; and accordingly all Experience hath shown, that Mankind are more disposed to Suffer, while Evils are Sufferable, than to right themselves, by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, begun at a distinguish’d Period, and pursuing invariably, the same object, evinces a Design to reduce them under absolute Power, it it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity, which constrains them to expunge their former Systems of Government. The History of his present Majesty, is a History of unremitting Injuries and Usurpations, among which no one Fact stands Single or Solitary to contradict the uniform Tenor of the rest, all of which have in direct object, the Establishment of an absolute Tyranny over these States. To prove this, let Facts be Submitted to a candid World, for the Truth of which We pledge a Faith, as yet unsullied by falsehood.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their operation, till his Assent should be obtained; and when so suspended he has neglected utterly to attend to them.

He has refused to pass other Laws for the accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them and formidable to Tyrants only.

He has dissolved Representative Houses, repeatedly, and continually, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused, for a long Space of Time after such Dissolutions, to cause others to be elected, whereby the legislative Powers, incapable of annihilation, have returned to the People at large for their Exercise, the state remaining in the mean Time, exposed to all the Dangers of Invasion, from without, and Convulsions within—

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for

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naturalization of foreigners; refusing to pass others to encourage their Migrations hither; and raising the Conditions of new Appropriations of Lands.

He has suffered the Administration of Justice totally to cease in some of these Colonies, refusing his Assent to Laws for establishing Judiciary Powers.

He has made our Judges dependent on his Will alone, for the Tenure of their offices, and amount of their Salaries:

He has created a Multitude of new offices by a Self-assumed Power, and sent hither swarms of officers to harrass our People and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies and Ships of War.

He has affected to render the military, independent of, and Superior to, the civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution and unacknowledged by our Laws; giving his Assent to their pretended Acts of legislation; for quartering large Bodies of armed Troops among us; for protecting them by a Mock Tryal from Punishment for any Murders they should commit on the Inhabitants of these States; for cutting off our Trade with all Parts of the World; for imposing Taxes on us without our Consent; for depriving Us of the Benefits of Trial by Jury; for transporting us beyond Seas to be tried for pretended offenses, for taking away our Charters, and altering fundamentally the Forms of our Government; for suspending our own Legislatures and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, withdrawing his Governors, and declaring us, out of his Allegiance and Protection.

He has plundered our Seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this Time transporting large Armies of foreign Mercenaries to complete the Works of death, Desolation, and Tyranny, already begun with Circumstances of Cruelty and Perfidy unworthy the Head of a civilized Nation.

He has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare is an undistinguished Destruction of all Ages, Sexes, and Conditions of existence.

He has incited treasonable Insurrections of our Fellow Citizens, with the allurement of Forfeiture and Confiscation of our Property.

“He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere.”

He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain.

“He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold, and that this assemblage of Horrors might want no Fact of distinguished Die.”

He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold, and that this assemblage of Horrors might want no Fact of distinguished Die.

He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one
People, with Crimes which he urges them to commit against the Lives of another.

“He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.”

In every stage of these oppressions we have petitioned for redress, in the most humble Terms; our repeated Petitions have been answered by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a People who mean to be free.—future ages will scarce believe, that the Hardiness of one Man, adventured, within the Short Compass of twelve years only, on so many Acts of Tyranny, without a Mask, over a People, fostered and fixed in the Principles of Liberty.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of attempts of their Legislature to extend a Jurisdiction over these our States. We have reminded them of the Circumstances of our Emigration and Settlement here, no one of which could warrant so strange a Pretension. That these were effected at the expense of our own Blood and Treasure, unassisted by the Wealth or the Strength of Great Britain; that in constituting indeed, our Several Forms of Government, we had adopted one common King, thereby laying a Foundation for Perpetual League and Amity with them; but that Submission to their Parliament, was no Part of our Constitution, nor ever in Idea, if History may be credited; and we appealed to their Nature, Justice and Magnanimity, as well as to the Ties of our common Kindred to disavow these usurpations, which were likely to interrupt our Correspondence and Connection. They too have been deaf to the Voice of Justice and of Consanguinity, and when occasions have been given them by the regular Course of their Laws of removing from their Councils, the Disturbers of our Harmony, they have by their free Election, re-established them in Power. At this very Time too, they are permitting their Chief Magistrate to send over not only soldiers of our common Blood, but Scotch and foreign Mercenaries, to invade and deluge us in Blood. These Facts have given the last Stab to agonizing affection, and manly Spirit bids us to renounce forever these unfeeling Brethren. We must endeavour to forget our former Love for them, and to hold them, as we hold the rest of Mankind, enemies in War, in Peace Friends. We might have been a free and a great People together but a Communication of Grandeur and of Freedom it seems is below their Dignity. Be it so, since they will have it: The Road to Happiness and to Glory is open to us too; we will climb it, apart from them, and acquiesce in the Necessity which denounces our eternal Separation.

We therefore the Representatives of the United States of America, in General Congress assembled, do, in the Name, and by the Authority of the good People of these States, reject and renounce all Allegiance and Subjection to the Kings of Great Britain, and all others, who may hereafter claim by, through, or under them; We utterly dissolve and break off, all political Connection which may have heretofore subsisted between us and the People or Parliament of Great Britain, and finally we do assert and declare these Colonies to be free and independent States, and that as free and independent States they shall hereafter have Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which independent States may of Right do. And for the Support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honour.

“And for the Support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honour.”
REPORTED DRAFT

A Declaration by the Representatives of the UNITED STATES OF AMERICA in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

“We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with inherent & inalienable rights, that among these are life, liberty, and the pursuit of happiness.”

We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with inherent & inalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes: and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations begun at a distinguished period and pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to expunge their former systems of government. The history of the present king of Great Britain is a history of unremitting injuries and usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest; but all having in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world, for the truth of which we pledge a faith yet unsullied by falsehood.

He has refused his assent to laws the most wholesome and necessary for the public good:

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people unless those people would relinquish the right of representation, in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative houses repeatedly and continually for opposing with manly firmness his invasions on the right of the people:

He has refused for a long time after such dissolutions to cause others to be elected whereby the legislative powers incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within:

He has endeavored to prevent the population of these states, for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither; and raising the conditions of new appropriations of lands:

He has suffered the administration of justice totally to cease in some of these states, refusing his assent to laws for establishing judiciary powers:

He has made judges dependent on his will alone, for the tenure of their offices and the amount and payment of their salaries:
He has erected a multitude of new offices by a self-assumed power and sent hither swarms of officers to harass our people and eat out their substance:

He has kept among us in times of peace, standing armies and ships of war without the consent of our legislatures:

He has affected to render the military, independent of and superior to the civil power:

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation, for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us in many cases of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies; for taking away our charters, abolishing our most valuable laws, and fundamentally the forms of our governments for suspending our own legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever:

He has abdicated government here, withdrawing his governors, and declaring us out of his allegiance and protection.

He has plundered our seas, ravaged our coasts, burnt our towns and destroyed the lives of our people:

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation:

He has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.

He has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture and confiscation of our property:

He has constrained others, taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands:

“He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain.”

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. Determined to keep open a market where Men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people upon whom he also obtruded them; thus paying off former crime committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injuries. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. Future ages will scarce believe that the hardiness of one man
adventured within the short compass of twelve years only, to build a foundation, so broad and undisguised for tyranny over a people fostered and fixed in the principles of freedom.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time to attempts by their legislature to extend an unwarrantable jurisdiction over these our states. We have reminded them of the circumstances of our emigration and settlement here, no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or strength of Great Britain: that in constituting indeed our several forms of government, we had adopted a common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution nor ever in idea, if history be credited; and we have appealed to their native justice and magnanimity, as well as to the ties of our common kindred, to disavow these usurpations which were likely to interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity, and when occasions have been given them, by the regular course of their laws of removing from their councils the disturbers of our harmony, they have by their free elections re-established them in power. At this very time they are permitting their chief magistrate to send over not only soldiers of our own blood, but Scotch and other foreign mercenaries, to invade and destroy us. These facts have given the last stab to agonizing affections, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, to hold them as we hold the rest of mankind enemies in war, in peace friends.

We might have been a free and a great people together; but a communication of grandeur and of freedom it seems, is below their dignity. Be it so, since they will have it: the road to happiness and to glory is open to us too; we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation!

“We might have been a free and a great people together; but a communication of grandeur and of freedom it seems, is below their dignity. Be it so, since they will have it: the road to happiness and to glory is open to us too; we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation!”

We therefore the representatives of the United States in General Congress assembled in the name and by authority of the good people of these states, reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through, or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the people or parliament of Great Britain, and finally we do assert and declare these colonies to be free and independant, and that as free and independant states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration we mutually pledge to each other our lives, our fortunes, and our sacred honour.
ENGROSSED COPY

In Congress, July 4, 1776. The Unanimous Declaration of the thirteen United States of America.

“When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. — That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this let Facts be submitted to a candid world.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.
He has dissolved Representative Houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the Legislative powers, incapable of Annihilation have returned to the People at large for their exercise, the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:—For quartering large bodies of armed troops among us: — For protecting them, by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our trade with all parts of the world: — For imposing Taxes on us without our Consent:—For depriving us in many cases of the benefits of Trial by jury:—For transporting us beyond Seas to be tried for pretended offences: — For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments: — For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here by declaring us out of his Protection, and waging war against us:—

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, totally unworthy the Head of a civilized nation.

He has excited domestic insurrection among us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

He has constrained our fellow citizens taken Captive on the high Seas, to bear arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injuries.

A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity and we have conjured them by the ties of our common kindred to disavow these usurpations which would inevitably interrupt our connection and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must therefore acquiesce in the necessity which denounces our separation and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, that these United
Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent states, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

“And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.”

[1] The text in the first column is from a copy in the handwriting of John Adams, now in the Adams papers at Quincy, for which I am indebted to the courtesy of Mr. Charles Francis Adams and Mr. Theodore F. Dwight. From a comparison of it with the facsimile of Jefferson’s rough draft, it is evident that it represents the first phrasing of the paper. The text in the second column is approximately that reported by the committee to Congress, and is taken from Jefferson’s rough draft reproduced herein in facsimile from the original in the Department of State. The text in the third column is from the engrossed copy of the Declaration of Independence, also in the Department of State. Another MSS. copy in Jefferson’s writing, slightly altered in wording, was inserted by him in his Autobiography, and is printed, ante, 1, 35. This is in the Department of State, as is likewise a copy in his handwriting made for Madison in 1783, which is reproduced in facsimile in the Madison Papers, vol. iii. Between July 4th-10th, Jefferson made copies of the Declaration, indicating his phrasing and that adopted by the Congress, and sent them to R. H. Lee, Wythe, Page, Pendleton, and Mazzei, and probably others. Lee gave his copy to the American Philosophical Society, where it now is. Those of Wythe, Page, and Pendleton have never been heard of. Mazzei gave his to the Countess de Tessie of France, and it has not been traced. A copy in Jefferson’s writing is now owned by Dr. Thomas Addis Emmett, and a fragment of another is in the possession of Mrs. Washburn of Boston. Thus at least five copies and a fragment of a sixth are still extant.—Cf. ante, vol. i., 35.

Further Information

SOURCE


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FURTHER READING

Other works by Thomas Jefferson (1743-1826) <oll.libertyfund.org/people/3777>.
School of Thought: The Founding Fathers of the U.S. Constitution <oll.libertyfund.org/groups/36>.

“**THE DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN**” (1789)

<oll.libertyfund.org/titles/2552>

“I. Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good. 2. The aim of every political association is the preservation of the natural and imprescriptible rights of Man. These rights are Liberty, Property, Safety and Resistance to Oppression.”

Declaration of the Rights of Man and of the Citizen (26 August, 1789)
Editor’s Introduction

The exchange of ideas between the North American colonies and France was considerable during the late 18th century. The intellectual movement known as the Enlightenment was perhaps most powerfully felt in France but North America also had its enlightenment of which Benjamin Franklin and Thomas Jefferson were perhaps the best examples. Both men spent time in Paris and Jefferson had works by the French economist Destutt de Tracy translated into English (possible by his own hand).

The American Declaration of Independence (July 1776) and several state Constitutions and Declarations of Rights (Virginia June 1776, Massachusetts June 1780, Maryland August 1776, North Carolina December 1776, New Hampshire June 1784, Pennsylvania September 1776, Vermont 1777) influenced the writing of the French Declaration of Rights in August 1789. This is not surprising as one of the key figures in its drafting was General Lafayette who had served in the Continental Army in the war against Britain.

This influence was noted by Georg Jellinek in the 1890s and one of the extracts is a chapter from his book where he lays out the French articles side by side with the American clauses he thinks are most similar. The extract begins with the French original of the Declaration and then an English translation in parallel.

In order to spread knowledge of the new Declaration among the French public, beautiful colored posters of the text were printed and distributed throughout the country to be hung in public places. We have a copy of one of these posters on the front page.

Because of the constant turmoil of the French Revolution, as different political groups took control of the government they changed the constitution and the declaration of rights quite frequently. The one from August 1789 was quite liberal but it lasted only 4 years before it was replaced in 1793. The latter was influenced by the rising Jacobin group and the emphasis increasingly was placed on the idea of equality. The 1789 Declaration should be read alongside the liberal feminist version of 1791 written by Olympe de Gouges who had been influenced by the thought of the Marquis de Condorcet.

“The representatives of the French People, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable and sacred rights of man, to the end that this Declaration, constantly present to all members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power, since they may be continually compared with the aim of every political institution, may thereby be the more respected; to the end that the demands of the citizens, founded henceforth on simple and incontestable principles, may always be directed toward the maintenance of the Constitution and the happiness of all.”
Déclaration des Droits de l'Homme et du Citoyen (26 août 1789)

Les Représentants du Peuple Français, constitués en Assemblée Nationale, considérant que l'ignorance, l'oubli ou le mépris des droits de l’Homme sont les seules causes des malheurs publics et de la corruption des Gouvernements, ont résolu d'exposer, dans une Déclaration solennelle, les droits naturels, inaliénables et sacrés de l’Homme, afin que cette Déclaration, constamment présente à tous les Membres du corps social, leur rappelle sans cesse leurs droits et leurs devoirs ; afin que les actes du pouvoir législatif, et ceux du pouvoir exécutif, pouvant être à chaque instant comparés avec le but de toute institution politique, en soient plus respectés ; afin que les réclamations des citoyens, fondées désormais sur des principes simples et incontestables, tourment toujours au maintien de la Constitution et au bonheur de tous.


Art. 1er. Les hommes naissent et demeurent libres et égaux en droits. Les distinctions sociales ne peuvent être fondées que sur l’utilité commune.

Art. 2. Le but de toute association politique est la conservation des droits naturels et imprescriptibles de l’Homme. Ces droits sont la liberté, la propriété, la sûreté, et la résistance à l’oppression.

Art. 3. Le principe de toute Souveraineté réside essentiellement dans la Nation. Nul corps, nul individu ne peut exercer d’autorité qui n’en émane expressément.

Declaration of the Rights of Man and of the Citizen (26 August, 1789)

The representatives of the French People, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, unalienable and sacred rights of man, to the end that this Declaration, constantly present to all members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power, since they may be continually compared with the aim of every political institution, may thereby be the more respected; to the end that the demands of the citizens, founded henceforth on simple and incontestable principles, may always be directed toward the maintenance of the Constitution and the happiness of all.

In consequence whereof, the National Assembly recognises and declares, in the presence and under the auspices of the Supreme Being, the following Rights of Man and of the Citizen.

Article First. Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

Article 2. The aim of every political association is the preservation of the natural and imprescriptible rights of Man. These rights are Liberty, Property, Safety and Resistance to Oppression.

Article 3. The principle of any Sovereignty lies primarily in the Nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it.

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Art. 4. La liberté consiste à pouvoir faire tout ce qui ne nuit pas à autrui : ainsi, l'exercice des droits naturels de chaque homme n'a de bornes que celles qui assurent aux autres Membres de la Société la jouissance de ces mêmes droits. Ces bornes ne peuvent être déterminées que par la Loi.

Art. 5. La Loi n'a le droit de défendre que les actions nuisibles à la Société. Tout ce qui n'est pas défendu par la Loi ne peut être empêché, et nul ne peut être contraint à faire ce qu'elle n'ordonne pas.

Art. 6. La Loi est l'expression de la volonté générale. Tous les Citoyens ont droit de concourir personnellement, ou par leurs Représentants, à sa formation. Elle doit être la même pour tous, soit qu'elle protège, soit qu'elle punisse. Tous les Citoyens étant égaux à ses yeux sont également admissibles à toutes dignités, places et emplois publics, selon leur capacité, et sans autre distinction que celle de leurs vertus et de leurs talents.

Art. 7. Nul homme ne peut être accusé, arrêté ni détenu que dans les cas déterminés par la Loi, et selon les formes qu'elle a prescrites. Ceux qui sollicitent, expédient, exécutent ou font exécuter des ordres arbitraires, doivent être punis ; mais tout citoyen appelé ou saisi en vertu de la Loi doit obéir à l'instant : il se rend coupable par la résistance.

Art. 8. La Loi ne doit établir que des peines strictement et évidemment nécessaires, et nul ne peut être puni qu'en vertu d'une Loi établie et promulguée antérieurement au délit, et légalement appliquée.

Art. 9. Tout homme étant présumé innocent jusqu'à ce qu'il ait été déclaré coupable, s'il est jugé indispensable de l'arrêter, toute rigueur qui ne serait pas nécessaire pour s'assurer de sa personne doit être sévèrement réprimée par la loi.

Art. 10. Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l'ordre public établi par la Loi.

Article 4. Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

Article 5. The Law has the right to forbid only those actions that are injurious to society. Nothing that is not forbidden by Law may be hindered, and no one may be compelled to do what the Law does not ordain.

Article 6. The Law is the expression of the general will. All citizens have the right to take part, personally or through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents.

Article 7. No man may be accused, arrested or detained except in the cases determined by the Law, and following the procedure that it has prescribed. Those who solicit, expedite, carry out, or cause to be carried out arbitrary orders must be punished; but any citizen summoned or apprehended by virtue of the Law, must give instant obedience; resistance makes him guilty.

Article 8. The Law must prescribe only the punishments that are strictly and evidently necessary; and no one may be punished except by virtue of a Law drawn up and promulgated before the offense is committed, and legally applied.

Article 9. As every man is presumed innocent until he has been declared guilty, if it should be considered necessary to arrest him, any undue harshness that is not required to secure his person must be severely curbed by Law.

Article 10. No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.
Art. 11. La libre communication des pensées et des opinions est un des droits les plus précieux de l'Homme : tout Citoyen peut donc parler, écrire, imprimer librement, sauf à répondre de l'abus de cette liberté dans les cas déterminés par la Loi.

Art. 12. La garantie des droits de l'Homme et du Citoyen nécessite une force publique : cette force est donc instituée pour l'avantage de tous, et non pour l'utilité particulière de ceux auxquels elle est confiée.

Art. 13. Pour l'entretien de la force publique, et pour les dépenses d'administration, une contribution commune est indispensable : elle doit être également répartie entre tous les citoyens, en raison de leurs facultés.

Art. 14. Tous les Citoyens ont le droit de constater, par eux-mêmes ou par leurs représentants, la nécessité de la contribution publique, de la consentir librement, d'en suivre l'emploi, et d'en déterminer la quotité, l'assiette, le recouvrement et la durée.

Art. 15. La Société a le droit de demander compte à tout Agent public de son administration.

Art. 16. Toute Société dans laquelle la garantie des Droits n'est pas assurée, ni la séparation des Pouvoirs déterminée, n'a point de Constitution.

Art. 17. La propriété étant un droit inviolable et sacré, nul ne peut en être privé, si ce n'est lorsque la nécessité publique, légalement constatée, l'exige évidemment, et sous la condition d'une juste et préalable indemnité.

“Art. 17. La propriété étant un droit inviolable et sacré, nul ne peut en être privé, si ce n'est lorsque la nécessité publique, légalement constatée, l'exige évidemment, et sous la condition d'une juste et préalable indemnité.”

Article 11. The free communication of ideas and of opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law.

Article 12. To guarantee the Rights of Man and of the Citizen a public force is necessary; this force is therefore established for the benefit of all, and not for the particular use of those to whom it is entrusted.

Article 13. For the maintenance of the public force, and for administrative expenses, a general tax is indispensable; it must be equally distributed among all citizens, in proportion to their ability to pay.

Article 14. All citizens have the right to ascertain, by themselves, or through their representatives, the need for a public tax, to consent to it freely, to watch over its use, and to determine its proportion, basis, collection and duration.

Article 15. Society has the right to ask a public official for an accounting of his administration.

Article 16. Any society in which no provision is made for guaranteeing rights or for the separation of powers, has no Constitution.

Article 17. Since the right to Property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and prior indemnity has been paid.

“Article 17. Since the right to Property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and prior indemnity has been paid.”
Comparison of the French and American Declarations of Rights.\textsuperscript{67}

French Article First. Men are born and remain free and equal in rights. Social distinctions may be based only on considerations of the common good.

French Article 2. The aim of every political association is the preservation of the natural and imprescriptible rights of Man. These rights are Liberty, Property, Safety and Resistance to Oppression.

VIRGINIA, I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

VIRGINIA, IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

MASSACHUSETTS, Preamble to the Constitution. The end of the institution, maintenance, and administration of government is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life.

MARYLAND, IV. The doctrine of nonresistance, against arbitrary power and oppression, is absurd, slavish and destructive of the good and happiness of mankind.

French Article 3. The principle of any Sovereignty lies primarily in the Nation. No corporate body, no individual may exercise any authority that does not expressly emanate from it.

VIRGINIA, II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

French Article 4. Liberty consists in being able to do anything that does not harm others: thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law.

MASSACHUSETTS, Preamble. The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good.

MASSACHUSETTS, X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws.

French Article 5. The Law has the right to forbid only those actions that are injurious to society. Nothing that is not forbidden by Law may be hindered, and no one may be compelled to do what the Law does not ordain.

MASSACHUSETTS, XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character.

NORTH CAROLINA XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the

same, if unlawful; and that such remedy ought not to be denied or delayed.

VIRGINIA, VII. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

[1]

French Article 6. The Law is the expression of the general will. All citizens have the right to take part, personally or through their representatives, in its making. It must be the same for all, whether it protects or punishes. All citizens, being equal in its eyes, shall be equally eligible to all high offices, public positions and employments, according to their ability, and without other distinction than that of their virtues and talents.

MARYLAND, V. That the right in the people to participate in the Legislature, is the best security of liberty, and the foundation of all free government.

MASSACHUSETTS, IX. All elections ought to be free;[2] and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

French Article 7. No man may be accused, arrested or detained except in the cases determined by the Law, and following the procedure that it has prescribed. Those who solicit, expedite, carry out, or cause to be carried out arbitrary orders must be punished; but any citizen summoned or apprehended by virtue of the Law, must give instant obedience; resistance makes him guilty.

NEW HAMPSHIRE, XII. Nor are the inhabitants of this State controllable by any other laws than those to which they or their representative body have given their consent.

MASSACHUSETTS, XII. No subject shall be held to answer for any crimes or no offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself; and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land. [3]

VIRGINIA, X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

“VIRGINIA, X. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.”

French Article 8. The Law must prescribe only the punishments that are strictly and evidently necessary; and no one may be punished except by virtue of a Law drawn up and promulgated before the offense is committed, and legally applied.

NEW HAMPSHIRE, XVIII. All penalties ought to be proportioned to the nature of the offence. [4]

MARYLAND, XIV. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the State; and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.[5]

MARYLAND, XV. That retrospective laws, punishing facts committed before the existence of such
laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no ex post facto law ought to be made.

French Article 9. As every man is presumed innocent until he has been declared guilty, if it should be considered necessary to arrest him, any undue harshness that is not required to secure his person must be severely curbed by Law.

Cf. above, Massachusetts, XII; further Massachusetts, XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions.

Massachusetts, XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines...

French Article 10. No one may be disturbed on account of his opinions, even religious ones, as long as the manifestation of such opinions does not interfere with the established Law and Order.

New Hampshire, V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested or restrained in his person, liberty or estate for worshipping GOD, in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments or persuasion; provided he doth not disturb the public peace, or disturb others, in their religious worship.

French Article 11. The free communication of ideas and of opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law.

Virginia, XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

Pennsylvania, XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments.

“Pennsylvania, V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or sett of men, who are a part only of that community.”

French Article 12. To guarantee the Rights of Man and of the Citizen a public force is necessary; this force is therefore established for the benefit of all, and not for the particular use of those to whom it is entrusted.

Pennsylvania, V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or sett of men, who are a part only of that community.

French Article 13. For the maintenance of the public force, and for administrative expenses, a general tax is indispensable; it must be equally distributed among all citizens, in proportion to their ability to pay.

Massachusetts, X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary.

French Article 14. All citizens have the right to ascertain, by themselves, or through their representatives, the need for a public tax, to consent to
it freely, to watch over its use, and to determine its proportion, basis, collection and duration.

MASSACHUSETTS, XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

French Article 15. Society has the right to ask a public official for an accounting of his administration.

See above, VIRGINIA, II; further MASSACHUSETTS V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are the substitutes and agents, and are at all times accountable to them.

"NEW HAMPSHIRE, III. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others; and without such an equivalent, the surrender is void."

French Article 16. Any society in which no provision is made for guaranteeing rights or for the separation of powers, has no Constitution.

NEW HAMPSHIRE, III. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to insure the protection of others; and without such an equivalent, the surrender is void.

MASSACHUSETTS, XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws, and not of men.

French Article 17. Since the right to Property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obviously requires it, and just and prior indemnity has been paid.

MASSACHUSETTS, X . . . But no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people . . .. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

VERMONT, II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

Notes

[1.] Cf. English Bill of Rights, I.
[2.] English Bill of Rights, 8
[3.] Magna Charta, 39.
[5.] English Bill of Rights, 10.
[6.] English Bill of Rights, 10.
Further Information

SOURCE

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FURTHER READING


PART VIII: THE HISTORY OF LIBERTY & POWER
**David Hume, “The Progress of English Liberty” (1761)**

<oll.libertyfund.org/titles/2543>

“The first incident, which broke in upon this violent system of government, was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect.”

*David Hume (1711-1776)*
Editor's Introduction

David Hume (1711–1776) was a moral philosopher and historian and a leading member of the Scottish Enlightenment. In philosophy he was a skeptic. In his multi-volume History of England (1754–62) he showed how the rule of law and the creation of an independent judiciary created the foundation for liberty in England. Hume also wrote on economics, was a personal friend of Adam Smith, and was a proponent of free trade. His works highlighted the neutrality of money and the errors of the mercantilists (whose flawed theories in favor of increased exports in order to build up a stock of gold remain the foundations of many public policies even today).

The volumes of Hume's History of England were not written in the order of the events they describe, so that the materials in Volume II (1761) were actually the last to be published. After completing his historical account, which ends in Volume II with the reign of Richard III, Hume then steps back to survey the entire sweep of English constitutional development. His investigations now permit him confidently to reject the Whig view that England has enjoyed a single constitution whose original plan was laid by the ancient Saxons. In fact, Hume argues, English history brings to light a succession of diverse constitutional arrangements which led, in ways that were largely unplanned and unanticipated, to "the most perfect and most accurate system of liberty that was ever found compatible with government." Hume takes this opportunity not only to offer his final reflections on the successive English constitutions, but also to explain how the progress of the arts and sciences tied in with England's constitutional development so as to produce the nation's unique "system of liberty." This eight-page conclusion not only sums up Hume's historical account, but also stands as one of his most important philosophical statements on modern liberty and the forces that made it possible. This conclusion did not have a title and was not listed in the original table of contents, but was marked with a separator. In this online edition we have given it the following title: "The Progress of English Liberty."

“A commutation was therefore made of rents for services, and of money-rents for those in kind; and as men, in a subsequent age, discovered, that farms were better cultivated where the farmer enjoyed a security in his possession, the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of servitude, already much relaxed from the former practices. After this manner, villenage went gradually into disuse throughout the more civilized parts of Europe: The interest of the master, as well as that of the slave, concurred in this alteration... Thus personal freedom became almost general in Europe; an advantage which paved the way for the increase of political or civil liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.”
The Progress of English Liberty (1761)⁶⁸

Thus have we pursued the history of England through a series of many barbarous ages; till we have at last reached the dawn of civility and sciences, and have the prospect, both of greater certainty in our historical narrations, and of being able to present to the reader a spectacle more worthy of his attention. The want of certainty, however, and of circumstances, is not alike to be complained of throughout every period of this long narration. This island possesses many ancient historians of good credit; as well as many historical monuments; and it is rare, that the annals of so uncultivated a people, as were the English as well as the other European nations, after the decline of Roman learning, have been transmitted to posterity so complete, and with so little mixture of falsehood and of fable. This advantage we owe entirely to the clergy of the church of Rome; who, founding their authority on their superior knowledge, preserved the precious literature of antiquity from a total extinction; and under shelter of their numerous privileges and immunities, acquired a security, by means of the superstition, which they would in vain have claimed, from the justice and humanity of those turbulent and licentious ages. Nor is the spectacle altogether unentertaining and uninstructive, which the history of those times presents to us. The view of human manners, in all their variety of appearances, is both profitable and agreeable; and if the aspect in some periods seems horrid and deformed, we may thence learn to cherish with the greater anxiety that science and civility, which has so close a connexion with virtue and humanity, and which, as it is a sovereign antidote against superstition, is also the most effectual remedy against vice and disorders of every kind.

The rise, progress, perfection, and decline of art and science, are curious objects of contemplation, and intimately connected with a narration of civil transactions. The events of no particular period can be fully accounted for, but by considering the degrees of advancement, which men have reached in those particulars.

Those who cast their eye on the general revolutions of society, will find, that, as almost all improvements of the human mind had reached nearly to their state of perfection about the age of Augustus, there was a sensible decline from that point or period; and man thenceforth relapsed gradually into ignorance and barbarism. The unlimited extent of the Roman empire, and the consequent despotism of its monarchs, extinguished all emulation, debased the generous spirits of men, and depressed that noble flame, by which all the refined arts must be cherished and enlivened. The military government, which soon succeeded, rendered even the lives and properties of men insecure and precarious; and proved destructive to those vulgar and more necessary arts of agriculture, manufactures, and commerce; and in the end, to the military art and genius itself, by which alone the immense fabric of the empire could be supported. The irruption of the barbarous nations, which soon followed, overwhelmed all human knowledge, which was already far in its decline; and men sunk every age deeper into ignorance, stupidity, and superstition; till the light of ancient science and history had very nearly suffered a total extinction in all the European nations.

“The unlimited extent of the Roman empire, and the consequent despotism of its monarchs, extinguished all emulation, debased the generous spirits of men, and depressed that noble flame, by which all the refined arts must be cherished and enlivened. The military government, which soon succeeded, rendered even the lives and properties of men insecure and precarious; and proved destructive to those vulgar and more necessary arts of agriculture, manufactures, and commerce”

But there is a point of depression, as well as of exaltation, from which human affairs naturally return in a contrary direction, and beyond which they seldom pass either in their advancement or decline. The period, in which the people of Christendom were the lowest sunk in ignorance, and consequently in disorders of every kind, may justly be fixed at the eleventh century, about the age of William the Conqueror; and from that aera, the sun of science, beginning to re-ascend, threw out many gleams of light, which preceded the full morning, when letters were revived in the fifteenth century. The Danes and other northern people, who had so long infested all the coasts, and even the inland parts of Europe, by their depredations, having now learned the arts of tillage and agriculture, found a certain subsistance at home, and were no longer tempted to desert their industry, in order to seek a precarious livelihood by rapine and by the plunder of their neighbours. The feudal governments also, among the more southern nations, were reduced to a kind of system; and though that strange species of civil polity was ill fitted to ensure either liberty or tranquillity, it was preferable to the universal licence and disorder, which had every where preceded it. But perhaps there was no event, which tended farther to the improvement of the age, than one, which has not been much remarked, the accidental finding of a copy of Justinian's Pandects, about the year 1130, in the town of Amalfi in Italy.

The ecclesiastics, who had leisure, and some inclination of study, immediately adopted with zeal this excellent system of jurisprudence, and spread the knowledge of it throughout every part of Europe. Besides the intrinsic merit of the performance, it was recommended to them by its original connexion with the imperial city of Rome, which, being the seat of their religion, seemed to acquire a new lustre and authority, by the diffusion of its laws over the western world. In less than ten years after the discovery of the Pandects, Vacarius, under the protection of Theobald, archbishop of Canterbury, read public lectures of civil law in the university of Oxford; and the clergy every where, by their example as well as exhortation, were the means of diffusing the highest esteem for this new science. That order of men, having large possessions to defend, was, in a manner, necessitated to turn their studies towards the law; and their properties being often endangered by the violence of the princes and barons, it became their interest to enforce the observance of general and equitable rules, from which alone they could receive protection. As they possessed all the knowledge of the age, and were alone acquainted with the habits of thinking, the practice, as well as science of the law, fell mostly into their hands: And though the close connexion, which without any necessity they formed between the canon and civil law, begat a jealousy in the laity of England, and prevented the Roman jurisprudence from becoming the municipal law of the country, as was the case in many states of Europe, a great part of it was secretly transferred into the practice of the courts of justice, and the imitation of their neighbours made the English gradually endeavour to raise their own law from its original state of rudeness and imperfection.

“For it is remarkable, that in the decline of Roman learning, when the philosophers were universally infected with superstition and sophistry, and the poets and historians with barbarism, the lawyers, who, in other countries, are seldom models of science or politeness, were yet able, by the constant study and close imitation of their predecessors, to maintain the same good sense in their decisions and reasonings, and the same purity in their language and expression.”

It is easy to see what advantages Europe must have reaped by its inheriting at once from the ancients, so complete an art, which was also so necessary for giving security to all other arts, and which, by refining, and still more, by bestowing solidity on the judgment, served as a model to farther improvements. The sensible utility of the Roman law both to public and private interest recommended the study of it, at a time when the more exalted and speculative sciences carried no charms with them; and thus the last branch of ancient literature, which remained uncorrupted, was happily the first transmitted to the modern world. For it is remarkable, that in the decline of Roman learning,
when the philosophers were universally infected with superstition and sophistry, and the poets and historians with barbarism, the lawyers, who, in other countries, are seldom models of science or politeness, were yet able, by the constant study and close imitation of their predecessors, to maintain the same good sense in their decisions and reasonings, and the same purity in their language and expression.

What bestowed an additional merit on the civil law, was the extreme imperfection of that jurisprudence, which preceded it among all the European nations, especially among the Saxons or ancient English. The absurdities which prevailed at that time in the administration of justice, may be conceived from the authentic monuments which remain of the ancient Saxon law; where a pecuniary commutation was received for every crime; where stated prices were fixed for men's lives and members; where private revenges were authorized for all injuries, where the use of the ordeal, corset, and afterwards of the duel, was the received method of proof, and where the judges were rustic freeholders, assembled of a sudden, and deciding a cause from one debate or altercation of the parties. Such a state of society was very little advanced beyond the rude state of nature: Violence universally prevailed, instead of general and equitable maxims: The pretended liberty of the times, was only an incapacity of submitting to government: And men, not protected by law in their lives and properties, sought shelter, by their personal servitude and attachments under some powerful chieftain, or by voluntary combinations.

The gradual progress of improvement raised the Europeans somewhat above this uncultivated state; and affairs, in this island particularly, took early a turn, which was more favourable to justice and to liberty. Civil employments and occupations soon became honourable among the English: The situation of that people rendered not the perpetual attention to wars so necessary as among their neighbours, and all regard was not confined to the military profession: The gentry, and even the nobility, began to deem an acquaintance with the law a necessary part of education: They were less diverted than afterwards from studies of this kind by other sciences; and in the age of Henry VI. as we are told by Fortescue, there were in the inns of court about two thousand students, most of them men of honourable birth, who gave application to this branch of civil knowledge: A circumstance which proves, that a considerable progress was already made in the science of government, and which prognosticated a still greater.

“Civil employments and occupations soon became honourable among the English: The situation of that people rendered not the perpetual attention to wars so necessary as among their neighbours, and all regard was not confined to the military profession”

One chief advantage, which resulted from the introduction and progress of the arts, was the introduction and progress of freedom; and this consequence affected men both in their personal and civil capacities.

If we consider the ancient state of Europe, we shall find, that the far greater part of the society were every where bereaved of their personal liberty, and lived entirely at the will of their masters. Every one, that was not noble, was a slave: The peasants were sold along with the land: The few inhabitants of cities were not in a better condition: Even the gentry themselves were subjected to a long train of subordination under the greater barons or chief vassals of the crown; who, though seemingly placed in a high state of splendor, yet, having but a slender protection from law, were exposed to every tempest of the state, and by the precarious condition in which they lived, paid dearly for the power of oppressing and tyrannizing over their inferiors. The first incident, which broke in upon this violent system of government, was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect. The relaxation of the feudal tenures, and an execution somewhat stricter, of the public law, bestowed an independance of vassals, which was unknown to their forefathers. And even the peasants themselves, though later than other orders of the state, made their escape from those bonds of villenage or slavery, in which they had formerly been retained.
“The first incident, which broke in upon this violent system of government, was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect. The relaxation of the feudal tenures, and an execution somewhat stricter, of the public law, bestowed an independance of vassals, which was unknown to their forefathers.”

It may appear strange, that the progress of the arts, which seems, among the Greeks and Romans, to have daily increased the number of slaves, should, in later times, have proved so general a source of liberty; but this difference in the events proceeded from a great difference in the circumstances, which attended those institutions. The ancient barons, obliged to maintain themselves continually in a military posture, and little emulous of elegance or splendor, employed not their villains as domestic servants, much less as manufacturers; but composed their retinue of free-men, whose military spirit rendered the chieftain formidable to his neighbours, and who were ready to attend him in every warlike enterprize. The villains were entirely occupied in the cultivation of their master’s land, and paid their rents either in corn and cattle and other produce of the farm, or in servile offices, which they performed about the baron’s family, and upon the farms which he retained in his own possession. In proportion as agriculture improved, and money increased, it was found, that these services, though extremely burdensome to the villain, were of little advantage to the master; and that the produce of a large estate could be much more conveniently disposed of by the peasants themselves, who raised it, than by the landlord or his bailiff, who were formerly accustomed to receive it. A commutation was therefore made of rents for services, and of money-rents for those in kind; and as men, in a subsequent age, discovered, that farms were better cultivated where the farmer enjoyed a security in his possession, the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of servitude, already much relaxed from the former practices. After this manner, villenage went gradually into disuse throughout the more civilized parts of Europe: The interest of the master, as well as that of the slave, concurred in this alteration. The latest laws which we find in England for enforcing or regulating this species of servitude, were enacted in the reign of Henry VII. And though the ancient statutes on this subject remain still unrepealed by parliament, it appears, that, before the end of Elizabeth, the distinction of villain and freeman was totally, though insensibly abolished, and that no person remained in the state, to whom the former laws could be applied.

“Thus personal freedom became almost general in Europe; an advantage which paved the way for the encrease of political or civil liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.”

Thus personal freedom became almost general in Europe; an advantage which paved the way for the encrease of political or civil liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.

The constitution of the English government, ever since the invasion of this island by the Saxons, may boast of this preeminence, that in no age the will of the monarch was ever entirely absolute and uncontrouled: But in other respects the balance of power has extremely shifted among the several orders of the state;
and this fabric has experienced the same mutability, that has attended all human institutions.

“It required the authority almost absolute of the sovereigns, which took place in the subsequent period, to pull down those disorderly and licentious tyrants, who were equally averse from peace and from freedom, and to establish that regular execution of the laws, which, in a following age, enabled the people to erect a regular and equitable plan of liberty.”

The ancient Saxons, like the other German nations, where each individual was enured to arms, and where the independance of men was secured by a great equality of possessions, seem to have admitted a considerable mixture of democracy into their form of government, and to have been one of the freest nations, of which there remains any account in the records of history. After this tribe was settled in England, especially after the dissolution of the Heptarchy, the great extent of the kingdom produced a great inequality in property; and the balance seems to have inclined to the side of aristocracy. The Norman conquest threw more authority into the hands of the sovereign, which, however, admitted of great controul; though derived less from the general forms of the constitution, which were inaccurate and irregular, than from the independant power enjoyed by each baron in his particular district or province. The establishment of the Great Charter exalted still higher the Aristocracy, imposed regular limits on royal power, and gradually introduced some mixture of Democracy into the constitution. But even during this period, from the accession of Edward I. to the death of Richard III. the condition of the commons was nowise eligible; a kind of Polish Aristocracy prevailed; and though the kings were limited, the people were as yet far from being free. It required the authority almost absolute of the sovereigns, which took place in the subsequent period, to pull down those disorderly and licentious tyrants, who were equally averse from peace and from freedom, and to establish that regular execution of the laws, which, in a following age, enabled the people to erect a regular and equitable plan of liberty.

In each of these successive alterations, the only rule of government, which is intelligible or carries any authority with it, is the established practice of the age, and the maxims of administration, which are at that time prevalent, and universally assented to. Those who, from a pretended respect to antiquity, appeal at every turn to an original plan of the constitution, only cover their turbulent spirit and their private ambition under the appearance of venerable forms; and whatever period they pitch on for their model, they may still be carried back to a more ancient period, where they will find the measures of power entirely different, and where every circumstance, by reason of the greater barbarity of the times, will appear still less worthy of imitation. Above all, a civilized nation, like the English, who have happily established the most perfect and most accurate system of liberty that was ever found compatible with government, ought to be cautious in appealing to the practice of their ancestors, or regarding the maxims of uncultivated ages as certain rules for their present conduct. An acquaintance with the ancient periods of their government is chiefly useful by instructing them to cherish their present constitution, from a comparison or contrast with the condition of those distant times. And it is also curious, by shewing them the remote, and commonly faint and disfigured originals of the most finished and most noble institutions, and by instructing them in the great mixture of accident, which commonly concurs with a small ingredient of wisdom and foresight, in erecting the complicated fabric of the most perfect government.
Further Information

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FURTHER READING

Other works by David Hume (1711-1776) <oll.libertyfund.org/people/231>.


School of Thought: The Scottish Enlightenment <http://oll.libertyfund.org/groups/19>.
"History compels us to fasten on abiding issues, and rescues us from the temporary and transient. Politics and history are interwoven, but are not commensurate. Ours is a domain that reaches farther than affairs of state, and is not subject to the jurisdiction of governments. It is our function to keep in view and to command the movement of ideas, which are not the effect but the cause of public events"
Editor’s Introduction

John Emerich Edward Dalberg, Lord Acton (1834-1902) was one of the great historians of the Victorian period and one of the greatest classical liberal historians of all time. His theme was “the history of liberty” and even though he was never able to complete his magnum opus of that name he did write numerous essays, book reviews, and lectures. He also was the inspiration behind the multi-volume *Cambridge Modern History*, the first edition of which he did not live to see.

This is the “inaugural lecture” which Lord Acton gave at the University of Cambridge in June 1895 when he took up his post as Regius Professor of Modern History (the Regius professorships were chairs established by the crown). In the opening passage he ruefully notes that as a student he had applied to three Cambridge colleges but was refused admission. He enjoyed the irony of the fact that the only way he could get to Cambridge was to go there as a full professor.

In this lecture Acton focuses on four main issues, the uniqueness of the modern period which he believed had begun with the Reformation and the Scientific Revolutions and was dominated by the political revolutions of the 18th and 19th centuries; the innovations in the modern profession of history which focused on the discovery and interpretation of documentary records; the role of ideas in bringing about historical change; and the place of moral judgements in the writing of history.

As a Catholic and a classical liberal Acton believed that there was a place for moral judgements so long as the historian was “impartial” in their application. He points to examples where this had not been the case, such as the writing of medieval history by partisans of the Church who had turned a blind eye to the questionable behaviour of Kings and Popes. Among the list of advice he gave the students and staff listening to his lecture, he urged them to “suspect power more than vice”, “never to debase the moral currency” which governs your own life, and never to “extenuate guilt” or “mitigate punishment” when judging the behaviour of rulers, whether religious or political.

“But what do people mean who proclaim that liberty is the palm, and the prize, and the crown, seeing that it is an idea of which there are two hundred definitions, and that this wealth of interpretation has caused more bloodshed than anything, except theology? Is it Democracy as in France, or Federalism as in America, or the national independence which bounds the Italian view, or the reign of the fittest, which is the ideal of Germans? I know not whether it will ever fall within my sphere of duty to trace the slow progress of that idea through the chequered scenes of our history.”
Inaugural Lecture on the Study of History (1895)

Fellow Students—I look back to-day to a time before the middle of the century, when I was reading at Edinburgh and fervently wishing to come to this University. At three colleges I applied for admission, and, as things then were, I was refused by all. Here, from the first, I vainly fixed my hopes, and here, in a happier hour, after five-and-forty years, they are at last fulfilled.

“For the science of politics is the one science that is deposited by the stream of history, like grains of gold in the sand of a river; and the knowledge of the past, the record of truths revealed by experience, is eminently practical, as an instrument of action and a power that goes to the making of the future.”

I desire, first, to speak to you of that which I may reasonably call the Unity of Modern History, as an easy approach to questions necessary to be met on the threshold by any one occupying this place, which my predecessor has made so formidable to me by the reflected lustre of his name.

You have often heard it said that Modern History is a subject to which neither beginning nor end can be assigned. No beginning, because the dense web of the fortunes of man is woven without a void; because, in society as in nature, the structure is continuous, and we can trace things back uninterruptedly, until we dimly descry the Declaration of Independence in the forests of Germany. No end, because, on the same principle, history made and history making are scientifically inseparable and separately unmeaning.

“Politics,” said Sir John Seeley, “are vulgar when they are not liberalised by history, and history fades into mere literature when it loses sight of its relation to practical politics.” Everybody perceives the sense in which this is true. For the science of politics is the one science that is deposited by the stream of history, like grains of gold in the sand of a river; and the knowledge of the past, the record of truths revealed by experience, is eminently practical, as an instrument of action and a power that goes to the making of the future.[1] In France, such is the weight attached to the study of our own time, that there is an appointed course of contemporary history, with appropriate textbooks.[2] That is a chair which, in the progressive division of labour by which both science and government prosper,[3] may some day be founded in this country. Meantime, we do well to acknowledge the points at which the two epochs diverge. For the contemporary differs from the modern in this, that many of its facts cannot by us be definitely ascertained. The living do not give up their secrets with the candour of the dead; one key is always excepted, and a generation passes before we can ensure accuracy. Common report and outward seeming are bad copies of the reality, as the initiated know it. Even of a thing so memorable as the war of 1870, the true cause is still obscure; much that we believed has been scattered to the winds in the last six months, and further revelations by important witnesses are about to appear. The use of history turns far more on certainty than on abundance of acquired information.

Beyond the question of certainty is the question of detachment. The process by which principles are discovered and appropriated is other than that by which, in practice, they are applied; and our most sacred and disinterested convictions ought to take shape in the tranquil regions of the air, above the tumult and the tempest of active life.[4] For a man is justly despised who has one opinion in history and another in politics, one for abroad and another at home, one for opposition and another for office. History compels us to fasten on abiding issues, and rescues us from the temporary and transient. Politics and history are interwoven, but are not commensurate. Ours is a domain that reaches farther than affairs of state, and is not subject to the jurisdiction of governments. It is our function to keep in view and to command the movement of ideas, which are not the

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effect but the cause of public events;[5] and even to allow some priority to ecclesiastical history over civil, since, by reason of the graver issues concerned, and the vital consequences of error, it opened the way in research, and was the first to be treated by close reasoners and scholars of the higher rank.[6]

“History compels us to fasten on abiding issues, and rescues us from the temporary and transient. Politics and history are interwoven, but are not commensurate. Ours is a domain that reaches farther than affairs of state, and is not subject to the jurisdiction of governments. It is our function to keep in view and to command the movement of ideas, which are not the effect but the cause of public events”

In the same manner, there is wisdom and depth in the philosophy which always considers the origin and the germ, and glories in history as one consistent epic. Yet every student ought to know that mastery is acquired by resolved limitation. And confusion ensues from the theory of Montesquieu and of his school, who, adapting the same term to things unlike, insist that freedom is the primitive condition of the race from which we are sprung.[8] If we are to account mind not matter, ideas not force, the spiritual property that gives dignity and grace and intellectual value to history, and its action on the ascending life of man, then we shall not be prone to explain the universal by the national, and civilisation by custom.[9] A speech of Antigone, a single sentence of Socrates, a few lines that were inscribed on an Indian rock before the Second Punic War, the footsteps of a silent yet prophetic people who dwelt by the Dead Sea, and perished in the fall of Jerusalem, come nearer to our lives than the ancestral wisdom of barbarians who fed their swine on the Hercynian acorns.

For our present purpose, then, I describe as Modern History that which begins four hundred years ago, which is marked off by an evident and intelligible line from the time immediately preceding, and displays in its course specific and distinctive characteristics of its own.[10] The modern age did not proceed from the medieval by normal succession, with outward tokens of legitimate descent. Unheralded, it founded a new order of things, under a law of innovation, sapping the ancient reign of continuity. In those days Columbus subverted the notions of the world, and reversed the conditions of production, wealth, and power; in those days Machiavelli released government from the restraint of law; Erasmus diverted the current of ancient learning from profane into Christian channels; Luther broke the chain of authority and tradition at the strongest link; and Copernicus erected an invincible power that set for ever the mark of progress upon the time that was to come. There is the same unbound originality and disregard for inherited sanctions in the rare philosophers as in the discovery of Divine Right, and the intruding Imperialism of Rome. The like effects are visible everywhere, and one generation beheld them all. It was an awakening of new life; the world revolved in a different orbit, determined by influences unknown before. After many ages persuaded of the headlong decline and impending dissolution of society,[11] and governed by usage and the will of masters who were in their graves, the sixteenth century went forth armed for untried experience, and ready to watch with hopefulness a prospect of incalculable change.

That forward movement divides it broadly from the older world; and the unity of the new is manifest in the universal spirit of investigation and discovery which did not cease to operate, and withstood the recurring efforts of reaction, until, by the advent of the reign of general ideas which we call the Revolution, it at length prevailed.[12] This successive deliverance and gradual passage, for good and evil, from subordination to independence is a phenomenon of primary import to us, because historical science has been one of its instruments.[13] If the Past has been an obstacle and a burden, knowledge of the Past is the safest and the surest emancipation. And the earnest search for it is one of the signs that distinguish the four centuries of which I speak from those that went before. The Middle Ages, which possessed good writers of contemporary narrative, were careless and impatient of older fact. They became content to be deceived, to live in a twilight of fiction, under clouds of false witness,
inventing according to convenience, and glad to welcome the forger and the cheat.[14] As time went on, the atmosphere of accredited mendacity thickened, until, in the Renaissance, the art of exposing falsehood dawned upon keen Italian minds. It was then that History as we understand it began to be understood, and the illustrious dynasty of scholars arose to whom we still look both for method and material. Unlike the dreaming prehistoric world, ours knows the need and the duty to make itself master of the earlier times, and to forfeit nothing of their wisdom or their warnings, [15] and has devoted its best energy and treasure to the sovereign purpose of detecting error and vindicating entrusted truth.[16]

“the unity of the new is manifest in the universal spirit of investigation and discovery which did not cease to operate, and withstood the recurring efforts of reaction, until, by the advent of the reign of general ideas which we call the Revolution, it at length prevailed. This successive deliverance and gradual passage, for good and evil, from subordination to independence is a phenomenon of primary import to us, because historical science has been one of its instruments. If the Past has been an obstacle and a burden, knowledge of the Past is the safest and the surest emancipation.”

In this epoch of full-grown history men have not acquiesced in the given conditions of their lives. Taking little for granted they have sought to know the ground they stand on, and the road they travel, and the reason why. Over them, therefore, the historian has obtained an increasing ascendency.[17] The law of stability was overcome by the power of ideas, constantly varied and rapidly renewed;[18] ideas that give life and motion, that take wing and traverse seas and frontiers, making it futile to pursue the consecutive order of events in the seclusion of a separate nationality.[19] They compel us to share the existence of societies wider than our own, to be familiar with distant and exotic types, to hold our march upon the loftier summits, along the central range, to live in the company of heroes, and saints, and men of genius, that no single country could produce. We cannot afford wantonly to lose sight of great men and memorable lives, and are bound to store up objects for admiration as far as may be;[20] for the effect of implacable research is constantly to reduce their number. No intellectual exercise, for instance, can be more invigorating than to watch the working of the mind of Napoleon, the most entirely known as well as the ablest of historic men. In another sphere, it is the vision of a higher world to be intimate with the character of Fénelon, the cherished model of politicians, ecclesiastics, and men of letters, the witness against one century and precursor of another, the advocate of the poor against oppression, of liberty in an age of arbitrary power, of tolerance in an age of persecution, of the humane virtues among men accustomed to sacrifice them to authority, the man of whom one enemy says that his cleverness was enough to strike terror, and another, that genius poured in torrents from his eyes. For the minds that are greatest and best alone furnish the instructive examples. A man of ordinary proportion or inferior metal knows not how to think out the rounded circle of his thought, how to divest his will of its surroundings and to rise above the pressure of time and race and circumstance, [21] to choose the star that guides his course, to correct, and test, and assay his convictions by the light within,[22] and, with a resolute conscience and ideal courage, to remodel and reconstitute the character which birth and education gave him.[23]

For ourselves, if it were not the quest of the higher level and the extended horizon, international history would be imposed by the exclusive and insular reason that parliamentary reporting is younger than parliaments. The foreigner has no mystic fabric in his government, and no arcanum imperii. For him the foundations have been laid bare; every motive and function of the mechanism is accounted for as distinctly as the works of a watch. But with our indigenous constitution, not made with hands or written upon paper, but claiming to develop by a law of
organic growth; with our disbelief in the virtue of definitions and general principles and our reliance on relative truths, we can have nothing equivalent to the vivid and prolonged debates in which other communities have displayed the inmost secrets of political science to every man who can read. And the discussions of constituent assemblies, at Philadelphia, Versailles and Paris, at Cadiz and Brussels, at Geneva, Frankfort and Berlin, above nearly all, those of the most enlightened States in the American Union, when they have recast their institutions, are paramount in the literature of politics, and proffer treasures which at home we have never enjoyed.

