

HERBERT SPENCER
The Proper Sphere of Government (1843)

THE
PROPER
SPHERE OF GOVERNMENT:

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PUBLISHED IN

“THE NONCONFORMIST.”

BY
HERBERT SPENCER.

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Editor's Introduction

To make this edition useful to scholars and to make it more readable, I have done the following:

1. inserted and highlighted the page numbers of the original edition
 2. not split a word if it has been hyphenated across a new line or page (this will assist in making word searches)
 3. added unique paragraph IDs (which are used in the "citation tool" which is part of the "enhanced HTML" version of this text)
 4. retained the spaces which separate sections of the text
 5. created a "blocktext" for large quotations
 6. moved the Table of Contents to the beginning of the text
 7. placed the footnotes at the end of the book
 8. formatted short margin notes to float right
 9. inserted Greek and Hebrew words as images
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LETTER I

THINGS of the first importance—principles influencing all the transactions of a country—principles involving the weal or woe of nations, are very generally taken for granted by society. When a certain line of conduct, however questionable may be its policy—however momentous may be its good or evil results, has been followed by our ancestors, it usually happens that the great masses of mankind continue the same course of action, without ever putting to themselves the question—Is it right? Custom has the enviable power, of coming to conclusions upon most debatable points, without a moment's consideration—of turning propositions of a very doubtful character into axioms—and of setting aside almost self-evident truths as unworthy of consideration.

Of all subjects thus cavalierly treated, the fundamental principles of legislation, are perhaps the most important. Politicians—all members of the community who have the welfare of their fellow-men at heart, have their hopes, opinions, and wishes, centered in the actions of government. It therefore behoves them fully to understand the nature, the intention, the proper sphere of action of a government. Before forming opinions upon the best measures to be adopted by a legislative body, it is necessary that well defined views of the power of that body should be formed; that it be understood how far it can go consistently with its constitution; that it be decided what it may do and what it may not do. And yet, how few men have ever given the matter any serious consideration; how few, even of those who are interested in the affairs of society, ever put to themselves the question—Is there any boundary to the interference of government? and, if so, what is that boundary?

We hear one man proclaiming the advantages that would accrue, if all the turnpike roads in the kingdom were kept in repair by the state; another would saddle the nation with a medical establishment, and preserve the popular health by legislation; and a third party maintains that government should make railways for Ireland, at the public expense. The possibility of there being any impropriety in meddling with these things never suggests itself. Government always *has* exercised the liberty of universal interference, and nobody ever questioned its right to do so. Our ancestors, good people, thought it quite reasonable that the executive should have unlimited power (or probably they never troubled themselves to think about it at all); and as they made no objection, we, in our wise veneration for the “good old times,” suppose that all is as it should be. Some few, however, imbued with the more healthy spirit of investigation, are not content with this simple mode of settling such questions, and would rather ground their convictions upon reason, than upon custom. To such are addressed the following considerations.

Everything in nature has its laws. Inorganic matter has its dynamical properties, its chemical affinities; organic matter, more complex, more easily destroyed, has also its governing principles. As with matter in its [4] integral form, so with matter in its aggregate; animate beings have their laws, as well as the material, from which they are derived. Man, as

an animate being, has functions to perform, and has organs for performing those functions; he has instincts to be obeyed, and the means of obeying those instincts; and, so long as he performs those functions, as he obeys those instincts, as he bends to the laws of his nature, so long does he remain in health. All disobedience to these dictates, all transgression, produces its own punishment. Nature will be obeyed.

As with man physically, so with man spiritually. Mind has its laws as well as matter. The mental faculties have their individual spheres of action in the great business of life; and upon their proper development, and the due performance of their duties, depend the moral integrity, and the intellectual health, of the individual. Psychical laws must be obeyed as well as physical ones; and disobedience as surely brings its punishment in the one case, as in the other.

As with man individually, so with man socially. Society as certainly has its governing principles as man has. They may not be so easily traced, so readily defined. Their action may be more complicated, and it may be more difficult to obey them; but, nevertheless, analogy shows us that they must exist. We see nothing created but what is subject to invariable regulations given by the Almighty, and why should society be an exception? We see, moreover, that beings having volition, are healthy and happy, so long only as they act in accordance with those regulations; and why should not the same thing be true of man in his collective capacity?

This point conceded, it follows that the well being of a community, depends upon a thorough knowledge of social principles, and an entire obedience to them. It becomes of vital importance to know, what institutions are necessary to the prosperity of nations; to discover what are the duties of those institutions; to trace the boundaries of their action; to take care that they perform their functions properly; and especially to see, that they aim not at duties for which they were not intended, and for which they are not fitted.

The legislature is the most important of all national institutions, and as such, it claims our first attention in the investigation of social laws. An attempt to arrive at its principles, from the analysis of existing governments, with all their complex and unnatural arrangements, would be a work of endless perplexity, and one from which it would be extremely difficult, if not impossible, to educe any satisfactory result. To obtain clear ideas, we must consider the question abstractly; we must suppose society in its primitive condition; we must view circumstances and requirements as they would naturally arise; and we shall then be in a position to judge properly, of the relation which should exist, between a people and a government.

Let us, then, imagine a number of men living together without any recognised laws—without any checks upon their actions, save those imposed by their own fears of consequences—obeying nothing but the impulses of their own passions—what is the result? The weak—those who have the least strength, or the least influence—are oppressed by the more powerful: these, in their turn, experience the tyranny of men still higher in the scale; and even the most influential, are subject to the combined vengeance of those whom they

have injured. Every man, therefore, soon comes to the conclusion, that his individual interest as well as that of the community at [5] large, will best be served by entering into some common bond of protection: all agree to become amenable to the decisions of their fellows, and to obey certain general arrangements. Gradually the population increases, their disputes become more numerous, and they find that it will be more convenient to depute this arbitrate power, to one or more individuals, who shall be maintained by the rest, in consideration of their time being devoted to the business of the public. Here we have a government springing naturally out of the requirements of the community. But what are those requirements? Is the government instituted for the purpose of regulating trade—of dictating to each man where he shall buy and where he shall sell? Do the people wish to be told what religion they must believe, what forms and ceremonies they must practice, or how many times they must attend church on a Sunday?[1] Is education the object contemplated? Do they ask instruction in the administration of their charity—to be told to whom they shall give, and how much, and in what manner they shall give it? Do they require their means of communication—their roads and railways—designed and constructed for them? Do they create a supreme power to direct their conduct in domestic affairs—to tell them at what part of the year they shall kill their oxen, and how many servings of meat they shall have at a meal?[2] In short, do they want a government because they see that the Almighty has been so negligent in designing social mechanisms, that everything will go wrong unless they are continually interfering? No; they know, or they ought to know, that the laws of society are of such a character, that natural evils will rectify themselves; that there is in society, as in every other part of creation, that beautiful self-adjusting principle, which will keep all its elements in equilibrium; and, moreover, that as the interference of man in external nature often destroys the just balance, and produces greater evils than those to be remedied, so the attempt to regulate all the actions of a community by legislation, will entail little else but misery and confusion.

What, then, do they want a government for? Not to regulate commerce; not to educate the people; not to teach religion; not to administer charity; not to make roads and railways; but simply to defend the natural rights of man—to protect person and property—to prevent the aggressions of the powerful upon the weak—in a word, to administer justice. This is the natural, the original, office of a government. It was not intended to do less: it ought not to be allowed to do more.

LETTER II

PHILOSOPHICAL politicians usually define government, as a body whose province it is, to provide for the “general good.” But this practically amounts to no definition at all, if by a definition is meant a description, in which the limits of the thing described are pointed out. It is necessary to the very nature of a definition, that the words in which it is expressed should have some determinate meaning; but the expression “general [6] good,” is of such uncertain character, a thing so entirely a matter of opinion, that there is not an action that a government could perform, which might not be contended to be a fulfilment of its duties. Have not all our laws, whether really enacted for the public benefit or for party aggrandisement, been passed under the plea of promoting the “general good?” And is it probable that any government, however selfish, however tyrannical, would be so barefaced as to pass laws avowedly for any other purpose? If, then, the very term “definition,” implies a something intended to mark out the boundaries of the thing defined, that cannot be a definition of the duty of a government, which will allow it to do anything and everything.

It was contended in the preceding letter, that “the administration of justice” was the sole duty of the state. Probably it will be immediately objected, that this definition is no more stringent than the other—that the word “justice” is nearly as uncertain in its signification as the expression “general good” —that one man thinks it but “justice” towards the landowner, that he should be protected from the competition of the foreign corn grower; another maintains that “justice” demands that the labourer’s wages should be fixed by legislation, and that since such varied interpretations may be given to the term, the definition falls to the ground. The reply is very simple. The word is not used in its legitimate sense. “Justice” comprehends only the preservation of man’s natural rights. Injustice implies a violation of those rights. No man ever thinks of demanding “justice” unless he is prepared to prove that violation; and no body of men can pretend that “justice” requires the enactment of any law, unless they can show that their natural rights would otherwise be infringed. If it be conceded that this is the proper meaning of the word, the objection is invalid, seeing that in the cases above cited, and in all similar ones, it is not applicable in this sense.

Having thus examined the exact meaning of the new definition, and having observed its harmony with the original wants of society, we may at once proceed to consider its practical applications; and, in the first few cases, it may be well, for the sake of showing the different effects of the two principles, to note, at the same time, the results of the doctrine of “general good.” First, the great question of the day—the corn laws. Our legislators tell us that we have an enormous national debt; that we have to pay the interest of it; and that a free trade would so change the value of money, that we should not be able to raise the taxes; moreover, that were we to allow a competition, between foreign and home-grown produce, the land must be thrown out of cultivation—our agricultural population would be deprived of employment—and that great distress must be the result. These and sundry other plausible reasons, they

bring forward, to show that restrictions upon the importation of corn, are necessary to the “general good.” On the other hand, suppose we had free trade. Could our farmer complain that it was an infringement of his natural rights, to allow the consumers to purchase their food from any other parties whose prices were lower? Could he urge that the state was not acting justly towards him, unless it forced the manufacturer to give him a high price for that, which he could get on more advantageous terms elsewhere? No. “Justice” would demand no such interference. It is clear, therefore, that if the “administration of justice” had been recognised as the only duty of government, we should never have had any corn laws; and, as the test may be applied to all other cases of restrictions upon [7] commerce with a similar result, it is equally evident, that upon the same assumption, we should always have had free trade.

Again, our clergy and aristocracy maintain, that it is eminently necessary for the “general good” that we should have an established church. They would have us believe that the Christian religion is of itself powerless—that it will never spread unless nurtured by the *pure* and *virtuous* hand of the state—that the truth is too weak to make its way without the assistance of acts of parliament—and that mankind are still so universally selfish and worldly, that there is no chance of the gospel being taught, unless comfortable salaries are provided for its teachers—practically admitting, that were it not for the emoluments their own ministry would cease, and thus inadvertently confessing, that their interest, in the spiritual welfare of their fellow-creatures, is co-extensive with their pecuniary expectations. But, what says the other definition? Can it be contended, that it is unjust to the community to allow each individual to put what construction he sees best upon the scriptures? Can the man who disputes the authority of learned divines, and dares to think for himself, be charged with oppression? Can it even be maintained, that he who goes so far as to disbelieve the Christian religion altogether, is infringing the privileges of his fellow-man? No. Then it follows, that an established church is not only unnecessary to the preservation of the natural rights of man, but that inasmuch as it denies the subject the “rights of conscience,” and compels him to contribute towards the spread of doctrines of which he does not approve, it is absolutely inimical to them. So that a state, in setting up a national religion, stands in the anomalous position of a transgressor of those very rights, that it was instituted to defend. It is evident, therefore, that the restrictive principle, would never have permitted the establishment of a state church.

And now, let us apply the test to that much-disputed question—the poor law. Can any individual, whose wickedness or improvidence has brought him to want, claim relief of his fellow-men as an act of justice? Can even the industrious labourer, whose distresses have not resulted from his own misconduct, complain that his natural rights are infringed, unless the legislature compels his neighbours to subscribe for his relief? Certainly not. Injustice implies a positive act of oppression, and no man or men can be charged with it, when merely maintaining a negative position. To get a clearer view of this, let us again refer to a primitive condition of society, where all start with equal advantages. One part of the community is

industrious and prudent, and accumulates property; the other, idle and improvident, or in some cases, perhaps, unfortunate. Can any of the one class fairly demand relief from the other? Can even those, whose poverty is solely the result of misfortune, claim part of the produce of the industry of the others as a right? No. They may seek their commiseration; they may hope for their assistance; but they cannot take their stand upon the ground of justice. What is true of these parties, is true of their descendants; the children of the one class stand in the same relation to those of the other that existed between their parents, and there is no more claim in the fiftieth or sixtieth generation than in the first.

