

Chapter XII— *Justice*—"The Land Question"

While *Justice* shows no decadence of intellectual power, and those who have seen the utterances of a great thinker in preceding volumes of the Synthetic Philosophy will doubtless have as high an opinion of this, there is in it everywhere, as compared with *Social Statics*, the evidence of moral decadence, and of that perplexity which is the penalty of deliberate sacrifice of intellectual honesty. But it were wearying, and for our purpose needless, to review the subsequent chapters of *Justice*, and to show the contradictions and confusions into which Mr. Spencer falls at every turn,²⁵ and the manner in which he recants his previously expressed opinions on such subjects as the political rights of women, and even the equal political rights of men. To complete the examination of that cross-section of his teachings which in the beginning I proposed, let us proceed to the consideration of his very last word on the land question, the note to which he refers the reader at the close of the chapter on 'The Rights to the Uses of Natural Media.'

This note is to be found among the appendices to *Justice*, which consist of Appendix A, "The Kantian Idea of Rights," before referred to (-Chapter IX-); Appendix B, "The Land Question"; Appendix C, "The Moral Motive," a reply to a criticism by the Rev. J. Llewellyn Davis; and Appendix D, "Conscience in Animals," which is a collection of dog stories.

The idea that for the genesis of all there is in man, even his moral perceptions, we must look down, not up, permeates the Synthetic Philosophy, seeking to obliterate the gulf between man and other animals by greedily swallowing every traveller's tale that tends to degrade man and every wonder-monger's story that ascribes human

²⁵ One of these may be worth quoting as particularly interesting in view of what has gone before and what is yet to come. In Chapter XVI, "The Right of Gift and Bequest," pp. 122-124, Mr. Spencer says:

"Few will deny that the earth's surface and the things on it should be owned in full by the generation at any time existing. Hence the right of property may not equitably be so interpreted as to allow any generation to tell subsequent generations for what purpose or under what conditions they are to use the earth's surface or the things on it.... One who holds land subject to that supreme ownership of the community which both ethics and law assert, cannot rightly have such power of willing the application of it as involves permanent alienation from the community."

faculties to brutes. Thus *Justice* begins with "Animal Ethics" and ends with dog stories, the appendix devoted to them being twice as large as that devoted to "The Land Question" and illustrated with diagrams.²⁶

These dog stories are, however, fit companions to the savage stories with which, by the assistance of a corps of readers, the volumes of the Synthetic Philosophy are profusely embellished. The wooden literalness with which, to suit himself, Mr. Spencer interprets the imagery and metaphor of which the language of all peoples who come close to nature is full, is perhaps the most comical thing in this unconsciously comic collection. I hesitate to give an instance, such is the embarrassment of riches; but here, to quote at random, is one. It is from the chapter on 'The Religious Idea' in *Principles of Sociology*. Mr. Spencer has been showing to his own satisfaction, and doubtless to that of the gentlemen who regard him as greater than Aristotle, how from the adoption of such family names as Wolf, and the habit of speaking of a strong man as "a bear," the less civilized peoples, whom he generically lumps as "savages," have come to believe that their ancestors passed into animals. He goes on to show "how naturally the identification of stars with persons may occur." Recalling first, what he declares to be "the belief of some North Americans that the brighter stars in the Milky Way are camp-fires made by the dead on their way to the other world," this is the fashion in which he does it:

When a sportsman, hearing a shot in the adjacent wood, exclaims, "That's Jones!" he is not supposed to mean that Jones is the sound; he is

²⁶ The dog stories which close this crowning book of the Synthetic Philosophy are sent to Mr. Spencer by Mr. T. Mann Jones, of Devon, with this introduction:

"DEAR Sir: The following careful observations on animals other than man, may be of interest to you as supporting your idea that the idea of 'duty' or 'ought' (owe it) may be of 'non-supernatural' origin. 'Supernatural' is used in the usual sense, without committing the writer to any opinion."

These "careful observations" are indorsed by Mr. Spencer as highly remarkable and instructive, and as supporting his own conclusion, and he tells us, apparently on the faith of them, that Mr. Jones is a careful, critical and trustworthy observer. To give a sample, here is one of the observations, which as it has no diagrams, I may quote as printed:

"The 'ought' may be established as an obligation to a higher mind in opposition to the promptings of the strongest feelings of the animal; e.g.—

"A bitch I had many years ago showed great pleasure at the attentions of male dogs, when in season. I checked her repeatedly, by voice only. This set up the 'ought' so thoroughly, that though never tied up at such times, she died a virgin at thirteen and a half years old."

known to mean that Jones made the sound. But when a savage, pointing to a particular star originally thought of as the camp-fire of such or such a departed man, says, "There he is," the children he is instructing naturally suppose him to mean that the star itself is the departed man; especially when receiving the statement through an undeveloped language.—*Principles of Sociology*, Vol. II, p. 685.