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To historians the later part of their enormous subject is precious because it is inexhaustible. It is the best to know because it is the best known and the most explicit. Earlier scenes stand out from a background of obscurity. We soon reach the sphere of hopeless ignorance and unprofitable doubt. But hundreds and even thousands of the moderns have borne testimony against themselves, and may be studied in their private correspondence and sentenced on their own confession. Their deeds are done in the daylight. Every country opens its archives and invites us to penetrate the mysteries of State. When Hallam wrote his chapter on James II., France was the only Power whose reports were available. Rome followed, and the Hague; and then came the stores of the Italian States, and at last the Prussian and the Austrian papers, and partly those of Spain. Where Hallam and Lingard were dependent on Barillon, their successors consult the diplomacy of ten governments. The topics indeed are few on which the resources have been so employed that we can be content with the work done for us and never wish it to be done over again. Part of the lives of Luther and Frederic, a little of the Thirty Years’ War, much of the American Revolution and the French Restoration, the early years of Richelieu and Mazarin, and a few volumes of Mr. Gardiner, show here and there like Pacific islands in the ocean. I should not even venture to claim for Ranke, the real originator of the heroic study of records, and the most prompt and fortunate of European pathfinders, that there is one of his seventy volumes that has not been overtaken and in part surpassed. It is through his accelerating influence mainly that our branch of study has become progressive, so that the best master is quickly distanced by the better pupil.[24] The Vatican archives alone, now made accessible to the world, filled 3239 cases when they were sent to France; and they are not the richest. We are still at the beginning of the documentary age, which will tend to make history independent of historians, to develop learning at the expense of writing, and to accomplish a revolution in other sciences as well.[25]

To men in general I would justify the stress I am laying on Modern History, neither by urging its varied wealth, nor the rupture with precedent, nor the perpetuity of change and increase of pace, nor the growing predominance of opinion over belief, and of knowledge over opinion, but by the argument that it is a narrative told of ourselves, the record of a life which is our own, of efforts not yet abandoned to repose, of problems that still entangle the feet and vex the hearts of men. Every part of it is weighty with inestimable lessons that we must learn by experience and at a great price, if we know not how to profit by the example and teaching of those who have gone before us, in a society largely resembling the one we live in.[26] Its study fulfils its purpose even if it only makes us wiser, without producing books, and gives us the gift of historical thinking, which is better than historical learning.[27] It is a most powerful ingredient in the formation of character and the training of talent, and our historical judgments have as much to do with hopes of heaven as public or private conduct. Convictions that have been strained through the instances and the comparisons of modern times differ immeasurably in solidity and force from those which every new fact perturbs, and which
are often little better than illusions or unsifted prejudice. [28]

“Modern History ... is a narrative told of ourselves, the record of a life which is our own, of efforts not yet abandoned to repose, of problems that still entangle the feet and vex the hearts of men. Every part of it is weighty with inestimable lessons that we must learn by experience and at a great price, if we know not how to profit by the example and teaching of those who have gone before us.”

The first of human concerns is religion, and it is the salient feature of the modern centuries. They are signalled as the scene of Protestant developments. Starting from a time of extreme indifference, ignorance, and decline, they were at once occupied with that conflict which was to rage so long, and of which no man could imagine the infinite consequences. Dogmatic conviction—for I shun to speak of faith in connection with many characters of those days—dogmatic conviction rose to be the centre of universal interest, and remained down to Cromwell the supreme influence and motive of public policy. A time came when the intensity of prolonged conflict, when even the energy of antagonistic assurance abated somewhat, and the controversial spirit began to make room for the scientific; and as the storm subsided, and the area of settled questions emerged, much of the dispute was abandoned to the serene and soothing touch of historians, invested as they are with the prerogative of redeeming the cause of religion from many unjust reproaches, and from the graver evil of reproaches that are just. Ranke used to say that Church interests prevailed in politics until the Seven Years’ War, and marked a phase of society that ended when the hosts of Brandenburg went into action at Leuthen, chanting their Lutheran hymns. [29] That bold proposition would be disputed even if applied to the present age. After Sir Robert Peel had broken up his party, the leaders who followed him declared that no popery was the only basis on which it could be reconstructed. [30] On the other side may be urged that, in July 1870, at the outbreak of the French war, the only government that insisted on the abolition of the temporal power was Austria; and since then we have witnessed the fall of Castelar, because he attempted to reconcile Spain with Rome.

Soon after 1850 several of the most intelligent men in France, struck by the arrested increase of their own population and by the telling statistics from Further Britain, foretold the coming preponderance of the English race. They did not foretell, what none could then foresee, the still more sudden growth of Prussia, or that the three most important countries of the globe would, by the end of the century, be those that chiefly belonged to the conquests of the Reformation. So that in Religion, as in so many things, the product of these centuries has favoured the new elements; and the centre of gravity, moving from the Mediterranean nations to the Oceanic, from the Latin to the Teuton, has also passed from the Catholic to the Protestant. [31]

Out of these controversies proceeded political as well as historical science. It was in the Puritan phase, before the restoration of the Stuarts, that theology, blending with politics, effected a fundamental change. The essentially English reformation of the seventeenth century was less a struggle between churches than between sects, often subdivided by questions of discipline and self-regulation rather than by dogma. The sectaries cherished no purpose or prospect of prevailing over the nations; and they were concerned with the individual more than with the congregation, with conventicles, not with State churches. Their view was narrowed, but their sight was sharpened. It appeared to them that governments and institutions are made to pass away, like things of earth, whilst souls are immortal; that there is no more proportion between liberty and power than between eternity and time; that, therefore, the sphere of enforced command ought to be restricted within fixed limits, and that which had been done by authority, and outward discipline, and organised violence, should be attempted by division of power, and committed to the intellect and the conscience of free men. [32] Thus was exchanged the dominion of will over will for the dominion of reason over reason. The true apostles of toleration are not those who sought protection for their own beliefs, or who had none to protect; but men to whom,
irrespective of their cause, it was a political, a moral, and a theological dogma, a question of conscience involving both religion and policy.[33] Such a man was Socinus; and others arose in the smaller sects, — the Independent founder of the colony of Rhode Island, and the Quaker patriarch of Pennsylvania. Much of the energy and zeal which had laboured for authority of doctrine was employed for liberty of prophesying. The air was filled with the enthusiasm of a new cry; but the cause was still the same. It became a boast that religion was the mother of freedom, that freedom was the lawful offspring of religion; and this transmutation, this subversion of established forms of political life by the development of religious thought, brings us to the heart of my subject, to the significant and central feature of the historic cycles before us. Beginning with the strongest religious movement and the most refined despotism ever known, it has led to the superiority of politics over divinity in the life of nations, and terminates in the equal claim of every man to be unhindered by man in the fulfilment of duty to God[34] —a doctrine laden with storm and havoc, which is the secret essence of the Rights of Man, and the indestructible soul of Revolution.

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When we consider what the adverse forces were, their sustained resistance, their frequent recovery, the critical moments when the struggle seemed for ever desperate, in 1685, in 1772, in 1808, it is no hyperbole to say that the progress of the world towards self-government would have been arrested but for the strength afforded by the religious motive in the seventeenth century. And this constancy of progress, of progress in the direction of organised and assured freedom, is the characteristic fact of Modern History, and its tribute to the theory of Providence.[35] Many persons, I am well assured, would detect that this is a very old story, and a trivial commonplace, and would challenge proof that the world is making progress in aught but intellect, that it is gaining in freedom, or that increase in freedom is either a progress or a gain. Ranke, who was my own master, rejected the view that I have stated;[36] Comte, the master of better men, believed that we drag a lengthening chain under the gathered weight of the dead hand;[37] and many of our recent classics—Carlyle, Newman, Froude—were persuaded that there is no progress justifying the ways of God to man, and that the mere consolidation of liberty is like the motion of creatures whose advance is in the direction of their tails. They deem that anxious precaution against bad government is an obstruction to good, and degrades morality and mind by placing the capable at the mercy of the incapable, dethroning enlightened virtue for the benefit of the average man. They hold that great and salutary things are done for mankind by power concentrated, not by power balanced and cancelled and dispersed, and that the whig theory, sprung from decomposing sects, the theory that authority is legitimate only by virtue of its checks, and that the sovereign is dependent on the subject, is rebellion against the divine will manifested all down the stream of time.

I state the objection not that we may plunge into the crucial controversy of a science that is not identical with ours, but in order to make my drift clear by the defining aid of express contradiction. No political dogma is as serviceable to my purpose here as the historian’s maxim to do the best he can for the other side, and to avoid pertinacity or emphasis on his own. Like the economic precept laissez faire,[38] which the eighteenth century derived from Colbert, it has been an important, if not a final step in the making of method. The strongest and most impressive personalities, it is true, like Macaulay, Thiers, and the two greatest of living writers, Mommsen and Treitschke, project their own broad shadow upon their pages. This is a practice proper to great men, and a great man may be worth several immaculate historians.
Otherwise there is virtue in the saying that a historian is seen at his best when he does not appear.[39] Better for us is the example of the Bishop of Oxford, who never lets us know what he thinks of anything but the matter before him; and of his illustrious French rival, Fustel de Coulanges, who said to an excited audience: “Do not imagine you are listening to me; it is history itself that speaks.”[40] We can found no philosophy on the observation of four hundred years, excluding three thousand. It would be an imperfect and a fallacious induction. But I hope that even this narrow and disedifying section of history will aid you to see that the action of Christ who is risen on mankind whom he redeemed fails not, but increases;[41] that the wisdom of divine rule appears not in the perfection but in the improvement of the world;[42] and that achieved liberty is the one ethical result that rests on the converging and combined conditions of advancing civilisation.[43] Then you will understand what a famous philosopher said, that History is the true demonstration of Religion.[44]

But what do people mean who proclaim that liberty is the palm, and the prize, and the crown, seeing that it is an idea of which there are two hundred definitions, and that this wealth of interpretation has caused more bloodshed than anything, except theology? Is it Democracy as in France, or Federalism as in America, or the national independence which bounds the Italian view, or the reign of the fittest, which is the ideal of Germans?[45] I know not whether it will ever fall within my sphere of duty to trace the slow progress of that idea through the chequered scenes of our history, and to describe how subtle speculations touching the nature of conscience promoted a nobler and more spiritual conception of the liberty that protects it,[46] until the guardian of rights developed into the guardian of duties which are the cause of rights,[47] and that which had been prized as the material safeguard for treasures of earth became sacred as security for things that are divine. All that we require is a workday key to history, and our present need can be supplied without pausing to satisfy philosophers. Without inquiring how far Sarasa or Butler, Kant or Vinet, is right as to the infallible voice of God in man, we may easily agree in this, that where absolutism reigned, by irresistible arms, concentrated possessions, auxiliary churches, and inhuman laws, it reigns no more; that commerce having risen against land, labour against wealth, the State against the forces dominant in society,[48] the division of power against the State, the thought of individuals against the practice of ages, neither authorities, nor minorities, nor majorities can command implicit obedience; and, where there has been long and arduous experience, a rampart of tried conviction and accumulated knowledge,[49] where there is a fair level of general morality, education, courage, and self-restraint, there, if there only, a society may be found that exhibits the condition of life towards which, by elimination of failures, the world has been moving through the allotted space.[50] You will know it by outward signs: Representation, the extinction of slavery, the reign of opinion, and the like; better still by less apparent evidences: the security of the weaker groups[51] and the liberty of conscience, which, effectually secured, secures the rest.

“But what do people mean who proclaim that liberty is the palm, and the prize, and the crown, seeing that it is an idea of which there are two hundred definitions, and that this wealth of interpretation has caused more bloodshed than anything, except theology? Is it Democracy as in France, or Federalism as in America, or the national independence which bounds the Italian view, or the reign of the fittest, which is the ideal of Germans? I know not whether it will ever fall within my sphere of duty to trace the slow progress of that idea through the chequered scenes of our history.”

Here we reach a point at which my argument threatens to abut on a contradiction. If the supreme conquests of society are won more often by violence than by lenient arts, if the trend and drift of things is towards convulsions and catastrophes,[52] if the world owes religious liberty to the Dutch Revolution,
constitutional government to the English, federal republicanism to the American, political equality to the French and its successors,[53] what is to become of us, docile and attentive students of the absorbing Past? The triumph of the Revolutionist annuls the historian. [54] By its authentic exponents, Jefferson and Sieyès, the Revolution of the last century repudiates history. Their followers renounced acquaintance with it, and were ready to destroy its records and to abolish its inoffensive professors. But the unexpected truth, stranger than fiction, is that this was not the ruin but the renovation of history. Directly and indirectly, by process of development and by process of reaction, an impulse was given which made it infinitely more effectual as a factor of civilisation than ever before, and a movement began in the world of minds which was deeper and more serious than the revival of ancient learning.[55] The dispensation under which we live and labour consists first in the recoil from the negative spirit that rejected the law of growth, and partly in the endeavour to classify and adjust the Revolution, and to account for it by the natural working of historic causes. The Conservative line of writers, under the name of the Romantic or Historical School, had its seat in Germany, looked upon the Revolution as an alien episode, the error of an age, a disease to be treated by the investigation of its origin, and strove to unite the broken threads and to restore the normal conditions of organic evolution. The Liberal School, whose home was France, explained and justified the Revolution as a true development, and the ripened fruit of all history. [56] These are the two main arguments of the generation to which we owe the notion and the scientific methods that make history so unlike what it was to the survivors of the last century. Severally, the innovators were not superior to the men of old. Muratori was as widely read, Tillemont as accurate, Leibniz as able, Fréret as acute, Gibbon as masterly in the craft of composite construction. Nevertheless, in the second quarter of this century, a new era began for historians.

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I would point to three things in particular, out of many, which constitute the amended order. Of the incessant deluge of new and unsuspected matter I need say little. For some years, the secret archives of the papacy were accessible at Paris; but the time was not ripe, and almost the only man whom they availed was the archivist himself.[57] Towards 1830 the documentary studies began on a large scale, Austria leading the way. Michelet, who claims, towards 1836, to have been the pioneer,[58] was preceded by such rivals as Mackintosh, Bucholtz, and Mignet. A new and more productive period began thirty years later, when the war of 1859 laid open the spoils of Italy. Every country in succession has now allowed the exploration of its records, and there is more fear of drowning than of drought. The result has been that a lifetime spent in the largest collection of printed books would not suffice to train a real master of modern history. After he had turned from literature to sources, from Burnet to Pocock, from Macaulay to Madame Campana, from Thiers to the interminable correspondence of the Bonapartes, he would still feel instant need of inquiry at Venice or Naples, in the Ossuna library or at the Hermitage.[59]

“"For our purpose, the main thing to learn is not the art of accumulating material, but the sublimer art of investigating it, of discerning truth from falsehood and certainty from doubt. It is by solidity of
criticism more than by the plenitude of erudition, that the study of history strengthens, and straightens, and extends the mind.”

These matters do not now concern us. For our purpose, the main thing to learn is not the art of accumulating material, but the sublimer art of investigating it, of discerning truth from falsehood and certainty from doubt. It is by solidity of criticism more than by the plenitude of erudition, that the study of history strengthens, and straightens, and extends the mind.[60] And the accession of the critic in the place of the indefatigable compiler, of the artist in coloured narrative, the skilled limner of character, the persuasive advocate of good, or other, causes, amounts to a transfer of government, to a change of dynasty, in the historic realm. For the critic is one who, when he lights on an interesting statement, begins by suspecting it. He remains in suspense until he has subjected his authority to three operations. First, he asks whether he has read the passage as the author wrote it. For the transcriber, and the editor, and the official or officious censor on the top of the editor, have played strange tricks, and have much to answer for. And if they are not to blame, it may turn out that the author wrote his book twice over, that you can discover the first jet, the progressive variations, things added, and things struck out. Next is the question where the writer got his information. If from a previous writer, it can be ascertained, and the inquiry has to be repeated. If from unpublished papers, they must be traced, and when the fountain-head is reached, or the track disappears, the question of veracity arises. The responsible writer’s character, his position, antecedents, and probable motives have to be examined into; and this is what, in a different and adapted sense of the word, may be called the higher criticism, in comparison with the servile and often mechanical work of pursuing statements to their root. For a historian has to be treated as a witness, and not believed unless his sincerity is established.[61] The maxim that a man must be presumed to be innocent until his guilt is proved, was not made for him.

For us, then, the estimate of authorities, the weighing of testimony, is more meritorious than the potential discovery of new matter.[62] And modern history, which is the widest field of application, is not the best to learn our business in; for it is too wide, and the harvest has not been winnowed as in antiquity, and further on to the Crusades. It is better to examine what has been done for questions that are compact and circumscribed, such as the sources of Plutarch’s Pericles, the two tracts on Athenian government, the origin of the epistle to Diognetus, the date of the life of St. Antony; and to learn from Schweger how this analytical work began. More satisfying because more decisive has been the critical treatment of the medieval writers, parallel with the new editions, on which incredible labour has been lavished, and of which we have no better examples than the prefaces of Bishop Stubbs. An important event in this series was the attack on Dino Compagni, which, for the sake of Dante, roused the best Italian scholars to a not unequal contest. When we are told that England is behind the Continent in critical faculty, we must admit that this is true as to quantity, not as to quality of work. As they are no longer living, I will say of two Cambridge professors, Lightfoot and Hort, that they were critical scholars whom neither Frenchman nor German has surpassed.

The third distinctive note of the generation of writers who dug so deep a trench between history as known to our grandfathers and as it appears to us, is their dogma of impartiality. To an ordinary man the word means no more than justice. He considers that he may proclaim the merits of his own religion, of his prosperous and enlightened country, of his political persuasion, whether democracy, or liberal monarchy, or historic conservatism, without transgression or offence, so long as he is fair to the relative, though inferior, merits of others, and never treats men as saints or as rogues for the side they take. There is no impartiality, he would say, like that of a hanging judge. The men who, with the compass of criticism in their hands, sailed the uncharted sea of original research proposed a different view. History, to be above evasion or dispute, must stand on documents, not on opinions. They had their own notion of truthfulness, based on the exceeding difficulty of finding truth, and the still greater difficulty of impressing it when found. They thought it possible to write, with so much scruple, and simplicity, and insight, as to carry along with them every man of good will, and, whatever his feelings, to compel his assent. Ideas which, in religion and in politics, are truths, in history are forces. They must be
respected; they must not be affirmed. By dint of a supreme reserve, by much self-control, by a timely and discreet indifference, by secrecy in the matter of the black cap, history might be lifted above contention, and made an accepted tribunal, and the same for all. If men were truly sincere, and delivered judgment by no canons but those of evident morality, then Julian would be described in the same terms by Christian and pagan, Luther by Catholic and Protestant, Washington by Whig and Tory, Napoleon by patriotic Frenchman and patriotic German.

“To an ordinary man the word (impartiality) means no more than justice. He considers that he may proclaim the merits of his own religion, of his prosperous and enlightened country, of his political persuasion, whether democracy, or liberal monarchy, or historic conservatism, without transgression or offence, so long as he is fair to the relative, though inferior, merits of others, and never treats men as saints or as rogues for the side they take. There is no impartiality, he would say, like that of a hanging judge.”

I speak of this school with reverence, for the good it has done, by the assertion of historic truth and of its legitimate authority over the minds of men. It provides a discipline which every one of us does well to undergo, and perhaps also well to relinquish. For it is not the whole truth. Lanfrey’s essay on Carnot, Chuquet’s wars of the Revolution, Ropes’s military histories, Roget’s Geneva in the time of Calvin, will supply you with examples of a more robust impartiality than I have described. Renan calls it the luxury of an opulent and aristocratic society, doomed to vanish in an age of fierce and sordid striving. In our universities it has a magnificent and appointed refuge; and to serve its cause, which is sacred, because it is the cause of truth and honour, we may import a profitable lesson from the highly unscientific region of public life. There a man does not take long to find out that he is opposed by some who are abler and better than himself. And, in order to understand the cosmic force and the true connection of ideas, it is a source of power, and an excellent school of principle, not to rest until, by excluding the fallacies, the prejudices, the exaggerations which perpetual contention and the consequent precautions breed, we have made out for our opponents a stronger and more impressive case than they present themselves. Excepting one to which we are coming before I release you, there is no precept less faithfully observed by historians.

Ranke is the representative of the age which instituted the modern study of History. He taught it to be critical, to be colourless, and to be new. We meet him at every step, and he has done more for us than any other man. There are stronger books than any one of his, and some may have surpassed him in political, religious, philosophic insight, in vividness of the creative imagination, in originality, elevation, and depth of thought; but by the extent of important work well executed, by his influence on able men, and by the amount of knowledge which mankind receives and employs with the stamp of his mind upon it, he stands without a rival. I saw him last in 1877, when he was feeble, sunken, and almost blind, and scarcely able to read or write. He uttered his farewell with kindly emotion, and I feared that the next I should hear of him would be the news of his death. Two years later he began a Universal History, which is not without traces of weakness, but which, composed after the age of eighty-three, and carried, in seventeen volumes, far into the Middle Ages, brings to a close the most astonishing career in literature.

His course had been determined, in early life, by Quentin Durward. The shock of the discovery that Scott’s Lewis the Eleventh was inconsistent with the original in Comynnes made him resolve that his object thenceforth should be above all things to follow, without swerving, and in stern subordination and surrender, the lead of his authorities. He decided effectually to repress the poet, the patriot, the religious or political partisan, to sustain no cause, to banish himself from his books, and to write nothing that would gratify his own feelings or disclose his private
convictions.[66] When a strenuous divine, who, like him, had written on the Reformation, hailed him as a comrade, Ranke repelled his advances. “You,” he said, “are in the first place a Christian: I am in the first place a historian. There is a gulf between us.”[67] He was the first eminent writer who exhibited what Michelet calls le désintéressement des morts. It was a moral triumph for him when he could refrain from judging, show that much might be said on both sides, and leave the rest to Providence.[68] He would have felt sympathy with the two famous London physicians of our day, of whom it is told that they could not make up their minds on a case and reported dubiously. The head of the family insisted on a positive opinion. They answered that they were unable to give one, but he might easily find fifty doctors who could.

Niebuhr had pointed out that chroniclers who wrote before the invention of printing generally copied one predecessor at a time, and knew little about sifting or combining authorities. The suggestion became luminous in Ranke’s hands, and with his light and dexterous touch he scrutinised and dissected the principal historians, from Machiavelli to the Mémoires d’un Homme d’État, with a rigour never before applied to moderns. But whilst Niebuhr dismissed the traditional story, replacing it with a construction of his own, it was Ranke’s mission to preserve, not to undermine, and to set up masters whom, in their proper sphere, he could obey. The many excellent dissertations in which he displayed this art, though his successors in the next generation matched his skill and did still more thorough work, are the best introduction from which we can learn the technical process by which within living memory the study of modern history has been renewed. Ranke’s contemporaries, weary of his neutrality and suspense, and of the useful but subordinate work that was done by beginners who borrowed his wand, thought that too much was made of these obscure preliminaries which a man may accomplish for himself, in the silence of his chamber, with less demand on the attention of the public.[69] That may be reasonable in men who are practised in these fundamental technicalities. We who have to learn them, must immerse ourselves in the study of the great examples.

“If men of science owe anything to us, we may learn much from them that is essential. For they can show how to test proof, how to secure fulness and soundness in induction, how to restrain and to employ with safety hypothesis and analogy. It is they who hold the secret of the mysterious property of the mind by which error ministers to truth, and truth slowly but irrevocably prevails.”

Apart from what is technical, method is only the reduplication of common sense, and is best acquired by observing its use by the ablest men in every variety of intellectual employment.[70] Bentham acknowledged that he learned less from his own profession than from writers like Linnaeus and Cullen; and Brougham advised the student of Law to begin with Dante. Liebig described his Organic Chemistry as an application of ideas found in Mill’s Logic, and a distinguished physician, not to be named lest he should overhear me, read three books to enlarge his medical mind; and they were Gibbon, Grote, and Mill. He goes on to say, “An educated man cannot become so on one study alone, but must be brought under the influence of natural, civil, and moral modes of thought.”[71] I quote my colleague’s golden words in order to reciprocate them. If men of science owe anything to us, we may learn much from them that is essential.[72] For they can show how to test proof, how to secure fulness and soundness in induction, how to restrain and to employ with safety hypothesis and analogy. It is they who hold the secret of the mysterious property of the mind by which error ministers to truth, and truth slowly but irrevocably prevails.[73] Theirs is the logic of discovery,[74] the demonstration of the advance of knowledge and the development of ideas, which as the earthly wants and passions of men remain almost unchanged, are the charter of progress and the vital spark in history. And they often give us invaluable counsel when they attend to their own subjects and address their own people. Remember Darwin taking note only of those passages that raised difficulties in his way; the French philosopher complaining that his work
stood still, because he found no more contradicting facts; Baer, who thinks error treated thoroughly nearly as remunerative as truth, by the discovery of new objections; for, as Sir Robert Ball warns us, it is by considering objections that we often learn.[75] Faraday declares that “in knowledge, that man only is to be condemned and despised who is not in a state of transition.” And John Hunter spoke for all of us when he said: “Never ask me what I have said or what I have written; but if you will ask me what my present opinions are, I will tell you.”

From the first years of the century we have been quickened and enriched by contributors from every quarter. The jurists brought us that law of continuous growth which has transformed history from a chronicle of casual occurrences into the likeness of something organic.[76] Towards 1820 divines began to recast their doctrines on the lines of development, of which Newman said, long after, that evolution had come to confirm it.[77] Even the Economists, who were practical men, dissolved their science into liquid history, affirming that it is not an auxiliary, but the actual subject–matter of their inquiry.[78] Philosophers claim that, as early as 1804, they began to bow the metaphysical neck beneath the historical yoke. They taught that philosophy is only the amended sum of all philosophies, that systems pass with the age whose impress they bear,[79] that the problem is to focus the rays of wandering but extant truth, and that history is the source of philosophy, if not quite a substitute for it. [80] Comte begins a volume with the words that the preponderance of history over philosophy was the characteristic of the time he lived in.[81] Since Cuvier first recognised the conjunction between the course of inductive discovery and the course of civilisation,[82] science had its share in saturating the age with historic ways of thought, and subjecting all things to that influence for which the depressing names historicism and historical–mindedness have been devised.

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There are certain faults which are corrigible mental defects on which I ought to say a few denouncing words, because they are common to us all. First: the want of an energetic understanding of the sequence and real significance of events, which would be fatal to a practical politician, is ruin to a student of history, who is the politician with his face turned backwards.[83] It is playing at study, to see nothing but the unmeaning and unsuggestive surface, as we generally do. Then we have a curious proclivity to neglect, and by degrees to forget, what has been certainly known. An instance or two will explain my idea. The most popular English writer relates how it happened in his presence that the title of Tory was conferred upon the Conservative party. For it was an opprobrious name at the time, applied to men for whom the Irish Government offered head–money; so that if I have made too sure of progress, I may at least complacently point to this instance of our mended manners. One day, Titus Oates lost his temper with the men who refused to believe him, and, after looking about for a scorching imprecation, he began to call them Tories.[84] The name remained; but its origin, attested by Defoe, dropped out of common memory, as if one party were ashamed of their godfather, and the other did not care to be identified with his cause and character. You all know, I am sure, the story of the news of Trafalgar, and how, two days after it had arrived, Mr. Pitt, drawn by an enthusiastic crowd, went to dine in the city. When they drank the health of the minister who had saved his country, he declined the praise. “England,” he said, “has saved herself by her own energy; and I hope that after having saved herself by her example, she will save Europe by her example.” In 1814, when this hope had been realised, the last speech of the great orator was remembered, and a medal was struck upon which the whole sentence was engraved, in four words of compressed Latin: *Seipsam virtute, Europam exemplo.* Now it was just at the time of his last appearance in public that Mr. Pitt heard of the overwhelming success of the French in Germany, and
of the Austrian surrender at Ulm. His friends concluded that the contest on land was hopeless, and that it was time to abandon the Continent to the conqueror, and to fall back upon our new empire of the sea. Pitt did not agree with them. He said that Napoleon would meet with a check whenever he encountered a national resistance; and he declared that Spain was the place for it, and that then England would intervene. General Wellesley, fresh from India, was present. Ten years later, when he had accomplished that which Pitt had seen in the lucid prescience of his last days, he related at Paris what I scarcely hesitate to call the most astounding and profound prediction in all political history, where such things have not been rare.

“the weight of opinion is against me when I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong.”

I shall never again enjoy the opportunity of speaking my thoughts to such an audience as this, and on so privileged an occasion a lecturer may well be tempted to bethink himself whether he knows of any neglected truth, any cardinal proposition, that might serve as his selected epigraph, as a last signal, perhaps even as a target. I am not thinking of those shining precepts which are the registered property of every school; that is to say — Learn as much by writing as by reading; be not content with the best book; seek sidelights from the others; have no favourites; keep men and things apart; guard against the prestige of great names; see that your judgments are your own, and do not shrink from disagreement; no trusting without testing; be more severe to ideas than to actions; do not overlook the strength of the bad cause or the weakness of the good; never be surprised by the crumbling of an idol or the disclosure of a skeleton; judge talent at its best and character at its worst; suspect power more than vice, and study problems in preference to periods; for instance: the derivation of Luther, the scientific influence of Bacon, the predecessors of Adam Smith, the medieval masters of Rousseau, the consistency of Burke, the identity of the first Whig. Most of this, I suppose, is undisputed, and calls for no enlargement. But the weight of opinion is against me when I exhort you never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs your own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong. The plea in extenuation of guilt and mitigation of punishment is perpetual. At every step we are met by arguments which go to excuse, to palliate, to confound right and wrong, and reduce the just man to the level of the reprobate. The men who plot to baffle and resist us are, first of all, those who made history what it has become. They set up the principle that only a foolish Conservative judges the present time with the ideas of the past; that only a foolish Liberal judges the past with the ideas of the present.

The mission of that school was to make distant times, and especially the Middle Ages, then most distant of all, intelligible and acceptable to a society issuing from the eighteenth century. There were difficulties in the way; and among others this, that, in the first fervour of the Crusades, the men who took the Cross, after receiving communion, heartily devoted the day to the extermination of Jews. To judge them by a fixed standard, to call them sacrilegious fanatics or furious hypocrites, was to yield a gratuitous victory to Voltaire. It became a rule of policy to praise the spirit when you could not defend the deed. So that we have no common code; our moral notions are always fluid; and you must consider the times, the class from which men sprang, the surrounding influences, the masters in their schools, the preachers in their pulpits, the movement they obscurely obeyed, and so on, until responsibility is merged in numbers, and not a culprit is left for execution. A murderer was no criminal if he followed local custom, if neighbours approved, if he was encouraged by official advisers or prompted by just authority, if he acted for the reason of state or the pure love of religion, or if he sheltered himself behind the complicity of the Law. The depression of morality was flagrant; but the motives were those which have enabled us to contemplate with distressing
complacency the secret of unhallowed lives. The code that is greatly modified by time and place, will vary according to the cause. The amnesty is an artifice that enables us to make exceptions, to tamper with weights and measures, to deal unequal justice to friends and enemies.

It is associated with that philosophy which Cato attributes to the gods. For we have a theory which justifies Providence by the event, and holds nothing so deserving as success, to which there can be no victory in a bad cause; prescription and duration legitimate; [93] and whatever exists is right and reasonable; and as God manifests His will by that which He tolerates, we must conform to the divine decree by living to shape the future after the ratified image of the past.[94] Another theory, less confidently urged, regards History as our guide, as much by showing errors to evade as examples to pursue. It is suspicious of illusions in success, and, though there may be hope of ultimate triumph for what is true, if not by its own attraction, by the gradual exhaustion of error, it admits no corresponding promise for what is ethically right. It deems the canonisation of the historic past more perilous than ignorance or denial, because it would perpetuate the reign of sin and acknowledge the sovereignty of wrong, and conceives it the part of real greatness to know how to stand and fall alone, stemming, for a lifetime, the contemporary flood.[95]

Ranke relates, without adornment, that William III. ordered the extirpation of a Catholic clan, and scouts the faltering excuse of his defenders. But when he comes to the death and character of the international deliverer, Glencoe is forgotten, the imputation of murder drops, like a thing unworthy of notice.[96] Johannes Mueller, a great Swiss celebrity, writes that the British Constitution occurred to somebody, perhaps to Halifax. This artless statement might not be approved by rigid lawyers as a faithful and felicitous indication of the manner of that mysterious growth of ages, from occult beginnings, that was never profaned by the invading wit of man;[97] but it is less grotesque than it appears. Lord Halifax was the most original writer of political tracts in the pamphleteering crowd between Harrington and Bolingbroke; and in the Exclusion struggle he produced a scheme of limitations which, in substance, if not in form, foreshadowed the position of the monarchy in the later Hanoverian reigns. Although Halifax did not believe in the plot,[98] he insisted that innocent victims should be sacrificed to content the multitude. Sir William Temple writes: “We only disagreed in one point, which was the leaving some priests to the law upon the accusation of being priests only, as the House of Commons had desired; which I thought wholly unjust. Upon this point Lord Halifax and I had so sharp a debate at Lord Sunderland’s lodgings, that he told me, if I would not concur in points which were so necessary for the people’s satisfaction, he would tell everybody I was a Papist. And upon his affirming that the plot must be handled as if it were true, whether it were so or no, in those points that were so generally believed.” In spite of this accusing passage, Macaulay, who prefers Halifax to all the statesmen of his age, praises him for his mercy: “His dislike of extremes, and a forgiving and compassionate temper which seems to have been natural to him, preserved him from all participation in the worst crimes of his time.”

If, in our uncertainty, we must often err, it may be sometimes better to risk excess in rigour than in indulgence, for then at least we do no injury by loss of principle. As Bayle has said, it is more probable that the secret motives of an indifferent action are bad than good;[99] and this discouraging conclusion does not depend upon theology, for James Mozley supports the sceptic from the other flank, with all the artillery of Tractarian Oxford. “A Christian,” he says, “is bound by his very creed to suspect evil, and cannot release himself. . . . He sees it where others do not; his instinct is divinely strengthened; his eye is supernaturally keen; he has a spiritual insight, and senses exercised to discern. . . . He owns the doctrine of original sin; that doctrine puts him necessarily on his guard against appearances, sustains his apprehension under perplexity, and prepares him for recognising anywhere what he knows to be everywhere.”[100] There is a popular saying of Madame de Staël, that we forgive whatever we really understand. The paradox has been judiciously pruned by her descendant, the Duke de Broglie, in the words: “Beware of too much explaining, lest we end by too much excusing.”[101] History, says Froude, does teach that right and wrong are real distinctions. Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity.[102] And if there are moments when we may resist the teaching of Froude, we have seldom the chance of resisting when he is supported by Mr. Goldwin Smith: “A sound historical morality will
sanction strong measures in evil times; selfish ambition, treachery, murder, perjury, it will never sanction in the worst of times, for these are the things that make times evil.—Justice has been justice, mercy has been mercy, honour has been honour, good faith has been good faith, truthfulness has been truthfulness from the beginning.” The doctrine that, as Sir Thomas Browne says, morality is not ambulatory,[103] is expressed as follows by Burke, who, when true to himself, is the most intelligent of our instructors: “My principles enable me to form my judgment upon men and actions in history, just as they do in common life; and are not formed out of events and characters, either present or past. History is a preceptor of prudence, not of principles. The principles of true politics are those of morality enlarged; and I neither now do, nor ever will admit of any other.”[104]

Whatever a man’s notions of these later centuries are, such, in the main, the man himself will be. Under the name of History, they cover the articles of his philosophic, his religious, and his political creed.[105] They give his measure; they denote his character: and, as praise is the shipwreck of historians, his preferences betray him more than his aversions. Modern History touches us so nearly, it is so deep a question of life and death, that we are bound to find our own way through it, and to owe our insight to ourselves. The historians of former ages, unapproachable for us in knowledge and in talent, cannot be our limit. We have the power to be more rigidly impersonal, disinterested and just than they; and to learn from undisguised and genuine records to look with remorse upon the past, and to the future with assured hope of better things; bearing this in mind, that if we lower our standard in History, we cannot uphold it in Church or State.”

Notes

[Such was Acton’s erudition that his 12 page lecture was accompanied by 20 pages of notes and references. For reasons of space we do not include them here. They can be consulted at the OLL website.]

“Modern History touches us so nearly, it is so deep a question of life and death, that we are bound to find our own way through it, and to owe our insight to ourselves. The historians of former ages, unapproachable for us in knowledge and
Further Information

SOURCE

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FURTHER READING
Other works by Lord Acton (1834-1902) <http://oll.libertyfund.org/people/9>.

PART IX: THE LITERATURE OF LIBERTY
“Oh, vain endeavour! If on his own high will, a willing slave, He has enthroned the oppression and the oppressor. What if earth can clothe and feed Amplest millions at their need, And power in thought be as the tree within the seed?”
Editor’s Introduction

Percy Bysshe Shelley (1792-1822) was one of the leading English romantic poets of the early 19th century. His circle included other poets such as Lord Byron, his father in law the radical political theorist William Godwin, and his wife Mary Shelley the author of the novel *Frankenstein, the Modern Prometheus* (1818). He was a radical liberal in his political and social views and a sceptic concerning religion. Many of his works were not published in his lifetime because of their radical content. A theme in his work was the nature of liberty and the behavior of tyrants who thwarted the individual's natural desire to be free. This comes out in many of his poems like "Ozymandias" (1818) and essays such as "A Philosophical View of Reform" (1820).

This collection of Shelley’s writings contains his “Declaration of Rights” (1812), numerous poems on the topics of liberty and oppression, and extracts from some of his dramas which were written between 1810 (when he was 18) and his death in 1822 just before he turned 30. Several are direct responses to events going on around him such as the Napoleonic wars, the struggle for independence of the Spanish colonies in North America and the Greeks against Turkish rule, and the Peterloo massacre of protesters in England. Other works are more philosophical and historical where he ponders the rise of liberty over a couple of thousand years as in his “Ode to Liberty” (1820) or the fleeting nature of tyranny as in the ruins of the statue of the ruler “Ozymandias” (1818) which lie broken in sands of an unnamed desert.

Shelley pays special attention to the revolutionary movements of his own day, namely the American and French Revolutions, the ideological and political forces of which he depicts in terms of fire, lightning, tempests, and floods, which he believed would eventually sweep away the empires of the kings and tyrants of his own day. The sole empire which would remain, he thought, would be that of the free individual: “Man who man would be, Must rule the empire of himself; in it Must be supreme .. being himself alone.” (“Political Greatness”)

“Ye can tell That which slavery is, too well— For its very name has grown To an echo of your own. ’Tis to work and have such pay As just keeps life from day to day In your limbs, as in a cell For the tyrants’ use to dwell, 'So that ye for them are made Loom, and plough, and sword, and spade, With or without your own will bent To their defence and nourishment.

What art thou Freedom? O! could slaves Answer from their living graves This demand—tyrants would flee Like a dream's dim imagery: Thou art not, as impostors say, A shadow soon to pass away, A superstition, and a name Echoing from the cave of Fame. For the labourer thou art bread, And a comely table spread From his daily labour come In a neat and happy home... Thou art Justice—ne'er for gold May thy righteous laws be sold As laws are in England— thou Shield' st alike the high and low.”
"Monarchs of earth! thine is the baleful deed, Thine are the crimes for which thy subjects bleed. Ah! when will come the sacred fated time, When man unsullied by his leaders' crime, Despising wealth, ambition, pomp, and pride, Will stretch him fearless by his foe-men's side? Ah! when will come the time, when o'er the plain No more shall death and desolation reign?"

Ambition, power, and avarice, now have hurled Death, fate, and ruin, on a bleeding world.
See! on yon heath what countless victims lie,
Hark! what loud shrieks ascend through yonder sky;
Tell then the cause, 'tis sure the avenger's rage
Has swept these myriads from life's crowded stage:
Hark to that groan, an anguished hero dies,
Yet does a fleeting hectic flush his cheek,
Yet does his parting breath essay to speak
'Oh God! my wife, my children—Monarch thou For whose support this fainting frame lies low;
For whose support in distant lands I bleed,
Let his friends' welfare be the warrior's meed.
He hears me not—ah! no—kings cannot hear,
For whose support this fainting frame lies low;
For whose support in distant lands I bleed,
Let his friends' welfare be the warrior's meed.
He hears me not—ah! no—kings cannot hear,
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For whose support in distant lands I bleed,
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He hears me not—ah! no—kings cannot hear,
He scents the battle's carnage from afar;
Hell and Destruction mark his mad career; [75]
He tracks the rapid step of hurrying Fear;
Whilst ruined towns and smoking cities tell,
That thy work, Monarch, is the work of Hell.
'It is thy work!' I hear a voice repeat,
Shakes the broad basis of thy bloodstained seat; [80]
And at the orphan's sigh, the widow's moan,
Totters the fabric of thy guilt-stained throne—
'It is thy work, O Monarch;' now the sound
Fainter and fainter, yet is borne around,
Yet to enthusiast ears the murmurs tell [85]
That Heaven, indignant at the work of Hell,
Will soon the cause, the hated cause remove,
Which tears from earth peace, innocence, and love.

TO DEATH (1810) [CPW]

Death! where is thy victory?
To triumph whilst I die,
To triumph whilst thine ebon wing
Enfolds my shuddering soul?
O Death! where is thy sting? [5]
Not when the tides of murder roll,
When nations groan, that kings may bask in bliss,
Death! canst thou boast a victory such as this—
When in his hour of pomp and power
His blow the mightiest murderer gave, [10]
Mid Nature's cries the sacrifice
Of millions to glut the grave;
When sunk the Tyrant Desolation's slave;
Or Freedom's life-blood streamed upon thy shrine;
Stern Tyrant, couldst thou boast a victory such as mine? [15]

To know in dissolution's void
That mortals' baubles sunk decay;
That everything, but Love, destroyed
Must perish with its kindred clay,—
Perish Ambition's crown, [20]
Perish her sceptred sway:
From Death's pale front fades Pride's fastidious frown.
In Death's damp vault the lurid fires decay,
That Envy lights at heaven-born Virtue's beam—
That all the cares subside, [25]
Which lurk beneath the tide
Of life's unquiet stream;—
Yes! this is victory!

And on yon rock, whose dark form glooms the sky,
To stretch these pale limbs, when the soul is fled; [30]
To baffle the lean passions of their prey,
To sleep within the palace of the dead!
Oh! not the King, around whose dazzling throne
His countless courtiers mock the words they say,
Triumphs amid the bud of glory blown, [35]
As I in this cold bed, and faint expiring groan!

Tremble, ye proud, whose grandeur mocks the woe
Which props the column of unnatural state!
You the plainings, faint and low,
From Misery's tortured soul that flow,
Shall usher to your fate.

Tremble, ye conquerors, at whose fell command
The war-fiend riots o'er a peaceful land!
You Desolation's gory throng
Shall bear from Victory along [40]
To that mysterious strand.
GOVERNMENT has no rights; it is a delegation from several individuals for the purpose of securing their own. It is therefore just, only so far as it exists by their consent, useful only so far as it operates to their well-being."

GOVERNMENT has no rights; it is a delegation from several individuals for the purpose of securing their own. It is therefore just, only so far as it exists by their consent, useful only so far as it operates to their well-being.

2. IF these individuals think that the form of government which they, or their forefathers constituted is ill adapted to produce their happiness, they have a right to change it.

3. Government is devised for the security of rights. The rights of man are liberty, and all equal participation of the commonage of nature.

4. As the benefit of the governed, is, or ought to be the origin of government, no men can have any authority that does not expressly emanate from their will.

5. Though all governments are not so bad as that of Turkey, yet none are so good as they might be; the majority of every country have a right to perfect their government, the minority should not disturb them, they ought to secede, and form their own system in their own way.

6. All have a right to an equal share in the benefits, and burdens of Government. Any disabilities for opinion, imply by their existence, barefaced tyranny on the side of government, ignorant slavishness on the side of the governed.

7. The rights of man in the present state of society, are only to be secured by some degree of coercion to be exercised on their violator. The sufferer has a right that the degree of coercion employed be as slight as possible.

8. It may be considered as a plain proof of the hollowness of any proposition, if power be used to enforce instead of reason to persuade its admission. Government is never supported by fraud until it cannot be supported by reason.

9. No man has a right to disturb the public peace, by personally resisting the execution of a law however bad. He ought to acquiesce, using at the same time the utmost powers of his reason, to promote its repeal.

10. A man must have a right to act in a certain manner before it can be his duty. He may, before he ought.

11. A man has a right to think as his reason directs, it is a duty he owes to himself to think with freedom, that he may act from conviction.

12. A man has a right to unrestricted liberty of discussion, falsehood is a scorpion that will sting itself to death.

13. A man has not only a right to express his thoughts, but it is his duty to do so.

14. No law has a right to discourage the practice of truth. A man ought to speak the truth on every occasion, a duty can never be criminal, what is not criminal cannot be injurious.

15. Law cannot make what is in its nature virtuous or innocent, to be criminal, any more than it can make what is criminal to be innocent. Government cannot make a law, it can only pronounce that which was the law before its organisation, viz. the moral result of the imperishable relations of things.

16. The present generation cannot bind their posterity. The few cannot promise for the many.

17. No man has a right to do an evil thing that good may come.

18. Expediency is inadmissible in morals. Politics are only sound when conducted on principles of morality. They are, in fact, the morals of nations.

19. Man has no right to kill his brother, it is no excuse that he does so in uniform. He only adds the infamy of servitude to the crime of murder.

20. Man, whatever be his country, has the same rights in one place as another, the rights of universal citizenship.

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“15. Law cannot make what is in its nature virtuous or innocent, to be criminal, any more than it can make what is criminal to be innocent. Government cannot make a law, it can only pronounce that which was the law before its organisation, viz. the moral result of the imperishable relations of things.”

21. The government of a country ought to be perfectly indifferent to every opinion. Religious differences, the bloodiest and most rancorous of all, spring from partiality.

22. A delegation of individuals, for the purpose of securing their rights, can have no undelegated power of restraining the expression of their opinion.

23. Belief is involuntary; nothing involuntary is meritorious or reprehensible. A man ought not to be considered worse or better for his belief.

24. A Christian, a Deist, a Turk, and a Jew, have equal rights: they are men and brethren.

25. If a person’s religious ideas correspond not with your own, love him nevertheless. How different would yours have been, had the chance of birth placed you in Tartary or India!

26. Those who believe that Heaven is, what earth has been, a monopoly in the hands of a favored few, would do well to reconsider their opinion: if they find that it came from their priest or their grandmother, they could not do better than reject it.

27. No man has a right to be respected for any other possessions, but those of virtue and talents. Titles are tinsel, power a corruptor, glory a bubble, and excessive wealth, a libel on its possessor.

28. No man has a right to monopolize more than he can enjoy; what the rich give to the poor, whilst millions are starving, is not a perfect favour, but an imperfect right.

29. Every man has a right to a certain degree of leisure and liberty, because it is his duty to attain a certain degree of knowledge. He may before he ought.

30. Sobriety of body and mind is necessary to those who would be free, because, without sobriety a high sense of philanthropy cannot actuate the heart, nor cool and determined courage, execute its dictates.

31. The only use of government is to repress the vices of man. If man were to day sinless, to-morrow he would have a right to demand that government and all its evils should cease.

Man! thou whose rights are here declared, be no longer forgetful of the loftiness of thy destination. Think of thy rights; of those possessions which will give thee virtue and wisdom, by which thou mayest arrive at happiness and freedom. They are decimated to thee by one who knows thy dignity, for every hour does his heart swell with honorable pride in the contemplation of what thou mayest attain, by one who is not forgetful of thy degeneracy, for every moment brings home to him the bitter conviction of what thou art.

Awake!-arise!-or be for ever fallen.

TO THE REPUBLICANS OF NORTH AMERICA (1812) [CPW]

1. Brothers! between you and me Whirlwinds sweep and billows roar: Yet in spirit oft I see On thy wild and winding shore Freedom's bloodless banners wave,— [5] Feel the pulses of the brave Unextinguished in the grave,— See them drenched in sacred gore,— Catch the warrior's gasping breath Murmuring 'Liberty or death!' [10]

2. Shout aloud! Let every slave, Crouching at Corruption's throne, Start into a man, and brave Racks and chains without a groan: And the castle's heartless glow, [15] And the hovel's vice and woe, Fade like gaudy flowers that blow Weeds that peep, and then are gone Whilst, from misery's ashes risen, Love shall burst the captive's prison. [20]
3.
Cotopaxi! bid the sound
Through thy sister mountains ring,
Till each valley smile around
At the blissful welcoming!
And, O thou stern Ocean deep,
Thou whose foamy billows sweep
Shores where thousands wake to weep
Whilst they curse a villain king,
On the winds that fan thy breast
Bear thou news of Freedom's rest!

4.
Can the daystar dawn of love,
Where the flag of war unfurled
Floats with crimson stain above
The fabric of a ruined world?
Never but to vengeance driven
When the patriot's spirit shriven
Seeks in death its native Heaven!
There, to desolation hurled,
Widowed love may watch thy bier,
Balm thee with its dying tear.

SONNET: ON LAUNCHING SOME BOTTLES FILLED WITH KNOWLEDGE INTO THE BRISTOL CHANNEL (AUGUST, 1812) [CPW]

Vessels of heavenly medicine! may the breeze
Auspicious waft your dark green forms to shore;
Safe may ye stem the wide surrounding roar
Of the wild whirlwinds and the raging seas;
And oh! if Liberty e'er deigned to stoop
From yonder lowly throne her crownless brow,
Sure she will breathe around your emerald group
The fairest breezes of her West that blow.
Yes! she will waft ye to some freeborn soul
Whose eye-beam, kindling as it meets your freight,
Her heaven-born flame in suffering Earth will light,
Until its radiance gleams from pole to pole,
And tyrant-hearts with powerless envy burst
To see their night of ignorance dispersed.

FEELINGS OF A REPUBLICAN ON THE FALL ON BONAPARTE (1816) [CPW]

I hated thee, fallen tyrant! I did groan
To think that a most unambitious slave,
Like thou, shouldst dance and revel on the grave
Of Liberty. Thou mightst have built thy throne
Where it had stood even now; thou didst prefer
A frail and bloody pomp which Time has swept
In fragments towards Oblivion. Massacre,
For this I prayed, would on thy sleep have crept,
Treason and Slavery, Rapine, Fear, and Lust,
And stifled thee, their minister. I know
Too late, since thou and France are in the dust,
That Virtue owns a more eternal foe
Than Force or Fraud: old Custom, legal Crime,
And bloody Faith the foulest birth of Time.

QUEEN MAB. A PHILOSOPHICAL POEM, WITH NOTES (1813) [CPW]

“War is the statesman's game, the priest's delight,
The lawyer's jest, the hired assassin's trade,
And, to those royal murderers, whose mean thrones
Are bought by crimes of treachery and gore,
The bread they eat, the staff on which they lean.”
Is less destroying. They cajole with gold, and promises of fame, the thoughtless youth
Already crushed with servitude: he knows
His wretchedness too late, and cherishes
Repentance for his ruin, when his doom
Is sealed in gold and blood! Those too the tyrant serve, who, skilled to snare
The feet of Justice in the toils of law, Stand, ready to oppress the weaker still;
And right or wrong will vindicate for gold, Snearing at public virtue, which beneath
Their pitiless tread lies torn and trampled, where Honour sits smiling at the sale of truth.

Then grave and hoary-headed hypocrites, Without a hope, a passion, or a love, Who, through a life of luxury and lies, Have crept by flattery to the seats of power, Support the system whence their honours flow… They have three words:—well tyrants know their use, Well pay them for the loan, with usury Torn from a bleeding world!—God, Hell, and Heaven.

A vengeful, pitiless, and almighty fiend, Whose mercy is a nickname for the rage Of tameless tigers hungering for blood. Hell, a red gulf of everlasting fire, Where poisonous and undying worms prolong Eternal misery to those hapless slaves Whose life has been a penance for its crimes. And Heaven, a meed for those who dare belie Their human nature, quake, believe, and cringe Before the mockeries of earthly power.

These tools the tyrant tempers to his work, Wields in his wrath, and as he wills destroys, Omnici potens in wickedness: the while Youth springs, age moulders, manhood tamely does His bidding, bribed by short-lived joys to lend Force to the weakness of his trembling arm.

They rise, they fall; one generation comes Yielding its harvest to destruction's scythe. It fades, another blossoms: yet behold! Red glows the tyrant's stamp-mark on its bloom, Withering and cankered deep its passive prime. He has invented lying words and modes, Empty and vain as his own heartless heart; Evasive meanings, nothings of much sound, To lure the heedless victim to the toils Spread round the valley of its paradise.

