

On The Natural Inequality of Men (January 1890)

Collected Essays I

[290] The political speculations set forth in Rousseau's "Discours sur l'origine de l'inégalité parmi les hommes," and in the more noted essay, "Du Contrat Social," which were published, the former in 1754 and the latter eight years later, are, for the most part, if not wholly, founded upon conceptions with the origination of which he had nothing to do. The political, like the religious, revolutionary intellectual movement of the eighteenth century in France came from England. Hobbes, primarily, and Locke, secondarily (Rousseau was acquainted with the writings of both), supplied every notion of fundamental importance which is to be found in the works which I have mentioned. But the skill of a master of the literary art and the fervour of a prophet combined to embellish and [291] intensify the new presentation of old speculations; which had the further good fortune to address itself to a public as ripe and ready as Balak himself to accept the revelations of any seer whose prophecies were to its mind.

Missionaries, whether of philosophy or of religion, rarely make rapid way, unless their preachings fall in with the prepossessions of the multitude of shallow thinkers, or can be made to serve as a stalking-horse for the promotion of the practical aims of the still larger multitude, who do not profess to think much, but are quite certain they want a great deal. Rousseau's writings are so admirably adapted to touch both these classes that the effect they produced, especially in France, is easily intelligible. For, in the middle of the eighteenth century, French society (not perhaps so different as may be imagined from other societies before and since) presented two large groups of people who troubled themselves about politics—in any sense other than that of personal or party intrigue. There was an upper stratum of luxurious idlers, jealously excluded from political action and consequently ignorant of practical affairs, with no solid knowledge or firm principles of any sort; but, on the other hand, open-minded to every novelty which could be apprehended without too much trouble, and exquisitely appreciative of close deductive reasoning and clear exposition. Such a public [292] naturally welcomed Rousseau's brilliant developments of plausible first principles by the help of that *a priori* method which saves so much troublesome investigation.¹ It just suited the "philosophes," male and female, interchanging their airy epigrams in salons, which had about as much likeness to the Academy or to the Stoa, as the "philosophes" had to the philosophers of antiquity.

I do not forget the existence of men of the type of Montesquieu or D'Argenson in the France of the eighteenth century, when I take this as a fair representation of the enlightened public of that day. The unenlightened public, on the other hand, the people who were morally and physically debased by sheer hunger; or those, not so far dulled or infuriated by absolute want, who yet were maddened by the wrongs of every description inflicted upon them by a political system, which so far as its proper object, the welfare of the [293] people, was concerned was effete and powerless; the subjects of a government smitten with paralysis for everything but the working of iniquity and the generation of scandals; these naturally hailed with rapture the appearance of the teacher who clothed passion in the garb of philosophy; and preached the sweeping away of injustice by the perpetration of further injustice, as if it were nothing but the conversion of sound theory into practice.

It is true that any one who has looked below the surface² will hardly be disposed to join in the cry which is so often raised against the "philosophes" that their "infidel and levelling" principles brought about the French Revolution. People, with political eyes in their heads, like the Marquis d'Argenson, saw that the Revolution was inevitable before Rousseau wrote a line. In truth, the Bull "Unigenitus," the interested restiveness of the Parliaments and the extravagances and profligacy of the Court had a great deal more influence in generating the catastrophe than all the "philosophes" that ever put pen to paper. But, undoubtedly, Rousseau's extremely attractive and [294] widely read writings did a great deal to a colour of rationality to those principles of '89³ which, even after the lapse of a century, are considered by a good many people to be the Magna Charta of the

human race. "Liberty, Equal and Fraternity," is still the war-cry of those, and they are many, who think, with Rousseau, that human sufferings must needs be the consequence of the artificial arrangements of society and can all be alleviated or removed by political changes.

The intellectual impulse which may thus be fairly enough connected with the name of the Genevese dreamer has by no means spent itself in the century and a half which has elapsed since it was given. On the contrary, after a period of comparative obscurity (at least outside France), Rousseauism has gradually come to the front again, and at present promises to exert once more a very grave influence on practical life. The two essays to which I have referred are, to all appearance, very little known to the present generation of those who have followed in Rousseau's track. None the less is it true that his teachings, filtered [295] through innumerable channels and passing under other names, are still regarded as the foundations of political science by the existing representatives of the classes who were so much attracted by them when they were put forth. My friend, Mr. John Morley, who probably knows more about Rousseau and his school than anybody else,⁴ must have been entertained (so far as amusement is possible to the subject of the process of "heckling") when Rousseau's *plats*, the indigestibility of which he exposed so many years ago, were set before him as a wholesome British dish; the situation had a certain piquancy, which no one would appreciate more keenly.

I happened to be very much occupied upon subjects of a totally different character, and had no mind to leave them, when the narrative of this occurrence and some letters to which it gave rise, appeared in the "Times." But I have very long entertained the conviction that the revived Rousseauism of our day is working sad mischief, leading astray those who have not the time, even when they possess the ability, to go to the root of the superficially plausible doctrines which are disseminated among them. And I thought it was [296] my duty to see whether some thirty years' training in the art of making difficult questions intelligible to audiences without much learning, but with that abundance of keen practical sense which characterises English workmen of the better class, would enable me to do something towards the counteraction of the fallacious guidance which is offered to them. Perhaps I may be permitted to add that the subject was by no means new to me. Very curious cases of communal organisation and difficult questions involving the whole subject of the rights of property come before those whose duty it is to acquaint themselves with the condition of either sea or freshwater fisheries, or with the administration of Fishery Laws. For a number of years it was my fate to discharge such duties to the best of my ability; and, in doing so, I was brought face to face with the problem of landownership and the difficulties which arise out of the conflicting claims of commoners and owners in severalty. And I had good reason to know that mistaken theories on these subjects are very liable to be translated into illegal actions. I cannot say whether the letters which I wrote in any degree attained the object (of vastly greater importance, to my mind, than any personal question) which I had in view. But I was quite aware, whatever their other results, they would probably involve me in disagreeable consequences; and, among the rest, in the necessity of proving a [297] variety of statements, which I could only adumbrate within the compass of the space that the "Times" could afford me, liberal as the editor showed himself to be in that respect. What I purpose to do in the course of the present essay is to make good these shortcomings; to show what Rousseau's doctrines were; and to inquire into their scientific value—with, I hope, that impartiality which it beseems us to exhibit in inquiries into ancient history. Having done this I propose to leave the application of the conclusions at which I arrive to the intelligence of my readers, as I shall thus escape collision with several of my respected contemporaries.⁵

I have indicated two sources from which our knowledge of Rousseau's system may be derived, and it is not worth while to go any further. But it is needful to observe that the dicta of the author of the "Contrat Social," published in 1762, are not un[298]frequently very hard—indeed I might say impossible—to reconcile with those of the author of the "Discours," which appeared eight years earlier; and that, if any one should maintain that the older essay was not meant to be taken seriously, or that it has been, in some respects, more or less set aside by the later, he might find strong grounds for his opinion. It is enough for me that the same *a priori* method and the same fallacious assumptions pervade both.

