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“SOCIAL STATICS:”

OR,

THE CONDITIONS

ESSENTIAL TO

HUMAN HAPPINESS

SPECIFIED,

AND THE FIRST OF THEM DEVELOPED.

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CHAPTER XVIII.

POLITICAL RIGHTS.

§ 1.

OUR principle is the primordial one. It is the first pre-requisite to the realization of the Divine will. Every mode of interpreting that will points to this as the all-essential condition of its fulfilment. If we start with an *à priori* view of creative design, we are immediately led to the law of equal freedom (Chap. III). Do we appeal to the general character of the human constitution? the law of equal freedom is its corollary (Chap. IV). And when, pursuing the examination further, we observe the detailed arrangements of that constitution, we discover a faculty by which the law of equal freedom is recognised and responded to (Chap. V.). Otherwise viewed, this law is seen to be a direct deduction from the necessities of existence: as thus. Life depends upon the performance of certain actions. Abrogate entirely the liberty to exercise the faculties, and we have death: abrogate it partially, and we have pain or partial death. This remains true of man whether he be savage or civilized—isolated or social. And as there must be life before there can be society, this first principle of life must take precedence of the first principle of society—must fix or govern it. Or, speaking definitely, as liberty to exercise the faculties is the first condition of individual life, the liberty of each, limited only by the like liberty of all, must be the first condition of social life.

Derived, therefore, as it is, directly from the Divine will, and underlying as it does the right organization of society, the law of equal freedom is of higher authority than all other laws. The creative purpose demands that everything shall be subordi-

nated to it. Institutions and social forms must just marshal themselves as it commands. It dates from the creation; they are of yesterday. It is constant; they are changeable. It appertains to the perfect; they to the imperfect. It is co-enduring with humanity; they may die to-morrow. As surely then as the incidental must bow before the necessary, so surely must all conventional arrangements be subject to the absolute moral law.

§ 2.

Allusion has from time to time been made to a school of politicians, especially claiming for themselves the title of philosophical, who demur to this. They do not recognise any such supreme authority to which all human regulations must bend. Practically, if not professedly, they hold, with Archelaus, that nothing is intrinsically right or wrong; but that it becomes either by the dictum of the state. If we are to credit them government determines what shall be morality; and not morality what shall be government. They believe in no oracular principle by whose yea or nay we may be guided: their Delphi is the House of Commons. By their account man lives and moves and has his being by legislative permit. His freedom to do this or that is not natural, but conferred. The question—Has the citizen any claim to the work of his hands? can only be decided by a parliamentary division. If “the ayes have it,” he has; if “the noes,” he has not.

The reader who has arrived thus far, needs not to have the fallacy of this doctrine pointed out. The expediency-system, of which it forms an essential part, has been repeatedly proved untenable, and with it must fall its dependent propositions. And having, moreover, been collaterally refuted in foregoing chapters, the notion that man has no rights save those of government manufacture, might safely be left where it lies. There are, however, additional evidences of its untruth, which it may be as well to state. And first let us inquire how it has originated.

§ 3.

Considering society as a corporate body, we may say that man, when he first enters into it, has the repulsive force in excess, whilst in the cohesive force he is deficient. His passions are strong; his sympathies weak. Those propensities which fitted him for savage life necessarily tend to breed war between himself and his neighbours. His condition has been that of perpetual antagonism; and his antagonistic habits must of course accompany him into the social state. Aggression, dispute, anger, hatred, revenge—these are the several stages of the process by which the members of a primitive community are continually being sundered. Hence the smallness of the first communities. Populations burst as fast as they increase. Races split into tribes; tribes into factions. Only as civilization advances do larger unions become possible. And even these have to pass through some such stage as that of feudalism, with its small chieftainships and right of private war, showing that the tendency to repel is still active.

