

## Huxley's Critique from Social Darwinism

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The economic doctrines of Henry George attracted the attention of two of the most famous nineteenth-century biologists: Thomas Henry Huxley (1825–1895) and Alfred Russel Wallace. Each of them had played a major part in the development and publicity of Darwinism. Wallace, indeed, had arrived at Darwin's general conclusions quite independently of Darwin. In each case the man's distinction as a biologist guaranteed that his opinions on other subjects would receive serious attention. Wallace was greatly influenced by George, and although his eventual proposals were by no means the same as George's, he held the American's arguments in the highest regard, differing essentially on application rather than principle. Huxley, however, seemed to oppose George almost in toto, and his opposition was based in part on an interpretation or extrapolation of biological evidence—although it was also partly founded on economic, philosophical, or quasi-historical grounds. Some of Huxley's arguments were essentially a repetition, or a development, of the views advanced previously by W. H. Mallock, and these criticisms are examined in the chapter that deals with Mallock.

### **Biology and Natural Rights**

Huxley's biological objections may to a considerable extent be separated from his economic objections; but the former cannot be separated from his attitude to philosophical problems like the existence of "natural rights," or from his criticisms of other authors—notably Jean Jacques Rousseau—who had written about "natural rights" and about land, and whose views on both subjects bore some relationship to those of George. Huxley, indeed, considered that "the doctrine of 'natural rights' is the fulcrum upon which [George], like a good many other political philosophers, during the last 130 years,

rests the lever wherewith the social world is to be lifted away from its present foundations and deposited upon others."<sup>1</sup>

Huxley's disagreement with George is therefore expressed partly in attacks on Rousseau. Some of his objections were advanced in a correspondence with Herbert Spencer in *The Times* of November 1889, while his views were more fully developed in a series of articles that appeared in the *Nineteenth Century* not long afterward and were eventually reprinted in his *Collected Essays*.<sup>2</sup>

Huxley was a very lucid, but also a very prolix, writer. His essential "biological" arguments could be summed as follows: Men are not in any meaningful sense equal. *Natural rights*, in the ordinary sense of the term, do not exist; the only sense in which a man, or any other creature, possesses a "natural right" is that he has the "natural right" to do whatever he is capable of doing. Therefore, any economic or social theory that is based on the idea either that people are equal or that they possess *natural rights* (as the term is usually employed) is vain. Insofar as the theory of Henry George is based on the contention that all men possess natural and equal rights, it is valueless.

Huxley's essay "On the Natural Inequality of Men" is specifically directed against Rousseau, but also by implication against George and others who advanced "the revived Rousseauism of our day"—which in Huxley's view, "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."<sup>3</sup> From whose point of view, or on what moral basis, this "revived Rousseauism" was "working sad mischief" was not explained; presumably Huxley meant that it was in some way inimical to the general prosperity, perhaps the physical survival, of the human race. The doctrine that Huxley attacked, and that he claimed to see in Rousseau's *Le Contrat social* and his *Discours*, was as follows:

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.
2. 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 any thing which land

produces—without the unanimous consent of all other men. Under any other circumstances, property is usurpation, or, in plain terms, robbery.

3. Political rights therefore are based upon contract; the so-called right to conquest is no right, and property which has been acquired by force may rightly be taken away by force.<sup>4</sup>

Part of the foregoing, of course, is no part of George's doctrine, and would probably have been repudiated by George; yet some of the ideas of Rousseau are evidently present in George's teaching.

"What" demanded Huxley, "is the meaning of the famous phrase that 'all men are born free and equal. . . . ?'" The only "equality" that newly born babies possess is the "equality of impotence." Furthermore,

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 own language and all the connotations with which words become 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?<sup>5</sup>

Like all forms of determinist philosophy, this line of argument seems to lead to the conclusion that the philosopher himself is also determined, and that the conclusions that he reaches are therefore the product of his predetermination and not of the free exercise of his reason. But we must follow Huxley's contentions further.

Not only are people not free, Huxley tells us, but they are also not equal.

Among a body of naked wandering savages . . . 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 the 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 will, 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 impracticality on every theory of what ought to be, which starts from it.<sup>6</sup>

In this passage, as far as it goes, Huxley is surely on solid ground; for all ordinary experience demonstrates that human capacities and other attributes differ enormously. His criticism, however, is of loose English rather than of loose ideas. The usual sense in which the word *equal* is applied to men is that they are (or should be) equal before some sort of tribunal: that they are, for example, equally important in the eyes of God; or that they should have equal access to a human court of law, which will judge their causes according to precepts that were laid down before their particular claims were formulated.