Look to thyself, priest, conqueror, or prince!

Whether thy trade is falsehood, and thy lusts Deep wallow in the earnings of the poor; With whom thy Master was:—or thou delight'st Against thy short-lived fame: or thou dost load With cowardice and crime the groaning land, A pomp-fed king. Look to thy wretched self? Ay, art thou not the veriest slave that e'er Crawled on the loathing earth? Are not thy days Days of unsatisfying listlessness? Dost thou not cry, ere night's long rack is o'er, "When will the morning come?" Is not thy youth A vain and feverish dream of sensualism? Thy manhood blighted with unripe disease? Are not thy views of unregretted death Drear, comfortless, and horrible? Thy mind, Is it not morbid as thy nerveless frame, Incapable of judgement, hope, or love? And dost thou wish the errors to survive That bar thee from all sympathies of good, After the miserable interest Thou hold'st in their protraction? When the grave Has swallowed up thy memory and thyself, Dost thou desire the bane that poisons earth To twine its roots around thy coffined clay, Spring from thy bones, and blossom on thy tomb, That of its fruit thy babes may eat and die?

THE REVOLT OF ISLAM, A POEM IN TWELVE CANTOS (1817) [CPW]

Canto 4

5. Thus madness came again,—a milder madness, Which darkened nought but time's unquiet flow With supernatural shades of clinging sadness; That gentle Hermit, in my helpless woe, By my sick couch was busy to and fro, Like a strong spirit ministrant of good; When I was healed, he led me forth to show The wonders of his sylvan solitude, And we together sate by that isle-fretted flood.

6. He knew his soothing words to weave with skill From all my madness told; like mine own heart, Of Cythna would he question me, until That thrilling name had ceased to make me start,
From his familiar lips—it was not art,
Of wisdom and of justice when he spoke—
When mid soft looks of pity, there would dart
A glance as keen as is the lightning's stroke
When it doth rive the knots of some ancestral oak.

7.
Thus slowly from my brain the darkness rolled,
My thoughts their due array did re-assume
Through the enchantments of that Hermit old; [1470]
Then I bethought me of the glorious doom
Of those who sternly struggle to relume
The lamp of Hope o'er man's bewildered lot,
And, sitting by the waters, in the gloom
Of eve, to that friend's heart I told my thought—
That heart which had grown old, but had corrupted not.

8.
That hoary man had spent his livelong age
In converse with the dead, who leave the stamp
Of ever-burning thoughts on many a page,
When they are gone into the senseless damp [1480]
Of graves;—his spirit thus became a lamp
Of splendour, like to those on which it fed;
Through peopled haunts, the City and the Camp,
Deep thirst for knowledge had his footsteps led,
And all the ways of men among mankind he read.
[1485]

9.
But custom maketh blind and obdurate
The loftiest hearts;—he had beheld the woe
In which mankind was bound, but deemed that fate
Which made them abject, would preserve them so;
And in such faith, some steadfast joy to know; [1490]
He sought this cell: but when fame went abroad
That one in Argolis did undergo
Torture for liberty, and that the crowd
High truths from gifted lips had heard and understood;

10.
And that the multitude was gathering wide,— [1495]
His spirit leaped within his aged frame;
In lonely peace he could no more abide,
But to the land on which the victor's flame
Had fed, my native land, the Hermit came:
Each heart was there a shield, and every tongue [1500]
Was as a sword of truth—young Laon's name
Rallied their secret hopes, though tyrants sung
Hymns of triumphant joy our scattered tribes among.

11.
He came to the lone column on the rock,
And with his sweet and mighty eloquence [1505]
The hearts of those who watched it did unlock,
And made them melt in tears of penitence.
They gave him entrance free to bear me thence.
'Since this,' the old man said, 'seven years are spent,
While slowly truth on thy benighted sense [1510]
Has crept; the hope which wildered it has lent
Meanwhile, to me the power of a sublime intent.

12.
'Yes, from the records of my youthful state,
And from the lore of bards and sages old,
From whatso'er my wakened thoughts create [1515]
Out of the hopes of thine aspirings bold,
Have I collected language to unfold
Truth to my countrymen; from shore to shore
Doctrines of human power my words have told,
They have been heard, and men aspire to more [1520]
Than they have ever gained or ever lost of yore.

13.
'In secret chambers parents read, and weep,
My writings to their babes, no longer blind;
And young men gather when their tyrants sleep,
And vows of faith each to the other bind; [1525]
And marriageable maidens, who have pined
With love, till life seemed melting through their look,
A warmer zeal, a nobler hope, now find;
And every bosom thus is rapt and shook,
Like autumn's myriad leaves in one swoln mountain-brook. [1530]

14.
'The tyrants of the Golden City tremble
At voices which are heard about the streets;
The ministers of fraud can scarce dissemble
The lies of their own heart, but when one meets
Another at the shrine, he inly weets, [1535]
Though he says nothing, that the truth is known;
Murderers are pale upon the judgement-seats,
And gold grows vile even to the wealthy crone,
And laughter fills the Fane, and curses shake the Throne.

15.
'Kind thoughts, and mighty hopes, and gentle deeds [1540]
Abound, for fearless love, and the pure law
Of mild equality and peace, succeeds
To faiths which long have held the world in awe,
Bloody and false, and cold:—as whirlpools draw
All wrecks of Ocean to their chasm, the sway [1545]
Of thy strong genius, Laon, which foresew
This hope, compels all spirits to obey,
Which round thy secret strength now throng in wide
array.

16.
‘For I have been thy passive instrument’—
(As thus the old man spake, his countenance [1550]
Gleamed on me like a spirit's)—‘thou hast lent
To me, to all, the power to advance
Towards this unforeseen deliverance
From our ancestral chains—ay, thou didst rear
That lamp of hope on high, which time nor chance
[1553]
Nor change may not extinguish, and my share
Of good, was o'er the world its gathered beams to bear.

17.
‘But I, alas! am both unknown and old,
And though the woof of wisdom I know well
To dye in hues of language, I am cold [1560]
In seeming, and the hopes which inly dwell,
My manners note that I did long repel;
But Laon's name to the tumultuous throng
Were like the star whose beams the waves compel
And tempests, and his soul-subduing tongue [1565]
Were as a lance to quell the mailed crest of wrong

“18. ‘Perchance blood need not flow, if thou at length
Wouldst rise, perchance the very slaves would spare
Their brethren and themselves; great is the
strength Of words—for lately did a maiden fair, [1570]
Who from her childhood has been taught to bear
The Tyrant's heaviest yoke, arise, and make
Her sex the law of truth and freedom hear,
And with these quiet words—"for thine own sake
I prithee spare me;"—did with ruth so take [1575]

19.
‘All hearts, that even the torturer who had bound
Her meek calm frame, ere it was yet impaled,
Loosened her, weeping then; nor could be found
One human hand to harm her—unassailed
Therefore she walks through the great City, veiled [1580]
In virtue's adamantine eloquence,
‘Gainst scorn, and death and pain thus trebly mailed,
And blending, in the smiles of that defence,
The Serpent and the Dove, Wisdom and Innocence.

20.
‘The wild-eyed women throng around her path: [1585]
From their luxurious dungeons, from the dust
Of meaner thralls, from the oppressor's wrath,
Or the caresses of his sated lust
They congregate:—in her they put their trust;
The tyrants send their armed slaves to quell [1590]
Her power;—they, even like a thunder-gust
Caught by some forest, bend beneath the spell
Of that young maiden's speech, and to their chiefs
rebel.

21.
‘Thus she doth equal laws and justice teach
To woman, outraged and polluted long; [1595]
Gathering the sweetest fruit in human reach
For those fair hands now free, while armed wrong
Trembles before her look, though it be strong;
Thousands thus dwell beside her, virgins bright,
And matrons with their babes, a stately throng! [1600]
Lovers renew the vows which they did plight
In early faith, and hearts long parted now unite,

22.
‘And homeless orphans find a home near her,
And those poor victims of the proud, no less,
Fair wrecks, on whom the smiling world with stir,
[1605]
Thrusts the redemption of its wickedness:—
In squalid huts, and in its palaces.
Sits Lust alone, while o'er the land is borne
Her voice, whose awful sweetness doth repress
All evil, and her foes relenting turn, [1610]
And cast the vote of love in hope's abandoned urn.

23.
'So in the populous City, a young maiden
Has baffled Havoc of the prey which he
Marks as his own, whene'er with chains o'erladen
Men make them arms to hurl down tyranny,— [1615]
False arbiter between the bound and free;
And o'er the land, in hamlets and in towns
The multitudes collect tumultuously,
And throng in arms; but tyranny disowns
Their claim, and gathers strength around its trembling
thrones. [1620]

24.
'blood soon, although unwillingly, to shed
The free cannot forbear—the Queen of Slaves,
The hoodwinked Angel of the blind and dead,
Custom, with iron mace points to the graves
Where her own standard desolately waves [1625]
Over the dust of Prophets and of Kings.
Many yet stand in her array—"she paves
Her path with human hearts," and o'er it flings
The wildering gloom of her immeasurable wings.

Canto 9

“Like Earth's own voice lifted
unconquerably To all her children, the
unbounded mirth, The glorious joy of thy
name—Liberty! They heard!”

3.
The many ships spotting the dark blue deep
With snowy sails, fled fast as ours came nigh,
In fear and wonder; and on every steep
Thousands did gaze, they heard the startling cry,
[3490]
Like Earth's own voice lifted unconquerably
To all her children, the unbounded mirth,
The glorious joy of thy name—Liberty!
They heard!—As o'er the mountains of the earth
From peak to peak leap on the beams of Morning's
birth: [3495]

4.
'So from that cry over the boundless hills
Sudden was caught one universal sound,
Like a volcano's voice, whose thunder fills
Remotest skies,—such glorious madness found
A path through human hearts with stream which
drowned [3500]
Its struggling fears and cares, dark Custom's brood;
They knew not whence it came, but felt around
A wide contagion poured—they called aloud
On Liberty—that name lived on the sunny flood.

OZYMANDIAS (1818) [CPW]

“'My name is Ozymandias, king of
kings: Look on my works, ye Mighty, and
despair!' Nothing beside remains. Round
the decay Of that colossal wreck,
boundless and bare The lone and level
sands stretch far away.”

I met a traveller from an antique land
Who said: Two vast and trunkless legs of stone
Stand in the desert...Near them, on the sand,
Half sunk, a shattered visage lies, whose frown,
And wrinkled lip, and sneer of cold command, [5]
Tell that its sculptor well those passions read
Which yet survive, stamped on these lifeless things,
The hand that mocked them, and the heart that fed:
And on the pedestal these words appear:
'My name is Ozymandias, king of kings: [10]
Look on my works, ye Mighty, and despair!
Nothing beside remains. Round the decay
Of that colossal wreck, boundless and bare
The lone and level sands stretch far away.
“Whilst my beloved race is trampled down By his thought-executing ministers. Such is the tyrant's recompense: 'tis just: He who is evil can receive no good”

ACT 1

PROMETHEUS:
Evil minds [380]
Change good to their own nature. I gave all
He has; and in return he chains me here
Years, ages, night and day: whether the Sun
Split my parched skin, or in the moony night
The crystal-winged snow cling round my hair: [385]
Whilst my beloved race is trampled down
By his thinking-executing ministers.
Such is the tyrant's recompense: 'tis just:
He who is evil can receive no good;
And for a world bestowed, or a friend lost, [390]
He can feel hate, fear, shame; not gratitude:
He but requites me for his own misdeed.
Kindness to such is keen reproach, which breaks
With bitter stings the light sleep of Revenge.
Submission, thou dost know I cannot try: [395]
For what submission but that fatal word,
The death-seal of mankind's captivity,
Like the Sicilian's hair-suspended sword,
Which trembles o'er his crown, would he accept,
Or could I yield? Which yet I will not yield. [400]
Let others flatter Crime, where it sits throned
In brief Omnipotence: secure are they:
For Justice, when triumphant, will weep down
Pity, not punishment, on her own wrongs,
Too much avenged by those who err. I wait, [405]
Enduring thus, the retributive hour
Which since we spake is even nearer now.
But hark, the hell-hounds clamour: fear delay:
Behold! Heaven lowers under thy Father's frown.

MERCUROY:
Alas!
Thou canst not count thy years to come of pain?

PROMETHEUS:
They last while Jove must reign: nor more, nor less [415]
Do I desire or fear.

PANTHEA:
Ah woe!
Ah woe! Alas! pain, pain ever, for ever! [635]
I close my tearless eyes, but see more clear
Thy works within my woe-illumed mind,
Thou subtle tyrant! Peace is in the grave.
The grave hides all things beautiful and good:
I am a God and cannot find it there, [640]
Nor would I seek it: for, though dread revenge,
This is defeat, fierce king, not victory.
The sights with which thou torturest gird my soul
With new endurance, till the hour arrives
When they shall be no types of things which are. [645]

SCENE 3.4

PROMETHEUS:
We feel what thou hast heard and seen: yet speak. [97]

SPIRIT OF THE HOUR:
Soon as the sound had ceased whose thunder filled
The abysses of the sky and the wide earth,
There was a change: the impalpable thin air [100]
And the all-circling sunlight were transformed,
As if the sense of love dissolved in them
Had folded itself round the sphered world.
My vision then grew clear, and I could see
Into the mysteries of the universe: [105]

... 

“And behold, thrones were kingless, and
men walked One with the other even as
spirits do, None fawned, none trampled;
hate, disdain, or fear, Self-love or self-
contempt, on human brows No more
inscribed, as o’er the gate of hell, ’All
hope abandon ye who enter here;’ None
frowned, none trembled, none with eager
fear Gazed on another’s eye of cold
command, Until the subject of a tyrant’s
will Became, worse fate, the abject of his
own, Which spurred him, like an
outspent horse, to death.”

I wandering went
Among the haunts and dwellings of mankind,
And first was disappointed not to see
Such mighty change as I had felt within
Expressed in outward things, but soon I looked, [130]
And behold, thrones were kingless, and men walked
One with the other even as spirits do,
None fawned, none trampled; hate, disdain, or fear,
Self-love or self-contempt, on human brows
No more inscribed, as o’er the gate of hell, [135]
’All hope abandon ye who enter here;’
None frowned, none trembled, none with eager fear
Gazed on another’s eye of cold command,
Until the subject of a tyrant’s will
Became, worse fate, the abject of his own,
Which spurred him, like an
outspent horse, to death.

Which makes the heart deny the "yes" it breathes,
[150]
Yet question that unmeant hypocrisy
With such a self-mistrust as has no name.
And women, too, frank, beautiful, and kind
As the free heaven which rains fresh light and dew
On the wide earth, past; gentle radiant forms, [155]
From custom’s evil taint exempt and pure;
Speaking the wisdom once they could not think,
Looking emotions once they feared to feel,
And changed to all which once they dared not be,
Yet being now, made earth like heaven; nor pride,
[160]
Nor jealousy, nor envy, nor ill shame,
The bitterest of those drops of treasured gall,
Spoiled the sweet taste of the nepenthe, love.

“Thrones, altars, judgement-seats, and
prisons; wherein, And beside which, by
wretched men were borne Sceptres,
tiaras, swords, and chains, and tomes Of
reasoned wrong, glozed on by ignorance,
Were like those monstrous and barbaric
shapes, The ghosts of a no-more-
remembered fame, Which, from their
unworn obelisks, look forth In triumph
o’er the palaces and tombs Of those who
were their conquerors”

Thrones, altars, judgement-seats, and prisons; wherein,
And beside which, by wretched men were borne [165]
Sceptres, tiaras, swords, and chains, and tomes
Of reasoned wrong, glozed on by ignorance,
Were like those monstrous and barbaric shapes,
The ghosts of a no-more-remembered fame,
Which, from their unworn obelisks, look forth [170]
In triumph o’er the palaces and tombs
Of those who were their conquerors: mouldering
round,
These imaged to the pride of kings and priests
A dark yet mighty faith, a power as wide
As is the world it wasted, and are now [175]
But an astonishment; even so the tools
And emblems of its last captivity,
Amid the dwellings of the peopled earth,
Stand, not o'erthrown, but unregarded now.
And those foul shapes, abhorred by god and man,—[180]
Which, under many a name and many a form
Strange, savage, ghastly, dark and execrable,
Were Jupiter, the tyrant of the world;
And which the nations, panic-stricken, served
With blood, and hearts broken by long hope, and love
[185]
Dragged to his altars soiled and garlandless,
And slain among men's unreclaiming tears,
Flattering the thing they feared, which fear was hate,—
Frown, mouldering fast, o'er their abandoned shrines:
The painted veil, by those who were, called life, [190]
Which mimicked, as with colours idly spread,
All men believed and hoped, is torn aside;
The loathsome mask has fallen, the man remains
Sceptreless, free, uncircumscribed, but man
Equal, unclassed, tribeless, and nationless, [195]
Exempt from awe, worship, degree, the king
Over himself; just, gentle, wise; but man
Passionless?—no, yet free from guilt or pain,
Which were, for his will made or suffered them,
Nor yet exempt, though ruling them like slaves, [200]
From chance, and death, and mutability,
The clogs of that which else might oversoar
The loftiest star of unascended heaven,
Pinnacled dim in the intense inane.

AN ODE WRITTEN OCTOBER, 1819, BEFORE
THE SPANIARDS HAD RECOVERED THEIR LIBERTY (1819) [CPW]

Arise, arise, arise!
There is blood on the earth that denies ye bread;
Be your wounds like eyes
To weep for the dead, the dead, the dead.
What other grief were it just to pay? [5]
Your sons, your wives, your brethren, were they;
Who said they were slain on the battle day?

Awaken, awaken, awaken!
The slave and the tyrant are twin-born foes;
Be the cold chains shaken [10]
To the dust where your kindred repose, repose:
Their bones in the grave will start and move,
When they hear the voices of those they love,
Most loud in the holy combat above.

Wave, wave high the banner! [15]
When Freedom is riding to conquest by:

Though the slaves that fan her
Be Famine and Toil, giving sigh for sigh.
And ye who attend her imperial car,
Lift not your hands in the banded war, [20]
But in her defence whose children ye are.

Glory, glory, glory,
To those who have greatly suffered and done!
Never name in story
Was greater than that which ye shall have won. [25]
Conquerors have conquered their foes alone,
Whose revenge, pride, and power they have
overthrown
Ride ye, more victorious, over your own.

Bind, bind every brow
With crowns of violet, ivy, and pine: [30]
Hide the blood-stains now
With hues which sweet Nature has made divine:
Green strength, azure hope, and eternity:
But let not the pansy among them be;
Ye were injured, and that means memory. [35]

THE MASK OF ANARCHY. WRITTEN ON THE OCCASION OF THE MASSACRE AT MANCHESTER (1819) [CPW]

"39. 'What is Freedom?—ye can tell That which slavery is, too well— For its very name has grown To an echo of your own.
40. "Tis to work and have such pay As just keeps life from day to day In your limbs, as in a cell For the tyrants' use to dwell, 41. 'So that ye for them are made Loom, and plough, and sword, and spade, With or without your own will bent To their defence and nourishment."

37.
'Men of England, heirs of Glory,
Heroes of unwritten story,
Nurslings of one mighty Mother,
Hopes of her, and one another; [150]
38. 'Rise like Lions after slumber
In unvanquishable number,
Shake your chains to earth like dew
Which in sleep had fallen on you—
Ye are many—they are few. [155]

39. 'What is Freedom?—ye can tell
That which slavery is, too well—
For its very name has grown
To an echo of your own.

40. 'Tis to work and have such pay [160]
As just keeps life from day to day
In your limbs, as in a cell
For the tyrants' use to dwell,

41. 'So that ye for them are made
Loom, and plough, and sword, and spade, [165]
With or without your own will bent
To their defence and nourishment.

42. 'Tis to see your children weak
With their mothers pine and peak,
When the winter winds are bleak,— [170]
They are dying whilst I speak.

43. 'Tis to hunger for such diet
As the rich man in his riot
Casts to the fat dogs that lie
Surfeiting beneath his eye; [175]

44. 'Tis to let the Ghost of Gold
Take from Toil a thousandfold
More than e'er its substance could
In the tyrannies of old.

45. 'Paper coin—that forgery Of the title-deeds, which ye Hold to something of the worth Of the inheritance of Earth.

46. "'Tis to be a slave in soul
And to hold no strong control [185]
Over your own wills, but be
All that others make of ye.

47. 'And at length when ye complain
With a murmur weak and vain
'Tis to see the Tyrant's crew [190]
Ride over your wives and you
Blood is on the grass like dew.

48. 'Then it is to feel revenge
Fiercely thirsting to exchange
Blood for blood—and wrong for wrong— [195]
Do not thus when ye are strong.

49. 'Birds find rest, in narrow nest
When weary of their winged quest;
Beasts find fare, in woody lair
When storm and snow are in the air. [200]

50. 'Asses, swine, have litter spread
And with fitting food are fed;
All things have a home but one—
Thou, Oh, Englishman, hast none!

51. 'This is Slavery—savage men, [205]
Or wild beasts within a den
Would endure not as ye do—
But such ills they never knew.

52. 'What art thou Freedom? O! could slaves
Answer from their living graves [210]
This demand—tyrants would flee
Like a dream's dim imagery:

53. 'Thou art not, as impostors say,
A shadow soon to pass away,
A superstition, and a name [215]
Echoing from the cave of Fame.

54. 'For the labourer thou art bread,
And a comely table spread
From his daily labour come
In a neat and happy home. [220]

55. Thou art clothes, and fire, and food
For the trampled multitude—
No—in countries that are free
Such starvation cannot be
As in England now we see. [225]

56. 'To the rich thou art a check,
When his foot is on the neck
Of his victim, thou dost make
That he treads upon a snake.

57. Thou art Justice—ne'er for gold
May thy righteous laws be sold
As laws are in England—thou
Shield'st alike the high and low:

52. 'What art thou Freedom? O! could
slaves Answer from their living graves
This demand—tyrants would flee Like a
dream's dim imagery: 53. 'Thou art not,
as impostors say, A shadow soon to pass
away, A superstition, and a name
Echoing from the cave of Fame. 54. For
the labourer thou art bread, And a
comely table spread From his daily
labour come In a neat and happy home...

57. Thou art Justice—ne'er for gold May
thy righteous laws be sold As laws are in
England—thou Shield'st alike the high
and low."

58. 'Thou art Wisdom—Freemen never
Dream that God will damn for ever
All who think those things untrue
Of which Priests make such ado.

59. 'Thou art Peace—never by thee
Would blood and treasure wasted be
As tyrants wasted them, when all
Leagued to quench thy flame in Gaul.

60. 'What if English toil and blood
Was poured forth, even as a flood?
It availed, Oh, Liberty,
To dim, but not extinguish thee. [245]

61. 'Thou art Love—the rich have kissed
Thy feet, and like him following Christ,
Give their substance to the free
And through the rough world follow thee,

62. 'Or turn their wealth to arms, and make
War for thy beloved sake
On wealth, and war, and fraud—whence they
Drew the power which is their prey.

63. 'Science, Poetry, and Thought
Are thy lamps; they make the lot
Of the dwellers in a cot
So serene, they curse it not.

64. 'Spirit, Patience, Gentleness,
All that can adorn and bless
Art thou—let deeds, not words, express
Thine exceeding loveliness.

65. 'Let a great Assembly be
Of the fearless and the free
On some spot of English ground
Where the plains stretch wide around. [265]

66. 'Let the blue sky overhead,
The green earth on which ye tread,
All that must eternal be
Witness the solemnity.

67. 'From the corners uttermost
Of the bounds of English coast;
From every hut, village, and town
Where those who live and suffer moan
For others' misery or their own,

68. 'From the workhouse and the prison [275]
Where pale as corpses newly risen,
Women, children, young and old
Groan for pain, and weep for cold—

69. 'From the haunts of daily life
Where is waged the daily strife [280]
With common wants and common cares
Which sows the human heart with tares—

70. Lastly from the palaces
Where the murmur of distress
Echoes, like the distant sound [285]
Of a wind alive around

71. 'Those prison halls of wealth and fashion,
Where some few feel such compassion
For those who groan, and toil, and wail
As must make their brethren pale— [290]

72. 'Ye who suffer woes untold,
Or to feel, or to behold
Your lost country bought and sold
With a price of blood and gold—

73. 'Let a vast assembly be, [295]
And with great solemnity
Declare with measured words that ye
Are, as God has made ye, free—

74. 'Be your strong and simple words
Keen to wound as sharpened swords, [300]
And wide as targes let them be,
With their shade to cover ye.

75. 'Let the tyrants pour around
With a quick and startling sound,
Like the loosening of a sea, [305]
Troops of armed emblazonry.

76. ‘Let the charged artillery drive
Till the dead air seems alive
With the clash of clanging wheels,
And the tramp of horses' heels. [310]

77. 'Let the fixed bayonet
Gleam with sharp desire to wet
Its bright point in English blood
Looking keen as one for food.

78. 'Let the horsemen's scimitars [315]
Wheel and flash, like sphereless stars
Thirsting to eclipse their burning
In a sea of death and mourning.

79. 'Stand ye calm and resolute,
Like a forest close and mute, [320]
With folded arms and looks which are
Weapons of unvanquished war,

80. 'And let Panic, who outspeeds
The career of armed steeds
Pass, a disregarded shade [325]
Through your phalanx undismayed.

“81. 'Let the laws of your own land, Good
or ill, between ye stand Hand to hand,
and foot to foot, Arbiters of the dispute,

82. 'The old laws of England—they
Whose reverend heads with age are gray,
Children of a wiser day; And whose
solemn voice must be Thine own echo—

Liberty!... 91. 'Rise like Lions after
slumber In unvanquishable number—

Shake your chains to earth like dew
Which in sleep had fallen on you— Ye are
many—they are few.’’

81. 'Let the laws of your own land,
Good or ill, between ye stand
Hand to hand, and foot to foot,
Arbiters of the dispute, [330]

82.
'The old laws of England—they
Whose reverend heads with age are gray,
Children of a wiser day;
And whose solemn voice must be
Thine own echo—Liberty! [335]

83.
'On those who first should violate
Such sacred heralds in their state
Rest the blood that must ensue,
And it will not rest on you.

84.
'And if then the tyrants dare [340]
Let them ride among you there,
Slash, and stab, and maim, and hew,—
What they like, that let them do.

85.
'With folded arms and steady eyes,
And little fear, and less surprise, [345]
Look upon them as they slay
Till their rage has died away.

86.
Then they will return with shame
To the place from which they came,
And the blood thus shed will speak [350]
In hot blushes on their cheek.

87.
'Every woman in the land
Will point at them as they stand—
They will hardly dare to greet
Their acquaintance in the street. [355]

88.
'And the bold, true warriors
Who have hugged Danger in wars
Will turn to those who would be free,
Ashamed of such base company.

89.
'And that slaughter to the Nation [360]
Shall steam up like inspiration,
Eloquent, oracular;
A volcano heard afar.

90.
'And these words shall then become
Like Oppression's thundered doom [365]
Ringing through each heart and brain,
Heard again—again—again—

91.
'Rise like Lions after slumber
In unvanquishable number—
Shake your chains to earth like dew [370]
Which in sleep had fallen on you—
Ye are many—they are few.'

LINES WRITTEN DURING THE
CASTLEREAGH ADMINISTRATION (1819)
[CPW]

1.
Corpses are cold in the tomb;
Stones on the pavement are dumb;
Abortions are dead in the womb,
And their mothers look pale—like the death-white
shore
Of Albion, free no more. [5]

2.
Her sons are as stones in the way—
They are masses of senseless clay—
They are trodden, and move not away,—
The abortion with which SHE travaileth
Is Liberty, smitten to death. [10]

3.
Then trample and dance, thou Oppressor!
For thy victim is no redresser;
Thou art sole lord and possessor
Of her corpses, and clods, and abortions—they pave
Thy path to the grave. [15]

4.
Hearest thou the festival din
Of Death, and Destruction, and Sin,
And Wealth crying "Havoc!" within?
'Tis the bacchanal triumph that makes Truth dumb,
Thine Epithalamium. [20]

5.
Ay, marry thy ghastly wife!
Let Fear and Disquiet and Strife
Spread thy couch in the chamber of Life!
Marry Ruin, thou Tyrant! and Hell be thy guide
To the bed of the bride! [25]
ODE TO LIBERTY (1820) [CPW]

Yet, Freedom, yet, thy banner, torn but flying,
Streams like a thunder-storm against the wind.—
BYRON.

1.
A glorious people vibrated again
The lightning of the nations: Liberty
From heart to heart, from tower to tower, o'er Spain,
Scattering contagious fire into the sky,
Gleamed. My soul spurned the chains of its dismay,
And in the rapid plumes of song
Clothed itself, sublime and strong;
As a young eagle soars the morning clouds among,
Hovering inverse o'er its accustomed prey;
Till from its station in the Heaven of fame
The Spirit's whirlwind rapped it, and the ray
Of the remotest sphere of living flame
Which paves the void was from behind it flung,
As foam from a ship's swiftness, when there came
A voice out of the deep: I will record the same.

2.
The Sun and the serenest Moon sprang forth:
The burning stars of the abyss were hurled
Into the depths of Heaven. The daedal earth,
That island in the ocean of the world,
Hung in its cloud of all-sustaining air:
But this divinest universe
Was yet a chaos and a curse,
For thou wert not; but o'er the populous solitude,
Like one fierce cloud over a waste of waves,
Hung Tyranny; beneath, sate deified
The sister-pest, congregator of slaves;
Into the shadow of her pinions wide
Anarchs and priests, who feed on gold and blood
Till with the stain their inmost souls are dyed,
Drove the astonished herds of men from every side.

“For thou (Liberty) wert not; but o'er the populous solitude, Like one fierce cloud over a waste of waves, Hung Tyranny; beneath, sate deified The sister-pest, congregator of slaves;”

3.
Man, the imperial shape, then multiplied
His generations under the pavilion
Of the Sun's throne: palace and pyramid,
Temple and prison, to many a swarming million
Were, as to mountain-wolves their ragged caves.
This human living multitude
Was savage, cunning, blind, and rude,
For thou wert not; but o'er the populous solitude,
Like one fierce cloud over a waste of waves,
Hung Tyranny; beneath, sate deified
The sister-pest, congregator of slaves;
Into the shadow of her pinions wide
Anarchs and priests, who feed on gold and blood
Till with the stain their inmost souls are dyed,
Drove the astonished herds of men from every side.

4.
The nodding promontories, and blue isles,
And cloud-like mountains, and dividuous waves
Of Greece, basked glorious in the open smiles
Of favouring Heaven: from their enchanted caves
Prophetic echoes flung dim melody.
On the unapprehensive wild
The vine, the corn, the olive mild,
Grew savage yet, to human use unreconciled;
And, like unfolded flowers beneath the sea,
Like the man's thought dark in the infant's brain,
Like aught that is which wraps what is to be,
Art's deathless dreams lay veiled by many a vein
Of Parian stone; and, yet a speechless child,
Verse murmured, and Philosophy did strain
Her lidless eyes for thee; when o'er the Aegean main

5.
Athens arose: a city such as vision
Builds from the purple crags and silver towers
Of battlemented cloud, as in derision
Of kingliest masonry: the ocean-floors
Pave it; the evening sky pavilions it;
Its portals are inhabited
By thunder-zoned winds, each head
Within its cloudy wings with sun-fire garlanded,—
A divine work! Athens, diviner yet,
Gleamed with its crest of columns, on the will
Of man, as on a mount of diamond, set;
For thou wert, and thine all-creative skill
Peopled, with forms that mock the eternal dead
In marble immortality, that hill
Which was thine earliest throne and latest oracle. [75]

6.
Within the surface of Time's fleeting river
Its wrinkled image lies, as then it lay
Immovably unquiet, and for ever
It trembles, but it cannot pass away!
The voices of thy bards and sages thunder [80]
With an earth-awakening blast
Through the caverns of the past:
(Religion veils her eyes; Oppression shrinks aghast:—)
A winged sound of joy, and love, and wonder,
Which soars where Expectation never flew, [85]
Rending the veil of space and time asunder:
A winged sound of joy, and love, and wonder,
Which soars where Expectation never flew,
Rending the veil of space and time asunder!

7.
Then Rome was, and from thy deep bosom fairest,
Like a wolf-cub from a Cadmaean Maenad,
She drew the milk of greatness, though thy dearest
From that Elysian food was yet unweaned;
And many a deed of terrible uprightness
By thy sweet love was sanctified;
And in thy smile, and by thy side,
Saintly Camillus lived, and firm Atilius died.
But when tears stained thy robe of vestal-whiteness,
When from its sea of death, to kill and burn,
The Galilean serpent forth did creep,
And made thy world an undistinguishable heap. [120]

“A thousand years the Earth cried,
'Where art thou?' And then the shadow of thy coming fell On Saxon Alfred's olive-cinctured brow: And many a warrior-peopled citadel.”

9.
A thousand years the Earth cried, 'Where art thou?'
And then the shadow of thy coming fell
On Saxon Alfred's olive-cinctured brow:
And many a warrior-peopled citadel.
Like rocks which fire lifts out of the flat deep, [125]
Arose in sacred Italy,
Frowning o'er the tempestuous sea
Of kings, and priests, and slaves, in tower-crowned majesty;
That multitudinous anarchy did sweep
And burst around their walls, like idle foam,
Strange melody with love and awe struck dumb
Dissonant arms; and Art, which cannot die,
With divine wand traced on our earthly home
Fit imagery to pave Heaven's everlasting dome. [135]

10.
Thou huntress swifter than the Moon! thou terror
Of the world's wolves! thou bearer of the quiver,
Whose sunlike shafts pierce tempest-winged Error,
As light may pierce the clouds when they disver
In the calm regions of the orient day! [140]
Luther caught thy wakening glance;
Like lightning, from his leaden lance
Reflected, it dissolved the visions of the trance
In which, as in a tomb, the nations lay;
And England's prophets hailed thee as their queen,
In songs whose music cannot pass away,
Though it must flow forever: not unseen
Before the spirit-sighted countenance
Of Milton didst thou pass, from the sad scene
Beyond whose night he saw, with a dejected mien. [150]

11.
The eager hours and reluctant years
As on a dawn-illumined mountain stood.
Trampling to silence their loud hopes and fears,
Darkening each other with their multitude,
And cried aloud, 'Liberty!'
Indignation answered Pity from her cave;
Death grew pale within the grave,
And Desolation howled to the destroyer, Save!
When like Heaven's Sun girt by the exhalation
Of its own glorious light, thou didst arise.
Chasing thy foes from nation unto nation
Like shadows: as if day had cloven the skies
At dreaming midnight o'er the western wave,
Men started, staggering with a glad surprise,
Under the lightnings of thine unfamiliar eyes.

Thou Heaven of earth! what spells could pall thee then
In ominous eclipse? a thousand years
Bred from the slime of deep Oppression's den.
Dyed all thy liquid light with blood and tears.
Till thy sweet stars could weep the stain away;
How like Bacchanals of blood
Round France, the ghastly vintage, stood
Destruction's sceptred slaves, and Folly's mitred brood!
When one, like them, but mightier far than they,
The Anarch of thine own bewildered powers,
Rose: armies mingled in obscure array,
Like clouds with clouds, darkening the sacred bowers
Of serene Heaven. He, by the past pursued,
Rests with those dead, but unforgotten hours,
Whose ghosts scare victor kings in their ancestral towers.

England yet sleeps: was she not called of old?
Spain calls her now, as with its thrilling thunder
Vesuvius wakens Aetna, and the cold
Snow-crags by its reply are cloven in sunder:
O'er the lit waves every Aeolian isle
From Pithecusa to Pelorus
Howls, and leaps, and glares in chorus:
They cry, 'Be dim; ye lamps of Heaven suspended o'er us!'
Her chains are threads of gold, she need but smile
And they dissolve; but Spain's were links of steel,
Till bit to dust by virtue's keenest file.
Twins of a single destiny! appeal
To the eternal years enthroned before us
In the dim West; impress us from a seal,
All ye have thought and done! Time cannot dare conceal.

Tomb of Arminius! render up thy dead
Till, like a standard from a watch-tower's staff,
His soul may stream over the tyrant's head;
Thy victory shall be his epitaph,
Wild Bacchanal of truth's mysterious wine,
King-deluded Germany,
His dead spirit lives in thee.
Why do we fear or hope? thou art already free!
And thou, lost Paradise of this divine
And glorious world! thou flowery wilderness!
Thou island of eternity! thou shrine
Where Desolation, clothed with loveliness,
Worships the thing thou wert! O Italy,
Gather thy blood into thy heart; repress
The beasts who make their dens thy sacred palaces.

“Oh, that the free would stamp the
impious name Of KING into the dust! or
write it there, So that this blot upon the
page of fame Were as a serpent's path,
which the light air Erases, and the flat sands close behind!”

Oh, that the free would stamp the impious name
Of KING into the dust! or write it there,
So that this blot upon the page of fame
Were as a serpent's path, which the light air
Erases, and the flat sands close behind!
Ye the oracle have heard:
Lift the victory-flashing sword.
And cut the snaky knots of this foul gordian word,
Which, weak itself as stubble, yet can bind
Into a mass, irrefragably firm,
The axes and the rods which awe mankind;
The sound has poison in it, 'tis the sperm
Of what makes life foul, cankerous, and abhorred;
Disdain not thou, at thine appointed term,
To set thine armed heel on this reluctant worm.

Oh, that the wise from their bright minds would kindle
Such lamps within the dome of this dim world,
That the pale name of PRIEST might shrink and dwindle
Into the hell from which it first was hurled,
A scoff of impious pride from fiends impure;
Till human thoughts might kneel alone,
Each before the judgement-throne
Of its own aweless soul, or of the Power unknown!
Oh, that the words which make the thoughts obscure
From which they spring, as clouds of glimmering dew
From a white lake blot Heaven's blue portraiture,
Were stripped of their thin masks and various hue
And frowns and smiles and splendours not their own,
Till in the nakedness of false and true
They stand before their Lord, each to receive its due!

"If on his own high will, a willing slave,
He has enthroned the oppression and the oppressor
What if earth can clothe and feed
Amplest millions at their need, And power in thought be as the tree within the seed?"

17.
He who taught man to vanquish whatsoever
Can be between the cradle and the grave
Crowned him the King of Life. Oh, vain endeavour!
If on his own high will, a willing slave,
He has enthroned the oppression and the oppressor
What if earth can clothe and feed
Amplest millions at their need,
And power in thought be as the tree within the seed?
Or what if Art, an ardent intercessor,
Driving on fiery wings to Nature's throne,
Checks the great mother stooping to caress her,
And cries: 'Give me, thy child, dominion
Over all height and depth'? if Life can breed
New wants, and wealth from those who toil and groan,
Rend of thy gifts and hers a thousandfold for one!

18.
Come thou, but lead out of the inmost cave
Of man's deep spirit, as the morning-star
Beckons the Sun from the Eoan wave,
Wisdom. I hear the pennons of her car
Self-moving, like cloud charioted by flame;
Comes she not, and come ye not,
Rulers of eternal thought,
To judge, with solemn truth, life's ill-apportioned lot?
Blind Love, and equal Justice, and the Fame
Of what has been, the Hope of what will be?
O Liberty! if such could be thy name
Wert thou disjoined from these, or they from thee:
If thine or theirs were treasures to be bought
By blood or tears, have not the wise and free
Wept tears, and blood like tears?—The solemn harmony

19.
Paused, and the Spirit of that mighty singing
To its abyss was suddenly withdrawn;
Then, as a wild swan, when sublimely winging
Its path athwart the thunder-smoke of dawn,
Sinks headlong through the aereal golden light
On the heavy-sounding plain,
When the bolt has pierced its brain;
As summer clouds dissolve, unburthened of their rain;
As a far taper fades with fading night,
As a brief insect dies with dying day,—
My song, its pinions disarrayed of might,
Drooped; o'er it closed the echoes far away
Of the great voice which did its flight sustain,
As waves which lately paved his watery way
Hiss round a drowner's head in their tempestuous play.

HELLAS. A LYRICAL DRAMA (1821) [CPW]

"In the great morning of the world, The Spirit of God with might unfurled The flag of Freedom over Chaos, And all its banded anarchs fled, Like vultures frightened from Imaus, Before an earthquake's tread."

CHORUS:
Breathe low, low
The spell of the mighty mistress now!
When Conscience lulls her sated snake,
And Tyrants sleep, let Freedom wake.
Breathe low—low
The words which, like secret fire, shall flow
Through the veins of the frozen earth—low, low!

SEMICHORUS 1:
Life may change, but it may fly not;
Hope may vanish, but can die not;
Truth be veiled, but still it burneth;
Love repulsed,—but it returneth!

SEMICHORUS 2:
Yet were life a charnel where
Hope lay coffined with Despair;
Yet were truth a sacred lie, [40]
Love were lust—

SEMICHORUS 1:
If Liberty
Lent not life its soul of light,
Hope its iris of delight,
Truth its prophet's robe to wear,
Love its power to give and bear. [45]

CHORUS:
In the great morning of the world,
The Spirit of God with might unfurled
The flag of Freedom over Chaos,
And all its banded anarchs fled,
Like vultures frighted from Imaus, [50]
Before an earthquake's tread.—
So from Time's tempestuous dawn
Freedom's splendour burst and shone:—
Thermopylae and Marathon
Caught like mountains beacon-lighted, [55]
The springing Fire.—The winged glory
On Philippi half-alighted,
Like an eagle on a promontory.
Its unwearied wings could fan
The quenchless ashes of Milan. [60]
From age to age, from man to man,
It lived; and lit from land to land
Florence, Albion, Switzerland.

Then night fell; and, as from night,
Reassuming fiery flight, [65]
From the West swift Freedom came,
Against the course of Heaven and doom.
A second sun arrayed in flame,
To burn, to kindle, to illume.
From far Atlantis its young beams [70]
Chased the shadows and the dreams.
France, with all her sanguine steams,
Hid, but quenched it not; again
Through clouds its shafts of glory rain
From utmost Germany to Spain. [75]
As an eagle fed with morning
Scorns the embattled tempest's warning,
When she seeks her aerie hanging
In the mountain-cedar's hair,
And her brood expect the clanging [80]
Of her wings through the wild air,
Sick with famine:—Freedom, so
To what of Greece remaineth now
Returns; her hoary ruins glow

Like Orient mountains lost in day; [85]
Beneath the safety of her wings
Her renovated nurslings prey,
And in the naked lightenings
Of truth they purge their dazzled eyes.
Let Freedom leave—where'er she flies, [90]
A Desert, or a Paradise:
Let the beautiful and the brave
Share her glory, or a grave.

SONNET II. POLITICAL GREATNESS (1824) [PP & CPW]

“What are numbers knit By force or custom? Man who man would be, Must rule the empire of himself; in it Must be supreme, establishing his throne On vanquished will, quelling the anarchy Of hopes and fears, being himself alone.”

Nor happiness, nor majesty, nor fame,
Nor peace, nor strength, nor skill in arms or arts,
Shepherd those herds whom tyranny makes tame;
Verse echoes not one beating of their hearts,
History is but the shadow of their shame,
Art veils her glass, or from the pageant starts
As to oblivion their blind millions fleet,
Staining that Heaven with obscene imagery
Of their own likeness. What are numbers knit
By force or custom? Man who man would be,
Must rule the empire of himself; in it
Must be supreme, establishing his throne
On vanquished will, quelling the anarchy
Of hopes and fears, being himself alone.
“4. From billow and mountain and exhalation The sunlight is darted through vapour and blast; From spirit to spirit, from nation to nation, From city to hamlet thy dawning is cast,—And tyrants and slaves are like shadows of night In the van of the morning light.”

1. The fiery mountains answer each other; Their thunderings are echoed from zone to zone; The tempestuous oceans awake one another, And the ice-rocks are shaken round Winter's throne, When the clarion of the Typhoon is blown. [5]

2. From a single cloud the lightening flashes, Whilst a thousand isles are illumined around, Earthquake is trampling one city to ashes, An hundred are shuddering and tottering; the sound Is bellowing underground. [10]

3. But keener thy gaze than the lightening's glare, And swifter thy step than the earthquake's tramp; Thou deafenest the rage of the ocean; thy stare Makes blind the volcanoes; the sun's bright lamp To thine is a fen-fire damp. [15]

4. From billow and mountain and exhalation The sunlight is darted through vapour and blast; From spirit to spirit, from nation to nation, From city to hamlet thy dawning is cast,—And tyrants and slaves are like shadows of night [20] In the van of the morning light.

“5. The seed ye sow, another reaps; The wealth ye find, another keeps; The robes ye weave, another wears; The arms ye forge; another bears.

6. Sow seed,—but let no tyrant reap; Find wealth,—let no impostor heap; Weave robes,—let not the idle wear; Forge arms,—in your defence to bear.

1. Men of England, wherefore plough For the lords who lay ye low? Wherefore weave with toil and care The rich robes your tyrants wear?

2. Wherefore feed, and clothe, and save, [5] From the cradle to the grave, Those ungrateful drones who would Drain your sweat—nay, drink your blood?

3. Wherefore, Bees of England, forge Many a weapon, chain, and scourge, [10] That these stingless drones may spoil The forced produce of your toil?

4. Have ye leisure, comfort, calm, Shelter, food, love's gentle balm? Or what is it ye buy so dear [15] With your pain and with your fear?

5. The seed ye sow, another reaps; The wealth ye find, another keeps; The robes ye weave, another wears; The arms ye forge; another bears. [20]

6. Sow seed,—but let no tyrant reap; Find wealth,—let no impostor heap; Weave robes,—let not the idle wear; Forge arms,—in your defence to bear.

7. Shrink to your cellars, holes, and cells; [25]
In halls ye deck another dwells.  
Why shake the chains ye wrought? Ye see  
The steel ye tempered glance on ye.

8.  
With plough and spade, and hoe and loom,  
Trace your grave, and build your tomb, [30]  
And weave your winding-sheet, till fair  
England be your sepulchre.

SONNET: ENGLAND IN 1819 (1839) [CPW]

An old, mad, blind, despised, and dying king,—  
Princes, the dregs of their dull race, who flow  
Through public scorn,—mud from a muddy spring,—  
Rulers who neither see, nor feel, nor know,  
But leech-like to their fainting country cling, [5]  
Till they drop, blind in blood, without a blow,—  
A people starved and stabbed in the un till ed field,—  
An army, which liberticide and prey  
Makes as a two-edged sword to all who wield,—  
Golden and sanguine laws which tempt and slay;  
Religion Christless, Godless—a book sealed;  
A Senate,—Time's worst statute, unrepealed,—  
Are graves from which a glorious Phantom may  
Burst, to illumine our tempestuous day.

FRAGMENT: "WHAT MEN GAIN FAIRLY" (1839) [CPW]

What men gain fairly—that they should possess,  
And children may inherit idleness,  
From him who earns it—This is understood;  
Private injustice may be general good.  
But he who gains by base and armed wrong, [5]  
Or guilty fraud, or base compliances,  
May be despoiled; even as a stolen dress  
Is stripped from a convicted thief; and he  
Left in the nakedness of infamy.

A NEW NATIONAL ANTHEM (1839) [CPW]

1.  
God prosper, speed, and save,  
God raise from England's grave  
Her murdered Queen!  
Pave with swift victory  
The steps of Liberty, [5]

Whom Britons own to be  
Immortal Queen.

2.  
See, she comes throned on high,  
On swift Eternity!  
God save the Queen! [10]  
Millions on millions wait,  
Firm, rapid, and elate,  
On her majestic state!  
God save the Queen!

3.  
She is Thine own pure soul [15]  
Moulding the mighty whole,—  
God save the Queen!  
She is Thine own deep love  
Rained down from Heaven above,—  
Wherever she rest or move, [20]  
God save our Queen!

4.  
'Wilder her enemies  
In their own dark disguise,—  
God save our Queen!  
All earthly things that dare [25]  
Her sacred name to bear,  
Strip them, as kings are, bare;  
God save the Queen!

5.  
Be her eternal throne  
Built in our hearts alone— [30]  
God save the Queen!  
Let the oppressor hold  
Canopied seats of gold;  
She sits enthroned of old  
O'er our hearts Queen. [35]

6.  
Lips touched by seraphim  
Breathe out the choral hymn  
'God save the Queen!'  
Sweet as if angels sang,  
Loud as that trumpet's clang [40]  
Wakening the world's dead gang,—  
God save the Queen!
Further Information

SOURCE


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FURTHER READING

Other works by Percy Bysshe Shelley (1792-1822) <http://oll.libertyfund.org/people/161>.

Subject Area: Literature <http://oll.libertyfund.org/groups/51>.
PART X: THE CRITIQUE OF SOCIALISM AND INTERVENTIONISM
[MATERIAL TO BE ADDED]
PART XI: VISIONS OF THE FUTURE
“Now if you add to the propagation of civil liberty (so natural to this commonwealth that it cannot be omitted) the propagation of the liberty of conscience, this empire, this patronage of the world is the kingdom of Christ.”
Editor’s Introduction

James Harrington (1611-1677) was a leading English Republican political theorist of the 17th century. His views on voting by ballot and the rotation of office were considered radical in his day. Harrington’s work was influential in the 18th century as Jefferson and the Founding Fathers found in his writings on an independent gentry and the right to bear arms a useful antidote to the claims of the British monarchy.

Harrington's *Oceana* is a strange mixture of analysis of contemporary England and predictions of what England might be like if it introduced the reforms advocated by him. The latter in turn is a mixture of analysis written in prose and “speeches” by fictitious characters from the new Oceana explaining how their society functioned. Whatever its structure, it is a vision of a liberal, democratic, and constitutional society created at a time when England was in the throws of a revolution which had overturned a rigid and repressive monarchy which shared its rule with a rivalrous Parliament dominated by landed aristocrats.

In contrast, Harrington envisaged a republic which had decentralised decision making, where elaborately structured elections based on “the Venetian ballot” took place, where there were frequent elections with considerable “rotation” of office holders, and where limits on the size of land ownership (the Agrarian law) prevented the landed aristocracy from dominating politics. These constitutional structures meant that the society of Oceana was dominated by a small-holding yeomanry who were independent of the influence of other groups in society and who were willing and able to provide the armed force required to protect their society. Thus, there was no need for a standing army paid for out of taxes and which could be used by the monarch to intimidate the citizens of Oceana.

Furthermore, Oceana was a liberal democracy since the fundamental law was established to protect individual property and guarantee each individual’s right to enjoy that property in whatever way they saw fit. Also unusual for the mid-17th century was the protection of religious liberty and right of individuals to voluntarily practice the religion of their choice.

Oceana was much admired by the late 17th and 18th century Commonwealthman and was a text which was reprinted and circulated in the North American colonies by Thomas Hollis.

“An equal commonwealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian law, and in her rotation. An equal Agrarian is a perpetual law establishing and preserving the balance of dominion by such a distribution, that no one man or number of men, within the compass of the few of aristocracy, can com to overpower the whole people by their possessions in lands... Equal rotation is equal vicissitude in government, or succession to magistracy confer’d for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, thro the free election or suffrage of the people.”
THE INTRODUCTION, OR ORDER OF THE WORK.

[Pliny's description of Oceana.] OCEANA is saluted by the Panegyrist after this manner; O the most blest and fortunat of all countrys, OCEANA! how deservedly has Nature with the bountys of heaven and earth indu'd thee? thy ever-fruitful womb not clos'd with ice, nor dissolv'd by the raging star; where Ceres and Bacchus are perpetual twins. Thy woods are not the harbor of devouring beasts, nor thy continual verdure the ambush of serpents, but the food of innumerable herds and flocks presenting thee their shepherdess with distended dugs, or golden fleeces. The wings of thy night involve thee not in the horror of darkness, but have still som white feather; and thy day is (that for which we esteem life) the longest. But this extasy of Pliny (as is observ'd by Bertius) seems to allude as well to Marpesia and Panopea, now provinces of this commonwealth, as to Oceana it self.

[The nature of the People.] To speak of the people in each of these countrys, this of Oceana for so soft a one, is the most martial in the whole world. Let states that aim at greatness (says Verulamius) take heed how their nobility and gentlemen multiply too fast, for that makes the common subject grow to be a peasant and base swain driven out of heart, and in effect but a gentleman's laborer; just as you may see in coppice woods, if you leave the staddels too thick, you shall never have clean underwood, but shrubs and bushes: so in countrys, if the gentlemen be too many, the commons will be base; and you will bring it to that at last, that not the hundredth poll will be fit for a helmet, specially as to the infantry, which is the nerve of an army, and so there will be great population and little strength. This of which I speak has bin no where better seen than by comparing of Oceana and France, whereof Oceana, tho far less in territory and population, has bin nevertheless an overmatch, in regard the middle people of Oceana make good soldiers, which the peasants in France do not. In which words Verulamius (as Machiavel has don before him) harps much upon a string which he has not perfectly tun'd, and that is the balance of dominion or property; as it follows more plainly in his praise of the profound and admirable device of Panurgus king of Oceana, in making farms and houses of husbandry of a standard; that is, maintain'd with such a proportion of land to them, as may breed a subject to live in convenient plenty, and no servil condition, and to keep the plow in the hand of the owners, and not mere hirings. And thus indeed (says he) you shall attain to Virgil's character which he gives of antient Italy.

“But the tillage bringing up a good soldiery, brings up a good commonwealth; which the author in the praise of Panurgus did not mind, nor Panurgus in deserving that praise: for where the owner of the plow coms to have the sword too, he will use it in defence of his own; whence it has happen’d that the people of Oceana in proportion to their property have bin always free.

