

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers* 2, 1886 – 1887 June 5, '86 to May 21, '87)

## Herbert Spencer in the Field of Political Philosophy

One of the greatest courses now hovering over the civilized world is the hallowed cry for liberty. The voice of law, of order, of wisdom, of justice, of truth, of experience, of common sense is drowned in the tumultuous shout; and writers of supposed great depths of thought saluted with, "Hail, holy precursor of a perfect civilization."

Yet we are told that to be well educated, we must be versed in these authors. They have thrown off the shackles of superstition, and laid bare the inherent nature of our being. They give us a complete and perfect philosophy of physical, intellectual, and moral life, and deduce from the essence of our nature whence we have come, and whither we are going; at the same time pointing out to us our duties to ourselves, and our rights against government and our fellow men; –duties to our fellow men we seem to have none.

And these authors are generally men of great depth of thought, as well as of extensive research. But their learning does not reach over the entire field of knowledge, or even through all the channels of the knowable. Within their specialties they are perhaps worthy of the high honors which they have won, and could leave valuable legacies to the world did their conceit not carry them into dictatorial treatises upon subjects which they are wholly unqualified to handle, treatises that are accepted without questioning by the mass of readers upon the reputation of the author.

Typical of the school of modern Philosophy and the so-called advanced thought is Herbert Spencer's comparatively recent little book entitled: *The Man versus The State*. In it, the author treats of the origin and scope of government, but in a popular way; blending the fundamental principles for which he contends with a labyrinth of facts and general theorizing, which makes it impossible to quote his exact language. And to further complicate an analysis of the work, he treats of the limitations before discussing the source and origin.

Abstracted however, from all that surrounds it, and from the many minor propositions which radiate from it, the one leading idea contended for may be put thus: man is absolute master of himself, and of all the goods that he may possess with the freedom of the wild beasts of the forest, subject only to such restraints and regulations by law as he sees fit to consent to.

The book begins with an essay on "The New Toryism," meaning the Liberal party in English politics at the present day. The author states that the parties, (Tories, and Whigs or Liberals) originally represented respectively the regime of states and the regime of contract; the militant and the industrial states; the system of compulsory cooperation, and the system of voluntary cooperation; the typical structure of the one being an array formed of conscripts under pain of death, and receiving food and clothing and pay arbitrarily apportioned; while the typical structure of the other is a body of producers or

distributors who severally agree to a specified payment in return for specified services, and may at will, after due notice, leave the organization if they do not like it. That the one originated with and belongs to war, the other with peace and is natural to industry, manifesting itself in its position to Charles II in his effort to reestablish unchecked monarchical power in the Habeas Corpus Act, in the Bill of Rights and in other kindred acts that extended the area of personal liberty.

But the public mind, through a want of education in matters political, became confused, and the Liberal party failed longer to draw the distinction between gaining a popular benefit by the relaxation of restraints, and seeking directly for a public good, by compulsory legislation. This we are told is the key to all the workings in Parliament of that party since 1860. It has resulted in the act of placing restrictions upon the employment of women and children in Turkey - red dyeing houses; in numerous acts to regulate the sale of intoxicating liquors; in acts passed to check gambling; to reinforce vaccination among the poor; acts tending towards the establishment of the public-school system; and a great number of others of like nature. — But this is not all. We are told that we are far from forming an adequate conception if we look only to the compulsory legislation which actually has been established of late years. We must look to what is being advocated with fair prospect of early success, unless the drift of the public mind be changed. The system may extend to “local option;” to the establishment of free schools as we have them in this country; to encouraging by assistance, scientific research; and to the establishment of public libraries.

All of these, and the above enumerated infringements now in operation must be supported by more or less taxes to be paid by the people who are compelled thus to apply a part of their income, which before they were at liberty to spend according to their own wishes. Hence by each such act, they are deprived of some liberty, as well as constrained to pay for the deprivation, and drifted, the author insinuates toward that hideous spectacle, an army of conscripts.

From whatever vantage-ground the author may have gained in the mind of the reader, by this long rehearsal of enactments, many of which may have been ill-advised, and without giving the slightest information of the source of the authority by which government exists at all, or enacts any laws, he follows with an article on “The Coming Slavery” in which he tells us that slavery consists in one man being owned and controlled by another, and that if the control is exercised by all of the men of a community in the name of government, the one over whom it is exercised is as much a slave as he would be if the control were exercised by but one man: *ergo*, every restraint, regulation, or act of control by a government over its citizens to that extent enslaves them; the difference lying only in the degree of severity.