If Huxley's attack on the "natural right" to "freedom" and "equality" seems to challenge many established notions at their very root, his attack on "natural rights" is pressed elsewhere to even more disturbing lengths. In his essay "Natural Rights and Political Rights," Huxley appears to see men and tigers as part of a common order of nature that is indeed as the poet said, "red in tooth and claw." They are invested with equal rights to destroy, or to inflict pain upon, each other:

If, then, we deny that tigers have a natural right to torment and devour men, we really impeach not the conduct of the tigers, but the order of nature. And if we ourselves, with our notions of right and wrong, are, like tigers, the products of that order, whence comes our competence to deny the existence of their natural rights to those beings who stand upon the same foundation of natural rights as ourselves? To say that a thing exists in nature, and to say that it has a natural right to existence are, in fact, merely two ways of stating the same truth; which is that, in nature, fact and justification of the fact, or, in other words, might and right, are coextensive.<sup>7</sup>

Just as there is no absolute tribunal to which a man and a tiger may appeal, so also is there no absolute tribunal to which two men with conflicting interests may appeal. Suppose, Huxley argues, Robinson Crusoe and another man (whom he calls Will Atkins) have both been shipwrecked on an island, and they happen to be stalking the same goat. They are "in a position identical with two tigers in the jungle slinking after the same Hindoo, so far as the law of nature is concerned. And if each insisted upon exerting the whole of

his natural right, it is clear that there would be nothing for it but to fight for the goat.”<sup>8</sup>

This may appear to lead to a totally anarchic condition of affairs, in which every man is constantly at war with every other man: a condition that would clearly not conduce to the survival of the human race. Huxley, however, tries to save us from that situation:

The two men would, in reality, renounce the law of nature, and put themselves under a moral and civil law, replacing natural rights, which have no wrongs, with moral and civil rights, each of which has its correlative wrong. This, I take it, is the root of truth which saves the saying of Paul of Tarsus that “sin came by the law” from being a paradox. The solitary, individual man, living merely under the so-called “law of nature” which cannot be violated and having rights the contradictions of which are not wrongs, cannot sin.<sup>9</sup>

Whether this is really very different from Rousseau’s own idea of a “social contract” is perhaps open to doubt. The real problem, however, concerns the question of sanctions. Suppose that Crusoe and Atkins freely agree to some law that will govern the future killing and eating of wild goats on the island, and one of them later violates that agreement. Before what court, and on what ground, should complaint be made? If the offender denies his offence, how may it be proved against him? What remedy should the aggrieved party seek against the other, and how may he enforce it? Huxley’s argument seems to imply that, whereas a man may rob or kill another without any turpitude in the absence of contract, yet the establishment of a contract produces a relationship so binding that it is inconceivable that any man should break it.

More difficult still is the situation that arises when a third man lands on the island. Is there any sense in which the Crusoe-Atkins agreement is morally binding on him? Lawyers are usually reluctant to see a *jus tertii* arising out of a contract; yet Huxley seems to imply rights and obligations that will govern all future inhabitants of the island—all springing from the original agreement, and all of such a compelling nature that it is inconceivable that they will be violated.

Thus Huxley’s attempt to erect a system of contractual rights in place of “natural rights” must collapse. If his view about the invalidity

of “natural rights” is to be taken seriously, then the moral for those who feel themselves aggrieved by existing arrangements is clear enough. As one of Huxley’s contemporaneous critics very neatly put it: “All these witty similes about the right of the tiger to eat the Hindoo and that of the Hindoo to shoot the tiger are summed up in that simple argument, very natural in the mouth of the great biologist, that the only right is that of the stronger. To avoid all discussion let us accept that proposition and let us ask Mr. Huxley if he contests the natural right of the people to their soil if they are strong enough to take it from the minority which now has got possession of it.”<sup>10</sup>

A philosopher would probably say that Huxley’s arguments have not really struck at the notion of “natural rights” at all; what Huxley has done is to show that many writers have used the term loosely and without sufficient thought. The existence or otherwise of “natural rights” is, however, hardly the problem. Unless most people in a society accept, however tacitly, that some sort of “natural rights” exist that must be respected even when they run counter to people’s own interests, then the alternative seems to be a chain of violence extending throughout the whole human future: a future that, on that particular hypothesis, is not likely to be a very long one. It is perhaps useful at this stage to make a substantial digression to see what, if anything, may be done to save mankind from supervening chaos if we follow Huxley in discounting “natural rights” and yet cannot accept the alternative ethical system that he offers.

