

Chapter VIII— *Justice On The Right To Land*

At last, however, as all men must, even after the flying-machine becomes practicable, Mr. Spencer is forced to come down from light and air to solid earth.

But observe how reluctantly, how tenderly, he approaches the main question, the subject he would evidently like to ignore altogether. Land—to us the one solid, natural element; our all-producing, all-supporting mother, from whose bosom our very frames are drawn, and to which they return again; our standing-place; our workshop; our granary; our reservoir and substratum and nexus of media and forces; the element from which all we can produce must be drawn; without which we cannot breathe the air or enjoy the light; the element prerequisite to all human life and action—he speaks of as "that remaining portion of the environment, hardly to be called a medium," which "by an unusual extension of meaning" is included in the things to which the equal liberty of all extends.

Yet, at last, and thus tenderly, after having shown to his own satisfaction that with regard to personal rights and the liberty of movement, "things as they are" in such countries as England do not differ from "things as they ought to be," except, perhaps, that there is too much smoking in railway carriages, Mr. Spencer does at last get to the burning question of the land. And no sooner does he get there than the power by virtue of which a truth once recognized can never be entirely forgotten or utterly ignored, forces from him this recognition:

If, while possessing those ethical sentiments which social discipline has now produced, men stood in the possession of a territory not yet individually portioned out, they would no more hesitate to assert equality of their claims to the land than they would hesitate to assert equality of their claims to light and air.

"If, while possessing those ethical sentiments which social discipline has now produced." This "if" is the assumption of the Spencerian philosophy, that our moral sentiments have been evolved by pressure of conditions, survival of the fittest and hereditary transmission, since the time when, according to it, primitive men were accustomed to eat each other. Having told us that social evolution has brought

mankind in the Victorian era to the recognition of equal rights to air and light, Mr. Spencer now assumes that the idea of equal rights to the use of land is the product of a similar development instead of being a primary perception of mankind.

Now this assumption is not merely opposed to all the facts; it is inconsistent with the Spencerian philosophy.

To consider the philosophy first: It holds that man is an evolution from the animal. He comes to be man by gradual development from the monkey or from some form of life from which the monkeys have also sprung. In the course of this evolutionary process, continued since he became man, he has acquired his present instincts, habits and powers.

Now I will not ask how, since the highest animals that habitually eat their own kind are on the synthetic genealogical tree far below any of the animals, existing or extinct, from which man can have descended, the oft-repeated assumption that primitive men were habitual cannibals can be reconciled with the assumption that they derived their habits from their animal ancestors.

But I will make bold to ask how the assumption that men have only now arrived at the perception of the equality of rights to the use of the natural media, and especially land, can be reconciled with the assumption that our moral perceptions are derived from animals. Animals fight with their own kind, as men fight; or at least some of them do occasionally, though none fight so frequently and so wantonly. But is there an animal, from the monkey to the jellyfish, that does not, with animals of its own kind, and when at peace, fail to claim for itself and accord to others the liberty to use natural media, bounded only by the equal liberty of all? If there is not, how can the assumption that it has taken man all these ages to recognize the equality of rights to the use of natural media be made to harmonize with the assumption that he primarily derives his perception from the animal?

I ask this question to emphasize the fact that, in his effort to smooth away the monstrous injustice of private property in land, Mr. Spencer does violence to his own theories—not alone to the theories which he held when he wrote *Social Statics*, but to the theories of his Synthetic Philosophy—the theories set forth in *Justice*; that he stands ready to sacrifice to his new masters not only his moral honesty, but

even what the morally depraved often cling to—the pretence of intellectual honesty. In order to ignore the gist of the land question while pretending to explain it, he is endeavouring to create the impression that the present treatment of land, if not indeed the best, is at least the highest form which the progressive development of the idea of the equality of rights to the use of natural media has assumed. But to say that the idea of equal rights to land is the product of advancing social discipline is to say that it has proceeded from the contrary idea—that of unequal rights, or private property in land. Since the animals show no trace of this idea, this assumption is inconsistent with the doctrine that primitive man came closest to the animals. And to assume, as Mr. Spencer does in this chapter, that men start with the idea of unequal rights to land, and have been working up through social discipline the idea of equal rights, is likewise with all the points in the elaborate derivation of the idea of justice, which occupy the first eight chapters of this very book.