"Lo, the poor Indian!"

What would happen to the beliefs of savage children if their undeveloped language enabled them to receive such information as is often conveyed through our developed language—such, for instance, as "She's a daisy!" or "He's a brick!" or "You would have to use a pickaxe to get a joke through his head"?

But I am keeping the reader from "The Land Question." This is, for our purpose at least, the most important utterance of what its author deems the most important book of the great Synthetic Evolutionary Philosophy—a book that begins with "Animal Ethics," and ends with dog stories. I quote this appendix in full:

APPENDIX B—THE LAND QUESTION

The course of Nature, "red in tooth and claw," has been, on a higher plane, the course of civilization. Through "blood and iron" small clusters of men have been consolidated into larger ones, and these again into still larger ones, until nations have been formed. This process, carried on everywhere and always by brute force, has resulted in a history of wrongs upon wrongs: savage tribes have been slowly welded together by savage means. We could not, if we tried, trace back the acts of unscrupulous violence committed during these thousands of years; and could we trace them back we could not rectify their evil results.

Landownership was established during this process; and if the genesis of landownership was full of iniquities, they were iniquities committed not by the ancestors of any one class of existing men but by the ancestors of all existing men. The remote forefathers of living Englishmen were robbers, who stole the lands of men who were themselves robbers, who behaved in like manner to the robbers who preceded them. The usurpation by the Normans, here complete and there partial, was of lands which, centuries before, had been seized, some by piratical Danes and Norsemen, and some at an earlier time by hordes of invading Frisians or old English. And then the Celtic owners, expelled or enslaved by these had in bygone ages themselves expropriated the people who lived in the underground houses here and there still traceable. What would happen if we tried to restore lands inequitably taken if Normans had to give them back to Danes and Norse and Frisians,

and these again to Celts, and these again to the men who lived in caves and used flint implements? The only imaginable form of the transaction would be a restoration of Great Britain bodily to the Welsh and the Highlanders; and if the Welsh and the Highlanders did not make a kindred restoration, it could only be on the ground that, having not only taken the land of the aborigines but killed them, they had thus justified their ownership!

The wish now expressed by many that landownership should be conformed to the requirements of pure equity, is in itself commendable; and is in some men prompted by conscientious feeling. One would, however, like to hear from such the demand that not only here but in the various regions we are peopling, the requirements of pure equity should be conformed to. As it is, the indignation against wrongful appropriations of land, made in the past at home, is not accompanied by any indignation against the more wrongful appropriations made at present abroad. Alike as holders of the predominant political power and as furnishing the rank and file of our armies, the masses of the people are responsible for those nefarious doings all over the world which end in the seizing of new territories and expropriation of their inhabitants.

The filibustering expeditions of the old English are repeated, on a vastly larger scale, in the filibustering expeditions of the new English. Yet those who execrate ancient usurpations utter no word of protest against these far greater modern usurpations—nay, are aiders and abettors in them. Remaining as they do passive and silent while there is going on this universal land-grabbing which their votes could stop; and supplying as they do the soldiers who effect it; they are responsible for it. By deputy they are committing in this matter grosser and more numerous injustices than were committed against their forefathers.

That the masses of landless men should regard private landownership as having been wrongfully established, is natural and, as we have seen, they are not without warrant. But if we entertain the thought of rectification, there arises in the first place the question—Which are the wronged and which are the wrongers? Passing over the primary fact that the ancestors of existing Englishmen, landed and landless, were, as a body, men who took the land by violence from previous owners; and thinking only of the force and fraud by which certain of these ancestors obtained possession of the land while others of them lost possession; the preliminary question is—Which are the descendants of the one and of the other? It is tacitly assumed that those who now own lands are the posterity of the usurpers, and that those who now have no lands are the posterity of those whose lands were usurped. But this is far from being the case. The fact that among the nobility there are very few whose titles go back to the days when the last usurpations took place, and none to the days when there took place the original usurpations; joined with the fact

that among existing landowners there are many whose names imply artisan ancestors; show that we have not now to deal with descendants of those who unjustly appropriated the land. While, conversely, the numbers of the landless whose names prove that their forefathers belonged to the higher ranks (numbers which must be doubled to take account of intermarriages with female descendents) show that among those who are now without land, many inherit the blood of the land-usurpers. Hence, that bitter feeling toward the landed which contemplation of the past generates in many of the landless, is in great measure misplaced. They are themselves to a considerable extent descendants of the sinners; while those they scowl at are to a considerable extent descendants of the sinned-against.

