

Introduction to Herbert Spencer's

The Man versus the State

By ALBERT JAY NOCK

In 1851 Herbert Spencer published a treatise called "Social Statics; or, The Conditions Essential to Human Happiness Specified." Among other specifications, this work established and made clear the fundamental principle that society should be organized on the basis of voluntary cooperation, not on the basis of compulsory cooperation, or under the threat of it. In a word, it established the principle of individualism as against Statism—against the principle underlying all the collectivist doctrines which are everywhere dominant at the present time. It contemplated the reduction of State power over the individual to an absolute minimum, and the raising of social power to its maximum; as against the principle of Statism, which contemplates the precise opposite. Spencer maintained that the State's interventions upon the individual should be confined to punishing those crimes against person or property which are recognized as such by what the Scots philosopher called "the common sense of mankind"; enforcing the obligations of contract; and making justice costless and easily accessible. Beyond this the State should not go; it should put no further coercive restraint upon the individual.

Spencer's work of 1851 is long out of print and out of currency; a copy of it is extremely hard to find. It should be republished, for it is to the philosophy of individualism what the work of the German idealist philosophers is to the doctrine of Statism, what Das Kapital is to Statist eco-

* These are what the law classifies as "malum in se," as distinguished from "malum prohibitum." Thus, murder, arson, robbery, assault, for example, are so classified; the "sense" or judgment of mankind is practically unanimous in regarding them as crimes. On the other hand, selling whiskey, possessing gold, and the planting of certain crops, are examples of "malum prohibitum," concerning which there is no such general agreement.

This contribution is a reprint of Mr. Nock's Introduction to Herbert Spencer's "The Man Versus the State," a new edition of which was recently issued by the Caxton Press who granted The Freeman permission to reprint this material for the benefit of its readers.

nomie theory, or what the Pauline Epistles are to the theology of Protestantism.** It had no effect, or very little, on checking the riotous progress of Statism in England; still less in staying the calamitous consequences of that progress.

From 1851 down to his death at the end of the century, Spencer wrote occasional essays, partly as running comment on the acceleration of Statism's progress; partly as exposition, by force of illustration and example; and partly as remarkably accurate prophecy of what has since come to pass in consequence of the wholesale substitution of the principle of compulsory cooperation—the Statist principle—for the individualist principle of voluntary cooperation. He reissued four of these essays in 1884, under the title, "The Man Versus the State"; and these four essays, together with two others, called "Over-legislation" and "From Freedom to Bondage," are now reprinted under the same general title.

** In 1892 Spencer published a revision of "Social Statics," in which he made some minor changes, and for reasons of his own—reasons which have never been made clear or satisfactorily accounted for—he vacated one position which he held in 1851, and one which is most important to his general doctrine of individualism. It is needless to say that in abandoning a position, for any reason or for no reason, one is quite within one's rights; but it must also be observed that the abandonment of a position does not in itself affect the position's validity. It serves merely to raise the previous question whether the position is or is not valid. Galileo's disavowal of Copernican astronomy, for example, does no more, at most, than send one back to a re-examination of the Copernican system.

II.

The first essay, "The New Toryism," is of primary importance just now, because it shows the contrast between the aims and methods of early Liberalism and those of modern Liberalism. In these days we hear a great deal about Liberalism, Liberal principles and policies, in the conduct of our public life. All sorts and conditions of men put themselves forward on the public stage as Liberals; they call those who oppose them Tories, and get credit with the public thereby. In the public mind, Liberalism is a term of honour, while Toryism—especially "economic Toryism"—is a term of reproach. Needless to say, these terms are never examined; the self-styled Liberal is taken popularly at the face value of his pretensions, and policies which are put forth as Liberal are accepted in the same unreflecting way. . .

Spencer shows that the early Liberal was consistently for cutting down the State's coercive power over the citizen, wherever this was possible. He was for reducing to a minimum the number of points at which the State might make coercive interventions upon the individual. He was for steadily enlarging the margin of existence within which the citizen might pursue and regulate his own activities as he saw fit, free of State control or State supervision. Liberal policies and measures, as originally conceived, were such as reflected these aims. The Tory, on the other hand, was opposed to these aims, and his policies reflected this opposition. In general terms, the Liberal was consistently inclined towards the individualist philosophy of society, while the Tory was consistently inclined towards the Statist philosophy.

Spencer shows moreover that as a matter of practical policy the early Liberal proceeded towards the realization of his aims by the method of repeal. He was not for making new

laws, but for repealing old ones. It is most important to remember this. Wherever the Liberal saw a law which enhanced the State's coercive power over the citizen, he was for repealing it and leaving its place blank.

Spencer must be left to describe in his own words, as he does in the course of this essay, how in the latter half of the last century British Liberalism went over bodily to the philosophy of Statism, and abjuring the political method of repealing existent coercive measures, proceeded to outdo the Tories in constructing new coercive measures of ever-increasing particularity. This piece of British political history has great value for American readers, because it enables them to see how closely American Liberalism has followed the same course. It enables them to interpret correctly the significance of Liberalism's influence upon the direction of our public life in the last half-century, and to perceive just what it is to which that influence has led, just what the consequences are which that influence has tended to bring about, and just what are the further consequences which may be expected to ensue.