The thesis of the earlier work is that man, in the "state of nature," was a very excellent creature indeed, strong, healthy, good and contented; and that all the evils which have befallen him, such as feebleness, sickness, wickedness, and misery, result from his having forsaken the "state of nature" for the "state of civilisation." And the first step in this downward progress was the setting up of rights of several property. It might seem to a plain man that the argument here turns on a matter of fact: if it is not historically true that men were once in this "state of nature"—what becomes of it all? However, Rousseau tells us, in the preface to the "Discours," not only that the "state of nature" is something which no longer exists, but that "perhaps it never existed, and probably never will exist." Yet it is something "of which it is nevertheless necessary to have accurate notions in order to judge our present condition rightly." After making this singular statement, Rousseau goes on to observe: "Il faudrait même plus de philosophie [299] qu'on ne pense à celui qui entreprendrait de déterminer exactement les précautions à prendre pour faire sur ce sujet de solides observations." And, certainly, the amount of philosophy required to base an argument on that which does not exist, has not existed, and, perhaps, never will exist, may well seem unattainable—at any rate, at first sight. Yet, apart from analogies which might be drawn from the mathematical sciences—where, for example, a straight line is a thing which has not existed, does not exist, and probably never will exist, and yet forms a good ground for reasoning; and the value of which I need not stop to discuss—I take it that Rousseau has a very comprehensible idea at the bottom of this troublesome statement. What I conceive him to mean is that it is possible to form an ideal conception of what ought to be the condition of mankind;⁶ and that, having done so, we are bound to judge the existing state of things by that ideal. That assumption puts us on the "high *a priori* road" at once.

[300] I do not suppose that any one is inclined to doubt the usefulness of a political ideal as a goal towards which social conduct should strive, whether it can ever be completely realised or not; any more than any one will doubt that it is useful to have a moral ideal towards which personal conduct should tend, even though one may never reach it. Certainly, I am the last person to question this, or to doubt that politics is as susceptible of treatment by scientific method as any other field of natural knowledge.⁷ But it will be admitted that, great as are the advantages of having a political ideal, fashioned by an absolute rule of political conduct, it is perhaps better to do without one, rather than to adopt the first phantasm, bred of fallacious reasonings and born of the unscientific imagination, which presents itself. The benighted traveller, lost on a moor, who refuses to follow a man with a lantern is surely not to be commended. But suppose his hesitation arises from a well-grounded doubt as to whether the seeming luminary is anything but a will o' the wisp? And, unless I fail egregiously in attaining [301] my purpose, those who read this paper to the end will, I think, have no doubt that the political lantern of Rousseauism is a mere corpse candle and will plunge those who follow it in the deepest of anarchic bogs.

There is another point which must be carefully borne in mind in any discussion of Rousseau's doctrines; and that is the meaning which he attaches to the word "inequality." A hundred and fifty years ago, as now, political and biological philosophers found they were natural allies.⁸ Rousseau is not intelligible without Buffon, with whose earlier works he was evidently acquainted, and whose influence in the following passage is obvious:—

"It is easy to see that we must seek the primary cause of the differences by which men are distinguished in these successive changes of the human constitution; since it is universally admitted that they are, naturally, as equal among themselves as were the animals of each species before various physical causes had produced, in some of them, the varieties which we observe. In fact, it is not conceivable that these first changes, by whatever means they were brought about, altered, at once and in the same way, all the individuals of a species; but some having become improved or deteriorated, and having acquired different qualities, good or bad, which were not inherent in their nature, the others remained longer in their [302] original state; and such was the first source of inequality among men, which is more easy to prove thus, in a general way, than to assign exactly to its true causes." ("Discours," Preface.)

In accordance with this conception of the origin of inequality among men, Rousseau distinguishes, at the outset of the "Discours," two kinds of inequality:—

"the one which I term *natural*, or *physical*, because it is established by Nature, and which consists in the differences of age, health, bodily strength, and intellectual or spiritual qualities; the other, which may be called *moral*, or *political*, because it depends on a sort of convention, and is established, or at least authorised, by the consent of mankind. This last inequality consists in the different privileges which some enjoy, to the prejudice of others, as being richer, more honoured, more powerful than they, or by making themselves obeyed by others."

Of course the question readily suggests itself: Before drawing this sharp line of demarcation between natural and political inequality, might it not be as well to inquire whether they are not intimately connected, in such a manner that the latter is essentially a consequence of the former? This question is indeed put by Rousseau himself. And, as the only answer he has to give is a piece of silly and insincere rhetoric about its being a question fit only for slaves to discuss in presence of their masters, we may fairly conclude that he knew well enough he dare not grapple with it. The only safe course for him was to go by on the [303] other side and as far as the breadth of the road would permit; and, in the rest of his writings to play fast and loose with the two senses of inequality, as convenience might dictate.

With these preliminary remarks kept well in view, we may proceed to the discussion of those fundamental theses of the "Discourse" and of the "Social Contract" which Rousseau calls the "principes du droit politique." Rousseau defines his object thus:—

"Je veux chercher si dans l'ordre civil il peut y avoir quelque règle d'administration légitime et sûre, en prenant les hommes tels qu'ils sont et les lois tels qu'elles peuvent être. Je tâcherai d'allier toujours dans cette recherche ce que le droit permet avec ce que l'intérêt prescrit, afin que la justice et l'utilité ne se trouvent point divisées."⁹

In other words, our philosopher propounds "sure," that is "absolute," principles which are, at once ethically and politically, sufficient rules of conduct, and that I understand to be the precise object of all who have followed in his track. It was said of the Genevese theorist, "Le [304] genre humain avait perdu ses titres; Jean Jacques les a retrouvés "; just as his intellectual progeny declare that the nation ought to "resume" the landed property of which it has, unfortunately, lost the title-deeds.

We are now in a position to consider what the chief of these principles of the gospel according to Jean-Jacques are:—

1. All men are born free, politically equal, and good, and in the "state of nature" remain so; consequently it is their natural right to be free, equal, and (presumably, their duty to be) good.¹⁰
2. All men being equal by natural right, none can have any right to encroach on another's equal right. Hence no man can appropriate any part of the common means of subsistence—that is to say, the land or anything which the land produces—without the unanimous consent of all other men. Under any other circumstances, property is usurpation, or, in plain terms, robbery.¹¹
3. Political rights, therefore, are based upon contract; the so-called right of conquest is no [305] right, and property which has been acquired by force may rightly be taken away by force.¹²

I am bound to confess, at the outset, that, while quite open to conviction, I incline to think that the obvious practical consequences of these propositions are not likely to conduce to the welfare of society, and that they are certain to prove as injurious to the poor as to the rich. Due allowance must be made for the possible influence of such prejudice as may flow from this opinion upon my further conviction that, regarded from a purely theoretical and scientific point of view, they are so plainly and demonstrably false that, except for the gravity of their practical consequences, they would be ridiculous.