The bearing of Rousseau upon George is oblique. Rousseau’s ideas of “natural” equality and rights were much in vogue at the time of the American Revolution. Though Jefferson was no slavish follower of Rousseau, there is surely a Rousseauesque flavour in the rhetoric of the Declaration of Independence: “We hold these truths to be self-evident: That all men are created equal, and that they are endowed by their Creator with certain unalienable rights. . . .” This almost took on the character of infallible Holy Writ for patriotic Americans. George, though writing a century later, proudly proclaimed himself a “Jeffersonian Democrat” and stood fully in the tradition of the men of 1776. The religious views of George were far more orthodox than those of either Rousseau or Huxley, and he would probably have seen the source of “natural rights” in the fiat of God. George, and

probably the men who framed the American Constitution, would have meant by the word *equal*, "with souls equally valuable to God." Huxley's criticisms only concerned deductions drawn from secular reasoning. He does not discuss the possibility that the men may be restrained from fighting over the goat because God has implanted in each of them a moral consciousness that—in certain circumstances at least—is powerful enough to hold them from each other's throat. This intellectual position, whether correct or not, is logically unassailable.

Yet, whether a system of natural rights may be derived from a theological basis or not, both Huxley's society and ours contain many people who doubt or deny the validity of that basis. Such a society cannot long survive unless there is some alternative means of persuading people to forgo their own apparent advantage for the benefit of others.

Even before Huxley's critique had been written, another writer, Samuel B. Clarke, sought by a different line of argument to defend the basis to which George appealed:

So many fantastic schemes have been put forward in the name of man's natural rights that there is, undeniably, some excuse for the incredulity with which propositions purporting to have that basis are frequently met. But a little reflection will be apt to lead to a universal admission that the standard of rights to which George appeals is valid. Little children in their play vaguely perceive and roughly act upon it in adjudging some of their fellows fair and others unfair. Our conduct in matters outside the domain of positive law in a social club for instance, is governed by it. In desperate emergencies, as at Cape Sabine, we unflinchingly exact the forfeiture of life itself from the man who will not conform to it.<sup>11</sup>

No doubt the modern psychologist would look with some suspicion at any evidence about absolute ethics that derives from such sources as those discussed above. The anthropologist would probably go further still, and tell us that there are some societies where a particular act is forbidden, and other societies where precisely the same act is not merely permitted, but is actually regarded as obligatory. Yet, in spite of all these difficulties, the idea of "fairness" and "unfairness" is almost universally held, and the great majority of human beings seem to agree in the great majority of circumstances

as to whether a particular act is fair or not. Huxley himself gives curious and oblique evidence of this, for some of the criticisms he advances against George really amount to the contention that George was morally as well as logically at fault in advancing certain arguments, or advancing them in certain ways: that George, in fact, was being "unfair." At one point Huxley's sense of moral rectitude is so outraged that he can scarcely keep his temper: "The political philosopher who uses his *a priori* lever, knowing that he may stir up social discord, without the most conclusive justification, to my mind comes perilously near the boundary which divides blunders from crimes."<sup>12</sup>

In fact, this wrangle over "natural" rights is of very little significance either to George's case or to Huxley's. It seems strange that Huxley should have bothered to spin out far-fetched and unconvincing myths about marooned mariners and dead goats in order to derive a basis for social behaviour, when a perfectly simple biological explanation lay at his elbow. In man, as in other social animals, individuals frequently exhibit a kind of behaviour that evidently runs counter to the interest of the particular creature concerned, but is of value to the species as a whole. A parent, for example, will often defend its child against a dangerous enemy, at risk to the parent's life, when the parent could easily have made good its own escape by abandoning the child. Often far more complex patterns of "unselfish" behaviour may be observed. Social hymenoptera, for example, will sting an assailant to their hive, even though the particular individual who does the stinging is always likely, and in some species certain, to die as a result. There is every reason to believe that these behaviour patterns are the products of natural selection; they have been preserved because they have proved of advantage to the species, even though of disadvantage to the individual who displays them.

Just as a man is likely himself to practice certain kinds of "unselfish" behaviour, so also does he expect others to conform to the code that he would follow (or thinks he would follow) in comparable circumstances. Whether we call all this a recognition of "natural rights" possessed by others, or whether we call it no more than a common pattern of behaviour preserved by natural selection, is a matter of



vast philosophical significance but singularly little practical importance from the point of view of those who need to pronounce on the organization of society. Mankind, it seems, has been saved from the social collapse that seemed to confront him, not by the philosophy of either George or Huxley, but by his genetic constitution, which disposes him in some ways to cooperate with his fellows.