For example, Statism postulates the doctrine that the citizen has no rights which the State is bound to respect; the only rights he has are those which the State grants him, and which the State may attenuate or revoke at its own pleasure. This doctrine is fundamental; without its support, all the various nominal modes or forms of Statism which we see at large in Europe and America—such as are called Socialism, Communism, Naziism, Fascism, etc.—would collapse at once. The individualism which was professed by the early Liberals maintained the contrary; it maintained that the citizen has rights which are inviolable by the State or by any other agency. This was fundamental doctrine; without its support, obviously, every formulation of individualism becomes so much waste paper. Moreover, early Liberalism accepted it as not only fundamental, but also as axiomatic, self-evident. We may remember, for example, that our great charter, the Declaration of Inde-

pendence takes as its foundation the self-evident truth of this doctrine, asserting that man, in virtue of his birth, is endowed with certain rights which are "unalienable"; and asserting further that it is "to secure these rights" that governments are instituted among men. Political literature will nowhere furnish a more explicit disavowal of the Statist philosophy than is to be found in the primary postulate of the Declaration.

But now, in which direction has latter-day American Liberalism tended? Has it tended towards an expanding régime of voluntary cooperation, or one of enforced cooperation? Have its efforts been directed consistently towards the devising and promotion of new ones? Has it tended steadily to enlarge or to reduce the margin of existence within which the individual may act as he pleases? Has it contemplated State intervention upon the citizen at an ever-increasing number of points, or at an ever-decreasing number? In short, has it consistently exhibited the philosophy of individualism or the philosophy of Statism?

There can be but one answer, and the facts supporting it are so notorious that multiplying examples would be a waste of space. To take but a single one from among the most conspicuous, Liberals worked hard—and successfully—to inject the principle of absolutism into the Constitution by means of the Income-tax Amendment. Under that Amendment it is competent for Congress not only to confiscate the citizen's last penny, but also to levy punitive taxation, discriminatory taxation, taxation for "the equalization of wealth," or for any other purpose it sees fit to promote. Hardly could a single measure be devised which would do more to clear the way for a purely Statist régime, than this which puts so formidable a mechanism in the hands of the State, and gives the State *carte blanche* for its employment against the citizen. . .

Considering their professions of Liberalism, it would be quite appropriate and by no means inurbane, to ask Mr. Roosevelt and his entourage whether they believe that the citizen has any rights which the State

is bound to respect. Would they be willing—*ex animo*, that is, and not for electioneering purposes—to subscribe to the fundamental doctrine of the Declaration? One would be unfeignedly surprised if they were. Yet such an affirmation might go some way to clarify the distinction, if there actually be any, between the "totalitarian" Statism of certain European countries and the "democratic" Statism of Great Britain, France and the United States. It is commonly taken for granted that there is such a distinction, but those who assume this do not trouble themselves to show wherein the distinction consists; and to the disinterested observer the fact of its existence is, to say the least, not obvious. . .

III.

These essays following "The New Toryism" seem to require no special introduction or explanation. They are largely occupied with the various reasons why rapid social deterioration has ensued upon the progress of Statism, and why, unless that progress be checked, there must ensue a further steady deterioration ending in disintegration. All the American reader need do as he goes through these essays is to draw a continuous parallel with Statism's progress in the United States, and to remark at every page the force and accuracy of Spencer's forecast, as borne out by the unbroken sequence of events since his essays were written. The reader can see plainly what that sequence has run up to in England—a condition in which social power has been so far confiscated and converted into State power that there is now not enough of it left to pay the State's bills; and in which, by necessary consequence, the citizen is on a footing of complete and abject State-slavery. The reader will also perceive what he has no doubt already suspected, that this condition now existing in England is one for which there is apparently no help. Even a successful revolution, if such a thing were conceivable, against the military tyranny which is Statism's last expedient, would accomplish nothing. The people would be as thoroughly indoctrinated with Statism after the

revolution as they were before, and therefore the revolution would be no revolution, but a "coup d'Etat," by which the citizen would gain nothing but a mere change of oppressors. There have been many revolutions in the last twenty-five years, and this has been the sum of their history. They amount to no more than an impressive testimony to the great truth

that there can be no right action except there be right thinking behind it. As long as the easy, attractive, superficial philosophy of Statism remains in control of the citizen's mind, no beneficent social change can be effected, whether by revolution or by any other means.

The reader may be left to construct for himself whatever conclu-

sions he sees fit concerning conditions now prevailing in the United States, and to make what inferences he thinks reasonable concerning those to which they would naturally be leading. It seems highly probable that these essays will be of great help to him; greater help, perhaps, than any other single work that could be put before him.