The assumption that the idea of equal rights to land is the product of social discipline is at both ends contradicted by the facts. In America, Australia and New Zealand, men of English speech, possessing "those ethical sentiments which social discipline has now produced," have stood in possession of territory not yet individually portioned out; but, instead of asserting the equality of claims to land, they have proceeded to portion out individually this territory as fast as they could. Thus the effect upon their ethical sentiments of the social discipline to which they have been subjected has been the precise opposite of what Mr. Spencer asserts. Instead of leading them from non-perception to a perception of the equality of rights to land, social discipline, dominated by landowners, and continued steadily and rigorously, had, within comparatively recent times, almost entirely crushed out the idea of natural rights in land among the English people, and taught them to look on private property in land as in no wise differing from property in other things.

Or, try Mr. Spencer's assumption from the other end.

Among the aboriginal races in the countries we modern English have overrun, the idea of equal rights to land, and of course to other natural media has been so clearly perceived that they were unable to comprehend the artificial notion of private property in land—could no more see than could Mr. Spencer in 1850 how land could equita-

bly become private property. To this very day, and in spite of the pressure of the national government and of the surrounding whites, the Cherokees, the Choctaws, and other civilized remnants of the aboriginal tribes of the United States, though recognizing fully the right of property in things produced by labor, and recognizing also the right of private possession of land, refuse to recognize land as the property of the individual; and no man can hold land among them except while putting it to use. The idea that land itself can become subject to such individual ownership as attaches to things that man produces by labor, is as repugnant to the human mind, undisciplined by generations of cruel repression and undistorted by persistent misteachings, as the idea that air or sunlight may be so owned.

Mr. Spencer himself, while stating that the perception of the equality of natural rights to land is the product of the social advance that has brought men of the highest civilization to their present ethical condition, goes on in the next paragraph to show at length that "in early stages private ownership of land is unknown," and that private property in land has arisen from "the exercise of direct or indirect force, sometimes internal but chiefly external."²¹

What Mr. Spencer thus admits is that private property in land has no derivation from perceptions of justice, whether these be original or acquired by evolution, but that its only genesis is force. And then comes his supreme effort. In the reference to the feudal system and the assumption that the rights of the monarch, as representative of the whole people, are still exercised by the people's representatives, lies the pivotal point of his whole argument.

To return to my illustration of the tunnel. This is the way he gets there:

²¹ It may be worth noting that here Mr. Spencer again confuses equal rights with joint rights. The primitive idea is not that of deeming land the property of the tribe, and the relation of individuals to the soil one of joint ownership. Although within generally vague territorial limits each tribe may claim the right to exclude other tribes, yet the idea is not that of property in the land, but of that sort of separation which took place between Lot and Abraham, and the relation of the members to the land is not that of joint ownership but of equal right to use such regulations as in the earlier stages become necessary, being merely those which secure this equality in use. Among no primitive people would it be thought that a member of the tribe required the consent of the whole to make use of land no one else was using. He would do that without question, as a matter of individual right.

We are told that when private property in land did arise, it was habitually incomplete, since it was subject to the claims of the overlord, the implication being that the ownership was subordinate to that of the head of the community; and that this conception survives alike in theory and in practice to the present time, since the state now takes land for public purposes after making due compensation to existing holders. The supreme power of the monarch having been replaced by the supreme power of the people, the people are now the supreme owners of the land, and may take it, if they please, on payment of full compensation. Thus, individual freedom has been reacquired with regard to land, and to-day, in the existing theory and practice of English law, and like their equal rights to light and air, the equal rights of all to the use of land are fully recognized.

All that has gone before is the by-play of the juggler to distract attention. In this the transmogrification is worked.