But the tillage bringing up a good soldiery, brings up a good commonwealth; which the author in the praise of Panurgus did not mind, nor Panurgus in deserving that praise: for where the owner of the plow coms to have the sword too, he will use it in defence of his own; whence it has happen’d that the people of Oceana in proportion to their property have bin always free. And the genius of this nation has ever had som resemblance with that of antient Italy, which was wholly addicted to commonwealths, and where Rome came to make the greatest account of her rustic tribes, and to call her consuls from the plow; for in the way of parlaments, which was the government of this realm, men of country-lives have bin still intrusted with the

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The first, That the perfection of government lys upon such a libration in the frame of it, that no man or men in or under it can have the interest; or having the interest, can have the power to disturb it with sedition.

The second, That monarchy, reaching the perfection of the kind, reaches not to the perfection of government; but must have som dangerous flaw in it.

The third, That popular government, reaching the perfection of the kind, reaches the perfection of government, and has no flaw in it.

“That popular government, reaching the perfection of the kind, reaches the perfection of government, and has no flaw in it.”

The first assertion requires no proof.

For the proof of the second; monarchy, as has bin shewn, is of two kinds, the one by arms, the other by a nobility, and there is no other kind in art or nature: for if there have been antiently som governments call’d kingdoms, as one of the Goths in Spain, and another of the Vandals in Africa, where the king rul’d without a nobility, and by a council of the people only; it is expressly said by the authors that mention them, that the kings were but the captains, and that the people not only gave them laws, but depos’d them as often as they pleas’d. Nor is it possible in reason that it should be otherwise in like cases; wherfore these were either no monarchys, or had greater flaws in them than any other.

But for a monarchy by arms, as that of the Turk (which of all models that ever were, coms up to the perfection of the kind) it is not in the wit or power of man to cure it of this dangerous flaw, That the Janizarys have frequent interest and perpetual power to raise sedition, and to tear the magistrat, even the prince himself, in pieces. Therfore the monarchy of Turkey is no perfect government.

And for a monarchy by nobility, as of late in Oceana (which of all other governments before the declination of it came up to the perfection in that kind) it was not in the power or wit of man to cure it of that dangerous flaw, That the nobility had frequent interest and perpetual power by their retainers and tenants to raise sedition; and (wheras the Janizarys occasion this kind of
calamity no sooner than they make an end of it] to levy a lasting war, to the vast effusion of blood, and that even upon occasions wherein the people, but for their dependence upon their lords, had no concernment, as in the feud of the Red and White. The like has bin frequent in Spain, France, Germany, and other monarckys of this kind; wherfore monarchy by a nobility is no perfect government.

For the proof of the third assertion; Leviathan yields it to me, that there is no other commonwealth but monarchical or popular: wherfore if no monarchy be a perfect government, then either there is no perfect government, or it must be popular; for which kind of constitution I have something more to say, than Leviathan has said or ever will be able to say for monarchy. As,

First, That it is the government that was never conquer'd by any monarch, from the beginning of the world to this day: for if the commonwealths of Greece came under the yoke of the kings of Macedon, they were first broken by themselves.

Secondly, That it is the government that has frequently led mighty monarchs in triumph.

Thirdly, That it is the government, which, if it has bin seditious, it has not bin so from any imperfection in the kind, but in the particular constitution; which, wherever the like has happen'd, must have bin unequal.

Fourthly, That it is the government, which, if it has bin any thing near equal, was never seditious; or let him shew me what sedition has happen'd in Lacedemon or Venice.

Fifthly, That it is the government, which, attaining to perfect equality, has such a libration in the frame of it, that no man living can shew which way any man or men, in or under it, can contract any such interest or power as should be able to disturb the commonwealth with sedition; wherfore an equal commonwealth is that only which is without flaw, and contains in it the full perfection of government. But to return.

By what has been shewn in reason and experience it may appear, that the commonwealths in general be governments of the senat proposing, the people resolving, and the magistracy executing; yet som are not so good at these orders as others, thro some impediment or defect in the frame, balance, or capacity of them, according to which they are of divers kinds.

[Division of commonwealths.] The first division of them is into such as are single, as Israel, Athens, Lacedemon, &c. and such as are by leagues, as those of the Acheans, Eolians, Lycians, Switz, and Hollanders.

The second (being Machiavel's) is into such as are for preservation, as Lacedemon and Venice, and such as are for increase, as Athens and Rome; in which I can see no more than that the former takes in no more citizens than are necessary for defence, and the latter so many as are capable of increase.

The third division (unseen hitherto) is into equal and unequal, and this is the main point, especially as to domestic peace and tranquillity; for to make a commonwealth unequal, is to divide it into partys, which sets them at perpetual variance, the one party endeavouring to preserve their eminence and inequality, and the other to attain to equality: whence the people of Rome deriv'd their perpetual strife with the nobility and senat. But in an equal commonwealth there can be no more strife than there can be overbalance in equal weights; wherfore the commonwealth of Venice, being that which of all others is the most equal in the constitution, is that wherein there never happen'd any strife between the senat and the people.

An equal commonwealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian law, and in her rotation.

“An equal commonwealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian law, and in her rotation. An equal Agrarian is a perpetual law establishing and preserving the balance of dominion by such a distribution, that no one man or number of men, within the compass of the few of aristocracy, can com to overpower the whole people by their possessions in lands.”
[Equal Agrarian.] An equal Agrarian is a perpetual law establishing and preserving the balance of dominion by such a distribution, that no one man or number of men, within the compass of the few of aristocracy, can com to overpower the whole people by their possessions in lands.

As the Agrarian answers to the foundation, so dos rotation to the superstructures.

[Rotation.] Equal rotation is equal vicissitude in government, or succession to magistracy confer’d for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, thro the free election or suffrage of the people.

“Equal rotation is equal vicissitude in government, or succession to magistracy confer’d for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, thro the free election or suffrage of the people.”

[Prolongation of magistracy.] The contrary wherunto is prolongation of magistracy, which, trashing the wheel of rotation, destroys the life or natural motion of a commonwealth.

[Ballot.] The election or suffrage of the people is most free, where it is made or given in such a manner, that it can neither oblige nor disoblige another; nor thro fear of an enemy, or bashfulness towards a friend, impair a man’s liberty. ...

“That an army should in any other case be long supported by a mere tax, is a mere phansy as void of all reason and experience, as if a man should think to maintain such a one by robbing of orchards: for a mere tax is but pulling of plumtrees, the roots wherof are in others mens grounds, who suffering perpetual violence, com to hate the author of it”

It is true, that the provincial balance being in nature quite contrary to the national, you are no way to plant a provincial army upon dominion. But then you must have a native territory in strength, situation, or government, able to overbalance the foren, or you can never hold it. That an army should in any other case be long supported by a mere tax, is a mere phansy as void of all reason and experience, as if a man should think to maintain such a one by robbing of orchards: for a mere tax is but pulling of plumtrees, the roots wherof are in others mens grounds, who suffering perpetual violence, com to hate the author of it: and it is a maxim, that no prince that is hated by his people can be safe. Arms planted upon dominion extirpat enemys, and make friends: but maintain’d by a mere tax, have enemys that have roots, and friends that have none.

To conclude, Oceana, or any other nation of no greater extent, must have a competent nobility, or is altogether incapable of monarchy: for where there is equality of estates, there must be equality of power: and where there is equality of power, there can be no monarchy.

[The generation of the commonwealth.] To com then to the generation of the commonwealth; it has bin shewn how thro the ways and means us’d by Panurgus to abase the nobility, and so to mend that flaw which we have asserted to be incurable in this kind of constitution, he suffer’d the balance to fall into the power of the people, and so broke the government: but the balance being in the people, the commonwealth (tho they do not see it) is already in the nature of them. There wants nothing else but time (which is slow and dangerous) or art (which would be more quick and secure) for the bringing those native arms (wherewithal they are found already) to resist they know not how every thing that opposes them, to such maturity as may fix them upon their own strength and bottom.

[What prudence is.] But wheras this art is prudence; and that part of prudence which regards the present work, is nothing else but the skill of raising such superstructures of government, as are natural to the known foundations: they never mind the foundation, but thro certain animosities (wherewith by striving one against another they are infected) or thro freaks, by which, not regarding the course of things,
nor how they conduce to their purpose, they are given
to building in the air, com to be divided and subdivided
into endless partys and factions, both civil and
ecclesiastical: which briefly to open, I shall first speak
of the people in general, and then of their divisions.

A People (says Machiavel) that is corrupt, is not
capable of a commonwealth. But in shewing what a
corrupt people is, he has either involv’d himself, or me;
nor can I otherwise com out of the labyrinth, than by
saying, the balance altering a people, as to the
foregoing government, must of necessity be corrupt:
but corruption in this sense signifys no more than that
the corruption of one government (as in natural bodys)
is the generation of another. Wherfore if the balance
alters from monarchy, the corruption of the people in
this case is that which makes them capable of a
commonwealth. But wheras I am not ignorant, that the
corruption which he means is in manners, this also is
from the balance. For the balance leading from
monarchical into popular, abates the luxury of the
nobility, and, inriching the people, brings the
government from a more privat to a more public
interest; which coming nearer, as has bin shewn, to
justice and right reason, the people upon a like
alteration is so far from such a corruption of manners,
as should render them incapable of a commonwealth,
that of necessity they must therby contract such a
reformation of manners as will bear no other kind of
government. On the other side, where the balance
changes from popular to oligarchical or monarchical,
the public interest, with the reason and justice included
in that of freedom; which causes such a corruption of manners
both in the nobility and people, as, by the example of
\[The royalist.\] For if the right of kings were as
immediatly deriv’d from the breath of God as the life
of man, yet this excludes not death and dissolution.
But, that the dissolution of the late monarchy was as
natural as the death of a man, has bin already shewn.
Wherfore it remains with the royalists to discover by
what reason or experience it is possible for a monarchy
to stand upon a popular balance; or, the balance being
popular, as well the oath of allegiance, as all other
monarchical laws, imply an impossibility, and are
therefor void. ...

OCEANA: THE MODEL OF THE
COMMONWEALTH OF OCEANA.

... These three places (Israel, Lacedemon, and
Rome) being premis’d, as such upon which there will
be frequent reflection, I com to the narrative, divided
into two parts, the first containing the institution, the
second the constitution of the commonwealth; in each
whereof I shall distinguish the orders, as those which
contain the whole model, from the rest of the
discourse, which tends only to the explanation or proof
of them.

[Institution of the commonwealth.] In the
institution or building of a commonwealth, the first
work (as that of builders) can be no other than fitting
and distributing the materials.
“The materials of a commonwealth are the people; and the people of Oceana were distributed by casting them into certain divisions, regarding their quality, their age, their wealth, and the places of their residence or habitation, which was done by the insuing orders.”

[Divisions of the people.] The materials of a commonwealth are the people; and the people of Oceana were distributed by casting them into certain divisions, regarding their quality, their age, their wealth, and the places of their residence or habitation, which was done by the insuing orders.

[1 Order. Into freemen and servants.] The first ORDER distributes the people into freemen or citizens, and servants, while such; for if they attain to liberty, that is, to live of themselves, they are freemen or citizens.

This order needs no proof, in regard of the nature of servitude, which is inconsistent with freedom, or participation of government in a commonwealth.

[2 Order. Into youth and elders.] The second ORDER distributes citizens into youth and elders (such as are from 18 years of age to 30, being accounted youth; and such as are of 30 and upwards, elders) and establishes that the youth shall be the marching armies, and the elders the standing garisons of this nation.

A commonwealth whose arms are in the hands of her servants, had need be situated (as is elegantly said of Venice by Contarini) out of the reach of their clutches; witness the danger run by that of Carthage in the rebellion of Spendius and Matho. But tho a city (if one swallow makes a summer) may thus chance to be safe, yet shall it never be great; for it Carthage or Venice acquir’d any fame in their arms, it is known to have happen’d thro the mere virtue of their captains, and not of their orders: wherefore Israel, Lacedemon, and Rome intail’d their arms upon the prime of their citizens, divided (at least in Lacedemon and Rome) into youth and elders; the youth for the field, and the elders for defence of the territory.

[3 Order. Into horse and foot.] The third ORDER distributes the citizens into horse and foot by the cense or valuation of their estates; they who have above one hundred pounds a year in lands, goods, or monys, being oblig’d to be of the horse; and they who have under that sum, to be of the foot. But if a man has prodigally wasted and spent his patrimony, he is neither capable of magistracy, office, or suffrage in the commonwealth.

Citizens are not only to defend the commonwealth, but according to their abilities, as the Romans under Servius Tullus (regard had to their estates) were som inrol’d in the horse centuries, and others of the foot, with arms injoin’d accordingly; nor could it be otherwise in the rest of the commonwealths, the out of historical remains, that are so much darker, it be not so clearly probable. And the necessary prerogative to be given by a commonwealth to estates, is in som measure in the nature of industry, and the use of it to the public. The Roman people, says Julius Exuperantius, were divided into classes, and tax’d according to the value of their estates. All that were worth the sums appointed were impoy’d in the wars; for they most eagerly contend for the victory, who fight for liberty in defence of their country and possessions. But the poorer sort were pol’d only for their heads (which was all they had) and kept in garison at home in time of war: for these might betray the armys for bread, by reason of their poverty; which is the reason that Marius, to whom the care of the government ought not to have bin committed, was the first that led ’em into the field; and his success was accordingly. There is a mean in things; as exorbitant riches overthrow the balance of a commonwealth, so extreme poverty cannot hold it, nor is by any means to be trusted with it. The clause in the order concerning the prodigal is Athenian, and a very laudable one; for he that could not live upon his patrimony, if he coms to touch the public mony, makes a commonwealth bankrupt.

[4 Order. Into parishes, hundreds, and tribes.] The fourth ORDER distributes the people according to the places of their habitation, into parishes, hundreds, and tribes.

For except the people be methodically distributed, they cannot be methodically collected; but the being of a commonwealth consists in the methodical collection of the people: wherefore you have the Israeliish divisions into rulers of thousands, of hundreds, of fiftys, and of tens; and of the whole commonwealth into tribes: the Laconic into obas, monas, and tribes; the Roman into tribes, centurys, and classes; and somthing there must of
necessity be in every government of the like nature; as that in the late monarchy, by countys. But this being the only institution in Oceana (except that of the agrarian) which requir’d any charge or included any difficulty, engages me to a more particular description of the manner how it was perform’d, as follows. ...

The business of the muster being thus happily finish’d, Hermes de Caduceo, lord orator of the tribe of Nubia, being now put into her first rapture, caus’d one of the censors pulpits to be planted in front of the squadron, and ascending into the same, spake after this manner.

My lords, the magistrats and the people of the tribe of Nubia.

“WE have this day solemniz’d the happy nuptials of the two greatest princes that are upon the earth or in nature, arms and councils: in the mutual embraces wherof consists your whole commonwealth; whose councils upon their perpetual wheelings, marches, and countermarches, create her armys; and whose armys with the golden vollys of the ballot at once create and salute her councils. There be those (such is the world at present) that think it ridiculous to see a nation exercising its civil functions in military disciplin; while they, committing their buff to their servants, com themselves to hold trenchards. For what avails it such as are unarm’d, or (which is all one) whose education acquaints them not with the proper use of their swords, to be call’d citizens? What were two or three thousand of you, tho never so well affected to your country, but naked, to one troop of mercenary soldiers? If they should com upon the field and say, Gentlemen, It is thought fit that such and such men should be chosen by you; where were your liberty; Or, Gentlemen, parlaments are exceeding good, but you are to have a little patience, these times are not so fit for them; at which the orator was a while interrupted with shouts, but at length proceded) —Is it grave Lacedemon in her arm’d tribe divided by her obe and her mora, which appears to chide me that I teach the people to talk, or conceive such language as is drest like a woman, to be a fit usher of the joys of liberty into the hearts of men? Is it Rome in her victorious arms (for so she held her concio or congregation) that congratulats with us, for finding out that which she could not hit on, and binding up her comitia curiata, centuriata, and tributa, in one inviolable league of union? Or is it the great council of incomparable Venice, bowling forth by the self-same ballot her immortal commonwealth? For, neither by reason nor by experience is it impossible that a commonwealth should be immortal; seeing the people being the materials, never dy; and the form, which is motion, must, without opposition, be endless. The bowl which is thrown from your hand, if there be no rub, no impediment, shall never cease: for which cause the glorious luminaries that are the bowls of God, were once thrown for ever; and next these, those of Venice. But certainly, my lords, whatever these great examples may have shewn us, we are the first that have shewn to the world a commonwealth establish’d in her rise upon fifty such towers, and so garnizon’d as are the tribes of Oceana, containing a hundred thousand elders upon the annual list, and yet but an outguard; besides her marching armys to be equal in the disciplin, and in the number of her youth.

“This freeborn nation lives not upon the dole or bounty of one man, but distributing her annual magistracys and honours with her own hand, is herself king PEOPLE”

“And forasmuch as soverain power is a necessary but a formidable creature, not unlike the poudre which (as you are soldiers) is at once your safety and your
danger, being subject to take fire against you as well as for you; how well and securely is she by your galaxies so collected as to be in full force and vigor, and yet so distributed that it is impossible you should be blown up by your own magazine? Let them who will have it, that power if it be confin’d cannot be soverain, tell us, whether our rivers do not enjoy a more secure and fruitful reign within their proper banks, than if it were lawful for them, in ravaging our harvests, to spill themselves? whether souls, not confin’d to their peculiar bodys, do govern them any more than those of witches in their trances? whether power, not confin’d to the bounds of reason and virtue, has any other bounds than those of vice and passion? or if vice and passion be boundless, and reason and virtue have certain limits, on which of these thrones holy men should anoint their soverain? but to blow away this dust, the soverain power of a commonwealth is no more bounded, that is to say straitned, than that of a monarch; but is balanc’d. The eagle mounts not to her proper pitch, if she be bounded; nor is free, if she be not balanc’d. And lest a monarch should think he can reach further with his scepter, the Roman eagle upon such a balance spread her wings from the ocean to Euphrates. Receive the soverain power; you have received it, hold it fast, embrace it for ever in your shining arms. The virtue of the loadstone is not impair’d or limited, but receives strength and nourishment by being bound in iron. And so giving your lordships much joy, I take my leave of this tribe.”

“And forasmuch as soverain power is a necessary but a formidable creature, not unlike the pouder which (as you are soldiers) is at once your safety and your danger, being subject to take fire against you as well as for you; how well and securely is she by your galaxies so collected as to be in full force and vigor, and yet so distributed that it is impossible you should be blown up by your own magazine?”

The orator descending, had the period of his speech made with a vast applause and exultation of the whole tribe, attending him for that night to his quarter, as the phylarch with some commanded troops did the next day to the frontiers of the tribe, where leave was taken on both sides with more tears than grief.

[Definition of the tribe.] So, a tribe is the third division of land occasion’d by the third collection of the people, whose functions proper to that place are contain’d in the five foregoing orders.

The institution of the commonwealth was such as needed those props and scaffolds which may have troubled the reader; but I shall here take them away, and com to the constitution which stands by it self, and yields a clearer prospect.

[Constitution of the commonwealth.] The motions, by what has bin already shown, are spherical; and spherical motions have their proper center: for which cause (e’er I procede further) it will be necessary, for the better understanding of the whole, that I discover the center wherupon the motions of this commonwealth are form’d.

The center, or basis of every government, is no other than the fundamental laws of the same.

Fundamental laws are such as state what it is that a man may call his own, that is to say, property; and what the means be wherby a man may enjoy his own, that is to say, protection. The first is also call’d dominion, and the second empire or soverain power, wherof this (as has been shewn) is the natural product of the former: for such as is the balance of dominion in a nation, such is the nature of its empire.

“The center, or basis of every government, is no other than the fundamental laws of the same.

Fundamental laws are such as state what it is that a man may call his own, that is to say, property; and what the means be wherby a man may enjoy his own, that is to say, protection.”
Wherfore the fundamental laws of Oceana, or the center of this commonwealth, are the agrarian and the ballot: the agrarian by the balance of dominion preserving equality in the root; and the ballot by an equal rotation conveying it into the branch, or exercise of soverain power: as, to begin with the former, appears by

The thirteenth ORDER, constituting the agrarian laws of Oceana, Marpesia, and Panopea, whereby it is ordain’d, first, for all such lands as are lying and being within the proper territories of Oceana, that every man who is at present possest, or shall hereafter be possest of an estate in land exceeding the revenue of two thousand pounds a year, and having more than one son, shall leave his lands either equally divided among them, in case the lands amount to above 2000 l. a year to each; or so near equally in case they com under, that the greater part or portion of the same remaining to the eldest, excede not the value of two thousand pounds revenue. And no man, not in present possession of lands above the value of two thousand pounds by the year, shall receive, enjoy (except by lawful inheritance) acquire, or purchase to himself lands within the said territories, amounting, with those already in his possession, above the said revenue. And if a man has a daughter, or daughters, except she be an heiress, or they be heiresses, he shall not leave or give to any one of them in marriage, or otherwise, for her portion, above the value of one thousand five hundred pounds in lands, goods, and monys. Nor shall any friend, kinsman, or kinswoman, add to her or their portions that are so provided for, to make any one of them greater. Nor shall any man demand, or have more in marriage with any woman. Nevertheless an heiress shall enjoy her lawful inheritance, and a widow, whatsoever the bounty or affection of her husband shall bequeath to her, to be divided in the first generation, wherein it is divisible according as has bin shewn. ...

“The ballot of Venice, as it is fitted by several alterations, and appointed to every assembly, to be the constant and only way of giving suffrage in this commonwealth”

The next is

[14 Order] The fourteenth ORDER, constituting the ballot of Venice, as it is fitted by several alterations, and appointed to every assembly, to be the constant and only way of giving suffrage in this commonwealth, according to the following scheme.

I shall indeavour by the preceding figure to demonstrat the manner of the Venetian ballot (a thing as difficult in discourse or writing, as facil in practice) according to the use of it in Oceana. The whole figure represents the senat, containing, as to the house or form of sitting, a square and a half; the tribunal at the upper end being ascended by four steps. On the uppermost of these sit the magistrats that constitute the signory of the commonwealth, that is to say, A the strategus; B the orator; C the three commissioners of the great seal; D the three commissioners of the treasury, whereof one, E, exercises for the present the office of a censor at the middle urn F.

To the two upper steps of the tribunal answer GG. GG. the two long benches next the wall on each side of the house; the outwardmost of which are equal in height to the uppermost step, and the innermost equal in height to the next. Of these four benches consists the first seat; as the second seat consists in like manner of those four benches HH. HH. which being next the floor, are equal in height to the two nethermost steps of the throne. So the whole house is distributed into two seats, each consisting of four benches.

This distribution causes not only the greater conveniency, as will be shewn, to the senators in the exercise of their function at the ballot, but a greater grace to the aspect of the senat. In the middle of the outward benches stand I. I. the chairs of the censors, those being their ordinary places, tho upon occasion of the ballot they descend, and sit where they are shewn by K. K. at each of the outward urns L. L. Those M. M. that sit with their tables, and the bowls N. N. before them, upon the half space or second step of the tribunal from the floor, are the clerks or secretaries of the house. Upon the short seats O. O. on the floor (which should have bin represented by woolsacks) sit P the two tribuns of the horse; Q the two tribuns of the foot; and RR. RR. the judges: all which magistrats are assistants, but have no suffrage. This posture of the senat consider’d, the ballot is perform’d as follows.  

First, whereas the gold balls are of several sutes, and accordingly mark’d with several letters of the
alphabet, a secretary presents a little urn (wherin there is one ball of every suite or mark) to the strategus and the orator; and look what letter the strategus draws, the same and no other is to be us’d for that time in the middle urn F; the like for the letter drawn by the orator is to be observ’d for the side urns L. L. that is to say, if the strategus drew a ball with an A, all the gold balls in the middle urn for that day are mark’d with the letter A; and if the orator drew a B, all the gold balls in the side urn for that day are mark’d with the letter B: which don immediatly before the ballot, and so the letter unknown to the ballotants, they can use no fraud or jugling; otherwise a man might carry a gold ball in his hand, and seem to have drawn it out of an urn. He that draws a gold ball at any urn, delivers it to the censor or assessor of that urn, who views the character, and allows accordingly of his lot.

The strategus and the orator having drawn for the letters, the urns are prepar’d accordingly by one of the commissioners and the two censors. The preparation of the urns is after this manner. If the senat be to elect, for example, the list call’d the tropic of magistrats, which is this:

1. The lord STRATEGUS;
2. The lord ORATOR;
3. The third COMMISSIONER of the great seal;
4. The third COMMISSIONER of the treasury;
5. The first CENSOR;
6. The second CENSOR;

This list or schedule consists of six magistracys, and to every magistracy there are to be four competitors, that is, in all four and twenty competitors propos’d to the house. They that are to propose the competitors are call’d electors, and no elector can propose above one competitor: wherfore for the proposing of four and twenty competitors you must have four and twenty electors; and wheras the ballot consists of a lot and of a suffrage, the lot is for no other use than for the designation of electors; and he that draws a gold ball at the middle urn is an elector. Now, as to have four and twenty competitors propos’d, you must have four and twenty electors made; so to have four and twenty electors made by lot, you must have four and twenty gold balls in the middle urn; and these (because otherwise it would be no lot) mix’d with a competent number of blanks, or silver balls. Wherfore to the four and twenty gold balls cast six and twenty silver ones, and those (reckoning the blanks with the prizes) make fifty balls in the middle urn. This don (because no man can com to the middle urn that has not first drawn a gold ball at one of the side urns) and to be sure that the prizes or gold balls in this urn be all drawn, there must com to it fifty persons; therfore there must be in each of the side urns five and twenty gold balls, which in both com to fifty; and to the end that every senator may have his lot, the gold balls in the side urns are to be made up with blanks equal to the number of the ballotants at either urn: for example, the house consisting of 300 senators, there must be in each of the side urns 125 blanks and 25 prizes, which com in both the side urns to 300 balls. This is the whole mystery of preparing the urns, which the censors having skill to do accordingly, the rest of the ballot, whether the partys balloting understand it or no, must of necessary consequence com right; and they can neither be out, nor fall into any confusion in the exercise of this art.

But the ballot, as I said, is of two parts, lot and suffrage, or the proposition and result. The lot determins who shall propose the competitors; and the result of the senat, which of the competitors shall be the magistrats. The whole, to begin with the lot, procedes in this manner ...
... The nineteenth ORDER, distributing to every council such businesses as are properly to belong to their cognizance, whereof som they shall receive and determin; and others they shall receive, prepare, and introduce into the house: as, first,

[For the council of state.] THE council of state is to receive all addresses, intelligences, and letters of negotiation; to give audience to ambassadors sent to, and to draw up instructions for such as shall be sent by, this commonwealth; to receive propositions from, and hold intelligence with the provincial councils; to consider upon all laws to be enacted, amended, or repeal'd; and upon all levys of men or money, war or peace, leagues or associations to be made by this commonwealth, so far forth as is conducible to the orderly preparation of the same to be introduc'd by them into the senat. Provided that all such affairs, as otherwise appertaining to the council of state, are, for the good of the commonwealth, to be carry'd with greater secrecy, be manag'd by the council of war, with power to receive and send forth agents, spys, emissarys, intelligencers, frigots; and to manage affairs of that nature, if it be necessary, without communication to the senat, till such time as it may be had without detriment to the business. For the council of war. But they shall have no power to engage the commonwealth in a war without the consent of the senat and the people. It appertains also to this council to take charge of the fleet as admiral; and of all storehouses, armorys, arsenals, and magazins appertaining to this commonwealth. They shall keep a diligent record of the military expeditions from time to time reported by him that was strategus or general, or one of the polemarchs in that action; or at least so far as the experience of such commanders may tend to the improvement of the military disciplin, which they shall digest and introduce into the senat: and if the senat shall therupon frame any article, they shall see that it be observ'd in the musters or education of the youth. And wheras a directory for the administration of the national religion is to be prepar'd by this council, they shall in this and other debates of this nature procede in manner following: a question arising in matter of religion shall be put and stated by the council in writing; which writing the censors shall send by their beadles (being proctors chosen to attend them) each to the university wherof he is chancellor; and the vice-chancellor of the same receiving the writing, shall call a convocation of all the divines of that university, being above forty years of age. And the universitys upon a point so propos'd, shall have no manner of intelligence or correspondence one with another, till their debates be ended, and they have made return of their answers to the council of religion by two or three of their own members, that they may clear their sense, if any doubt should arise, to the council; which don, they shall return, and the council having receiv'd such information, shall procede according to their own judgments, in the preparation of the whole matter for the senat: that so the interest of the learned being remov'd, there may be a right application of reason to scripture, which is the foundation of the national religion.

SECONDLY, This council, as to the protection of the liberty of conscience, shall suffer no coercive power in the matter of religion to be exercis'd in this nation: the teachers of the natural religion being no other than
such as voluntarily undertake that calling; and their auditors or hearers, no other than are also voluntary. Nor shall any gather'd congregation be molested or interrupted in their way of worship (being neither Jewish or idolatrous) but vigilantly and vigorously protected and defended in the enjoyment, practice, and possession of the same. And if there be officers or auditors appointed by any such congregation for the introduction of causes into the council of religion, all such causes so introduc'd shall be receiv'd, heard, and determin'd by the same, with recourse had, if need be, to the senat. ...

“This council, as to the protection of the liberty of conscience, shall suffer no coercive power in the matter of religion to be exercis'd in this nation: the teachers of the natural religion being no other than such as voluntarily undertake that calling; and their auditors or hearers, no other than are also voluntary.”

“Nobility may be defin'd divers ways; for it is either antient riches, or antient virtue, or a title confer'd by a prince or a commonwealth. 

“Nobility of the first kind may be subdivided into two others, such as hold an overbalance in dominion or property to the whole people, or such as hold not an overbalance. In the former case, a nobility (such was the Gothic, of which sufficient has bin spoken) is incompatible with popular government; for to popular government it is essential that power should be in the people, but the overbalance of a nobility in dominion draws the power to themselves. Wherfore in this sense it is that Machiavel is to be understood, where he says, that these are pernicious in a commonwealth; for to popular government it is essential that power should be in the people, but the overbalance of a nobility in dominion draws the power to themselves. Wherfore in this sense it is that Machiavel is to be understood, where he says, that these are pernicious in a commonwealth; and of France, Spain, and Italy, that they are nations which for this cause are the corruption of the world: for otherwise nobility may according to his definition (which is, that they are such as live upon their own revenues in plenty, without engagement either to the tilling of their lands, or other work for their livelihood) hold an underbalance to the people; in which case they are not only safe, but necessary to the natural mixture of a well-order'd commonwealth. For how else can you have a commonwealth that is not altogether mechanic? or what comparison is there of such commonwelaths as are, or com nearest to mechanic, for example, Athens, Sicezterland, Holland, to Lacedemon, Rome, and Venice, plum'd with their aristocracies? your mechanics, till they have first feather'd their nests, like the fowls of the air, whose whole imploymet is to seek their food, are so busy'd in their private concerns, that they have neither leisure to study the public, nor are safely to be trusted with it, because a man is not faithfully imbark'd in this kind of ship, if he has no share in the freight. But if his share be such as gives him leisure by his privat advantage to reflect upon that of the public, what other name is there for this sort of men, being à leur aise, but (as Machiavel you see calls them) Nobility? especially when their familys com to be such as are noted for their services don to the commonwealth, and so take into their antient riches antient virtue, which is the second definition of nobility, but such a one as is scarce possible in nature without the former. For as the baggage, says Verulamius, is to an army, so are riches to virtue; they cannot be spar'd nor left behind, tho they be impediments, such as not only hinder the march, but sometimes thro the care of them lose or disturb the victory. Of this latter sort is the nobility of Oceana; the best of all others, because they, having no stamp whence to derive their price, can have it no otherwise than by their intrinsic value. The third definition of nobility, is a title, honor, or distinction from the people, confer'd or allow'd by the prince or the commonwealth. And this may be two ways, either without any stamp or privilege, as in Oceana; or with such privileges as are inconsiderable, as in Athens after the battel of Plateæ, whence the nobility had no right, as such, but to religious offices, or inspection of the public games, to which they were also to be elected by the people: or with privileges, and those considerable ones, as the nobility in Athens before the battel of Plateæ, and the Patricians in Rome, each of which had right, or claim'd it, to the senat and all the magistracies; wherin for som time they only by their stamp were current. ...

“Of this latter sort is the nobility of Oceana; the best of all others, because they, having no stamp whence to derive
their price, can have it no otherwise than by their intrinsic value.”

The Archon’s comment upon the order I find to have bin of this sense:

My lords,

“TO crave pardon for a word or two in farther explanation of what was read, I shall briefly shew how the constitution of this tribe or assembly answers to their function; and how their function, which is of two parts, the former in the result or legislative power, the latter in the supreme judicature of the commonwealth, answers to their constitution. Machiavel has a discourse, where he puts the question, Whether the guard of liberty may with more security be committed to the nobility, or to the people? Which doubt of his arises thro the want of explaining his terms; for the guard of liberty can signify nothing else but the result of the commonwealth: so that to say, that the guard of liberty may be committed to the nobility, is to say, that the result may be committed to the senat, in which case the people signify nothing. Now to shew it was a mistake to affirm it to have bin thus in Lacedemon, sufficient has bin spoken; and whereas he will have it to be so in Venice also, They, says Contarini, in whom resides the supreme power of the whole commonwealth, and of the laws, and upon whose orders depends the authority as well of the senat as of all the other magistrats, is the GREAT COUNCIL. It is institutively in the great council, by the judgment of all that know that commonwealth; tho for the reasons shewn, it be somtimes exercis’d by the senat. Nor need I run over the commonwealths in this place for the proof of a thing so doubtless, and such as has bin already made so apparent, as that the result of each was in the popular part of it. The popular part of yours, or the prerogative tribe, consists of seven deputys (wherof three are of the horse) annually elected out of every tribe of Oceana; which being fiftie, amounts to one hundred and fifty horse, and two hundred foot. And the prerogative consisting of three of these lists, consists of four hundred and fifty horse, and six hundred foot, besides those of the provinces to be hereafter mention’d; by which means the overbalance in the suffrage remaining to the foot by one hundred and fifty votes, you have to the support of a true and natural aristocracy, the deepest root of a democracy that has bin ever planted. Werherfore there is nothing in art or nature better qualify’d for the result than this assembly. It is noted out of Cicero by Machiavel, That the people, tho they are not so prone to find out truth of themselves, as to follow custom, or run into error; yet if they be shewn truth, they not only acknowledge and imbrace it very suddenly, but are the most constant and faithful guardians and conservators of it. It is your duty and office, wherto you are also qualify’d by the orders of this commonwealth, to have the people as you have your hauks and greyhounds, in leases and slips, to range the fields, and beat the bushes for them; for they are of a nature that is never good at this sport, but when you spring or start their proper quarry. Think not that they will stand to ask you what it is, or less know it than your hauks and greyhounds do theirs; but presently make such a flight or course, that a huntsman may as well undertake to run with his dogs, or a falconer to fly with his hauk, as an aristocracy at this game to compare with the people. The people of Rome were posses of no less a prey than the empire of the world, when the nobility turn’d tails, and perch’d among daws upon the tower of monarchy. For tho they did not all of them intend the thing, they would none of them indure the remedy, which was the agrarian. ...

“Machiavel has a discourse, where he puts the question, Whether the guard of liberty may with more security be committed to the nobility, or to the people? Which doubt of his arises thro the want of explaining his terms; for the guard of liberty can signify nothing else but the result of the commonwealth”

The Archon, being the greatest captain of his own, if not of any age, added much to the glory of this commonwealth, by interweaving the militia with more art and luster than any legislator from or before the time of Servius Tullius, who constituted the Roman militia. But as the bones or skeleton of a man, tho the greatest part of his beauty be contain’d in their proportion or symmetry, yet shewn without flesh, are a spectacle that is rather horrid than entertaining; so without discourses are the orders of a commonwealth; which, if she gos forth in that manner, may complain
of her friends that they stand mute, and staring upon her. Wherefore this order was thus flesh’d by the lord Archon.

My lords;

"DIOGENES seeing a young fellow drunk, told him that his father was drunk when he begot him. For this, in natural generation I must confess I see no reason; but in the political it is right. The vices of the people are from their governors; those of their governors from their laws or orders; and those of their laws or orders from their legislators. Whatever was in the womb imperfect, as to her proper work, coms very rarely, or never at all to perfection afterwards: and the formation of a citizen in the womb of the commonwealth is his education.

"The vices of the people are from their governors; those of their governors from their laws or orders; and those of their laws or orders from their legislators.”

“Education by the first of the foregoing orders is of six kinds: at the school, in the mechanics, at the universities, at the ins of court or chancery, in travels, and in military discipline: som of which I shall but touch, and som I shall handle more at large.

[Schools.] “That which is propos’d for the erecting and indowing of schools thro'out the tribes, capable of all the children of the same, and able to give to the poor the education of theirs gratuit, is only matter of direction in case of very great charity, as easing the needy of the charge of their children from the ninth to the fifteenth year of their age, during which time their work cannot be profitable; and restoring them when they may be of use, furnished with tools wherof’ there are advantages to be made in every work, seeing he that can read and use his pen has som convenience by it in the meanest vocation. And it cannot be conceiv’d, but that which coms, tho in small parcels, to the advantage of every man in his vocation, must amount to the advantage of every vocation, and so to that of the whole commonwealth. Wherefore this is commended to the charity of every wisehearted and welmind man, to be don in time, and as God shall stir him up or inable him; there being such provision already in the case, as may give us leave to procede without obstruction.

[Mechanics in general.] “Parents, under animadversion of the censors, are to dispose of their children at the fifteenth year of their age to somthing; but what, is left, according to their abilities or inclination, at their own choice. This, with the multitude, must be to the mechanics, that is to say, to agriculture or husbandry; to manufactures, or to merchandize.

[Husbandry.] “Agriculture is the bread of the nation; we are hung upon it by the teeth; it is a mighty nursery of strength, the best army, and the most assur’d knapsac; it is manag’d with the least turbulent or ambitious, and the most innocent hands of all other arts. Wherefore I am of Aristotle’s opinion, that a commonwealth of husbandmen, and such is ours, must be the best of all others. Certainly, my lords, you have no measure of what ought to be, but what can be don for the incouragement of this profession. I could wish I were husband good enough to direct somthing to this end; but racking of rents is a vile thing in the richer sort, an uncharitable one to the poorer, a perfect mark of slavery, and nips your commonwealth in the fairest blossom. On the other side, if there should be too much ease given in this kind, it would occasion sloth, and so destroy industry, the principal nerve of a commonwealth. But if ought might be don to hold the balance even between these two, it would be a work in this nation equal to that for which Fabius was surnam’d Maximus by the Romans.

“Agriculture is the bread of the nation; we are hung upon it by the teeth; it is a mighty nursery of strength, the best army, and the most assur’d knapsac; it is manag’d with the least turbulent or ambitious, and the most innocent hands of all other arts. Wherefore I am of Aristotle’s opinion, that a commonwealth of husbandmen, and such is ours, must be the best of all others.”
Manufactures and merchandize. In manufactures and merchandize the Hollander has gotten the start of us; but at the long run it will be found, that a people working upon a foren commodity dos but farm the manufacture, and that it is really intail’d upon them only, where the growth of it is native: as also that it is one thing to have the carriage of other mens goods, and another for a man to bring his own to the best market. Wherfore (nature having provided encouragement for these arts in this nation above all others, where, the people growing, they of necessity must also increase) it cannot but establish them upon a far more sure and effectual foundation than that of the Hollanders. But these educations are in order to the first things, or necessitys of nature; as husbandry to the food, manufacture to the clothing, and merchandize to the purse of the commonwealth.

“Now if you add to the propagation of civil liberty (so natural to this commonwealth that it cannot be omitted) the propagation of the liberty of conscience, this empire, this patronage of the world is the kingdom of Christ”

Now if you add to the propagation of civil liberty (so natural to this commonwealth that it cannot be omitted) the propagation of the liberty of conscience, this empire, this patronage of the world is the kingdom of Christ: for as the kingdom of God the father was a commonwealth, so shall the kingdom of God the son; the people shall be willing in the day of his power.

Having shew’d you in this and other places, som of those inestimable benefits of this kind of government, together with the natural and facil emanation of them from their fountain, I com [lest God who has appear’d to you, for he is the God of nature, in the glorious constellation of these subordinat causes, wherof we have hitherto bin taking the true
elevation, should shake off the dust of his feet against you) to warn you of the dangers which you, not taking the opportunity, will incur by omission.

“MACHIAVEL speaking of the defect of Venice, thro her want of proper arms, crys out, This cut her wings, and spoil’d her mount to heaven. If you lay your commonwealth upon any other foundation than the people, you frustrat your self of proper arms, and so lose the empire of the world; nor is this all, but som other nation will have it.

“COLUMBUS offer’d gold to one of your kings, thro whose happy incredulity another prince has drunk the poison, even to the consumtion of his people; but I do not offer you a nerve of war that is made of pursestrings, such a one as has drawn the face of the earth into convulsions, but such as is natural to her health and beauty. Look you to it, where there is tumbling and tossing upon the bed of sickness, it must end in death or recovery. Tho the people of the world, in the dregs of the Gothic empire, be yet tumbling and tossing upon the bed of sickness, they cannot dy; nor is there any means of recovery for them but by antient prudence, whence of necessity it must com to pass, that this drug be better known. If France, Italy, and Spain, were not all sick, all corrupted together, there would be none of them so; for the sick would not be able to withstand the sound, nor the sound to preserve their health without curing of the sick. The first of these nations (which, if you stay her leisure, will in my mind be France) that recovers the health of antient prudence, shall certainly govern the world; for what did Italy when she had it? and as you were in that, so shall you in the like case be reduced to a province; I do not speak at random. Italy, in the consulship of Lucius Æmilius Papus, and Caius Atilius Regulus, arm’d upon the Gallic tumult that then happen’d of her self, and without the aid of foren auxiliarys, seventy thousand horse, and seven hundred thousand foot: but as Italy is the least of those three countrys in extent, so is France now the most populous.

I, decus, I, nostrum, melioribus utere fatis.

“MY dear lords, Oceana is as the rose of Sharon, and the lilly of the vally. As the lilly among thorns, such is my love among the daughters. She is comly as the tents of Kedar, and terrible as an army with banners. Her neck is as the tower of David, builded for an armory, whereon there hang a thousand bucklers and shields of mighty men. Let me hear thy voice in the morning, whom my soul loves. The south has drop’d,
and the west is breathing upon thy garden of spices.

Arise, queen of the earth, arise, holy spouse of Jesus; for lo the winter is past, the rain is over and gone; the flowers appear on the earth, the time for the singing of birds is com, and the voice of the turtle is heard in our land. Arise, I say, com forth, and do not tarry: ah! wherfore should my eys behold thee by the rivers of Babylon, hanging thy harps upon the willows, thou fairest among women?

“Excellent PATRIOTS; if the people be soverain, here is that which establishes their prerogative: if we be sincere, here is that which disburdens our souls, and makes good all our ingagements: if we be charitable, here is that which imbraces all partys: if we would be settl'd, here is that which will stand, and last for ever.

“If our religion be any thing else but a vain boast, scratching and defacing human nature or reason, which, being the image of God, makes it a kind of murder; here is that empire whence justice shall run down like a river, and judgment like a mighty stream. Who is it then that calls us? or what is in our way? a lion! is it not the dragon that old serpent? for what wretched shifts are these? here is a great deal, might we not have som of this at one time, and som at another? ...

LIBERTAS.

The Proclamation of his Highness the Lord Archon of Oceana upon Promulgation of the Model.

WHERAS his highness and the council, in the framing of the model promulgated, have not had any private interest, or ambition, but the fear of God, and the good of this people before their eys; and it remains their desire that this great work may be carry'd on accordingly: This present greeting is to inform the good people of this land, that as the council of prytans sat during the framing of the model, to receive from time to time such propositions as should be offer’d by any wisehearted or public spirited man, towards the institution of a well-order’d commonwealth, so the said council is to sit as formerly in the great hall of the pantheon during promulgation (which is to continue for the space of three months) to receive, weigh, and, as there shall be occasion, transmit to the council of legislators, all such objections as shall be made against the said model, whether in the whole, or in any part.

Wherfore that nothing be don rashly, or without the consent of the people, such, of what party soever, with whom there may remain any doubts or difficulties, are desir’d with all convenient speed to address themselves to the said prytans; where, if such objections, doubts, or difficulties, receive solution to the satisfaction of the auditory, they shall have public thanks: but if the said objections, doubts, or difficulties, receive no solution to the satisfaction of the auditory then the model promulgated shall be reviewed, and the party that was the occasion of the review, shall receive public thanks, together with the best horse in his highness’s stable, and be one of the council of legislators. And so God have you in his keeping.

I should now write the same council of the prytans, but for two reasons; the one, that having had but a small time for that which is already don, I am overlabour’d; the other, that there may be new objections. Wherfore, if my reader has any such as to the model, I intreat him to address himself by way of oration, as it were, to the prytans, that when this rough draught comes to be a work, his speech being faithfully inserted in this place, may give or receive correction to amendment: for what is written will be weigh’d. But conversation, in these days, is a game, at which they are best provided that have light gold: it is like the sport of women that make flowers of straws, which must be stuck up, but may not be touch’d. Nor, which is worse, is this the fault of conversation only: but to the examiner, I say, If to invent method, and teach an art, be all one, let him shew that this method is not truly invented, or this art is faithfully taught.

“under the administration of which officers and magistrats the commonwealth was ratify’d and establish’d by the whole body of the people, in their parochial, hundred, and county assemblies.”

I cannot conclude a circle (and such is this commonwealth) without turning the end into the beginning. The time of promulgation being expir’d, the surveyors were sent down, who having in due season made report that their work was perfect, the orators
follow'd; under the administration of which officers and magistrates the commonwealth was ratify'd and establish'd by the whole body of the people, in their parochial, hundred, and county assemblies. And the orators being, by virtue of their scrols or lots, members of their respective tribes, were elected each the first knight of the third list, or galaxy; wherfore having at their return assisted the Archon in putting the senat and the people or prerogative into motion, they abdicated the magistracy both of orators and legislators. ...

“Liberty! What is even that, if we may not be grateful? And if we may, we have none: for who has any thing that he dos not ow? My lords, there be some hard conditions of virtue: if this debt were exacted, it were not due; whereas being cancell’d, we are all enter’d into bonds. On the other side, if we make such a payment as will not stand with a free people, we do not impoverish my lord Archon, but rob him of his whole estate, and his immense glory.

“These particulars had in due deliberation and mature debate, according to the order of this commonwealth, It is propos’d by authority of the senat, to you my lords the people of Oceana:

“I. That the dignity and office of Archon, or protector of the commonwealth of Oceana, be, and is hereby confer'd by the senat and the people of Oceana, upon the most illustrious prince, and sole legislator of this commonwealth, Olphaus Megaletor pater patriæ, whom God preserve, for the term of his natural life.

“II. That three hundred and fifty thousand pounds per annum yet remaining of the antient revenue, be estated upon the said illustrious prince, or lord Archon, for the said term, and to the proper and peculiar use of his highness.

“III. That the lord Archon have the reception of all foren embassadors, by and with the council of state, according to the orders of this commonwealth.

“IV. That the lord Archon have a standing army of twelve thousand men, defray’d upon a monthly tax, during the term of three years, for the protection of this commonwealth against dissenting partys; to be governed, directed, and commanded by and with the advice of the council of war, according to the orders of this commonwealth.

“V. That this commonwealth make no distinction of persons or partys, but every man being elected and sworn, according to the orders of the same, be equally capable of magistracy; or not elected, be equally capable of liberty, and the enjoyment of his estate free from all other than common taxes.

“VI. That a man putting a distinction upon himself, refusing the oath upon election, or declaring himself of a party not conformable to the civil government, may within any time of the three years standing of the army, transport himself and his estate, without molestation or impediment, into any other nation.

“VII. That in case there remains any distinction of partys not conforming to the civil government of this commonwealth, after the three years of the standing army being expir’d, and the commonwealth be therby forc’d to prolong the term of the said army, the pay from thenceforth of the said army be levy’d upon the estates of such partys so remaining unconformable to the civil government.”

The proposer having ended his oration, the trumpets sounded; and the tribuns of the horse being mounted to view the ballot, caus’d the tribe (which throning up to the speech, came almost round the gallery) to retreat about twenty paces, when Linceus de Stella receiving the propositions, repair’d with Bronchus de Rauco the herald, to a little scaffold erected in the middle of the tribe, where he seated himself, the herald standing bare upon his right hand. The ballotins having their boxes ready, stood before the gallery, and at the command of the tribuns march’d, one to every troop on horseback, and one to every company on foot; each of them being follow’d by other children that bore red boxes: now this is putting the question whether the question should be put. And the suffrage being very suddenly return’d to the tribuns at
the table, and number’d in the view of the proposers, the votes were all in the affirmative...

... My lord Archon’s arrival being known, the signory, accompany’d by the tribuns, repair’d to him, with the news he had already heard by the herald; to which my lord stratagus added, that his highness could not doubt upon the demonstrations given, but the minds of men were firm in the opinion, that he could be no seeker of himself in the way of earthly pomp and glory; and that the gratitude of the senat, and the people, could not therfore be understood to have any such reflection upon him. But so it was, that in regard of dangers abroad, and partys at home, they durst not trust themselves without a standing army, nor a standing army in any man’s hands but those of his highness.

The Archon made answer, that he ever expected this would be the sense of the senat and the people; and this being their sense, he should have bin sorry they had made choice of any other than himself for a standing general: first, because it could not have bin more to their own safety: and, secondly, because so long as they should have need of a standing army, his work was not done: that he would not dispute against the judgment of the senat and the people, nor ought that to be. Nevertheless, he made little doubt but experience would shew every party their own interest in this government, and that better improv’d than they could expect from any other; that mens animositys should overbalance their interest for any time, was impossible; that humour could never be lasting, nor thro the constitution of the government, of any effect at the first charge. For supposing the worst, and that the people had chosen no other into the senat and the prerogative than royalists, a matter of fourteen hundred men must have taken their oaths at their election, with an intention to go quite contrary, not only to their oaths so taken, but to their own interest; for being estated in the soverain power, they must have decreed it from themselves (such an example for which there was never any experience, nor can there be any reason) or holding it, it must have don in their hands as well every whit as in any other. Furthermore, they must have remov’d the government from a foundation that apparently would hold, to set it upon another which apparently would not hold; which things if they could not com to pass, the senat and the people consisting wholly of royalists, much less by a parcel of them elected. But if the fear of the senat and of the people deriv’d from a party without, such a one as would not be elected, nor ingage themselves to the commonwealth by an oath; this again must be so large, as would go quite contrary to their own interest, they being as free and as fully estated in their liberty as any other, or so narrow that they could do no hurt, while the people being in arms, and at the beck of the stratagus, every tribe would at any time make a better army than such a party: and there being no partys at home, fears from abroad would vanish. But seeing it was otherwise determin’d by the senat and the people, the best course was to take that which they held the safest, in which with his humble thanks for their great bounty, he was resolv’d to serve them with all duty and obedience.

A very short time after the royalists, now equal citizens, made good the Archon’s judgment, there being no other that found any thing near so great a sweet in the government. For he who has not bin acquainted with affliction, says Seneca, knows but half the things of this world. Moreover they saw plainly, that to restore the ancient government they must cast up their estates into the hands of three hundred men; wherfore in case the senat and the prerogative, consisting of thirteen hundred men, had bin all royalists, there must of necessity have bin, and be for ever, one thousand against this or any such vote. But the senat being inform’d by the signory, that the Archon had accepted of his dignity and office, caus’d a third chair to be set for his highness, between those of the stratagus and the orator in the house, the like at every council; to which he repair’d, not of necessity, but at his pleasure, being the best, and, as Argus not vainly said, the greatest prince in the world: for in the pomp of his court he was not inferior to any, and in the field he was follow’d with a force that was formidable to all. Nor was there a cause in the nature of this constitution to put him to the charge of guards, to spoil his stomach or his sleep: insomuch, as being handsomely disputed by the wits of the academy, whether my lord Archon, if he had bin ambitious, could have made himself so great, it was carry’d clear in the negative; not only for the reasons drawn from the present balance, which was popular; but putting the case the balance had bin monarchical. For there be som nations, wherof this is one, that will bear a prince in a commonwealth far higher than it is possible for them to bear a monarch. Spain look’d upon
the prince of Orange as her most formidable enemy; but if ever there be a monarch in Holland, he will be the Spaniards best friend. For whereas a prince in a commonwealth derives his greatness from the root of the people, a monarch derives his from one of those balances which nip them in the root; by which means the low countries under a monarch were poor and inconsiderable, but in bearing a prince could grow to a miraculous height, and give the glory of his actions by far the upper hand of the greatest king in Christendom. There are kings in Europe, to whom a king of Oceana would be put a petit companion. But the prince of this commonwealth is the terror and judg of them all.

“For wheras a prince in a commonwealth derives his greatness from the root of the people, a monarch derives his from one of those balances which nip them in the root”

That which my lord Archon now minded most, was the agrarian, upon which debate he incessantly thrust the senat and the council of state; to the end it might be planted upon som firm root, as the main point and basis of perpetuity to the commonwealth.

And these are som of the most remarkable passages that happen’d in the first year of this government. About the latter end of the second, the army was disbanded, but the taxes continu’d at thirty thousand pounds a month, for three years and a half. By which means a piece of artillery was planted, and a portion of land to the value of 50 l. a year purchas’d for the maintenance of the games, and of the prize arms for ever, in each hundred.

