

CHAPTER VIII

"THE MAN VERSUS THE STATE" AND AMERICAN SPENCERIANS

"I will not live under trustees if I can help it. No group of men less than the majority has a right to tell me how I have got to live in America. I will submit to the majority, because I have been trained to do it,—though I may sometimes have my private opinion even of the majority. I do not care how wise, how patriotic, the trustees may be, I have never heard of any group of men in whose hands I am willing to lodge the liberties of America in trust."—WOODROW WILSON, *The New Freedom*. Chap. III., p. 64.

THERE is something to be said for the Parliamentary socialist, notwithstanding Sorel's severe criticism. The socialist boasted before the war that he was quite content to get Socialism increment by increment, for a full dose was not possible so long as the capitalist class controlled the political means. But, as the condition of the people was becoming more and more desperate, and the propaganda of the socialist more telling, because of Parliament's unwillingness to deal with fundamental reform, he said he did not mind the fulminations of statesmen against Socialism so long as statesmen voted for socialistic legislation. The war has, however, carried us further in these four years than any socialist expected. The experience has been a peculiar one,

inasmuch as many people who formerly abhorred Socialism now beg that the return to pre-war conditions shall be "gradual and statesmanlike." For the emergency of the war, economic, political, and industrial principles have been swept aside, and in their place we have had to submit to those very principles of State Socialism which we had hoped were buried long ago. War raised the dead; it always does. Now how was it that Great Britain and the United States, two countries of one tradition of liberty, should fall so easily under the yoke of State Socialism, even though the emergency was the European war? The fact is this: that we have been driven for the past twenty years or so to adopt socialistic ideas little by little. Governments have been driven by the economic condition of the people and the growth of great industries, to attempt through a particularly specious class of social legislation to remedy deep-seated economic problems. The whole legislative tendency for the past twenty years has been in the direction of Socialism.

There has been recently published an edition of Herbert Spencer's *The Man versus The State*, with comments by well-known Americans, giving illustrations of the dangers arising from the increasing officialism in this country. The editor, Mr. Truxtun Beale, says:

"One can hardly now take up a newspaper without reading of some legislative measure, either State or Federal, which narrows the area of personal freedom and increases that of official control. . . . Both the essays and the commentators will demonstrate that officialism is slow, that it is expensive, that it is unadaptive, that it is unprogressive, that it has a tendency to tyrannize and a tendency to become corrupt; that it is as hard to shake off as the old man of the

sea, when once there is created a large official class. They will demonstrate that business enterprise as well as personal liberty is in danger of being lost in the labyrinthine mazes of officialdom. They will demonstrate the impoverishing effect of taking people from the producing class to form an army of officials to be supported out of fruits of labour. They will demonstrate that a régime of officialism means vast expenditures for obtaining small ends. They will point out the childish impatience of the American people with slow and natural remedies — the only sound ones — and will show that quick remedies are almost always quack remedies. They will demonstrate that under a régime of excessive officialism the State instead of being a protector of rights becomes an aggressor upon rights. They will demonstrate that the habit of leaning upon officials destroys national character and weakens the old American trait of self-reliance. They will attack the apparently inexhaustible faith in law-made remedies and show that the belief in the sovereign power of political machinery is a gross delusion. They will demonstrate that increasing officialism is paving the way for Socialism, checking progress and the evolution to a higher state and tending to crystallize social structure upon a lower plane."

Mr. Beale must have a fine sense of humour — publishing Spencer's essays at this time. What he hopes to gain is not clear. We all know our Herbert Spencer, we also know how valuable to Toryism his essays were in the '80s. The Liberals of that day however paid little or no attention to his warnings; indeed after the publication of *The Man versus The State*, officialism increased rapidly. The new edition is however valuable for the comments made by the Americans who use Spencer's essays to point the moral for American readers. For instance Mr. David Jayne Hill says :

"It is worthy of note that the same illogical, and yet apparently fatally directed, procedure that was in operation in England when Herbert Spencer wrote those essays is at

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present operative in the United States; namely, the gradual imposition of a new bondage in the name of freedom. . . . If the State were, in fact, a wise, beneficent, and provident entity, capable of exercising a truly parental care in protecting the interests and preserving the liberty of the people, the only considerable evil resulting from its unlimited authority would be the weakening of the individual through his complete reliance upon his benevolent guardian and the consequent suppression of personal initiative, effort, and responsibility. But, in truth, the State possesses none of these characteristics. It is, in reality, merely a sum of legalized relations, in whose name and by whose authority certain definite persons, called the Government, control the activities of the community."