Here, with one flash of synthetic logic, the horse-chestnut becomes a chestnut horse! Here is the explanation of what was averred in Mr. Spencer's letter to *The Times*—that the view of landownership he has taken all along is "congruous with existing legal theory and practice." Here is his reconciliation of his formula of justice—that "each is at liberty to do all that he wills, provided that he infringes not the equal liberty of any other man"—with the views of that august body, the Liberty and Property Defence League, "on which sit several Peers and two judges." Both are harmonized in the assumption that the equal rights of all to the use of land are to-day recognized in the right of Parliament to take land for public purposes on paying for it.

What, it may be asked, has become of the nineteentwentieths of the people of England who, as *Social Statics* told us, were being robbed of their birthright—their heritage in the earth—by a gigantic injustice inferior only in wickedness to murder and enslavement? Why, having the privilege of voting for members of one branch of the Legislature, which Mr. Spencer has, in this very book, page 49, described as "a motley assemblage of nominees of caucuses, ruled by ignorant and fanatical wire-pullers," they have been transmogrified into supreme owners of the land.

What, it still may be asked, has become of that part of them that do not have even the poor privilege of voting for this motley assemblage of nominees of caucuses?

There is no answer. We may search Chapter IV of the *Principles of Ethics—The Ethics of Social Life: Justice*, in vain. They have incontinently dropped out of sight.

It may be worth while to examine that part of Mr. Spencer's logical process where it is assumed that the legal theory and practice by which the British Legislature, on the payment of compensation, now takes land for public purposes is identical with the theory and practice by which the feudal monarch, as representing the whole people, was the supreme owner of land. This is all that he ventures specifically to assert, and the question raised by it is much narrower than the real question, whether the present legal theory and practice does adequately recognize the equal rights of all to land. Yet, even here, Mr. Spencer clearly suppresses the vital fact.

The taking of land for public purposes on payment of compensation—or by process of condemnation, as it is termed—is neither an exercise nor recognition of the supreme ownership of land. In the American States where the ownership of land is by their constitutions declared allodial, the same powers of condemning land are exerted, and more freely exerted than in England. If pictures are bought for the national galleries, not condemned, it is merely because there is no need for condemnation. The same legal power exists to take pictures for public use as to take land. In case of necessity, such as war, the power of taking any-thing is habitually exercised, and ships, horses, railways, provisions, and even men are taken for public uses. The power to do this is a power incident to the supreme authority and at times necessary to society.

When, in 1889, Johnstown, Pa., was cut off from the rest of the world by the flood that destroyed pre-existing organization, a British subject, Arthur J. Moxham, was placed ill charge by what a Quaker would call "the sense of the meeting." His first acts were to seize all food, to destroy all liquor, and to put every able-bodied man at work, leaving the matter of compensation to be determined afterwards. He voiced the will of the society, driven by crushing disaster into a supreme effort for self-preservation, and the man who had resisted his orders would, if need be, have been shot.

But the theory of English law that the crown is the only owner of English land, and that the highest estate an individual can hold is that of tenancy, though often confused with the right of eminent domain, has in reality a different origin. Now a mere fiction, it had in feudal times expression in practice. When William the Conqueror divided England, he conditioned his grants on the payment of rent in dues or services. This was the essence of the feudal principle. In a rough and partial but still substantial way, it recognized the right of the community to rent. It was a rude attempt to carry out that system of land nationalization which Mr. Spencer in *Social Statics* declares the only equitable system of land tenure. Under it the holding of valuable land entailed payment or service. The crown lands maintained the sovereign and the civil list. From the church lands the expenses of public worship, and of education, the care of the sick and the relief of wayfarers were provided; the holders of military tenures had to maintain the army and do the fighting, and on occasions, such as the ransom of the king, the knighting of his eldest son, the marriage of his eldest daughter, etc., were called on for extra payments; while the right of all Englishmen to the use of some portion at least of English soil was recognized in the numerous public commons. This spirit of the feudal system was the origin of primogeniture, of wardships and liveries and other feudal incidents, which, where they remain on the law books of to-day, are but meaningless and useless survivals.