“And these are som of the most remarkable passages that happen’d in the first year of this government. About the latter end of the second, the army was disbanded”

With the eleventh year of the commonwealth, the term of the excise, allotted for the maintenance of the senat and the people and for the raising of a public revenue expir’d. By which time the exchequer, over and above the annual salarys, amounting to three hundred thousand pounds, accumulating every year out of one million incom seven hundred thousand pounds in banco, brought it with a product of the sum, rising to about eight millions in the whole: wherby at several times they had purchas’d to the senat and the people four hundred thousand pounds per annum solid revenue; which, besides the lands held in Panopea, together with the perquisits of either province, was held sufficient for a public revenue. Nevertheless, taxes being now wholly taken off, the excise of no great burden (and many specious advantages not vainly propos’d in the heightning of the public revenue) was very cheerfully establish’d by the senat and the people, for the term of ten years longer; and the same course being taken, the public revenue was found in the one and twentieth of the commonwealth, to be worth one million in good land. Wherupon the excise was so abolish’d for the present, as withal resolv’d to be the best, the most fruitful and easy way of raising taxes, according to future exigences. But the revenue being now such as was able to be a yearly purchaser, gave a jealousy that by this means the balance of the commonwealth, consisting in privat fortunes, might be eaten out; whence this year is famous for that law wherby the senat and the people forbidding any further purchase of lands to the public within the dominions of Oceana and the adjacent provinces, put the agrarian upon the commonwealth herself. These increases are things men, addicted to monarchy, deride as impossible, wherby they unwarily urge a strong argument against that which they would defend. For having their eys fix’d upon the pomp and expence, by which not only every child of a king being a prince, exhausts his father’s coffers; but favorits and servil spirits, devoted to the flattery of those princes, grow insolent and profuse, returning a fit gratitude to their masters, whom while they hold it honorable to deceive, they suck and keep eternally poor: it follows that they do not see how it should be possible for a commonwealth to clothe her self in purple, and thrive so strangely upon that which would make a prince’s hair grow thro his hood, and not afford him bread. As if it were a miracle that a careless and prodigal man should bring ten thousand pounds a year to nothing, or that an industrious and frugal man brings a little to ten thousand pounds a year. But the fruit of one man’s
industry and frugality can never be like that of a commonwealth; first, because the greatness of the increase follows the greatness of the stock or principal: and, secondly, because a frugal father is for the most part succeeded by a lavish son; whereas a commonwealth is her own heir. ...

“Nevertheless, taxes being now wholly taken off, the excise of no great burden (and many specious advantages not vainly propos’d in the heightning of the public revenue) was very cheerfully establish’d by the senat and the people”

The youth and wits of the academy having put the business so home in the defence of comedys, that the provosts had nothing but the consequences provided against by the foregoing law to object, prevail’d so far, that two of the provosts of the council of state join’d in a proposition, which after much ado came to a law, whereby one hundred thousand pounds was allotted for the building of two theaters on each side of the piazza of the Halo: and two annual magistrats called prelats, chosen out of the knights, were added to the tropic, the one call’d the prelat of the huskin, for inspection of the tragic scene call’d Melpomene; and the other the prelat of the sock, for the comic called Thalia, which magistrats had each five hundred pounds a year allow’d out of the profits of the theaters; the rest, except eight hundred a year to four poets, payable into the exchequer. A poet laureat created in one of these theaters, by the strategus receives a wreath of five hundred pounds in gold, paid out of the said profits. But no man is capable of this creation, that had not two parts in three of the suffrages at the academy, assembl’d after six weeks warning, and upon that occasion.

These things among us are sure enough to be censur’d, but by such only as do not know the nature of a commonwealth: for to tell men that they are free, and yet to curb the genius of a people in a lawful recreation, to which they are naturally inclin’d, is to tell a tale of a tub.”

But I cannot depart out of this country, till I have taken leave of my lord Archon, a prince of immense felicity, who having built as high with his counsils, as he dig’d deep with his sword, had now seen fifty years measur’d with his own inerring orbs. [Plutarch in the life of Timoleon.] TIMOLEON (such a hater of tyrants that not able to persuade his brother Timophanes to relinquish the tyranny of Corinth, he slew him) was afterwards elected by the people (the Sicilians groaning to them from under the like burden) to be sent to their relief: wherupon Teleclides the man at that time of most authority in the commonwealth of Corinth, stood up, and giving an exhortation to Timoleon, how he should behave himself in this expedition, told him, that if he restor’d the Sicilians to liberty, it would be acknowledg’d that he destroy’d a tyrant; if otherwise, he must expect to hear he had murder’d a king. Timoleon taking his leave, with a very small provision for so great a design, pursu’d it with a courage not inferior to, and a felicity beyond any that had bin known to that day in mortal flesh, having in the space of eight years utterly rooted out of all Sicily those weeds of tyranny, thro the
detestation wherof men fled in such abundance from their native country, that whole cities were left desolat; and brought it to such a pass, that others thro the fame of his virtues, and the excellency of the soil, flock’d as fast from all quarters to it, as to the garden of the world: while he, being presented by the people of Syracuse with his town-house, and his country retreat, the sweetest places in either, liv’d with his wife and children a most quiet, happy, and holy life; for he attributed no part of his success to himself, but all to the blessing and providence of the Gods. As he past his time in this manner, admir’d and honour’d by mankind, Laphistius an envious demagog, going to summon him upon som pretence or other to answer for himself before the assembly, the people fell into such a mutiny, as could not be appeas’d but by Timoleon, who understanding the matter, reprov’d them, by repeating the pains and travel which he had gone thro, to no other end than that every man might have the free use of the laws. Wherfore when Dæmenetus another demagog, had brought the same design about again, and blam’d him impertinently to the people for things which he did when he was general. Timoleon answer’d nothing, but raising up his hands, gave the Gods thanks for their return to his frequent prayers, that he might but live to see the Syracusians so free, that they could question whom they pleas’d.

Not long after, being old, thro som natural imperfection, he fell blind; but the Syracusians by their perpetual visits held him, tho he could not see, their greatest object: if there arriv’d strangers, they brought him to see this sight. Whatever came in debate at the assembly, if it were of small consequence, they determin’d it themselves; but if of importance, they always sent for Timoleon; who being brought by his servants in a chair, and set in the middle of the theater, there ever followed a great shout, after which som time was allow’d for the benedictions of the people; and then the matter propos’d, when Timoleon had spoken to it, was put to the suffrage; which given, his servants bore him back in his chair, accompany’d by the people clapping their hands, and making all expressions of joy and applause, till leaving him at his house, they return’d to the dispatch of their business. And this was the life of Timoleon, till he dy’d of age, and drop’d like a mature fruit while the eye of the people were as the showers of autumn.

The life and death of my lord Archon (but that he had his senses to the last, and that his character, as not the restorer, but the founder of a commonwealth, was greater) is so exactly the same, that (seeing by men wholly ignorant of antiquity, I am accus’d of writing romance) I shall repeat nothing: but tell you that this year the whole nation of Oceana, even to the women and children, were in mourning, where so great or sad a funeral pomp had never bin seen or known. Somtime after the performance of the exequys, a Colossus, mounted on a brazen horse of excellent fabric, was erected in the piazza of the pantheon, engrav’d with this inscription on the eastern side of the pedestal: HIS NAME IS AS PRECIOUS OINTMENT. And on the Western with the following: GRATA PATRIA, Piae & Perpetuae Memorie, D. D.

OLPHAUS MEGALETOR. Lord Archon, and sole Legislator of OCEANA. Pater Patria.

Invincible in the Field.
Inviolable in his Faith.
Unfained in his Zeal.
Immortal in his Fame.

The Greatest of Captains.
The Best of Princes.
The Happiest of Legislators.
The Most Sincere of Christians.

Who setting the Kingdoms of Earth at Liberty,
Took the Kingdom of the Heavens by Violence;

Anno } Æetat. suæ 116. Anno } Hujus Reipub. 50.
Further Information

SOURCE


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FURTHER READING

Other works by James Harrington (1611-1677) <http://oll.libertyfund.org/people/3922>.

Debate: Utopias, or the Ideal Society of the Future <http://oll.libertyfund.org/groups/84>.

"Then will arrive the moment in which the sun will observe in its course free nations only, acknowledging no other master than their reason; in which tyrants and slaves, priests and their stupid or hypocritical instruments, will no longer exist but in history and upon the stage."
The Marquis de Condorcet (1743-1794) was a mathematician, a philosophe, permanent secretary of the French Academy of Sciences (from 1776), and a politician during the French Revolution in the liberal Girondin faction. He was active in a number of committees which drew up legislation during the Revolution (especially on public education and constitutional reform) but became a victim of Jacobin repression when the liberal Girondin group was expelled from the Convention. He was guillotined in March 1794. He was also a pioneer in advocating the right of women to vote and to participate fully in politics, writing “On the Admission of Women to the Rights of Citizenship” in 1790.

Condorcet wrote this optimistic vision of a future free and prosperous society while he was in prison awaiting execution. The first nine parts of the book are a history of the evolution of humans from the most primitive stage to the more advanced political and economic society which was France on the eve of the French Revolution. The tenth and final epoch is where Condorcet tells us what he thinks will be the future of mankind once the principles of individual liberty, free scientific inquiry, and free markets become more widespread. He believes that European countries will no longer enslave or colonize other parts of the world, that “unrestricted commerce” will unite the globe in trade, that inequality of all kinds will gradually disappear, that science and mathematics will hugely improve the wealth and health of all citizens, that universal education will open up untold opportunities for people to improve and enlighten themselves, that industrial progress will reduce the time and effort required to make people physically comfortable, that the prejudices and legal restrictions placed upon women will disappear, that people will learn that war is “the most dreadful of all calamities,” that the arts and sciences will blossom, and that science and medicine will extend the lives of everybody. In other words, he believed in “the absolute perfection of the human species.”

His final paragraph is quite remarkable as he contemplates his own death at the hands of his captors: He consoles himself that what he has just written as it “is the asylum into which he retires, and to which the memory of his persecutors cannot follow him.”

“And how admirably calculated is this view of the human race, emancipated from its chains, released alike from the dominion of chance, as well as from that of the enemies of its progress, and advancing with a firm and indeviate step in the paths of truth, to console the philosopher lamenting the errors, the flagrant acts of injustice, the crimes with which the earth is still polluted? It is the contemplation of this prospect that rewards him for all his efforts to assist the progress of reason and the establishment of liberty. He dares to regard these efforts as a part of the eternal chain of the destiny of mankind; and in this persuasion he finds the true delight of virtue, the pleasure of having performed a durable service, which no vicissitude will ever destroy in a fatal operation calculated to restore the reign of prejudice and slavery.”
"Tenth Epoch. Future Progress of Mankind" (1794)\textsuperscript{73}

If man can predict, almost with certainty, those appearances of which he understands the laws; if, even when the laws are unknown to him, experience or the past enables him to foresee, with considerable probability, future appearances; why should we suppose it a chimerical undertaking to delineate, with some degree of truth, the picture of the future destiny of mankind from the results of its history? The only foundation of faith in the natural sciences is the principle, that the general laws, known or unknown, which regulate the phenomena of the universe, are regular and constant; and why should this principle, applicable to the other operations of nature, be less true when applied to the development of the intellectual and moral faculties of man? In short, as opinions formed from experience, relative to the same class of objects, are the only rule by which men of soundest understanding are governed in their conduct, why should the philosopher be proscribed from supporting his conjectures upon a similar basis, provided he attribute to them no greater certainty than the number, the consistency, and the accuracy of actual observations shall authorise?

Our hopes, as to the future condition of the human species, may be reduced to three points: the destruction of inequality between different nations; the progress of equality in one and the same nation; and lastly, the real improvement of man.

Will not every nation one day arrive at the state of civilization attained by those people who are most enlightened, most free, most exempt from prejudices, as the French, for instance, and the Anglo-Americans? Will not the slavery of countries subjected to kings, the barbarity of African tribes, and the ignorance of savages gradually vanish? Is there upon the face of the globe a single spot the inhabitants of which are condemned by nature never to enjoy liberty, never to exercise their reason?

Does the difference of knowledge, of means, and of wealth, observable hitherto in all civilized nations, between the classes into which the people constituting those nations are divided; does that inequality, which the earliest progress of society has augmented, or, to speak more properly, produced, belong to civilization itself, or to the imperfections of the social order? Must it not continually weaken, in order to give place to that actual equality, the chief end of the social art, which diminishing even the effects of the natural difference of the faculties, leaves no other inequality subsisting but what is useful to the interest of all, because it will favour civilization, instruction, and industry, without drawing after it either dependence, humiliation or poverty? In a word, will not men be continually verging towards that state, in which all will possess the requisite knowledge for conducting themselves in the common affairs of life by their own reason, and of maintaining that reason uncontaminated by prejudices; in which they will understand their rights, and exercise them according to their opinion and their conscience; in which all will be able, by the development of their faculties, to procure the certain means of providing for their wants; lastly, in which folly and wretchedness will be accidents, happening only now and then, and not the habitual lot of a considerable portion of society?

“Our hopes, as to the future condition of the human species, may be reduced to three points: the destruction of inequality between different nations; the progress of equality in one and the same nation; and lastly, the real improvement of man.”

In fine, may it not be expected that the human race will be meliorated by new discoveries in the sciences and the arts, and, as an unavoidable consequence, in the means of individual and general prosperity; by farther progress in the principles of conduct, and in moral practice; and lastly, by the real improvement of our faculties, moral, intellectual and physical, which may be the result either of the improvement of the instruments which increase the power and direct the exercise of those faculties, or of the improvement of our natural organization itself?

In examining the three questions we have enumerated, we shall find the strongest reasons to believe, from past experience, from observation of the progress which the sciences and civilization have hitherto made, and from the analysis of the march of the human understanding, and the development of its faculties, that nature has fixed no limits to our hopes.

If we take a survey of the existing state of the globe, we shall perceive, in the first place, that in Europe the principles of the French constitution are those of every enlightened mind. We shall perceive that they are too widely disseminated, and too openly professed, for the efforts of tyrants and priests to prevent them from penetrating by degrees into the miserable cottages of their slaves, where they will soon revive those embers of good sense, and rouse that silent indignation which the habit of suffering and terror have failed totally to extinguish in the minds of the oppressed.

If we next look at the different nations, we shall observe in each, particular obstacles opposing, or certain dispositions favourable this revolution. We shall distinguish some in which it will be effected, perhaps slowly, by the wisdom of the respective governments; and others in which, rendered violent by resistance, the governments themselves will necessarily be involved in its terrible and rapid motions.

Can it be supposed that either the wisdom or the senseless feuds of European nations, co-operating with the slow but certain effects of the progress of their colonies, will not shortly produce the independence of the entire new world; and that then, European population, lending its aid, will fail to civilize or cause to disappear, even without conquest, those savage nations still occupying there immense tracts of country?

Run through the history of our projects and establishments in Africa or in Asia, and you will see our monopolies, our treachery, our sanguinary contempt for men of a different complexion or different creed, and the proselyting fury or the intrigues of our priests, destroying that sentiment of respect and benevolence which the superiority of our information and the advantages of our commerce had at first obtained.

But the period is doubtless approaching, when, no longer exhibiting to the view of these people corruptors only or tyrants, we shall become to them instruments of benefit, and the generous champions of their redemption from bondage.

The cultivation of the sugar cane, which is now establishing itself in Africa, will put an end to the shameful robbery by which, for two centuries, that country has been depopulated and depraved.

Already, in Great Britain, some friends of humanity have set the example; and if its Machiavelian government, forced to respect public reason, has not dared to oppose this measure, what may we not expect from the same spirit, when, after the reform of an object and venal constitution, it shall become worthy of a humane and generous people? Will not France be eager to imitate enterprises which the philanthropy and the true interest of Europe will equally have dictated? Spices are already introduced into the French islands, Guiana, and some English settlements; and we shall soon witness the fall of that monopoly which the Dutch have supported by such a complication of perfidy, of oppression, and of crimes. The people of Europe will learn in time that exclusive and chartered companies are but a tax upon the respective nation, granted for the purpose of placing a new instrument in the hands of its government for the maintenance of tyranny.

“Then will the inhabitants of the European quarter of the world, satisfied with an unrestricted commerce, too enlightened as to their own rights to sport with the rights of others, respect that independence which they have hitherto violated with such audacity.”

Then will the inhabitants of the European quarter of the world, satisfied with an unrestricted commerce, too enlightened as to their own rights to sport with the rights of others, respect that independence which they have hitherto violated with such audacity. Then will their establishments, instead of being filled by the creatures of power, who, availing themselves of a place or a privilege, hasten, by rapine and perfidy, to amass wealth, in order to purchase, on their return, honours and titles, be peopled with industrious men, seeking in those happy climates that ease and comfort which in their native country eluded their pursuit. There will they be retained by liberty, ambition having lost its allurements; and those settlements of robbers will then
become colonies of citizens, by whom will be planted in Africa and Asia the principles and example of the freedom, reason, and illumination of Europe. To those monks also, who inculcate on the natives of the countries in question the most shameful superstitions only, and who excite disgust by menacing them with a new tyranny, will succeed men of integrity and benevolence, anxious to spread among these people truths useful to their happiness, and to enlighten them upon their interests as well as their rights: for the love of truth is also a passion; and when it shall have at home no gross prejudices to combat, no degrading errors to dissipate, it will naturally extend its regards, and convey its efforts to remote and foreign climes.

“To those monks also, who inculcate on the natives of the countries in question the most shameful superstitions only, and who excite disgust by menacing them with a new tyranny, will succeed men of integrity and benevolence, anxious to spread among these people truths useful to their happiness, and to enlighten them upon their interests as well as their rights.”

These immense countries will afford ample scope for the gratification of this passion. In one place will be found a numerous people, who, to arrive at civilization, appear only to wait till we shall furnish them with the means; and, who, treated as brothers by Europeans, would instantly become their friends and disciples. In another will be seen nations crouching under the yoke of sacred despots or stupid conquerors, and who, for so many ages, have looked for some friendly hand to deliver them: while a third will exhibit either tribes nearly savage, excluded from the benefits of superior civilization by the severity of their climate, which deters those who might otherwise be disposed to communicate these benefits from making the attempt; or else conquering hordes, knowing no law but force, no trade but robbery. The advances of these two last classes will be more slow, and accompanied with more frequent storms; it may even happen that, reduced in numbers in proportion as they see themselves repelled by civilized nations, they will in the end wholly disappear, or their scanty remains become blended with their neighbours.

We might shew that these events will be the inevitable consequence not only of the progress of Europe, but of that freedom which the republic of France, as well as of America, have it in their power, and feel it to be their interest, to restore to the commerce of Africa and Asia: and that they must also necessarily result alike, whether from the new policy of European nations, or their obstinate adherence to mercantile prejudices.

A single combination, a new invasion of Asia by the Tartars, might be sufficient to frustrate this revolution; but it may be shewn that such combination is henceforth impossible to be effected. Meanwhile every thing seems to be preparing the speedy downfall of the religions of the East, which, partaking of the abjectness of their ministers, left almost exclusively to the people, and, in the majority of countries, considered by powerful men as political institutions only, no longer threaten to retain human reason in a state of hopeless bondage, and in the eternal shackles of infancy.

The march of these people will be less slow and more sure than ours has been, because they will derive from us that light which we have been obliged to discover, and because for them to acquire the simple truths and infallible methods which we have obtained after long wandering in the mazes of error, it will be sufficient to seize upon their developments and proofs in our discourses and publications. If the progress of the Greeks was lost upon other nations, it was for want of a communication between the people; and to the tyrannical domination of the Romans must the whole blame be ascribed. But, when mutual wants shall have drawn closer the intercourse and ties of all mankind; when the most powerful nations shall have established into political principles equality between societies as between individuals, and respect for the independence of feeble states, as well as compassion for ignorance and wretchedness; when to the maxims which bear heavily upon the spring of the human faculties, those shall succeed which favour their action and energy, will there still be reason to fear that the globe will contain spaces inaccessible to knowledge, or that the pride of
despotism will be able to oppose barriers to truth that will long be insurmountable.

Then will arrive the moment in which the sun will observe in its course free nations only, acknowledging no other master than their reason; in which tyrants and slaves, priests and their stupid or hypocritical instruments, will no longer exist but in history and upon the stage; in which our only concern will be to lament their past victims and dupes, and, by the recollection of their horrid enormities, to exercise a vigilant circumspection, that we may be able instantly to recognise and effectually to stifle by the force of reason, the seeds of superstition and tyranny, should they ever presume again to make their appearance upon the earth.

“Then will arrive the moment in which the sun will observe in its course free nations only, acknowledging no other master than their reason; in which tyrants and slaves, priests and their stupid or hypocritical instruments, will no longer exist but in history and upon the stage.”

In tracing the history of societies we have had occasion to remark, that there frequently exists a considerable distinction between the rights which the law acknowledges in the citizens of a state, and those which they really enjoy; between the equality established by political institutions, and that which takes place between the individual members; and that to this disproportion was chiefly owing the destruction of liberty in the ancient republics, the storms which they had to encounter, and the weakness that surrendered them into the power of foreign tyrants.

Three principal causes may be assigned for these distinctions: inequality of wealth, inequality of condition between him whose resources of subsistence are secured to himself and descendable to his family, and him whose resources are annihilated with the termination of his life, or rather of that part of his life in which he is capable of labour; and lastly, inequality of instruction.

It will therefore behove us to shew, that these three kinds of real inequality must continually diminish; but without becoming absolutely extinct, since they have natural and necessary causes, which it would be absurd as well as dangerous to think of destroying; nor can we attempt even to destroy entirely their effects, without opening at the same time more fruitful sources of inequality, and giving to the rights of man a more direct and more fatal blow.

It is easy to prove that fortunes naturally tend to equality, and that their extreme disproportion either could not exist, or would quickly cease, if positive law had not introduced factitious means of amassing and perpetuating them; if an entire freedom of commerce and industry were brought forward to supersede the advantages which prohibitory laws and fiscal rights necessarily give to the rich over the poor; if duties upon every sort of transfer and convention, if prohibitions to certain kinds, and the tedious and expensive formalities prescribed to other kinds; if the uncertainty and expense attending their execution had not palsied the efforts of the poor, and swallowed up their little accumulations; if political institutions had not laid certain prolific sources of opulence open to a few, and shut them against the many; if avarice, and the other prejudices incident to an advanced age, did not preside over marriages; in fine, if the simplicity of our manners and the wisdom of our institutions were calculated to prevent riches from operating as the means of gratifying vanity or ambition, at the same time that an ill-judged austerity, by forbidding us to render them a means of costly pleasures, should not force us to preserve the wealth that had once been accumulated.

Let us compare, in the enlightened nations of Europe, the actual population with the extent of territory; let us observe, amidst the spectacle of their culture and their industry, the way in which labour and the means of subsistence are distributed, and we shall see that it will be impossible to maintain these means in the same extent, and of consequence to maintain the same mass of population, if any considerable number of individuals cease to have, as now, nothing but their industry, and the pittance necessary to set it at work, or to render its profit equal to the supplying their own wants and those of their family. But neither this industry, nor the scanty reserve we have mentioned, can be perpetuated, except so long as the life and health of each head of a family is perpetuated. Their little fortune therefore is at best an annuity, but in
realistic with features of precariousness that an annuity wants: and from hence results a most important difference between this class of society and the class of men whose resources consist either of a landed income, or the interest of a capital, which depends little upon personal industry, and is therefore not subject to similar risks.

There exists then a necessary cause of inequality, of dependence, and even of penury, which menaces without ceasing the most numerous and active class of our societies.

This inequality, however, may be in great measure destroyed, by setting chance against chance, in securing to him who attains old age a support, arising from his savings, but augmented by those of other persons, who, making a similar addition to a common stock, may happen to die before they shall have occasion to recur to it; in procuring, by a like regulation, an equal resource for women who may lose their husbands, or children who may lose their father; lastly, in preparing for those youths, who arrive at an age to be capable of working for themselves, and of giving birth to a new family, the benefit of a capital sufficient to employ their industry, and increased at the expense of those whom premature death may cut off before they arrive at that period. To the application of mathematics to the probabilities of life and the interest of money, are we indebted for the hint of these means, already employed with some degree of success, though they have not been carried to such extent, or employed in such variety of forms, as would render them truly beneficial, not merely to a few families, but to the whole mass of society, which would thereby be relieved from that periodical ruin observable in a number of families, the ever-slowing source of corruption and depravity.

These establishments, which may be formed in the name of the social power, and become one of its greatest benefits, might also be the result of individual associations, which may be instituted without danger, when the principles by which the establishments ought to be organised, shall have become more popular, and the errors, by which a great number of such associations have been destroyed, shall cease to be an object of apprehension.

We may enumerate other means of securing the equality in question, either by preventing credit from continuing to be a privilege exclusively attached to large fortunes, without at the same time placing it upon a less solid foundation; or by rendering the progress of industry and the activity of commerce more independent of the existence of great capitalists: and for these resources also we shall be indebted to the science of calculation.

The equality of instruction we can hope to attain, and with which we ought to be satisfied, is that which excludes every species of dependence, whether forced or voluntary. We may exhibit, in the actual state of human knowledge, the easy means by which this end may be attained even for those who can devote to study but a few years of infancy, and, in subsequent life, only some occasional hours of leisure. We might shew, that by a happy choice of the subjects to be taught, and of the mode of inculcating them, the entire mass of a people may be instructed in every thing necessary for the purposes of domestic economy; for the transaction of their affairs; for the free development of their industry and their faculties; for the knowledge, exercise and protection of their rights; for a sense of their duties, and the power of discharging them; for the capacity of judging both their own actions, and the actions of others, by their own understanding; for the acquisition of all the delicate or dignified sentiments that are an honour to humanity; for freeing themselves from a blind confidence in those to whom they may entrust the care of their interests, and the security of their rights; for chusing and watching over them, so as no longer to be the dupes of those popular errors that torment and way-lay the life of man with superstitious fears and chimerical hopes; for defending themselves against prejudices by the sole energy of reason; in fine, for escaping from the delusions of imposture, which would spread snares for their fortune, their health, their freedom of opinion and of conscience, under the pretext of enriching, of healing, and of saving them.

The inhabitants of the same country being then no longer distinguished among themselves by the alternate use of a refined or a vulgar language; being equally governed by their own understandings; being no more confined to the mechanical knowledge of the processes of the arts, and the mere routine of a profession; no more dependent in the most trifling affairs, and for the slightest information, upon men of skill, who, by a necessary ascendancy, controul and govern, a real equality must be the result; since the difference of talents and information can no longer place a barrier between men whose sentiments, ideas, and phraseology are capable of being mutually understood, of whom the one part may desire to be
instructed, but cannot need to be guided by the other; of whom the one part may delegate to the other the office of a rational government, but cannot be forced to regard them with blind and unlimited confidence.

Then it is that this superiority will become an advantage even for those who do not partake of it, since it will exist not as their enemy, but as their friend. The natural difference of faculties between men whose understandings have not been cultivated, produces, even among savages, empirics and dupes, the one skilled in delusion, the others easy to be deceived: the same difference will doubtless exist among a people where instruction shall be truly general; but it will be here between men of exalted understandings and men of sound minds, who can admire the radiance of knowledge, without suffering themselves to be dazzled by it; between talents and genius on the one hand, and on the other the good sense that knows how to appreciate and enjoy them: and should this difference be even greater in the latter case, comparing the force and extent of the faculties only, still would the effects of it not be the less imperceptible in the relations of men with each other, in whatever is interesting to their independence or their happiness.

The different causes of equality we have enumerated do not act distinctly and apart; they unite, they incorporate, they support one another; and from their combined influence results an action proportionably forcible, sure, and constant.

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It is then by examining the progression and the laws of this perfection, that we can alone arrive at the knowledge of the extent or boundary of our hopes.

It has never yet been supposed, that all the facts of nature, and all the means of acquiring precision in the computation and analysis of those facts, and all the connections of objects with each other, and all the possible combinations of ideas, can be exhausted by the human mind. The mere relations of magnitude, the combinations, quantity and extent of this idea alone, form already a system too immense for the mind of man ever to grasp the whole of it; a portion, more vast than that which he may have penetrated, will always remain unknown to him. It has, however, been imagined, that, as man can know a part only of the objects which the nature of his intelligence permits him to investigate, he must at length reach the point at which, the number and complication of those he already knows having absorbed all his powers, farther progress will become absolutely impossible.

But, in proportion as facts are multiplied, man learns to class them, and reduce them to more general facts, at the same time that the instruments and methods for observing them, and registering them with exactness, acquire a new precision: in proportion as relations more multifarious between a greater number of objects are discovered, man continues to reduce them to relations of a wider denomination, to express
them with greater simplicity, and to present them in a way which may enable a given strength of mind, with a given quantity of attention, to take in a greater number than before: in proportion as the understanding embraces more complicated combinations, a simple mode of announcing these combinations renders them more easy to be treated. Hence it follows that truths, the discovery of which was accompanied with the most laborious efforts, and which at first could not be comprehended but by men of the severest attention, will after a time be unfolded and proved in methods that are not above the efforts of an ordinary capacity. And thus should the methods that led to new combinations be exhausted, should their applications to questions, still unresolved, demand exertions greater than the time or the powers of the learned can bestow, more general methods, means more simple would soon come to their aid, and open a farther career to genius. The energy, the real extent of the human intellect may remain the same; but the instruments which it can employ will be multiplied and improved; but the language which fixes and determines the ideas will acquire more precision and compass; and it will not be here, as in the science of mechanics, where, to increase the force, we must diminish the velocity; on the contrary, the methods by which genius will arrive at the discovery of new truths, augment at once both the force and the rapidity of its operations.

In a word, these changes being themselves the necessary consequences of additional progress in the knowledge of truths of detail, and the cause which produces a demand for new resources, producing at the same time the means of supplying them, it follows that the actual mass of truths appertaining to the sciences of observation, calculation and experiment, may be perpetually augmented, and that without supposing the faculties of man to possess a force and activity, and a scope of action greater than before.

By applying these general reflections to the different sciences, we might exhibit, respecting each, examples of this progressive improvement, which would remove all possibility of doubt as to the certainty of the further improvement that may be expected. We might indicate particularly in those which prejudice considers as nearest to being exhausted, the marks of an almost certain and early advance. We might illustrate the extent, the precision, the unity which must be added to the system comprehending all human knowledge, by a more general and philosophical application of the science of calculation to the individual branches of which that system is composed. We might shew how favourable to our hopes a more universal instruction would prove, by which a greater number of individuals would acquire the elementary knowledge that might inspire them with a taste for a particular kind of study; and how much these hopes would be further heightened if this application to study were to be rendered still more extensive by a more general ease of circumstances. At present, in the most enlightened countries, scarcely do one in fifty of those whom nature has blessed with talents receive the necessary instruction for the developement of them: how different would be the proportion in the case we are supposing? and of consequence how different the number of men destined to extend the horizon of the sciences?

We might shew how much this equality of instruction, joined to the national equality we have supposed to take place, would accelerate those sciences, the advancement of which depends upon observations repeated in a greater number of instances, and extending over a larger portion of territory; how much benefit would be derived therefrom to mineralogy, botany, zoology, and the doctrine of meteors; in short, how infinite the difference between the feeble means hitherto enjoyed by these sciences, and which yet have led to useful and important truths, and the magnitude of those which man would then have it in his power to employ.

Lastly, we might prove that, from the advantage of being cultivated by a greater number of persons, even the progress of those sciences, in which discoveries are the fruit of individual meditation, would, also, be considerably advanced by means of minuter improvements, not requiring the strength of intellect, necessary for inventions, but that present themselves to the reflection of the least profound understandings.

If we pass to the progress of the arts, those arts particularly the theory of which depends on these very same sciences, we shall find that it can have no inferior limits; that their processes are susceptible of the same improvement, the same simplifications, as the scientific methods; that instruments, machines, looms, will add every day to the capabilities and skill of man—will augment at once the excellence and precision of his works, while they will diminish the time and labour necessary for executing them; and that then will disappear the obstacles that still oppose themselves to
the progress in question, accidents which will be foreseen and prevented; and lastly, the unhealthiness at present attendant upon certain operations, habits and climates.

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A smaller portion of ground will then be made to produce a proportion of provisions of higher value or greater utility; a greater quantity of enjoyment will be procured at a smaller expence of consumption; the same manufactured or artificial commodity will be produced at a smaller expence of raw materials, or will be stronger and more durable; every soil will be appropriated to productions which will satisfy a greater number of wants with the least labour, and taken in the smallest quantities. Thus the means of health and frugality will be increased, together with the instruments in the arts of production, of curing commodities and manufacturing their produce, without demanding the sacrifice of one enjoyment by the consumer.

Thus, not only the same species of ground will nourish a greater number of individuals, but each individual, with a less quantity of labour, will labour more successfully, and be surrounded with greater conveniences.

It may, however, be demanded, whether amidst this improvement in industry and happiness, where the wants and faculties of men will continually become better proportioned, each successive generation possess more various stores, and of consequence in each generation the number of individuals be greatly increased; it may, I say, be demanded, whether these principles of improvement and increase may not, by their continual operation, ultimately lead to degeneracy and destruction? Whether the number of inhabitants in the universe at length exceeding the means of existence, there will not result a continual decay of happiness and population, and a progress towards barbarism, or at least a sort of oscillation between good and evil? Will not this oscillation, in societies arrived at this epoch, be a perennial source of periodical calamity and distress? In a word, do not these considerations point out the limit at which all farther improvement will become impossible, and consequently the perfectibility of man arrive at a period which in the immensity of ages it may attain, but which it can never pass?

There is, doubtless, no individual that does not perceive how very remote from us will be this period: but must it one day arrive? It is equally impossible to pronounce on either side respecting an event, which can only be realized at an epoch when the human species will necessarily have acquired a degree of knowledge, of which our short-sighted understandings can scarcely form an idea. And who shall presume to foretel to what perfection the art of converting the elements of life into substances fitted for our use, may, in a progression of ages, be brought?

But supposing the affirmative, supposing it actually to take place, there would result from it nothing alarming, either to the happiness of the human race, or its indefinite perfectibility; if we consider, that prior to this period the progress of reason will have walked hand in hand with that of the sciences; that the absurd prejudices of superstition will have ceased to infuse into morality a harshness that corrupts and degrades, instead of purifying and exalting it; that men will then know, that the duties they may be under relative to propagation will consist not in the question of giving existence to a greater number of beings, but happiness; will have for their object, the general welfare of the human species; of the society in which they live; of the family to which they are attached; and not the puerile idea of encumbering the earth with useless and wretched mortals. Accordingly, there might then be a limit to the possible mass of provision, and of consequence to the greatest possible population, without that premature destruction, so contrary to nature and to social prosperity, of a portion of the beings who may have received life, being the result of those limits.

As the discovery, or rather the accurate solution of the first principles of metaphysics, morals, and politics, is still recent; and as it has been preceded by the knowledge of a considerable number of truths of detail, the prejudice, that they have thereby arrived at their highest point of improvement, becomes easily
established in the mind; and men suppose that nothing remains to be done, because there are no longer any gross errors to destroy, or fundamental truths to establish.

“But it requires little penetration to perceive how imperfect is still the development of the intellectual and moral faculties of man; how much farther the sphere of his duties, including therein the influence of his actions upon the welfare of his fellow creatures and of the society to which he belongs, may be extended by a more fixed, a more profound and more accurate observation of that influence; how many questions still remain to be solved, how many social ties to be examined, before we can ascertain the precise catalogue of the individual rights of man, as well as of the rights which the social state confers upon the whole community with regard to each member.”

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If we pass on to the theory which ought to direct the application of these principles, and serve as the basis of the social art, do we not see the necessity of acquiring an exactness of which first truths, from their general nature, are not susceptible? Are we so far advanced as to consider justice, or a proved and acknowledged utility and not vague, uncertain, and arbitrary views of pretended political advantages, as the foundation of all institutions of law? Among the variety, almost infinite, of possible systems, in which the general principles of equality and natural rights should be respected, have we yet fixed upon the precise rules of ascertaining with certainty those which best secure the preservation of these rights, which afford the freest scope for their exercise and enjoyment, which promote most effectually the peace and welfare of individuals, and the strength, repose, and prosperity of nations?

The application of the arithmetic of combinations and probabilities to these sciences, promises an improvement by so much the more considerable, as it is the only means of giving to their results an almost mathematical precision, and of appreciating their degree of certainty or probability. The facts upon which these results are built may, indeed, without calculation, and by a glance only, lead to some general truths; teach us whether the effects produced by such a cause have been favourable or the reverse: but if these facts have neither been counted nor estimated; if these effects have not been the object of an exact admeasurement, we cannot judge of the quantity of good or evil they contain: if the good or evil nearly balance each other, nay, if the difference be not considerable, we cannot pronounce with certainty to which side the balance inclines. Without the application of this arithmetic, it would be almost impossible to chuse, with sound reason, between two combinations proposing to themselves the same end, when their advantages are not distinguishable by any considerable difference. In fine, without this alliance, these sciences would remain forever gross and narrow, for want of instruments of sufficient polish to lay hold of the subtility of truth—for want of machines.
sufficiently accurate to sound the bottom of the well where it conceals its wealth.

Meanwhile this application, notwithstanding the happy efforts of certain geometers, is still, if I may so speak, in its first rudiments; and to the following generations must it open a source of intelligence inexhaustible as calculation itself, or as the combinations, analogies, and facts that may be brought within the sphere of its operations.

There is another species of progress, appertaining to the sciences in question, equally important; I mean, the improvement of their language, at present so vague and so obscure. To this improvement must they owe the advantage of becoming popular, even in their first elements. Genius can triumph over these inaccuracies, as over other obstacles; it can recognise the features of truth, in spite of the mask that conceals or disfigures them. But how is the man who can devote but a few leisure moments to instruction to do this? how is he to acquire and retain the most simple truths, if they be disguised by an inaccurate language? The fewer ideas he is able to collect and combine, the more requisite it is that they be just and precise. He has no fund of truths stored up in his mind, by which to guard himself against error; nor is his understanding so strengthened and refined by long exercise, that he can catch those feeble rays of light which escape under the obscure and ambiguous dress of an imperfect and vicious phraseology.

It will be impossible for men to become enlightened upon the nature and development of their moral sentiments, upon the principles of morality, upon the motives for conforming their conduct to those principles, and upon their interests, whether relative to their individual or social capacity, without making, at the same time, an advancement in moral practice, not less real than that of the science itself. Is not a mistaken interest the most frequent cause of actions contrary to the general welfare? Is not the impetuosity of our passions the continual result, either of habits to which we addict ourselves from a false calculation, or of ignorance of the means by which to resist their first impulse, to divert, govern, and direct their action?

Is not the practice of reflecting upon our conduct; of trying it by the touchstone of reason and conscience; of exercising those humane sentiments which blend our happiness with that of others, the necessary consequence of the well-directed study of morality, and of a greater equality in the conditions of the social compact? Will not that consciousness of his own dignity, appertaining to the man who is free, that system of education built upon a more profound knowledge of our moral constitution, render common to almost every man those principles of a strict and unsullied justice, those habitual propensities of an active and enlightened benevolence, of a delicate and generous sensibility, of which nature has planted the seeds in our hearts, and which wait only for the genial influence of knowledge and liberty to expand and to fructify? In manner as the mathematical and physical sciences tend to improve the arts that are employed for our most simple wants, so is it not equally in the necessary order of nature that the moral and political sciences should exercise a similar influence upon the motives that direct our sentiments and our actions?

What is the object of the improvement of laws and public institutions, consequent upon the progress of these sciences, but to reconcile, to approximate, to blend and unite into one mass the common interest of each individual with the common interest of all? What is the end of the social art, but to destroy the opposition between these two apparently jarring sentiments? And will not the constitution and laws of that country best accord with the intentions of reason and nature where the practice of virtue shall be least difficult, and the temptations to deviate from her paths least numerous and least powerful.

What vicious habit can be mentioned, what practice contrary to good faith, what crime even, the origin and first cause of which may not be traced in the legislation, institutions, and prejudices of the country in which we observe such habit, such practice, or such crime to be committed?

In short, does not the well-being, the prosperity, resulting from the progress that will be made by the useful arts, in consequence of their being founded upon a sound theory, resulting, also, from an improved legislation, built upon the truths of the political sciences, naturally dispose men to humanity, to benevolence, and to justice? Do not all the observations, in fine, which we proposed to develope in this work prove, that the moral goodness of man, the necessary consequence of his organization, is, like all his other faculties, susceptible of an indefinite improvement? and that nature has connected, by a chain which cannot be broken, truth, happiness, and virtue?
Among those causes of human improvement that are of most importance to the general welfare, must be included, the total annihilation of the prejudices which have established between the sexes an inequality of rights, fatal even to the party which it favours. In vain might we search for motives by which to justify this principle, in difference of physical organization, of intellect, or of moral sensibility. It had at first no other origin but abuse of strength, and all the attempts which have since been made to support it are idle sophisms.

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And here we may observe, how much the abolition of the usages authorized by this prejudice, and of the laws which it has dictated, would tend to augment the happiness of families; to render common the virtues of domestic life, the fountain-head of all the others; to favour instruction, and, especially, to make it truly general, either because it would be extended to both sexes with greater equality, or because it cannot become general, even to men, without the concurrence of the mothers of families. Would not this homage, so long in paying, to the divinities of equity and good sense, put an end to a too fertile principle of injustice, cruelty, and crime, by superseding the opposition hitherto maintained between that natural propensity, which is, of all others the most imperious, and the most difficult to subdue, and the interests of man, or the duties of society? Would it not produce, what has hitherto been a mere chimera, national manners of a nature mild and pure, formed, not by imperious privations, by hypocritical appearances, by reserves imposed by the fear of shame or religious terrors, but by habits freely contracted, inspired by nature and avowed by reason?

The people being more enlightened, and having resumed the right of disposing for themselves of their blood and their treasure, will learn by degrees to regard war as the most dreadful of all calamities, the most terrible of all crimes. The first wars that will be superseded, will be those into which the usurpers of sovereignty have hitherto drawn their subjects for the maintenance of rights pretendedly hereditary.

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Nations will know, that they cannot become conquerors without losing their freedom; that perpetual confederations are the only means of maintaining their independance; that their object should be security, and not power. By degrees commercial prejudices will die away; a false mercantile interest will lose the terrible power of imbuing the earth with blood, and of ruining nations under the idea of enriching them. As the people of different countries will at last be drawn into closer intimacy, by the principles of politics and morality, as each, for its own advantage, will invite foreigners to an equal participation of the benefits which it may have derived either from nature or its own industry, all the causes which produce, envenom, and perpetuate national animosities, will one by one disappear, and will no more furnish to warlike insanity either fuel or pretext.

Institutions, better combined than those projects of perpetual peace which have occupied the leisure and consoled the heart of certain philosophers, will accelerate the progress of this fraternity of nations; and wars, like assassinations, will be ranked in the number of those daring atrocities, humiliating and loathsome to nature; and which fix upon the country or the age whose annals are stained with them, an indelible opprobrium.

In speaking of the fine arts in Greece, in Italy, and in France, we have observed, that it is necessary to distinguish, in their productions, what really belongs to the progress of the art, and what is due only to the talent of the artist. And here let us enquire what
progress may still be expected, whether, in consequence of the advancement of philosophy and the sciences, or from an additional store of more judicious and profound observations relative to the object, the effects and the means of these arts themselves; or lastly, from the removal of the prejudices that have contracted their sphere, and that still retain them in the shackles of authority, from which the sciences and philosophy have at length freed themselves. Let us ask, whether, as has frequently been supposed, these means may be considered as exhausted? or, if not exhausted, whether, because the most sublime and pathetic beauties have been seized; the most happy subjects treated; the most simple and striking combinations employed; the most prominent and general characters exhibited; the most energetic passions, their true expressions and genuine features deleniated; the most commanding truths, the most brilliant images displayed; that, therefore, the arts are condemned to an eternal and monotonous imitation of their first models?

We shall perceive that this opinion is merely a prejudice, derived from the habit which exists among men of letters and artists of appreciating the merits of men, instead of giving themselves up to the enjoyment to be received from their works. The second-hand pleasure which arises from comparing the productions of different ages and countries, and from contemplating the energy and success of the efforts of genius, will perhaps be lost; but, in the mean time, the pleasure arising from the productions considered in themselves, and flowing from their absolute perfection, need not be less lively, though the improvement of the author may less excite our astonishment. In proportion as excellent productions shall multiply, every successive generation of men will direct its attention to those which are the most perfect, and the rest will insensibly fall into oblivion; while the more simple and palpable traits, which were seized upon by those who first entered the field of invention, will not the less exist for our posterity, though they shall be found only in the latest productions.

The progress of the sciences secures the progress of the art of instruction, which again accelerates in its turn that of the sciences; and this reciprocal influence, the action of which is incessantly increased, must be ranked in the number of the most prolific and powerful causes of the improvement of the human race. At present, a young man, upon finishing his studies and quitting our schools, may know more of the principles of mathematics than Newton acquired by profound study, or discovered by the force of his genius, and may exercise the instrument of calculation with a readiness which at that period was unknown. The same observation, with certain restrictions, may be applied to all the sciences. In proportion as each shall advance, the means of compressing, within a smaller circle, the proofs of a greater number of truths, and of facilitating their comprehension, will equally advance. Thus, notwithstanding future degrees of progress, not only will men of equal genius find themselves, at the same period of life, upon a level with the actual state of science, but, respecting every generation, what may be acquired in a given space of time, by the same strength of intellect and the same degree of attention, will necessarily increase, and the elementary part of each science, that part which every man may attain, becoming more and more extended, will include, in a manner more complete, the knowledge necessary for the direction of every man in the common occurrences of life, and for the free and independent exercise of his reason.

In the political sciences there is a description of truths, which particularly in free countries (that is, in all countries in certain generations), can only be useful when generally known and avowed. Thus, the influence of these sciences upon the freedom and prosperity of nations, must, in some sort, be measured by the number of those truths that, in consequence of elementary instruction, shall pervade the general mind; and thus, as the growing progress of this elementary instruction is connected with the necessary progress of the sciences, we may expect a melioration in the doctrines of the human race which may be regarded as indefinite, since it can have no other limits than those of the two species of progress on which it depends.

We have still two other means of general application to consider, and which must influence at once both the improvement of the art of instruction and that of the sciences. One is a more extensive and more perfect adoption of what may be called technical methods; the other, the institution of an universal language.

By technical methods I understand, the art of uniting a great number of objects in an arranged and systematic order, by which we may be enabled to perceive at a glance their bearings and connections, seize in an instant their combinations, and form from them the more readily new combinations.
Let us develop the principles, let us examine the utility of this art, as yet in its infancy, and we shall find that, when improved and perfected, we might derive from it, either the advantage of possessing within the narrow compass of a picture, what it would be often difficult for volumes to explain to us so readily and so well; or the means, still more valuable, of presenting isolated facts in a disposition and view best calculated to give us their general results. We shall perceive how, by means of a small number of these pictures or tables, the use of which may be easily learned, men who have not been able to appropriate such useful details and elementary knowledge as may apply to the purposes of common life, may turn to them at the shortest notice; and how elementary knowledge itself, in all those sciences where this knowledge is founded either upon a regular code of truths or a series of observations and experiments, may hereby be facilitated.

An universal language is that which expresses by signs, either the direct objects, or those well-defined collections constituted of simple and general ideas, which are to be found or may be introduced equally in the understandings of all mankind; or lastly, the general relations of these ideas, the operations of the human mind, the operations peculiar to any science, and the mode of process in the arts. Thus, such persons as shall have become masters of these signs, the method of combining and the rules for constructing them, will understand what is written in this language, and will read it with similar facility in the language of their own country, whatever it may happen to be.

It is apparent, that this language might be employed to explain either the theory of a science or the rules of an art; to give an account of a new experiment or a new observation, the acquisition of a scientific truth, the invention of a method, or the discovery of a process; and that, like algebra, when obliged to make use of new signs, those already known would afford the means of ascertaining their value.

A language like this has not the inconvenience of a scientific idiom, different from the vernacular tongue. We have before observed, that the use of such an idiom necessarily divides societies into two extremely unequal classes; the one composed of men, understanding the language, and, therefore, in possession of the key to the sciences; the other of those who, incapable of learning it, find themselves reduced almost to an absolute impossibility of acquiring knowledge. On the contrary, the universal language we are supposing, might be learned, like the language of algebra, with the science itself; the sign might be known at the same instant with the object, the idea, or the operation which it expresses. He who, having attained the elements of a science, should wish to prosecute farther his enquiries, would find in books, not only truths that he could understand, by means of those signs, of which he already knows the value, but the explanation of the new signs of which he has need in order to ascend to higher truths.

It might be shown that the formation of such a language, if confined to the expressing of simple and precise propositions, like those which form the system of a science, or the practice of an art, would be the reverse of chimerical; that its execution, even at present, would be extremely practicable as to a great number of objects; and that the chief obstacle that would stand in the way of extending it to others, would be the humiliating necessity of acknowledging how few precise ideas, and accurately defined notions, understood exactly in the same sense by every mind, we really possess.

It might be shown that this language, improving every day, acquiring incessantly greater extent, would be the means of giving to every object that comes within the reach of human intelligence, a rigour, and precision, that would facilitate the knowledge of truth, and render error almost impossible. Then would the march of every science be as infallible as that of the mathematics, and the propositions of every system acquire, as far as nature will admit, geometrical demonstration and certainty.

All the causes which contribute to the improvement of the human species, all the means we have enumerated that insure its progress, must, from their very nature; exercise an influence always active, and acquire an extent for ever increasing. The proofs of this have been exhibited, and from their development in the work itself they will derive additional force: accordingly we may already conclude, that the perfectibility of man is indefinite. Meanwhile we have hitherto considered him as possessing only the same natural faculties, as endowed with the same organization. How much greater would be the certainty, how much wider the compass of our hopes, could we prove that these natural faculties themselves, that this very organization, are also susceptible of melioration? And this is the last question we shall examine.
The organic perfectibility or deterioration of the classes of the vegetable, or species of the animal kingdom, may be regarded as one of the general laws of nature.

"This law extends itself to the human race; and it cannot be doubted that the progress of the sanative art, that the use of more wholesome food and more comfortable habitations, that a mode of life which shall develope the physical powers by exercise ...; in fine, that the destruction of the two most active causes of deterioration, penury and wretchedness on the one hand, and enormous wealth on the other, must necessarily tend to prolong the common duration of man’s existence, and secure him a more constant health and a more robust constitution."

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In reality, this middle term of life, which in proportion as men advance upon the ocean of futurity, we have supposed incessantly to increase, may receive additions either in conformity to a law by which, though approaching continually an illimitable extent, it could never possibly arrive at it; or a law by which, in the immensity of ages, it may acquire a greater extent than any determinate quantity whatever that may be assigned as its limit. In the latter case, this duration of life is indefinite in the strictest sense of the word, since there exist no bounds on this side of which it must necessarily stop. And in the former, it is equally indefinite to us; if we cannot fix the term, it may for ever approach, but can never surpass; particularly if, knowing only that it can never stop, we are ignorant in which of the two senses the term indefinite is applicable to it; and this is precisely the state of the knowledge we have as yet acquired relative to the perfectibility of the species.

Thus, in the instance we are considering, we are bound to believe that the mean duration of human life will for ever increase, unless its increase be prevented by the physical revolutions of the system; but we cannot tell what is the bound which the duration of human life can never exceed; we cannot even tell, whether there be any circumstance in the laws of nature which has determined and laid down its limit.
But may not our physical faculties, the force, the sagacity, the acuteness of the senses, be numbered among the qualities, the individual improvement of which it will be practicable to transmit? An attention to the different breeds of domestic animals must lead us to adopt the affirmative of this question, and a direct observation of the human species itself will be found to strengthen the opinion.

Lastly, may we not include in the same circle the intellectual and moral faculties? May not our parents, who transmit to us the advantages or defects of their conformation, and from whom we receive our features and shape, as well as our propensities to certain physical affections, transmit to us also that part of organization upon which intellect, strength of understanding, energy of soul or moral sensibility depend? Is it not probable that education, by improving these qualities, will at the same time have an influence upon, will modify and improve this organization itself? Analogy, an investigation of the human faculties, and even some facts, appear to authorise these conjectures, and thereby to enlarge the boundary of our hopes.

Such are the questions with which we shall terminate the last division of our work. And how admirably calculated is this view of the human race, emancipated from its chains, released alike from the dominion of chance, as well as from that of the enemies of its progress, and advancing with a firm and indelicate step in the paths of truth, to console the philosopher lamenting the errors, the flagrant acts of injustice, the crimes with which the earth is still polluted? It is the contemplation of this prospect that rewards him for all his efforts to assist the progress of reason and the establishment of liberty. He dares to regard these efforts as a part of the eternal chain of the destiny of mankind; and in this persuasion he finds the true delight of virtue, the pleasure of having performed a durable service, which no vicissitude will ever destroy in a fatal operation calculated to restore the reign of prejudice and slavery. This sentiment is the asylum into which he retires, and to which the memory of his persecutors cannot follow him: he unites himself in imagination with man restored to his rights, delivered from oppression, and proceeding with rapid strides in the path of happiness; he forgets his own misfortunes while his thoughts are thus employed; he lives no longer to adversity, calumny and malice, but becomes the associate of these wiser and more fortunate beings whose enviable condition he so earnestly contributed to produce.