This is a pretty bold definition of the modern State and indicates how far we have travelled in the direction of a bureaucracy since Herbert Spencer wrote his essays. But when Mr. Hill tells us that "these persons, drawing their sustenance in the form of salaries from the common store, secure in the possession of authority so long as they can suppress individuality and tighten the grasp of government upon the forces of the community, soon discover that they are in the seat of power, and that their prospect of retaining it depends upon the increase of their authority and the diminution of individual liberty," he points out the very same evil of the system, or of this socialistic class of legislation, which I have already referred to in the case of Great Britain. Here again is another instance of how little regarded are the experiences and vicissitudes of government. Here in America we benefit not at all by the blunders of a government in a country where our language is spoken and where there is the same tradition of liberty. What is to be done about this grievous state of affairs? Mr. Hill says, "from the

point of the citizen, this is a tendency to be resisted; unless he is willing in the end to turn over to the State everything he possesses, and submit to the sumptuary legislation which the Government, ever seeking to enlarge its functions of supervision and control, desires to impose." Is this advice to be accepted literally? If so, will Mr. Hill then tell us in what way the citizen is to resist? This is important, for some of those citizens who have recently resisted the very grave dangers that Mr. Hill refers to have been locked up for their pains. They have learned that resistance is dangerous nowadays. The recent trials reveal a most un-American tendency. Twenty years in prison for saying and doing far, far less than Paine, Washington, Emerson, and Thoreau, said and did, savours of Jeffreys, not Jefferson. Have we then reached the stage when resistance is futile? Has the State absorbed the man, and is the yoke of State Socialism placed on the necks of an unwilling people by a Government that would repudiate every canon of the state socialist? ¹

But let us look further. Mr. Elihu Root says:

"If we apply Spencer's article on 'The New Toryism' to the United States, we cannot fail to realize the rapidity with which our social organization has been passing from the régime of contract into the régime of status. If we proceed further to consider the great body of laws which have been enacted in recent years by our national and State legislatures, we shall find that many of them go beyond the limits of power which on sound political principles government ought to exercise in restraint of the liberty of the individual citizen. This subject is of more critical impor-

¹"What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian Senate." Jefferson, Works VI, 543.

tance for us than it was for England when Spencer wrote. . . ."

British Tories talked in exactly the same way. They, however, did not venture on a statement of equal rights which is in any way comparable with that of Mr. Root, for in his preface he does not hesitate to tell us:

"He (Spencer) was the apostle of the right of individual liberty, limited only by the equal rights of others. He made that the basis of his political philosophy. He tested all laws which limited the freedom of the individual by the question whether those laws were necessary to maintain the equal freedom of others. Many of us, I think most of us in America, believe that to be the true principle, the only principle, upon which political ethics can rest securely, and we cannot afford to have our belief become a dead and forgotten faith."

I do not think that the Mr. Herbert Spencer of the last part of the Synthetic Philosophy would agree with this description. Mr. Root when he speaks of Spencer as "the apostle of the right of individual liberty, limited only by the equal rights of others," must be referring to the earlier Mr. Herbert Spencer, who wrote *Social Statics*. Anyway, it is just as well for us to remember Mr. Root's statement of what we Americans understand as the true principle, the only principle, upon which political ethics can rest securely.