But granting all that is said about past iniquities, and leaving aside all other obstacles in the way of an equitable arrangement, there is an obstacle which seems to have been overlooked. Even supposing that the English as a race gained possession of the land equitably, which they did not; and even supposing that existing landowners are the posterity of those who spoiled their fellows, which in large part they are not; and even supposing that the existing landless are the posterity of the despoiled, which in large part they are not; there would still have to be recognized a transaction that goes far to prevent rectification of injustices. If we are to go back upon the past at all, we must go back upon the past wholly, and take account not only of that which the people at large have lost by private appropriation of land, but also that which they have received in the form of a share of the returns—we must take account, that is, of Poor-Law relief. Mr. T. Mackay, author of *The English Poor*, has kindly furnished me with the following memoranda, showing something like the total amount of this since the 43d Elizabeth (1601) in England and Wales.

"Sir G. Nicholls (History of Poor Law, appendix to Vol. II) ventures no estimate till 1688. At that date he puts the poorrate at nearly £700,000 a year. Till the beginning of this century the amounts are based more or less on estimate.

1601-1630.	say	3	millions.
1631-1700.	(1688 Nicholls puts at 700,000.)	30	"
1701-1720.	(1701 Nicholls puts at 900,000.)	20	"
1721-1760.	1760 Nicholls says 11 millions.)	40	"
1761-1775.	(17 75 put at 11 millions.)	22	"
1776-1800.	(1784 2 millions.)	50	"
1801-1812.	(1803 4 millions; 1813 6 millions.)	65	"
1813-1840.	(based on exact figures given by Sir G. Nicholls.)	170	"
1841-1890.	(based on Mulhall's Diet. of Statistics and Statistical Abstract.)	334	"

The above represents the amount expended in relief of the poor. Under the general term "poor-rate," moneys have always been collected for other purposes—county, borough, police rates, etc. The following table shows the annual amounts of these in connection with the annual amounts expended on the poor:

		Total levied	Expended on poor	Other pur- poses
Sir G.	In 1803	5,348,000	4,077,000	1,271,000
Nicholls	In 1813		6,656,106	1,990,735
	In 1853		4,939,064	1,583,341
		Total spent		Sum spent
Statistical	In 1875	12,694,208	7,488,481	5,205,727
Abstract	In 1889	15,970,126	8,366,477	7,603,649

In addition, therefore, to sums set out in the first table, there is a further sum, rising during the century from 11 to 71 millions per annum, 'for other purposes.'

"Mulhall, on whom I relied for figures between 1853 and 1875, does not give 'other expenditure'."

Of course of the £734,000,000 given to the poorer members of the landless class during three centuries, a part has arisen from rates on houses; only such portion of which as is chargeable against ground-rents, being rightly included in the sum the land has contributed. From a landowner, who is at the same time a Queen's Counsel, frequently employed professionally to arbitrate in questions of local taxation, I have received the opinion that if, out of the total sum received by the poor, £500,000,000 is credited to the land, this will be an underestimate. Thus even if we ignore the fact that this amount, gradually contributed, would, if otherwise gradually invested, have yielded in returns of one or other kind a far larger sum, it is manifest that against the claim of the landless may be set off a large claim of the landed—perhaps a larger claim.

For now observe that the landless have not an equitable claim to the land in its present state cleared, drained, fenced, fertilized, and furnished with farm-buildings, etc.—but only to the land in its primitive state, here stony and there marshy, covered with forest, gorse, heather, etc.; this only, it is, which belongs to the community. Hence, therefore, the question arises—What is the relation between the original "prairie value" of the land, and the amount which the poorer among the landless have received during these three centuries? Probably the landowners would contend that for the land in

its primitive, unsubdued state, furnishing nothing but wild animals and wild fruits, £500,000,000 would be a high price.

When, in *Social Statics*, published in 1850, I drew from the law of equal freedom the corollary that the land could not equitably be alienated from the community, and argued that, after compensating its existing holders, it should be reappropriated by the community, I overlooked the foregoing considerations. Moreover, I did not clearly see what would be implied by the giving of compensation for all that value which the labor of ages has given to the land. While, as shown in Chapter XI, I adhere to the inference originally drawn, that the aggregate of men forming the community are the supreme owners of the land—an inference harmonising with legal doctrine and daily acted upon in legislation—a fuller consideration of the matter has led me to the conclusion that individual ownership, subject to state suzerainty, should be maintained.