What is the meaning of the famous phrase that "all men are born free and equal," which gallicised Americans, who were as much "philosophes" as their inherited common sense and their practical acquaintance with men

and with affairs would let them be, put forth as the foundation of the "Declaration of Independence"? I have seen a considerable number of new-born infants. Without wishing to speak of them with the least disrespect—a thing no man can do, without, as the proverb says, "fouling his own nest."—I fail to understand how they can be affirmed to have any political qualities at all. How can it be said that these poor little mortals who have not even the capacity to kick to any definite end, nor indeed to do anything but vaguely squirm and squall, are equal politically, except as all zeros may be said to be equal? How can little creatures be said to be "free" of whom not one would live for four and twenty hours if it were not imprisoned by kindly hands and coerced into applying its foolish wandering mouth to the breast it could never find for itself? How is the being whose brain is still too pulpy to hold an idea of any description to be a moral agent either good or bad? Surely it must be a joke, and rather a cynical one too, to talk of the political status of a new-born child? But we may carry our questions a step further. If it is mere abracadabra to speak of men being born in a state of political freedom and equality, thus fallaciously confusing positive equality—that is to say, the equality of powers—with the equality of impotences; in what conceivable state of society is it possible that men should not merely be born, but pass through childhood and still remain free? Has a child of fourteen been free to choose its language and all the connotations with which [307] words became burdened in their use by generation after generation? Has it been free to choose the habits enforced by precept and more surely driven home by example? Has it been free to invent its own standard of right and wrong? Or rather, has it not been as much held in bondage by its surroundings and driven hither and thither by the scourge of opinion, as a veritable slave, although the fetters and the whip may be invisible and intangible?

Surely, Aristotle was much nearer the truth in this matter than Hobbes or Rousseau. And if the predicate "born slave" would more nearly agree with fact than "born free," what is to be said about "born equal"? Rousseau, like the sentimental rhetorician that he was, and half, or more than half, sham, as all sentimental rhetoricians are, sagaciously fought shy, as we have seen, of the question of the influence of nature upon political equality. But those of us who do not care for sentiment and do care for truth may not evade the consideration of that which is really the key of the position. If Rousseau, instead of letting his children go to the *enfants trouvés*, had taken the trouble to discharge a father's duties towards them, he would hardly have talked so fast about men being born equal, even in a political sense. For, if that merely means that all new-born children are political zeros—it is, as we have seen, though true enough, nothing to the [308] purpose; while, if it means that, in their potentiality of becoming factors in any social organisation—citizens in Rousseau's sense—all men are born equal, it is probably the most astounding falsity that ever was put forth by a political speculator; and that, as all students of political speculation will agree, is saying a good deal for it. In fact, nothing is more remarkable than the wide inequality which children, even of the same family, exhibit, as soon as the mental and moral qualities begin to manifest themselves; which is earlier than most people fancy. Every family spontaneously becomes a polity. Among the children, there are some who continue to be "more honoured and more powerful than the rest, and to make themselves obeyed" (sometimes, indeed, by their elders) in virtue of nothing but their moral and mental qualities. Here, "political inequality" visibly dogs the heels of "natural" inequality. The group of children becomes a political body, a *civitas*, with its rights of property, and its practical distinctions of rank and power. And all this comes about neither by force nor by fraud, but as the necessary consequence of the innate inequalities of capability.

Thus men are certainly not born free and equal in natural qualities; when they are born, the predicates "free" and "equal" in the political sense are not applicable to them; and as they develop year by year, the differences in the political [309] potentialities with which they really are born, become more and more obviously converted into actual differences—the inequality of political faculty shows itself to be a necessary consequence of the inequality of natural faculty. It is probably true that the earliest men were nomads. But among a body of naked wandering savages, though there may be no verbally recognised distinctions of rank or office, superior strength and cunning confer authority of a more valid kind than that secured by Acts of Parliament; there may be no property in things, but the witless man will be poverty-stricken in ideas, the clever man will be a capitalist in that same commodity, which in the long run buys all other commodities; one will miss opportunities, the other will make them; and, proclaim human equality as loudly as you like,

Witless will serve his brother. So long as men are men and society is society, human equality will be a dream; and the assumption that it does exist is as untrue in fact as it sets the mark of impracticability on every theory of what ought to be, which starts from it.

And that last remark suggests that there is another way of regarding Rousseau's speculations. It may be pointed out that, after all, whatever estimate we may form of him, the author of works which have made such a noise in the world could not have been a mere fool; and that, if, in their plain and obvious sense, the doctrines which he [309] advanced are so easily upset, it is probable that he had in his mind something which is different from that sense.

I am a good deal disposed to think that this is the case. There is much to be said in favour of the view that Rousseau, having got hold of a plausible hypothesis, more or less unconsciously made up a clothing of imaginary facts to hide its real nakedness. He was not the first nor the last philosopher to perform this feat.

As soon as men began to think about political problems, it must have struck them that, if the main object of society was the welfare of its members (and until this became clear, political action could not have risen above the level of instinct¹³), there were all sorts of distinctions among men, and burdens laid upon them, which nowise contributed [311] to that end. Even before the great leveller, Rome, had actually thrown down innumerable social and national party-walls, had absorbed all other forms of citizenship into her own, and brought the inhabitants of what was then known as the world under one system of obligations—thoughtful men were discovering that it was desirable, in the interests of society, that all men should be as free as possible, consistently with those interests; and that they should all be equally bound by the ethical and legal obligations which are essential to social existence. It will be observed that this conclusion is one which might be arrived at by observation and induction from the phenomena of past and present experience. My belief is that it is the conclusion which must be reached by those means, when they are rightly employed—and that, in point of fact, the doctrines of freedom and equality, so far as they were preached by the Stoics and others, would have had not the least success, if they had not been so far approved by experience and so far in harmony with human instincts, that the Roman jurists found they could work them up with effect into practical legislation. For the *a priori* arguments of the philosophers in the last century of the Republic, and the first of the Empire, stand examination no better than those of the philosophers in the centuries before and after the French Revolution. As is the fashion of speculators, they scorned to remain on [312] the safe, if humble, ground of experience, and preferred to prophesy from the sublime cloudland of the *a priori*; so that, busied with deduction from their ideal "ought to be" they overlooked the "what has been," the "what is," and the "what can be."

It is to them that we owe the idea of living "according to nature"; which begot the idea of the "state of nature"; which begot the notion that the "state of nature" was a reality, and that, once upon a time, "all men were free and equal"—which again begot the theory, that society ought to be reformed in such a manner as to bring back these halcyon days of freedom and equality; which begot *laissez faire* and universal suffrage; which begot the theory so dear to young men of more ambition than industry, that, while every other trade, business, or profession requires theoretical training and practical skill, and would go to the dogs if those who carry them on were appointed by the majority of votes of people who know nothing about it and very little about them—the management of the affairs of society will be perfectly successful, if only the people who may be trusted to know nothing, will vote into office the people who may be trusted to do nothing.