Possibly it may be objected to the assumption that the different classes started upon equal terms, that it is not only entirely gratuitous, but that it is contrary to fact; as we all know, that the property was seized by the few, while the many were left in poverty without any fault of their own, [8] and, that in this circumstance, originates the right in question. I reply, that when it can be shown that the two classes of the present day, are the direct descendants of those alluded to; when it can be shown that our poor are the children of the oppressed, and that those who have to pay poor rates are the children of the oppressors, then, the validity of the objection will be admitted; but that until this is shown to be the truth, or an approach to the truth, the objection may be disregarded. It appears, then, that the proposed definition of the duty of the state, would never have allowed the existence of a poor law.

LETTER III

From preceding arguments it was inferred, that if the administration of justice had been recognised as the only duty of the state, a national church would not have existed, that restrictions upon commerce could never have been enacted, and that a poor law would be inadmissible. As the last conclusion will not meet with such general approbation as its predecessors, it is deemed requisite to enter more fully into the evidence that may be adduced in support of it: and the *Nonconformist* being the organ of a political body, who profess to act upon principle and not upon expediency, and who avow their intention to follow up sound doctrine, whether it may lead to odium or popularity, it is hoped that the arguments brought forward, will meet with a candid consideration, apart from all personal or political bias.

The fund provided by the poor law is usually considered as a contribution from the richer orders of the community, for the support of the destitute; and, coming from the pockets of those in easy circumstances, it is supposed to be a great boon to their poorer neighbours. But this is not a correct mode of viewing the case. A political economist would reason thus. Here is an institution which practically divides the community into two great classes—labourers and paupers, the one doing nothing towards the production of the general stock of food and clothing, and the other having to provide for the consumption of both. Hence it is evident, that each member of the producing class, is injured by the appropriation of a portion of the general stock by the non-producing class. But who form the great bulk of the producing class? The working population. Their labour is the chief ingredient in the wealth of the nation; without them land and capital would be useless. It follows, then, that this provision, set apart for the poor, is mainly provided by the labours of the people, and hence that the burden falls chiefly upon them.

Lest this generalizing style of argument should be unsatisfactory, it may be well to adopt another mode of proof. We know that the average cost of any article is determined by the expenses attendant upon its production; that the price at which the manufacturer sells his calico, is dependent upon the amount of labour expended upon it, the cost of his machinery, the value of the raw material, and so forth; and that the price at which the farmer can afford to sell his corn, is governed by the amount of his rent, the cost of cultivation, &c.; and we also know, that if any one of these expenses is increased, a rise in the price of the produce must follow; that if the landlords double their rents, the farmers must charge more for their [9] grain. Now the poor rates, in some of the unions under the present law, are 40 per cent upon the rental, and under the old law they were in some cases 75 and 100 per cent. What does this amount to but a doubling of the rent? It matters not whether both portions are paid to the landlord, or whether one half goes to him, and the other to the parish, the effect upon the cost of the produce is the same, and the consumers of that produce, have to pay a higher price for it, than they would have to do, were no such demand made. But *who* form the great mass of consumers?—The working population. *They* then are the parties from whom the

greater part of this additional tax comes. Thus we arrive at the same conclusion as before; that not only do the industrious classes contribute a considerable portion of the poor rates directly, but that the greater part of what apparently comes from the upper ranks, is originally derived from them.

Many poor law advocates build their arguments upon the existence of a corn law. They say that were there no bar to the importation of foreign produce, and no consequent check to the demand for our manufactures, they would not object to the working man being dependent upon his own resources; but that so long as the price of food is unnaturally raised, and the call for labour so uncertain, they must maintain the necessity of a public charity. To this there are two replies.

First, That the argument rests upon a wrong hypothesis, originating as it does in the assumption, that public charity proceeds from the stores of the rich, when, as has been shown, the greater portion of it comes from the toils of the labouring classes. The very parties for whose benefit the fund is raised, are, in virtue of their productive industry, chiefly instrumental in raising it. The fact, therefore, that the industrious population are already suffering from a corn law, affords no reason why one part of them should be still further burdened, by having to provide food and clothing for the other.

Secondly, That the new definition of the duty of a government is not in the least affected by the argument, seeking that free trade is a necessary consequence of the same principle that excludes a poor law; and if so, it follows that those objections which are founded upon the existence of commercial restrictions, are not applicable.

But even admitting that a poor law ameliorates the condition of the labouring classes in times of national distress; still it does not follow that it is either a wise, or, ultimately, a benevolent law. So long as the earth continues to produce, and mankind are willing to labour, an extensive distress must indicate something unnatural in the social arrangements. Such is the present condition of England. Europe and America produce more food than they can consume—our artisans are anxious to work, and yet they are bordering upon starvation, consequently there must be something radically wrong, in our political institutions. Is it better to palliate, or to cure the evil? Is it better to mitigate the distress by the distribution of public charity, or to allow it so to manifest itself, as to demand the discovery and removal of its cause? Which do we consider the kindest physician, the one who alleviates the pain of a disease by continually administering anodynes, or the one who allows his patient to experience a little suffering in the exhibition of the symptoms, that he may discover the seat of the malady, and then provide a speedy remedy? The alternative requires no consideration.

It is surprising that writers who have of late been animadverting upon [10] the national collection scheme, and who have pointed out the mockery of recommending charity, in answer to a call for justice, should not perceive that the case is but a type of the poor law. Both are attempts to mitigate an evil, not to remove it; both are means of quieting the complaints of the nation, and both will tend to retard the attainment of those rights which the people demand. *The Times*, in an article upon the national petition, made an observation to

the effect, that the contents of the document were not worthy of notice, but that the fact of its presentation, clearly proved the necessity for a “more generous poor law,” to satisfy the complainants. Here is a clear exposition of the policy: we must stop the mouths of the people by charity: we need not enter into the question of their rights, but we must give them more parish pay!

A poor law, however, is not only inexpedient in practice, but it is defective in principle. The chief arguments that are urged against an established religion, may be used with equal force against an established charity. The dissenter submits, that no party has a right to compel him to contribute to the support of doctrines, which do not meet his approbation. The rate-payer may as reasonably argue, that no one is justified in forcing him to subscribe towards the maintenance of persons, whom he does not consider deserving of relief. The advocate of religious freedom, does not acknowledge the right of any council, or bishop, to choose for him what he shall believe, or what he shall reject. So the opponent of a poor law, does not acknowledge the right of any government, or commissioner, to choose for him who are worthy of his charity, and who are not. The dissenter from an established church, maintains that religion will always be more general, and more sincere, when the support of its ministry is not compulsory. The dissenter from a poor law, maintains that charity will always be more extensive, and more beneficial, when it is voluntary. The dissenter from an established church can demonstrate that the intended benefit of a state religion, will always be frustrated by the corruption which the system invariably produces. So the dissenter from a poor law, can show that the proposed advantages of state charity, will always be neutralized by the evils of pauperism, which necessarily follow in its train. The dissenter from an established church, objects that no man has a right to step in between him and his religion. So the dissenter from established charity, objects that no man has a right to step in between him and the *exercise* of his religion.

How is it, that those who are so determined in their endeavours to rid themselves of the domination of a national church—who declare that they do not need the instruction of the state in the proper explanation of the gospel—how is it that these same men, are tamely allowing and even advocating, the interference of the state, in the exercise of one of the most important precepts of that gospel? They deny the right of the legislature to explain the theory, and yet argue the necessity of its direction in the practice. Truly it indicates but little consistency on the part of dissenters, that whilst they defend their independence in the article of *faith*, they have so little confidence in their own principles, that they look for extraneous aid in the department of *works*. The man who sees the inhabitants of a country deficient in spiritual instruction, and hence maintains the necessity of a national religion, is doing no more than the one who finds part of the population wanting in food and clothing, and thence infers the necessity of a national charity.

[11]

Again, the moral effect of a poor law upon the rate-paying portion of the community is little considered, although one of its most important features. Here, also, there is an evident analogy between established religion and established charity. It is said, that in a system like that of our national church, in which the visible duties of a communicant, consist chiefly, in attendance upon public worship, reception of the sacraments, payment of tithes, church rates, etc., the form will always be substituted for the reality; that the periodical ceremonies will take the place of the daily practice; that the physical will take the place of the spiritual. It may be said, with equal truth, that a similar effect will follow the establishment of a poor law; the same principles in human nature are acted upon; the payment of poor rates will supplant the exercise of real benevolence, and a fulfilment of the legal form, will supersede the exercise of the moral duty. Forced contributions rarely appeal to the kindly feelings. The man who is called upon for a rate, does not put his hand into his pocket out of pure sympathy for the poor; he looks upon the demand as another tax, and feels annoyance rather than pleasure, in paying it. Nor does the effect end here. The poor labourer or artisan, who is struggling hard with the world to maintain his independence, excites no pity. So long as there is a poor law he cannot starve, and it will be time enough to consider his case when he applies for relief. The beggar who knocks at his door, or the way-worn traveler who accosts him in his walk, is told to go to his parish; there is no need to inquire into his history, and to give him private assistance if found deserving, for there is already a public provision for him. Such is the state of mind encouraged by national charity. When the legal demand is paid, the conscience is satisfied; the party is absolved from all exercise of generosity; charity is administered by proxy; the nobler feelings are never required to gain the victory over the selfish propensities; a dormant condition of those feelings necessarily follows, and a depreciation of the national character is the final result. The payment of poor rates bears the same relation to real charity, that the attention to forms and ceremonies bears to real religion.

But, it may be asked, how are we to know that voluntary benevolence would suffice for the relief of the ordinary distresses of the poor, were there no national provision? A somewhat analogous question is put as an objection to the extension of the suffrage—how are we to know that those who are not fitted for the exercise of the franchise, will become so when it is given to them? and a similar reply to that so ably employed by the editor of the *Nonconformist* in that case, will apply here. Men are not in the habit of preparing for duties they are never called upon to perform; they are not in the habit of exhibiting virtues which are never needed; moral vigour cannot co-exist with moral inactivity; and the higher feelings will ever remain inactive, until circumstances prompt them to exercise. Hence, while there is a public provision for poverty, there will be no incentive to the exercise of benevolence on the part of the rich, and no stimulus to prudence and economy on the part of the poor. So long as the one class can point to the pay table, they will not give; and so long as the other have an inexhaustible fund to apply to, they will not save. It may reasonably be concluded, therefore, that were there no poor law, the rich would be more charitable, and the poor more provident. The one would give more, and the other would ask less.

A general view of the arguments shows:

[12]

1. That the burden of the poor law fall chiefly upon the industrious classes.
2. That the existence of commercial restrictions, is, therefore, no argument for retaining it.
3. That even assuming a poor law to be directly beneficial, it is indirectly injurious, inasmuch as it prolongs the causes of distress.
4. That established charity is open to many of the strongest objections that can be urged against established religion.
5. That a poor law discourages the exercise of real benevolence, and lowers the standard of national character.
6. That were there no poor law, the increase of voluntary charity, and the decrease of improvidence, would render one unnecessary.

From these reasons it is concluded, that the proposed definition of the duty of a government, in excluding a poor law, is only excluding what is intrinsically bad.

LETTER IV

MY last letter, entering as it did rather deeply into the poor law question, might almost be considered by some of your readers, as a digression from the ostensible object of this essay, although a very necessary one to the establishment of the principle advocated. I must now, however, still further trespass upon their patience, in the endeavour to answer the query proposed to me—"Has not every man a right to a maintenance out of the soil?" for this, after all, is the pith of the question submitted.[3] Before proceeding, it may be observed, that the burden of proof falls rather on the party who assert the right, than on those who deny it. The originator of a proposition is usually required to demonstrate its truth; not his opponent to show its fallacy.

