THE PARADISE LOST OF LIBERALISM:

INDIVIDUALIST POLITICAL THOUGHT IN LATE VICTORIAN BRITAIN.

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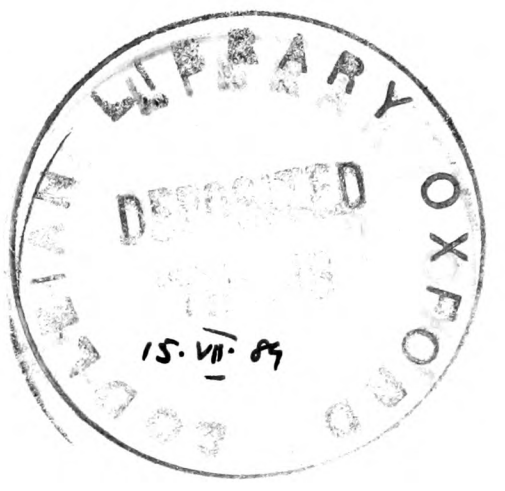

ABSTRACT.

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The thesis argues that the development of the New Liberalism in the late nineteenth century was opposed from the standpoint of a more "traditional" conception of liberalism by a group of political theorists who owed their inspiration to the work of Herbert Spencer. Despite the protestations of these self-styled "Individualists" that they were the true heirs of mid-century liberalism, it is argued that their political theory represented as much a transformation of Benthamite Radicalism as did that of the New Liberals. The Individualists developed mid-century liberalism in a conservative direction, arguing that social change was not to be attained by conscious design and developing an ethical justification for the actual distribution of property and power in late Victorian Britain. The thesis establishes this claim by examining six Individualist arguments derived from Spencer's *Synthetic Philosophy*: (1) the argument from the biological theory of evolution; (2) the argument from psychological theory; (3) the sociological conception of society as an "organism"; (4) the theory of historical development; (5) the doctrine of utility; and (6) the theory of justice and property rights.

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INTRODUCTORY ESSAY:

RESISTING THE TRANSFORMATION OF LIBERALISM.

I. INTRODUCTION: THE CONCEPT OF INDIVIDUALISM.

Writing in the **Fabian Essays**, Sidney Webb saw fit to attack "Mr. Herbert Spencer and those who agree in his worship of Individualism" for wanting to "bring back the legal position which made possible the 'white slavery' of which the 'sins of legislators' have deprived us."[1] Yet for all the volumes which have been written on the Fabians, on the New Liberals, and on other *fin de siecle* advocates of social reform, the student of late nineteenth century political thought will search in vain for any extensive discussion of the theory which Webb attacked with such vehemence. In the absence of such a study, the doctrines of the Individualists, like those of the Sophists, stand in danger of being known only through the mouths of their partisan critics. Thus it is the ambition of the present work to remedy this deficiency.

The primary emphasis of recent studies of British liberalism in the late nineteenth century has been on the attempts of liberal theorists to adapt their ideology to the problems and issues created by an advanced, industrialised, and increasingly democratised society.[2] It is surprising, however, in the context of the current revival of interest in "classical" liberalism, that no study exists of the liberal political theorists who opposed any significant revision of liberal thought or practice during this period.[3] This was the position adopted by the self-styled "Individualists" who argued that they

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[1] S. Webb, "The Basis of Socialism: Historic" in G.B. Shaw (ed.), Fabian Essays in Socialism (London, 1889), pp.40-1.

[2] Among examples of this literature may be cited P.F. Clarke, Liberals and Social Democrats (Cambridge, 1978); S. Collini, Liberalism and Sociology: L.T. Hobhouse and Political Argument in England 1880-1914, (Cambridge, 1978) M.S. Freeden, The New Liberalism: An Ideology of Social Reform. (Oxford, 1978); H.G.C. Matthew, The Liberal Imperialists (Oxford, 1973); M. Richter, The Politics of Conscience: T.H. Green and His Age, (London, 1964); A.W. Vincent and R. Plant, Philosophy, Politics and Citizenship: The Life and Thought of the British Idealists, (Oxford, 1984); P. Weiler, The New Liberalism, (New York, NY, 1982).