While Huxley really should have recognized the biological basis of intraspecific cooperation, there is another limb of his "Social Darwinism" that might seem to bring him into conflict with George: his emphasis on the importance of intraspecific competition. This argument is not set out with great clarity by Huxley in the particular works that we are here examining, although it had been put so clearly elsewhere that he might reasonably have assumed that the reader would already be familiar with it. It appears to me, however, that this element of "Social Darwinism" explains, more than anything else, why Huxley took general issue with George. Competition between individuals within a biological species is essential to provide that steady biological "improvement" of the species that is necessary for its numerical increase and even for its continuance. This competition produces what is often tautologically described as *survival of the fittest*—an unfortunate term, for the only test of "fitness" is survival power. We may perhaps avoid the tautology by arguing that intense competition between members of a species (including man) would be likely to result in the selective survival of individuals possessing characteristics like physical strength or intellectual ability; while, *ceteris paribus*, individuals not possessing those characteristics would be less likely to survive and leave progeny. If, however, the "weaker" members of human society were preserved by the mitigation of gross poverty—a condition that George and most other social reformers envisaged—then the eugenic effect would be reduced, or even totally destroyed.

The crude and violent logic of this argument, however, depends on the assumption that "desirable" hereditary characteristics are on the whole possessed by the wealthier members of the society and the "undesirable" hereditary characteristics by the poorer members. Happily, however, there seems singularly little evidence that this is the case in civilized human societies, and we are therefore spared

some highly unpalatable moral dilemmas. In the vast majority of animal species, the parents of a new individual afford it no sort of special protection once it has reached adulthood. By that time, if not long beforehand, the one gift it retains from the parents is its assembly of genes. In man, however, the effect of economic inheritance is that advantages secured in one generation may be retained for many succeeding generations, and give the possessor a much greater chance of surviving and leaving progeny than would otherwise be the case. This condition prevails whether the succeeding generations retain the biologically desirable characteristics or not.

Thus a large proportion of the people who have occupied positions of high social rank seem to have possessed no recognizable characteristics—intellectual or physical—in any way above the ordinary. Indeed, there are various cases where biologically heritable characteristics of a positively harmful nature (such as haemophilia) have been preserved only because their possessors happened to live in cosseted conditions. Conversely, an intellectual genius arising as a mutation in (for example) a peasant community, or a community of nineteenth-century laborers, would be less likely to survive than an individual less well endowed—if for no other reason than because high mental qualities are not usually consistent with a capacity to perform dull and repetitive work that his station in life demanded. This particular interpretation of “Social Darwinism,” in other words, is not only a very unpleasant doctrine from the point of view of those who happen to be its victims, but also one whose justification, even on the most strictly biological grounds, is dubious in the extreme.

Even if the existence of “natural rights” were conceded, Huxley would apparently disagree with those particular “natural rights” that George claims to perceive. *Progress and Poverty* is quoted: “What constitutes the rightful basis of property? What is it that enables a man to say justly of a thing, ‘It is mine’? Is it not primarily the right of a man to himself, to the use of his own powers, to enjoyment of the fruits of his own exertions?”

Huxley argues that a man’s qualities are very largely the product, not of his own efforts, but of the efforts of others.

So that the man’s right to himself and to all his powers and to all the products of his labour, which [George] makes the foundation of his system,

turns out, if we follow another fundamental proposition of the same author to its logical conclusion, to be a right to a mere fraction of himself and to the exercise of the powers which exclusively belong to that fraction. Surely it would take a greater sage than Solomon to settle the respective claims of mankind in general, the mother and the educators, to the ownership of a child, and when these were satisfied what might remain in the shape of a right to himself would be hardly big enough to form a safe basis for anything, let alone property.<sup>13</sup>

This consideration seems to lie at the root of Huxley's confusion between "land" and "capital," which I discuss in the chapter on Mallock. Huxley takes an almost mystical view of "capital," which has been summarized recently by Charles F. Collier:

Huxley's argument was that all life on earth presupposed a prior accumulation of capital. A nursing infant, for instance, was said to "borrow" "capital" from its mother's "savings." In all cases, grass and green plants are the basis of food because, unaided by human labor they produce the basic "work-stuff," the material which provides the energy to do work. "The one thing needful for economic production is the green plant, as the sole provider of vital capital from inorganic bodies." But even green plants need sunlight to grow. That led Huxley to conclude that the sun is "the primordial capitalist as far as we are concerned."<sup>14</sup>

*Capital*, as Huxley uses the term, thus covers a large part of what George and most other economists include in their definition of *land*, and that they distinguish completely from *capital*. Yet ordinary experience suggests that the exertion of labor upon land does produce a thing, "capital," to which the man who exerted the effort possesses a higher title than does the generality of mankind. If a savage cuts a stick, fashions it into a hook, and uses that hook for pulling down wild fruit—then has not that particular savage some moral right of complaint against another man who takes it from him? Is that complaint any less valid because the first savage, the thief, the hook, and (for that matter) the fruit all depend on solar energy for their existence?

### **Theoretical and Practical Problems of Georgism**

To Huxley, the practical problems were no less grave than the moral ones: "It is a necessary condition of social existence that men should

renounce some of their freedom of action; and the question of how much is one that can by no possibility be determined *a priori*. That which it would be tyranny to prevent in some states of society it would be madness to permit in others."<sup>15</sup> Huxley's theoretical and practical objections to George on this score are conveniently considered together.