That the world is full of misery, there is no disputing; but it is a mistake to think that government by any possibility can right everything that is wrong. The poor and weak and wretched are numerous; and we must look for other agencies to look for them. These other agencies we find set forth in the third chapter entitled “The Sins of Legislators.” Here the author, after a general arrangement of law-makers for bad legislation, prefacing it however with the suggestive assertion that government is begotten by aggression and of aggression, says that what is really needed is a systematic study of natural causation, as

displayed among human beings socially aggregated. The kernel of this philosophy of natural causation according to Mr. Spencer's mode of thinking we find in the following quotation from him:

“the continuance of every higher species of culture depends on conformity, now to one, now to the other, of two radically opposed principles. The early lives of its members and the adult lives of its members have to be dealt with in contrary ways. —Adults foster their young during periods more or less prolonged, while yet the young are unable to provide for themselves; and it is obvious that the maintenance of the species can be secured only by a parental care adjusted to the needs consequent on imperfection.

“From the regime of the family group let us turn to the regime of that larger group formed by the adult members of the species. Ask what happens when the new individual, requiring complete use of its powers and ceasing to have parental aid, is left to itself. Now there comes into play a principal just the reverse to that above described. Through the rest of its life, each adult gets benefits in proportion to merits. — —Placed in competition with members of its own species, and in analogism with members of other species, it dwindles and gets killed off, or thrives and propagates according as it is ill-endowed or well-endowed. Manifestly an opposite regime, could it be maintained, would in course of time be fatal to the species. — —Does any one think that the like does not hold to the human species?

“Note further that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful; by the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions and therefore most productive of happiness, is insured.

“The development of the higher creation is a progress towards a form of being capable of a happiness undiminished by these drawbacks. It is in the human race that the [con-] is to be accomplished. Civilization is the last stage of its accomplishment; and the ideal man is the man in whom all the conditions of that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity and the unfolding of it into this ultimate perfection are both secured by that same beneficent, though severe discipline to which the animal creation at large is subjected.”

This is that philosophy of natural causation; and among the many lessons it teaches, the one standing foremost is that charity the single impulse of the human heart that is absent nowhere save in the most depraved wretch; is an enemy to man's perfection; because it interferes with this purifying process. It is at war with nature, and therefore unnatural; for nature never wars with herself. But government everywhere is a fact; and the reader's mind still asks, by what authority does it exist at all? If restraints & regulations are all aggregations and therefore wrong, government has no right to place them upon her subjects. Then by what authority does she do anything? How are we to know what government has a right to do, or what acts by it are aggregations, until we first know what government is? If should be a social compact, then it may have the right to do one thing; if it be an institution inherent in the nature of man, then it may have a right to do another;

but if it gets its life from a supernatural source, must we not look there for its limitations?

Civilization, the author tells us, is the last stage of perfection; while history shows that all civilized nations are under highly developed governments. Where is the explanation and justification to be found? All animal creation below man in perfect harmony with the laws of nature; is humanity the only chord that is out of tune? – The learned author closes his work with an article on “The Great Political Superstition,” wherein he considers this question of government's source, and origin. It is his opinion that when we undertake to analyze the conception of sovereignty as entertained by the leaders of thought, we are carried back only to Hobbes, unless we desire to consider the opinion of those who postulate its supernatural origin; which he does not care to do. He shows at great length that Hobbs is radically wrong in his system which is based upon the theory that man's natural state is war, and government is but a compact entered into by remote ancestry; and it is made clear that Hobbs simply marks an epoch in the history of thought upon this subject.

Austin is equally unsatisfactory, for he justifies positive law, by unlimited authority which authority, the real question, he assumes, and the modern belief in the rights of the majority is wrong, for the majority has no more right than a king to impose burdens upon the minority not within the legitimate scope of government. So the original question still is left with us: Whence the origin and what the nature?

Mr. Spencer can find nothing in the nature of man, viewing him from the evolutionary stand-point, the only place from which he views him, to justify government and the modern theories of Hobbes, Rousseau, and others, of an ancient compact, this satisfies his keen mind, for they do not answer the question: What power has remote ancestry, perhaps fifty generations removed, to make contracts binding upon us? Yet he does not care to consider the theories dating prior to Hobbes, but simply brushes all aside with the suggestion that they maintain supernatural origin, and therefore of course are wrong.