[3] Cursory sketches of Individualist thought are, however, to be found in W.H. Greenleaf, The British Political Tradition, vol.II: The Ideological Heritage (London, 1983), p.82ff, and R. Barker, Political Ideas in Modern Britain (London, 1978), p.50ff.

represented the historical principles of liberalism which had been abandoned by the New Liberals in their willingness to embrace "Socialism" and state intervention.[4] But the Individualists did not merely aspire to doctrinal purity: it will be shown that their ideological conservatism was matched by a political conservatism which identified the actual structure of late Victorian society with the free market and minimal state of "classical" liberalism, and hence they sought to defend it against the attacks of social reformers. My argument in this thesis is that these twin aspirations to doctrinal and political conservatism were mutually incompatible.

Many different meanings may be attached to the term "individualism"[5], but as employed in this thesis it "was not generally used before the 1880s, had a mainly historical reference after 1918, and is rarely used in its pure form today."[6] In the relevant sense "Individualism" refers to "the social theory which advocates the free and independent action of the individual as opposed to communistic methods of organization and state interference; opposed to Collectivism and Socialism."[7] Collini has suggested that the term "Individualism" was imprecise, and it is true that many late Victorian discussions usually began with a despairing admission that it was used very loosely; thus it was characterised in the most general terms as the "tendency to oppose State interference in the affairs of the individual" rather than as "a cut-and-dried theory of the function or the lack of function of the state."[8] Part of the looseness of this term can be ascribed to its use as a convenient missile in the political disputes of

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[4] The term "Socialism", as employed by both the Individualists and the New Liberals, had a much wider signification than the current meaning which attaches to the term, and was used to describe many measures which did little or nothing to transform the productive system of free market capitalism. In general, "Socialism" was used to describe "any limitation of freedom of action of individuals in the interest of the community at large, that is not required to prevent interference with other individuals, or for the protection of the community against the aggression of foreigners." (H. Sidgwick, Elements of Politics, [London, 1891], pp.42-3.) See also Freeden, The New Liberalism, p.25ff.

[5] Cf. S. Lukes, Individualism, (Oxford, 1973).

[6] Collini, Liberalism and Sociology,, p.16.

[7] O.E.D., sense 2, quoted in Collini, Liberalism and Sociology, p.16. As used throughout the text "Individualism" (with a capital 'I') refers to this specific doctrine of free competition and self-help. Responsibility for introducing this term into general usage was claimed by W.C. Crofts, the first secretary of the Liberty and Property Defence League. See E. Bristow, "The Liberty and Property Defence League and Individualism", Historical Journal, 18, (1975), p.761.

[8] "Individualism" in W.P.D. Bliss (Ed.),The Encyclopedia of Social Reform, (2nd. Edition., London, 1907), p.717.

the day: "individualist" was as much a term of abuse among Socialists as "socialistic" was among Individualists. Nevertheless it is possible to arrive at some more precise definition of the term, and in the context of late Victorian political argument, "Individualism" can be shown to have possessed a number of distinct components, philosophical, ethical, political, and sociological.

In the first place, given that the Individualists claimed to be the inheritors of the mantle of the philosophic radicals, their ethical doctrine was utilitarian and their psychological theory was associationist.[9] Their utilitarian moral theory was apparent not only in the work of such self-professed utilitarians as Herbert Spencer and Henry Sidgwick, but even in the case of Sir Henry Maine who, although critical of the assumption of equality at the heart of Bentham's felicific calculus, employed a "fundamentally utilitarian" measure of progress.[10] The associationist psychological doctrine espoused by the Individualists derived its authority from Spencer's **Principles of Psychology**. However, since this remarkable work also exercised an influence far outside Individualist circles, for example in the nascent discipline of social psychology, its political implications have tended to be overlooked. Both these philosophical doctrines served to distance the Individualists from the more intellectually fashionable Idealist philosophy, which condemned the "superficialities" of utilitarianism and associationism alike. Indeed, Sidgwick's book **The Elements of Politics** was so far removed from the Idealist commonplaces of late Victorian Britain that Ernest Barker, while recognizing its importance, refused to discuss it in his **Political Thought in England.**[11]

Beyond these broadly "philosophical" assumptions, Individualist thought was characterised by a number of more specifically "sociological", "economic" or "political" assumptions. In the first place, it denoted an "atomistic" view of society comprising self-actuating and self-reliant individuals whose primary motive for combination was

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[9] E. Halevy, The Growth of Philosophic Radicalism, (London, 1972), identifies utilitarianism and associationism as the twin pillars of the doctrine.