If this is the political ideal of the modern followers of Rousseau, I, for my part, object to strive after it, or to do anything but oppose, to the best of my ability, those who would fain drive us that way. Freedom, used foolishly, and equality, [313] asserted in words, but every moment denied by the facts of nature, are things of which, as it seems to me, we have rather too much already. If I mistake not, one thing we need to learn is the necessity of limiting individual freedom for the general good; and another, that, although decision by a majority of votes may be as good a rough-and-ready way as can be devised to get political questions settled,

yet that, theoretically, the despotism of a majority is as little justifiable and as dangerous as that of one man; and yet another, that voting power, as a means of giving effect to opinion, is more likely to prove a curse than a blessing to the voters, unless that opinion is the result of a sound judgment operating upon sound knowledge. Some experience of sea-life leads me to think that I should be very sorry to find myself on board a ship in which the voices of the cook and the loblolly boys counted for as much as those of the officers, upon a question of steering, or reefing topsails; or where the "great heart" of the crew was called upon to settle the ship's course. And there is no sea more dangerous than the ocean of practical politics—none in which there is more need of good pilotage and of a single, unflinching purpose when the waves rise high.

The conclusion of the whole matter, then, would seem to be that the doctrine that all men are, in any sense, or have been, at any time, free and equal, is an utterly baseless fiction. Nor does the [314] proposition fare much better if we modify it, so as to say that all men ought to be free and equal, so long as the "ought" poses as a command of immutable morality. For, assuredly, it is not intuitively certain "that all men ought to be free and equal." Therefore, if it is to be justified at all *a priori*, it must be educible from some proposition which is intuitively certain; and unfortunately none is forthcoming. For the proposition that men ought to be free to do what they please, so long as they do not infringe on the equal rights of other men, assumes that men have equal rights and cannot be used to prove that assumption. And if, instead of appealing to philosophy we turn to revealed religion, I am not aware that either Judaism or Christianity affirms the political freedom or the political equality of men in Rousseau's sense. They affirm the equality of men before God—but that is an equality either of insignificance or of imperfection.

With the demonstration that men are not all equal under whatever aspect they are contemplated, and that the assumption that they ought to be considered equal has no sort of *a priori* foundation—however much it may, in reference to positive law, with due limitations, be justifiable by considerations of practical expediency—the bottom of Rousseau's argument, from *a priori* ethical assumptions to the denial of the right of an individual to hold private property, falls out. For Rousseau, with more [315] logical consistency than some of those who have come after him, puts the land and its produce upon the same footing. "Vous êtes perdus si vous oubliez que les fruits sont à tous, et que la terre n'est à personne," says he.¹⁴

From Rousseau's point of view (and, for the present, I leave any other aside), this is, in fact, the only rational conclusion from the premisses. The attempt to draw a distinction between land, as a limited commodity, and other things as unlimited, is an obvious fallacy. For, according to him,¹⁵ the total habitable surface of the earth is the property of the whole human race in common. Undoubtedly, the habitable and cultivable land amounts to a definite number of square miles, which, by no effort of human ingenuity, at present known or suspected, can be sensibly increased beyond the area of that part of the globe which is not covered by water; and therefore its quantity is limited. But if the land is limited, so is the quantity of the trees that will grow on it; of the cattle that can be pastured on it; of the crops that can be raised from it; of the minerals that can be dug from it; of the wind and of the water-power, afforded by the limited streams which flow from the limited heights. And, if the human race were to go on increasing in number at its present rate, a time would come when there would not be stand[316]ing ground for any more; if it were not that, long before that time, they would have eaten up the limited quantity of food-stuffs and died like the locusts that have consumed everything eatable in an oasis of the desert. The attempt to draw a distinction between land as limited in quantity, in the sense, I suppose, that it is something that cannot be imported—and other things as unlimited, because they can be imported—has arisen from the fact that Rousseau's modern followers entertain the delusion that, consistently with their principles, it is possible to suppose that a nation has right of ownership in the land it occupies. If the island of Great Britain is the property of the British nation, then, of course, it is true that Britons cannot have more than somewhere about 90,000 square miles of land, while the quantity of other things they can import is (for the present, at any rate), practically, if not strictly, unlimited. But how is the assumption that the Britons own Britain, to be reconciled with the great dictum of Rousseau, that a man cannot rightfully appropriate any part of this limited commodity, land, without the unanimous consent of all

his fellow men? My strong impression is that if a parti-coloured plebiscite of Europeans, Chinese, Hindoos, Negroes, Red Indians, Maoris, and all the other inhabitants of the terrestrial globe were to decree us to be usurpers, not a soul would budge; and that, if it came to fighting. Mr. Morley's late "hecklers" might be safely [317] depended upon to hold their native soil against all intruders, and in the teeth of the most absolute of ethical politicians, even though he should prove from Rousseau,

"Exceedingly well
That such conduct was quite atrocious."

Rousseau's first and second great doctrines having thus collapsed, what is to be said to the third?

Of course, if there are no rights of property but those based on contract, conquest, that is to say, taking possession by force, of itself can confer no right. But, as the doctrine that there are no rights of property but those based on the consent of the whole human race—that is, that A. B. cannot own anything unless the whole of mankind formally signify their assent to his ownership—turns out to be more than doubtful in theory and decidedly inconvenient in practice, we may inquire if there is any better reason for the assertion that force can confer no right of ownership. Suppose that in the old seafaring days, a pirate attacked an East Indiaman—got soundly beaten and had to surrender. When the pirates had walked the plank or been hanged, had the captain and crew of the East Indiaman no right of property in the prize—I am not speaking of mere legal right, but ethically? But if they had, what is the difference when nations attack one another; when there is no way out of their quarrel but the appeal to force, and the one [318] that gets the better seizes more or less of the other's territory and demands it as the price of peace? In the latter case, in fact, we have a contract, a price paid for an article—to wit peace—delivered, and certain lands taken in exchange; and there can be no question that the buyer's title is based on contract. Even in the former alternative, I see little difference. When they declared war, the parties knew very well that they referred their case to the arbitrament of force; and if contracts are eternally valid, they are fully bound to abide by the decision of the arbitrator whom they have elected to obey. Therefore, even on Hobbes's or Rousseau's principles, it is not by any means clear to my mind that force, or rather the state of express or tacit contract which follows upon force, successfully applied, may not be plausibly considered to confer ownership.