Mr. Spencer, in his "glance at some past phases of land tenure," has told us of the Sumatrans, the Don Cossacks, the Russians, the Suanetians, and the Dahomeans, but he has failed to tell us how we of the English speech have lost those fragments of the equal right to the use of land that we retained long after the last conquest of England. I do not charge him with ignorance. If he does not tell us, it is not because he does not know, for *Political Institutions* shows that he does know.²² But he does not tell us, because the facts are inconsis-

²² In the chapter on Political Differentiation, page 297, *Principles of Sociology*, Volume 11, he quotes from Hallam:—

"William the Conqueror ... divided this kingdom into about 60,000 parcels, of nearly equal value [partly left in the hands of those who previously held it, and partly made over to his followers as either owners or suzerains], from each of which the service of a soldier was due."

And again, in the chapter on Property, page 553 of the same book, occurs the passage once before quoted:—

"In our case the definite ending of these tenures took place in 1660; when for feudal obligations (a burden on landowners) was substituted a beer-exise (a burden on the community)."

tent with the juggle by which he is trying to impose on the reader. It was in reality by a gigantic series of no-rent declarations on the part of the class that had got possession of English land on condition of paying rent for it. The crown lands were given away by profligate sovereigns without any stipulation of return in rent to the community. Henry VIII made over the greater part of the church lands to his favourites, and the people were robbed of the services and benefits that they had received from the former holders. Finally, by act of the Long Parliament, confirmed after the Restoration by a close majority, the military dues were abolished; and, growing in power by what they fed on, the landholders, now actually land-owners, appropriated to themselves, by the simple process of inclosure, nearly all the common lands.

The essence and meaning of the supreme ownership of the land of England by the crown is thus gone. What remains is but a legal fiction, a mere survival of form, of no more validity than was in the time of George III the form by which he styled himself King of France. Yet in this empty phrase, and in the taking of land for public use on payment of full compensation, Mr. Spencer tells his disinherited countrymen that their equal rights are actually recognized.

Thus the equal right of Englishmen to the use of English land amounts to the privilege of buying it at its full value! What, then, has the Englishman as Englishman? A Russian or a Turk, a Winans or a Carnegie, may use land in England by paying for it.

If we put the conclusion as to the right to the use of land to which Mr. Spencer thus comes in *Justice* in the same form which he uses in *Social Statics*, we have this:

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 the right to use this world as soon as they have paid the full value of it to those of their number who call themselves its owners.

But this telling the disinherited masses that their equal rights to land are already acknowledged seems hardly satisfactory to Mr. Spencer himself, for he at once proceeds to reinforce it, by the plea that for them to claim any more than the right of buying land at its

full value would be ethically wrong. This is a putting of the cart before the horse. For a wrong is only the violation of a right. Rights, as Mr. Spencer has just before told us, are the particular freedoms deducible from the law of equal freedom, and to assert wrong he must show violation of that law. Let us, however, follow his reasoning.

The first proposition is that—

Since equity and daily custom alike imply that existing holders of particular portions of land may not be dispossessed without giving them in return its fairly estimated value, it is also implied that the wholesale resumption of the land by the community can be justly effected only by the wholesale purchase of it.

Is it? By equity and custom when the state takes any part of the wealth of a particular person it compensates him. But when it takes part of the wealth of all persons, or of all persons of a special class, as it is constantly doing by taxation, does it compensate them?

The reason for compensation, when land is taken from particular owners, is that otherwise a discrimination would be made between them and other landowners. Equity, as Mr. Spencer once told us, means equalness. It would not be equitable for the community to resume possession of the land of this or that particular landowner without compensation, while leaving to other landowners their land, for while this would be to leave unredressed the unequalness between landholders and others, it would be to treat landowners unequally as between themselves. But if all land were resumed equity would require no compensation, for while landowners would be treated equally as between themselves, the inequality between them and other members of the community would be removed, and all would be treated with equalness. And since they, too, are members of the community, the resumption of all land by the community would place all in a condition of equalness with respect to the land.

But, continues Mr. Spencer—herein admitting that the community may in equity take the *land*—

Were the direct exercise of ownership to be resumed by the community without purchase, the community would take, along with something which is its own, an immensely greater amount of something which is not its own.