[10] A. Ryan, Property and Political Theory, (Oxford, 1984), p.116.

[11] E. Barker, Political Thought in England 1848 to the Present Day (London, 1915), p.81 n.

that of self-interest. Lukes has pointed out that this "atomistic" view of society pictures individuals abstractly "as given, with given interests, wants, purposes, needs etc.; while society and the state are pictured as sets of actual or possible social arrangements which respond more or less adequately to those individuals' requirements."[12] This notion of the abstract individual served both to emphasize the Individualists' links with the philosophic radicals and to distance them from later developments in nineteenth century thought, most notably Idealism, which criticised this conception as incoherent.[13]

Furthermore, the Individualists also espoused the form of individualism which Lukes has termed "economic." They would have agreed with the assertion that

> a spontaneous economic system, based on private property, the market, and freedom of production, contract and exchange, and on the unfettered self-interest of individuals, tends to be more of less self-adjusting; and that it conduces to the maximum satisfaction of individuals and to (individual and social) progress.[14]

It followed from this assumption of a self-regulating economic system that the interference of the state was generally unnecessary and therefore that its functions in this sphere should be strictly limited. This was, of course, the classical doctrine of laissez faire which may be defined as "the limitation of governmental activity to the enforcement of peace and of 'justice' in the sense of 'commutative justice', to defense against foreign enemies, and to public works regarded as essential and as impossible or highly improbable of establishment by private enterprise or, for special reasons, unsuitable to be left to private operation."[15] Although some Individualists, like Spencer, contended that the state should leave all economic activities -- including the issue of currency -- to private operation, others were prepared to acknowledge that in exceptional circumstances the intervention of the state might be necessary. Thus it was observed that even Adam Smith "never advocated that all contracts should be allowed and enforced...All that advocates of *laissez faire* demand is that freedom of

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[12] Lukes, Individualism, p.72.

[13] See, for example, F.H. Bradley, "My Station and its Duties" in Ethical Studies (Second Edition, Oxford, 1927).

[14] Lukes, Individualism, p.89.

[15] J. Viner, "The Intellectual History of Laissez Faire" in Journal of Law and Economics, 3, (1960), pp.45-69. (p.45.)

contract shall not be interfered with without good reason."[16]

The limitation of state function was for the Individualists a matter of principle as much as of expediency. It was their primary assumption in the political sphere that liberty and government are antithetic terms, and hence the less a government governs the more free are its citizens.[17] Thus, as Spencer wrote, "the liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under...but by the relative paucity of the restraints it imposes on him..."[18] This was clearly a "negative" definition of liberty as the absence of institutional or legal restraints on an individual's actions. In its "primary signification", it was argued, liberty meant "freedom to do as one wishes; freedom from restraint."[19] An alternative formulation of this conception was the claim that "when employed without qualification 'freedom' signifies primarily the absence of physical coercion or confinement."[20]

Given that the action of the government was necessarily antithetical to individual liberty, the only justification for its interference with an individual's freedom was the prevention of specifiable harm to others, especially interference with their liberty. "It may be fairly said that the end of government is to promote liberty, so far as governmental coercion prevents worse coercion by private individuals."[21] In other words, the function of government was to uphold "justice" in the sense of the mutual limitation of each individual's right to liberty. Spencer's formulation of the principle "that every man may claim the fullest liberty to exercise his faculties compatible with the possession of like liberty by every other man" was echoed by many other Individualists.[22] It was claimed, for example, that justice meant the "freedom to do as

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[16] Lord Bramwell, Laissez Faire (London, 1884), p.8.

[17] Contrary to the Idealist theory, the Individualists maintained that the government or state was not endowed with a corporate will or personality. Rather than possessing a "duty and a wisdom of its own", wrote Goldwin Smith, the state was "nothing but the government, which can have no duties but those which the constitution assigns it, nor any wisdom but that which is infused into it by the mode of appointment or election." (Essays on Questions of the Day, [London, 1893], p.9).

[18] H. Spencer, The Man Versus The State (Harmondsworth, 1969), p.79.