Mr. Henry Cabot Lodge in his preface to *The Coming Slavery*, is very much concerned about the growth of socialistic tendencies. He tells us, "There has never been a time when it was more desirable for legislatures and people alike to look beyond the proximate truth or the half truth upon which we are acting and to consider the ultimate truth to which

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their actions lead." Certainly every protectionist should ponder well this sage advice, for protection and Socialism are never very far apart. Both would destroy incentive, both require a great body of officials, both are restrictive, and both lean towards compulsion.

I venture to say that protection has indirectly done more to foster Socialism than Karl Marx and all his works. It is a fact of striking significance that socialistic doctrine makes little or no political headway in countries where tariffs are very low. In free trade countries its political strength is scarcely appreciable. Germany, Russia, France, and the United States are, or were, protectionist countries, and these have undoubtedly given greater evidence of the strength of Socialism than free trade Great Britain, where every one was at liberty to preach its gospel to the full. In Europe, protection and militarism have always gone hand in hand, and the protectionist party has always been the "bayonet" party.

It is, however, Mr. Lodge's contribution to the growth of officialism which I particularly wish to place before the reader:

"In every department of the Government there has been an increase in the number of offices, and in the Treasury Department alone there has been an increase of nine hundred and thirty-eight offices within the last two years. That the same holds true of other executive departments is shown by the fact that the number of Government employes in the classified service, appointed as the result of competitive examinations, has increased from 222,278, in the year 1910, to 292,460, in the year 1914, while the total number of Government employes has increased from 384,088 to 482,721 in the same period. These increases are enough to give us pause, but when we reflect that there is an active movement

on foot to have the Government take over the telegraphs and telephones, the railroads and the steamships of the country, we can see that these hundreds of thousands of offices now existent will be raised, if Government ownership prevails, to several millions. If this comes to pass we shall soon be governed by the office-holders of the classified service, just as Russia has been controlled by her bureaucracy."

These figures are startling, but they are pre-war figures. It would be interesting to know the number of officials added to the old departments; their armies of officials, brought into being through the exigencies of the war, must be great. But things will be much worse before they are better, for the prospect when we return to a peace basis is we will not only be saddled with many of the war departments, but in all likelihood see new departments springing up under schemes of nationalization. The truth is we are going surely and swiftly to State Socialism. That none of the workers have yet been socialized is neither here nor there for purposes of argument, just now. The fact is the services are under consideration, and the war, and the conduct of it by the Government, has done more to drill the mass into fit and proper subjects for the socialist State than Mr. Root and Mr. Lodge seem to be conscious of. Bureaucracy has come to stay, unless a great revolution take place in the minds of the American public. But it is impossible to blame one political party more than another. Leaving the war out of consideration, I may say that all pre-war governments have been afflicted with the mania of officialism. The economic system in vogue which governments everywhere, whether liberal or conservative, or republican or democratic, wish to maintain, drives the parties towards bureaucracy. It is the inevitable

result of a monopolistic system wherein the political means must control and exploit the economic means. There can be no other reason for this pernicious state of affairs. It should be obvious now that legislation is a curse. It is, however, those who support the monopolistic system, the heirs of those who destroyed the practice of equal rights, who are now appalled at the consequence of their acts. Herbert Spencer, the latter day Herbert Spencer, is their champion. They all cry out against Socialism, but they do not realize that the system they support contains in it many of the elements of Socialism. Some one has said that monopoly is the foster-mother of the socialist state; is it true that the monopolist is the stepbrother of the socialist?

There are many splendid passages by Americans in their prefaces to these essays. Whether Spencer would have agreed with his American friends of this day is doubtful. Whether vast numbers of Americans would have agreed with many of the comments made in this book by their fellow-countrymen, who have taken more or less active part in the conduct of the war, is hard to say; but it seems to me here is highly inflammable material written by these gentlemen, a good deal of which would have caused consternation, to say the least, if it had been spoken from a pacifist's platform during the war. Let me quote Mr. Nicholas Murray Butler. In referring to the Declaration of Independence, he says:

“ These natural rights, which are set forth in the Declaration of Independence and which are amplified and defined in the Constitution of the United States, are an attribute of human personality. A human being is a person and a person is an end and not a means to an end. Personality is morally inviolable, and into its sacred precincts no despot,

whether monarch or majority, has any right to enter. The amazing notion that there is no such thing as privacy, that all of a man's doings and sayings and thinkings and havings are matters of public concern and are rightfully subject to inspection and control, is the determined enemy of personal freedom and of civil liberty."