But if the question is argued, as I think it ought to be, on empirical grounds—if the real question is not one of imagined *a priori* principle, but of practical expediency—of the conduct which conduces most to human welfare—then it appears to me that there is much to be said for the opinion that force effectually and thoroughly used, so as to render further opposition hopeless, establishes an ownership¹⁶ which should be recog[319]nised as soon as possible. I am greatly disposed to think, that when ownership established by force has endured for many generations, and all sorts of contracts have been entered into on the faith of such ownership, the attempt to disturb it is very much to be deprecated on all grounds. For the welfare of society, as for that of individual men, it is surely essential that there should be a statute of limitations in respect of the consequences of wrong-doing. As there is nothing more fatal to nobility of personal character than the nursing of the feeling of revenge—nothing that more clearly indicates a barbarous state of society than the carrying on of a *vendetta*, generation after generation, so I take it to be a plain maxim of that political ethic which does not profess to have any greater authority than agreeableness to good feeling and good sense can confer, that the evil deeds of former generations—especially if they were in accordance with the practices of a less advanced civilisation, and had the sanction of a less refined morality—should, as speedily as possible, be forgotten and buried under better things.

"Musst immer thun wie neu geboren" is the best of all maxims for the guidance of the life of States, no less than of individuals. However, I express what I personally think, in all humility, in the face of the too patent fact, that there are persons of light and leading—with a political [320] authority to which I can make not the remotest pretension, and with a weight of political responsibility which I rejoice to think can never rest on my shoulders—who by no means share my opinion, but who, on the contrary, deem it right to fan the sparks of

revenge which linger among the embers of ancient discords; and to stand between the dead past and the living present, not with the healing purpose of the Jewish leader, but rather to intensify the plague of political strife, and hold aloft the brazen image of the father's wrongs, lest the children might perchance forget and forgive.

However, the question whether the fact that property in land was originally acquired by force invalidates all subsequent dealings in that property so completely, that no lapse of time, no formal legalisation, no passing from hand to hand by free contract through an endless series of owners, can extinguish the right of the nation to take it away by force from the latest proprietor, has rather an academic than a practical interest, so long as the evidence that landed ownership did so arise is wanting. Potent an organon as the *a priori* method may be, its employment in the region of history has rarely been found to yield satisfactory results; and, in this particular case, the confident assertions that land was originally held in common by the whole nation, and that it has been converted into severalty by force, as the outcome of the military spirit rather than by the consent, or contract, characteristic of industrialism, are singularly ill-founded.

Let us see what genuine history has to say to these assertions. Perhaps it might have been pardonable in Rousseau to propound such a statement as that the primitive landowner was either a robber or a cheat; but, in the course of the century and a half which has elapsed since he wrote, and especially in that of the last fifty years, an immense amount of information on the subject of ancient land-tenure has come to light; so that it is no longer pardonable, in any one, to content himself with Rousseau's ignorance. Even a superficial glance over the results of modern investigations into anthropology, archæology, ancient law and ancient religion, suffices to show that there is not a particle of evidence that men ever existed in Rousseau's state of nature, and that there are very strong reasons for thinking that they never could have done so, and never will do so.

It is, at the least, highly probable that the nomadic preceded any other social state; and, as the needs of a wandering hunter's or pastor's life are far more simple than any other, it follows that the inequalities of condition must be less obvious among nomads than among settled people. Men who have no costume at all, for example, cannot be said to be unequally clothed; they are, doubtless, more equal than men some of whom are well clothed and others in rags, though the equality is of the negative sort. But it is a profound mistake to imagine that, in the nomadic condition, any more than in any other which has yet been observed, men are either "free" or "equal" in Rousseau's sense. I can call to mind no nomadic nation in which women are on an equality with men; nor any in which young men are on the same footing as old men; nor any in which family groups, bound together by blood ties, by their mutual responsibility for bloodshed and by common worship, do not constitute corporate political units, in the sense of the city¹⁷ of the Greeks and Romans. A "state of nature" in which noble and peaceful, but nude and propertyless, savages sit in solitary meditation under trees, unless they are dining or amusing themselves in other ways, without cares or responsibilities of any sort, is simply another figment of the unscientific imagination. The only uncivilised men of whom anything is really known are hampered by superstitions and enslaved by conventions, as strange as those of the most artificial societies, to an almost incredible degree. Furthermore, I think it may be said with much confidence that the primitive "land-[323]grabber" did not either force or cheat his coproprietors into letting him fence in a bit of the land which hitherto was the property of all.

The truth is we do not know, and, probably, never shall know completely, the nature of all the various processes by which the ownership of land was originally brought about. But there is excellent ground for sundry probable conclusions¹⁸ in the fact that almost all parts of the world, and almost all nations, have yielded evidence that, in the earliest settled condition we can get at, land was held as private or several property, and not as the property of the public, or general body of the nation. Now private or several property may be held in one of two ways. The ownership may be vested in a single individual person, in the ordinary sense of that word; or it may be vested in two or more individuals forming a corporation or legal person; that is to say, an entity which has all the duties and responsibilities of an individual person, but is composed of two or more individuals. It is obvious that all the arguments which Rousseau uses against individual

landownership apply to corporate landownership. If the rights of A, B, and C are individually *nil*, you cannot make any more of your 0 by multiplying it by three. (A B C)—the corporation—must be [324] an usurper if A, B, and C taken each by himself is so. Moreover, I think I may take it for granted that those who desire to make the State universal landowner, would eject a corporation from its estates with even less hesitation than they would expel an individual.

The particular method of early landholding of which we have the most widespread traces is that in which each of a great number of moderate-sized portions of the whole territory occupied by a nation is held in complete and inalienable¹⁹ ownership by the males of a family, or of a small number of actual or supposed kindred families, mutually responsible in blood feuds, and worshipping the same God or Gods. No female had any share in the ownership of the land. If she married outside the community she might take a share of the moveables; and, as a rule, she went to her husband's community. If, however, the community was short of hands, the husband might be taken into it, and then he acquired all the rights and responsibilities of the other members. Children born in the community became full members of it by domicile, so to speak, not by heredity from their parents. This primitive "city" was lodged in one or more dwellings, each usually standing in a patch of inclosed ground; of arable land in the immediate neighbourhood of the [324] dwellings; while pasture and uncleared forest land lay outside all. Each commune was as jealous of its rights of ownership as the touchiest of squires; but, so long as the population was as scanty in proportion to the occupied territory, as was usually the case in ancient times, the communities got along pretty peaceably with one another. Any notion that all the communities which made up the nation had a sort of corporate overlordship over any one, still more that all the rest of the world had any right to complain of their "appropriation of the means of subsistence," most assuredly never entered the heads of our forefathers. But, alongside this corporate several ownership, there is strong ground for the belief that individual ownership was recognised, to a certain extent, even in these early times. The inclosure around each dwelling was understood to belong to the family inhabiting the dwelling; and, for all practical purposes, must have been as much owned by the head of it as a modern entailed estate is owned by the possessor for the time being. Moreover, if any member of the community chose to go outside and clear and cultivate some of the waste, the reclaimed land was thenceforth recognised as his, that is to say, the right of ownership, in virtue of labour spent, was admitted.²⁰

[326] Thus it is obvious that, though the early landholders were, to a great extent, collective owners, the imaginary rights of mankind to universal landownership, or even of that of the nation at large to the whole territory occupied, were utterly ignored; that, so far from several ownership being the result of force or fraud, it was the system established with universal assent; and that, from the first, in all probability, individual rights of property, under certain conditions, were fully recognised and respected. Rousseau was, therefore, correct in suspecting that his "state of nature" had never existed—it never did, nor anything like it. But it may be said, supposing that all this is true, and supposing that the doctrine that Englishmen have no right to their appropriation of English soil is nonsense; it must, nevertheless, be admitted that, at one time, the great body of the nation, consisting of these numerous landowning corporations, composed of comparatively poor men, did own the land. And it must also be admitted that now they do not; but that the land is in the hands of a relatively small number of actually or comparatively rich proprietors, who constitute perhaps not one per cent. of the population. What is this but the result of robbery and cheating? The descendants of the robbers and cut-throat soldiers who came over with William of Normandy, have been true to their military instincts, and have "conveyed" the [327] property of the primitive corporations into their own possession. No doubt, that is history made easy; but here, once more, fact and *a priori* speculations cannot be made to fit.