[19] Bruce Smith, Liberty and Liberalism, (London and Melbourne, 1887), p.220.

[20] Sidgwick, Elements of Politics, p.45. For a more extensive discussion of Sidgwick's account of liberty see W.L. Weinstein, "The Concept of Liberty in Nineteenth Century English Political Thought", Political Studies (13), 1965, pp.145-162.

[21] Sidgwick, Elements of Politics, p.46.

[22] Herbert Spencer, The Social Statics, (Second Edition, London, 1868), p.94.

one wishes; freedom from restraint -- subject to the same or equal freedom in our fellows."[23] Similarly, another Individualist told a meeting of the Liberty and Property Defence League that "so long as I do no harm to my neighbour, and use my rights so as not to harm him, or infringe his right of equal liberty, so long he has no just claim to impose on me State restrictions of any kind."[24] Even Sidgwick thought that although not an "absolute" principle of justice, the "equal liberties" formula was a useful "middle axiom" for arriving at practical legislative decisions.[25] Indeed, so widespread was the use of the "equal liberties" formula by the Individualists that it could almost constitute their badge of membership.

Thus the essence of Individualism was its advocacy of a conception of man and society which, according to most historians of liberal political thought, had been abandoned by the liberal mainstream long before the end of the nineteenth century. Indeed, this observation may offer an explanation of the absence of discussions of Individualism from recent work on liberal political theory, and also of the widespread assumption that although the transformation of the liberal ideology into the "New Liberalism" met with resistance from politicians like Goschen or Hartington it encountered little *theoretical* criticism.

The standard histories of late nineteenth century liberal thought have been dominated by a "Whig" interpretation of history according to which the New Liberalism represents the culmination of a process of transformation which the liberal ideology had been undergoing throughout the entire latter half of the century.[26] This

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[23] Smith, Liberty and Liberalism, p.221.

[24] E. Pleydell-Bouverie, The Province of Government, (London, 1884), pp.12-3.

[25] Sidgwick's view as well as the Law of Equal Freedom itself is examined more extensively in Chapter 6 of this thesis.

[26] The most influential criticism of the Whig approach to the history of ideas is Q. Skinner "Meaning and Understanding in the History of Ideas", History and Theory, 8, (1969). For attempts to apply this "anti-telelogical" methodology to nineteenth century political thought see especially, J.W. Burrow, S. Collini, and D. Winch, That Noble Science of Politics (Cambridge, 1983); J.W. Burrow, Whigs and Liberals (Oxford, 1988); S. Collini, Liberalism and Sociology. While a valuable antidote to inadequately historical treatments of the development of political ideas, the methodological prescriptions of this school would nevertheless appear to issue in an excessive puritanism which "renders futile any investigation of the theoretical or conceptual validity of past bodies of thought." (J.V. Femia, Gramsci's Political Thought (Oxford, 1987), p.17.) For this reason, while sharing the hostility of these historians to "Whig" interpretations of nineteenth century liberalism, I do not endorse their general methodology.

was the position adopted, for example, by Ernest Barker who argued that by 1848 "a modification of the old [Benthamite] philosophy of social action, if not an entirely new philosophy, was an urgent necessity, if social progress was not to be checked by a social creed."[27] Credit for introducing the first modifications of the crude Benthamite doctrine was accorded to J.S. Mill, but, Barker argued, "not a modification of the old Benthamite premises, but a new philosophy was needed; and that philosophy was provided by the idealist school of which Green is the greatest representative."[28] The New Liberalism thus arose as the culmination of an inexorable process in which the liberal ideology had long since thrown off the shackles of an "atomistic" and hedonistic form of the utilitarian doctrine. The more recent account of nineteenth century liberalism offered by John Gray attests to the continued strength of this Whig interpretation of history. Thus Gray outbids even Barker in his claim that "classical liberal ideas were on the retreat for most of the nineteenth century in England."[29] Therefore, he argues, "by the time of the 1880s and 1890s, and certainly at the turn of the century, even the imperfect classical liberal outlook of Mill was being supplanted by revisionist liberal ideas often inspired by Hegelian philosophy." Obviously, a group of thinkers who at the end of the nineteenth century not only opposed the "new philosophy" of Green but who even harked back to a pre-Millite form of liberalism represent an embarrassing aberration in this teleological progression.[30]

Furthermore, because of the prevalence of the "Whig" interpretation of late nineteenth century liberalism the standard accounts of this period, although correctly identifying Herbert Spencer as the chief spokesman for the opponents of the New Liberalism, have tended to portray him as the guardian of a doctrine which was

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[27] Barker, Political Thought in England, p.9.