Man *has* a claim to a subsistence derived from the soil. It is his natural birth-right—the charter given to him at his creation; and whoever, by iniquitous laws, oppressive taxation, or any other means, puts difficulties in the way of his obtaining that subsistence, is infringing that right. But, the right is conditional—the produce is only promised to him in return for the labour he bestows upon the soil; and if the condition is not fulfilled, the right has no existence. Now the poor law principle recognises this right, as independent of that condition; it acknowledges the claim to a share in the produce, but demands no equivalent labour. "Yes," it will be replied, "and for a very good reason; because there is no direction in which that labour can be profitably employed." Be it so; it cannot be denied that this is to a certain extent true. But what then? Is this a natural state of things? Is this great evil irremediable? Is this want of a field for labour the inevitable result of the constitution of the world? No, no! It is one of the evil consequences of human selfishness—it is one of the many curses flowing from class legislation. We know that were we righteously governed, we should hear no cry for employment. Every man would find something for his hand to do, and the promised sustenance would flow abundantly from his labour. What, then, is our duty? Ought we, because some of our fellow men, have, in the wantonness of their power, made arrangements whereby a great part of the people are prevented from earning their bread by the sweat of their brow—ought we, I ask, calmly [13] to submit, and give the subsistence without the labour? Ought we not rather to destroy the laws that have induced this disordered state; and by restoring the healthy action of society, allow that natural fulfilment of the promise, which a submission to its accompanying commandment would ensure? The Almighty has given to man a privilege to be enjoyed after obeying a certain condition: a human power steps in, and to a certain extent renders obedience to that condition impossible: shall we grant the privilege without any attention to the condition? or shall we take away the obstacles which prevent our fellow men from satisfying it? The answer is self-evident. We come, then, to the conclusion that the *unconditional* right to a maintenance out of the soil, is inconsistent with one of the fundamental principles of our religion.

It may be objected that though employment be ever so abundant, and society in its most prosperous state, there will still be numerous cases of distress and destitution. Granted; but what then? It must not be inferred that there needs any public provision for them. In nine cases out of ten, such miseries result from the transgressions of the individual or his parents: and are we to take away the just punishment of those transgressions? We are told that the sins of the wicked shall be visited upon the children to the third and fourth generation. That visitation may either exhibit itself in mental derangement, bodily disease, or temporal want. The parent may either transmit to the child bad moral tendencies, a constitutional taint, or may leave it in circumstances of great misery. The visitation may comprehend any or all of these. But the poor law steps in and says, "As far as I can, I will annul this law. However great may have been your misconduct, or that of your parents—notwithstanding your destitution may have resulted solely from that misconduct, now that you are in distress you have a just claim upon the property of your fellow-creatures, and I will relieve you." [4] In doing this it not only takes away the punishment, but it also destroys the most powerful incentive to reformation. Adversity is, in many cases, the only efficient school for the transgressor. Perhaps it may be asked, where is the justice, or the advantage, of allowing the child to endure the temporal want resulting from the sins of its parents? There is an advantage, and a great one: The same tendency to immorality which characterised the parent is bequeathed to the offspring—the moral disease requires a cure—under a *healthy social condition* that cure will be found in the poverty which has followed in its train. The malady provides its own remedy—the poor-law right prevents that remedy from being administered.

Let not this be misunderstood: it has no reference to the present distresses of the people; it only applies to the few cases of individual destitution, which would occur in a well-governed country.

[14]

A natural right may, usually, be easily defined. Its boundaries are self-existent. But it is not so with the poor law principle. It says that every man has a right to a maintenance out of the soil. But what is a maintenance? One party says that a bare subsistence is all that is implied. Another, that the applicant can demand all the comforts usually enjoyed by those in his station. Another, that he may as fairly claim the luxuries of life as those above him. And the extreme party will be content with nothing short of the socialist principle, of community of property. Who is to say which of these is the true expression of the right? The gradations are infinite, and how can it be decided where the claim begins and where it ends? Who can tell the rate-payer how much of his property can be justly demanded by his fellow creature? Who can tell the pauper when he asks for more pay, that he receives just as much as he is entitled to? or can explain to him why he has a right to what he already receives, but no right to anything more? And yet, if this were really a right, ought it not to be capable of such a definition?

It is said that property is a conventionalism—that its accumulation by the few, is injurious to the interests of the many—that its very existence is detrimental to those excluded from its enjoyment—and that they have consequently a claim on those possessing it. But is property a conventionalism? Let us investigate this question.

Paley says, “Whatever is expedient is right.” This is a startling assertion; but it must be remembered, that the word “expedient” is not used in its ordinary sense. It does not here mean that which will best serve present purposes, but that whose effects, both present and future, direct and collateral, will be most beneficial. He does not defend that expediency which would sacrifice the future welfare of a nation to the interests of the present hour; but, he calls that expedient, the total sum of whose good results, immediate and expectant, is greater than that of its bad ones. When the expression is interpreted in this extended sense, when the evils and benefits that may arise in distant ages, meet with the same consideration as the effects of today, the assertion no longer appears extraordinary. Some moralists have, on the strength of this, accused Paley of setting up a standard of right and wrong, independent of that afforded by the Christian religion. They say that he has first acknowledged that the precepts of the gospel form our only safe guide, and then brings forward a principle in opposition to them. They mistake his position. He brings forward a principle not in opposition to, but in accordance with, those precepts. He holds up to view the grand fundamental law, upon which all the commands of our religion are based. He enunciates the great proposition from which the doctrines of Christianity are so many corollaries. God wills the happiness of man. That happiness depends upon the fulfilment of certain conditions. He gives him laws, by obeying which he satisfies those conditions. He says, “Thou shalt not steal” ; and why? Because, although the thief may experience a temporary gratification in the acquisition of stolen property, not only is this counterbalanced by the corresponding annoyance on the part of the loser, but the thief himself, as well as every other member of the community, is in constant fear of similar losses. So that the sorrow of losing, added to the general fear of robbery, far outweighs the individual pleasure of acquirement. It follows, then, that obedience to the command, “Thou shalt not steal,” is eminently conducive to the general happiness: that is, it is “expedient.” Again, man is told to love his [15] neighbour as himself; and why? Because by so doing, he not only increases the comfort of his fellow-creatures, but he also himself reaps a rich reward, in the pleasure that flows from the exercise of genuine benevolence. And similarly in the analysis of every other case, we find that the general happiness is the great end in view; that the commands of the Almighty are such as will best secure that happiness, and hence, that “expediency” is the primitive law of human governance. If, having admitted the truth of this conclusion, we have certain cases presented to us, on which we have no direct expression of the divine will, our proper course is to appeal to the principle which we discover to be in accordance with the spirit of that will. Let us then apply the test to the question in hand.

First—Is the institution of private property expedient? It is. Man’s happiness greatly depends upon the satisfaction of his temporal wants. The fruits of the earth are a necessary means of satisfying those wants. Those fruits can never be produced in abundance without cultivation. That cultivation will never prevail without the stimulus of certain possession. No man will sow when others may reap. We have abundant proof of this, in the history of every savage nation. Moreover, we see that so long as their bodily cravings are unsatisfied, men will make no social progress. Without ample provision of food and clothing, they have no time for becoming civilised. And not becoming civilised, is the same thing as making no moral or intellectual advances. And remaining in mental darkness, involves entire insensibility to the highest pleasures, of which the Creator has made human nature capable. Hence, property greatly promotes the mental and bodily happiness of mankind; that is, it is expedient. It must also be borne in mind, that although the test of expediency has been appealed to, in default of any direct command from the Almighty; the scriptures contain abundance of indirect evidence of his will in this matter. Not only in numerous instances does the bible inculcate duties, in which the institution of private property is virtually recognised, but it has one precept, which is clearly decisive. The single command, “Thou shalt not steal,” carries with it a complete charter of the rights of possession. Lastly—if these arguments were inconclusive, the simple fact, that there is implanted in every man, a desire to possess, which desire, by the accumulation of property, may be gratified *without injury to his fellow-creatures*, this fact is in itself ample proof, that individual possession is in accordance with the will of the Creator. It follows, therefore, from the law of expediency directly, from the constitution of man directly, and from the revealed will of God by implication, that property is not a *conventional*, but a *natural*, institution.

Now we must either admit the right of possession entirely, or deny it altogether. We cannot say to a man, “So much of the substance you have acquired by your labour is your own, and so much belongs to your fellow-creatures.” We cannot divide the right. Either it is a right, or it is not. There is no medium. We must say yes or no. If then, after a review of the arguments, we allow that property is an institution natural to civilised man: if we admit also, what necessarily follows from this—the right of individual possession—and admit that too, as we must, to its full extent; if we do this, the poor-law right vanishes entirely. The two are totally inconsistent, and cannot co-exist.

To return to the test of expediency. The poor law has already [16] been measured by this principle, and found wanting. It was shown that many and great are the evils, that have flowed, and must flow, from its acknowledgment; that those evils have far more than counterbalanced the benefits; and that all the good results, and none of the bad ones, would follow from the substitution of voluntary charity. If the reasoning was conclusive, the right is rejected, without the necessity of an appeal to any of the preceding arguments.

It is submitted, therefore:

1. That under circumstances like ours, in which the poor man is prevented from earning his subsistence by his labour, it is not our duty to give the subsistence without the labour, but to break down those barriers to productive industry, which selfish legislators have set up, and to place the labourer in his proper position, by restoring society to its natural state.

2. That by allowing the wicked to take advantage of the right held out by the poor law, we not only annul the just punishment awarded to them, but we also take away the most effectual prompter to repentance and improvement.

3. That a real right usually admits of a clear definition, but that the supposed poor-law does not.

4. That the institution of property, is sanctioned by the law of expediency, by the implied will of God, and by the constitution of man; and that if we acknowledge its rights, we must deny those sought to be established by the poor law.

5. That the admission of a claim to a maintenance out of the soil, is not only inconsistent with the rights of property, but that it is in itself productive of more evil than good; that is, it is inexpedient: and if it is inexpedient it cannot be a right.



LETTER V

IT will probably be objected to the proposed theory of government, that if the administration of justice were the only duty of the state, it would evidently be out of its power to regulate our relations with other countries, to make treaties with foreign powers, to enter into any kind of international arrangement whatever, or to levy wars that might be absolutely necessary.

So much of the objection as relates to the absence of power to make treaties, may be disregarded. Commerce, or war, are nearly always, directly or indirectly, the subjects of negotiation between governments, and as free trade is presupposed by the definition, it is clear that commercial treaties would never be called for. The whole of the objection is therefore comprised in its last clause—viz., the want of power to make war. Instead of viewing such a result as an evil, we should rather hail it as one of the greatest benefits that could arise from the recognition of this principle. War has been the source of the greatest of England's burdens. Our landowners would probably never have dared to enact the corn laws, had not the people been intoxicated by the seeming prosperity arising from war. The national debt, with all its direful consequences, would not have been in existence, had our rulers been deprived of the power of going [17] to war. Our country would never have been drained of the hard earnings of her industrious sons, had not the uncurbed ambition of the aristocracy involved us in war. Capital that would have constructed all our railways many times over—that would have given every facility to commerce—that would have set it upon a real instead of a nominal foundation—property, the accumulated labour of generations, the grand national store in time of need, is gone for ever. Not only does England suffer from the yearly draught upon its resources demanded by the national debt, it feels likewise the loss of the property of which that debt is the representative. Not only has the nation to pay the interest, it has lost the principal also.

Many entertain the opinion that war is essentially beneficial to the community—that it invigorates the social organism; and they refer to the commercial energy, exhibited during the late continental campaigns, in proof of their assertion. But if, on the one hand, they would bear in mind the accidental influences by which such state was induced; whilst, on the other, they turned their attention to the sufferings experienced by the lower orders, during that period, rather than to the aggrandisement of the trading classes, perhaps they would come to a different conclusion. And, even admitting that war produces temporary good, it infallibly inflicts a more than equivalent injury. It acts upon a nation, as wine does upon a man. It creates the same unnatural activity—the same appearance of increased strength. In a similar manner does it call forth the supplies of life and energy provided for the future; in like fashion is the excitement followed by a corresponding depression; and so likewise is the strength of the constitution gradually undermined; and the short-sighted politician, who, judging by the apparent prosperity it produces, pronounces war a benefit to a nation, is falling

into the same error, as the man who concludes that a spirituous stimulant is permanently strengthening, because he experiences an accession of vigour whilst under its influence.