Let us look at the case dispassionately, and by the light of real history. No doubt, the early system of land tenure by collective several ownership was excellently adapted to the circumstances in which mankind found themselves. If it had not been so, it would not have endured so long, nor would it have been adopted by all sorts of different races—from the ancient Irish to the Hindoos, and from the Russians to the Kaffirs and Japanese. These circumstances were in the main as follows: That there was plenty of land unoccupied; that

population was very scanty and increased slowly; that wants were simple; that people were content to go on living in the same way, generation after generation; that there was no commerce worthspeaking of; that manufactures were really that which they are etymologically—things made by the hands; and that there was no need of capital in the shape of money. Moreover, with such methods of warfare as then existed, the system was good for defence, and not bad for offence.

Yet, even if left to itself, to develop undisturbedly, without the intrusion of force, fraud or militarism in any shape, the communal system, like the individual-owner system or the State-[3280]owner system, or any other system that the wit of man has yet devised, would sooner or later have had to face the everlasting agrarian difficulty. And the more the communities enjoyed general health, peace, and plenty, the sooner would the pressure of population upon the means of support make itself felt. The difficulty paraded by the opponents of individual ownership, that, by the extension of the private appropriation of the means of subsistence, the time would arrive when men would come into the world for whom there was no place, must needs make its appearance under any system, unless mankind are prevented from multiplying indefinitely. For, even if the habitable land is the property of the whole human race the multiplication of that race must, as we have seen, sooner or later, bring its numbers up to the maximum which the produce can support; and then the interesting problem in casuistry, which even absolute political ethics may find puzzling, will arise: Are we, who can just exist, bound to admit the newcomers who will simply starve themselves and us? If the rule that any one may exercise his freedom only so far as he does not interfere with the freedom of others is all-sufficient, it is clear that the newcomers will have no rights to exist at all, inasmuch as they will interfere most seriously with the freedom of their predecessors. The population question is the real riddle of the sphinx, to which no political Œdipus has as [329] yet found the answer. In view of the ravages of the terrible monster, over-multiplication, all other riddles sink into insignificance.

But to return to the question of the manner in which individual several ownership has, in our own and some other countries, superseded communal several ownership. There is an exceedingly instructive chapter in M. de Laveleye's well-known work on "Primitive Property," entitled "The Origin of Inequality in Landed Property." And I select M. de Laveleye as a witness the more willingly, because he draws very different conclusions from the facts he so carefully adduces to those which they appear to me to support.

After enumerating various countries in which, as M. de Laveleye thinks, inequality and an aristocracy were the result of conquest, he asks very pertinently—

"But how were they developed in such countries as Germany, which know nothing of conquerors coming to create a privileged caste above a vanquished and enslaved population? Originally we see in Germany associations of free and independent peasants like the inhabitants of Uri, Schwyz, and Unterwalden at the present day. At the close of the middle ages we find, in the same country, a feudal aristocracy resting more heavily on the soil, and a rustic population more completely enslaved than in England, Italy, or France" (p. 222).

The author proceeds to answer the question which he propounds by showing, in the first place, that the admission of the right of individuals and their heirs to the land they had reclaimed, which [330] was so general, if not universal, created hereditary individual property alongside the communal property, so that private estates arose in the waste between the sparse communal estates. Now, it was not every family or member of a community that was enterprising enough to go out and clear waste lands, or that had the courage to defend its possessions when once obtained. The originally small size of the domains thus acquired, and the strong stimulus of personal interest, led to the introduction of better methods of cultivation than those traditional in the communes. And, finally, as the private owner got little or no benefit from the community, he was exempted from the charges and *corvées* laid upon its members. The result, as may be imagined, was that the private proprietors, aided by serf-labour, prospered more than the communities cultivated by their free members, seriously hampered them by occupying fresh waste lands, yielded more produce, and furnished wealth, which, with the help of the *majorat* system, remained concentrated in the hands of owners who, in virtue of their possessions, could maintain retainers; while, freed from the need to labour, they could occupy

themselves with war and the chase, and, as nobles, attend the sovereign. On the other hand, their brethren, left behind in the communes, had little chance of growing individually rich or powerful, and had to give themselves up to [331] agricultural toil. The Bishop of Oxford, in his well-known "Constitutional History of England" (vol. i., p. 51), puts the case, as his wont is, concisely and precisely: "As the population increased, and agriculture itself improved, the mark system must have been superseded everywhere." No doubt, when the nobles had once established themselves, they often added force and fraud to their other means of enlarging their borders. But, to begin with, the inequality was the result, not of militarism, but of industrialism. Clearing a piece of land for the purpose of cultivating it and reaping the crops for one's own advantage is surely an industrial operation, if ever there was one.

Secondly, M. de Laveleye points out that the Church was a great devourer of commune lands:—

"We know that a member of the commune could only dispose of his share with the consent of his associates, who had a right of resumption; but this right could not be exercised against the Church. Accordingly, in these days of religious fervour, the faithful frequently left to the Church all that they possessed, not only their house and its inclosure, but the undivided share in the *mark* attached to it" (p. 225). Thus an abbot, or a bishop, became co-proprietor with the peasants of a commune; and, with such a cuckoo in the nest, one can conceive that the hedge-sparrows might have a bad time. "Already [332] by the end of the ninth century one-third of the whole soil of Gaul belonged to the clergy" (p. 225). But, if the men who left their property to the Church believed that they got their *quid pro quo* in the shape of masses for their souls, as they certainly did; and if the Churchmen believed as sincerely (and they certainly did) that they gave valuable consideration for the property left them, where does fraud come in? Is it not again a truly industrial operation? Indeed, a keenwitted and eminent Scotch judge once called a huge bequest to a Church "fire insurance," so emphatically commercial did the transaction appeal to him

Thirdly, personal several property was carved out of the corporate communal property in another fashion, to which no objection can be taken by industrialism. Plots of arable land were granted to members of the commune who were skilled artificers, as a salary for their services. The craft transmitting itself from father to son the land went with it and grew into an hereditary benefice.