[28] Barker, Political Thought in England, pp.10-11.

[29] J. Gray, Liberalism, (Milton Keynes, 1986), p.28.

[30] This "teleological" account of the evolution of liberal thought in the nineteenth century has also received a powerful challenge from J.C. Rees, "*On Liberty* and its Early Critics", printed as Chpt.3 of John Stuart Mill's *On Liberty* (Oxford, 1985). Rees argues that far from marking a stage in the development away from the individualism of the Benthamites, Mill's social philosophy was challenged by its early critics on the grounds that it carried individualism to excess (p.103f). Hence the notion of a smooth transition from Benthamism to New Liberalism via the writings of Mill is unsustainable.

already intellectually "discredited."[31] Thus, it is assumed, in theoretical terms Spencer was a "general without an army."[32] For example, Anthony Arblaster has observed that "the party's commitment to intervention and social reform did alienate many traditional supporters of liberalism and drive them into the Unionist or Conservative camp", but out of these disaffected multitudes the only political theorist to whom he refers is Herbert Spencer.[33] Similarly, Michael Bentley, even while devoting a section of his book **The Climax of Liberal Politics** to "Individualists and their problems", significantly includes it as part of a chapter on "Liberal Theory Before 1886".[34] His primary focus is on the problems encountered by liberal theory in the 1860s, personified by Matthew Arnold and J.S. Mill, and although recognizing that Spencer did influence a number of late Victorian political theorists and propagandists, Bentley dismisses this tendency with the observation that it "contributed nothing to mainstream Liberal thinking and left behind a pool of ideas from which twentieth century Conservatism would one day drink."[35] Yet this conclusion is only justified on the assumption that liberal ideas developed according to some immutable law and hence that resistance to extensions of the activities of the liberal state was bound to be futile. Indeed, although Sidney Webb promoted the view that the tide of events were running so strongly in Socialism's favour that it was irresistible, the fact that not only Fabians but leading New Liberal theorists like D.G. Ritchie and J.A. Hobson should have spilled so much ink in attempting to refute "discredited" intellectual positions would seem to indicate that reports of the premature death of Individualism have been somewhat exaggerated.[36]

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[31] A. Bullock and M. Shock, The Liberal Tradition from Fox to Keynes, (London, 1956), p.xlii. See also G. Hawthorn, Enlightenment and Despair, (Second Edition, Cambridge, 1987), p.91: "Towards the end of the century [Spencer] became in England a living monument to vanished assumptions."

[32] Greenleaf, The Ideological Heritage, p.81.

[33] A. Arblaster, The Rise and Decline of Western Liberalism, (Oxford, 1984), p.289f.

[34] M. Bentley, The Climax of Liberal Politics (London, 1987), p.39ff.

[35] Bentley, Climax of Liberal Politics, p.45.

[36] Among examples of this literature see especially S. Webb, Socialism: True and False (Fabian Tract no.51, London, 1894); and The Difficulties of Individualism, (Fabian Tract no.69, London, 1896); S. Ball, The Moral Aspects of Socialism (Fabian Tract no.72, London, 1896); D.G. Ritchie, The Principles of State Interference (London, 1891) and Darwinism and Politics (London, 1889); J.A. Hobson, The Social Problem (London, 1901);