War has been the nurse of the feudal spirit so long the curse of all nations; and from that spirit has flowed much of the selfish and tyrannical legislation under which we have so long groaned. If, for the last four or five centuries, the civilised world, instead of having been engaged in invasions and conquests, had directed its attention to the real sources of wealth—industry and commerce, science and the arts—long since would our nobility have found that they were mere drones in the hive, and long since would they have ceased to glory in their shame.

When to the political and commercial evils of war, we add the moral ones, when we remember that it is inconsistent with the spirit of Christianity—that it unduly encourages animal passions—that it exalts brute courage into the greatest of human virtues—that it tends greatly to retard the civilisation of the world—that it is the grand bar to the extension of that feeling of universal brotherhood with all nations, so essential to the real prosperity of mankind: when, in addition to these collateral evils, we call to mind the immediate ones—the horrors of battle, and the lamentations of kindred—we shall rather feel, that a principle which of necessity excludes these things, should, on that account alone, earnestly commend itself to our notice.

We are told that the time shall come, when nations “shall beat their swords into ploughshares, and their spears into pruning hooks.” That time may be yet afar off, but we are advancing towards it—we shall [18] eventually arrive at it, and that too, we may assure ourselves, not by any sudden revolution, but by a continued moral and intellectual progression. We must not wait for a direct interposition of the Almighty to bring about this change; we must use proper means; we must put our shoulders to the wheel, and then look for the fulfilment of the promise as the result of our obedience to the commands. But what are the means? One of them we have before us. Confine the attention of our rulers to their only duty, the administration of justice; and, as far as we are concerned, the prophecy is fulfilled. Many will ask, “What would be the use of our relinquishing war, unless other nations will agree to do so likewise?” The same parties frequently put a similar question, by way of an excuse for not assisting in the reformation of social abuses—What can one man do? Need they be told that men never come unanimously to the same conclusion, at the same time, and that it is impossible they should do so? Need they be told that all great changes have emanated from individuals? Need they be told that what each leaves to the rest, no one does? Would that every man would cease such puerile pretences, and stand boldly forward to do his duty. National evils would then soon be rectified. What is here true of men individually, is true of men in masses. Never need we expect to see all nations abandon war at the same time. One must lead the way. Let England be that one. Let Britain first hold up the fair flag of peace. Let our nation act up to the spirit of its religion, without waiting for others to do the same. Not only would precept and example induce neighbouring states to follow, but new influences would come into play. Steps would quickly be taken to establish

the long-talked-of system of national arbitration. Mankind would open their eyes to the advantages of a peaceful decision of state disputes; appeal to arms would become less and less frequent, and soon should we cease to applaud in nations, that litigious and unchristian spirit, and those barbarous notions of “honour,” which we have learned to despise in individuals.

“But,” I am asked, “is there no such thing as a necessary war?” In theory perhaps there may be; but it is very rarely to be seen in practice. Is our war with China necessary? Is our war with Afghanistan necessary? Was our war with Syria necessary? Was our war with France necessary? Was our war with America necessary? No. In defending ourselves against an invasion, we might perhaps be said to be engaged in a necessary war, but in no other case; and England has but little to fear on that score. Improbable, however, as such an event may be, let us, for the sake of argument, imagine that we involve ourselves in a quarrel with some foreign state, which ends in their attacking us, one of two things must happen. Either we repel the attack, or we do not. Many there are, who, under such circumstances, would look for an intervention of providence; others who would trust to the principle of passive resistance. But, without sheltering under either of these, let us suppose that active defence is necessary. That defence may be conducted in two ways. Either the nation at large must provide for it independently of the state, must call together a council of war, volunteer supplies, and make all other necessary arrangements; or the government must itself, as heretofore, take the affair into its own hands. The first of these alternatives may appear impracticable; but it is questionable whether such impression does not arise from its disagreement with our preconceived notions, rather than from any reasonable conviction. The wars of savage [19] nations have very frequently been carried on without the guidance of any fixed executive power. We have instances, too, in civilised countries, of rebellions in which successful war has been maintained in opposition to the government. How much more, then, might we expect an efficient resistance in such a highly organised social condition as our own? But admitting the impracticability of this principle—assuming that the interference of the state would be necessary in such cases, what follows? The insufficiency of the original definition, and the consequent sacrifice of the doctrines propounded? No such thing. Strange as it may seem, the admission of such a necessity is no derogation to the theory before us. The question has hitherto been considered in its application to England only, because the cases brought forward have had exclusive reference to internal policy; but, in the present instance, in which international affairs are involved, we must no longer suppose such a limited sphere of action. Some moral laws cannot receive their perfect development unless universally acknowledged; they do not agree with the present state of things, and they cannot be measured by an arbitrary standard, with which they are professedly inconsistent. To imagine one part of mankind acting upon a certain principle—to perceive that they will be obliged to infringe that principle, in their intercourse with the rest who are acting under other guidance, and thence to infer that the principle is at fault, is anything but logical. We must give the system fair play, allow it a general application; and test it in accordance with its own

conditions. Suppose, then, that all nations confined the attention of their governments, to the administration of justice, aggressive war would cease; but when aggressive war ceases, defensive war becomes unnecessary. We see, therefore, that the concession that it might be requisite for the state to interfere in cases of invasion, implies no error in the definition. The exception would result, not from any inherent imperfection in the principle, but from its confined application.

The positions are these:

1. That war is a great evil, and that the fact of its exclusion by a proposed definition, is a powerful argument in favour of that definition.

2. That depriving our rulers of the power to make war, would be one of the most effectual means within our reach, of hastening that period, when “nation shall not lift up sword against nation.”

3. That resistance to invasion is the only war that has any claim to the title of necessary, and that we have little need to fear its requisition.

4. That even assuming the occurrence of a descent upon our shores, and allowing that the interference of the state would in that case be necessary; the exception shows no defect in our principle, but merely a want of extension in its practice.



LETTER VI

COLONISATION may possibly appear to some, to be a stumbling-block in their way to the desirable conclusion, that the administration of justice is the only duty of the state. We may anticipate the question—What would the colonies do without our governance and protection? I think facts will bear me out in replying—Far better than they do with them.

The subject naturally ranges itself under three heads—the interests of [20] the mother country, of the emigrants, and of the aborigines. First, then, the interests of the mother country.

The records of ancient nations have ever, shown that the riches of a community, do not depend upon the acquirement of new territory; our own history bears ample testimony of the same character, and our present experience in every instance confirms that testimony. The well known case of the United States may be cited as an example. Whilst that country was a colony, it was a burden to us; the expenses attending its government were far greater than the profits derived from its trade; but since it has become an independent kingdom, it has been a source of great gain. Canada stands to us in the same position that the United States once did; its distance from us is the same, its commercial advantages are greater, it has the benefit of increased civilisation, and yet, like its prototype, it does not repay the cost of its management. Hindostan may be pointed out as another illustration. The statement of the East India company's profit and loss shows that, in this case also, the balance is against us; and that our enormous oriental possessions have been an injury instead of a benefit. Yet, in spite of these and many similar instances, it is still tacitly assumed that extensive territorial property is synonymous with wealth.

Men argue that, by monopolising the colonial trade, we obtain a more extended market for our produce than we should otherwise have, and that this must needs be a great benefit. The position is a very plausible, but a no less fallacious, one. We monopolise their trade from one of two causes. Either we make the articles they consume at a lower rate than any other nation, or we oblige them to buy those articles from us, though they might obtain them for less elsewhere. If we can undersell other producers, it is plain that we should still exclusively supply the market, were the colonies independent. If we cannot undersell them, it may be made equally clear that we are indirectly injuring ourselves to a greater extent than we are benefited by the monopoly. For, if the colonists take our manufactures, we must take their produce—they cannot pay us in money. Now, the prices of the articles which they barter for our manufactures (the demand remaining constant, as it must) are regulated by the cost of their production; and the cost of their production, *other things being the same*, depends upon the prices of the commodities which they have to purchase. If two parties agree to deal exclusively with each other, and one of them doubles his charges, it is clear that the other cannot continue to trade with him, unless he advances his terms in the same ratio. So that by making the colonists pay an extra price for certain merchandise with which we supply them,

we do but cause an equivalent increase in the cost of the produce which they send in exchange, and thus entirely neutralise the supposed advantage. Nor is this all. “Each country,” says M’Culloch, “has some natural or acquired capabilities that enable her to carry on certain branches of industry more advantageously than any one else. But the fact of a country being undersold in the markets of her colonies, shows conclusively that, instead of having any superiority, she labours under a disadvantage, as compared with others, in the production of the peculiar articles in demand in them. And hence, in providing a forced market in the colonies, for articles that we should not otherwise be able to dispose of, we really engage a portion of the capital and labour of the country in a less advantageous channel than that into which it would naturally have flowed.” That system only is beneficial to the world at large, and to each [21] nation individually, under which every commodity is obtained with the least expenditure of time and labour. Were it otherwise, we might as well grow sugar and cotton in English hot-houses, and then flatter ourselves that we were deriving advantage from the encouragement of home-grown instead of foreign produce!

We come, then, to the conclusion that, in this case, as in every other, the country loses by this exclusive dealing. But who are the gainers? The monopolists. And who are the monopolists? The aristocracy. Into their pockets, in the shape of salaries to civil and military officers, dividends of profits, etc., has gone a large part of the enormous revenue of the East India company.[5] Into their pockets goes the great bulk of the extra four millions a year which we pay for Jamaica sugar. Into their pockets has gone the large additional sum annually paid by the nation for coffee and other colonial articles, more than would have been paid but for the protection afforded to West India productions. The colonies, then, do but resolve themselves into another channel, through which the earnings of industry flow into the coffers of idleness. The rich owners of colonial property must have protection, as well as their brethren, the landowners of England—the one their prohibitive duties, the other their corn laws; and the resources of the poor, starved, overburdened people must be still further drained, to augment the overflowing wealth of their rulers.

Secondly, the welfare of the emigrants. In considering this part of the subject, the question may arise—Has not every colonist a claim to protection from the mother country? Custom answers, “Yes.” Reason says, “No.” Viewed philosophically, a community is a body of men associated together for mutual defence. The members of that community are supposed to occupy a certain territory; and it may be fairly assumed that the privileges conferred are only enjoyed by those residing within that territory. The nation cannot be expected to extend protection to its members wherever they may chance to wander. It cannot be called upon to defend the rights of a citizen in whatever corner of the earth he may choose to locate himself. The natural inference is, that when a man leaves such a community he loses his membership, he forfeits his privileges, and he foregoes all claim to civil assistance. It is presumed that he duly considers, on the one hand, the benefits to be derived by his contemplated emigration, and, on the other, the evils attendant on the loss of citizenship; and that the prospective advantages of a change have the preponderance.

But, waiving the question of right, suppose we examine to what extent the admission of this claim, has, in time past, been of use to the emigrant. Let us inquire how far the history of our colonies, bears evidence of the proffered protection. In the declaration of American independence, we have a candid expression of the experience of the settlers on this point; and the document may be referred to, as exhibiting a fair abstract of the effects of home-country governance. Speaking of the king—the personification of the mother country, they say,—

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

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

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

[22]

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

For quartering large bodies of armed troops among us.

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

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

For imposing taxes upon us without our consent.

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

Truly we have here, some admirable specimens of the blessings of mother-country protection! Nor are we without analogous instances in our times. The late outbreak in Canada, is a plain indication, of the existence of a similar state of things, to that once experienced by the Americans. And, it is extremely probable, that were we to put it to the Canadians, whether we should continue to take care of them, they would reply, that if it were the same thing to us, they would much rather take care of themselves! We may turn for another example to the settlements in Australia. A living illustration here presents itself, of the evils resulting from the officious interference of our legislature. Thousands of poor emigrants who have been sent out by government, are now without employment, subsisting upon the contributions of the charitable, and almost in a state of starvation. The distress has arisen from the exportation of large bodies of labourers, whilst there has been no corresponding increase in the number of capitalists. Had this colony been left to itself, labour and capital would have kept pace with each other, as they always have done, and always will do; but a meddling state, must needs attempt to regulate the natural laws of society, and hence the calamitous result. Many similar instances,^[6] of the injury inflicted upon emigrants, under the pretence of protection, might be quoted, were not those already mentioned sufficiently conclusive.