Fourthly, Sir Henry Maine²¹ has proved in a very striking manner, from the collection of the Brehon Laws of ancient Ireland, how the original communal landownership of the sept, with the allotment of an extra allowance of pasture to the chief, as the honorarium for his services of all [333] kinds, became modified, in consequence of the power of keeping more cattle than the rest of the sept, thus conferred on the chief. He became a lender of cattle at a high rate of interest to his more needy sept-fellows, who when they borrowed became bound to do him service in other ways and lost status by falling into the position of his debtors. Hence the chief gradually acquired the characteristics of what naturalists have called "synthetic" and "prophetic" types, combining the features of the modern gombeen-man with those of the modern rack-renting landlord, who is commonly supposed to be a purely imported Norman or Saxon product, saturated with the very spirit of industrialism—namely, the determination to get the highest price for an article which is to be had. As a fact, the condition of the native Irish, under their own chiefs, was as bad in Queen Elizabeth's time as it has ever been since. Again, the status of the original commoners of the sept was steadily altered for the worse by the privilege which the chief possessed, and of which he freely availed himself, of settling on the waste land of the commune such broken vagabonds of other tribes as sought his patronage and protection, and who became absolutely dependent upon him. Thus, without war and without any necessity for force or fraud (though doubtless there was an adventitious abundance of both), the communal system was bound to go to pieces, and [334] to be replaced by individual ownership, in consequence of the operation of purely industrial causes. That is to say, in consequence of the many commercial advantages of individual ownership over communal ownership; which became more and more marked exactly in proportion as territory became more fully occupied, security of possession increased, and the chances of the success of individual enterprise and skill as against routine, in an industrial occupation, became greater and greater.

The notion that all individual ownership of land is the result of force and fraud appears to me to be on a level with the peculiarly short-sighted prejudice that all religions are the results of sacerdotal cunning and imposture. As religions are the inevitable products of the human mind, which generates the priest and the prophet as much as it generates the faithful; so the inequality of individual ownership has grown out of the relative equality of communal ownership in virtue of those natural inequalities of men, which, if unimpeded by circumstances, cannot fail to give rise quietly and peaceably to corresponding political inequalities.

The task I have set myself is completed, as far as it can be within reasonable limits. I trust that those who have taken the trouble to follow the argument, will agree with me that the gospel [335] of Jean Jacques, in its relation to property, is a very sorry affair—that it is the product of an untrustworthy method, applied to assumptions which are devoid of foundation in fact; and that nothing can be more profoundly true than the saying of the great and truly philosophical English jurist, whose recent death we all deplore, that speculations of this sort are rooted in "impatience of experience and the preference of *a priori* to all other methods of reasoning."

Almost all the multitudinous causes which concurred in bringing about the French Revolution are happily absent in this country; and I have not the slightest fear that the preaching of any amount of political fallacy will involve us in evils of the magnitude of those which accompanied that great drama. But, seeing how great and manifold are the inevitable sufferings of men; how profoundly important it is that all should give their best will and devote their best intelligence to the alleviation of those sufferings which can be diminished, by seeking out, and, as far as lies within human power, removing their causes; it is surely lamentable that they should be drawn away by speculative chimæras from the attempt to find that narrow path which for nations, as for individual men, is the sole road to permanent well-being.

¹ In his famous work on *Ancient Law* the late Sir Henry Maine has remarked, with great justice, that Rousseau's philosophy "still possesses singular fascination for the looser thinkers of every country;" that "it helped most powerfully to bring about the grosser disappointments of which the first French Revolution was fertile," and that "it gave birth, or intense stimulus, to the vices of mental habit all but universal at the time, disdain of positive law, impatience of experience, and the preference of *a priori* to all other reasoning" (pp. 89-92). I shall often have to quote *Ancient Law*. The first edition of this admirable book was published in 1861, but now, after twenty-nine years of growing influence on thoughtful men, it seems to be forgotten, or wilfully ignored, by the rack of political speculators. It is enough to make one despair of the future that Demos and the Bourbons seem to be much alike in their want of capacity for either learning or forgetting.

² Those who desire to do so with ease and pleasure should read M. Rocquain's *L'Esprit revolutionnaire en France avant la Révolution*. It is really a luminous book, which ought to be translated for the benefit of our rising public men, who, having had the advantage of a public school education, are so often unable to read French with comfort. For deeper students there is, of course, the great work of M. Taine, *Les Origines de la France contemporaine*.

³ Sir H. Maine observes that the "strictly juridical axiom" of the lawyers of the Antonine era ("omnes homines naturâ æquales sunt"), after passing through the hands of Rousseau and being adopted by the founders of the Constitution of United States, returned to France endowed with vastly greater energy and dignity, and that "of all 'the principles of 1789' it is the one which has been least strenuously assailed, which has most thoroughly leavened modern opinion, and which promises to modify most deeply the constitution of societies, and the politics of States" (*Ancient Law*, p. 96).

⁴ If I had not reason to think that Mr. Morley's Rousseau and Sir Henry Maine's *Ancient Law*, especially the admirable chapters III. and IV., must be unknown to many political writers and speakers, and *a fortiori* to the general public, there would be no excuse for the present essay, which simply restates the case which they have so exhaustively treated.

⁵ From Mr. Herbert Spencer's letter in the *Times* of the 27th of November, 1889, I gather that he altogether repudiates the doctrines which I am about to criticise. I rejoice to hear it; in the first place, because they thus lose the shelter of his high authority; secondly, because, after this repudiation, anything I may say in the course of the following pages against Rousseauism cannot be disagreeable to him; and, thirdly, because I desire to express my great regret that, in however good company, I should have lacked the intelligence to perceive that Mr. Spencer had previously repudiated the views attributed to him by the land socialists. May I take this opportunity of informing the many correspondents who usually favour me with comments (mostly adverse, I am sorry to say) on what I venture to

write, that I have no other answer to give them but Pilate's: "What I have written I have written"? I have no energy to waste on replies to irresponsible criticism.

⁶ Compare *Ancient Law*.—"The Law of Nature confused the Past and the Present. Logically, it implied a state of Nature which had once been regulated by Natural Law; yet the juriconsults do not speak clearly or confidently of the existence of such a state" (p. 73). "There are some writers on the subject who attempt to evade the fundamental difficulty by contending that the code of Nature exists in the future and is the goal to which all civil laws are moving" (p. 74). The juriconsults conceived of Natural Law "as a system which ought gradually to absorb Civil Laws" (p. 76). "Its functions were, in short, remedial, not revolutionary or anarchical. And this unfortunately is the exact point at which the modern view of a Law of Nature has often ceased to resemble the ancient" (p. 77).

⁷ In the course of the correspondence in the *Times* to which I have referred, I was earnestly exhorted to believe that the world of politics does not lie outside of the province of science. My impression is that I was trying to teach the public that great truth, which I had learned from Mill and Comte, thirty-five years ago, when, if I mistake not my well-meaning monitor was more occupied with peg-tops than with politics. See a lecture on the "Educational Value of the Natural History Sciences" delivered in 1854 (*Lay Sermons*, p. 97).