THE END.

“This sentiment is the asylum into which he retires, and to which the memory of his persecutors cannot follow him: he unites himself in imagination with man restored to his rights, delivered from oppression, and proceeding with rapid strides in the path of happiness; he forgets his own misfortunes while his thoughts are thus employed; he lives no longer to adversity, calumny and malice, but becomes the associate of these wiser and more fortunate beings whose enviable condition he so earnestly contributed to produce.”
Further Information

SOURCE

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FURTHER READING

Other works by The Marquis de Condorcet (1743-1794) <http://oll.libertyfund.org/people/3971>


Debate: Utopias, or the Ideal Society of the Future <http://oll.libertyfund.org/groups/84>.
JOHN STUART MILL, “THE SPIRIT OF THE AGE” (1831)

<oll.libertyfund.org/titles/2572>

“The nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society.”

John Stuart Mill (1806-1873)
Editor’s Introduction

John Stuart Mill (1806-1873) was the precocious child of the Philosophical Radical and Benthamite James Mill. He was taught Greek, Latin, and political economy at an early age and spent his youth in the company of the Philosophic Radicals, Benthamites and utilitarians who gathered around his father James. J.S. Mill went on to become a journalist, Member of Parliament, political economist, and philosopher and is regarded as one of the most significant English classical liberals of the 19th century. His important books include *A System of Logic* (1843), *The Principles of Political Economy: with some of their applications to social philosophy* (1848), *On Liberty* (1859), *Considerations on Representative Government* (1861), *Utilitarianism* (1863), and *The Subjection of Women* (1869).

Mill was only 25 when he wrote this essay (he refers to himself in passing in the essay as “a man of six and twenty years”) and he was still very much under the influence of the Benthamites led by his father James Mill. The latter had led the push for the democratic reform of the British political system and they were on the verge of achieving the first major step towards that goal with the passage of the First Reform Act of June 1832 which expanded the English electorate to include middle class voters. This ushered in a period of liberal reform which was crowned by the repeal of the protectionist Corn Laws in 1846. When Mill wrote “The Spirit of the Age” he could sense that British society was about to enter a period of reform which would be dominated by the politically active middle class guided by classical liberal ideas.

This extract includes the first and fifth parts of a long essay which appeared in *The Examiner* between January and May 1831. Mill believed that English society had entered an “age of transition” in which the ideas and the ruling elites of the old society were no longer able to provide the direction the country needed. New ideas and new men were about to step forward and introduce “one of the greatest revolutions of which history has preserved remembrance, in the human mind, and in the whole constitution of human society.” Of course, Mill thought that he would be one of those who would assist in the creation of that new society with his writings and his political activity in the British parliament.

“A change has taken place in the human mind; a change which, being effected by insensible gradations, and without noise, had already proceeded far before it was generally perceived. When the fact disclosed itself, thousands awoke as from a dream. They knew not what processes had been going on in the minds of others, or even in their own, until the change began to invade outward objects; and it became clear that those were indeed new men, who insisted upon being governed in a new way.

But mankind are now conscious of their new position. The conviction is already not far from being universal, that the times are pregnant with change; and that the nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society.”
PART I [EXAMINER, 9 JAN., 1831]

The “spirit of the age” is in some measure a novel expression. I do not believe that it is to be met with in any work exceeding fifty years in antiquity. The idea of comparing one’s own age with former ages, or with our notion of those which are yet to come, had occurred to philosophers; but it never before was itself the dominant idea of any age.

“Mankind are then divided, into those who are still what they were, and those who have changed: into the men of the present age, and the men of the past. To the former, the spirit of the age is a subject of exultation; to the latter, of terror; to both, of eager and anxious interest.”

It is an idea essentially belonging to an age of change. Before men begin to think much and long on the peculiarities of their own times, they must have begun to think that those times are, or are destined to be, distinguished in a very remarkable manner from the times which preceded them. Mankind are then divided, into those who are still what they were, and those who have changed: into the men of the present age, and the men of the past. To the former, the spirit of the age is a subject of exultation; to the latter, of terror; to both, of eager and anxious interest.

The present times possess this character. A change has taken place in the human mind; a change which, being effected by insensible gradations, and without noise, had already proceeded far before it was generally perceived. When the fact disclosed itself, thousands awoke as from a dream. They knew not what processes had been going on in the minds of others, or even in their own, until the change began to invade outward objects; and it became clear that those were indeed new men, who insisted upon being governed in a new way.

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But mankind are now conscious of their new position. The conviction is already not far from being universal, that the times are pregnant with change; and that the nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society. Even the religious world teems with new interpretations of the Prophecies, foreboding mighty changes near at hand.[1] It is felt that men are

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henceforth to be held together by new ties, and separated by new barriers; for the ancient bonds will now no longer unite, nor the ancient boundaries confine. Those men who carry their eyes in the back of their heads and can see no other portion of the destined track of humanity than that which it has already travelled, imagine that because the old ties are severed mankind henceforth are not to be connected by any ties at all; and hence their affliction, and their awful warnings. For proof of this assertion, I may refer to the gloomiest book ever written by a cheerful man—Southey’s *Colloquies on the Progress and Prospects of Society*; a very curious and not uninstructive exhibition of one of the points of view from which the spirit of the age may be contemplated.[2] They who prefer the ravings of a party politician to the musings of a recluse, may consult a late article in *Blackwood’s Magazine*, under the same title which I have prefixed to this paper.[3] For the reverse of the picture, we have only to look into any popular newspaper or review.

“The nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society.”

Amidst all this indiscriminate eulogy and abuse, these undistinguishing hopes and fears, it seems to be a very fit subject for philosophical inquiry, what the spirit of the age really is; and how or wherein it differs from the spirit of any other age. The subject is deeply important: for, whatever we may think or affect to think of the present age, we cannot get out of it; we must suffer with its sufferings, and enjoy with its enjoyments; we must share in its lot, and, to be either useful or at ease, we must even partake its character. No man whose good qualities were mainly those of another age, ever had much influence on his own. And since every age contains in itself the germ of all future ages as surely as the acorn contains the future forest, a knowledge of our own age is the fountain of prophecy—the only key to the history of posterity. It is only in the present that we can know the future; it is only through the present that it is in our power to influence that which is to come.

“And since every age contains in itself the germ of all future ages as surely as the acorn contains the future forest, a knowledge of our own age is the fountain of prophecy—the only key to the history of posterity. It is only in the present that we can know the future; it is only through the present that it is in our power to influence that which is to come.”

Yet, because our own age is familiar to us, we are presumed, if I may judge from appearances, to know it by nature. A statesman, for example, if it be required of him to have studied any thing at all (which, however, is more than I would venture to affirm) is supposed to have studied history—which is at best the spirit of ages long past, and more often the mere inanimate carcass without the spirit: but is it ever asked (or to whom does the question ever occur?) whether he understands his own age? Yet that also is history, and the most important part of history, and the only part which a man may know and understand, with absolute certainty, by using the proper means. He may learn in a morning’s walk through London more of the history of England during the nineteenth century, than all the professed English histories in existence will tell him concerning the other eighteen: for, the obvious and universal facts, which every one sees and no one is astonished at, it seldom occurs to any one to place upon record; and posterity, if it learn the rule, learns it, generally, from the notice bestowed by contemporaries on some accidental exception. Yet are politicians and philosophers perpetually exhorted to judge of the present by the past, when the present alone affords a fund of materials for judging, richer than the whole stores of the past, and far more accessible.

But it is unadvisable to dwell longer on this topic, lest we should be deemed studiously to exaggerate that want, which we desire that the reader should think
ourselves qualified to supply. It were better, without further preamble, to enter upon the subject, and be tried by our ideas themselves, rather than by the need of them.

The first of the leading peculiarities of the present age is, that it is an age of transition. Mankind have outgrown old institutions and old doctrines, and have not yet acquired new ones. When we say outgrown, we intend to prejudge nothing. A man may not be either better or happier at six-and-twenty, than he was at six years of age: but the same jacket which fitted him then, will not fit him now.

“*The first of the leading peculiarities of the present age is, that it is an age of transition. Mankind have outgrown old institutions and old doctrines, and have not yet acquired new ones... (These old institutions) are vicious both in the outline and in the details, and that they shall be renovated, and purified, and made fit for civilized man,*”

The prominent trait just indicated in the character of the present age, was obvious a few years ago only to the more discerning: at present it forces itself upon the most inobservant. Much might be said, and shall be said on a fitting occasion, of the mode in which the old order of things has become unsuited to the state of society and of the human mind. But when almost every nation on the continent of Europe has achieved, or is in the course of rapidly achieving, a change in its form of government; when our own country, at all former times the most attached in Europe to its old institutions, proclaims almost with one voice that they are vicious both in the outline and in the details, and that they shall be renovated, and purified, and made fit for civilized man, we may assume that a part of the effects of the cause just now pointed out, speak sufficiently loudly for themselves. To him who can reflect, even these are but indications which tell of a more vital and radical change. Not only, in the conviction of almost all men, things as they are, are wrong [4]—but, according to that same conviction, it is not by remaining in the old ways that they can be set right. Society demands, and anticipates, not merely a new machine, but a machine constructed in another manner. Mankind will not be led by their old maxims, nor by their old guides; and they will not choose either their opinions or their guides as they have done heretofore. The ancient constitutional texts were formerly spells which would call forth or allay the spirit of the English people at pleasure: what has become of the charm? Who can hope to sway the minds of the public by the old maxims of law, or commerce, or foreign policy, or ecclesiastical policy? Whose feelings are now roused by the mottoes and watch-words of Whig and Tory? And what Whig or Tory could command ten followers in the warfare of politics by the weight of his own personal authority? Nay, what landlord could call forth his tenants, or what manufacturer his men? Do the poor respect the rich, or adopt their sentiments? Do the young respect the old, or adopt their sentiments? Of the feelings of our ancestors it may almost be said that we retain only such as are the natural and necessary growth of a state of human society, however constituted; and I only adopt the energetic expression of a member of the House of Commons, less than two years ago, in saying of the young men, even of that rank in society, that they are ready to advertise for opinions.

Since the facts are so manifest, there is the more chance that a few reflections on their causes, and on their probable consequences, will receive whatever portion of the reader’s attention they may happen to deserve.

With respect, then, to the discredit into which old institutions and old doctrines have fallen, I may premise, that this discredit is, in my opinion, perfectly deserved. Having said this, I may perhaps hope, that no perverse interpretation will be put upon the remainder of my observations, in case some of them should not be quite so conformable to the sentiments of the day as my commencement might give reason to expect. The best guide is not he who, when people are in the right path, merely praises it, but he who shows them the pitfalls and the precipices by which it is endangered; and of which, as long as they were in the wrong road, it was not so necessary that they should be warned.

There is one very easy, and very pleasant way of accounting for this general departure from the modes of thinking of our ancestors: so easy, indeed, and so
pleasant, especially to the hearer, as to be very convenient to such writers for hire or for applause, as address themselves not to the men of the age that is gone by, but to the men of the age which has commenced. This explanation is that which ascribes the altered state of opinion and feeling to the growth of the human understanding. According to this doctrine, we reject the sophisms and prejudices which misled the uncultivated minds of our ancestors, because we have learnt too much, and have become too wise, to be imposed upon by such sophisms and such prejudices. It is our knowledge and our sagacity which keep us free from these gross errors. We have now risen to the capacity of perceiving our true interests; and it is no longer in the power of impostors and charlatans to deceive us.

I am unable to adopt this theory. Though a firm believer in the improvement of the age, I do not believe that its improvement has been of this kind. The grand achievement of the present age is the diffusion of superficial knowledge; and that surely is no trifle, to have been accomplished by a single generation. The persons who are in possession of knowledge adequate to the formation of sound opinions by their own lights, form also a constantly increasing number, but hitherto at all times a small one. It would be carrying the notion of the march of intellect too far, to suppose that an average man of the present day is superior to the greatest men of the beginning of the eighteenth century; yet they held many opinions which we are fast renouncing. The intellect of the age, therefore, is not the cause which we are in search of. I do not perceive that, in the mental training which has been received by the immense majority of the reading and thinking part of my countrymen, or in the kind of knowledge and other intellectual aliment which has been supplied to them, there is anything likely to render them much less accessible to the influence of imposture and charlatanerie than there ever was. The Dr. Eadys still dupe the lower classes, the St. John Longs the higher. [5] and it would not be difficult to produce the political and literary antitypes of both. Neither do I see, in such observations as I am able to make upon my contemporaries, evidence that they have any principle within them which renders them much less liable now than at any former period to be misled by sophisms and prejudices. All I see is, that the opinions which have been transmitted to them from their ancestors, are not the kind of sophisms and prejudices which are fitted to possess any considerable ascendancy in their altered frame of mind. And I am rather inclined to account for this fact in a manner not reflecting such extraordinarily great honour upon the times we live in, as would result from the theory by which all is ascribed to the superior expansion of our understandings.

The intellectual tendencies of the age, considered both on the favourable and on the unfavourable side, it will be necessary, in the prosecution of the present design, to review and analyse in some detail. For the present it may be enough to remark, that it is seldom safe to ground a positive estimate of a character upon mere negatives: and that the faults or the prejudices, which a person, or an age, or a nation has not, go but a very little way with a wise man towards forming a high opinion of them. A person may be without a single prejudice, and yet utterly unfit for every purpose in nature. To have erroneous convictions is one evil; but to have no strong or deep-rooted convictions at all, is an enormous one. Before I compliment either a man or a generation upon having got rid of their prejudices, I require to know what they have substituted in lieu of them.

“Now, it is self-evident that no fixed opinions have yet generally established themselves in the place of those which we have abandoned; that no new doctrines, philosophical or social, as yet command, or appear likely soon to command, an assent at all comparable in unanimity to that which the ancient doctrines could boast of while they continued in vogue.”

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may be warranted in believing that we are in a fair way to become wiser than our forefathers; but it would be premature to affirm that we are already wiser. We have not yet advanced beyond the unsettled state, in which the mind is, when it has recently found itself out in a grievous error, and has not yet satisfied itself of the truth. The men of the present day rather incline to an opinion than embrace it; few, except the very penetrating, or the very presumptuous, have full confidence in their own convictions. This is not a state of health, but, at the best, of convalescence. It is a necessary stage in the progress of civilization, but it is attended with numerous evils; as one part of a road may be rougher or more dangerous than another, although every step brings the traveller nearer to his desired end.

Not increase of wisdom, but a cause of the reality of which we are better assured, may serve to account for the decay of prejudices; and this is, increase of discussion. Men may not reason, better, concerning the great questions in which human nature is interested, but they reason more. Large subjects are discussed more, and longer, and by more minds. Discussion has penetrated deeper into society; and if no greater numbers than before have attained the higher degrees of intelligence, fewer grovel in that state of abject stupidity, which can only co-exist with utter apathy and sluggishness.

"Not increase of wisdom, but a cause of the reality of which we are better assured, may serve to account for the decay of prejudices; and this is, increase of discussion. Men may not reason, better, concerning the great questions in which human nature is interested, but they reason more."

The progress which we have made, is precisely that sort of progress which increase of discussion suffices to produce, whether it be attended with increase of wisdom or no. To discuss, and to question established opinions, are merely two phrases for the same thing. When all opinions are questioned, it is in time found out what are those which will not bear a close examination. Ancient doctrines are then put upon their proofs; and those which were originally errors, or have become so by change of circumstances, are thrown aside. Discussion does this. It is by discussion, also, that true opinions are discovered and diffused. But this is not so certain a consequence of it as the weakening of error. To be rationally assured that a given doctrine is true, it is often necessary to examine and weigh an immense variety of facts. One single well-established fact, clearly irreconcilable with a doctrine, is sufficient to prove that it is false. Nay, opinions often upset themselves by their own incoherence; and the impossibility of their being well-founded may admit of being brought home to a mind not possessed of so much as one positive truth. All the inconsistencies of an opinion with itself, with obvious facts, or even with other prejudices, discussion evolvs and makes manifest: and indeed this mode of refutation, requiring less study and less real knowledge than any other, is better suited to the inclination of most disputants. But the moment, and the mood of mind, in which men break loose from an error, is not, except in natures very happily constituted, the most favourable to those mental processes which are necessary to the investigation of truth. What led them wrong at first, was generally nothing else but the incapacity of seeing more than one thing at a time; and that incapacity is apt to stick to them when they have turned their eyes in an altered direction. They usually resolve that the new light which has broken in upon them shall be the sole light; and they wilfully and passionately blow out the ancient lamp, which, though it did not show them what they now see, served very well to enlighten the objects in its immediate neighbourhood. Whether men adhere to old opinions or adopt new ones, they have in general an invincible propensity to split the truth, and take half, or less than half of it; and a habit of erecting their quills and bristling up like a porcupine against any one who brings them the other half, as if he were attempting to deprive them of the portion which they have.

I am far from denying, that, besides getting rid of error, we are also continually enlarging the stock of positive truth. In physical science and art, this is too manifest to be called in question; and in the moral and social sciences, I believe it to be as undeniably true. The wisest men in every age generally surpass in wisdom the wisest of any preceding age, because the
wisest men possess and profit by the constantly increasing accumulation of the ideas of all ages: but the multitude (by which I mean the majority of all ranks) have the ideas of their own age, and no others: and if the multitude of one age are nearer to the truth than the multitude of another, it is only in so far as they are guided and influenced by the authority of the wisest among them.

This is connected with certain points which, as it appears to me, have not been sufficiently adverted to by many of those who hold, in common with me, the doctrine of the indefinite progressiveness of the human mind; but which must be understood, in order correctly to appreciate the character of the present age, as an age of moral and political transition. These, therefore, I shall attempt to enforce and illustrate in the next paper. [6]

A.B.

Notes

[1] For example, Babylon and Infidelity Furedoomed of God: A Discourse on the Prophecies of Daniel and the Apocalypse, Which Relate to These Latter Times, and Until the Second Advent (Glasgow: Collins, 1828), by Edward Irving (1792-1834), the popular preacher, early friend of Thomas Carlyle; Dialogues on Prophecy, 3 vols. (London: Nisbet, 1827-29), comp. Henry Drummond (1786-1860), banker and M.P. (1810-13, 1847-60), who endowed the chair of Political Economy at Oxford (see Nos. 69 and 110), and was a founder of the Irvingite church; and The Abominations of Babylon (London: Hatchard, 1826), and Popular Lectures on the Prophecies Relative to the Jewish Nation (London: Hatchard, 1830), both by Hugh MacNeile (1795-1879), Rector of Albury, at this time an Irvingite.


[4] “Things as they are” became a catch-phrase for the Radicals, who probably took it from Things As They Are, or, The Adventures of Caleb Williams, 3 vols. (London: Crosby, 1794), by William Godwin (1756-1836), philosopher and political writer.

[5] Eady, a notorious quack doctor and “wall-chalker,” formerly bankrupted when a linen-draper at St. Ives, had been subject to a successful action for recovery of £115/11/6 in 1824 (Examiner, 29 Feb., 1824, p. 142); John St. John Long (1798-1834) was a popular but untrained medical practitioner, with an office in Harley Street, whose treatments by “friction and corrosion” sometimes had unfortunate effects, leading to trials after the deaths of patients.


PART V [PART 1] [EXAMINER, 15 MAY, 1831]

In commencing this series of papers, I intended, and attempted, that the divisions of my discourse should correspond with those of my subject, and that each number should comprehend within its own limits all which was necessary to the expansion and illustration of one single idea. The nature of the publication, which, as being read by more persons capable of understanding the drift of such speculations (and by fewer, in proportion, who are unfit for them) than any other single work, I considered myself fortunate in being enabled to adopt as a vehicle for my ideas, compels me to limit the length of each article more than is compatible with my original plan. I can no longer always hope that every paper should be complete within itself; and the present number, had it appeared in its proper place, would have formed the continuation of the last.

In endeavouring to give an intelligible notion of what I have termed the natural state of society, in respect of moral influence—namely, that state in which the opinions and feelings of the people are, with their voluntary acquiescence, formed for them, by the most cultivated minds which the intelligence and morality of the times call into existence; and in drawing attention to the striking differences between this natural state and our present transitional condition, in which there are no persons to whom the mass of the uninstructed habitually defer, and in whom they trust for finding the right, and for pointing it out; I have hitherto illustrated the former state only by the example of those commonwealths, in which the most qualified men are
studiously picked out because of their qualifications, and invested with that worldly power, which, if it were in any other hands, would divide or eclipse their moral influence: but which, placed in theirs, and acting partly as a certificate of authority, and partly as a cause, tends naturally to render their power over the minds of their fellow-citizens paramount and irresistible.

“... our present transitional condition, in which there are no persons to whom the mass of the uninstructed habitually defer, and in whom they trust for finding the right, and for pointing it out;”

But it is not solely in such societies that there is found a united body of moral authority, sufficient to extort acquiescence from the uninquiring, or uninformed majority. It is found, likewise, in all societies where religion possesses a sufficient ascendancy, to subdue the minds of the possessors of worldly power, and where the spirit of the prevailing religion is such as excludes the possibility of material conflict of opinion among its teachers.

These conditions exist among two great stationary communities—the Hindoos and the Turks; and are doubtless the chief cause which keeps those communities stationary. The same union of circumstances has been hitherto found only in one progressive society—but that, the greatest which had ever existed: Christendom in the middle ages.

For many centuries, undivided moral influence over the nations of Europe, the unquestioned privilege of forming the opinions and feelings of the Christian world, was enjoyed, and most efficiently exercised by the Catholic clergy. Their word inspired in the rest of mankind the most fervent faith. It not only absolutely excluded doubt, but caused the doubter to be regarded with sentiments of profound abhorrence, which moralists had never succeeded in inspiring for the most revolting of crimes. It is certainly possible to feel perfectly sure of an opinion, without believing that whosoever doubts it will be damned, and should be burnt: and this last is by no means one of those peculiarities of a natural state of society which I am at all anxious to see restored. But the deep earnest feeling of firm and unwavering conviction, which it pre-supposes, we may, without being unreasonable, lament that it was impossible, and could not but be impossible, in the intellectual anarchy of a general revolution in opinion, to transfer unimpaired to the truth.

The priesthood did not claim a right to dictate to mankind, either in belief or practice, beyond the province of religion and morals, but the political interests of mankind came not the less within their pale because they seldom assumed the authority to regulate those concerns by specific precepts. They gave the sanction of their irresistible authority to one comprehensive rule, that which enjoined unlimited obedience to the temporal sovereign: an obligation from which they absolved the conscience of the believer, only when the sovereign disputed their authority within their peculiar province: and in that case they were invariably triumphant, like all those to whom it is given to call forth the moral sentiments of mankind in all their energy, against the inducements of mere physical hopes and fears.

The Catholic clergy, at the time when they possessed this undisputed authority in matters of conscience and belief, were, in point of fact, the fittest persons who could have possessed it—the then state of society, in respect of moral influence, answers to the description of a natural state.

When we consider for how long a period the Catholic clergy were the only members of the European community who could even read; that they were the sole depositaries of all the treasures of thought, and reservoirs of intellectual delight, handed down to us from the ancients; that the sanctity of their persons permitted to them alone, among nations of semi-barbarians, the tranquil pursuit of peaceful occupations and studies; that, howsoever defective the morality which they taught, they had at least a mission for curbing the unruly passions of mankind, and teaching them to set a value upon a distant end, paramount to immediate temptations, and to prize gratifications consisting of mental feelings above bodily sensation; that (situate in the position of rivals to the temporal sovereign, drafted chiefly from the inferior classes of society, from men who otherwise would have been serfs, and the most lowly among them all having the road open before him even to the papal chair,) they had the strongest motives to avail themselves of the means afforded by Christianity, for inculcating the natural equality of mankind, and the superiority of love and sacrifice above mere courage and bodily
prowess, for menacing the great with the only terrors to which they were accessible, and speaking to their consciences in the name of the only superior whom they acknowledged, in behalf of the low;—Reflecting on these things, I cannot persuade myself to doubt that the ascendency of the Catholic clergy was to be desired, for that day, even by the philosopher; and that it has been a potent cause, if even it was not an indispensable condition, of the present civilization of Europe. Nor is this an apology for the vices of the Catholic religion: those vices were great and flagrant, and there was no natural connection between them and the more civilizing and humanizing features in which all that there was of good in it resided. We may regret that the influence of the priesthood was not superseded by a better influence: but where in those days did any such influence exist?

“But the age of transition arrived. A time came when that which had overmatched and borne down the strongest obstacles to improvement, became itself incompatible with improvement. Mankind outgrew their religion, and that, too, at a period when they had not yet outgrown their government, because the texture of the latter was more yielding, and could be stretched.”

I conclude, therefore, that, during a part of the middle ages, not only worldly power, as already shown, but moral influence also, was undisputedly exercised by the most competent persons, and that the conditions of a natural state of society were then fully realized.

But the age of transition arrived. A time came when that which had overmatched and borne down the strongest obstacles to improvement, became itself incompatible with improvement. Mankind outgrew their religion, and that, too, at a period when they had not yet outgrown their government, because the texture of the latter was more yielding, and could be stretched. We all know how lamentably effectual an instrument the influence of the Catholic priesthood then became, for restraining that expansion of the human intellect, which could not any longer consist with their ascendency, or with the belief of the doctrines which they taught.

The more advanced communities of Europe succeeded, after a terrific struggle, in effecting their total or partial emancipation; in some, the Reformation achieved a victory—in others, a toleration; while, by a fate unhappily too common, the flame which had been kindled where the pile awaited the spark, spread into countries where the materials were not yet sufficiently prepared; and instead of burning down the hateful edifice, it consumed all that existed capable of nourishing itself, and was extinguished. The germs of civilization to come were scorched up and destroyed; the hierarchy reigned stronger than ever, amidst the intellectual solitude which it had made: and the countries which were thus denuded of the means of further advancement, fell back into barbarism irretrievable except by foreign conquest. Such is the inevitable end, when, unhappily, changes to which the spirit of the age is favourable, can be successfully resisted. Civilization becomes the terror of the ruling powers, and that they may retain their seat, it must be their deliberate endeavour to barbarize mankind.

There has been, since that day, one such attempt, and only one, which has had a momentary success: it was that of a man in whom all the evil influences of his age were centered with an intensity and energy truly terrific, less tempered by any of its good influences than could appear possible in the times in which he lived—I need scarcely say that I refer to Napoleon. May his abortive effort to uncivilize human nature, to uncultivate the mind of man, and turn it into a desolate waste, be the last!

It remains to trace the history of moral influence in the nations of Europe, subsequently to the Reformation.

PART V [PART 2] [EXAMINER, 29 MAY, 1831]

In the countries which remained Catholic, but where the Catholic hierarchy did not retain sufficient moral ascendance to succeed in stopping the progress of civilization, the church was compelled, by the decline of its separate influence, to link itself more and
more closely with the temporal sovereignty. And thus did it retard its own downfall, until the spirit of the age became too strong for the two united, and both fell together to the ground.

I have said that the three sources of moral influence are, supposed wisdom and virtue, the sacerdotal office, and the possession of worldly power. But in Protestant countries, the authority of the ministers of religion, considered as an independent source of moral influence, must be blotted out from the catalogue. None of the churches which were the successors of the Catholic church in the nations in which the Reformation prevailed, succeeded, as churches, to any portion of the moral influence of their predecessor. The reason is, that no Protestant church ever claimed a special mission from the Deity to itself; or ever numbered among the obligations of religion, that of receiving its doctrines from teachers accredited by that particular church. The Catholics received the priest from God, and their religion from the priest. But in the Protestant sects, you resorted to the teacher, because you had already decided, or because it had been decided for you, that you would adopt his religion. In the popular religions you chose your own creed, and having so done, you naturally had recourse to its ministers;—in the state religions, your creed was chosen for you by your worldly superiors, and you were instigated by conscience, or, it may be, urged by motives of a more worldly nature, to resort for religious instruction to the minister of their appointment.

Every head of a family, even of the lowest rank, in Scotland, is a theologian; he discusses points of doctrine with his neighbours, and expounds the scripture to his family. He defers, indeed, though with no slavish deference, to the opinion of his minister; but in what capacity? only as a man whom his understanding owns as being at least more versed in the particular subject—as being probably a wiser, and possibly, a better man than himself. This is not the influence of an interpreter of religion, as such; it is that of a purer heart, and a more cultivated intelligence. It is not the ascendency of a priest: it is the combined authority of a professor of religion, and an esteemed private friend.

What I have said of the Scottish church, may be said of all Protestant churches, except state churches (which the Scottish church, notwithstanding its national endowment, is not). It may be said of all dissenters from our own establishment; except, indeed, those who inherit their religion, and adhere to it (not an uncommon case) as they would to any other family connexion. To the followers of the Church of England, a similar observation is wholly inapplicable: those excepted, who would abide by that communion for its doctrine, were it a dissenting sect. The people in general have not, nor ever had, any reason or motive for adhering to the established religion, except that it was the religion of their political superiors: and in the same ratio as their attachment to those superiors has declined, so has their adherence to the established church. From the time when the Church of England became firmly seated in its temporalities; from the period when its title to the fee-simple of our consciences acquired the sanctity of prescription, and when it was enabled to dispense with any support but what it derived from the stable foundations of the social fabric of which it formed a part; it sunk from its independent rank, into an integral part, or a kind of appendage, of the aristocracy. It merged into the higher classes: and what moral influence it possessed, was merely a portion of the general moral influence of temporal superiors.

From the termination, therefore, of that period of intellectual excitement and hardy speculation which succeeded the crisis of the Reformation, and which was prolonged in our own country to the end of the seventeenth century;—that moral influence, that power over the minds of mankind, which had been for so many ages the unquestioned heritage of the Catholic clergy, passed into the hands of the wealthy classes, and became united with worldly power. The ascendancy of the aristocracy was not so dictatorial and enthralling as that of the Catholic priesthood; because it was backed in a far inferior degree by the terrors of religion: and because unity of doctrine was not maintained, by the same powerful means, among the dominant class itself. Nevertheless, the higher classes set the fashion, as in dress, so in opinion. The opinions generally received among them, were the prevalent ones throughout the rest of the nation. A bookish man here and there might become united with worldly power. The ascendancy of the aristocracy was not so dictatorial and enthralling as that of the Catholic priesthood; because it was backed in a far inferior degree by the terrors of religion: and because unity of doctrine was not maintained, by the same powerful means, among the dominant class itself. Nevertheless, the higher classes set the fashion, as in dress, so in opinion. The opinions generally received among them, were the prevalent ones throughout the rest of the nation. A bookish man here and there might have his individual theories, but they made no converts. All who had no opinions of their own, assumed those of their superiors. Few men wrote and published doctrines which the higher classes did not approve; or if published, their books were successfully cried down, or at best, were little read or attended to. Such questions, and such only, as divided the aristocracy, were (modestly) debated by the people: whose various
denominations or divisions were each headed by an aristocratic coterie. Even the Dissenters made amends for their preference of a vulgar religion, by evincing a full measure of pliability and acquiescence in all that concerned politics and social life; though the banner they in general followed, was that of a section of the aristocracy less wedded than the other section to the monopoly of the sect which possessed advowsons and archbishoprics.

The wealthy classes, then, from the revolution downwards, possessed all that existed both of moral authority and worldly power. Under their influence grew up the received doctrines of the British constitution; the opinions, respecting the proper limits of the powers of government, and the proper mode of constituting and administering it, which were long characteristic of Englishmen. Along with these arose a vast variety of current opinions respecting morality, education, and the structure of society. And feelings in unison with those opinions, spread far, and took a deep root in the English mind.

"The government of the wealthy classes was, after all, the government of an irresponsible few; it therefore swarmed with abuses."

But they have now ceased to be fulfilled. The government of the wealthy classes was, after all, the government of an irresponsible few; it therefore swarmed with abuses. Though the people, by the growth of their intelligence, became more and more sensible of whatever was vicious in their government, they might possibly have borne with it, had they themselves remained as they were formerly, unfit, and conscious of their unfitness, for the business of government. But the comparative freedom of the practical administration of our Constitution—the extensive latitude of action which it allowed to the energies of individuals—enabled the people to train themselves in every habit necessary for self-government; for the rational management of their own affairs. I believe it would be impossible to mention any portion whatever of the business of government (except some parts of the defence of the country against external enemies), of which the exact counterpart is not, in some instance or other, performed by a committee chosen by the people themselves: performed with less means, and under incomparably greater difficulties, but performed unexceptionably, and to the general satisfaction of the persons interested."

But they have now ceased to be fulfilled. The government of the wealthy classes was, after all, the government of an irresponsible few; it therefore swarmed with abuses. Though the people, by the growth of their intelligence, became more and more sensible of whatever was vicious in their government, they might possibly have borne with it, had they themselves remained as they were formerly, unfit, and conscious of their unfitness, for the business of government. But the comparative freedom of the practical administration of our Constitution—the extensive latitude of action which it allowed to the energies of individuals—enabled the people to train themselves in every habit necessary for self-government; for the rational management of their own affairs. I believe it would be impossible to mention any portion whatever of the business of government (except some parts of the defence of the country against external enemies), of which the exact counterpart is not, in some instance or other, performed by a committee chosen by the people themselves: performed with less means, and under incomparably greater difficulties, but performed unexceptionably, and to the general satisfaction of the persons interested. It is notorious that much of the most important part of what in most other countries composes the business of government, is here performed wholly by voluntary associations: and other portions are done by the government in so clumsy and slovenly a manner, that it is found necessary to have
recourse to voluntary associations as a subsidiary resource.

"It is notorious that much of the most important part of what in most other countries composes the business of government, is here performed wholly by voluntary associations"

When the people were thus trained to self-government, and had learned by experience that they were fit for it, they could not continue to suppose that none but persons of rank and fortune were entitled to have a voice in the government, or were competent to criticise its proceedings. The superior capacity of the higher ranks for the exercise of worldly power is now a broken spell.

It was in the power of those classes, possessed as they were of leisure and boundless opportunities of mental culture, to have kept themselves on the level of the most advanced intellects of the age; not to have been overtopped by the growth around them of a mass of intelligence, superior, on the average, to their own. They might also have preserved the confidence of the people in the integrity of their purposes, by abating each abuse, in proportion as the public conscience rose against it. They might thus have retained, in right of their virtue and intellect, that moral ascendancy which an intelligent people never long continues to yield to mere power. But they have flung away their advantages.

I have already adverted to the decline of the higher classes in active talent, as they became enervated by lazy enjoyment. In the same ratio in which they have advanced in humanity and refinement, they have fallen off in energy of intellect and strength of will. Many of them were formerly versed in business; and into the hands of such, the remainder committed the management of the nation’s affairs. Now, the men of hereditary wealth are mostly inexperienced in business, and unfit for it. Many of them formerly knew life and the world: but their knowledge of life is now little more than the knowledge of two or three hundred families, with whom they are accustomed to associate; and it may be safely asserted, that not even a fellow of a college is more ignorant of the world, or more grossly mistakes the signs of the times, than an English nobleman. Their very opinions,—which, before they had passed into aphorisms, were the result of choice, and something like an act of the intelligence,—are now merely hereditary. Their minds were once active—they are now passive: they once generated impressions—they now merely take them. What are now their political maxims? Traditional texts, relating, directly or indirectly, to the privileges of their order, and to the exclusive fitness of men of their own sort for governing. What is their public virtue? Attachment to these texts, and to the prosperity and grandeur of England, on condition that she shall never swerve from them; idolatry of certain abstractions, called church, constitution, agriculture, trade, and others: by dint of which they have gradually contrived, in a manner, to exclude from their minds the very idea of their living and breathing fellow-citizens, as the subjects of moral obligation in their capacity of rulers. They love their country as Bonaparte loved his army—for whose glory he felt the most ardent zeal, at a time when all the men who composed it, one with another, were killed off every two or three years. They do not love England as one loves human beings, but as a man loves his house or his acres.

Being such persons as has now been described, and being at last completely found out by the more intelligent, they no longer retain sufficient moral influence to give, as heretofore, vogue and currency to their opinions. But they retain—and the possessors of worldly power must always retain—enough of that influence, to prevent any opinions, which they do not acknowledge, from passing into received doctrines. They must, therefore, be divested of the monopoly of worldly power, ere the most virtuous and best-instructed of the nation will acquire that ascendancy over the opinions and feelings of the rest, by which alone England can emerge from this crisis of transition, and enter once again into a natural state of society.

“They must, therefore, be divested of the monopoly of worldly power, ere the most virtuous and best-instructed of the nation will acquire that ascendancy over the opinions and feelings of the rest, by
which alone England can emerge from this crisis of transition, and enter once again into a natural state of society.”

A few months before the first of these papers was written, it would have seemed a paradox to assert that the present aera is one of moral and social transition. The same proposition now seems almost the tritest of truisms. The revolution which had already taken place in the human mind, is rapidly shaping external things to its own form and proportions.

That we are in a state of transition, is a point which needs no further illustration. That the passage we are in the midst of, will conduct us to a healthier state, has perhaps been rendered probable in the preceding papers, to some few who might otherwise have questioned it.

“The revolution which had already taken place in the human mind, is rapidly shaping external things to its own form and proportions... the futurity... awaits us.”

But it greatly imports us to obtain a far deeper insight into the futurity which awaits us, and into the means by which the blessings of that futurity may be best improved, and its dangers avoided.

How shall we attain this insight? By a careful survey of the properties which are characteristic of the English national mind, in the present age—for on these the future fate of our country must depend.

But “fit audience,” even “though few,” [1] cannot be found for such discussions, at a moment when the interests of the day and of the hour naturally and properly engross every mind. The sequel of these papers must therefore be postponed until the interval of repose, after the present bustle and tumult. I shall resume my subject as early as possible after the passing of the Reform Bill. [2]

Notes


Further Information

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FURTHER READING

Other works by John Stuart Mill (1806-1873) <oll.libertyfund.org/people/21>.

School of Thought: Utilitarians
Frédéric Bastiat, “The Utopian” (17 Jan. 1847)

<oll.libertyfund.org/titles/abc>

“I will therefore promulgate a law on Customs Duties.”

"In two folio volumes?"

"No, in two articles.”

Claude Frédéric Bastiat (1801-1850)
Editor’s Introduction

Frédéric Bastiat (1801-1850) was the leading advocate of free trade in France during the 1840s. He made a name for himself as a brilliant economic journalist, debunking the myths and misconceptions people held on protectionism in particular and government intervention in general. When revolution broke out in February 1848 Bastiat was elected twice to the Chamber of Deputies where he served on the Finance Committee and struggled to bring government expenditure under control.

Knowing he was dying from a serious throat condition (possibly cancer), Bastiat attempted to complete his magnum opus on economic theory, his *Economic Harmonies*. In this work he showed the very great depth of his economic thinking and made theoretical advances which heralded the Austrian school of economics which emerged later in the 19th century.

Bastiat first made a name for himself as a brilliant economic journalist who supported the free trade movement in France between 1845 and 1848. As editor of *Libre-Échange* (Free Trade) he wrote scores of pithy, amusing, and very clever refutations of what he called “economic sophisms”, by which he meant the false and misleading arguments used by supporters of government subsidies and tariffs to protect their self-interest. Two collections of these Sophisms were published in his lifetime with enough material for a third which never appeared until Liberty Fund’s full collection.

In this sophism which appeared at the beginning of 1847 Bastiat dreams that he is made Prime Minister with the full authority to implement his agenda of economic deregulation, free trade, and tax cuts. After getting carried away with euphoria he comes to realise that all his reforms will come to nothing unless he has the bulk of the people on side, and to do this he and the free trade movement have to convince them of the soundness of their ideas, not impose reforms on them from above.

The Utopian becomes excited: "Thank heavens; my budget has been reduced by 200 million! I will abolish city tolls, I will reform indirect taxes, I …"

"Just a minute Mr. Utopian!"

The Utopian becomes increasingly excited: "I will proclaim the freedom of religion and freedom of education. New projects: I will purchase the railways, I will reimburse the debt, and I will starve stockjobbing of its profits."

"Mr. Utopian!"

"Freed from responsibilities which are too numerous to mention, I will concentrate all of the forces of government on repressing fraud and distributing prompt and fair justice to all, I …"
"The Utopian" (17 January, 1847)75

"If only I were one of His Majesty's Ministers! ..."

"Well, what would you do?"

"I would begin by ... by ... goodness me, by being highly embarrassed. For when it comes down to it, I would be Minister only because I had a majority; I would have a majority only because I had made myself one and I would have made myself one, honestly at least, only by governing in accordance with their ideas. ... Therefore, if I undertook to ensure that my ideas prevailed by thwarting theirs I would no longer have a majority, and if I did not have a majority I would not be one of His Majesty's Ministers."

"Let me suppose that you are a Minister and that consequently having a majority is not an obstacle for you; what would you do?"

"I would seek to establish on which side justice was to be found."

"And then?"

"I would seek to establish on which side utility was to be found."

"And next?"

"I would seek to find out whether they were in harmony or in conflict with one another."

"And if you found that they were not in harmony?"

"I would say to King Philip: Take back your portfolio.

The rhyme is not rich and the style outdated.

But do you not see that that is much better Than the transactions whose common sense is just a murmur,

And that honesty speaks these in its purest form?[5]

"But if you acknowledge that justice and utility are one and the same?"

"Then I would go right ahead."

"Very well. But to achieve utility through justice, a third element is needed."

"Which is?"

"Opportunity."

"You have given it to me."

"When?"

"A short time ago."

"How?"

"By granting me a majority."

"No wonder it seemed to me that this concession was highly risky, since in the end it implies that the majority clearly sees what is just and what is useful and clearly sees that they are in perfect harmony."

"And if it saw all these things clearly, good would be done, so to speak, automatically."

"What would you do?"

"I would seek to establish on which side justice was to be found."

"And then?"

"I would seek to establish on which side utility was to be found."

"And next?"

"I would seek to find out whether they were in harmony or in conflict with one another."

"And if you found that they were not in harmony?"

"I would say to King Philip: Take back your portfolio."

"This is where you are constantly leading me: to see the possibility of reform only through the general progress of reason."

"Which is like saying that as a result of this progress all reform is certain."

"Perfectly put. However, this preliminary progress takes rather a long time to be implemented. Let us suppose it has been accomplished. What would you do? The fact is I cannot wait to see you at work, doing things, involved in the actual practice."

"Firstly, I would reduce the postage tax to 10 centimes."

"I had heard you mention before 5 centimes."76

"Yes, but since I have other reforms in view, I must advance prudently in order to avoid a deficit."

"Good heavens! What prudence! You are already in deficit to the tune of 30 million!"

"Then I would reduce the salt tax to 10 fr."[8]

"Good! Here you are now, with a deficit of 30 million more. Doubtless you have invented a new tax?"

"God forbid! Besides, I do not flatter myself that I have a sufficiently inventive mind."

"But you need one... Ah! I am with you! What was I thinking of? You will simply reduce expenditure. I did not think of that."

"You are not the only one - I will come to that, but for the moment that is not what I am counting on."

"Oh yes! You are reducing revenue without reducing expenditure and you will avoid a deficit?"

"Yes, by reducing other taxes at the same time."

(Here the questioner, placing his index finger on the side of his forehead, nods his head, which may be translated thus: he is off his head.)

**You are reducing revenue without reducing expenditure and you will avoid a deficit?**

"Yes, by reducing other taxes at the same time."

(Here the questioner, placing his index finger on the side of his forehead, nods his head, which may be translated thus: he is off his head.)

"I do believe that this is an ingenious maneuver! I pay 100 francs to the Treasury, you save me 5 francs on salt and 5 francs on postage and in order for the Treasury to receive no less than 100 francs, you are saving me 10 francs on some other tax?"

"Shake my hand, you have understood me."

"The devil take me if I have! I am not even sure I have heard you correctly."

I repeat that I will balance one reduction in tax with another.

"Heavens above! I have a few minutes to spare; I might as well listen to your development of this paradox."

"This is the entire mystery. I know of a tax that costs you 20 francs and of which not a sou comes in to the Treasury. I save you half of it and direct the other half to the Rue de Rivoli."[9]

"Really! You are a financier of a rare variety. There is only one problem. On what, may I ask, am I paying a tax that does not reach the Treasury?"

"How much has this suit cost you?"

"100 francs."

"And if you had brought in the cloth from Verviers,[10] how much would it have cost you?"

"80 francs."

"Why then did you not order it from Verviers?"

"Because it is forbidden."[11]

"And why is this forbidden?"

"In order for the suit to cost me 100 francs instead of 80."

"This prohibition will therefore cost you 20 francs?"

"Without doubt."

"And where do these 20 francs go?"

"Where do they go? To the cloth manufacturer."

"Well then! Give me 10 francs for the Treasury, I will lift the prohibition and you will still save 10 francs."

"Oh, oh! I now begin to see. Here is the Treasury account: it loses 5 francs on the post, 5 francs on salt and gains 10 francs on woolen cloth. It is thus quits."

"And here is your account: you save 5 francs on salt, 5 francs on the post and 10 francs on woolen cloth."

"A total of 20 francs. I quite like this plan. But what will become of the poor manufacturer of cloth?"

"Oh! I have thought of him. I am arranging compensation for him, still through tax reductions that provide profit for the Treasury, and what I have done for you with regard to cloth, I will do for him with regard to wool, coal, machines, etc., so that he will be able to reduce his price without losing out."

"But are you sure that things will remain in balance?"

"The balance will be in his favor. The 20 francs I save you on cloth will be increased by the sums I will also save you on wheat, meat, fuel, etc. This will become quite considerable, and savings like this will be made by the thirty five million of your fellow citizens. There will be enough there to buy out the supplies of..."
cloth from Verviers and Elbeuf alike. The nation will be better dressed, that is all."

"I will think about this, as it is becoming quite confused in my mind."

"After all, with regard to clothing, the essential thing is to be clothed. Your limbs are your own property and not the property of the manufacturer. Protecting them from freezing is your business and not his! If the law takes his side against you the law is unjust, and you have allowed me to reason on the premise that anything that is unjust is harmful."

"Perhaps I have been too bold, but please continue to set out your financial plan."

"I will therefore promulgate a law on Customs Duties."

"In two folio volumes?"

"No, in two articles."

"I will therefore promulgate a law on Customs Duties."

"In two folio volumes?"

"No, in two articles."

"This time, no one will be able to say that the well-known saying "No one is supposed to be ignorant of the law" is a fiction. Let us see what your tariffs will be."

"Here they are:
Article 1. All goods imported will pay a tax of 5 percent on their value."

"Even raw materials?"

"Unless they have no value."

"But all of them have some value, more or less."

"In this case they will pay more or less."

"How do you expect our factories to compete with foreign factories that have raw materials duty free?"

"Given the expenditure of the State, if we close down this source of revenue, another will have to be opened up; this will not reduce the relative inferiority of our factories and there will be one more administrative department to create and pay for."

"That is true. I was reasoning as though it was a question of abolishing the tax and not of displacing it. I will think about this. Let us have your second article ..."

"Article 2. All goods exported will pay a tax of 5 percent of their value."

"Good heavens, Mr. Utopian! You are going to be stoned, and if necessary I will throw the first stone."

"We have agreed that the majority is enlightened."

"Enlightened! Do you maintain that an export duty will not be a burden?"

"Any tax is a burden, but this is less of a burden than others."

"A great deal of eccentric behaviour is to be expected at carnival time. Be so good as to make this new paradox plausible, if you can."

"How much have you paid for this wine?"

"One franc a liter."

"How much would you have paid for it outside the tollgates?"

"Fifty centimes."

"Why is there this difference?"

"Ask the city tolls, which have levied ten sous on it."

"And who set up the city tolls?"

"The Commune of Paris, in order to pave and light the streets."

"It is therefore an import duty. But if the bordering communes had set up the city tolls for their benefit, what would have happened?"

"I would still pay 1 franc for my 50-centime wine and the other 50 centimes would pave and light Montmartre and the Batignoles."

"So that in the end, it is the consumer who pays the tax."

"There is no doubt about this."

"Therefore, by imposing an export tax, you make foreigners pay for your expenditure."

"I have caught you out. That is no longer justice."

"Why not? For a product to be made, the country has to have education, security, and roads, things that cost money. Why should foreigners not pay for the charges generated by this product since he, in the long run, is the one who will be consuming it?"

"This runs counter to established ideas."

"Not in the slightest. The final purchaser has to reimburse all the direct or indirect production costs."

"Whatever you say, it is crystal clear that a measure like this would paralyze commerce and close off our markets."

"That is an illusion. If you paid this tax on top of all the others, you would be right. But if the 100 million raised by this avenue saved them from paying
as much by way of other taxes, you would reappear on foreign markets with all your previous advantages, and even more, if this tax generated fewer restrictions and less expenditure.

"I will think about this. So, now we have settled salt, the postal services and customs duties. Is this all?"

"I have scarcely begun."

"I beg you, let me into your other Utopian plans."[19]

"I have lost 60 million on salt and the postal services. I have recovered them on Customs duties, which have given me something even more precious."

"And what is that, if you please?"

"International relationships based on justice, and the likelihood of peace, which is almost a certainty. I would disband the army."[20]

"The entire army?"

"Except for some specialized divisions, which would recruit voluntarily just like any other profession. And as you can see, conscription would be abolished."[21]

"International relationships based on justice, and the likelihood of peace, which is almost a certainty. I would disband the army."

"The entire army?"

"Except for some specialized divisions, which would recruit voluntarily just like any other profession. And as you can see, conscription would be abolished."

"Sir, you should say recruitment."[22]

"Ah, I was forgetting! I admire the ease with which in certain countries it is possible to perpetuate the most unpopular things by giving them a different name."[23]

"It is just like combined duties which have become indirect contributions."[24]

"And gendarmes who have adopted the name municipal guards."

"In short, you are disarming the country based on a Utopian faith."

"I said that I was disbanding the army and not that I was disarming the country.[25] On the contrary, I intend to give it an invincible force."

"How are you going to sort out this heap of contradictions?"

"I will call on the services of all citizens."[26]

"It is really not worth the trouble of discharging a few of them in order to call up everyone."

"You did not make me a Minister for me to leave things as they are. Therefore, when I come to power I will say, like Richelieu:[27] "The maxims of the State have changed." And my first maxim, which will form the basis of my administration, will be this: "Every citizen must know two things: how to provide for his own existence and how to defend his country."

"At first sight, I really think that there is a spark of common sense in this."

"Following this, I would base national defense on a law with two articles:

Article 1. All eligible citizens, without exception, will remain under the flag for four years, from the ages of 21 to 25, in order to receive military instruction."

"That is a fine saving! You dismiss 400,000 soldiers and you make 10 million of them!"

"Wait for my second article.

Article 2. Unless they can prove at the age of 21 that they have successfully attended a training unit.

"I was not expecting this outcome. It is quite certain that, to avoid four years of military service, there would be a terrific rush in our youth to learn "by the right, quick march" and "in double quick time, charge". The idea is very odd."

"It is better than that. For finally, without causing grief to families and without upsetting the principle of equality, would it not simply and cheaply ensure the country 10 million defenders capable of meeting a coalition of all the standing armies in the world?"

"Truly, if I were not on my guard, I would end up by being interested in your fantasies."

The Utopian becomes excited: "Thank heavens; my budget has been reduced by 200 million! I will abolish city tolls, I will reform indirect taxes, I …"

"Just a minute Mr. Utopian!"

The Utopian becomes increasingly excited: "I will proclaim the freedom of religion[28] and freedom of education.[29] New projects: I will purchase the railways,[30] I will reimburse the debt,[31] and I will starve stockjobbing of its profits.[32]

"Mr. Utopian!"
"Freed from responsibilities which are too numerous to mention, I will concentrate all of the forces of government on repressing fraud and distributing prompt and fair justice to all, I …"

"Mr. Utopian, you are taking on too much, the nation will not follow you!"

"You have given me a majority."

"I withdraw it."

"About time, too! So I am no longer a Minister, and my plans remain what they are, just so many UTOPIAS."

**The Utopian becomes increasingly excited:** "I will proclaim the freedom of religion and freedom of education. New projects: I will purchase the railways, I will reimburse the debt, and I will starve stockjobbing of its profits."

"Mr. Utopian!"

"Freed from responsibilities which are too numerous to mention, I will concentrate all of the forces of government on repressing fraud and distributing prompt and fair justice to all, I …"

**Notes**

[2] (Paillotet’s note) Taken from the issue of *Le Libre-Echange* dated 17th January 1847. [DMH - Note that Molinari, under the "nom de plume" of "le Rêveur" (the Dreamer), wrote an appeal to socialists for solidarity in their joint struggle for prosperity and justice. He published this only a few days before the June Days rioting in 1848 under the title “L’Utopie de la liberté. Lettres aux socialistes” (The Utopia of Liberty. Letters to the Socialist). This was ignored of course in the chaos of the aftermath of the crackdown by Cavaignac’s troops. See Molinari, “L’Utopie de la liberté. Lettres aux socialistes” *JDE*, 15 June, 1848, vol. XX, pp. 328-32.]

[3] Bastiat also wrote what might be called “political sophisms” to debunk fallacies of a political nature, especially concerning electoral politics and the ability of political leaders to initiate fundamental reforms. Good examples of the former are “Electoral Sophisms” and “The Elections” in CW1, pp. 397-404, 404-9; and of the latter are “The Tax Collector” and “The Utopian” in this volume. See “The Political or Electoral Sophisms” in Appendix 1 “Further Aspects of Bastiat’s Life and Thought.”