George, of course, nowhere confutes either the need for some freedoms to be renounced as "a necessary condition of social existence," or the proposition that this necessary quantum will vary widely through time and space. The only serious problem is who should determine the quantum required. Huxley seems to imply that it should be decided by some kind of aristocracy or otherwise privileged individuals. He cites the powers of the Roman paterfamilias and the claim that is made by the state for taxes, or for military service, as demonstrations that "society's existence turns on the fact that its members are not exclusive possessors of themselves." Yet Huxley also seems to realize that this line of argument has more dialectical force than real substance: "However, there is no greater mistake than the hasty conclusion that opinions are worthless because they are badly argued. The principle that 'the exertion of labour in production is the only title to exclusive possession' has a great deal to say for itself if we only substitute 'may be usefully considered to be a' for 'is the only.'"<sup>16</sup>

No harm will be done to George's essential case if we accept Huxley's rephrasing. The argument that men need to renounce some "rights to themselves" as a condition of living in a society must be used with some caution. The presumption, surely, must be that a man has a right to freedom, and to the possession of those things that he has made himself, or has derived by free agreement from those who have. We must go with Huxley in his contention that these rights may sometimes be displaced; but the *onus probandi* lies heavily on the shoulder of him who disputes that claim to possession, not on the man who seeks to defend it.

Here it is perhaps useful to employ a legal parallel. A man who holds a thing is presumed to have a good title to it; the burden of displacing that title lies on the man who challenges it. Even a thief has some title to a stolen chattel; his title, in fact, is good against

anyone but the rightful owner; and a third person who without authority takes it from the thief is himself guilty of larceny. Likewise, we may well accept that a man's qualities are largely—even mainly—the products of the efforts of other people. This, however, does not even give "society" as a whole, much less some particular individual who professes to embody the claims and interests of society, the right to take that thing away, unless it is possible to show that he who does the taking away has a better title than the possessor. For reasons already considered, the mere occupation of high office in no way raises the presumption even of biological superiority, let alone that the incumbent possesses altruistic concern for others in the society.

Or perhaps the argument might be put another way. Every man, it is true, has derived benefits, and even his personal qualities, from others; but it is also true that each man has given benefits to others, and contributed to their qualities. Because it is impossible to draw up a satisfactory balance-sheet, the most simple and practical device is to presume that everyone is entitled to those things that he has made, unless it can be shown that some other particular individual is better entitled; or unless it can be shown that compelling reasons exist for the view that the general interest of the whole community really does require that the possessor should be deprived of his possession. In any case, it is very important to distinguish sharply between the true interests of the "society," and the personal convenience—or greed—of those who happen to rule that society.

The tenor of Huxley's argument hereafter is not wholly clear, but he seems to be implying that a priori moral or economic reasoning is so fallible that the best pragmatic rule is to defend as absolute not merely existing titles to things, but also existing powers and privileges. In this he seems to be moved, not so much by any strong conviction that existing arrangements are particularly desirable in themselves, but rather by fear that any deliberate disruption of the existing social order, whether in obedience to George or to anyone else, is likely to present unforeseeable, and probably unpleasant, consequences—not least because it is exceedingly difficult to formulate governing principles for such a society that would be generally accepted. This may well be true. Yet already in Huxley's time, and far more so in our own, large numbers of people have come to

challenge the existing distribution of wealth. That challenge would assuredly have been made without assistance from Rousseau, from George, or (for that matter) from any other thinker whose name we may specify; and, for weal or woe, that challenge will assuredly continue to be made. In one sense, it is more the product of technology and science than of any economic or philosophical thinking. Huxley, as we have seen, angrily assails "the political philosopher who uses his *a priori* lever, knowing that he may stir up social discord"; what he fails to appreciate is that the social discord owes singularly little to George or to any other political philosopher. What led to "social discord" was the visible fact of economic change, in the wake of accelerating industrialism; economic change, which caused men to wonder whether the whole order of society, as well as the production and distribution of goods, might not be susceptible of alteration through conscious human effort. In most preindustrial societies, the passage from one class to another was reserved for a few who combined exceptional capacity with exceptional luck, and the great mass of mankind will readily believe:

The rich man in his castle  
The poor man at his gate,  
God made them high or lowly  
And ordered their estate.

With industrialism, many people found social roles changing rapidly, and began to ask whether those roles could not be changed further.