⁸ The publication of Buffon's *Histoire Naturelle* began in 1749. Thus Rousseau was indebted to the naturalists; on the other hand, in the case of the elder Darwin, who started what is now usually known as Lamarck's hypothesis, the naturalist was set speculating by the ideas of the philosopher Hartley, transmitted through Priestley. See *Zoonomia*, I. sect. xxxix. p. 483 (ed. 1796). I hope some day to deal at length with this curious fact in scientific history.

⁹ *Contract Social*, livre 1^{er}.—Compare Hobbes' dedication of Human Nature written in 1640:—"They who have written of justice and policy in general, do all invade each other and themselves with contradictions. To reduce this doctrine to the rules and infallibility of reason there is no way, but, first, put such principles down for a foundation, as passion, not mistrusting, may not seek to displace; and afterwards to build thereon the truth of cases in the law of Nature (which hitherto have been built in the air) by degrees, till the whole have been inexpugnable." However, it must be recollected that Hobbes does not start from *a priori* principles of ethics, but from the practical necessities of men in society.

¹⁰ *Contrat Social*, v. pp. 98, 99. The references here given are to the volumes and pages of Mussay Pathay's edition (1826). *Discours*, *passim*; see especially p. 268.

¹¹ *Discours*, pp. 257, 258-276. How many wild sermons have been preached on this text:—"Ignorez vous qu'une multitude de vs frères périt ou souffre du besoin de ce que vous avez de trop, et qu'il vous fallait un consentement exprès et unanime du genre humain pour vous approprier sur la subsistance commune tout ce qui alloit audelâ de la vôtre?"

¹² *Discours*, pp. 276, 280. *Contrat*, chap. iii.:—"Telle fut ou dut être' (charming alternative!) "l'origine de la société et des lois, qui donnèrent de nouvelles entraves au foible et de nouvelles forces au riche, détruisirent sans retour la liberté naturelle, fixèrent pour jamais la loi de la propriété et de l'inégalité, d'une adroite usurpation firent un droit irrévocable, et, pour le profit de quelques ambitieux, assujettirent désormais tout le genre humain au travail, à la servitude et à la misère" (*Discours*, p. 278). Behold the quintessence of Rousseauism—method and results—with practical application, legible by the swiftest runner!

¹³ It is not to be forgotten that what we call rational grounds for our beliefs are often extremely irrational attempts to justify our instinct. I cannot doubt that human society existed before language or any ethical consciousness. Gregarious animals form polities, in which they act according to rules conducive to the welfare of the whole society, although, of course, it would be absurd to say that they obey laws in the juridical sense. The polities of the masterless dogs in Eastern cities are well known. And, in any street of an English town, one may observe a small dog chased by a bigger, who turns round the moment he has entered his own territory and defies the other; while, usually after various manifestations of anger and contempt, the bigger withdraws. No doubt the small dog has had previous experience of the arrival of assistance under such circumstances, and the big one of the effects of sticks and stones and other odd missiles; no doubt, the associations thus engrained are the prime source of the practical acknowledgment of ownership on both sides. I suspect it has been very much the same among men.

¹⁴ [Which may be Englished, in brief, "Crops are everybody's and land is nobody's."]

¹⁵ As to Hobbes, but on different grounds.

¹⁶ Submission to the Revolution of 1688 by Jacobites could be advocated ethically on no other ground, though all sorts of pretexts were invented to disguise the fact.

¹⁷ I may remind the reader that, in their original senses, [polis] and *civitas* mean, not an aggregation of houses, but a corporation. In this sense, the City of London is formed by the freemen of the City, with their Common Councillors, Aldermen, and Lord Mayor

¹⁸ For the difficulties which attach to the establishment of such probable conclusions, see the remarkable work of M. Fustel de Coulanges—*Recherches sur quelques problemes d'Histoire: Les Germains*.

¹⁹ Inalienable, that is, without the consent of the whole owning community.

²⁰ Rousseau himself not only admits, but insists on the validity of this claim in the *Contrat Social*, liv. i. chap.ix.

²¹ See *Early History of Institutions*, especially Lecture vi.

[Preface and Table of Contents](#) to Volume I, *Results and Methods*, of Huxley's *Collected Essays*.

Next article: [Natural Rights and Political Rights](#) [1890], pages 336-382.

Previous article: [Administrative Nihilism](#) [1871], pages 251-289.

PREVIEW

TABLE of CONTENTS

BIBLIOGRAPHIES

1. [THH Publications](#)
2. [Victorian Commentary](#)
3. [20th Century Commentary](#)

INDICES

1. [Letter Index](#)
2. [Illustration Index](#)

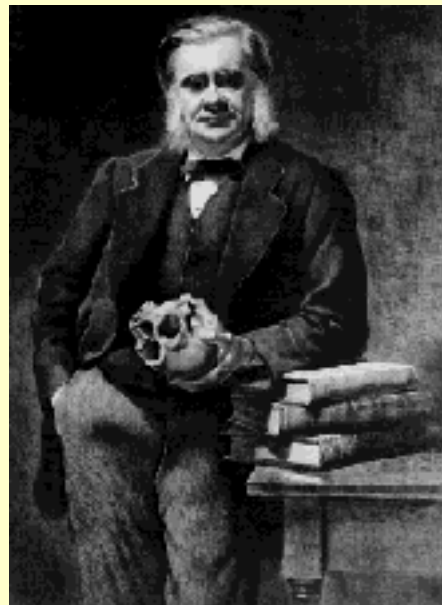
TIMELINE

FAMILY TREE

Gratitude and Permissions

[C. Blinderman & D. Joyce](#)
[Clark University](#)

THE HUXLEY FILE



GUIDES

- § 1. [THH: His Mark](#)
- § 2. [Voyage of the Rattlesnake](#)
- § 3. [A Sort of Firm](#)
- § 4. [Darwin's Bulldog](#)
- § 5. [Hidden Bond: Evolution](#)
- § 6. [Frankensteinosaurus](#)
- § 7. [Bobbing Angels: Human Evolution](#)
- § 8. [Matter of Life: Protoplasm](#)
- § 9. [Medusa](#)
- § 10. [Liberal Education](#)
- § 11. [Scientific Education](#)
- § 12. [Unity in Diversity](#)
- § 13. [Agnosticism](#)
- § 14. [New Reformation](#)
- § 15. [Verbal Delusions: The Bible](#)
- § 16. [Miltonic Hypothesis: Genesis](#)
- § 17. [Extremely Wonderful Events: Resurrection and Demons](#)
- § 18. [Emancipation: Gender and Race](#)
- § 19. [Aryans et al.: Ethnology](#)
- § 20. [The Good of Mankind](#)
- § 21. [Jungle Versus Garden](#)