Even were it possible to rectify the inequitable doings which have gone on during past thousands of years, and by some balancing of claims and counter-claims, past and present, to make a rearrangement equitable in the abstract, the resulting state of things would be a less desirable one than the present. Setting aside all financial objections to nationalization (which of themselves negative the transaction, since, if equitably effected, it would be a losing one), it suffices to remember the inferiority of public administration to private administration, to see that ownership by the state would work ill. Under the existing system of ownership, those who manage the land, experience a direct connection between effort and benefit; while, were it under state ownership, those who managed it would experience no such direct connection. The vices of officialism would inevitably entail immense evils.

Was ever philosopher so perplexed before?

Mr. Spencer started out in 1850 to tell us what are our rights to land. And, excepting that he fell into some confusion by carelessly transforming equal rights into joint rights, he clearly did so. But now, in 1892, and in the climax of the Spencerian Synthetic Philosophy, he has got himself into a maze, in which the living and the dead—Normans, Danes, Norsemen, Frisians, Celts, Saxons, Welsh, and Highlanders; old English and new English; plebeians with aristocratic names, and aristocrats with plebeian names, and female descendants who have changed their names; ancient filibusters and modern filibusters—are all so whirling round that, in sheer despair, he springs for guidance to "a landowner who is at the same time a Queen's Counsel," and is led by him plump into the English poor law and a long array of figures.

Yet, in the mad whirl he still pretends to consistency. "I adhere," he says, "to the inference originally drawn, that the aggregate of men forming the community are the supreme owners of the land."

Here is that inference in his own words—the inference originally drawn in *Social Statics*:

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 ... Equity, therefore, does not permit property in land ... The right of mankind at large to the earth's surface is still valid; all deeds, customs, and laws notwithstanding.

What is it that Mr. Spencer here asserts? Not that men derive their rights to the use of the earth by gift, bequest or inheritance, from their ancestors, or from any previous men, but that they derive them from the fact of their own existence. Who lived on the earth before them, or what such predecessors did, has nothing whatever to do with the matter. The equal right to the use of land belongs to each man as man. It begins with his birth; it continues till his death. It can be destroyed or superseded by no human action whatever.

And this is the ground on which, without exception, stand all who demand the resumption of equal rights to land. Where there has been any reference on their part to the wrongfulness of past appropriations of land, it has merely been—as in the case of Mr. Spencer himself in *Social Statics*—by way of illustrating the origin of private property in land, not by way of basing the demand for the rights of living men on the proof of wrongs done to dead men.²⁷ Neither Mr. Spencer in his "straight" days, nor any one else who has stood for equal rights in land, ever dreamed of such a stultifying proposition as that the right to the use of land must be drawn from some dispossessed generation,

²⁷ I, for instance, have uniformly asserted that it made no difference whatever whether land has been made private property by force or by consent; that the equal right to its use is a natural and inalienable right of the living, and that this is the ground, and the only ground, on which the resumption of those rights should be demanded. Thus in *The Irish Land Question*, in 1881, I said:

"The indictment which really lies against the Irish landlords is not that their ancestors or the ancestors of their grantors robbed the ancestors of the Irish people. That makes no difference. 'Let the dead bury their dead.' The indictment that truly lies is, that here and now, they rob the Irish people ... The greatest enemy of the people's cause is he who appeals to national passions and excites old hatreds. He is its best friend who does his utmost to bury them out of sight."

for this would be to assert what he so ridiculed, that "God has given one charter of privilege to one generation and another to the next."

Yet, now, this same Herbert Spencer actually assumes that the only question of moral right as to land is, who robbed whom, in days whereof the very memory has perished, and when, according to him, everybody was engaged in robbing everybody else. He not only eats his own words, denies his own perceptions, and endeavours to confuse the truth he once bore witness to, but he assumes that the whole great movement for the recognition of equal rights to land, that is beginning to show its force wherever the English tongue is spoken, has for its object only rectification of past injustices—the ridiculous search, in which he pretends to engage, as to what ancestor robbed what ancestor—and that until that is discovered, those who now hold as their private property the inalienable heritage of all may hold it still. And in the course of this "argument," this advocate of the rich against the poor, of the strong against the weak, declares that the toiling masses of England, made ignorant and brutal and powerless by their disinheritance, have lost their natural rights by serving as food for powder and payers of taxes in foreign wars waged by the ruling classes.

This is bad enough; but more follows. Mr. Spencer discovers a new meaning in the English poor laws.