Now, in proportion to the repulsive force subsisting between atoms of matter, must be the restraint required to keep them from exploding. And in proportion to the repulsive force subsisting between the units of a society must be the strength of the bonds requisite to prevent that society from flying to pieces. Some powerful concentrative influence there must be to produce even these smallest unions: and this influence must be strong in proportion to the savageness of the people; otherwise the unions cannot be maintained. Such an influence we have in the sentiment of veneration, reverence for power, loyalty, or, as Carlyle terms it—hero-worship. By this feeling it is, that society begins to be organized; and where the barbarism is greatest, there is this feeling strongest. Hence the fact that all traditions abound in superhuman beings, in giants and demigods. The mythical accounts of Bacchus and Hercules, of Thor and Odin, and of the various divine and half-divine personages who figure in the early histories of all races,

merely prove the intensity of the awe with which superiority was once regarded. In that belief of some of the Polynesian Islanders that only their chiefs have souls, we find a still extant example of the almost incredible influence which this sentiment of reverence has over savage men. Through it only does all authority, whether that of ruler, teacher, or priest, become possible. It was alike the parent of beliefs in the miraculous conception of Gengis Khan, in the prophetic characters of Zoroaster, Confucius, and Mahomet, and in the infallibility of the Pope. Where it no longer deifies power, it associates it with divine attributes. Thus it was death for the Assyrian to enter unbidden into the presence of his monarch. The still stationary Orientals ascribe to their emperors celestial relationships. Schamyl, the prophet-chief of the Circassians, is believed to have entire union with the Divine essence. And the Russian soldiers pray for their Czar as "our God upon earth." The fealty of vassal to feudal lord—the devotion of Highland Celt to chief—were exhibitions of the same feeling. Loyalty it made the brightest virtue, and treason the blackest crime.

With the advance of civilization this awe of power diminishes. Instead of looking up to the monarch as a God, it begins to view him as a man reigning by divine authority—as "the Lord's anointed." Submission becomes less abject. Subjects no longer prostrate themselves before their rulers, nor do serfs kiss their master's feet. Obedience ceases to be unlimited: men will choose their own faiths. Gradually, as there grow up those sentiments which lead each to maintain his own rights, and sympathetically to respect the rights of others—gradually as each, thus, by the acquirement of self-restraining power, becomes fitted to live in harmony with his fellow—so gradually do men cease to need external restraint, and so gradually does this feeling which makes them submit to that external restraint decrease. The law of adaptation necessitates this. The feeling must lose power just as fast as it ceases to be needful. As the new regulator grows, the old one must dwindle. The first amelioration of a pure despotism is a partial

supplanting of the one by the other. Mixed constitutions exhibit the two acting conjointly. And whilst the one advances to supremacy, the other sinks into decrepitude: divine right of kings is exploded, and monarchical power becomes but a name.

Although the adaptation of man to the social state has already made considerable progress—although the need for external restraint is less—and although consequently that reverence for authority which makes restraint possible, has greatly diminished—diminished to such an extent that the holders of power are daily caricatured, and men begin to listen to the National Anthem with their hats on—still the change is far from complete. The attributes of the aboriginal man have not yet died out. We still trench upon each other's claims—still pursue happiness at each other's expense. Our savage selfishness is seen in commerce, in legislation, in social arrangements, in amusements. The shopkeeper imposes on his lady customer; his lady customer beats down the shopkeeper. Classes quarrel about their respective "interests;" and corruption is defended by those who profit from it. The spirit of caste morally tortures its victims with as much coolness as the Indian tortures his enemy. Gamblers pocket their gains with unconcern: and your share-speculator cares not who loses, so that he gets his premium. No matter what their rank, no matter in what they are engaged—whether in enacting a Corn Law, or in struggling with each other at the doors of a theatre—men show themselves as yet, little else than barbarians in broadcloth.

Hence we still require shackles; rulers to impose them; and power-worship to make those rulers obeyed. Just as much as the love of God's law is deficient, must the fear of man's law be called in to supply its place. And to the extent that man's law is needful there must be reverence for it to ensure the necessary allegiance. Hence, as men are still under the influence of this sentiment, we must expect their customs, creeds, and philosophies to testify of its presence.