Yet one is left with the impression that Huxley, in his eagerness as a controversialist, had misunderstood the implications of George's teachings; indeed, if he had understood them better, Huxley might well have found himself in a considerable measure of agreement. If Huxley's "Social Darwinism" meant that the "unfit" should be so ground down in poverty that they, or their progeny, would meet untimely deaths, then it was surely anathema to George's humanitarianism as well as his economics. But if Huxley's "Social Darwinism" was primarily concerned to ensure that those who were possessed of exceptional qualities should be enabled to move speedily up the social scale into positions of leadership, to the advantage of them-

selves, and ultimately of mankind as a whole, then assuredly this was completely on all fours with George's libertarian approach. Not least of the deplorable features of the economy against which George inveighed was the manner in which it preserved the "unfit" in high social positions, and deprived many others of the opportunity to reach positions where their capacities would be fully utilized. The logical development of Huxley's biological approach was not to defend a system that not merely offended against the growing moral consciousness of his time, but was also palpably inviable; rather should he have sought to canalize the forces of change into directions that would preserve and accentuate opportunity and beneficial competitor.

What George surely demonstrated was that the existing land system, by arbitrarily excluding some individuals from those natural resources that are essential to the full exercise of their capacities, acted not merely as an obstacle to them, but also as a hindrance to mankind as a whole. Nor is it necessary, in order to remedy that cause of complaint, that each individual should have personal access to natural resources—provided that those who do have access compensate the remainder by paying into some common fund the market value of the benefit they receive. This demonstration promoted one of George's arguments in repudiation of the *prima facie* presumption in favor of existing titles to land. George, it is important to remember, was in no sense a socialist. He demanded *la carrière ouverte aux talents*; he never preached the disastrous doctrine that social reformers should attempt to establish a dead level of possessions between men whose aptitudes of application were different from each other. *Progress and Poverty* was a book designed to show that certain proposals would dispel poverty, but George's essential arguments could have been directed just as well to people whose principal concern was to ensure the best utilization of human capacities, wherever they might appear, in order to stimulate the advance of all mankind.

Whatever may be said against private ownership of land on the grounds that we have just been considering, the landowner might perhaps be able to defend his title on a different basis, if he could show that land ownership was in all essentials similar to the

ownership of chattels. George, like many land reformers, considered that land, unlike chattels, had been common property in early society; that existing land titles were effectively rooted in ancient theft. To this Huxley retorts: "Almost all parts of the world and almost all societies, have yielded evidence that, in the earliest settled condition we can get at, land was held as private and several property, and not as the property of the public, or general body of the nation."<sup>17</sup> Unfortunately, Huxley does not proceed to adduce examples in support of this striking statement. I at least must confess myself quite mystified as to the source of the substantive information. The Sumerians, for example, seem to have taken the view that land belonged to the tribal gods. The Hebrew Scriptures set in the mouth of the Almighty the unambiguous assertion: "The land shall not be sold for ever, for the land is Mine; for ye are strangers and sojourners with Me."<sup>18</sup>

In early Roman law the disposal of *res mancipi*—a category including land, but also certain other things—could take place only by a special process that was not necessary for *res non mancipi*. In English Common Law, ownership of land is still vested only in the Crown. The highest title that a subject may possess—a fee simple—is now for all practical purposes tantamount to ownership, but originally this was not the case, and the subject was required to render services or goods to the Crown in consideration of his title to land. In the Scottish Highlands, the system of runrig, by which grazing land was common, and arable land was periodically reallocated among the clansmen, persisted right into the nineteenth century. Comparable examples may be quoted freely from other societies. Broadly speaking, the further back a country's legal system is traced, the sharper becomes the distinction between land and other kinds of property, and the clearer the recognition that no particular man had a better title to own land than any other, save insofar as he was rendering some special service to the community as a whole in consideration of that title.

When Huxley proceeds to amplify his own views of early landholding, he declares: "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 inalienable ownership by the members of a family or a small number of actual or supposed kindred families . . . These circumstances were in the main . . . that there was plenty of land unoccupied; that population was very scanty and increased slowly . . .”<sup>19</sup>

If, contrary to present indications, the validity of Huxley's contentions about early landholding be established, it will be observed that the workings of that system turned on there being “plenty of land unoccupied.” In that case it would not be a matter of great importance whether the “complete and inalienable ownership” of cultivated sites was recognized or not, for the landless man could always secure as much land as he wanted for the mere taking; while, conversely, there was no advantage for a family to hold any more land than its own members could work. The evil against which George protested was a system under which some men owned far more land than they could work, and others were almost or completely without land. While the matter on which Huxley and George disagree is of historical interest, they seem both to accept the practical and vital point that within early societies all men had access to as much land as they required.