This is excellent, but the trouble is it does not carry us very far. Before the war we heard frequently how great universities exercised extraordinary autocratic powers. The universities during the war were sometimes opposed to freedom of speech and suspicious of liberty of thought. Do particular cases vitiate a principle? I suppose the reply would be that it depends upon the person and the circumstances. Evidently Mr. Nicholas Murray Butler believes in natural rights. He says:

"The thoroughly obscurantist and reactionary doctrine is now taught — and curiously enough it is taught under the name of progress — that the individual has no rights save those which society confers upon him and that society may by majority vote to do what it pleases with him. This doctrine is the oldest prop of despotism and autocracy, and the despotism and autocracy is none the less despotic and autocratic because for an individual monarch there has been substituted a temporary and fortuitous majority."

Again this is excellent, but the trouble is natural rights are conspicuous by their absence, for the basis of natural right has been monopolized by the few. When a man has to pay one of his fellows for the natural right to use the earth, the only source from which he can draw his sustenance, it seems to me the Declaration of Independence requires modification. But we are told there is a cure, and "there is no need to turn aside to re-enact the sumptuary laws of long ago to regulate in the minutest way all sorts and kinds of activities which are far

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better alone." This sounds very much like the so-called *laissez faire* gospel of the good old Tory Liberty and Property Defence League. Mr. Butler says:

"Nature's cure for most social and political diseases is better than man's, and without the strongest reasons the government should withhold its hand from everything that is not, by substantially common consent, a matter of government concern and governmental action."

This is all very well and good so far as it goes, but nature has not got a chance so long as it is monopolized. *Laissez faire* as a gospel does not mean leave monopoly alone, it means leave natural rights alone.

Mr. David Jayne Hill is another believer in the rights and liberties of each individual, but he seems inclined to favour a *laissez faire* policy which was in vogue after natural resources were monopolized and before "over-legislation" began. He is not definite as to the period when the change took place, for he says:

"With us, on the contrary, the evolution has been from the practically universal acceptance of equal inherent and inalienable personal rights and liberties to a growing acceptance of the idea that the State should control the conduct and the possessions of the individual, including his personal habits, his business activities, and even his private opinions. Those who still defend the doctrine of inherent personal rights and liberties are now denounced as 'reactionaries,' and are frequently insulted in letters, and otherwise, by persons who impugn their motives and accuse them of an alliance with the forces of evil."

There seems to be a misunderstanding here that is certainly worth clearing up. Let me ask Mr. Hill this question: What is the basis of equal inherent

and inalienable personal rights and liberties? This is most important. If Mr. Hill has in mind merely a political basis — of equal franchise — then it can be readily understood how one defending the phrase we have quoted, could be denounced as reactionary. Equal inherent and inalienable personal rights and liberties must have an economic basis, and no one knew that better than Herbert Spencer when he published *Social Statics* in 1850. Then he told us:

“In our tender regard for the vested interests of the few, let us not forget that the rights of the many are in abeyance, and must remain, so long as the earth is monopolized by individuals. Let us remember, too, that the injustice thus inflicted on the mass of mankind is an injustice of the gravest nature. The fact that it is not so regarded proves nothing. . . . It may, by-and-by, be perceived that Equity utters dictates to which we have not yet listened; and men may then learn that to deprive others of their rights to use the earth is to commit a crime inferior only in wickedness to the crime of taking away their lives or personal liberties.”

Spencer, of course, in later years changed his mind about this, but in changing his mind he did not change in any way the eternal truth. He began his career as an individualist and ended it as a Tory. Now it is justice which must accompany natural right, and without economic justice the high-sounding phrase used by Mr. Hill is really meaningless. We have found that a mere political democracy is and always has been a failure. Is it too late to hope that equity will utter dictates to which we have not yet listened? Let us hope not.