How so? The proposition is only to take the land, not to take anything else.

Because, Mr. Spencer continues—

Even if we ignore those multitudinous complications which, in the course of century after century, have inextricably entangled men's claims, theoretically considered—even if we reduce the case to its simplest theoretical form—

Well, all classes of land-resumptionists would quickly reply, we are quite willing to do so. Since, as laid down in *Social Statics*, men derive their equal rights to the use of the world from their equal presence in the world, there can be no complications that can entangle their equal claims to the use of land, either considered theoretically or in any other way.

But without heeding this, Mr. Spencer goes on to say, that *even* if we ignore what no one proposes to consider, and *even* if we reduce the case to simple theoretical form—

We must admit that all which can be claimed for the community is the surface of the country in its original unsubdued state. To all that value given to it by clearing, breaking up, prolonged culture, fencing, draining, making roads, farmbuildings, etc., constituting nearly all its value, the community has no claim. This value has been given either by personal labor, or by labor paid for, or by ancestral labor; or else the value given to it in such ways has been purchased by legitimately earned money. All this value artificially given vests in existing owners, and cannot without a gigantic robbery be taken from them. If, during the many transactions which have brought about existing landownership, there have been much violence and much fraud, these have been small compared with the violence and the fraud which the community would be guilty of did it take possession, without paying for it, of that artificial value, which the labor of nearly two thousand years has given to the land.

What does Mr. Spencer mean? If he means that all that can be claimed by the community is the land itself, and that landowners should retain the value of their improvements, and of all things else that they may possess, we admit it not entirely as a matter of strict justice, for much of things other than the land itself, which existing landowners now possess, they have obtained by their unjust appropriation of land. But we wish to be within our right, and to let by-gones be by-gones, and so all that we propose is just what Mr. Spencer in *Social Statics* proposed—the resumption of equal rights in land, leaving to existing landowners, without question as to how it

was obtained, the whole value of their improvements in or on land, and all their other property.

But what, then, does Mr. Spencer mean by talking of "the surface of the country in its original unsubdued state," as all the community can claim? What does he mean by talking of that "artificial value which the labor of nearly two thousand years has given to the land"? Vague as are his notions of value, can it be that he means that, even if their natural rights are admitted, the people of England are entitled only to what value the land had before there were any people? and that they must pay the landowners for the value of all the labor that has been expended on that land since Cæsar landed?

What the people of England are entitled to by natural right, and what we propose by the single tax to take for their use, is the value of land as it is, exclusive of the value of improvements as they are in or on the land privately owned. What would thus be left to the landowners would be their personal or movable property, the value of all existing improvements in or on their land, and their equal share with all other citizens in the land value resumed. This is perfectly clear, and if not perfectly fair, is only so because it would leave to the landowners in their personal property and the value of their improvements much not due to any exertion of labor by themselves or their ancestors, but which has come to them through the unjust appropriation of the proceeds of others' labor.

The value of the land when the country was in its original unsubdued state has nothing to do with the matter; what we have to deal with is the value of the land as it is. Nor has the labor expended since Cæsar's time anything to do with it; the value of improvements to be left to landowners is the value of existing improvements. Surely if Mr. Spencer were to try to formulate his notions it would be too preposterous even for him to contend that in resuming our rights in the land—not the rights of the ancient Britons, nor the rights of primitive man, nor the rights of the animals that existed before man—we should credit the existing landowners with the value which attaches to the land from our presence, and charge them only with what value the land might have if we did not exist. And surely he would not contend that the landowners are alone entitled to the value which the existing social environment gives to land—to the sole benefit of the introduction of Christianity, the extirpation of wolves, the beating off

or civilizing of the Danes, the defeat of the Spanish Armada, the building of public roads and the lighting of public streets, the introduction of vegetables and fruits and the improvement of domestic animals, the utilization of steam and electricity and labor-saving appliances, the discoveries of science and the progress of the arts!

