

## Chapter V— Mr. Spencer's Task

THE first eight chapters of *Justice*, as we have seen, bring Mr. Spencer by a different route to the same "first principle" which he had laid down forty years before in *Social Statics*, and from which he had deduced the equal right of all men to the use of land and the ethical invalidity of private property in land—"all deeds, customs, and laws notwithstanding."

We are not concerned now with *Social Statics*. We are not concerned with any of Mr. Spencer's changes in opinion, teleological, metaphysical, or of any other kind. We have here merely the Synthetic philosopher, who from grounds based on the doctrine of evolution lays down as the fundamental formula of justice, the axiomatic principle from which all the rights of men in their relations with each other are to be deduced: that all men have freedom to do as they will, provided they infringe not the equal freedom of all others.<sup>17</sup>

What follows, with regard to the use of land, from this fundamental principle of the evolutionary philosophy? Is it not, unavoidably and irresistibly, what Mr. Spencer stated years before?—

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<sup>17</sup> From Appendix A of *Justice*, it seems that Mr. Spencer has hitherto supposed that his statement of this "first principle" of *Social Statics* was the first time it had been thus put. In 1883 Professor Maitland had, however, pointed out that "Kant had already enunciated in other words a similar doctrine." Mr. Spencer tells us that, "Not being able to read the German quotation given by Mr. Maitland," he was unable to test the statement until, in the preparation of *Justice*, he reached Chapter VI, when he discovered in a recent English translation of Kant certain passages which he gives, that "make it clear that Kant had arrived at a conclusion, which, if not the same as my own, is closely allied to it."

I mention this as showing the importance Mr. Spencer yet attaches to the "first principle," from which he deduced the condemnation of private property in land. Otherwise the matter is of no interest. His statement of this principle or formula was a good one, and doubtless original with him. Who has stated it before made no more difference than who first stated that one and one equal two. There are some things which to the human mind are self-evident—that is to say which may be seen by whoever chooses to look—and this is one of them.

Given a race of beings having like claims to pursue the objects of their desires—given a world adapted to the gratification of those desires—a world into which such beings are similarly born, and it unavoidably follows that they have equal rights to the use of this world. For if each of them "has freedom to do all that he wills, provided he infringes not the equal freedom of any other," then each of them is free to use the earth for the satisfaction of his wants, provided he allows all others the same liberty. And conversely, it is manifest that no one, or part of them, may use the earth in such a way as to prevent the rest from similarly using it; seeing that to do this is to assume greater freedom than the rest, and consequently to break the law.

Is there one single deduction in Chapter IX of *Social Statics* that does not as clearly follow from this reasoning of *Justice*—one single word that requires alteration to fit it for a place in the deductions to be drawn from this formula, except the single word "God"? And the substitution of "The Unknowable" or "Evolution" for "God" would in no wise alter or lessen the force of the reasoning.

How, then, shall Mr. Spencer justify private property in land, which in his letters to *The Times* he had bound himself to do? How shall he deduce the rights of land-owners to compensation for their land or in any way assert for them rights that will lessen or modify, or in any way condition, the equal right of all their fellows to the use of land?

To men like Professor Huxley there is a short and easy way of doing this. It is simply to deny the existence of natural rights; that is to say, rights having any higher or more permanent sanction than municipal regulation. To be sure this opens a most awkward dilemma, for if power, or if you please legislative enactment, be the only sanction of right, what remains for the House of Have, when the House of Want shall muster its more numerous forces, either on the field of brute strength or in legislatures already controlled by popular suffrage? But, "after us, the deluge!" and such considerations do not much trouble those who take this short and easy way. Mr. Spencer, however, is debarred from taking it; not by what he has before said on the land question, for that could be unsaid, but by his philosophy. If there is no right but might, what does that philosophy mean and what is it for? If there is no law but that of the state, why does he write books to tell us what the state ought and ought not to do? And, furthermore, he has just deduced as his formula of justice, having, he says, the highest imaginable warrant—the same first principle from

which in *Social Statics* he deduced the invalidity of private property in land.

The short and easy way of justifying private property in land, because it exists, or because it is sanctioned by the state, is therefore not open to Mr. Spencer, unless he is ready to abandon the last shred and figment of philosophic claim. His is a more difficult task. What he has to do, is to prove that the disinheritation of nineteen-twentieths of his countrymen accords with his "ultimate ethical principle having an authority transcending every other"—his formula of justice, that "Every man is free to do that which he will, provided he infringes not the equal freedom of any other man." To show that the so-called rights of existing landowners to monopolise the land on which all must live are real rights, he must, on his own statement, show that they are deducible from the law of equal freedom.

Knowing, then, from Mr. Spencer's more recent utterances that he is determined at any cost to get on the comfortable side of the land question, we may be certain in advance that *Justice* will afford a spectacle both interesting and instructive. Interesting as the effort of a man of ability to accomplish a feat of intellectual legerdemain equivalent, not to swallowing a sword, but to swallowing himself. Instructive as showing how far a man so able that many people think him the greatest philosopher that has ever yet appeared; a man who has the advantage of knowing what can be said on the other side, can, on grounds which admit the equal right of men to be in the world, succeed in justifying that existing social arrangement which gives to a few the exclusive ownership of the world, and denies to the many any right to its use, save as they purchase the privilege of these few world-owners.

A Lord Bramwell or a Professor Huxley or a Duke of Argyll would rush in boldly and proceed frankly. But Mr. Spencer knows that to accomplish his task the attention of the reader must be confused and the real issue avoided. The effort to do this is to be seen at a glance the moment we come to the vital part of *Justice*.

In *Social Statics* the discussion of "The Rights of Life and Personal Liberty" occupies hardly more than a single page, being treated as "such self-evident corollaries from our first principle as hardly to need a separate statement." In *Justice* it is padded out into two chapters—"The Right to Personal Integrity" and "The Rights to Free Mo-

tion and Locomotion," which, by references to the Fijians, the Wends, the Herculeans, the Homeric Greeks, and so on, are made to occupy some twelve or thirteen times as much space. But although Mr. Spencer also refers to the Abors, the Nagas, the Lepchas, the Jakuns, and other far-off people, he takes no notice of such infractions of the right of free motion and locomotion by landowning dukes as in 1850 excited his indignation.

In place of the chapter on "The Right to the Use of the Earth," which stands out so clearly and so prominently in *Social Statics*, we find in *Justice* a chapter on "The Rights to the Uses of Natural Media," of which only a part is devoted to the right to the use of land, though a short note, having something of the same relation to it that the traditional lady's postscript has to her letter, is inserted in the Appendix.

This treatment of land, or the surface of the earth, as but one of the natural media is in the highest degree unphilosophic, and could be adopted only for the purpose of confusion. For so far as man is concerned all natural media are appurtenant to land; and the term "land" in political economy and law comprises all natural substances and powers. To treat land as one of such natural media as light and air is therefore as unphilosophic as it would be to treat it as one of such sub-divisions of itself as water, rock, gravel or sand. The clearest and only philosophic terminology is that adopted in *Social Statics*—the right to the use of the earth, or the right to the use of land. For the right to the use of all natural elements comes from and with, and is inseparably involved in and annexed to, the right to the use of land.

Mr. Spencer's reasons for thus treating land as but one of the natural media appear as we read. Not merely is the burning question thus minimized and confused, but it becomes easier by means of analogy to slide over the injustice of the present treatment of land—an injustice which, as Mr. Spencer had himself previously seen, is inferior only to murder or slavery—and to bring private property in land into the category of things with which we need not concern ourselves.