Thirdly—the interests of the aborigines. A first glance at the bearings of the question, is sufficient to show, that the natives of colonised countries, will meet with much better treatment, at the hands of those settlers, whose emigration has been gradual and unprotected, than from those who are aided by a powerful government, and backed by a military force. In the one case, being the weaker party, the colonists are obliged to stand on their good behaviour, and are induced, through fear, to deal justly with the owners of the soil; in the other, acting upon the barbarous maxim that they have a lawful right to whatever territories they can conquer, forcible possession of the new country, is taken—a continued scene of oppression and bloodshed ensues, and the extermination of the injured race, is, in many cases, the consequence. This is no imaginary picture. Our colonial history, to our shame be it spoken, is full of the injustice and cruelty, to which the original possessors of the soil have been subjected. The extinct tribes of the North American Indians, bear witness of the fact; the gradual retreat of the natives of Australia, may be quoted in support of it; and the miserable condition of the inhabitants of the East Indies, speaks volumes, on the inhumanity attendant upon state colonisation. The ryots, or cultivators of the soil, in Hindostan, are taxed to the extent of nearly one-half [23] of what they produce,[7] and that, by a foreign government, in which they have no voice—which is oppressing them in all directions, and apparently views them as beings created only for the purpose of producing revenue. Another portion of the population is induced to aid our troops, in the support of this despotic government, and whole regiments of them have been put to death, for daring to disobey the tyrannical commands of their oppressors. The recent affair in Afghanistan, affords a further example. Not satisfied with the immense empire already within their grasp, our Eastern government, like the wolf in the fable, must needs find a pretext for quarreling with a neighbouring nation, with the ultimate intention[8] of obtaining possession of their country. And in that war too, some of its officers have been guilty of treachery, of which many a savage would have been ashamed. Thus it is that we exemplify the sublime principles of Christianity.

Having assigned reasons for condemning the artificial system of colonisation, it only remains to inquire, how far the natural system, may be considered feasible. There will be no occasion to enter into any arguments. We may at once appeal to experience, and that experience is conclusive. Pennsylvania affords an admirable example, of a colony originated, and carried out, solely by private enterprise; a colony in which the claims of all parties were duly respected—where natives met with honourable treatment, where strangers as well as friends could obtain justice; a colony that long stood pre-eminent for its prosperity, and which may even now be said to feel the benefits of the liberal conduct of its founders.

The preceding arguments go to prove:

1. That the riches of a country are not increased by great colonial possessions.
2. That the producing classes, both of the colony and the home country, are necessarily injured by any commercial monopoly.
3. That the aristocracy are the only gainers.
4. That emigrants have no claim to protection from the mother country.

5. That where this so-called protection has been given, it has always been converted into an engine for their oppression.

6. That if emigration was carried on by private enterprise, the aborigines, would obviously be less liable to the unjust treatment, which has ever characterised the conduct of civilised settlers towards them.

7. That the case of Pennsylvania, gives ample assurance, of the superiority of the natural system of colonisation.

And hence, that in this case, as well as in those previously discussed, the rejection of legislative interference is eminently desirable.

LETTER VII

THE question of state interference has been hitherto examined, only in those departments of its application, in which its existing effects are visible—viz., in commerce, religion, charity, war, and colonisation. In all of them that interference has been deprecated. It now remains to consider those social institutions which, though at present prospering in their [24] original unfettered simplicity, are threatened by schemes for legislative supervision. Of these the first in importance stands—education.

It is clear that a system of national instruction is excluded by our definition. It cannot be comprehended under the administration of justice. A man can no more call upon the community to educate his children, than he can demand that it shall feed and clothe them. And he may just as fairly claim a continual supply of material food, for the satisfaction of their bodily wants, as of intellectual food, for the satisfaction of their mental ones. It will be the aim of the succeeding arguments to show the advantages of this exclusion.

Mankind are apt to decide upon the means to be employed in the attainment of an end, without sufficient examination into their fitness. Some great object in contemplation, the most obvious mode of securing it is chosen, without duly considering the extreme importance of discovering whether it is the best mode—without ever inquiring whether its ultimate effects may be as good as its immediate ones—without asking what corruptions the machinery of their institution may be liable to—never putting to themselves the question: Is there any other way of arriving at the desideratum?—and neglecting a host of other considerations of like character. Such is the treatment of the question before us. The education of the people is the end in view; an end fraught with results the most momentous—results more intimately connected with the prosperity and happiness of posterity, than, perhaps, any others that may flow from our conduct—results which may accelerate or retard the advancement of mankind for hundreds, perhaps thousands, of years. Yet are there objections, to the method by which this end is to be compassed, of the utmost consequence, that have been entirely overlooked by its advocates—objections fundamentally affecting the principles upon which it rests; and which, if they be admitted as valid, must completely overthrow the whole scheme.

In the first place, national education assumes that a uniform system of instruction is desirable. A general similitude in the kinds of knowledge taught, and the mode of teaching it, must be necessary features in a state-training establishment. The question therefore presents itself—Would a universal fixed plan of intellectual culture be beneficial? After due consideration, I think the general answer will be—No. Almost all men of enlightened views agree that man is essentially a progressive being—that he was intended to be so by the Creator—and that there are implanted in him, desires for improvement, and aspirations after perfection, ultimately tending to produce a higher moral and intellectual condition of the world. The grand facts of history, both sacred and profane—the great principles and promises

of revealed religion—the deductions of abstract reasoning—all go to prove that, notwithstanding the oft-repeated falling back, in spite of every difficulty that may be thrown in the way, and in defiance of all apparently adverse circumstances, still, that the grand and irresistible law of human existence, is progressive improvement. The very obstacles themselves ultimately serve as stepping stones to a higher condition—the tyranny of an aristocracy is working out the liberties of the people—the corruption of an established church has helped to raise the standard of religious purity—the blindfolding doctrines of priestcraft produce the more perfect discovery, and the still deeper appreciation of the great principles of Christianity—and, as of old, so in our day, the opposition to truth, still tends to accelerate its final triumph. If, then, the belief set forth at the [25] commencement of this essay—that as there are laws for the guidance of the inorganic world—laws for the government of the animate creation—laws for the development of individual mind—so there are laws for the social governance of man—if, I say, this belief be received, it may be fairly assumed, that, in accordance with the great design of human progression, the Almighty has given laws to the general mind, which are ever working together for its advancement. It may be fairly assumed that, in this case as in the more tangible ones, the apparently untoward circumstances are, in reality, eminently conducive to the attainment of the object sought after. That all the prejudices, the mental idiosyncrasies, the love of opposition, the tendencies to peculiar views, and a host of other qualities, in their infinitely varied proportions and combinations, are all conspiring to bring about the intellectual, moral, and social perfection of the human race. If it be granted that man was created a progressive being, it must be granted, also, that the constitution, given to him by his Creator, was the one most perfectly adapted to secure his progression. It may be presumed that, if a uniform construction of mind had been best calculated to attain this end, it would have been adopted; but, as the opposite law has been given—so that, instead of finding minds similar, we find no two alike—unlimited variety, instead of uniformity, being the existing order of things—we must infer that this is the arrangement tending, in the greatest degree, to produce perfection. This conclusion may be supported, not only by abstract reasoning, but by experience. Varied mental constitution produces variety of opinion; different minds take different views of the same subject; hence, every question gets examined in all its bearings; and, out of the general mass of argument, urged forward by antagonist parties, may sound principle be elicited. Truth has ever originated from the conflict of mind with mind; it is the bright spark that emanates from the collision of opposing ideas; like a spiritual Venus, the impersonation of moral beauty, it is born from the foam of the clashing waves of public opinion. Discussion and agitation are the necessary agents of its discovery; and, without a universal dissimilitude in the minds of society, discussion and agitation could never exist.

[39]

If, then, it be admitted, that infinite variety in the mental conformation of individuals is essential to the advancement of the general human mind, what shall we say to a system which would train the feelings and intellects of a whole nation after one pattern—which

hopes to correct all the irregularities implanted by the Creator, and proposes to take the plastic characters of our youth, and press them, as nearly as possible, into one common mould? And yet this must be the manifest tendency of any uniform routine of education. Natures differently constituted must be gradually brought, by its action, into a condition of similarity. The same influences, working upon successive generations, would presently produce an approximation to a national model. All men would begin to think in the same direction—to form similar opinions upon every subject. One universal bias would affect the mind of society; and, instead of a continual approach to the truth, there would be a gradual divergence from it. Under our present condition, the eccentricities and prejudices induced by one course of education, are neutralised by the opposing tendencies implanted by others; and the growth of the great and truthful features only of the national mind ensues. If, on the other hand, an established system were adopted, however judicious its arrangements might be—notwithstanding [26] it might endeavour to promote liberality and independence of thought, it must eventually produce a general one-sidedness and similarity of character; and inasmuch as it did this, it would dry up the grand source of that spirit of agitation and inquiry, so essential as a stimulus to the improvement of the moral and intellectual man. It matters not what provisions might be made to guard against this evil—what varieties in the mode of instruction might be instituted; such is the general longing after uniformity, and such would be the ignorance of its evils, that we may rest assured no national system would long continue without merging into it.

Nor would this be the only disadvantage arising from a sameness of instruction. It must be remembered, that differently constituted as are the minds of men, each possessing its peculiar perfections and defects, the same mode of culture cannot with any propriety be pursued in all cases. Every character requires a course of treatment somewhat modified to suit its particular circumstances, and no such modifications are ever likely to be made under a national system. It is to be hoped that the time will come, when the wisdom of the teacher will be shown, in adapting his instructions, to the peculiarities of each of his pupils: when it will be his aim to correct this feeling, and to develop the other faculty, and so to train and prune the mind of every scholar, as to send him forth into the world, as perfect a being as possible. Under our present natural arrangement we may one day expect to see this. While the master is amenable to public opinion—while his interests require that he should adopt the most efficient modes of education, we may presume that he will be always zealously endeavouring to improve his methods—ever investigating the principles of his profession, and daily applying the results of those investigations to practice. But no one would ever expect the salaried state-teacher, answerable only to some superior officer, and having no public reputation at stake to stimulate him—no one would expect that he should study the character of each of his scholars, and vary his ordinary routine to suit each case; no one would expect that he should be continually improving, and ever endeavouring to perfect his moral machinery. We may rest assured, that in education as in everything else, the principle of honourable competition, is the only one that can give present satisfaction, or hold out

promise of future perfection.

Probably, the existing educational institutions of Prussia and Germany will be appealed to in evidence of the fallacy of these arguments. It may be urged that the plan has been there many years in operation—that no such evils have arisen—that the people are in a comparatively enlightened condition—and that these results, when contrasted with our own, show that we have not made such great advances under the natural system, as they have under the artificial.[9] Strong as this argument may appear, it will be found when closely considered, to be wholly superficial. The foundations of a palace may be hardly above ground, when an ordinary house is nearly complete; but we do not thence infer that the palace will [27] not ultimately be the most magnificent building. It is not argued that because the hot-house plant outstrips its out-door contemporaries, that it will therefore make the most perfect tree; experience teaches the contrary. We do not conclude that the precocious child will make a better man than his less forward companion; we know that the reverse is generally the case. In the same manner, it must be remembered, that although an established education, may, for a time, stimulate the national mind into a rapid growth, we must not therefore presume, that its results will not be ultimately far surpassed by those of the natural system. It is one of the grand laws of creation, that the more perfect the being, the longer must be the time occupied in its development; and analogy would lead us to suppose, that the same may be true of the general mind of man—that the more noble the standard to which it is to attain, the more gradual must be its advancement—the more distant must be the day when it shall arrive at its climax; that the power which is to lead to its highest pinnacle of perfection, must have a broad and deep foundation—must root itself in some fundamental, and unchangeable attributes of human nature; and that as its results are to be great, so must its action be slow.