Here, then, we have a rationale of the expediency-idea of government. It is the latest and most refined form assumed by this disposition to exalt the state at the expense of the individual. There have been books written to prove that the monarch's will should be the subject's absolute law; and if instead of monarch we read legislature, we have the expediency-theory. It merely modifies "divine right of kings" into divine right of governments. It is despotism democratized. Between that old eastern regime under which the citizen was the private property of his ruler, having no rights at all, and that final state under which his rights will be entire and inviolable, there comes this intermediate state in which he is allowed to possess rights, but only by sufferance of parliament. Thus the expediency-philosophy falls naturally into its place as a phenomenon attending our progress from past slavery to future freedom. It is one of a series of creeds through which mankind have to pass. Like each of its predecessors, it is natural to a certain phase of human development. And it is fated to lose its hold as fast as our adaptation to the social state increases.

§ 4.

It is only by bearing in mind that a theory of some kind being needful for men they will espouse any absurdity in default of something better, that we can understand how Rousseau's doctrine of Social Contract ever came to be so widely received. This fact remembered, however, the belief in such a doctrine becomes comprehensible. Here were men combined together under government and law. It seemed clear that the arrangement was on the whole a beneficial one. Hence the very natural, though erroneous, conclusion that state-authority was a moral institute. And state-authority being taken for a moral institute, it became needful to account for it, to defend it, to reconcile it with justice and truth. Under which stimulus there suggested itself this theory of a covenant originally entered into

between individuals on the one hand, and the community, or agents acting for it, on the other, by which allegiance was agreed to be exchanged for protection; and in virtue of which supposed covenant governments continue to exercise power and demand obedience.

That such an explanation should have satisfied the unthinking, is not to be wondered at; but it is passing strange that it should have gained credence amongst educated men. Observe the battery of fatal objections which may be opened upon it.

In the first place, the assumption is a purely gratuitous one. Before submitting to legislative control on the strength of an agreement alleged to have been made by our forefathers, we ought surely to have some proof that such agreement *was* made. But no proof is given. On the contrary, the facts, so far as we can ascertain them, rather imply that under the earliest social forms, whether savage, patriarchal, or feudal, obedience to authority was given *unconditionally*; and that when the ruler afforded protection it was because he resented the attempt to exercise over one of his subjects a power similar to his own—a conclusion quite in harmony with what we know of oaths of allegiance taken in later times.

Again; even supposing the contract to have been made, we are no forwarder, for it has been repeatedly invalidated by the violation of its terms. There is no people but what has from time to time rebelled; and there is no government but what has, in an infinity of cases, failed to give the promised protection. How, then, can this hypothetical contract be considered binding, when, if ever made, it has been broken by both parties?

But, granting the agreement, and granting that nothing positive has occurred to vitiate it, we have still to be shown on what principle that agreement, made, no one knows when, by no one knows whom, can be held to tie people now living. Dynasties have changed, and different forms of government have supplanted each other, since the alleged transaction could have taken place; whilst, between the people who are supposed

to have been parties to it, and their existing descendants, unnumbered generations have lived and died. So we must assume that this covenant has over and over again survived the deaths of all parties concerned! Truly a strange power this which our forefathers wielded—to be able to fix the behaviour of their descendants for all futurity! What would any one think of being required to kiss the Pope's toe, because his great-great-great-grandfather promised that he should do so?

However, there never was such a contract. If there had been, constant breaches must have destroyed it. And even if undestroyed it could not bind *us*, but only those who made it.

§ 5.

The self-importance of a Malvolio is sufficiently ludicrous; but we must go far beyond it to parallel the presumption of legislatures. Some steward who, deluded by an intense craving after dominion, and an impudence equal to his craving, should construe his stewardship into proprietorship, would more fitly illustrate it. Were such an one to argue that the estate he was appointed to manage had been virtually resigned into his possession—that to secure the advantages of his administration its owner had given up all title to it—that he now lived on it only by his (the steward's) sufferance—and that he was in future to receive no emoluments from it, except at his (the steward's) good pleasure—then should we have an appropriate travesty upon the behaviour of governments to nations; then should we have a doctrine perfectly analogous to this fashionable one, which teaches how men on becoming members of a community, give up, for the sake of certain social advantages, their natural rights. Adherents of this fashionable doctrine will doubtless protest against such an interpretation of it. They have no reasonable cause for doing so, however, as will appear on submitting them to a cross-examination. Suppose we begin it thus:—

“Your hypothesis that men, when they entered into the

social state, surrendered their original freedom, implies that they entered into such state voluntarily, does it not ? ”

“ It does.”