[4] Fifteen months after this article was written Bastiat was elected to the Constituent Assembly of the Second Republic after the Revolution of February 1848. He was subsequently appointed vice-president of the Chamber’s Finance Committee where he, as the resident “Utopian” on the committee, attempted to enact his tax cutting measures proposed here. See the Appendix on “Bastiat’s Activities in the National Assembly 1848-50.” Also see ES3 XXI. “Circulars from a Government that is Nowhere to be Seen”, below, for some of Bastiat’s sarcastic comments about the usefulness of the Provisional Government in the days immediately following the Revolution in February 1848.

[5] Bastiat again parodies this scene from Molière’s play *The Misanthrope* (1666), Act I Scene II. Alceste is a misanthrope who is trying to tell Oronte, a foolish nobleman, that his verse is poorly written and worthless. Here Bastiat replaces King Henry with King Louis Philippe, and Paris with “portfolio”, and the word “colifichets” (trinkets or baubles) with “transactions” and the word “Passion” with “honesty”. *Théâtre complet de Molière*, vol. 4 (1882), p. 86.

[6] The old system of charging by distance was abolished during the Revolution (24 August, 1848). The year before in 1847 125 million letters were sent at an average cost of 43 centimes. The new fixed tax for mail in 1849 was reduced to 20 centimes. Thus, Bastiat’s proposal for a cut to 10 centimes in January 1847 was a radical one. According to the Budget Papers of 1848 the French state raised fr. 51.5 million from various taxes, duties, and other charges for delivering letters, parcels, and money. The tax on letters alone raised fr. 46.5 million. See C.S. "Postes, DEP*, vol. 2, pp. 421-24, and the Appendix on "French Government Finances in 1848-49."
The author had indeed mentioned 5 centimes in May 1846 in an article in *Le Journal des Économistes*, which became chapter XII of the second series of *The Sophisms*.

The tax on salt, or "gabelle" was a much hated tax on an item essential for preserving food. It was abolished during the Revolution but revived during the Restoration. In 1816 it was set at 30 centimes per kilogramme and in 1847 it raised fr. 70.4 million. During the Revolution of 1848 it was reduced to 10 centimes per kilogramme. According to the Budget Papers of 1848 the French state raised fr. 38.2 million from tariffs on imported salt and fr. 13.4 million from the salt tax on internal sales. Bastiat's proposed cut to 10 centimes in January 1847 was the same level adopted by the new government in 1848. See E. de Parié, "Sel", *DEP*, vol. 2, pp. 606-09. See the Appendix on "French Government Finances in 1848-49" and the glossary entry on "French Taxes."

The Ministry of Finance was located in Rue de Rivoli.

Verviers is a textile manufacturing city in eastern Belgium in the province of Liège. Its textile industry dates from the 15th century. It suffered a serious decline when Liège was annexed to France in 1795. It revived after the Restoration and became one of the major industrial cities producing woollen cloth in the 19th century.

French tariffs on manufactured goods such as textiles were very complex. In the case of textiles many goods were prohibited outright in order to protect French manufacturers. Some products used to manufacture other goods, such as cotton thread used to make lace or tulle, were allowed entry upon payment of a tariff of 7-8 fr. per kilogramme. Most finished goods had prohibitive duties imposed upon them such as 50-100 fr. per piece in the case of cashmere scarves and 550 f. per 100 kilogramme for wool carpets. According to the Budget Papers of 1848 the French state raised fr. 202.1 million from tariffs and import duties out of total receipts of fr. 1,391 million, or 14.5%. See Horace Say, "Douanes," *DEP*, vol. 1, pp. 578-604; the glossary entries on "French Tariff Policy" and "French Government Finances in 1848-49."

Elbeuf is an industrial town in northern France on the Seine river to the south of Rouen.

Carnival is a festive season which occurs in many Catholic countries in February (or late December in the case of France) with public parades, the wearing of masks and costumes, and revelry which often expresses the temporary overturning of traditional authority (or at least the mocking of it). In Paris the carnival is called "la fête des fous" (feast of fools) and dates back to at least the 16th century. It was memorably described in Victor Hugo's novel *The Concel supérieur du commerce* (Superior Council of Commerce) in 1835. See "Superior Council of Commerce" in Appendix 2 "The French State and Politics."

For Bastiat and other 19th century free traders the figure of 5% was regarded as a kind of magic number, below which tariffs were acceptable for revenue raising purposes only (since there were no income taxes at this time), above which tariffs were unacceptable as they were then regarded as "protectionist", giving advantages to politically well-connected manufactures at the expense of the consuming public. British aggregate tariff rates (excluding fiscal goods) peaked at about 15% in 1836 and began dropping in 1840 reaching a low point of about 6% in 1847 (the abolition of the Corn Laws was announced in January 1846), and continuing to drop steadily throughout the rest of the century reaching a plateau of less than 1% between 1880 and 1903. France had a rate of about 12% in 1836 and it was still around 11% in 1848 before it began to drop steadily reaching 5% in 1857 before spiking briefly to 7.5% in 1858, then dropping steadily again to about 1.5% in 1870 (the Anglo-French Free Trade Treaty was signed in 1860), before again moving steadily upwards to about 8% in 1893. In 1849 the rates were about 6% in Britain and 10% in France. Throughout this period the United States had an internal free market but high tariffs for external trade. In 1832 the Protectionist Tariff imposed an average rate of 33%; the Compromise Tariff of 1833 intended to lower rates to a flat 20%; and the 1846 Tariff created 4 tariff schedules for goods which imposed 100%, 40%, 30%, or 20% depending upon the particular kind of good. The average rate in the U.S. in 1849 was about 23% which is definitely a "protectionist" tariff and not a "fiscal" tariff according to Bastiat's definition of a 5% limit. After the Civil War averages tariff rates in the U.S. were about 40%. See the glossary entry on "French Tariff Policy."

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The modern mass conscript army was pioneered by the French during the Revolution. A law of August 1793 ordered a "levée en masse" of all unmarried men aged between 18-25 with no substitution allowed - this was called a "requisition." A law of September 1798 (the Jourdan law) made it obligatory for all males between the ages of 20 and 25 to serve 5 years in the army with no substitution allowed - this was called "conscription" or "levée forcée." Conscription was technically abolished under the Charter of 1814 but when new legislation was enacted in 1818 it filled the army with a mixture of voluntary recruits and others chosen by lot to make up any shortfall in enlistment - this was called "recrutement." It required military service for 12 years, six in the army and six in the reserves. An unwilling conscript could buy their way out by paying a thirty party to take their place. There were also many categories for exemption which were decided by boards in the local Cantons which were given quotas of recruits to fill each year. The length of service was reduced to 8 years in 1824 and then 7 years in 1832. Some 80,000 new recruits were needed each year to maintain the size of the French Army (Armée de terre) at its full strength of about 400,000 men in the late 1840s. During the Third Republic (1872) service in the army was again made compulsory for all males. Conscription came to an end in France in 1996. See A. Legoyt, "Recrutement," DEP, vol. 2, pp. 498-503; "Conscription," in Dictionnaire de l'armée de terre, Vol. 3, ed. Bardin and Reggio (1841), pp. 1539-1542. See the glossary on “The French Army and Conscription.”

It was a common practice for those conscripted by the drawing of lots ("tirage au sort") to pay for a replacement or substitute to take their place in the ranks. The liberal publisher and journalist Émile de Girardin estimated that about one quarter of the entire French Army consisted of replacements who had been paid fr. 1,800-2,400 to take the place of some young man who had been called up but did not want to serve. The schedule of payments depended on the type of service: fr. 1,800-2,000 for the infantry; 2,000-2,400 for the artillery, cavalry and other specialized forces. This meant that only quite well off men could afford to pay these amounts to avoid army service, thus placing a greater burden on poor agricultural workers and artisans. See Émile de Girardin, Les 52: Abolition de l'esclavage militaire. (1849), "Le remplacement militaire," pp. 66-84.

This is a reference to the different names given to the forced enlistment of men in the French Army. It was called "requisition" in 1793, "conscription" in 1798, and more euphemistically, "recrutement," during the Restoration and the July Monarchy. During the 1848 Revolution there was a pamphlet war calling for the abolition of conscription but this was unsuccessful. See Plus de conscription! (Signé: Allyre Bureau, l'un des rédacteurs de "la Démocratique pacifique") (Paris: Impr.

Hunchback of Notre Dame (1831) in which Quasimodo is appointed the King of Fools.

[24] Many indirect taxes on consumer goods were abolished in the early years of the Revolution only to be reintroduced by Napoleon who centralized their collection in 1804 by a single administrative body under the name of "droits réunis" (combined duties). In the Restoration the Charter of 1814 promised to abolish both the "droits réunis" and conscription but these promises were not kept. The old indirect taxes were just renamed as "contributions indirectes" (indirect contributions) although they were imposed at a slightly reduced rate. In 1848 the state received fr. 307.9 million in indirect "contributions" (taxes) out of a total of fr. 1.391 billion, or 22% of all revenue. These taxes were levied on drink, salt, sugar, tobacco, gun powder, and other goods. See the Appendix on "French Government Finances in 1848-49"; Charles Coquelin, "Droits réunis," DEP, vol. 1, p. 619; and H. Passy, "Impôt," DEP, vol. 1, pp. 898-914, and the glossary entry on "French Taxes."

[25] Bastiat called for simultaneous disarmament of all nations and a corresponding reduction of taxation in his speech at the Second General Peace Congress held in Paris on the 22nd, 23rd and 24th of August, 1849. Émile de Girardin summarized the resolutions of the 1849 Paris Peace Congress as follows: "reduction of armies to 1/200th of the size of the population of each state, the abolition of compulsory military service, the freedom of (choosing one's) vocation, the reduction of taxes, and balanced budgets." Since France's population in 1849 was about 36 million this would mean a maximum size of the French armed forces of 180,000. It was then made up of 389,967 men and 95,687 horses for the Armée de terre, and 69,490 men and 2,051 horses for the Navy and the armed forces in the colonies, for a combined total of 459,457 men and 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 97,738 horses. Thus, Bastiat and the other attendees at the Peace Congress were calling for a cut of 279,457 or 95,687 horses.

[26] Bastiat probably has in mind here local militias or something like the National Guard. The Economists were appalled at the cost and destruction caused by the standing armies of the Napoleonic period (whether professional or conscript). See Amboise Clément, "Armées permanentes," DEP, vol. 1, pp. 70-75, and the glossary entry "The French Army and Conscription."

[27] Jean Armand Duplessis, cardinal de Richelieu (1585-1642) was the chief minister to Louis XIII and played an important role in centralizing the power of the French state in the first half of the 17th century. It is not clear what Maxim by Richelieu Bastiat had in mind. One that refers explicitly to the question of war and peace is his "Discours de Monseigneur sur la paix lors de la venue de M. Légit" (1625) where Richelieu recommends in Machiavellian fashion that the King not accept an offer of peace, concluding that he should "choose what will be most suitable for his reputation, for the good and advantage of his State, and for the preservation of his allies." p. 91. See Maximes d'état et fragments politiques de Cardinal de Richelieu (1880), pp. 87-91.

[28] Although the Catholic Church was the established church, other denominations also received government subsidies from taxpayers' money. In the 1848 Budget a total of fr. 39.6 million was set aside for expenditure by the state on religion. Of this 38 million went to the Catholic Church, 1.3 million went to Protestant churches, and 122,883 went to Jewish groups. The Catholic church also played a very important role in education, assisting the sick and the poor, overseeing rituals such as births, death, and marriages, and in morals legislation. Appendix on "French Government Finances in 1848-49."

[29] A major restructuring of education took place with Guizot's law on public education (1833) which stated that every commune in France with more than 500 inhabitants would have an elementary school for boys (girls were included in 1867), every town over 6,000 people would have a higher primary school, and every Département would run a teaching training school. A system of state school inspectors was established and a minimum wage of fr. 200 per annum was enacted. School attendance was not compulsory (until 1881-82), fees were charged (again until 1881-82), and the education included religious instruction. Secondary and higher education was placed under the control of the state run University. Freedom of education was hotly debated during the Second Republic and major reforms resulted in the Falloux law of 1850. The notion of "la liberté d'enseignement" (freedom of education) meant different things to different political groups. For many it meant breaking the control of the central government
and transferring it to the Départements, and reducing the influence of the Catholic church. For classical liberals like Bastiat it meant taking education completely out of the state sector and letting private groups provide educational services in the market.

The Economists were frustrated by the state of the French railways in January 1847 when this article was written. They were excited by the possibilities railways offered for drastically lowering the price of transport, but what had begun as a private initiative of coal mining companies had turned into a hybrid of state and favoured private groups which had serious problems. The state set the number of concessions and freight rates, the state owned much of the infrastructure (bridges, stations) while private companies owned and maintained the track and rolling stock. The law of 1842 laid the basis for this state-private cooperation and when concessions were first announced in 1844-45 there was a frantic scramble for access rights and funding. Furthermore the French railway builders were hampered by the fact that they were forced to buy higher priced French-made rails because cheaper foreign rails were kept out the French market by high tariffs. Perhaps Bastiat had in mind the state buying the entire network and starting again. See the glossary entry on "French Railways."

Total debt held by the French government in 1848 amounted to fr. 5.2 billion which required annual payments of fr. 384 million to service or 26.6% of the total budget. Since total annual income for the government in 1848 was fr. 1.4 billion the outstanding debt was 3.7 times receipts. See the glossary on "French Government Finances in 1848-49"; and Gustave de Puynode, "Crédit public," DEP, vol. 1, pp. 508-25.

Bastiat uses the expression "affamer l'agiotage" (to starve stockjobbing of its profits). The Economists drew a distinction between "la spéculation commerciale" (commercial speculation) and "agiotage" (stockjobbing). According to Horace Say, the former was a normal part of doing business where investors took risks in trying to discover what line of economic activity was profitable and which was not. Thus it was "useful and helpful to society." Agiotage on the other hand was harmful and even "immoral" because it usually involved speculation in government regulated stocks and bonds such as mining leases, railway concessions, and government bonds. Since the number of stocks and bonds traded on the Paris Bourse were very small (198 in 1847) the proportion of government regulated or issued stocks and bonds played an exaggerated role. Say notes that in such an "interventionist country" (un pays d'intervention gouvernementale) as France the best way to reduce stockjobbing was to cut government expenditure, put an end to budget deficits, and reduce government borrowing. See Horace Say, "Agiotage," DEP, vol. 1, pp. 27-31.
Further Information

SOURCE

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FURTHER READING

More works by Bastiat can be found here <oll.libertyfund.org/people/25>.
GUSTAVE DE MOLINARI, “OF THE LIBERTY OF GOVERNMENT” (1849)

<oll.libertyfund.org/titles/2564>

“In the name of the principle of property, in the name of the right I possess to provide myself with security, or to buy it from whomever seems appropriate to me, I demand free governments.”

Gustave de Molinari (1819-1912)
Editor’s Introduction

Gustave de Molinari (1819-1912) was the leading representative of the laissez-faire school of classical liberalism in France in the second half of the 19th century. He began working as an economic journalist during the 1840s taking a special interest in the condition of workers and tariff policy. During the 1848 Revolution he worked with Frédéric Bastiat in editing a magazine which he handed out of the streets of Paris urging the rioters not to be swayed by appeals to socialism but to supported free markets and limited government. After teaching economics for some years in Brussels and editing the prestigious *Journal des Débats* in Paris, Molinari became the editor of the *Journal des économistes* which he edited for 28 years before he retired in 1909. He continued to campaign against protectionism, statism, militarism, colonialism, and socialism well into his 90s on the eve of the First World War. As he said shortly before his death, his classical liberal views had remained the same throughout his long life but the world around him had managed to turn full circle in the meantime.

In 1849 Molinari wrote two works which challenged the orthodoxy of the classical political economists in Paris. The first was his article “The Production of Security” in the *JDE* in February and then somewhat later this chapter 11 of *Les Soirées* where he argued that even the provision of police and defence services could be better supplied competitively on the free market. His solution was to imagine a future society in which insurance companies would charge premiums to their customers to protect their lives and property against violence or theft. He regarded all monopolies, whether private or public, as suffering from the same problems of not attending properly to the needs of consumers, charging prices above what they would be in a competitive market, hampering innovation, and serving the needs of favoured vested interests. *Les Soirées* was written in the form of a dialog between a Conservative, a Socialist, and an Economist, with Molinari obviously supplying the arguments of the latter. It should be noted that the book was written in 1849 soon after the revolution of February and June 1848 when a number of socialist experiments had been undertaken by the Provisional Government.

“On this subject all I can do is conjecture. This, however, is more or less how things would turn out. Since the need for security is still very great in our society, it would be profitable to set up businesses which provide government services. Investors could be certain of covering their costs. How would these firms be set up? Isolated individuals would not be adequate, any more than they would suffice for building railways, docks etc. Huge companies would be set up, therefore, in order to produce security. These would procure the resources and the workers they needed. As soon as they felt ready to operate, these property-insurance companies would look for a clientele. Each person would take out a subscription with the one which inspired him with most confidence and whose terms seemed to him the most favourable.”
SUMMARY: On government and its function — Monopoly governments and communist governments. — On the liberty of government. — On divine right. — That divine right is identical to the right to work. — The vices of monopoly government. — War is the inevitable consequence of this system. — On the sovereignty of the people. — How we lose our sovereignty. — How we can retrieve it. — The liberal solution. — The communist solution. — Communist governments. — Their vices. — Centralization and decentralization. — On the administration of justice. — On its former organisation. — On its current organisation. — On the inadequacy of the jury system. — How the administration of security and of justice could be made free. — The advantages of free governments. — How nationality should be understood.

THE CONSERVATIVE.

Under your system of absolute property rights and of full economic freedom, what is the function of government? [p. 304]

THE ECONOMIST.

The function of the government consists solely in assuring everyone of the security of his property.

THE SOCIALIST.

Right, this is the “State-as-Policeman” of Jean-Baptiste Say. But I in turn have a question to put to you: There are in the world today two kinds of government: the former trace their origin to an alleged divine right.....

THE CONSERVATIVE.

Alleged? Alleged? Meaning what?

THE SOCIALIST.

This extract is chapter 11 [Soirée 11] of Gustave de Molinari, Les Soirées de la rue Saint-Lazare: entretiens sur les lois économiques et défense de la propriété (Paris: Guillaumin, 1849) which is being translated by Liberty Fund as Evenings on Saint Lazarus Street: Discussions on Economic Laws and the Defence of Property, edited and with an Introduction by David M. Hart. Notes by the author are indicated by “GdM”. The other notes are by the editor. Original page numbers are shown in red. An earlier version of this chapter is online at the OLL <http://oll.libertyfund.org/index.php?option=com_content&task=view&id=1658&Itemid=371#s11>.

GdM - For a long time, economists have refused to concern themselves not only with government, but also with all purely non-material activities. Jean-Baptiste Say was the first to insist on including production of this kind within the domain of political economy, by his applying to all its contents the category non-material products. He thereby rendered economic science a more substantial service than might readily be supposed:

The work of a doctor, he says, and if we want to add to the examples, the work of anyone engaged in administering public matters, of a lawyer or a judge, who belong to the same category, meet such fundamental needs, that without their contributions, no society could survive. Are not the fruits of these labors real? They are sufficiently real that people procure them in exchange for material products, and that by means of repeated exchanges their producers acquire fortunes. — It is therefore quite wrong for the Comte de Verri to claim that the work of princes, of magistrates, soldiers and priests, does not fall immediately into the sphere of those objects with which political economy is concerned. [Jean-Baptiste Say, Traité d’Économie politique, T. 1, chap.XIII.] 


GdM - The expression used is “l’État-gendarme” or the “nightwatchman state”. Say provides the most detailed discussion of his views on the proper function of government in the Cours complet (1828), vol. 2, part VII, chaps XIV to XXXII. He essentially follows Adam Smith’s plan that there are only 3 proper duties of a government: to provide national defence, internal police, and some public goods such as roads and bridges. [See his quoting Smith approvingly on pp. 261-62 of the 1840 revised edition]. However, there is some evidence from an unpublished Traité de Politique pratique (written 1803-1815) and lectures he gave at the Athénée in Paris in 1819 that suggest that his anti-statism went much further than this and that he did toy with the idea of the competitive, non-government provision of police services along the lines developed at more length here by Molinari. [See the glossary entry on “Say’s Anti-Statism.”]
The others spring from popular sovereignty. Which of them do you prefer?

THE ECONOMIST.

I want neither one nor the other. The former are monopoly governments and the latter are communist governments. In the name of the principle of property, in the name of the right I possess to provide myself with security, or to buy it from whomever seems appropriate to me, I demand free governments. [p. 305]

THE CONSERVATIVE.

Which means?

THE ECONOMIST.

It means governments whose services I may accept or refuse according to my own free will.

THE CONSERVATIVE.

Are you speaking seriously?

"In the name of the principle of property, in the name of the right I possess to provide myself with security, or to buy it from whomever seems appropriate to me, I demand free governments... It means governments whose services I may accept or refuse according to my own free will."

THE ECONOMIST.

You will soon see. You are a partisan of divine right, are you not?

THE CONSERVATIVE.

Since we have been living in a republic, I have rather inclined to that persuasion, I confess.

THE ECONOMIST.

And you regard yourself as an opponent of the right to work?

THE CONSERVATIVE.

Bear witness to nothing, for you are a declared supporter of the right to work.

THE ECONOMIST.

But once again, I....

THE ECONOMIST.

You are a supporter of divine right. Well, the principle of divine right is absolutely identical with that of the right to work.

What is divine right? It is the right which certain families possess to the government of the people. Who conferred it on them? God himself.

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79 Molinari uses the phrase “gouvernements libres”.

80 Charles Coquelin, the reviewer of Molinari’s book in the JDE in October 1849 criticized Molinari for putting forward a view of government in the name of “The Economist” which no other Economist of the period supported, thus suggesting that this was a widely held view. At the monthly meeting of the Société d’Économie Politique on 10 October of that year not one of those present came to Molinari’s defense. The main critics were Charles Coquelin who began the discussion, then Frédéric Bastiat, and finally Charles Dunoyer. It was the latter who summed up the view of the Economists that Molinari had been “swept away by illusions of logic”. [See, Coquelin’s review in JDE, October 1849, T. 24, pp. 364-72, and the minutes of the meeting of the October meeting of the Société d’Économie Politique in JDE, October 1849, T. 24, pp.314-316. Dunoyer’s comment is on p. 316.]

81 The idea that monarchs had a “divine right” to rule was an essential part of the ancien régime which was overturned by the French Revolution of 1789. “Legitimists” in the Restoration period attempted to revive this view with mixed success and it was severely weakened by the Revolution of 1848 and the creation of the Second Republic. However, legitimists continued continued to press their claims throughout the 19th century.

82 Molinari uses the socialist expression “la liberté au travail” (right to a job) in order to provoke the Conservative.

“Man cannot create a sovereign, says M. De Maistre. At most he can serve as an instrument for dispossessing a sovereign and delivering his estates into the hands of another sovereign, himself a prince by birth. Moreover, there has never been a sovereign family whose origin could be identified as plebeian. If such a phenomenon were to appear, it would be a new era for the world.

“......It is written: It is I who make the kings. This is not a statement made by the Church, nor a preacher’s metaphor; it is the literal, simple and palpable truth. It is a law of the political world. God makes kings, quite literally so. He prepares royal families. He nourishes them within a cloud which hides their origin. They next appear, crowned with glory and honor. They assume their place.” 84

All of which signifies that God has invested certain families with the right to govern men and that nobody can deprive them of the exercise of this right.

Now if you recognise that certain families have the exclusive right to carry out that special form of industry which we call government, if furthermore you agree with most of the theorists of divine right, that the people are obliged to supply, either subjects to be governed, or funds, in the form of unemployment benefits to members of these families – all this down through the centuries – are you then properly justified in rejecting [p. 307] the Right to work? Between this oppressive demand that society supply the workers with work which suits them, or with a sufficient benefit in lieu thereof, and this other oppressive that society supply the workers of royal families with work appropriate to their abilities and to their dignity, namely the work of government, or else with a Salary at least to meet minimum subsistence, where is the difference?

THE SOCIALIST.

In truth there is none.

THE CONSERVATIVE.

What does it matter if the recognition of divine right is indispensable to the maintenance of society?

THE ECONOMIST.

Could not the Socialists reply to you that the recognition of the right to work is no less necessary to the maintenance of society? If you accept the right to work for some, must you not accept them for everyone? Is the right to work anything other than an extension of divine right?

You say that the recognition of divine right is indispensable to the maintenance of society. How then does it happen that all nations aspire to rid themselves of these monarchies by divine right? How does it happen that old monopoly governments are either ruined or on the edge of ruin?

THE CONSERVATIVE.

The people are in the throes of vertigo.

THE ECONOMIST.

That is a widespread vertigo. Believe me, however, the people have good reasons for liberating themselves from [p. 308] their old despots. Monopoly government is no better than any other. One does not govern well and above all one does not govern cheaply, when there is no competition to be feared, when the governed are deprived of the right to choose their rulers freely.

Grant a grocer the exclusive right to supply a particular part of town, forbid the inhabitants of that district to buy any commodities from neighboring grocers or even to provide themselves with their own groceries, and you will see what trash the privileged grocer will end up selling and at what price. You will see how he lines his


pockets at the expense of the unfortunate consumers, what regal splendour he will display for the greater glory of the neighbourhood. .. Well, what is true for the smallest services is no less true for the greatest ones. A monopoly government is certainly worth more than that of a grocery shop. The production of security inevitably becomes expensive and of poor quality when it is organized as a monopoly.

The monopoly of security is the main cause of the wars which up until our own day have caused such distress to the human race.

"A monopoly government is certainly worth more than that of a grocery shop. The production of security inevitably becomes expensive and of poor quality when it is organized as a monopoly. The monopoly of security is the main cause of the wars which up until our own day have caused such distress to the human race."

THE CONSERVATIVE.

How should that be so?

THE ECONOMIST.

What is the natural inclination of any producer, privileged or otherwise? It is to raise the numbers of his clients in order to increase his profits. Well, under a regime of monopoly, what means can producers of security employ to increase their clientele? [p. 309]

Since the people do not count in such a regime, since they are simply the legitimate domain over which the Lord’s anointed can hold sway, no one can call upon their assent in order to acquire the right to administer them. Sovereigns are therefore obliged to resort to the following measures to increase the number of their subjects: first they may simply buy provinces and realms with cash; secondly they marry heiresses, either bringing kingdoms as their dowries or in line to inherit them later; or thirdly by naked force to conquer their neighbours’ lands. This is the first cause of war!

On the other hand when peoples revolt sometimes against their legitimate sovereigns, as happened recently in Italy and in Hungary, the Lord’s anointed are naturally obliged to force back their rebellious herd into obedience. For this purpose they construct a Holy Alliance and they carry out a great slaughter of their revolutionary subjects, until they have put down their rebellion. If the rebels are in league with other peoples, however, the latter get involved in the struggle, and the conflagration becomes general. A second cause of war!

I do not need to add that the consumers of security, pawns in the war, also pay the costs.

Such are the advantages of monopoly governments.
Therefore you prefer governments based on the sovereignty of the people. You rank democratic republics higher than monarchies or aristocracies. About time!

THE ECONOMIST.

Let us be clear, please. I prefer governments [p. 310] which spring from the sovereignty of the people. But the republics which you call “democratic” are not in the least the true expression of the sovereignty of the people. These governments are extended monopolies, forms of communism. Well, the sovereignty of the people is incompatible with monopoly or communism.

THE SOCIALIST.

So what is the sovereignty of the people, in your view?

THE ECONOMIST.

It is the right which every man possesses to use freely his person and his goods as he pleases, the right to govern himself.

If the sovereign individual has the right to use his person and his goods, as master thereof, he naturally also has the right to defend them. He possesses the right of free defence.

Can each person exercise this right, however, in isolation? Can everyone be his own policeman or soldier?

No! No more than the same man can be his own ploughman, baker, tailor, grocer, doctor or priest.

It is an economic law that man cannot fruitfully engage in several jobs at the same time. Thus, we see from the very beginning of human society, all industries becoming specialised, and the various members of society turning to occupations for which their natural abilities best equip them. They gain their subsistence by exchanging the products of their particular occupation for the various things necessary to the satisfaction of their needs.

Man in isolation is, incontestably, fully master of his [p. 311] sovereignty. The trouble is this sovereign person, obliged to perform himself all the tasks which provide the necessities of life, finds himself in a wretched condition.

When man lives in society, he can preserve his sovereignty or lose it.

How does he come to lose it?

He loses it, in whole or in part, directly or indirectly, when he ceases being able to use as he chooses, his person or his goods.

Man remains completely sovereign only under a regime of full freedom. Any monopoly or special privilege is an attack launched against his sovereignty.

Under the ancien régime, with no one having the right freely to employ his person or use his goods, and no one having the right to engage freely in any industry he liked, sovereignty was narrowly confined.

Under the present régime, attacks on sovereignty, by a host of monopolies and privileges restrictive of the free activities of individuals, have not ceased. Man has still not fully recovered his sovereignty.

How can he recover it?

There are two opposing schools, which offer quite opposite solutions to this problem: the liberal school and the communist school.

The liberal school says: eliminate monopolies and privileges, give man back his natural right to carry out freely any work he chooses, and he will have full exercise of his sovereignty.

“The liberal school says: eliminate monopolies and privileges, give man back his natural right to carry out freely any work he chooses, and he will have full exercise of his sovereignty. “

The communist school says to the contrary: be careful not to allow everyone the right to produce freely anything [p. 312] he chooses. This will lead to oppression and anarchy! Grant this right to the community and exclude individuals from it. Let all individuals unite and organize production communistically. Let the state be the sole producer and the sole distributer of wealth.

What is there behind this doctrine? It has often been said: slavery. It is the absorption and cancellation of individual will by the collective will. It is the destruction of individual sovereignty.

The most important of the industries organised in common is the one whose purpose is to protect and defend the ownership of persons and things, against all aggression.
How are the communities formed in which this activity takes place, namely the nation and communes? Most nations have been successively enlarged by the alliances of owners of slaves or serfs as well as by their conquests. France, for example, is the product of successive alliances and conquests. France, for example, is the product of successive alliances and conquests. By marriage, by force or fraud, the rulers of the Île de France successively extended their authority over the different parts of ancient Gaul. The twenty monopolistic governments which occupied the land area of France at that time, gave way to a single monopolistic government. The kings of Provence, the dukes of Aquitaine, Brittany, Burgundy and Lorraine, the counts of Flanders etc., gave way to the King of France. The King of France was given charge of the internal and external defence of the State. He did not, however, manage internal defence and civil administration on his own. Originally, each feudal lord managed the policing of his domain; each commune, freed by the use of force or by buying their way out from the onerous tutelage of his lord, handled the policing of his recognised area. Communes and feudal lords contributed to some extent to the general defence of the realm. We can say that the King of France had a monopoly of the general defense and the feudal lords and the burghers of the cities and towns had a monopoly of local defense.

In certain communes, policing was under the direction of an administration elected by city burghers, as in Flanders, for example. Elsewhere, policing was set up as a privileged corporation such as the bakers, butchers, and shoe makers, or in other words like all the other industries. In England this latter form of the production of security has persisted until modern times. In the City of London, for example, policing was until not long ago still in the hands of a privileged corporation. And what was extraordinarily strange, this corporation refused to come to any agreement with the police of other districts, to such an extent that the City became a veritable place of refuge for criminals. This anomaly was not removed until the era of Sir Robert Peel's reforms.

What did the French Revolution do? It took from the king of France the monopoly of the general defence; but it did not destroy this monopoly. It put it in the hands of the nation, organised henceforth like one immense commune. The little communes into which the former kingdom of France was divided, continued to exist. Their number was even considerably increased. The government of the large commune had the monopoly of general defence, while the governments of the small communes, under the surveillance of the central government, exercised the monopoly of local defence. This, however, was not the end of it. Both at general commune level and at individual commune level, other industries were organised, notably education, religion and transport, etc., and citizens

88 Molinari uses the term “la ruse” here which was a key term used by Bastiat in his theory of “sophisms”. Bastiat thought that vested interests who wished to get privileges from the state cloaked their naked self interest by using deception, trickery, or fraud (“la ruse”) in order to confuse and distract the people at whose expense these privileges were granted.

89 Molinari uses the word “la police” which had a complex meaning in the ancien regime. On the one hand, it meant more narrowly the protection of life and property of the inhabitants from attack, in other words what we would understand as modern police and defence activities. On the other hand, it also had a much broader meaning concerning the entire “civil administration” of the commune, such as ensuring the provision of public goods like lighting and water, the enforcement of censorship of dissenting political and religious views, the control of public gatherings to prevent protests getting out of hand, the collection of taxes and the supervision of compulsory labour; in other words, the complex mechanism of public control which had evolved during the ancien regime. Since Molinari is talking about security matters in this chapter we have chosen to use the word “police” or “policing” in this context.

90 GdM - See Studies on England by Léon Faucher. Léon Faucher, Études sur l'Angleterre (Paris: Guillaumin, 1845, 2nd ed. 1856), 2 vols. The anecdote Molinari refers to can be found in vol. 1, p. 47. Faucher relates how one rundown district in London known as “Little Ireland” had become off limits to the police. Sir Robert Peel (1788-1850) was Prime Minister of Britain twice (1834-35 and 1841-46) and during his second stint he successfully repealed the protectionist Corn Laws in 1846. When he was Home Secretary (1822-29) he reformed the police force of London by creating the Metropolitan Police Force in 1829 which became the model for all modern urban police forces.
were variously taxed to defray the costs of these industries which were organised communally.

Later, the Socialists, poor observers of what was going on if ever there were any, not noticing that the industries which were organised in the general commune or the individual communes, functioned both more expensively and less efficiently than the industries which remained free, demanded the communal organization of all branches of production. They wanted the general commune and the individual communes no longer to limit themselves to policing, to building schools, constructing roads, paying the salaries of priests, opening libraries, subsidising theaters, maintaining stud farms, manufacturing tobacco, carpets, porcelain, etc., but rather to set about producing everything.

The public’s sound common sense was shocked by this most distasteful Utopia, but it did not react further. People understood well enough that it would be disastrous to produce everything in common. What they [p. 315] did not understand was that it was also ruinous to produce certain specific things in this way. They continued therefore to engage in partial communism, while despising the Socialists calling at the top of their voices for full communism.

The Conservatives, however, supporters of partial communism and opponents of full communism, today find themselves divided on an important issue.

Some of them want partial communism to continue to operate mainly in the general commune; they support centralisation.

The others, on the other hand, demand a much larger allocation of resources for the small communes. They want the latter to be able to engage in diverse industries such as founding schools, constructing roads, building churches, subsidising theatres, etc., without needing to get the authorization of the central government. They demand decentralization.

Experience has revealed the faults of centralisation. It has shown that industries run by the large commune, by the State, supply dearer goods and ones of lower quality than those produced by free industry.

Is it the case, however, that decentralization is superior? Is the implication that it is more useful to free the communes, or – and this comes down to the same thing – allow them freely to set up schools and charitable institutions, to build theaters, subsidize religion, or even also engage freely in other industries?

What do communes need to meet the expenses of the services of which they charged with? They need capital. Where can they get access to it? In [p. 316] private individuals’ pockets and nowhere else. Consequently they have to levy various taxes on the people who live in the communes.

These taxes consist for the most part today, in the extra centimes added to the taxes paid to the State.

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91 The Economists condemned the bureaucratic or administrative centralisation which had made France the most centralised state in the world, as Coquelin phrased it: “In no other time nor in any other country has the system of centralisation been as rigorously established as that which exists today in France” (p. 291). The French State exercised a monopoly in dozens of industries, it claimed title to all mineral resources under the surface of the land, and it exercised the right to inspect and license nearly all businesses. In addition to these interventions in economic activity the central state also regulated and supervise to a large extent the activities of the administrative bodies at the local level, such as provinces, départements, and communes, which may have once exercised some autonomy, but which now were subject to stifling regulation and “the perpetual tutelage of the State” (DuPuynode, p. 417). For many of the Economists the ideal was the political decentralisation described by Tocqueville in America which Coquelin regarded as “the most most decentralised country in the world” (p. 300). Dunoyer went so far as to advocate the radical break up of the centralised bureaucratic state into much smaller jurisdictions, or what he called “the municipalisation of the world” (p. 366). See Charles Coquelin, “Centralisation” in DEP, vol. 1, pp. 291-301; Gustave Dupuynode, “De la centralisation,” JDE, 15 July 1848, T. 20, pp. 409-18 and JDE, 1 August 1848, T. 21, pp. 16-24; Charles Dunoyer, L’Industrie et la Morale considérées dans leurs rapports avec la liberté (Paris: A. Sautelet, 1825), p. 366.
Certain communes, however, have also received authorisation to set up around their boundaries a small customs office to exact tolls. This system of customs, which applies to most of the industries which have remained free, naturally increases the resources of the commune considerably. So the authorisation for setting up tolls is frequently sought from the central government. The latter rarely grants it and, in this, is acting wisely; on the other hand it quite often permits the communes to exert their authority in an extraordinary manner, or to put it another way, it permits the majority of the administrators of the commune to set up an extraordinary tax which all the people they administer are obliged to pay.

Let the communes be emancipated, permit the majority of the inhabitants in each locality to have the right to set up as many industries as they please, and force the minority to contribute to the expenses of these industries organised communally, then let the majority be authorised to establish freely every kind of local tax, and you will soon see as many small, various and separate States being set up in France as one can count communes. You will see in succession, forty four thousand internal customs created in order to meet the local tax bill, under the title tolls; you will see in a word the reconstitution of the Middle Ages.

Under this regime, free trade and the liberty of working\textsuperscript{92} [p. 317] will be under assault, both by the monopolies which the communes will grant to certain branches of production, and by the taxes which they will levy on certain other branches of production to support the industries operated communally. The property of all will be exposed to the mercy of majorities.

I ask you, in the communes where socialist ideas predominate, what will happen to property? Not only will the majority levy taxes to meet the expenses of policing, road maintenance, religion, charitable institutions, schools etc., but it will levy them also to set up communal workshops, trading outlets etc. Will not the non-socialist minority be obliged to pay these local taxes?

Under such a regime, what happens to the people’s sovereignty? Will it not disappear under the tyranny of the majority?

More directly even than centralisation, decentralisation leads to complete communism, that is to say to the complete destruction of sovereignty.

What has to be done to restore to men that sovereignty which monopoly robbed them of in the past; and which communism, that extended monopoly, threatens to rob them of in the future?

\textit{“Quite simply the various industries formerly established as monopolies and operated today communally, need to be given their freedom. Industry still managed or regulated by the State or by the communes, must be handed over to the free activity of individuals.”}

Quite simply the various industries formerly established as monopolies and operated today communally, need to be given their freedom. Industry still managed or regulated by the State or by the communes, must be handed over to the free activity of individuals.

In this way, man possessing, as was the case before the establishment of societies, the right to apply his faculties freely, to any kind of labor, without hindrance [p. 318] or any charge, will once again fully enjoy his sovereignty.

\textbf{THE CONSERVATIVE.}

You have reviewed the various branches of industry which are still monopolies, or enjoy privileges

\textsuperscript{92} Bastiat has an amusing “economic sophism” on this very idea. In “The Mayor of Énios” (6 February, \textit{Le Libre-Échange}, reprinted \textit{Collected Works}, vol. 3 (Liberty Fund, forthcoming), pp. ???) the mayor of a small town wants to “stimulate” local industry in the same way as the nation “stimulates” national industry with high tariffs on goods being brought into his town. His great plans are shot down by the local Prefect who tells him that he believes in free trade within the nation but is a protectionist when it comes to trading with other nations. The mayor cannot understand the difference. Surely what is good for French industry must also be good for the industry in his commune.

\textsuperscript{93} Molinari uses the expression “la liberté du travail” (the liberty to engage in work) and “la liberté des échanges” (free trade).
or are subject to controls, proving to us, with greater or lesser success, that for the common good such production should be left in freedom. Very well then. I do not wish to return to a worn-out subject. Is it really possible, however, to take away from the State and from the communes the task of general and local defence?

**THE SOCIALIST.**

And the administration of justice too?

**THE CONSERVATIVE.**

Yes, and the administration of justice. Is it possible that these industries, to use your word, might be undertaken other than collectively, by the nation and the commune?

**THE ECONOMIST.**

I would perhaps be willing to say no more about these two particular communisms if you were to agree very frankly to leave me all the others; if you would agree to reduce the size of the State so that henceforth it would be only a policeman, a soldier and a judge. This, however, is impossible... For communism in matters of security is the keystone of the ancient edifice of servitude. Anyway, I see no reason to grant you this one rather than the others.

You must choose one or the other:

Either communism is better than freedom, and in that case all industries should be organized in common, in the State or in the commune. [p. 319]

Or freedom is preferable to communism, and in that case all industries still organised in common should be made free, including justice and police, as well as education, religion, transport, production of tobacco, etc.

**THE SOCIALIST.**

This is logical.

**THE CONSERVATIVE.**

But is it possible?

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94 GdM uses the word “éspices” (spices) which was a slang word for bribes paid to officials.

95 The Palais de Justice (Law Courts) of Paris were burned to the ground in 1618. The satirical and libertine poet Marc-Antoine Girard de Saint-Amant (1594-1661) wrote this verse to suggest that it might have been in revenge by Lady Justice for the corruption that went on within the building. See, *Oeuvres complètes de Saint-Amant. Nouvelle édition. Publiée sur les manuscrits inédits et les éditions anciennes. Précédée d’un Notice et accompagnée de notes par M. Ch.-L. Livet* (Paris: P. Janet, 1855), vol. 1, “Épigramme” , p. 185.

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**THE ECONOMIST.**

Let us see! Are we talking about justice? Under the old regime the administration of justice was not organised and its workforce paid, communally. It was organised as a monopoly and its workforce paid by those who made use of it.

For a number of centuries, no activity was more independent. It constituted, like all the other forms of material or non-material production, a privileged corporation. The members of this corporation could bequeath their offices or functions to their children, or even sell them. Possessing these offices in perpetuity, the judges made themselves well-known for their independence and integrity.

Unfortunately these arrangements had, looked at in another way, all the vices inherent in monopoly. Monopolised justice was paid for very dearly.

**THE SOCIALIST.**

And God knows how many complaints and claims required the payment of bribes to the judges. Witness the little verse scrawled on the door of the Palais de Justice after a fire: [p. 320]

One fine day, Dame Justice
Set the palace all on fire
Because she’d eaten too much spice.

Should not justice be essentially free of charge?

Now, does not being free of charge entail collective organisation?

**THE ECONOMIST.**

The complaints were about the justice system receiving too many bribes. It was not a complaint about the bribing itself. If the system had not been set up as a monopoly, if the judges had been able to demand only what was their legitimate payment for their industry, people would not have been complaining about the corruption.

In some countries, where those due to be tried had the right to choose their judges, the vices of monopoly were very markedly attenuated. The competition established in this case by the different courts
ameliorates the justice process and makes it cheaper. Adam Smith attributed the progress of the administration of justice in England to this cause. His words are striking and I hope the passage will allay your doubts: [p. 321]

The fees of court seem originally to have been the principal support of the different courts of justice in England. Each court endeavoured to draw to itself as much business as it could, and was, upon that account, willing to take cognizance of many suits which were not originally intended to fall under its jurisdiction. The court of king’s bench, instituted for the trial of criminal causes only, took cognizance of civil suits; the plaintiff pretending that the defendant, in not doing him justice, had been guilty of some trespass or misdemeanor. The court of exchequer, instituted for the levying of the king’s revenue, and for enforcing the payment of such debts only as were due to the king, took cognizance of all other contract debts; the plaintiff alleging that he could not pay the king, because the defendant would not pay him. In consequence of such fictions it came, in many cases, to depend altogether upon the parties before what court they would choose to have their cause tried; and each court endeavoured, by superior dispatch and impartiality, to draw to itself as many causes as it could. The present admirable constitution of the courts of justice in England was, perhaps, originally in a great measure, formed by this emulation, which antiently took place between their respective judges; each judge endeavouring to give, in his own court, the speediest and most effectual remedy, which the law would admit, for every sort of injustice. Originally the courts of law gave damages only for breach of contract. The court of chancery, as a court of conscience, first took upon it to enforce the specifick performance of agreements. When the breach of contract consisted in the non-payment of money, the damage sustained could be compensated in no other way than by ordering payment, which was equivalent to a specifick performance of the agreement. In such cases, therefore, the remedy of the courts of law was sufficient. It was not so in others. When the tenant sued his lord for having unjustly outed him of his lease, the damages which he recovered were by no means equivalent to the possession of the land. Such causes, therefore, for some time, went all to the court of chancery, to the no small loss of the courts of law. It was to draw back such causes to themselves that the courts of law are said to have invented the artificial and fictitious writ of ejectment, the most effectual remedy for an unjust outer or dispossession of land. 96

THE SOCIALIST.

But once again would not a system with no charges be preferable?

THE ECONOMIST.

So you have not yet retreated from the illusion of something being free of charge. Do I need to demonstrate to you again that the administration of justice without charges is more expensive than the alternative, given the cost of collecting the taxes paid out to maintain your free courts and to give salaries to your free judges.97 Need I show you again that the provision of justice at no charge is necessarily iniquitous because not everyone makes equal use of the justice system and not everyone is equally litigious? What is more, justice is far from free under the present regime, as you are aware. [p. 322]

THE CONSERVATIVE.

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97 According to the budget for 1848 the Ministry of Justice spent a total of fr. 26.7 million out of total expenditure of fr. 1.45 billion (or 18.5%). The government spent a total of fr. 156.9 million in administrative and collection costs, the share of the Ministry of Justice was therefore fr. 29 million, which is more than was spent in providing justice. See “Budget de 1848” in AEP pour 1848 (Paris: Guillaumin, 1848), pp. 29-51. See the Appendix on French Government Finances 1848-49.”
Legal proceedings are ruinously expensive. Can we complain, however, about the present administration of justice? Is not the organization of our courts irreproachable?

THE SOCIALIST.

What! Irreproachable. An Englishman whom I accompanied one day to the Assize Court, came away from the hearing quite indignant. He could not conceive how a civilized people could permit a prosecutor of the Crown or the Republic to engage in rhetoric when calling for a death sentence. He was horror-struck that such eloquence could serve as a purveyor to the executioner. In England they are content to lay out the accusation before the court; they do not inflame it.

THE ECONOMIST.

Add to that the proverbial delays in our law courts, the sufferings of the unfortunates who await their sentences for months, sometimes for years, when the inquiry could be conducted in a few days; the costs and the enormous losses which these delays entail, and you will be convinced that the administration of justice has scarcely advanced in France.

THE SOCIALIST.

We should not exaggerate, however. Today, thank Heaven, we have the jury system.

THE ECONOMIST.

Which means that, not content with forcing taxpayers to pay the costs of the justice system, we also make them carry out the functions of judges. This is pure communism: ab uno disce omnes. Personally, I do not think [p. 323] the jury is any better at judging than the National Guard, another communist institution, is at making war.

“Which means that, not content with forcing taxpayers to pay the costs of the justice system, we also make them carry out the functions of judges. This is pure communism: ab uno disce omnes. Personally, I do not think the jury is any better at judging than the National Guard, another communist institution!, is at making war.”

THE SOCIALIST.

Why is that?

THE ECONOMIST.

Because the only thing one does well is one’s trade or speciality, and the jury’s speciality is not acting as a judge.

THE CONSERVATIVE.

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98 This maxim from Virgil’s Aeneid, Book II, line 65, means “From one thing, learn about everything.”

99 The National Guard was founded in 1789 as a national armed citizens’ militia in Paris and soon spread to other cities and towns in France. Its function was to maintain local order, protect private property, and defend the principles of the Revolution. The Guard consisted of 16 legions of 60,000 men and was under command of the Marquis de Lafayette. It was a volunteer organization and members had to satisfy a minimum tax-paying requirement and had to purchase their own uniform and equipment. They were not paid for service, thus limiting its membership to the more prosperous members of the community. The Guard was closed down in 1827 for its opposition to King Charles X but was reconstituted after the 1830 Revolution and played an important role during the July Monarchy in support of the constitutional monarchy. Membership was expanded or “democratized” in a reform of 1837 and opened to all males in 1848 tripling its size to about 190,000. Since many members of the Guard supported the revolutionaries in June 1848 they refused to join the army in suppressing the rioting. This is what Molinari is probably referring to in his comment that it had become “communist”. The Guard gradually began to lose what cohesion it had and further reforms in 1851 and 1852 forced it to abandon its practice of electing its officers and to give up much of its autonomy. Because of its active participation in the 1871 Paris Commune many of its members were massacred in the post-revolutionary reprisals and it was closed down in August 1871. [See the history of the National Garde by Charles Comte, Histoire complète de la Garde national, depuis l’époque de sa foundation jusqu’à sa réorganisation définitive et la nomination de ses officiers, en vertu de la loi du 22 mars 1831, divisée en six époques; les cinq premiers par Charles Comte; et la sixième par Horace Raisson (Paris: Philippe, Juillet 1831).]
So it suffices for the jury to identify the crime and to understand the circumstances in which it was committed.

**THE ECONOMIST.**

This is to say that it carries out the most difficult, most thorny function of the judge. It is a task so delicate, demanding judgment so sane and so practiced, a mind so calm, so dispassionate, so impartial, that we entrust the job to the chance of names in a lottery. It is exactly as if one drew by lot the names of the citizens who would be entrusted every year with the making of boots or the writing of tragedies for the community.

**THE CONSERVATIVE.**

The comparison is forced.

**THE ECONOMIST.**

It is more difficult in my opinion to deliver a good judgment than to make a fine pair of boots or to produce a few hundred decent rhyming couplets. A perfectly enlightened and impartial judge is rarer than a skilful shoemaker or a poet capable of writing for the Théâtre Français.

In criminal cases, the jury’s lack of skill [p. 324] is revealed every day. Sad to say, however, only scant attention is ever paid to mistakes made in the Court of Assize. Nay, I would go further. People regard it almost as a crime to criticise a judgment rendered in court. In political cases does not the jury tend to pronounce according to its opinion, white (conservative) or red (radical), rather than according to what justice demands? Will not any man who is condemned by a conservative jury be absolved by a radical one and vice versa?

**THE SOCIALIST.**

True alas!

**THE ECONOMIST.**

Already minorities are very weary of being judged by juries belonging to majorities. See how it turns out...

Is the point at issue the industry which supplies our external and internal defence? Do you think it is worth much more than the effort committed to justice? Do not our police and especially our army cost us very dearly for the real services they supply us with?¹⁰⁰

In short, is there no disadvantage in this industry of defence being in the hands of the majority?

Let us examine this issue.

In a system in which the majority determines the level of taxation, and directs the use of public funds, must not taxation weigh more or less heavily on certain parts of the society, according to the predominant influences? Under the monarchy, when the majority was purely notional, when the upper class claimed for itself the right to govern the country to the exclusion of

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¹⁰⁰ According to the budget for 1848 the Ministry of War spent a total of fr. 305.6 million out of total expenditure of fr. 1.45 billion (or 21.1%). The government spent a total of fr. 156.9 million in administrative and collection costs, the share of the Ministry of War was therefore fr. 33.1 million, which is 10.8% of the cost of providing defense. See “Budget de 1848” in AEPS pour 1848 (Paris: Guillaumin, 1848), pp. 29-51.
the rest of the nation, did not taxation weigh principally on the consumption [p. 325] of the lower classes, on salt, wine, meat etc.? Doubtless the bourgeoisie played its part in paying these taxes, but the range of its consumption being infinitely wider than that of the consumption of the lower classes, its income ended up, all said and done, much more lightly attacked. To the extent that the lower class, in becoming better educated, will gain more influence in the State, you will see a contrary tendency emerge. You will see progressive taxation, today turned against the lower class, turned against the upper class. The latter will doubtless resist this new tendency with all its powers. It will cry out and protest, quite rightly, against the plunder and the theft; but if the communal institution of universal suffrage is maintained, if a surprise reversal of power does not once again put the government of society into the hands of the rich classes, to the exclusion of the poor classes, the will of the majority will prevail, and progressive taxation will be established. Part of the property of the rich will then be legally confiscated to relieve the burden of the poor, just as a part of the property of the poor has been confiscated for too long in order to relieve the burden of the rich.

But there is worse still.

Not only can the majority of a communal government set the level of taxation wherever it chooses, but it can also make whatever use of that taxation it chooses, without taking account of the will of the minority.

“In certain countries, the government of the majority uses a portion of public monies to protect essentially illegitimate and immoral properties. In the United States, for example, the government guarantees the southern planters the ownership of their slaves. There are, however, in the United States, abolitionists who rightly consider slavery to be a theft. It counts for nothing!”

In certain countries, the government of the majority uses a portion of public monies to protect essentially illegitimate and immoral properties. In [p. 326] the United States, for example, the government guarantees the southern planters the ownership of their slaves. There are, however, in the United States, abolitionists who rightly consider slavery to be a theft. It counts for nothing! The communal mechanism obliges them to contribute out of their wealth to the maintenance of this sort of theft. If the slaves were to try one day to free themselves of this wicked and odious yoke, the abolitionists would be required to go and defend, by force of arms, the property of the planters. That is the law of majorities.