LETTER VIII

AN overwhelming prejudice in favour of ancient and existing usages has ever been, and probably will long continue to be, one of the most prominent characteristics of humanity. No matter how totally inconsistent with the existing condition of society—no matter how utterly unreasonable, both in principle and practice—no matter how eminently absurd, in every respect, such institutions or customs may be—still, if they have but the countenance of fashion or antiquity—if they have but been patronised and handed down to us by our forefathers—their glaring inconsistencies, defects, and puerilities, are so completely hidden by the radiant halo wherewith a blind veneration has invested them, that it is almost impossible to open the dazzled eyes of the world, to an unprejudiced view of them. They are revered as relics of the so-called “good old times” —reason and philosophy are laid prostrate before them—and the attempt to introduce amendment is akin to sacrilege. Classical education affords a suitable illustration of this. During those dreary times of rampant Roman catholicism, when ecclesiastical dominion had attained its full growth, and all Europe, under its deadly shade, slumbered in dark and debasing ignorance, it became the practice amongst the more enlightened, to make themselves acquainted with the ancient languages, for the purpose of gaining access to the knowledge that was written in them; writings in their own tongue they had none—learning had fallen into neglect, and their only path to a condition above that of the common herd, was through the study of Latin and Greek. In process of time, however, great changes were effected. Man was not doomed to remain for ever in a state of spiritual bondage—the social mind awoke with new vigour from its long sleep—ignorance and bigotry were swept away by the returning tide of intelligence —science and philosophy soared far above the height to which they had before attained—and the knowledge of the ancients dwindled into insignificance, [28] when compared with that of the moderns. It might have been presumed that, under these circumstances, the dead languages would gradually have sunk into disuse. But, no! such is the extreme veneration for precedent—such is the determined adherence to the practices of our ancestors, that, notwithstanding the conditions of the case are entirely altered—although the original necessities no longer exist, still is the same custom persevered in. It boots not to tell them that words are but the signs of ideas, and not the ideas themselves—that language is but a channel for the communication of knowledge—a means to an end; and that it is valuable only in so far as it serves that end. It matters not how clearly it may be shown that he who learns a language for its own sake, is like a workman who constructs a set of tools at immense cost of time and labour, and never afterwards uses them; or like a man who spends the best years of his life in making a ladder, for the purpose of gathering a scanty supply of indifferent fruit from the top of a high tree, when other fruit, of superior quality, is hanging in abundance within reach on a neighbouring one. No matter, I say, how clearly this may be shown, so great is the influence of ancient prescription, and so strong the desire to “do as the world

does,” that even in this enlightened age, men neglect the rich stores of real knowledge within their grasp, to follow fashion over the barren waste of grammars and lexicons.

Here then stands an example of a system, which, in spite of its many and manifest absurdities, has for centuries bid defiance to the general flood of improvement; and stands in the midst of our progressing social institutions, its main features unaltered from their original condition. What may we infer from this? Does it not warn us of the dangerous consequences that may ensue, from the erection of any lasting scheme of education? If a system, not nationally established, but rooted only in the prejudices, and sheltered by the bias of society, has been able thus to withstand for ages, the assaults of reason and common sense, how much more difficult would it be to reform one, which, in addition to these supporting influences, should receive the protection of the law? It may indeed be provided that the power of remodelling such an establishment be placed in the hands of the people, but practically this would amount to nothing. We have abundant evidence of the almost insuperable difficulties attending the modification of existing institutions, even when the people have theoretically the means of altering them; and we have no right to assume, that these difficulties would not, to a great degree, exist in time to come. Take, for instance, the church. The national body of dissenters are of opinion, that many of its ordinances, services, and ceremonies, require amendment; the great mass of its own communicants think the same; its founders themselves contemplated such a revision; there are no class interests at stake; the amendments alluded to would entail no loss upon the ecclesiastical body; yet, with all these circumstances in favour of a re-arrangement, things remain as they were. How much greater, then, would be the obstacles in reforming an institution, where any extensive change, would probably incapacitate many of its officers?

Even allowing, for a moment, that there would be no great difficulty in introducing improvements into a system of national education; the important question yet remains—Would the people see the necessity for those improvements? Analogy would lead us to answer—No. The blinding effects of prejudice in favour of existing modes of instruction has [29] already been pointed out, and every day presents us with cases illustrative of the same influence. Ask the classical scholar his opinion of mathematics; or the mathematician what he thinks of geology, chemistry, or physiology, and both their answers will imply a bias in favour of their own kind of education.

It is argued, therefore, that men would never appreciate the imperfections of a mode of teaching, under which they had been brought up; and that even if they did, it would be extremely difficult for them to make any amendments. Should the truth of these conclusions be admitted, there remains but one ground upon which a state education can be defended; namely, the assumption, that it would never require any reform; which is the same thing as saying, that we of the present day, have attained to the pinnacle of mental elevation—that we have duly determined the relative merits of the various kinds of information, and are prepared to point out the most complete scheme of intellectual training—that we are fully competent to decide, not only for ourselves, but for future generations, what are the most

valuable branches of knowledge, and what are the best modes of instruction; and that, being perfect masters of the philosophy of mind, we are quite justified in dictating to our successors. Truly a most sensible supposition!

Presuming that all other considerations were favourable, it still behoves us seriously to inquire—What guarantee have we that the beneficial results intended to be secured would, in future ages, be realised? How do we know that the evils and perversions that have never yet been kept out of social institutions by the most perfect human arrangements, would not creep in here also, to the ultimate destruction of the proposed advantages? No satisfactory answer can be given to these questions. We may feel fully convinced, that corruptions and abuses would gradually make their appearance, in defiance of the most carefully regulated provisions for their exclusion—despite of all our endeavours to ensure good management. Again may we turn to the church for an example. Little did our protestant reformers suspect, that the machinery they were about to employ for the support of their religion, was destined to become a tool for political party—an instrument for extortion—a genteel means of gaining a comfortable living—a thing of outside purity and inward depravity—a mere heap of worldliness. True, they had before their eyes the glaring abominations of the church which they had over-turned; but they intended to provide against the recurrence of such calamities. And how have they succeeded? As with them, so with us. We may depend upon it that, were the scheme of state instruction carried out, ere a century was expired, we should have educational sinecures, pluralities, non-resident tutors, highly-paid master, and half-starved teachers, wealthy inspectors, lay patrons, purchasable livings, and numberless other perversions analogous to those of our national church; whilst the whole institution would resolve itself, like its representative, into a field for aristocratic patronage. Surely, if Christianity, the most powerful of all moral antiseptics, has been unable to keep pure, the apparatus devoted to its own ministration; much less can we anticipate freedom from corruption, where the same temptations would exist unopposed by the like preserving influences. It is of no use saying that the people would never again allow such iniquities to be practised. So, in all probability, thought the founders of our state church. But the people *have* allowed them—they *have* had the power to prevent abuses, and have never used it; and we have no right to assume that they would not be equally negligent in time to come.

Another objection, stronger perhaps than any of the foregoing, still remains. The advocates of national education, if they be men who uphold freedom of conscience—if they do not desire one man to pay towards the support of privileges enjoyed only by others—in a word, if they are friends to civil and religious liberty, must necessarily assume that all members of the community, whether churchmen or dissenters, catholics or jews, tories, whigs, radicals, or republicans, will agree, one and all, to support whatever system may be finally adopted. For, if their education is to be truly a national one, it must be managed by the government, and sustained by state funds; those funds must form part of the revenue; that revenue is raised by taxation; that taxation falls upon every individual—upon him that has no children as well as upon him that has; and the result must be, that all would pay towards the

maintenance of such an institution, whether they had need of it or not—whether they approved of it or otherwise. Many would, on principle, dissent from a state education, as they would from a state church. Some men would disapprove of the species of instruction—others of the mode of teaching. This man would dislike the moral training—that the intellectual. Here they would disagree upon details—and there protest against the entire system. Would it then be just, would it be reasonable, to let these men bear the burden of an institution from which they derived no benefit? Surely not. Every argument used by religious nonconformists to show the unfairness of calling upon them to uphold doctrines that they cannot countenance, or subscribe towards a ministration which they do not attend, is equally effective in proving the injustice of compelling men to assist in the maintenance of a plan of instruction inconsistent with their principles; and forcing them to pay for teaching, from which neither they nor their children derive any benefit. In the one case, the spread of religious knowledge is the object aimed at—in the other the spread of secular knowledge; and how this difference could affect the right of dissent it would be difficult to discover.

Before dismissing the subject, it may be as well to remark that, rather than see the people educated by means over which they have no control, our government would, no doubt, be very happy to take the task of instruction into their own hands; and we may pretty accurately anticipate what the tendencies of that instruction would be. Bold and independent reasoning, originality of thought, firmness in defence of principles, and all characteristics of that class, we need little expect to be encouraged. Great veneration for authority, a high respect for superiors, and implicit faith in the opinions of the great and learned, would no doubt be studiously inculcated. As for their religious education, we may predict that such virtues as meekness and humility would occupy so much attention as to leave no time for the rest; and we may be sure that the teachers would take especial care to instil into the minds of their pupils all those important and fundamental principles of our religion, such as—” Let every soul be subject to the higher powers” —” Servants be obedient to your masters” —” Learn to be content in that station of life to which it has pleased God to call you” ; and other such appropriate selections.[10] An apt illustration of [31] the species of mental training our rulers would patronise, is afforded by the late parliamentary grant for teaching singing. Truly, it would be a lucky thing for the aristocracy, if the people could be persuaded to cultivate their voices instead of their understandings. The nation asks for cheap bread. Their rulers reply— No, we cannot give you cheap bread, because we should lose part of our rents; but, never mind, we will put aside part of your own money to give you lessons in music! We will not give you back your food, but we will teach you to sing! O generous legislators!

The objections to national education are:

1. That it necessarily involves a uniform system of moral and intellectual training, from which the destruction of that variety of character, so essential to a national activity of mind, would inevitably result.
2. That it takes away the grand stimulus to exertion and improvement on the part of the teacher, that must ever exist under the natural arrangement.

3. That, considering the improbability of amendments being introduced in future ages, it practically assumes that we are capable of pointing out to our descendants, what kinds of knowledge are the most valuable, and what are the best modes of acquiring them—an assumption which is anything but true.

4. That it would be liable to the same perversions as a national religion, and would, in all probability, become ultimately as corrupt.

5. That, if it is intended to be an equitable institution, it must be necessarily presumed that all men will agree to adopt it—a presumption which can never be borne out.

6. That it would be used by government as a means of blinding the people—of repressing all aspirations after better things—and of keeping them in a state of subserviency.

From abstract reasoning, and from the evident analogy with existing institutions, it is, therefore, concluded, that national education would, in the end, be a curse, rather than a blessing.

LETTER IX

“THAT it is the duty of the state to adopt measures for protecting the health, as well as the property, of its subjects,” is the fundamental principle espoused by the Eastern Medical Association of Scotland. The majority of the medical profession hold the same opinion; a respectable portion of the public at large apparently agree with them; and, judging by the enactments that have from time to time been made, the state itself admits the truth of the doctrine. The position is a very plausible one. Some of the arguments urged on its behalf appear, at first sight, decisive. And great seem the evils that might result from the exclusion of legislative control, over matters affecting the sanitary state of the nation. The question, therefore, demands a careful consideration.

An advocate of an established church, may reasonably support this proposition. He maintains that it is one of the duties of a government, to look after the spiritual welfare of the community; that it ought not to permit unauthorised persons to administer to the religious necessities of their fellow-creatures, lest they should instil false doctrines; that without legislative supervision, the moral atmosphere of society would be vitiated by [32] the contagious breath of wickedness; in short, that state superintendence is essential to the spiritual sanity of the nation. Holding these opinions, he may fairly employ similar arguments in reference to the physical condition of the body politic. He may submit that it is improper to allow unqualified persons to administer to the corporeal ailments of the people, lest they should prescribe deleterious medicines, or give dangerous advice; that, in default of legal regulations, the air of our populous towns would become impure from want of ventilation, or be contaminated by the malaria arising from uncleansed sewers, and other sources of corruption; in a word, that government interference is necessary to the preservation of the public health. The analogy between these arguments is obvious. But how stands the dissenter affected towards them? Denying, as he does, their cogency in the one case, he cannot consistently admit it in the other. In the first instance, the spiritual health of the people is the object in view; in the second, their bodily health; and the reasoning that is employed to show that legislation is not required in the one case, will go far to prove its needlessness in the other.

One would have thought that in these anti-monopoly days, when the calamities resulting from selfish legislation have awakened public attention, men would take especial care not to permit anything involving an approach to exclusive privileges, to make its appearance upon the political arena, without raising a vigorous outcry against it. But the expectation is not realised. The doctrine that it is the duty of the state to protect the public health, contains the germ of another gigantic monopoly. Years ago did that germ first show itself, in the shape of an enactment for restricting the prescribing practice of chemists and druggists. Again, is the noxious parasite gathering together its energies, to make another and stronger shoot, under the form of a more stringent law for the same purpose. That object gained, and some greater

extension of power will be its aim. Already do the professional publications of the day, contain rumours of medical directors, medical inspectors, and various grades of officers, to be appointed as overseers of the public health. Willingly will the aristocracy come forward and lend a helping hand to so promising a project—one that holds out so inviting a prospect of more berths for their younger sons; and happy will they be to patronise an institution, which shall thus serve as another medium for the absorption of the nation's wealth. In this way, if the people permit, will the system unfold itself, and may, in the lapse of a few generations, finally saddle itself upon the public after the manner of a national church.