“ Then they must have considered the social state preferable to that under which they had previously lived ? ”

“ Necessarily.”

“ Why did it appear preferable ? ”

“ Because it offered greater security.”

“ Greater security for what ? ”

“ Greater security for life, for property, for the things that minister to happiness.”

“ Exactly. To get more happiness : that must have been the object. If they had expected to get more *un*happiness, they would not have willingly made the change, would they ? ”

“ No.”

“ Does not happiness consist in the due satisfaction of all the desires ? in the due exercise of all the faculties ? ”

“ Yes.”

“ And this exercise of the faculties is impossible without freedom of action. The desires cannot be satisfied without liberty to pursue and use the objects of them.”

“ True.”

“ Now it is this freedom to exercise the faculties within specific limits, which we signify by the term ‘ rights,’ is it not ? ”
(Page 77.)

“ It is.”

“ Well, then, summing up your answers, it seems that, by your hypothesis, man entered the social state voluntarily ; which means that he entered it for the sake of obtaining greater happiness ; which means that he entered it to obtain fuller exercise of his faculties ; which means that he entered it to obtain security for such exercise ; which means that he entered it for the guaranteeing of his ‘ rights.’ ”

“ Put your proposition in a more tangible form.”

“ Very good. If this is too abstract a statement for you, let us attempt a simpler one. You say that a state of political com-

bination was preferred mainly because it afforded greater security for life and property than the isolated state, do you not?"

"Certainly."

"Are not a man's claims to his life and his property amongst what we term his rights; and moreover, the most important of them?"

"They are."

"Then to say that men formed themselves into communities to prevent the constant violation of their claims to life and property, is to say that they did it for the preservation of their rights?"

"It is."

"Wherefore, either way we find that the preservation of rights was the object sought."

"So it would seem."

"But your hypothesis is that men give up their rights on entering the social state?"

"Yes."

"See now how you contradict yourself. You assert that on becoming members of a society, men give up, what by your own showing they joined it the better to obtain!"

"Well, perhaps I ought not to have said that they 'give up' their rights, but that they place them in trust."

"In whose trust?"

"In that of a government."

"A government, then, is a kind of agent employed by the members of a community, to take care of, and administer for their benefit, something given into its charge?"

"Exactly."

"And of course, like all other agents, exercises authority only at the will of those who appoint it—performs all that it is commissioned to do subject to their approval?"

"Just so."

"And the things committed to its charge still belong to the original owners. The title of the people to the rights they

have placed in trust continues valid: the people may demand from this agent the full benefit accruing from these rights; and may, if they please, resume possession of them?"

"Not so."

"Not so! What, can they not reclaim their own?"

"No. Having once consigned their rights into the keeping of a legislature, they must be content with such use of them as that legislature permits."

And thus we arrive at the curious doctrine above referred to, that the members of a community having entrusted an estate (their rights) to the care of a steward (their government), thereby lose all proprietorship in such estate, and can have no benefit from it, except what their steward pleases to vouchsafe!

§ 6.

But it is needless to assault this theory of government-omnipotence from without, for it is betrayed from within. It is self-destructive. It is disproved by its own innermost principle. The very witness called to testify of its truth lets out its falsity. For to what end is this attempted denial of rights? It is to the end of establishing the law of the greatest happiness to the greatest number—a law to carry out which government is said to exist—a law by whose dictates alone government ought to be guided—a law, therefore, of higher authority than government; antecedent to it—a law to which government must be subservient, subordinate. But what, when scrutinized, does this law of the greatest happiness to the greatest number resolve itself into? Why, into the ultra-democratic dogma—all men have equal rights to happiness (page 22). Wherefore it is to carry out the law—all men have equal rights to happiness, that government exists. And thus, even according to the opposition hypothesis, *rights* are the be-all and end-all of government; and rank above it, as the end above the means.