Nor yet would he formally assert the notion that in addition to the present value of their improvements the landowners must be credited with the value of all such improvements when they were new, and with the cost of all the draining, hedging, fencing, digging, manuring, building, etc., that have gone on for two thousand years—that the owner of land in the city of London, for instance, must be credited, not only with the present value of his houses, but with the value of the houses that existed before the great fire, and from the time of the first Roman camp! This would be equally preposterous.

It is hard to say what Mr. Spencer really does mean. But he is evidently trying to get some sort of vague excuse for assuming that it would not pay the disinherited to claim their rights in land, since to compensate landowners would take more than the land is worth. Let us, therefore, try to form some idea of what would be the present value of the land of England in its "original, unsubdued state," population and social environment, and the existing buildings, which we propose to leave to the landowners, remaining as they are.

If, whenever a house was pulled down, or destroyed by fire, in Threadneedle Street or Lombard Street, in Cheapside or at Charing Cross, the ground on which it stood were to spring into its original condition, how much less would be its value to those who, in renting or buying it, seek not so much soil or rock or sand, but so many square feet of standing-place in those centres of population and trade? How much less would be the value of the land that around London and Manchester and Liverpool and Birmingham and Leeds and all the growing English towns is being turned from agricultural uses into house-sites, were it to revert to its condition in Roman times? While as for the country outside the cities and towns, would it not, could such a miracle be worked, become more rather than less valuable? Something of draining, hedging, walling, manuring and digging would be lost; but would not the accumulated richness of virgin soil, the great forests that in England now would have enormous value, the stores of coal and iron and other minerals that have

now been exhausted or can be worked only at great depths, much more than make up?

If Mr. Spencer would go to the greater Englands growing up in Australia and the American West, he would cease thinking of Romans or Saxons or Normans as having anything to do with the present value of English land; for he would see that it is not what has been done in the past, but the population and activity of the present, that give value to land. He would see from Chicago or Johnstown that London might be swept by fire or flood, and yet, if the causes that concentrate population and trade there still remained, land, instead of being less valuable, would really become more valuable, from the better improvements that the clearing would bring about. He would see that, if the population and business of London could be transported to a newly risen island in the antipodes, land there would become as valuable as land in London now; and that, though all improvements were to be left behind, the value of land in London would disappear.

What the new countries will show us is, that as man lives in the present so he lives by the labor of the present and the immediate past, truly from hand to mouth; and what we get from our ancestors is little more than language, traditions, laws, habits, and the store of transmitted knowledge, including also prejudices and superstitions. And thus rich and poor, learned and ignorant, we are alike "the heirs of all the ages." While if some of us are richer than we ought to be, and more of us are poorer than we ought to be, it is not because of the wrongful appropriations of wealth that took place in a dead and gone past, but from the wrongful appropriations of wealth that are taking place now.

Barring the appendix, which is yet to be considered, we have now gone through Mr. Spencer's defence of existing landlordism—his answer, in his maturest years, to the arraignment of private property in land which he made in *Social Statics*. Stripped of its padding it amounts simply to the assumption (1) that the equal rights of all to the use of land are recognized in the right of the state to take land for public purposes on paying compensation; which is backed by the assumption (2) that equity requires that existing owners shall be paid the full value of the land they hold before equal rights to land can be acknowledged.

Of the first assumption, the only attempt at support is in the last paragraph, the reasoning of which on analysis will be found to be this:

The equal right of all electors to the use of land is recognized by implication in the right asserted by Parliament to take land for public use on paying full compensation for its value; because—

If it is not, there is no equitable warrant for the state so taking land for public uses, since the only right by which the landowners can be superseded is the right of the community at large: hence—

As the state has this right, which it can get only as the sum of the individual rights of its members; therefore, by its exercise, the individual rights of members of the state to the use of land are now recognized.

Of the second assumption, the only attempt at support is another obviously false assumption—that the value of land cannot be distinguished from the value of improvements.

This is the argument of the lauded Synthetic Philosophy in the most important part of the most important book of its most important sub-division.

I commend the study of such logical processes to those who on authority of Herbert Spencer's philosophy believe that man is an evolved monkey, who got the idea of God from observing his own shadow.