A further reason for the neglect of Individualism can be ascribed to an additional symptom of the teleological historian, an excessive concern with "major thinkers." Under the influence of this form of "teleological" history Gray has written that "aside from Spencer, whose influence steadily declined, and Lord Acton, whose public authority never rivalled that of J.S. Mill, the classical liberal tradition in the later nineteenth century contained no really major thinkers."[37] But the strength of an ideology is not exclusively measured by the existence of "major thinkers" (which is a somewhat tendentious phrase -- its application to Acton, for example, is not obvious); as Freeden has emphasized, the investigation of late nineteenth century liberal thought requires the repudiation of a "Great Man" approach to the history of ideas.[38] By the late nineteenth century the institutional mechanisms for the diffusion of an ideology to a mass audience were increasingly taking the form of pamphlets and journal articles rather than substantial scholarly treatises. Although Spencer continued to produce the latter, his ideas were propagated by "a definite group of like-minded individuals who moved in similar circles and were nourished by common ideas they then proceeded eloquently to develop."[39] The excessive concern with "Great Men" or "major thinkers" has stifled scholarly examination of the possibility that Spencer's *Synthetic Philosophy* might have served as a focus for a school of "minor" political theorists, each of whom was concerned to resist the transformation of the liberal ideology into the New Liberalism.

II.THE INDIVIDUALISTS AND INDIVIDUALISM.

The first objective of this thesis is to establish that Spencer's thought did serve as a focus for a group of like-minded individuals who opposed the late Victorian transformation of liberalism. The publication in 1884 of **The Man Versus The State**

"Herbert Spencer", South Place Magazine, 9, (1904), 49-55 (Reprinted in M.S. Freeden, J.A.Hobson: A Reader [London, 1988], pp.60-64), and "A Rich Man's Anarchism", The Humanitarian, 13, (1898), pp.390-7.

[37] Gray, Liberalism, p.32.

[38] Freeden, The New Liberalism, p.2.

[39] Freeden, The New Liberalism, pp.3-4. The remark is made *a propos* the New Liberals, but it is of equal application to the Individualists.

occurred at a time when Herbert Spencer (1820-1903) was, as Beatrice Webb remarked, "at the zenith of his world-fame as England's greatest philosopher."[40] This was a view echoed by Henry George, the advocate of the "single tax" on land. Despite charging Spencer with intellectual prostitution for having abandoned his earlier views on land nationalization, George acknowledged that:

> Although he stands for much that is yet in dispute there can be no question that at the present time -- 1892 --Herbert Spencer, of all his contemporaries, holds the foremost place in the intellectual world, and through a wider circle than any man now living, and perhaps than any man of our century, is regarded as a profound, original and authoritative thinker -- by many indeed as the greatest thinker the world has ever seen.[41]

Nor was this mere hyperbole. George could also cite the comments of many other Victorians: thus J.S. Mill wrote of Spencer that he was "one of the acutest metaphysicians of recent times, one of the most vigourous as well as the boldest thinker that English speculation has yet produced." For G.H. Lewes it was "questionable whether any thinker of finer calibre has appeared in our century" while T.H. Huxley thought him "the embodiment of the spirit of Descartes in the knowledge of our own day."[42] Darwin called him "our great philosopher" while Leslie Stephen invoked a comparison with Hobbes.[43]

A philosopher who enjoyed such a towering reputation amongst his contemporaries could be expected to receive a substantial audience for his pronouncements when, in the words of the **Westminster Review**, "he steps down from the lofty heights where he walks alone amid abstract principles, and proceeds to test by these principles the soundness of current legislation."[44] Moreover, his *Synthetic Philosophy* provided a quarry of arguments for the Individualist

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[40] B. Webb, My Apprenticeship, p.123.

[41] H. George, A Perplexed Philosopher (London, 1893), p.3.

[42] Quoted by George, Perplexed Philosopher, p.4.

[43] "Hobbes may be called a Herbert Spencer of the seventeenth century", L. Stephen, Hobbes, (London, 1904), p.73.

[44] "H. Spencer's The Man Versus the State", Westminster Review 66 (1884), p.553. It has been suggested by M. Francis that Spencer's advocacy of laissez faire can be dated only from the publication of this work in 1884. ("Herbert Spencer and the Myth of Laissez Faire", Journal of the History of Ideas, 39, (1978), pp.317-328.) Thus, writes Francis, "For the first time in his life Spencer could be described as a laissez faire theorist." (p.328). Francis' article contains many misunderstandings of Spencer, not least of which is a misinterpretation of the 1860 essay on "The Social Organism" as advocating collectivism (p.327). It will be shown in Chapter three that this was the complete reverse of Spencer's intention.