It is needless, however, to enter into any arguments to show that medical men are endeavouring to establish a monopoly, for they publicly acknowledge it. They openly avow that they are seeking for protection, and boldly maintain that they have a right to it. But then, it is all done out of a friendly desire to defend the public against quackery! And, in proof of the benefits that the nation is to derive from this exclusive dealing, these patterns of disinterestedness, hold forth upon the danger of allowing the illiterate to be gulled by unlicensed practitioners. Hear Mr. Wakley. Speaking of a recently revived law relating to chemists and druggists—he says, “It must have the effect of checking, to a vast extent, that frightful evil called counter practice, exercised by unqualified persons, which has so long been a disgrace to the operation of the laws relating to medicine in this country, and which, doubtless, has been [33] attended with a dreadful sacrifice of human life.” (*Lancet* for Sept. 11, 1841.) And again, “There is not a chemist and druggist in the empire who would refuse to prescribe in his own shop in medical cases, or who would hesitate day by day to prescribe simple remedies for the ailments of infants and children.” * * * * * “We had previously considered the evil to be of enormous magnitude, but it is quite clear that we had underestimated the extent of the danger to which the public are exposed.” (*Lancet* for Oct. 16, 1841.) One hardly knows how sufficiently to admire the great penetration that has discovered this “evil of enormous magnitude,” so completely overlooked by society at large. Truly, it affords matter for much wonderment, that the “dreadful sacrifice of human life,” resulting from this “frightful evil,” has never yet opened men's eyes to a sense of the great “danger” of their situation. But would it not have been more prudent, if this grand discovery had been made public, and the agitation carried forward by unprofessional persons? Mr. Wakley should remember, that we are told to avoid the appearance of evil, and he may discover to his cost, that the world is so suspicious, as to ascribe these seeming fruits of patriotic feeling to some less noble origin. And why does Mr. Wakley stop short of the full extent of his principle? If it is really the duty of the state to take care of the public health, it is surely bound to adopt the most efficient means of fulfilling that duty. Why not then act upon the old adage, that “prevention is better than cure,” endeavour to keep the people always well? Enact a national dietary—prescribe so many meals a day for each individual—fix the quantities and qualities of food, both for men and women, how much animal and how much vegetable—state the proportion of fluids; when to be taken, and of what kind—specify the amount of exercise, and define its character—describe the clothing to be employed—determine the

hours of sleep, allowing for the difference of age and sex, and so on with all other particulars, necessary to complete a perfect synopsis, for the daily guidance of the nation. Surely this would be much more efficient than any of these half measures, and, in principle, much about as reasonable. If you insist upon a man getting rid of his ailments according to law, you may as well endeavour to keep him in health by law also.

But seriously, all legislation of the kind desired by Mr. Wakley and his colleagues, virtually, rests upon the assumption, that men are not fitted to take care of themselves. It treats them as so many children. It puts the people into leading strings. Poor things! if we do not look after them, they will be going to ignorant quacks for advice, and, perhaps, get poisoned! Such is practically the language of the state towards its subjects, and the longer they are treated in this manner, the more helpless will they become. If any one foolishly chooses, for the sake of saving a little money, to employ an uneducated empiric he must take the consequences, be they what they may. He has acted under the guidance of his own free will, and, if he suffers, he has no one to blame but himself. Imagine a man to have a watch that wants repairing; and, suppose that, from considerations of economy, he takes it to a blacksmith, who tells him that he can rectify it—the blacksmith spoils it—the man is angry—complains that he has been ill used—enlists a number of the mawkishly benevolent upon his side, and gets them to petition parliament, that all blacksmiths be in future prevented from repairing watches. Who would not laugh at such foolishness? The man was in fault for putting his watch into such hands, and richly deserved the reward of his stupidity. Yet the case is perfectly [34] parallel to the one before us. Instead of his timepiece, he takes himself (a much more complicated machine) to be repaired—he applies to one who knows as little about the human frame, as a blacksmith does about a watch—the ignorant pretender prescribes—the patient gets no better—by and by his constitution is permanently injured, and perhaps he becomes an invalid for life—that is, instead of having his watch spoiled, he has been spoiled himself. But what then? The consequence may be more serious in the one case than in the other, but the man has no greater right to complain. If he had exercised his reason, he might have known, that it was as silly to put his body under the care of one who did not understand its mechanism, as to give a chronometer into the hands of a blacksmith; and there is abstractly no more ground for legislative interference to guard against such imprudence in the one instance than in the other.

A large class of officiously humane people, can never see any social evil, but they propose to pass some law for its future prevention. It never strikes them that the misfortunes of one are lessons for thousands—that the world generally learns more by its mistakes than by its successes—and that it is by the continual endeavour to avoid errors, difficulties, and dangers, that society is to become wiser. It is not for a moment denied that many individuals have been injured by druggists' prescriptions, and quack medicines—some temporarily weakened—others permanently debilitated—and a few perhaps killed outright. But, admitting this, it does not follow that it is not the wisest in the end, to let things take their own course. Such conduct may at first sight appear unkind, but when its effects upon future

generations are considered, it will be found to be the reverse. Many arrangements in the animal creation cause much suffering and death, but we do not thence infer that the Almighty is unmerciful. Investigation explains the anomaly, and shows us that these apparent evils are collateral results of laws, ultimately tending to produce the greatest amount of health and happiness, and a careful consideration will satisfy us, that the pains inflicted upon human beings by their own imprudence, are of like character.

There is yet another position from which this question may be considered, and one, perhaps, whence the clearest and most extended view of it can be obtained. All legislation which assists the people in the satisfaction of their natural wants—which provides a fund for their maintenance in illness and old age, educates their children, takes care of their religious instruction, looks after their bodily health, or in any other way does for them what they may be fairly expected to do for themselves, arises from a radically wrong understanding of human existence. It wholly neglects the condition of man's earthly being, and altogether loses sight of one of the great and universal laws of creation.

Every animate creature stands in a specific relation to the external world in which it lives. From the meanest zoophyte, up to the most highly organised of the vertebrata, one and all have certain fixed principles of existence. Each has its varied bodily wants to be satisfied—food to be provided for its proper nourishment—a habitation to be constructed for shelter from the cold, or for defence against enemies—now arrangements to be made for bringing up a brood of young, nests to be built, little ones to be fed and fostered—then a store of provisions to be laid in against winter, and so on, with a variety of other natural desires to be gratified. For the performance of all these operations, every creature has its appropriate organs and instincts—external apparatus and internal faculties; and the health and [35] happiness of each being, are bound up with the perfection and activity of these powers. They, in their turn, are dependent upon the position in which the creature is placed. Surround it with circumstances which preclude the necessity for any one of its faculties, and that faculty will become gradually impaired. Nature provides nothing in vain. Instincts and organs are only preserved so long as they are required. Place a tribe of animals in a situation where one of their attributes is unnecessary—take away its natural exercise—diminish its activity, and you will gradually destroy its power. Successive generations will see the faculty, or instinct, or whatever it may be, become gradually weaker, and an ultimate degeneracy of the race will inevitably ensue. All this is true of man. He, in like manner, has wants, many and varied—he is provided with moral and intellectual faculties, commensurate with the complexity of his relation to the external world—his happiness essentially depends upon the activity of those faculties; and with him, as with all the rest of the creation, that activity is chiefly influenced by the requirements of his condition. The demands made upon his mental powers by his every day want—by the endeavour to overcome difficulties or avoid dangers, and by the desire to secure a comfortable provision for the decline of life, are so many natural and salutary incentives to the exercise of those powers. Imperious necessity is the grand stimulus to man's physical and mental endowments, and without it he would sink into a state of

hopeless torpidity. Establish a poor law to render his forethought and self-denial unnecessary—enact a system of national education to take the care of his children off his hands—set up a national church to look after his religious wants—make laws for the preservation of his health, that he may have less occasion to look after it himself—do all this, and he may then, to a great extent, dispense with the faculties that the Almighty has given to him. Every powerful spring of action is destroyed—acuteness of intellect is not wanted—force of moral feeling is never called for—the higher powers of his mind are deprived of their natural exercise, and a gradual deterioration of character must ensue. Take away the demand for exertion, and you will ensure inactivity. Induce inactivity, and you will soon have degradation.

The reader will therefore observe:

1. That the dissenter cannot consistently admit that the state should have the care of the bodily health of the people, when he denies that it has anything to do with their spiritual health.

2. That the warmest supporters of this theory of government superintendence, are only making it a blind for another monopoly.

3. That no man has a claim upon the legislature to take that care of his health which he will not take himself.

4. That in this case, as in every other, to do for the people what they are naturally fitted to do for themselves, is to adopt one of the most efficient means of lowering the standard of national character.

LETTER X

HAD our governors always taken care, duly to perform their original, and all-important functions—had the administration of justice ever stood pre-eminent in their eyes—had it at all times been considered as the one thing needful—and had no other questions ever been entertained at its expense, then might their interference, in matters with which they had no concern, have been more excusable. But it is not so. To the long list of their sins of commission, we have to add the sin of omission; and most [36] grievously has the nation suffered from their neglect, as well as from their officiousness.

Describe to an unbiased arbitrator the relationship existing between a people and a government. Tell him that the legislature is a body deputed by the nation to keep order, to protect person and property, and that these are its most important, if not its only duties. Tell him that every man practically gives in his allegiance to this body—that he annually pays towards its support a considerable portion of his earnings—that he sacrifices to it his personal independence—and that he does these things, in the expectation of receiving from it, the advantages of that protection, which it is presumed to give in return for such deprivations. Explain all this, and then ask him to state, in what manner he should expect the government, to fulfill its part of the contract. He would say that when the subjects had paid their taxes, and submitted themselves to the authorities, they had done all that could be required of them—that it remained with those authorities to carry home to every man the benefits of civil order—that the revenue was subscribed by the people for the express purpose of defraying the charges of this protective establishment—and that, after men had thus prepaid the government, it would be a most unjust proceeding for that government to put them to additional expense whenever it was called upon to perform its duty towards them. From these considerations he would infer that it behoved the state to establish courts of justice, which should be easy of access, speedy in their decisions, and in which every man should be able to obtain the protection of the law, free of cost. Such is the obviously equitable conclusion at which a conscientious umpire would arrive. How widely different from the reality! Our legislators tax the people to a most exorbitant extent; squander the money thus wrested from the toiling artisan in the support of institutions for the benefit of the rich; maintain, by its aid, standing armies to ensure popular subjection; and, when the misused subject demands of the government that it defend him in the exercise of his rights and privileges—when he asks it to fulfill the duties for which it was instituted—when he requests it to do for him that for which he has already paid it so extravagantly—what is its conduct? Does it willingly and efficiently respond to his demand? Does it, without further reward, fully and fairly administer the laws? Does it send forth its officers, commanding them diligently to secure to every one, that protection, which he has sacrificed so much to obtain? Does it take up the cause of the poor man, and defend him against the aggressions of his rich neighbour? No! it does none of these things. It turns over the complainant to the tender mercies of solicitors, attorneys, barristers,

and a whole legion of law officers. It drains his purse with charges for writs, briefs, affidavits, subpoenas, fees of all kinds, and expenses innumerable. It involves him in all the mazy intricacies of common courts, chancery courts, suits, counter-suits, and appeals; and thousands of times has it overwhelmed with irretrievable ruin, the man whose person and property it was bound to defend. And this is our “glorious constitution!”