In *Social Statics*, be it remembered, he declared that the equal right to the use of land is the natural, direct, inalienable right of all men, having its derivation in the fact of their existence, and of which they can in no possible way be equitably deprived. He declared, that equity does not permit private property in land, and that it is impossible to discover any mode by which land can become private property. He scouted the idea that force can give right, or that sale or bequest or prescription can make invalid claims valid; saying that, "though nothing be multiplied forever, it will not produce one"; asking, "How long does it take for what was originally wrong to grow into a right? and at what rate per annum do invalid claims become valid?" He declared that neither use nor improvement, nor even the free consent of all existing men, could give private ownership in land, or bar the equal right of the next child born. And he, moreover, proved that land nationalization, which he then proposed as the only equitable treatment of land, did not involve state administration.

Not one of the arguments of *Social Statics* is answered in *Justice*—not even the showing that land nationalization merely involves a change in the receivers of rent, and not the governmental occupation and use of land. There are two things, and two things only, that Mr. Spencer admits that he overlooked—the relation of the poor law to the claims of landowners, and the amount of compensation which the landless must give to the landed "for all that value which the labor of ages has given to the land."

Mr. Spencer has discussed the poor law before. One of the longest of the chapters of *Social Statics*, from which I have already quoted,²⁸ is devoted to it; and in recent writings he has again referred to it. In *Social Statics* he declares that the excuse made for a poor law—that it is a compensation to the disinherited for the deprivation of their birthright—has much plausibility; but he objects, not only that the true remedy is to restore equal rights to land, but that the poor law does not give compensation, insisting that poor-rates are in the main paid by non-landowners, and that it is only here and there that one of those kept out of their inheritance gets any part of them.

In 1884, in "The Coming Slavery," he repeats the assertion that non-landowners get no benefit from the poor law, saying—

The amount which under the old poor law the half-pauperised laborer received from the parish to eke out his weekly income was not really, as it appeared, a bonus, for it was accompanied by a substantially equivalent decrease of his wages, as was quickly proved when the system was abolished and the wages rose.

In "The Sins of Legislators," he repeats that instead of being paid by landowners, the poor-rates really fall on nonlandowners, saying—

As, under the old poor law, the diligent and provident laborer had to pay that the good-for-nothings might not suffer, until frequently, under this extra burden, he broke down and himself took refuge in the workhouse—as, at present, it is admitted that the total rates levied in large towns for all public purposes, have now reached such a height that they "cannot be exceeded without inflicting great hardship on the small shopkeepers and artisans, who already find it difficult enough to keep themselves free from pauper taint."

²⁸ pp. 64-65.

But in Appendix B Mr. Spencer ignores all this. He assumes that landowners have been the real payers and the disinherited the real receivers of the poor-rates; and, adding together all that the landowners have paid in poor-rates since the time of Queen Elizabeth, he puts the whole sum to their credit in a ledger account between existing landlords and existing landless.

He begins this account at 1601. He credits the landlords and charges the landless with all that has been collected from land for poor-rates between 1601 and 1890. Now, if this is done, what is to be put on the other side of the ledger? We must take the same date, the ordinary book-keeper would say, and charge the landlords and credit the landless with all the ground-rents the landowners have received from 1601 to 1890. To this we must add all that the landowners have received from the produce of general taxes between 1601 and 1890, by virtue of their political power as landlords.²⁹ And to this we must again add the selling value in 1890 of the land of England, exclusive of improvements. The difference will show what, if we are to go back to 1601, and no further, existing landlords now owe to existing landless.

This would be the way of ordinary, every-day bookkeeping if it were undertaken to make up such a debtor and creditor account from 1601 to 1890. But this is not the way of Spencerian synthetic bookkeeping. What Mr. Spencer does, after crediting landlords and charging the landless with the amount collected from land for poor-rates between 1601 and 1890, is, omitting all reference to mesne profits, to credit the landless and charge the landlords with the value of the land of England, not as it is, but "in its primitive, unsubdued state, furnishing nothing but wild animals and wild fruits"—that is, before there were any men. This—though by what sort of synthetic calculus he gets at it he does not tell us—Mr. Spencer estimates at £500,000,000, a sum that will about square the account, with some little balance on the side of the landlords!

Generous to the poor landless is Mr. Accountant Spencer!—so generous that he ought to make a note of it in writing Part VI of his

²⁹ The Financial Reform Almanac has given some idea of what enormous sums the British landowners have received from the offices, pensions and sinecures they have secured for themselves and from their habit of providing for younger sons and poorer relatives in the army, navy, church and civil administration.

Principles of Ethics—The Ethics of Social Life: Positive Beneficence.
For is it not positive beneficence to those who are to be credited with it to say that £500,000,000 would be a high estimate of the value of England when there was nothing there but wild animals and wild fruit? To one of less wide magnificence two and threepence would seem to be rather more than a high estimate of the value of the land of England before man came.