As for anything deserving the name of reasoning, anything on which may be founded either a denial of the equal right of all to the use of land, or an affirmation of the exclusive right of existing landowners, there is nothing whatever. It is not merely that the reasoning of *Social Statics* is not impugned: it is that the reasoning of *Justice* itself is utterly ignored. No connection whatever is made between the conclusions here assumed and the formula of justice, the law of equal freedom, which in preceding chapters of this very book has been declared the ultimate ethical principle.

The reader has just been told that rights are the particular freedoms deducible from the law of equal freedom; that what are truly called rights are deducible from it, and that what are falsely called rights are not deducible from it. But where does Mr. Spencer, or how can he, deduce the right which he asserts for landowners, the right to the exclusive use of land until they are paid its full value, from the

law of equal freedom? Or, if we go back through all the links of his derivation of the formula of justice can we find any connection between what he now asserts as right, and what he has just asserted as justice in any of its evolutionary stages?

Does not the ownership by some to the exclusion of others, of elements essential to all life, the legal giving of the products of labor to those who do no labor, by taking it away from those who do labor, violate what he declares to be the principle of animal ethics—that the ill-fitted must suffer the evils of unfitness, and the well-fitted prove their fitness?

Does it not violate what he declares to be the principle of sub-human justice, that each individual shall receive the benefits and evils of its own nature and consequent conduct?

Does it not violate what he declares to be the principle of human justice, that no one should be prevented from having whatever good his actions normally bring to him, nor allowed to shoulder off on other persons whatever evil they bring?

Does it not violate what he declares to be the sentiment of justice, the feeling that we ourselves ought to have freedom to receive the results of our own nature and consequent actions, and which prompts the maintenance of this sphere of free play for others?

Does it not violate what he declares to be the idea of justice, the equality as to mutually limited spheres of action, the inequality in the results which each may achieve within these mutual limits? Does it not establish inequality by authority—an inequality referring not to the natural achievement of greater rewards by greater merits, but to the artificial apportionment of rewards to no merits at all? Does it not violate what he declares to be the formula of justice, that every man is free to do that which he wills, provided he infringes not the equal freedom of any other man?

Does it not set at defiance what he declares to be the authority of this formula, the relation between conduct and consequence, which he bases on his compound law?

Private property in land, which Herbert Spencer in *Justice* defends by the darkening of counsel and baseless assumptions! Does it not openly, notoriously, flagrantly, deny to men the equal use of natural opportunities to live their lives, develop their powers, and reap the rewards of their conduct? Does it not give to the idle, the

stupid, the profligate, the vicious, through the accidents of birth or luck, or successful forestalling, the natural rewards of industry, energy, temperance and thrift? Does it not proportionately, and far more than proportionately (for it involves enormous wastes), deny these rewards to those who have really earned them? Does it not give wealth, honour, the command of everything that labor in a high civilization can produce, to idlers, idiots, gamblers, profligates? Does it not, on the other hand, condemn toil to penury, and honest labor to contempt and grinding want? Does it not, wherever our civilization extends, make the mere opportunity to work a boon? keep men in idleness whose strongest desire is to earn a living? fill prisons and almshouses? condemn to ignorance minds that might enlighten and bless mankind? debase and embrate great masses of men and women? rob little children of the grace and sweetness and glory of life, and force them before their time out of a world in which monopoly denies them room?

Try Herbert Spencer by the ideas that he once held—the idea of a Living God, whose creatures we are, and the idea of a divine order, to which we are bound to conform. Or try him by what he now professes—the idea that we are but the evolutionary results of the integrations of matter and motion. Try him by the principles of *Social Statics*, or try him by the principles of *Justice*. In this chapter he proves himself alike a traitor to all that he once held and to all that he now holds—a conscious and deliberate traitor, who assumes the place of the philosopher, the office of the judge, only to darken truth and to deny justice; to sell out the right of the wronged and to prostitute his powers in the defence of the wronger.

Is it a wonder that intellectually, as morally, this chapter is beneath contempt?