He however settles the question; and for the first time the world is made straight with this perplexing matter straight at least, upon record. We might say after Marshall, “He, by the unaided strength of his own great mind, has spurned from the path every obstacle that impeded, and rolled back the clouds that have darkened the morning march.” Here is Mr. Spencer's mode of handling it. We give his exact words:

“further consideration reveals a solution of the difficulty. For, if dismissing all thought of any hypothetical agreement to cooperate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity; and we get a sufficiently clear answer; and with it a sufficiently clear justification of the rule of the majority within a certain scope, but not outside of that sphere.”

In fixing the line then, the question to be put is, For what ends would all men, with practical unanimity, now agreed to cooperate? To the minds of the legal confraternity at least, this seems strange. It is beyond their power to comprehend how, in ascertaining the terms of the contract, we can do so by inquiring, not what they are, but what all parties to it with practicable unanimity, are willing they should be. We'll not the next generation look upon Mr. Spencer is he now looks upon Hobbes; a mere milestone in the course of

human thought, in this field? No; not a milestone in a course, but a [halt] in a whirlpool, for it would be difficult to suggest a further step in the same direction. He has completed the list of the possible phases of the compact theory, and has shown that all but himself are wrong; now, and if it chance to be that he, also is in error, then all is brought to a standstill. The next brilliant star that seeks to dazzle the world, will have to travel in another direction. Mr. Spencer can find nothing in society beyond a mutual acquiescence as a result of the common experience that it is to the advantage of all men to cooperate. He closes by telling us that government is a mere committee of management and that this committee has now inherent authority. It has a right to do only those things its principles authorize it to do. The only difference between Messrs. Hobbes, Rousseau and others, on the one hand, and Mr. Spencer on the other, is that they believed government to have a vested right I contract, an easement as it were, while he has come to the conclusion that is only a license.

Implying his rule, Mr. Spencer limits government substantially to resisting invasion, punishing crime, and enforcing contractual relations. If space would only permit, it would be interesting to trace the ultimate working of this particular theory, and see what a wonderful utopia he would make of the civilized world, provided that he be allowed to have his own way, and force natural man to discontinue being unnatural. He would give us states in which there would be no public improvements, no roads, no schools, no hospitals, – no improvements of any kind except those made by private individuals. The Postal Service, among other things, would have to be discontinued, unless we could learn by some process that all the adults of the community with practical unanimity, were willing that it should go on. This alone would be a justification. We would all of us be at perfect liberty to develop unscrupulousness to the utmost, & take every advantage of the unfortunate and confiding so long as we did not commit any crime by force; and trespass upon person or property. The reason why government has a right to resist invasion, punish crime, and enforce contractual relations, he tells us, is because it is evident that all men, with that essential practical unanimity, are willing that it should.

That Mr. Spencer is deeply learned in natural history as well as in some of the sciences kindred to it, all are willing to admit. He draws his proofs and arguments all from natural history. But he can find nothing in the lower animal species to justify any rational government whatsoever. All work by instinct; while the most that can be said of his theory of a committee of management, empowered by virtue of general acquiescence, it is, that it is a creation of the imagination, not based in the least upon fact. Therefore if a nation can justly exist, and act only when it does so in accord with this theory, then there is not now in the civilized world a justifiable government, and the anarchists are fully warranted in resisting might by might; for where there is no duty; we ought not to expect or ask obedience. This is one of the many conclusions we are forced to.

That there is something wrong in all this, is so evident to admit of question. Had the work first seen the light of day bearing the name of some obscure man, we are safe in surmising that but few copies of it would ever have gotten beyond the book-seller's shelves. But as a matter of fact, it has had a large circulation, and a marked influence upon the minds and opinions of many. Such a work can not be treated with contempt. It demands, even if it does not deserve, notice. If we were dealing with one who believed in

a human soul as the distinguishing difference between man and all lower animal species, then this whole web could be brushed away by simply saying that he has not proven to us that the principles which govern animal life when we find animal life by itself are the only principles that govern when we find animal and spiritual life in the same being. But with this author the answer does not suffice, for he will not admit of the difference; or if he will, he does not indicate it. Some other proof of his error must be relied upon.