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101 Bastiat calls the very limited number of individuals who were allowed to vote during the July Monarchy the “classe électorale.” Suffrage was limited to those who paid an annual tax of fr. 200 and were over the age of 25; and only those who paid fr. 500 in tax and were over the age of 30 could stand for election. The taxes which determined eligibility were direct taxes on land, poll taxes, and the taxes on residence, doors, windows, and businesses. By the end of the Restoration (1830) only 89,000 tax payers were eligible to vote. Under the July Monarchy this number rose to 166,000 and by 1846 this had risen again to 241,000. The February Revolution of 1848 introduced universal manhood suffrage (21 years or older) and the Constituent Assembly (April 1848) had 900 members (minimum age of 25). Furthermore, the “Law of the Double Vote” was introduced on 29 June 1820 to benefit the ultra-monarchists who were under threat after the assassination of the Duke de Berry in February 1820. The law was designed to give the wealthiest voters two votes so they could dominate the Chamber of Deputies with their supporters. Between 1820 and 1848, 258 deputies were elected by a small group of individuals who qualified to vote because they paid more than 2-300 francs in direct taxes (this figure varied over time from 90,000 to 240,000). One quarter of the electors, those who paid the largest amount of taxes, elected another 172 deputies. Therefore, those wealthier electors enjoyed the privilege of a double vote.

102 According to the budget for 1848 the government raised fr. 202.1 million from customs and salt taxes, as well as another fr. 204.4 million in indirect taxes on drink, sugar, tobacco, and other items, making a total of fr. 406.5 million. Total receipts from taxes and other charges was fr. 1.39 billion. The share of indirect taxes was thus 29.2% of the total. See “Budget de 1848” in AEPS pour 1848 (Paris: Guillaumin, 1848), pp. 29-51.
Elsewhere, it can come about that the majority, pushed by political intrigue or by religious fanaticism, declares war on some foreign nation. However much the minority are horrified by this war, and curse it, they are obliged to contribute their blood and their funds to it. Once again this is the law of the majority.

So what happens? What happens is that the majority and the minority are in perpetual conflict and that war sometimes comes down from the parliamentary arena into the streets.

Today it is the red minority which is in revolt. If this minority were to become a majority, and if using its majority rights, it reshaped the constitution as it wished, if it decreed progressive taxation, forced loans and paper money, who could assure you that the whites would not be in revolt tomorrow?

There is no lasting security under this system. And do you know why? Because it endlessly threatens property; because it puts at the mercy of a majority, whether blind or enlightened, moral or immoral, the persons and the goods of everybody.

If the communal regime, instead of being applied as in France, to a multitude of objects, found itself narrowly limited as in the United States, the causes of disagreement between the majority and the minority being less numerous, the disadvantages of this regime would be fewer. They would not, however, disappear entirely. The recognised right of the majority to tyrannise over the will of the smaller, would still in certain circumstances be likely to cause a civil war.

THE CONSERVATIVE.

Once again, though, it is not easy to see how industry which provides the security of persons and property, could be managed, if it were made free. Your logic leads you to dreams worthy of Charenton.

THE ECONOMIST.

Oh, come on! Let us not get angry. I suppose that after having recognised that the partial communism of the State and of the commune is decidedly bad, we could let all the branches of production operate freely, with the exception of the administration of justice and public defence. Thus far I have no objection. But a

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103 Molinari is referring to the socialist supporters of Louis Blanc, Pierre Leroux, and Auguste Blanqui who made up a sizable faction in the National Assembly during the Second Republic and who organized numerous political clubs during 1848-49. Several of the clubs adopted names reminiscent of groups in the radical phase of the first French Revolution, such as “The Mountain” and “The Society of the Rights of Man”. In the election for the Constituent Assembly held on 23 and 24 April 1848 about half of the 900 members were moderate republicans, 250 were royalists of various kinds, and about 200 were more radical republicans, and many of these would have been socialist. Blanc was made a Minister without portfolio and headed the Luxembourg Commission to look into labour questions such as the National Workshops program and “right to work” legislation. In the election of 19 January 1849 of the 705 seats, 450 were won by members of the “Party of Order” (an alliance of legitimists and other conservatives), 75 by moderate republicans, and 180 by “the Mountain” (radical democrats and socialists). Left wing protesters were joined by several dozen left-wing Deputies in a demonstration on 13 June which was suppressed upon orders of the President of the Republic, Louis Napoleon. This led to the closing down of several left-wing newspapers and the political clubs.

104 The irony of this passage is that Molinari has earlier pointed out the class based structure and injustice of the U.S. slave system and the stresses which this creates, and then argued that the smaller size of the U.S. government means that these tensions would be reduced. It should be pointed out that the Civil War broke out in 1861 only 12 years after the Soirées was published.

105 The “Maison royal de Charenton”, also known as the “Hôpital Esquirol”, was a psychiatric hospital which was founded in 1641. One of its most famous inmates was the Marquis de Sade in the late 18th century. The Hospital was the subject of a major study, “Rapport statistique sur la maison royale de Charenton”, in 1829.
radical economist, a dreamer,\textsuperscript{106} comes along and says: Why then, after having freed the various uses of property, do you not also set free those who secure the maintenance of property? Just like the others, will not these industries be carried out in a way more equitable and useful if they are made free? You maintain that it is impracticable. Why? On the one hand, are there not, in society, men especially suited, some to judge the disputes which arise between proprietors and to assess the offences committed against property, others \textsuperscript{[p. 328]} to defend the property of persons and of things, against the assaults of violence and fraud? Are there not men whom their natural aptitudes make especially fit to be judges, policemen or soldiers? On the other hand, do not all proprietors, without exception, have need for security and justice? Are not all of them inclined, therefore, to impose sacrifices on themselves to satisfy this urgent need, above all if they are powerless to satisfy it themselves, or can do so only by expending a lot of time and money?

Now, if on the one hand there are men suitable for meeting one of society’s needs, and on the other hand men ready to make sacrifices to obtain the satisfaction of this need, is it not enough to allow both groups to go about their business freely\textsuperscript{107} so that the good demanded, whether material or non-material, is produced and that the need is satisfied?

Will not this economic phenomenon be produced irresistibly, inevitably, like the physical phenomenon of falling bodies?

Am I not justified in saying, therefore, that if a society renounced the provision of public security, this important industry would nonetheless be carried out? Am I not right to add that it would be done better in a system based on liberty than a system based on community?

THE CONSERVATIVE.
In what way?

\textsuperscript{106} Molinari is hinting here that he is “Le Rêveur” (the Dreamer), the radical liberal, who wrote but did not sign the essay “L’Utopie de la liberté. Lettres aux socialistes” in the \textit{JDE}, 13 June, 1848, vol. XX, pp. 328-32. This is an appeal written just prior to the June Days insurrection of 1848 for liberals and socialists to admit that they shared the common goals of prosperity and justice but differed on the correct way to achieve these goals. Molinari reveals that he was in fact the author in an appendix he included with \textit{Esquisse de l’organisation politique et économique de la société future} (Paris: Guillaumin, 1899), p. 237, written 50 years later. Note also that Bastiat wrote a thinly disguised account of a Prime Minister who was appointed out of the blue to enact radical liberal reforms but who refuses to at the last moment because reform imposed from the top down was doomed to failure. See “The Utopian” in \textit{Economic Sophisms. Series II}, chap. XI (17 January, 1847), \textit{Collected Works}, vol. 3 (forthcoming).

\textsuperscript{107} Molinari actually uses the phrase “laissez faire” here: “de laissez faire les uns et les autres.”
would not possess any fewer courts and governments ready to function; and I would add that if, under this new regime, each person kept the right to engage freely in these two industries and to buy their services freely from them, security would be generated as economically and as well as possible.

THE CONSERVATIVE.

I will still reply to you that this is not conceivable.

THE ECONOMIST.

At the time when the regulatory regime kept industry prisoner within its communal boundaries, and when each privileged corporation had exclusive control of the communal market, people said that society was threatened, each time some audacious innovator strove to attack that monopoly. If anyone had come and said at that time that instead of the feeble and stunted industries of the privileged corporations, liberty would one day build immense factories turning out cheaper and superior products, this dreamer would have been very smartly put in his place. The conservatives of that time would have sworn by all the gods that such a thing was inconceivable.

THE SOCIALIST.

Oh come on! How can it be imagined that each individual has the right to create his own government, or to choose his government, or even not choose it...? How would things turn out in France, if having freed all the other industries, French citizens announced by common agreement, that after a year, they would cease to support the government of the community?

“The huge companies would be set up, therefore, in order to produce security. These would procure the resources and the workers they needed. As soon as they felt ready to operate, these property-insurance companies would look for a clientele. Each person would take out a subscription with the one which inspired him with most confidence and whose terms seemed to him the most favourable.”

THE ECONOMIST.

On this subject all I can do is conjecture. This, however, is more or less how things would turn out. Since the need for security is still very great in our society, it would be profitable to set up businesses which provide government services. Investors could be certain of covering their costs. How would these firms be set up? Isolated individuals would not be adequate, any more than they would suffice for building railways, docks etc. Huge companies would be set up, therefore, in order to produce security. These would procure the resources and the workers they needed. As soon as they felt ready to operate, these property-insurance companies would look for a clientele. Each person would take out a subscription with the one which inspired him with most confidence and whose terms seemed to him the most favourable.

THE CONSERVATIVE.

We would queue up to take out subscriptions. Most definitely we would queue up!

THE ECONOMIST.

This industry being free, we would see as many companies set up as could usefully be formed. If there were too few, if, consequently the price of security rose too high, people would find it profitable to set up new ones. If there were too many, the surplus ones would not take long to break up. The price of security would in this way always be led back to the level of its costs of production.

THE CONSERVATIVE.

How would these free companies arrange things among themselves in order to provide national security?

THE ECONOMIST.

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108 Molinari uses the phrase “des entreprises de gouvernements” (businesses which provide government services).
109 Molinari calls them “compagnies d’assurances sur la propriété” (property insurance companies).
They would reach agreement as do monopoly or communist governments today, because they would have an interest in so doing. The more, in fact, they offered each other mutual facilities for the apprehension of thieves and murderers, the more they would reduce their costs.

By the very nature of their industry, these property-insurance companies would not be able to venture outside certain prescribed limits: they would lose by maintaining police in places where they had very few clients. Within their district they would nevertheless not be able [p. 332] to oppress or exploit their clients, on pain of seeing competition spring up immediately.

THE SOCIALIST.

And if the existing company wanted to prevent the competitors establishing themselves?

THE ECONOMIST.

In a word, if they encroached on the property of their competitors and on the sovereignty of all...Oh! In that case all those whose property and independence were threatened by the monopolists would rise up and punish them.

THE SOCIALIST.

And if all the companies agreed to establish themselves as monopolies, what then? What if they formed a holy alliance110 in order to impose themselves on their peoples, and if, emboldened by this coalition, they mercilessly exploited the unfortunate consumers of security, and if they extracted from them by way of heavy taxes the best part of the results of the labor of these peoples?

THE ECONOMIST.

If, to tell the whole story, they started doing again what the old aristocracies did right up until our era...Well, then, in that case the peoples would follow the advice of Béranger:

Peoples, form a Holy Alliance
And take each other by the hand.111

They would unite in their turn and since they possess means of communication which their ancestors did not, and since they are a hundred times more numerous than their old rulers, the holy alliance of the aristocracies would soon be destroyed. No one would any longer be tempted in this case, I swear to you, to set up a monopoly. [p. 333]

THE CONSERVATIVE.

What would one do under this regime to repulse a foreign invasion?

THE ECONOMIST.112

What would be the interest of the companies? It would be to repel the invaders, for they themselves would be the first victims of the invasion. They would agree among themselves, therefore, in order to repel them, and they would demand from those they insured, a supplementary premium for saving them from this new danger. If the insured preferred to run the risks of invasion, they would refuse to pay this supplementary premium; if not they would pay it and they would thus put the companies in a position to ward off the danger of invasion.

Just as war is inevitable in a regime of monopoly, so peace is inevitable under a regime of free government.

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110 See the earlier footnote on the Holy Alliance in 1815 which was designed to protect the monarchies of Prussia, Austria, and Russia against the threats of liberalism and democracy.

111 Pierre-Jean de Béranger (1780-1857) was a poet and songwriter who rose to prominence during the Restoration period with his funny and clever criticisms of the monarchy and the church, which got him into trouble with the censors who imprisoned him for brief periods in the 1820s. The quotation is the refrain in Béranger’s anti-monarchical and pro-French poem, “La sainte Alliance des peuples” (The Holy Alliance of the People) (1818) in Oeuvres complètes de P.J. de Béranger contenant les dix chanson nouvelles, avec un Portrait gravé sur bois d’après Charlet (Paris: Perrotin, 1855), vol. 1, pp. 294-96. For a translation see, Béranger’s Songs of the Empire, the Peace, and the Restoration. Translated into English verse by Robert B. Clough (London: Addey and Co., 1856), pp. 59-62. The first verse goes as follows: “I saw fair Peace, descending from on high, Strewing the earth with gold, and corn, and flow’rs; The air was calm, and hush’d all soothingly The last faint thunder of the War-gods pow’rs. The goddess spoke: ‘Equals in worth and might, Sons of French, Germans, Russ, or British lands, Form an alliance, Peoples, and unite, In Friendship firm, your hands’.”

112 This is in fact the Economist speaking. It is listed as the Socialist in the French original.
Under this regime governments can gain nothing through war; on the contrary they can lose everything. What interest would they have in undertaking a war? Would this be to increase their clientele? But the consumers of security, being free to create their own government as they saw fit, would escape their conquerors. If the latter wished to impose their domination on them, after having destroyed the existing government, the oppressed would immediately demand the help of other nations ....

“Just as war is inevitable in a regime of monopoly, so peace is inevitable under a regime of free government. Under this regime governments can gain nothing through war; on the contrary they can lose everything. What interest would they have in undertaking a war?”

The wars of company against company could take place, moreover, only insofar as the shareholders were willing to advance the costs. Now, war no longer being able to bring to anyone an increase in the number of clients, since consumers will no longer allow themselves to be conquered, the [p. 334] costs of war would obviously no longer be covered. Who would want therefore to advance them the funds?

I conclude from this that war would be physically impossible under this system, for no war can be waged without an advance of funds.

THE CONSERVATIVE.

What conditions would a property-insurance company impose on its clients?

THE ECONOMIST.

These conditions would be of several different kinds.

In order to be in a position to guarantee full security of person and property to those they have insured, it would be necessary:

1. For the insurance companies to establish certain penalties for offenders against persons and property, and for those insured to accept these penalties, in the event of their committing offences against persons and property.

2. For the companies to impose on the insured certain restrictions intended to facilitate the detection of those responsible for offences.

3. For the companies, on a regular basis, in order to cover their costs, to levy a certain premium, varying with the situation of the insured and their individual occupations, and the size, nature and value of the properties to be protected.

If the conditions stipulated were acceptable to those buying security, the deal would be concluded; otherwise the consumers would approach other companies, or provide for their security themselves.

Follow this hypothesis in all its details, and I think you will be convinced of the possibility of transforming monopolistic or communist governments into free ones.

THE CONSERVATIVE.

I still see plenty of difficulties in this. For example, who will pay the debt? 113

THE ECONOMIST.

Do you think that in selling all the property today held in common – roads, canals, rivers, forests, buildings used by all the commune governments, the equipment of all the communal services – we would not very easily succeed in reimbursing the capital debt? The latter does not exceed six billion. The value of communal property in France is quite certainly far greater than that.

THE SOCIALIST.

Would not this system entail the destruction of any sense of nationality? If several property-insurance companies established themselves in a country, would not National Unity be destroyed?

THE ECONOMIST.

113 Total debt held by the French government in 1848 amounted to fr. 5.2 billion which required annual payments of fr. 384 million to service. Since total annual income for the government in 1848 was fr. 1.4 billion the outstanding debt was 3.7 times receipts and debt repayments took up 27.6% of annual government income. See Gustave de Puynode, “Crédit public,” DEP, vol. 1, pp. 508-25.
First of all, National Unity would have to exist before it could be destroyed. Well, I do not see national unity in these shapeless agglomerations of people, formed out of violence, which violence alone maintains, for the most part.

Next, it is an error to confuse these two things, which are naturally very distinct: nation and government. A nation is one when the individuals who compose it have the same customs, the same language, the same civilisation; when they constitute a distinct and original variety of the human race. Whether this nation has two governments or only one, matters very little, unless one of these government surrounds, with an artificial barrier, the territories under its domination, and undertakes incessant wars against its neighbours. In this last instance, the instinct of nationality will react against this barbarous fragmentation and artificial antagonism imposed on a single people, and the disunited fractions of the people will strive incessantly to draw together again.

“the instinct of nationality is not selfish, as is often claimed; it is, on the contrary, essentially sympathetic towards others.

Once the various governments cease dragging peoples apart and dividing them, you will see a given nationality happily accepting several others. A single government is no more necessary to the unity of a people, than a single bank, a single school, a single religion, a single grocery store, etc. [p. 337.]

THE SOCIALIST.

There, in truth, we have a very singular solution to the problem of government!

THE ECONOMIST.

It is the sole solution consistent with the nature of things.
Further Information

SOURCE

The edition used for this extract: This extract is chapter 11 [Soirée 11] of Gustave de Molinari, Les Soirées de la rue Saint-Lazare: entretiens sur les lois économiques et défense de la propriété (Paris: Guillaumin, 1849) which is being translated by Liberty Fund as Evenings on Saint Lazarus Street: Discussions on Economic Laws and the Defence of Property, edited and with an Introduction by David M. Hart. An earlier version of this chapter is online at the OLL <http://oll.libertyfund.org/index.php?option=com_content&task=view&id=1658&Itemid=371#s11>.

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FURTHER READING

Other works by Gustave de Molinari (1819-1912) <http://oll.libertyfund.org/people/136>.

“Hence as fast as the régime of voluntary cooperation with its appropriate ideas, sentiments, and usages, pervades the whole society—as fast as there disappear all those arrangements which in any way trench upon the equal freedom of these or those citizens, party warfare must practically die away.”

Herbert Spencer (1820-1903)
Editor’s Introduction

Herbert Spencer (1820-1903) was one of the leading 19th century English radical individualists. He began working as a journalist for the laissez-faire magazine *The Economist* in the 1850s. Much of the rest of his life was spent working on an all-encompassing theory of human development based upon the ideas of individualism, social and biological evolution, limited government, and laissez-faire economics. His works include *Social Statics* (1851) which is perhaps the first one volume account of the classical liberal perspective, *The Man versus the State* (1884) a critique of the growing statism of his age, *The Principles of Sociology* (1874–96) in which he develops his theory of the militant and the industrial types of society, and *The Principles of Ethics* (1897) his major work on the theory of individualist moral theory.

In this extract, after having developed his theory of the two different forms into which societies could develop, the militant or the industrial types of society (one based primarily on coercion and the other on voluntary transactions), Spencer turns to applying his theory to predict how the society in which he lived would develop in the near future. In the late 1870s and early 1880s when he was writing it seemed that European societies were tending away from war and the coercive “militant” types of political and economic structures which were its product, and were turning increasingly to more voluntary market-based or “industrial” types of societies. If this trend continued, he predicted that more and more activities which had been undertaken by the state would be supplied voluntarily by local communities or by the free market. If this trend were halted by the outbreak of another war or if people chose to align themselves with coercive trade unions or political parties then European societies would be regimented and subject to what he called “State-dictation” with the loss of prosperity and innovation which this entailed. He saw the dangers to liberty coming from a different direction in the United States, where he saw republican institutions increasingly coming under the control of corrupt “wreepulling politicians” would would wield real power in the name of the people.

Given the presence of both these forces at work in modern society, the industrial and the militant, Spencer believed that the only thing the advocate of liberty could do was “to facilitate the action of forces tending to cause advance” and attempt to prevent “mis-direction of them” tending to increase the power of the state.

“On the one hand, in the present state of armed preparation throughout Europe, an untoward accident may bring about wars which, lasting perhaps for a generation, will re-develop the coercive forms of political control. On the other hand, a long peace is likely to be accompanied by so vast an increase of manufacturing and commercial activity, with accompanying growth of the appropriate political structures within each nation, and strengthening of those ties between nations which mutual dependence generates, that hostilities will be more and more resisted and the organization adapted for the carrying them on will decay.
§ 576. In the foregoing chapters little has been said concerning the doctrine of Evolution at large, as re-illustrated by political evolution; though doubtless the observant reader has occasionally noted how the transformations described conform to the general law of transformation. Here, in summing up, it will be convenient briefly to indicate their conformity. Already in Part II, when treating of Social Growth, Social Structures, and Social Functions, the outlines of this correspondence were exhibited; but the materials for exemplifying it in a more special way, which have been brought together in this Part, may fitly be utilized to emphasize afresh a truth not yet commonly admitted.

"the loose aggregation of savages passes into the coherent connexion of citizens; at one stage coercively bound to one another and to their localities by family-ties and class-ties, and at a later stage voluntarily bound together by their mutually-dependent occupations. Once more, there is that merging of individual wills in a governmental will, which reduces a society, as it reduces an army, to a consolidated body."

That under its primary aspect political development is a process of integration, is clear. By it individuals originally separate are united into a whole; and the union of them into a whole is variously shown. In the earliest stages the groups of men are small, they are loose, they are not unified by subordination to a centre. But with political progress comes the compounding, re-compounding, and re-re-compounding of groups until great nations are produced. Moreover, with that settled life and agricultural development accompanying political progress, there is not only a formation of societies covering wider areas, but an increasing density of their populations. Further, the loose aggregation of savages passes into the coherent connexion of citizens; at one stage coercively bound to one another and to their localities by family-ties and class-ties, and at a later stage voluntarily bound together by their mutually-dependent occupations. Once more, there is that merging of individual wills in a governmental will, which reduces a society, as it reduces an army, to a consolidated body.

An increase of heterogeneity at the same time goes on in many ways. Everywhere the horde, when its members cooperate for defence or offence, begins to differentiate into a predominant man, a superior few, and an inferior many. With that massing of groups which war effects, there grow out of these, head chief, subordinate chiefs, and warriors; and at higher stages of integration, kings, nobles, and people: each of the two great social strata presently becoming differentiated within itself. When small societies have been united, the respective triune governing agencies of them grow unlike: the local political assemblies falling into subordination to a central political assembly. Though, for a time, the central one continues to be constituted after the same manner as the local ones, it gradually diverges in character by loss of its popular element. While these local and central bodies are becoming contrasted in their powers and structures, they are severally becoming differentiated in another way. Originally each is at once military, political, and judicial; but by and by the assembly for judicial business, no longer armed, ceases to be like the politico-military assembly; and the politico-military assembly eventually gives origin to a consultative body, the members of which, when meeting for political deliberation, come unarmed. Within each of these divisions, again, kindred changes subsequently occur. While themselves assuming more specialized forms, local judicial agencies fall under the control of a central judicial agency; and the central judicial assembly, which has separated from the original consultative body, subdivides into parts or courts which take unlike kinds of business. The central political body, too, where

its powers do not disappear by absorption in those of the supreme head, tends to complicate; as in our own case by the differentiation of a privy council from the original consultative body, and again by the differentiation of a cabinet from the privy council: accompanied, in the other direction, by division of the consultative body into elective and non-elective parts. While these metamorphoses are going on, the separation of the three organizations, legislative, judicial, and executive, progresses. Moreover, with progress in these major political changes goes that progress in minor political changes which, out of family-governments and clan-governments, evolves such governments as those of the tything, the gild, and the municipality. Thus in all directions from primitive simplicity there is produced ultimate complexity, through modifications upon modifications.

With this advance from small incoherent social aggregates to great coherent ones, which, while becoming integrated pass from uniformity to multiformity, there goes an advance from indefiniteness of political organization to definiteness of political organization. Save inherited ideas and usages, nothing is fixed in the primitive horde. But the differentiations above described, severally beginning vaguely, grow in their turns gradually more marked. Class-divisions, absent at first and afterwards undecided, eventually acquire great distinctness: slaves, serfs, freemen, nobles, king, become separated often by impassable barriers, and their positions shown by mutilations, badges, dresses, &c. Powers and obligations which were once diffused are parted off and rigorously maintained. The various parts of the political machinery come to be severally more and more restricted in their ranges of duties; and usage, age by age accumulating precedents, brings every kind of official action within prescribed bounds. This increase of definiteness is everywhere well shown by the development of laws. Beginning as inherited sacred injunctions briefly expressed, these have to be applied after some prescribed method, and their meanings in relation to particular cases made clear. Rules of procedure become step by step detailed and formal, while interpretations change the general command into specialized commands to meet incidental circumstances; and gradually there grows up a legal system everywhere precise and fixed. How pronounced is this tendency is interestingly shown in our system of Equity, which, arising to qualify the unduly defined and rigid applications of Law, itself slowly multiplied its technicalities until it grew equally defined and rigid.

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Hence the phenomena become complicated by a simultaneous evolution of one part of the social organization and dissolution of another part—a mingling of changes well illustrated in our own society."

To meet an obvious criticism it must be added that these changes from societies which are small, loose, uniform, and vague in structure, to societies which are large, compact, multiform, and distinct in structure, present varieties of characters under varieties of conditions, and alter as the conditions alter. Different parts of a society display the transformation, according as the society's activities are of one or other kind. Chronic war generates a compulsory cohesion, and produces an ever-greater heterogeneity and definiteness in that controlling organization by which unity of action is secured; while that part of the organization which carries on production and distribution, exhibits these traits of evolution in a relatively small degree. Conversely, when joint action of the society against other societies decreases, the traits of the structure developed for carrying it on begin to fade; while the traits of the structure for carrying on production and distribution become more decided: the increasing cohesion, heterogeneity, and definiteness, begin now to be shown throughout the industrial organization.
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§ 577. With this general conception before us, which, without more detailed recapitulation of the conclusions reached, will sufficiently recall them, we may turn from retrospect to prospect; and ask through what phases political evolution is likely hereafter to pass.

Such speculations concerning higher political types as we may allow ourselves, must be taken with the understanding that such types are not likely to become universal. As in the past so in the future, local circumstances must be influential in determining governmental arrangements; since these depend in large measure on the modes of life which the climate, soil, flora, and fauna, necessitate. In regions like those of Central Asia, incapable of supporting considerable populations, there are likely to survive wandering hordes under simple forms of control. Large areas such as parts of Africa present, which prove fatal to the higher races of men, and the steaming atmospheres of which cause enervation, may continue to be inhabited by lower races of men, subject to political arrangements adapted to them. And in conditions such as those furnished by small Pacific Islands, mere deficiency of numbers must negative the forms of government which become alike needful and possible in large nations. Recognizing the fact that with social organisms as with individual organisms, the evolution of superior types does not entail the extinction of all inferior ones, but leaves many of these to survive in habitats not available by the superior, we may here restrict ourselves to the inquiry—What are likely to be the forms of political organization and action in societies that are favourably circumstanced for carrying social evolution to its highest stage?

Of course deductions respecting the future must be drawn from inductions furnished by the past. We must assume that hereafter social evolution will conform to the same principles as heretofore. Causes which have everywhere produced certain effects must, if they continue at work, be expected to produce further effects of like kinds. If we see that political transformations which have arisen under certain conditions, admit of being carried further in the same directions, we must conclude that they will be carried further if the conditions are maintained; and that they will go on until they reach limits beyond which there is no scope for them.

Not indeed that any trustworthy forecast can be made concerning proximate changes. All that has gone before unites to prove that political institutions, fundamentally determined in their forms by the predominance of one or other of the antagonist modes of social action, the militant and the industrial, will be moulded in this way or in that way according as there is frequent war or habitual peace. Hence we must infer that throughout approaching periods, everything will depend on the courses which societies happen to take in their behaviour to one another—courses which cannot be predicted. On the one hand, in the present state of armed preparation throughout Europe, an untoward accident may bring about wars which, lasting perhaps for a generation, will re-develop the coercive forms of political control. On the other hand, a long peace is likely to be accompanied by so vast an increase of manufacturing and commercial activity, with accompanying growth of the appropriate political structures within each nation, and strengthening of those ties between nations which mutual dependence generates, that hostilities will be more and more resisted and the organization adapted for the carrying them on will decay.

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Leaving, however, the question—What are likely to be the proximate political changes in the most advanced nations? and inferring from the changes
which civilization has thus far wrought out, that at some time, more or less distant, the industrial type will become permanently established, let us now ask—What is to be the ultimate political régime?

§ 578. Having so recently contemplated at length the political traits of the industrial type as inferable à priori, and as partially exemplified à posteriori in societies most favourably circumstanced for evolving them, there remains only to present these under a united and more concrete form, with some dependent ones which have not been indicated. We will glance first at the implied political structures, and next at the implied political functions.

What forms of governmental organization must be the outcome of voluntary cooperation carried to its limit? We have already seen that in the absence of those appliances for coercion which accompany the militant type, whatever legislative and administrative structures exist, must be, in general and in detail, of directly or indirectly representative origin. The presence in them of functionaries not deriving their powers from the aggregate will, and not changeable by the aggregate will, would imply partial continuance of that régime of status which the régime of contract has, by the hypothesis, entirely replaced. But assuming the exclusion of all irresponsible agents, what particular structures will best serve to manifest and execute the aggregate will? This is a question to which only approximate answers can be given. There are various possible organizations through which the general consensus of feeling and opinion may display itself and issue in action; and it is very much a question of convenience, rather than of principle, which of these shall be adopted. Let us consider some of their varieties.

The representatives constituting the central legislature may form one body or they may form two. If there is but one, it may consist of men directly elected by all qualified citizens; or its members may be elected by local bodies which have themselves arisen by direct election; or it may include members some of whom are elected in the one way and some in the other. If there are two chambers, the lower one may arise in the first of the three ways named; while the second arises in one of several ways. It may consist of members chosen by local representative bodies; or it may be chosen by the lower chamber out of its own number. Its members may either have no test of eligibility, or they may be required to have special qualifications: experience in administration, for example. Then besides these various forms of the legislature, there are the various modes in which it may be partially or wholly replaced. Entire dissolution and re-election of one body or of both bodies may occur at intervals, either the same for the two or different for the two, and either simultaneously or otherwise; or the higher body, though representative, may be permanent, while the lower is changeable; or the changing of one or both, at given intervals, may be partial instead of complete—a third or a fourth may vacate their seats annually or biennially, and may or may not be eligible for re-election. So, too, there are various modes by which the executive may originate consistently with the representative principle. It may be simple or it may be compound; and if compound, the members of it may be changeable separately or altogether. The political head may be elected directly by the whole community, or by its local governing bodies, or by one or by both of its central representative bodies; and may be so elected for a term or for life. His assistants or ministers may be chosen by himself; or he may choose one who chooses the rest; or they may be chosen separately or bodily by one or other legislature, or by the two united. And the members of the ministry may compose a group apart from both chambers, or may be members of one or the other.

Concerning these, and many other possible arrangements which may be conceived as arising by modification and complication of them (all apparently congruous with the requirement that the making and administration of laws shall conform to public opinion) the choice is to be guided mainly by regard for simplicity and facility of working. But it seems likely that hereafter, as heretofore, the details of constitutional forms in each society, will not be determined on à priori grounds, or will be but partially so determined. We may conclude that they will be determined in large measure by the antecedents of the society; and that between societies of the industrial type, there will be differences of political organization consequent on genealogical differences. Recognizing the analogies furnished by individual organizations, which everywhere show us that structures evolved during the earlier stages of a type for functions then requisite, usually do not disappear at later stages, but become remoulded in adaptation to functions more or less different; we may suspect that the political institutions appropriate to the industrial type, will, in
each society, continue to bear traces of the earlier political institutions evolved for other purposes; as we see that even now the new societies growing up in colonies, tend thus to preserve marks of earlier stages passed through by ancestral societies. Hence we may infer that societies which, in the future, have alike become completely industrial, will not present identical political forms; but that to the various possible forms appropriate to the type, they will present approximations determined partly by their own structures in the past and partly by the structures of the societies from which they have been derived. Recognizing this probability, let us now ask by what changes our own political constitution may be brought into congruity with the requirements.

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Though there are some who contend that a single body of representatives is sufficient for the legislative needs of a free nation, yet the reasons above given warrant the suspicion that the habitual duality of legislatures, of which the rudiments are traceable in the earliest political differentiation, is not likely to be entirely lost in the future. That spontaneous division of the primitive group into the distinguished few and the undistinguished many, both of which take part in determining the actions of the group—that division which, with reviving power of the undistinguished many, reappears when there is formed a body representing it, which cooperates with the body formed of the distinguished few in deciding on national affairs, appears likely to continue. Assuming that as a matter of course two legislative bodies, if they exist hereafter, must both arise by representation, direct or indirect, it seems probable that an upper and a lower chamber may continue to display a contrast in some degree analogous to that which they have displayed thus far. For however great the degree of evolution reached by an industrial society, it cannot abolish the distinction between the superior and the inferior—the regulators and the regulated. Whatever arrangements for carrying on industry may in times to come be established, must leave outstanding the difference between those whose characters and abilities raise them to the higher positions, and those who remain in the lower. Even should all kinds of production and distribution be eventually carried on by bodies of cooperators, as a few are now to some extent, such bodies must still have their appointed heads and committees of managers. Either from an electorate constituted not, of course, of a permanently-privileged class, but of a class including all heads of industrial organizations, or from an electorate otherwise composed of all persons occupied in administration, a senate may perhaps eventually be formed consisting of representatives of directing persons as distinguished from the representatives of persons directed. Of course in the general government, as in the government of each industrial body, the representatives of the class regulated must be ultimately supreme; but there is reason for thinking that the representatives of the regulating class might with advantage exercise a restraining power. Evidently the aspect of any law differs according as it is looked at from above or from below—by those accustomed to rule or by those accustomed to be ruled. The two aspects require to be coordinated. Without assuming that differences between the interests of these bodies will, to the last, make needful different representations of them, it may reasonably be concluded that the higher, experienced in administration, may with advantage bring its judgments to bear in qualifying the judgments of the lower, less conversant with affairs; and that social needs are likely to be most effectually met by laws issuing from their joint deliberations. Far from suggesting an ultimate unification of the two legislative bodies, the facts of evolution, everywhere showing advance in specialization, suggest rather that one or both of such two bodies, now characterizing developed political organizations, will further differentiate. Indeed we have at the present moment indications that such a change is likely to take place in our own House of Commons. To the objection that the
duality of a legislative body impedes the making of
laws, the reply is that a considerable amount of
hindrance to change is desirable. Even as it is now
among ourselves, immense mischiefs are done by ill-
considered legislation; and any change which should
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Concerning the ultimate executive agency, it appears to be an unavoidable inference that it must become, in some way or other, elective; since hereditary political headship is a trait of the developed militant type, and forms a part of that régime of status which is excluded by the hypothesis. Guided by such evidence as existing advanced societies afford us, we may infer that the highest State-office, in whatever way filled, will continue to decline in importance; and that the functions to be discharged by its occupant will become more and more automatic. There requires an instrumentality having certain traits which we see in our own executive, joined with certain traits which we see in the executive of the United States. On the one hand, it is needful that the men who have to carry out the will of the majority as expressed through the legislature, should be removable at pleasure; so that there may be maintained the needful subordination of their policy to public opinion. On the other hand, it is needful that displacement of them shall leave intact all that part of the executive organization required for current administrative purposes. In our own case these requirements, fulfilled to a considerable extent, fall short of complete fulfillment in the respect that the political head is not elective, and still exercises, especially over the foreign policy of the nation, a considerable amount of power. In the United States, while these requirements are fulfilled in the respect that the political head is elective, and cannot compromise the nation in its actions towards other nations, they are not fulfilled in the respect that far from being an automatic centre, having actions restrained by a ministry responsive to public opinion, he exercises, during his term of office, much independent control. Possibly in the future, the benefits of these two systems may be united and their evils avoided. The strong party antagonisms which accompany our state of transition having died away, and the place of supreme State-officer having become one of honour rather than one of power, it may happen that appointment to this place, made during the closing years of a great career to mark the nation's approbation, will be made without any social perturbation, because without any effect on policy; and that, meanwhile, such changes in the executive agency as are needful to harmonize its actions with public opinion, will be, as at present among ourselves, changes of ministries.

Rightly to conceive the natures and workings of the central political institutions appropriate to the industrial type, we must assume that along with the establishment of them there has gone that change just named in passing—the decline of party antagonisms. Looked at broadly, political parties are seen to arise directly or indirectly out of the conflict between militancy and industrialism. Either they stand respectively for the coercive government of the one and the free government of the other, or for particular institutions and laws belonging to the one or the other, or for religious opinions and organizations congruous with the one or the other, or for principles and practices that have been bequeathed by the one or the other, and survived under alien conditions. Habitually if we trace party feeling to its sources, we find on the one side maintenance of, and on the other opposition to, some form of inequity. Wrong is habitually alleged by this side against that; and there must be injustice either in the thing done or in the allegation concerning it. Hence as fast as the régime of voluntary cooperation with its appropriate ideas, sentiments, and usages, pervades the whole society—as fast as there disappear all those arrangements which in any way trench upon the equal freedom of these or those citizens, party warfare must practically die away. Such differences of opinion only can remain as concern matters of detail and minor questions of administration. Evidently there is approach to such a state in proportion as the graver
injustices descending from the militant type disappear. Evidently, too, one concomitant is that increasing subdivision of parties commonly lamented, which promises to bring about the result that no course can be taken at the dictation of any one moiety in power; but every course taken, having the assent of the average of parties, will be thereby proved in harmony with the aggregate will of the community. And clearly, with this breaking up of parties consequent on growing individuality of nature, all such party-antagonisms as we now know must cease.

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Concerning local government we may conclude that as centralization is an essential trait of the militant type, decentralization is an essential trait of the industrial type. With that independence which the régime of voluntary cooperation generates, there arises resistance not only to dictation by one man, and to dictation by a class, but even to dictation by a majority, when it restrains individual action in ways not necessary for maintaining harmonious social relations. One result must be that the inhabitants of each locality will object to be controlled by the inhabitants of other localities, in matters of purely local concern. In respect of such laws as equally apply to all individuals, and such laws as affect the inhabitants of each locality in their intercourse with those of other localities, the will of the majority of the community will be recognized as authoritative; but in respect of arrangements not affecting the community at large, but affecting only the members forming one part, we may infer that there will arise such tendency to resist dictation by members of other parts, as will involve the carrying of local rule to the greatest practicable limit. Municipal and kindred governments may be expected to exercise legislative and administrative powers, subject to no greater control by the central government than is needful for the concord of the whole community.

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Neither these nor any other speculations concerning ultimate political forms can, however, be regarded as anything more than tentative. They are ventured here simply as foreshadowing the general nature of the changes to be anticipated; and in so far as they are specific, can be at the best but partially right. We may be sure that the future will bring unforeseen political arrangements along with many other unforeseen things. As already implied, there will probably be considerable variety in the special forms of the political institutions of industrial societies: all of them bearing traces of past institutions which have been brought into congruity with the representative principle. And here I may add that little stress need be laid on one or other speciality of form; since, given citizens having the presupposed appropriate natures, and but small differences in the ultimate effects will result from differences in the machinery used.

§ 579. Somewhat more definitely, and with somewhat greater positiveness, may we, I think, infer the political functions carried on by those political structures proper to the developed industrial type. Already these have been generally indicated; but here they must be indicated somewhat more specifically.

We have seen that when corporate action is no longer needed for preserving the society as a whole from destruction or injury by other societies, the end which remains for it is that of preserving the component members of the society from destruction or injury by one another: injury, as here interpreted, including not only immediate, but also remote,
breaches of equity. Citizens whose natures have through many generations of voluntary cooperation and accompanying regard for one another’s claims, been moulded into the appropriate form, will entirely agree to maintain such political institutions as may continue needful for insuring to each that the activities he carries on within limits imposed by the activities of others, shall bring to him all the directly-resulting benefits, or such benefits as indirectly result under voluntary agreements; and each will be ready to yield up such small portion of the proceeds of his labour, as may be required to maintain the agency for adjudicating in complex cases where the equitable course is not manifest, and for such legislative and administrative purposes as may prove needful for effecting an equitable division of all natural advantages. Resistance to extension of government beyond the sphere thus indicated, must eventually have a two-fold origin—egoistic and altruistic.

In the first place, it cannot be supposed that citizens having the characters indicated, will, in their corporate capacity, agree to impose on themselves individually, other restraints than those necessitated by regard for one another’s spheres of action. Each has had fostered in him by the discipline of daily life carried on under contract, a sentiment prompting assertion of his claim to free action within the implied limits; and there cannot therefore arise in an aggregate of such, any sentiment which would tolerate further limits. And that any part should impose such further limits on the rest, is also contrary to the hypothesis; since it pre-supposes that political inequality, or status, which is excluded by the industrial type. Moreover, it is manifest that the taking from citizens of funds for public purpose other than those above specified, is negated. For while there will ever be a unanimous desire to maintain for each and all the conditions needful for severally carrying on their private activities and enjoying the products, the probabilities are immense against agreement for any other public end. And in the absence of such agreement, there must arise resistance by the dissentients to the costs and administrative restraints required for achieving such other end. There must be dissatisfaction and opposition on the part of the minority from whom certain returns of their labours are taken, not for fulfilling their own desires, but for fulfilling the desires of others. There must be an inequality of treatment which does not consent with the régime of voluntary cooperation fully carried out.

“To one who is ruled by a predominant sentiment of justice, the thought of profiting in any way, direct or indirect, at the expense of another, is repugnant; and in a community of such, none will desire to achieve by public agency at the cost of all, benefits which a part do not participate in, or do not wish for.”

At the same time that the employment of political agencies for other ends than that of maintaining equitable relations among citizens, will meet with egoistic resistance from a minority who do not desire such other ends, it will also meet with altruistic resistance from the rest. In other words, the altruism of the rest will prevent them from achieving such further ends for their own satisfaction, at the cost of dissatisfaction to those who do not agree with them. To one who is ruled by a predominant sentiment of justice, the thought of profiting in any way, direct or indirect, at the expense of another, is repugnant; and in a community of such, none will desire to achieve by public agency at the cost of all, benefits which a part do not participate in, or do not wish for. Given in all citizens a quick sense of equity, and it must happen, for example, that while those who have no children will protest against the taking away of their property to educate the children of others, the others will no less protest against having the education of their children partially paid for by forced exactions from the childless, from the unmarried, and from those whose means are in many cases less than their own. So that the eventual limitation of State-action to the fundamental one described, is insured by a simultaneous increase of opposition to other actions and a decrease of desire for them.

§ 580. The restricted sphere for political institutions thus inferred as characterizing the developed industrial type, may also be otherwise inferred.
For this limitation of State-functions is one outcome of that process of specialization of functions which accompanies organic and super-organic evolution at large. Be it in an animal or be it in a society, the progress of organization is constantly shown by the multiplication of particular structures adapted to particular ends. Everywhere we see the law to be that a part which originally served several purposes and achieved none of them well, becomes divided into parts each of which performs one of the purposes, and, acquiring specially-adapted structures, performs it better. Throughout the foregoing chapters we have seen this truth variously illustrated by the evolution of the governmental organization itself. It remains here to point out that it is further illustrated in a large way, by the division which has arisen, and will grow ever more decided, between the functions of the governmental organization as a whole, and the functions of the other organizations which the society includes.

Already we have seen that in the militant type, political control extends over all parts of the lives of the citizens. Already we have seen that as industrial development brings the associated political changes, the range of this control decreases: ways of living are no longer dictated; dress ceases to be prescribed; the rules of class-subordination lose their peremptoriness; religious beliefs and observances are not insisted upon; modes of cultivating the land and carrying on manufactures are no longer fixed by law; and the exchange of commodities, both within the community and with other communities, becomes gradually unshackled. That is to say, as industrialism has progressed, the State has retreated from the greater part of those regulative actions it once undertook. This change has gone along with an increasing opposition of citizens to these various kinds of control, and a decreasing tendency on the part of the State to exercise them. Unless we assume that the end has now been reached, the implication is that with future progress of industrialism, these correlative changes will continue. Citizens will carry still further their resistance to State-dictation; while the tendency to State-dictation will diminish. Though recently, along with re-invigoration of militancy, there have gone extensions of governmental interference, yet this is interpretable as a temporary wave of reaction.

Along with this progressing limitation of political functions, has gone increasing adaptation of political agencies to the protecting function, and better discharge of it. During unqualified militancy, while the preservation of the society as a whole against other societies was the dominant need, the preservation of the individuals forming the society from destruction or injury by one another, was little cared for; and in so far as it was cared for, was cared for mainly out of regard for the strength of the whole society, and its efficiency for war. But those same changes which have cut off so many political functions at that time exercised, have greatly developed this essential and permanent political function. There has been a growing efficiency of the organization for guarding life and property; due to an increasing demand on the part of citizens that their safety shall be insured and an increasing readiness on the part of the State to respond. Evidently our own time, with its extended arrangements for administering justice, and its growing demand for codification of the law, exhibits a progress in this direction; which will end only when the State undertakes to administer civil justice to the citizen free of cost, as it now undertakes, free of cost, to protect his person and punish criminal aggression on him.

And the accompanying conclusion is that there will be simultaneously carried further that trait which already characterizes the most industrially-organized societies—the performance of increasingly-numerous
and increasingly-important functions by other organizations than those which form departments of the government. Already in our own case private enterprise, working through incorporated bodies of citizens, achieves ends undreamed of as so achievable in primitive societies; and in the future, other ends undreamed of now as so achievable, will be achieved.

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§ 581. A corollary having important practical bearings may be drawn. The several changes making up the transformation above indicated, are normally connected in their amounts; and mischief must occur if the due proportions among them are not maintained. There is a certain right relation to one another, and a right relation to the natures of citizens, which may not be disregarded with impunity.

The days when “paper constitutions” were believed in have gone by—if not with all, still with instructed people. The general truth that the characters of the units determine the character of the aggregate, though not admitted overtly and fully, is yet admitted to some extent—to the extent that most politically-educated persons do not expect forthwith completely to change the state of a society by this or that kind of legislation. But when fully admitted, this truth carries with it the conclusion that political institutions cannot be effectually modified faster than the characters of citizens are modified; and that if greater modifications are by any accident produced, the excess of change is sure to be undone by some counter-change. When, as in France, people undisciplined in freedom are suddenly made politically free, they show by some plébiscite that they willingly deliver over their power to an autocrat, or they work their parliamentary system in such way as to make a popular statesman into a dictator. When, as in the United States, republican institutions, instead of being slowly evolved, are all at once created, there grows up within them an agency of wirepulling politicians, exercising a real rule which overrides the nominal rule of the people at large. When, as at home, an extended franchise, very soon re-extended, vastly augments the mass of those who, having before been controlled are made controllers, they presently fall under the rule of an organized body that chooses their candidates and arranges for them a political programme, which they must either accept or be powerless. So that in the absence of a duly-adapted character, liberty given in one direction is lost in another.

“Allied to the normal relation between character and institutions, are the normal relations among institutions themselves; and the evils which arise from disregard of the second relations are allied to those which arise from disregard of the first. Substantially there is produced the same general effect. The slavery mitigated in one direction is intensified in another. Coercion over the individual, relaxed here is tightened there. For, as we have seen, that change which accompanies development of the industrial type, and is involved by the progress towards those purely equitable relations which the régime of voluntary cooperation brings, implies that the political structures simultaneously become popular in their origin and restricted in their functions. But if they become more popular in their origin without becoming more restricted in their functions, the effect is to foster arrangements which benefit the inferior at the expense of the superior; and by so doing work towards degradation. Swayed as individuals are on the average by an egoism which dominates over their altruism, it must happen that even when they become so far
equitable in their sentiments that they will not commit direct injustices, they will remain liable to commit injustices of indirect kinds. And since the majority must ever be formed of the inferior, legislation, if unrestricted in its range, will inevitably be moulded by them in such way as more or less remotely to work out to their own advantage, and to the disadvantage of the superior. The politics of trades'-unions exemplify the tendency. Their usages have become such that the more energetic and skilful workmen are not allowed to profit to the full extent of their capacities; because, if they did so, they would discredit and disadvantage those of lower capacities, who, forming the majority, establish and enforce the usages. In multitudinous ways a like tendency must act through a political organization, if, while all citizens have equal powers, the organization can be used for other purposes than administering justice. State-administrations worked by taxes falling in more than due proportion on those whose greater powers have brought them greater means, will give to citizens of smaller powers more benefits than they have earned. And this burdening of the better for the benefit of the worse, must check the evolution of a higher and more adapted nature: the ultimate result being that a community by which this policy is pursued, will, other things equal, fail in competition with a community which pursues the purely equitable policy, and will eventually disappear in the race of civilization.

§ 582. But the conclusion of profoundest moment to which all lines of argument converge, is that the possibility of a high social state, political as well as general, fundamentally depends on the cessation of war. After all that has been said it is needless to emphasize afresh the truth that persistent militancy, maintaining adapted institutions, must inevitably prevent, or else neutralize, changes in the direction of more equitable institutions and laws; while permanent peace will of necessity be followed by social ameliorations of every kind.

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From war has been gained all that it had to give. The peopling of the Earth by the more powerful and intelligent races, is a benefit in great measure achieved; and what remains to be done calls for no other agency than the increasing pressure of a spreading industrial civilization on a barbarism which slowly dwindles. That integration of simple groups into compound ones, and of these into doubly compound ones, which war has effected, until at length great nations have been produced, is a process already carried as far as seems either practicable or desirable. Empires formed of alien peoples habitually fall to pieces when the coercive power which holds them together fails; and
even could they be held together, would not form harmoniously working wholes: peaceful federation is the only further consolidation to be looked for. Such large advantage as war has yielded by developing that political organization which, beginning with the leadership of the best warrior has ended in complex governments and systems of administration, has been fully obtained; and there remains for the future to preserve and re-mould its useful parts while getting rid of those no longer required. So, too, that organization of labour initiated by war—an organization which, setting out with the relation of owner and slave and developing into that of master and servant, has, by elaboration, given us industrial structures having numerous grades of officials, from head director down to foremen—has been developed quite as far as is requisite for combined action; and has to be hereafter modified, not in the direction of greater military subordination, but rather in the opposite direction. The power of continuous application, too, lacking in the savage and to be gained only under that coercive discipline which the militant type of society establishes, has been already in large measure acquired by the civilized man; and such further degree of it as is needed, will be produced under the stress of industrial competition in free communities. Nor is it otherwise with great public works and developed industrial arts. Though in the canal cut by the Persians across the isthmus of Athos, and again in a canal of two miles long cut by the Fijians, we see both that war is the first prompter to such undertakings and that the despotic rule established by it is the needful agency for carrying them out; yet we also see that industrial evolution has now reached a stage at which commercial advantage supplies a sufficient stimulus, and private trading corporations a sufficient power, to execute works far larger and more numerous. And though from early days when flint arrow-heads were chipped and clubs carved, down to present days when armour-plates a foot thick are rolled, the needs of defence and offence have urged on invention and mechanical skill; yet in our own generation steam-hammers, hydraulic rams, and multitudinous new appliances from locomotives to telephones, prove that industrial needs alone have come to furnish abundant pressure whereby, hereafter, the industrial arts will be further advanced. Thus, that social evolution which had to be achieved through the conflicts of societies with one another, has already been achieved; and no further benefits are to be looked for.

“the one thing needful is the checking of international antagonisms and the diminution of those armaments which are at once cause and consequence of them. With the repression of militant activities and decay of militant organizations, will come amelioration of political institutions as of all other institutions. Without them, no such ameliorations are permanently possible. Liberty overtly gained in name and form will be unobtrusively taken away in fact.”

Only further evils are to be looked for from the continuance of militancy in civilized nations. The general lesson taught by all the foregoing chapters is that, indispensable as has been this process by which nations have been consolidated, organized, and disciplined, and requisite as has been the implied coercion to develop certain traits of individual human nature, yet that, beyond the unimaginable amount of suffering directly involved by the process, there has been an unimaginable amount of suffering indirectly involved; alike by the forms of political institutions necessitated, and by the accompanying type of individual nature fostered. And they show by implication that for the diminution of this suffering, not only of the direct kind but of the indirect kind, the one thing needful is the checking of international antagonisms and the diminution of those armaments which are at once cause and consequence of them. With the repression of militant activities and decay of militant organizations, will come amelioration of political institutions as of all other institutions. Without them, no such ameliorations are permanently possible. Liberty overtly gained in name and form will be unobtrusively taken away in fact.

It is not to be expected, however, that any very marked effects are to be produced by the clearest
demonstration of this truth—even by a demonstration beyond all question. A general congruity has to be maintained between the social state at any time necessitated by circumstances, and the accepted theories of conduct, political and individual. Such acceptance as there may be of doctrines at variance with the temporary needs, can never be more than nominal in degree, or limited in range, or both. The acceptance which guides conduct will always be of such theories, no matter how logically indefensible, as are consistent with the average modes of action, public and private. All that can be done by diffusing a doctrine much in advance of the time, is to facilitate the action of forces tending to cause advance. The forces themselves can be but in small degrees increased; but something may be done by preventing misdirection of them. Of the sentiment at any time enlisted on behalf of a higher social state, there is always some (and at the present time a great deal) which, having the broad vague form of sympathy with the masses, spends itself in efforts for their welfare by multiplication of political agencies of one or other kind. Led by the prospect of immediate beneficial results, those swayed by this sympathy, are unconscious that they are helping further to elaborate a social organization at variance with that required for a higher form of social life; and by so doing are increasing the obstacles to attainment of that higher form. On a portion of such the foregoing chapters may have some effect by leading them to consider whether the arrangements they are advocating involve increase of that public regulation characterizing the militant type, or whether they tend to produce that greater individuality and more extended voluntary cooperation, characterizing the industrial type. To deter here and there one from doing mischief by imprudent zeal, is the chief proximate effect to be hoped for.

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