propagandising of a host of political theorists, including Auberon Herbert, Wordsworth Donisthorpe, Thomas Mackay, J.H. Levy, M.D. O'Brien, and Bruce Smith. The bond between these thinkers was formed not only by their common intellectual debt to Spencer but also by a variety of Individualist associations. These ranged from discussion groups like the Spencerian societies and the London Liberty Club (of which Spencer, Herbert, and Donisthorpe were all members), through journals and periodicals, to pressure groups directly involved in resisting "socialistic" legislation. Of the latter, unquestionably the most important was the Liberty and Property Defence League, a loose federation of manufacturing and agricultural interests brought together in 1882 by the former Adullamite, Lord Wemyss.[45]

Although Spencer contributed financially to the League, its "Tory" reputation precluded his formal membership; he did not want to be accused by his erstwhile Liberal allies of having "turned tail."[46] In general, however, his followers did not suffer from such qualms. As Edward Bristow has written, despite the fact that these thinkers were "long ago consigned to the dustheap of political ideology, they had considerable late-century reputations" and they provided the League with much of its theoretical justification.[47] Thus Wordsworth Donisthorpe (b.1847), a barrister and Leeds mine-owner who wrote one of the standard textbooks of Cambridge economics in the 1870s, served on the Council of the Liberty and Property Defence League until breaking with Wemyss in 1888. A man of varied interests, he was arrested in Strasbourg for taking part in a republican demonstration, attempted to construct an international language, and projected a study (in which Spencer himself was to be a partner) of every instance of failed legislation.[48]

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[45] For the work and composition of the Liberty and Property Defence League see Bristow, "The Liberty and Property Defence League and Individualism"; and N.C. Soldon, "Laissez Faire as Dogma: The Liberty and Property Defence League 1882-1914", in K.D. Brown (ed.) Essays in Anti-Labour History, (London, 1974), pp.208-233. The wide range of Individualist publications is examined by Soldon in "Individualist Periodicals: The Crisis of Late Victorian Liberalism", Victorian Periodicals Newsletter, 6, (1973), pp.17-26.

[46] D. Duncan, The Life and Letters of Herbert Spencer (London, 1908), p.242.

[47] Bristow, "The Liberty and Property Defence League and Individualism", p.769.

[48] Bristow, "Liberty and Property Defence League and Individualism", p.773; see also Soldon, "Individualist Periodicals", p.21.

Auberon Herbert (1838-1906) was the third and youngest son of the Earl of Carnarvon, and began his political career, in accordance with family custom, as a Tory. However, he soon adopted a position of extreme Radicalism, serving briefly as M.P. for Nottingham, and making a strongly republican speech on the Civil List in support of Dilke. He then discovered Spencer's political philosophy and became, in Beatrice Webb's words, "an enthusiast, a Don Quixote of the nineteenth century" who had left "the real battle of life to fight a strange ogre of his own imagination -- *an always immoral state interference.*"[49] With M.D. O'Brien as co-editor, Herbert produced a newspaper, **The Free Life**, devoted to propagating his ideas. Like his mentor, however, Herbert did not join the League; he was sympathetic to many of its aims and was "the most flamboyant and popular" of its ideologists, but considered its constitution "coercive."[50]

Thomas Mackay (1849-1912) was a product of New College, Oxford. After a brief and uncongenial career as a wine merchant, he retired to devote himself to the study of social problems resulting in his **History of the Poor Law from 1834 to the Present Time.**[51] In addition to being "a fixture on the Council of the Charity Organisation Society" he was also associated with the Liberty and Property Defence League, and edited **A Plea for Liberty**, intended as the League's riposte to the **Fabian Essays in Socialism.**[52] A more tenuous connection with the League was maintained by Arthur Bruce Smith (b.1851), a Barrister and sometime member of the New South Wales Parliament, who was listed as its Australian "Corresponding Secretary." His lengthy examination of **Liberty and Liberalism** was primarily inspired by the advances of "State Socialism" in Victoria, but it was also clearly a work in the Individualist mould.[53] This group of theorists may be referred to collectively as

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[49] B. Webb, My Apprenticeship, (London, 1926), p.189. There exists a biography of Herbert: S. Hutchinson Harris, Auberon Herbert: Crusader for Liberty (London, 1943).

[50] Bristow, "Liberty and Property Defence League and Individualism", p.773.

[51] For biographical details see the obituary notice in the Charity Organisation Review, 31 (1912), pp.174-182.