We all agree with him that each human being is in a certain degree modifiable, both physically and mentally. He is unquestionably right when he says that every theory of education, every discipline, from that of the arithmetician to that of the price-fighter, every proposed reward for virtue or punishment for vice, implies the belief in sundry proverbs that the use or disuse of every faculty, bodily or mental, is followed by an adaptive change in; –loss of power or gain of power according to demand. And that is the fact, universally recognized in its broadest manifestation, that modification of nature in one way or other produced, are inheritable. In all of this, I say, we agree. This has, every bit of it, been fully recognized, and long before faith in evolution became the popular insignia of deep learning. So far, man and the lower animal species are like, and governed by the same rules of nature. Therefore government should encourage independence and individuality in action and give what Spencer calls paternal legislation, as wide a berth as the condition of the people will allow.

But this is not all there is of man. There are differences in his nature that are not likely to be explained away by the evolutionist until he has discovered the missing link through which we must presume they were introduced: –differences that must be conceded even by those who will not hear to the spiritual distinction; differences that are a part of his inherent nature.

Not only the essence of a being is natural to it, but that also is natural to it which is necessary for to accomplish the end for which nature has ordained it.

We know the nature of a being, philosophically speaking, only so far as the action of this being manifests to us its nature. And we know that man is ordained to live in civil government society, and therefore that civil-governed society is natural to him (as natural to him as to exercise his body and limbs is) and not a mere matter of compact because first it, neither is the individual man sufficient for himself, nor is the family able to sustain and protect itself independently of other families around it; therefore natural support is necessary for human beings. Nature clothes the brute, irrational animal by the operation of pure physical laws: its senses and natural instinct directed to the objects that supply all its wants. Man's guide in such things is not any natural instinct; but it is reason that can learn what is best for food and raiment, for health, remedy of disease only through the experience of many persons. Secondly, because the faculty of language, by which knowledge and experience are mainly acquired, diffused, and transmitted indicates clearly that nature intends men to live in community, since this gift would otherwise lose its principal and an value. Thirdly, because man I like the irrational animal is perfectible, not only as an individual, but the human species is also perfectible by means of increased experience and knowledge.

This fact, that the human species is perfectible because man is a rational animal, he is

itself a conclusive proof that nature intends the perfection of the human species as an end; for nature bestows no good gifts in vain. But the human species can not attend to its own perfection except by means of that union which constitutes human society. It follows, then, that society is necessary for man, because he is perfectible and he can attain his greatest protection only when he is in society. And that society can not exist without government is evident, not only from the nature of man and his passions, but from all history. Home government is necessary for man that he may attain to the end for which nature has ordained him; and it is therefore natural to man – based on the laws of nature; and its limitations must be looked for in those laws and not in a hypothetical contrast past or present. It is not begotten of aggression; and within its proper sphere, it is no more an aggression upon our liberties than is that principle of life which punishes him with death who partakes of any one of a number of articles that may be palatable but which, because this restraint upon the use of them has been so imposed, we call poison. If government is begotten of aggression, and is an infringement of our liberties, –a quasi-slavery, then is every rule of nature which bridles license, likewise an infringement of our liberties. And if man's end, at least here upon earth is to reach his highest perfection, which, as we have seen, can be done only through a natural perfection, that is, the perfection of society generally, then the end of society and government must be the common good of society; and government must have inherently the right to use those means that are essential to attain that common good; and this suggests the limitations. It is consistent with the history of the human race, and leaves only the question of propriety and expediency to test the correctness of all this field of legislation to which Mr. Spencer has so strongly objected as infringements of human liberty while it teaches man that government has inherent rights and powers and must be respected as an institution natural to him, and essential to his well-being, and to not that it is begotten of aggression and by aggression, and is an unavoidable evil that should be quarreled with and resisted every step as the plagues that sometimes visit us.

And I may say in closing that this theory is exactly the one held by those, to use the language of Mr. Spencer, who postulate Government's supernatural origin; yet he does not consider it worth his notice, simply because it is advocated by them. He seems not to understand that school considers all nature of a supernatural origin, merely because it believes in a supernatural creator. It is too evident from his work that he never has gone back of Hobbes in his studies of this branch of philosophy. All along, he undertakes to give the arguments they can be urged against his position; and it is a noticeable fact that not in a single instance does he state an objection that would be made by an adversary sufficiently learned to deserve note.

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