Mr. Taft contributed some comments on Spencer's essay on *The Duty of the State*. It is one of the curiosities of the war how this book, of all books, was overlooked by the military censor and the post-

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office, for it contains doctrines which few men, during America's participation in the war, would have been permitted to utter from a public platform. Yet it was fathered by a half dozen of our leading citizens, and the public urged to read and study it. So, while we are considering the question of rights, let us ponder the following from the essay on *The Duty of the State*:

“When we agreed that it was the essential function of the State to protect — to administer the law of equal freedom — to maintain men's rights; we virtually assigned to it the duty, not only of shielding each citizen from the trespasses of his neighbours, but of defending him, in common with the community at large, against foreign aggressions. An invading force may violate people's rights as much as, or far more than, an equal body of felons; and our definition requires that government shall resist transgression in the one case as much as in the other. Protection,—this is what men seek by political combination; and whether it be against internal or external enemies matters not. Unquestionably war is immoral. But so likewise is the violence used in the execution of justice; so is all coercion. Ethical law is as certainly broken by the deeds of judicial authorities as by those of a defensive army. There is, in principle, no difference whatever between the blow of a policeman's baton and the thrust of a soldier's bayonet. Both are infractions of the law of equal freedom in the persons of those injured. In either case we have force sufficient to produce submission; and it matters not whether that force be employed by a man in red or by one in blue. Policemen are soldiers who act alone; soldiers are policemen who act in concert. Government employs the first to attack in detail ten thousand criminals who separately make war on society; and it calls in the last when threatened by a like number of criminals in the shape of drilled troops. Resistance to foreign foes and resistance to native ones having consequently the same object — the maintenance of men's rights, and being effected by the same means — force, are in their nature identical; and no greater condemnation can be passed on the one than on the

other. The doings of the battlefield merely exhibit in a concentrated form that immorality which is inherent in government, and attaches to all its functions. What is so manifest in its military acts is true of its civil acts,— it uses wrong to put down wrong.”

It is something to be thankful for that an ex-president of the United States has urged “ a conscientious reading of these two chapters,” for the purpose of putting “ a lot of good sense and practical ideas in the minds of our legislators.” What will happen to them if they act on the precepts laid down in these chapters only the Security League can say. Perhaps it would be worth while publishing another edition of *The Man versus The State* now legislators and subjects have enjoyed an unprecedented period of State and private society control. It would be interesting to see how far a series of new prefaces to Spencer’s essays would differ from these we have been considering. Many men would no doubt subscribe heartily to the first sentence of *The Sins of Legislators*: “ Be it or be it not true that Man is shapen in iniquity and conceived in sin, it is unquestionably true that Government is begotten of aggression and by aggression.” It would now be difficult to find any important body of opinion that would not heartily agree with this. If silence gives consent, must we take it for granted that well-to-do people generally submit to State and private society control, that tyranny and coercion are state diseases which they must expect and suffer, just as people used to think measles and chicken-pox were regularities of the growth of children? But the question of natural rights may spring up again with startling effect. Already some of the great men of science and philosophy are in the van, leading an exceedingly small

minority back to first principles. Naturally there are no well-known politicians in that minority; nevertheless the really serious thinkers are engaged in a preparedness campaign to educate society as a whole for the change that must come, unless society is to be reduced to slavery. Only on the maintenance of individual rights can the life of society prosper. The prosperity of the few in a society which in nearly all its actions denies natural rights to the millions will not save political democracy or personal property any more than high-sounding phrases will save well-known public men from the stigma which seems to have been hurled at them. Natural rights must be considered. Serious men and women must turn their attention to the study of economic principles, for as Spencer says, in dealing with the customs of primitive peoples before governments existed, "those who, denying natural rights, commit themselves to the assertion that rights are artificially created by law, are not only flatly contradicted by facts, but their assertion is self-destructive: the endeavour to substantiate it, when challenged, involves them in manifold absurdities."