Yet, while George confutes the morality of the landowner's original title, he does not regard this as good enough reason, in itself, for overriding the claim of the present incumbent. This point is discussed admirably in his second great book, *The Irish Land Question* (1881). If, argues George, I am able to prove that the remote ancestor of another man robbed my own remote ancestor of some money or chattel, this does not give me a reasonable claim against the title of the present holder. Conversely, however, if the profession of the remote ancestor was piracy, it does not give his descendant the right to continue the business, even though the intervening generations have done so. “The past is forever behind us,” wrote George. “We can neither punish nor recompense the dead. But rob a people of the land on which they must live, and the robbery is continuous. It is a fresh robbery of every succeeding generation—a new robbery every year and every day; it is like the robbery which condemns to

slavery the children of the slave. To apply to it the statute of limitations, to acknowledge for it the title of prescription, is not to condone the past; it is to legalize robbery in the present, to justify it in the future . . . ”<sup>20</sup>

A more serious moral difficulty confronts the land reformer when he comes to face the next question: if the landowner has no moral right to the economic rent of land—then who has? Huxley quotes George’s magisterial declaration: “The Almighty, who created earth for men, and men for the earth, has entailed it upon all the generations of the children of men by a decree written upon the constitution of things—a decree which no human action can bar and no prescription determine.”<sup>21</sup>

Huxley does not so much challenge George’s hypothesis as draw his own conclusions therefrom: “Hence it follows that the London infant has no more title to the Duke of Westminster’s land, and the New York baby no more to Messrs. Astor’s land, than the child of a North American squaw, of a native Australian, or of a Hottentot.”<sup>22</sup>

W. E. H. Lecky, in the somewhat later work *Democracy and Liberty*, embellishes and develops Huxley’s point. Referring to the condition in the United States, he observes:

It is at least quite certain that the original owners of the soil whoever they may have been, were not the members of the Anglo-Saxon race. If there is no such thing as prescription in property; if violent dispossession in a remote and even a prehistoric past invalidates all succeeding contracts, the white man has no kind of title, either to an individual or to a joint possession of American soil. The sooner he disappears, the better. Against him, at least, the claim of the Red Indian is invincible.

But in truth the principle of Mr. George may be carried still further. If the land of the world is the inalienable possession of the whole human race, no nation has any right to claim one portion of it to the exclusion of the rest. . . . And what possible right, on the principle of Mr. George, have the younger nations to claim for themselves the exclusive possession of vast tracts of fertile and almost uninhabited land, as against the teeming millions and the over crowded centres of the Old World?<sup>23</sup>

Not without force, Huxley points out that many landless Britons, who joyfully acclaimed George’s assertion that they were entitled to a share in the land currently owned by a small indigenous class, would have repudiated with considerable indignation the con-

tention that people of other nationalities had a claim equal to their own.

This line of criticism has been examined in particular by two writers, one a contemporary of Lecky and Huxley, the other modern. Max Hirsch, writing in 1901, declares that: "Admitting that all men, without distinction of race or colour, have equal rights to all the earth, it by no means follows that none of them may take possession of any part of it; what does follow is, that no one of them may take more than his equal share of land, without compensating all others for the special privilege which he assumes."<sup>24</sup>

Perhaps the purist would challenge the implication that only men with "more than [their] equal share of land" ought to compensate the others, but the general argument is at least consistent with George's proposals insofar as they concern the internal arrangements of states. George does not seek to displace existing landowners from their holdings; he merely asks that they should pay the community for the benefits that they receive, through a tax on land values.

Hirsch goes on to argue that "if all mankind formed one social body, the contention would be true, that this social body must frame regulations safeguarding the equal rights of all men to the use of the whole earth. As long, however as men are associated in several and distinct social bodies, justice is satisfied, if each of these social bodies frames regulations safeguarding the equal rights of all its members to all the land which each of these social bodies controls. As between the members of each social body, justice requires such regulations to be framed, whether they are or are not equally framed by other social bodies."<sup>25</sup>

Robert V. Andelson, writing in 1971, develops this theme a little further:

While the application of Lecky's argument might give every Mauritanian Bedouin and Albanian peasant a moral share in the wheat-lands of Kansas, it would also give every Swiss banker and Scottish shipbuilder a moral share in the oilfields of Iran. Lecky's objection, however, possesses only *prima facie* validity. That is to say, it would be valid if all mankind were a single covenant community in which respect for rights was everywhere and equally implanted. Since this is not and will not be foreseeably the case, the covenant community, where it exists, can only protect itself from dissolution by insisting upon territorial sovereignty.<sup>26</sup>

Hirsch used a further argument, which was losing validity even in his own day and has now become even more questionable. The young nations, he suggested, "prefer no claim to . . . exclusive possession, in the only sense in which the term can be legitimately used here; i.e., that they deprive the members of the older nations of the use of such land. Unable, even if they were willing, to bring the land which they control to the inhabitants of the older world, they have no objection to the latter coming to that land; nay, are anxious for them to do so. When, therefore, they have appropriated rent for common purposes, they will have recognised the equal right of all men to their land."<sup>27</sup>