We pity the poor subjects of oriental despotism. We view their absolute form of government with contempt. We turn from it to contemplate what we call our “free institutions” with pride, and congratulate ourselves upon the superiority of our condition. Yet might these autocrat-ridden people hold up to the world’s scorn, the results of our seemingly “free institutions.” Many and many a case could they point out in this “land of liberty,” of misery and famine, inflicted by the rich man’s tyranny—of wrongs [37] endured, because money was wanting wherewith to purchase redress—of rights unclaimed, because contention with the powerful usurper was useless—aye, hundreds upon hundreds might they find, whose hollow cheeks and tattered clothing, could bear testimony to the delusiveness of English justice. And then, by way of contrast, they could tell of the active and even-handed legislation of many an absolute monarch. Countless examples might they point out, of justice freely and fairly administered by Eastern sultans—instances where the poor and weak could pour their tales of tyranny into the ear of the monarch himself, and obtain assistance—where wealth and interest were not required to secure protection; neither were any shield to the oppressor. Fie upon Englishmen that they should still continue to praise and venerate a mere shadow—to pride and congratulate themselves upon the possession of what is daily demonstrated to be a hollow mockery! How long will men allow themselves to be cheated by an empty name? Not only has our government done those things which it ought not to have done, but it has left undone those things which it ought to have done; and truly may it be said that there is no health in it.

Let us, therefore, bear in mind that, by permitting our rulers to spend their time and our money in the management of matters over which they ought to have no control, we not only entail upon ourselves, the evils arising from their mischievous legislation, but likewise those resulting from the neglect of their real duties.

LETTER XI

A FEW remarks upon an important collateral topic, in so far as it is affected by the solution of the question in hand, may not be here out of place. The enfranchisement of the working classes is the topic alluded to.

With that large class of men, whose conclusions are determined by the dictates of expediency, rather than by the demands of justice, one of the objections to an investment of power in the hands of the people, is this—"Society is a complicated machine; the interests of its members are many and various, and so mysteriously connected and intertwined with each other, that it requires deep sagacity, and clearness of intellect, fully to comprehend and appreciate their multiplied relations. Legislation has for one of its objects, the proper regulation of these conflicting interests; and such is the difficulty of keeping everything in equilibrium, that even our most profound statesmen have been baffled in the attempt. Would it then, be prudent, to give to the uneducated classes, the power of directing the legislature in matters so difficult to understand, yet so important to the public welfare?"

Now, if it should turn out that these complex and manifold interests require no regulation at all, but that they are originally so arranged as to regulate themselves—if it should be discovered that the great difficulties encountered in the management of social concerns, arise from the disturbance of natural laws, and that governments have been foolishly endeavouring to maintain, in a condition of *unstable* equilibrium, things which, if let alone, would of themselves assume a condition of *stable* equilibrium; then must the objection be to a great extent invalidated. That the affairs of the nation are in circumstances of dreadful embarrassment, and that it may take some skill to bring them back to their normal state, is not denied; but, whilst it can be shown that this disastrous effect has resulted—not from want of legislation, but from over legislation—not from any intellectual [38] deficiency on the part of our lawmakers, but from their everlasting selfish interference—the fact can afford no argument against complete suffrage. Take an illustration. Imagine some poor unlucky wight to be persuaded by his doctor that he could never enjoy perfect health without medical superintendence—that his digestion would not go on properly without stimulants—that he must take pectoral pills to keep his lungs in order—that he must swallow, now and then, a sudorific, to sustain the functions of his skin, and so on; and suppose that, in the abundance of his faith, our patient puts himself under the direction of this learned physician; and, in obedience to his orders, gulps down, day by day, one dose of medicine after another—first, an aperient to rectify his digestive organs, and then a tonic to strengthen them—now a vapour bath to augment his perspiration, and again a diuretic to diminish it—this week eats abundance of nourishing food to increase his energies, and the next parts with a few ounces of blood to guard against plethora—and so on, through a long course of medical treatment, taking in their turns, emetics, anodynes, cathartics, opiates, febrifuges, and alteratives, together with a due proportion of topical applications, such as plasters, blisters, liniments,

emollients, and so forth. And when, after all this doctoring, the poor fellow has been brought to such a pass, as to be for ever going wrong in some way or other, and is continually requiring the attendance of his physician, to remove this pain and to rectify the other distemper—when he has come to such a state, that he no sooner gets rid of one malady, than he is seized with another, imagine this professor of the healing art to gather round the sick man’s bed-side a cluster of country clowns, and begin to harangue them upon the various and complicated functions of the human body, describing to them its numerous organs, and their individual duties, the manifold disorders to which they are liable, and the difficulties of their cure; and then, to add point to his lecture, fancy him turning to his patient, and saying, “See what a difficult thing it is to keep a man in health!” Why, even John Bull, with all his gullibility, would smile at this. And yet, when the same thing is said of society—when the invalid is a nation instead of a man, he believes it. Our state physicians have, from time immemorial, persuaded the people that social affairs would never go right without their interference; that a vigilant supervision was necessary to secure the healthy fulfilment of all the national functions; and, in accordance with all these notions, they have been for ever doctoring the affairs of the country; now prescribing a lower diet under the name of “restrictive duties,” and then letting in a surfeit of food to make up for past privations—at one time administering a stimulus to exercise, styled “encouragement to home manufactures,” and at another, raising an outcry for some remedy against over-production—here providing a tonic for the nation’s morals, called a “national church,” and there creating a war, to prevent those morals acquiring undue strength—on one part of the social body, applying a soothing ointment, in the shape of a “poor law,” and on another, inflicting an extensive bleeding, under the form of an “income tax.” And when, after all these transcendently skilful operations, the nation has been brought almost to the brink of dissolution—when its debility is showing itself in the most alarming forms—when its constitution is so weakened that it is hardly possible to cure one of its disorders without producing a worse—when, in short, it is in the state in which we now see it, we hear these sage and self-complacent legislators exclaim, “See what a difficult thing it is to govern a country!” If, then, it be admitted that our national misfortunes have not arisen from the difficulties inherent in the nature of government, but from the determination to legislate when no legislation was required, that is, if it be admitted that the administration of justice, is the sole duty of the state, we are at once relieved from one of the greatest objections, to the enfranchisement of the working classes.

LETTER XII

A BRIEF review of the arguments that have been set forth in the foregoing letters may serve to place the general question more distinctly before the mind.

Having shown that the proposed definition of state duties was in exact accordance with the primitive requirements of society—was, in fact, theoretically derived from them, and that its derivation did not countenance the universal interference now permitted; an attempt was made to exhibit some of the chief advantages that would arise out of the restoration of our various social institutions to their original freedom from legislative control; in the course of which it was argued:

1. That all commercial restrictions have been proved, both by past and present experience, to be eminently inimical to social prosperity; that necessity is fast forcing us towards free trade, and that we must ultimately return to the perfect commercial liberty dictated by nature, from which we should never have diverged, had there been a proper limitation of state power.

2. That a national church is to be deprecated, not only as being unnecessary to the spread of religion, but as opposing, by its worldliness, corruption, and uncharitableness, a barrier to its progress; that, on the showing of its own ministers, it is totally incapable of Christianising the nation, seeing that by the vital importance they attach to a state-paid priesthood, they practically admit that they have themselves imbibed so little Christian spirit that their own ministry would cease were it not for its emoluments; and hence in so far as the definition involves the disseverment of church and state, it is advantageous.

3. That a poor law, though apparently a boon to the working classes, is in reality a burden to them; that it delays the rectification of social abuses; that it discourages the exercise of genuine benevolence; that compulsory relief is degrading alike to the giver and to the receiver; that voluntaryism is equally applicable in the practice of religion as in its ministry; and that the blessings of charity would be secured un-accompanied by the evils of pauperism were the legislature prevented from meddling.

4. That war is universally admitted to be a great evil; that it is our duty as Christians to adopt all feasible means of putting an end to it; and that restricting governments, to the fulfilment of their primitive functions, and thereby depriving them of the power of invasion, would be the most effectual means of preventing it.

5. That artificial colonisation is injurious in each of its several influences; that colonial trade has always been turned into a monopoly for the benefit of the aristocracy; that the pretended protection given to the settlers has generally proved a great curse to them; that the original possessors of the soil have ever been cruelly persecuted in state-established colonies; and that the case of Pennsylvania affords satisfactory evidence of the [40] superiority of that voluntary, unprotected, emigration, that must follow from the recognition of the proposed principle.

6. That a national education would tend to destroy that variety and originality of mind so essential to social progress; that it would discourage improvement by annihilating healthy competition, and by placing in the way of reform the difficulties of institutional changes, in addition to the obstacles arising from natural prejudice in favour of existing modes of instruction; that we have no guarantee for its future efficiency, and have every reason to believe that it would ultimately become as corrupt as a national religion; that the mode of its support, involving as it must, the taxation of the whole community, consentients and dissentients, would be manifestly unjust; and that a constitution which necessarily excludes it, thereby commends itself to our adoption.

7. That the zealous advocacy, by certain medical men, of enactments for the preservation of the public health, arises from interested motives; that the health of the people is no more a subject for legislation than their religion; that no man can reasonably require the state to take that care of his body which he will not take himself; and that in this case as in every other, to do for the people what the Almighty has intended them to do for themselves, is infallibly to lower them in the scale of creation.

8. That by confining the attention of government to the preservation of order, and the protection of person and property, we should not only avoid the many injuries inflicted on us by its officious interferences, but should likewise secure the proper performance of its all-important, though now neglected duties.

Such are the evidences which have been adduced in favour of the theorem, that the administration of justice is the sole duty of the state. Others might be added, did it seem desirable. It is hoped, however, that those already set forth, if not of themselves sufficient to create in candid minds the conviction of its truth, will at least so far serve to exhibit its probability, as to beget for it a serious examination.

In conclusion, it will be well to remind the reader, that whatever may be the result of his deliberations upon this momentous question—whether he agrees with the arguments that have been brought forward, or dissents from them—whether he acknowledges the legitimacy of the deductions, or decides against them—one thing is certain. A definition of the duty of the state there must be. It needs no argument to prove that there is a boundary beyond which no legislative control should pass—that there are individual and social requirements whose fulfilment will be better secured by moral stimulus and voluntary exertion, than by any artificial regulations—that between the two extremes of its possible power, the *everything* and the *nothing* with which a government might be entrusted, there must be some point which both principle and policy indicate as its proper limitation. This point, this boundary, it behoves every man to fix for himself; and if he disagrees with the definition, as above expressed, consistency demands that he should make one for himself. If he wishes to avoid the imputation of political empiricism, he must ascertain the nature and intent of that national organ called the legislature, ere he seeks to prescribe its actions. Before he ventures to entertain another opinion upon what a government should *do*, he must first settle for himself the question—What is a government *for*?



Endnotes

- [1.] “We remember a religious society which, in its laws, declared that it was instituted to promote the goodness of God; and truly it may be said that enactments against atheism are passed upon the pretence of endeavouring to promote his existence.” —*Sidney Smith’s Phrenology*, p. 8.
- [2.] It is said that the statute book still contains enactments on these points.
- [3.] This refers to some remarks which appeared in the *Nonconformist* upon the previous letter.
- [4.] This must not be construed into a reflection upon voluntary benevolence. If, for the sake of ameliorating, to a certain extent, the miseries of the wicked, the Almighty has seen well to implant in their fellow-creatures, sympathies, which shall induce them to pity and assist, it must be at once concluded that the exercise of those sympathies, is conducive to the general happiness. But, this admission in no way involves the approval of a systematic arrangement, set up by fallible men, for the purpose of doing by wholesale, what the Almighty has only seen fit to do partially. Meanwhile, it is greatly to be wished that the charitable, would use a more judicious discrimination, in the distribution of their gifts, and extend their assistance rather to unfortunate industry, than to suffering wickedness.
- [5.] See “Wealth of Nations,” vol. iii, p. 257.
- [6.] The East and West Indies, cannot be considered as applicable cases, as far as regards the colonists. The greater number of their European inhabitants, are only temporary residents, and nearly all the remainder are either branches of the aristocracy, or their agents, and these are not legislated for as ordinary emigrants.
- [7.] See M’Culloch, Art. East India Company.
- [8.] See Sir A. Burns’ private and *suppressed* correspondence.
- [9.] Since this was originally published, works have appeared, containing abundant evidence that the boasted intellectual enlightenment produced by government education on the continent, is more than neutralised, by the moral degradation that has accompanied it, and showing that these state-trained nations, are decidedly inferior to the people of this country, in real manliness. Those who are in love with the Prussian system would do well to read Laing’s “Notes of a Traveller.”
- [10.] That such prophecies would be realized may be gathered from Sir James Graham’s late education bill, which has run its brief career since these remarks first appeared.