Andelson, with the baleful record of the intervening seventy years before him, sees this condition as an ideal rather than an actuality: "If the inhabitants of poorer regions are not arbitrarily excluded from immigration, their right is afforded the fullest possible recognition consistent with the geographically-uneven social progress of the race."<sup>28</sup>

Modern experience had laid much stress on the essentially inequitable distribution of land between nation-states, and the tremendous influence of quite accidental considerations, like the discovery of minerals, on the prosperity not merely of individuals or classes, but of whole communities. Furthermore, nation-states of economic blocs have become less and less willing to accept immigrants from outside during the course of this present century; indeed, they have often set restrictions on the free movement of ethnic groups among their own subjects. In an absolute sense, there can be no convincing defence for the proposition that nation-states are entitled to arrogate the economic rent of land for their own exclusive use—particularly when those nation-states deny outsiders free access to their resources. The argument in favor of the collection of land rent by nation-states is not that it is an ideal arrangement for the whole future of mankind, but that it represents a very great improvement upon the present condition of affairs. Yet it seems to carry the implication that the more fortunate nation-states have some kind of moral obligation toward others who are less well endowed.

### **Huxley and Mallock's Critiques Compared and Contrasted**

The writing of Huxley leaves us with a curious impression of the man, very different indeed from that which we receive of Mallock. Huxley was a controversialist so committed—so bitter, even—that although in one sense he was a sincere and fearless seeker after truth, yet, once he had entered a quarrel he took Polonius's famous advice completely to heart. The winning of that immediate controversy became for him a more important matter even than the furtherance of the ideas that lay at the root of his social thought.

I have written of Mallock that he won some battles against George, but lost the war. The same could be said of Huxley, though in a very different sense. Mallock started from principles irreconcilable with those of George. He lost his war because he was fighting on the wrong side. Huxley lost his war, at least in the biological field, because he took issue with a man who need not have been treated as an enemy at all; because he entered a wholly unnecessary conflict through a mistaken understanding.

### **Notes**

1. T. H. Huxley, "Natural Rights and Political Rights," *Collected Essays* (1890; London: Macmillan, 1894), 1:338.
2. T. H. Huxley and Herbert Spencer correspondence, *The Times*, 7, 11, 12, 15, 18, 19, 21, and 27 November 1889. Huxley, "On the Natural Inequality of Man," *Collected Essays*, 1:290 ff.; "Natural Rights and Political Rights," *ibid.*, pp. 336 ff.; "Capital the Mother of Labour," *Collected Essays*, 9:147 ff.
3. Huxley, "Inequality," *Collected Essays*, 1:295.
4. *Ibid.*, pp. 304–05.
5. *Ibid.*, pp. 305–07.
6. *Ibid.*, p. 309.
7. Huxley, "Natural Rights," *Collected Essays*, 1:345–46.
8. *Ibid.*, p. 354.
9. *Ibid.*, p. 355.
10. Michael Flürscheim, "Professor Huxley's Attacks," *Nineteenth Century* 27 (1890): 639 f. and 648.
11. Samuel B. Clarke, "Criticisms upon Henry George, Reviewed from the Stand-Point of Justice," *Harvard Law Review* 1, no. 6 (1887–1888): 265–93, at 266–67.
12. Huxley, "Natural Rights," *Collected Essays*, 1:362.

13. Ibid., pp. 366–67.
14. Charles F. Collier, “Henry George’s System of Economics: Analysis and Criticism,” Ph.D. dissertation, Duke University, 1975, pp. 127–218.
15. Huxley, “Natural Rights,” *Collected Essays*, 1:356.
16. Ibid., p. 369.
17. Huxley, “Inequality,” *Collected Essays*, 1:323.
18. Leviticus 25:23.
19. Huxley, “Inequality,” *Collected Essays*, 1:324, 327.
20. Henry George, *The Land Question* [and Other Essays] (New York: Robert Schalkenbach Foundation, 1965), p. 51. This work was originally published as *The Irish Land Question*.
21. Huxley, “Natural Rights,” *Collected Essays*, 1:380–81. The quotation is from an early edition of *The Land Question* and corresponds, with minor differences in wording, to a passage on p. 52 of the edition used here.
22. Ibid.
23. W. E. H. Lecky, *Democracy and Liberty* (London: Longmans Green & Co., 1896), 2:293–94.
24. Max Hirsch, *Democracy versus Socialism* (London: Macmillan, 1901), p. 362.
25. Ibid., p. 362.
26. Robert V. Andelson, *Imputed Rights* (Athens, GA: University of Georgia Press, 1971), p. 110.
27. Hirsch, *Democracy versus Socialism*, p. 363.
28. Andelson, *Imputed Rights*, p. 110.