[52] Bristow, "Liberty and Property Defence League and Individualism", p.770.

[53] For the Australian background to Smith's thought see C.D. Goodwin, "Evolution Theory in Australian Social Thought", Journal of the History of Ideas, 25, (1964), pp.393-416. (especially p.397ff.)

"the Spencerians" since, for all intents and purposes, they were Spencer's intellectual disciples.

A second group of Individualists were more directly involved in practical affairs than were the Spencerians, and they expressed their political theorising chiefly in pamphlet form. Among these may be counted two philosophically-minded peers: George Herbert, the thirteenth Earl of Pembroke (1850-1895), a Whig turned Conservative, and a member of the Council of the Liberty and Property Defence League [54], and George Wilshere, Baron Bramwell (1808-1892), of whom it has been remarked that "he remained convinced throughout his life that the political economists had proved that the principle of freedom of contract was a necessary part of the laws of a civilized state."[55] Bramwell, a judge famed for his decision in the 1867 Druitt case which outlawed trade union activity, was one of Wemyss's closest colleagues and, having joined the Liberty and Property Defence League over the Ground Game Act, remained a a member of its Council until his death.[56] E. Pleydell-Bouverie, an M.P. and a member of a Whig family, also lectured for the League on a number of occasions. Although not a member of the Liberty and Property Defence League, William Lecky (1838-1903), the historian of the eighteenth century, Liberal Unionist M.P., and Privy Councillor, was associated with another Individualist pressure group, the Freedom of Labour Defence, which aimed to resist the regulation of female labour.[57] Each of these "practical men" were at pains to define their Individualism in relation to that of Spencer, and they often derived direct inspiration from his arguments.

A third group of Individualists were those holding academic appointments.

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[54] Herbert's biography is to be found in The Dictionary of National Biography, vol.xxii (Supplement).

[55] P.S. Atiyah, The Rise and Fall of Freedom of Contract (Oxford, 1979), p.375. Atiyah's work contains a concise but valuable account of Bramwell's legal career. For further biographical details see C. Fairfield, Some Account of George William Wilshere, Baron Bramwell of Hever (London, 1898).

[56] Bristow, "Liberty and Property Defence League and Individualism", p.765.

[57] Bristow, "Liberty and Property Defence League and Individualism", p.769. Lecky belonged to the Atheneum Club of which Spencer was also a member and they enjoyed the occasional game of billiards together. After one such occasion Lecky remarked with unconscious irony that Spencer "has nearly finished the first volume of his 'Sociology' and seems very confident that it will be a complete explanation of human life. He finds it, however, longer than he intended..." Quoted in A Memoir of the Rt. Hon. W.E.H. Lecky By His Wife (London, 1909), p.113.

While continuing to employ Spencer's political thought as a focus for their own arguments, they maintained a greater critical distance from it than did either of the other groups, and they were also more inclined to stand aloof from the various Individualist associations. Among these may be counted Henry Sidgwick (1838-1900), for many years the Knightbridge Professor of Moral Philosophy at the University of Cambridge where he lectured on economics and comparative politics as well as on philosophy. Indeed, he was, as the **Saturday Review** commented, one of the few Englishmen to "have handled the complete round of the triple science as Aristotle conceived it."[58] Commencing as a follower of Mill and Comte, Sidgwick soon set aside his youthful radicalism and became increasingly disillusioned with the direction Liberalism was taking in the early 1880s, finally breaking with the party over Home Rule.[59] He moved in the leading social and intellectual circles of his day and was married to the sister of a former student and future Conservative Prime Minister, A.J. Balfour. Nevertheless, he was critical of the Liberty and Property Defence League, remarking on one occasion that "Individualism of the extreme kind has clearly had its day."[60] By temperament a cautious and moderate man, Sidgwick was unsympathetic to either political extreme and clung tenaciously to his own species of "utilitarian Individualism."

Another "academic" Individualist was Sidgwick's close friend, the Vinerian Professor of English Law at Oxford, Albert Venn Dicey (1835-1922).[61] In his occasional journalism, in pamphlets, and especially in his **Lectures on the Relation of Law to Public Opinion**, Dicey gave expression to the Individualist point of view, albeit in a less sophisticated and less coherently argued form than is to be found in Sidgwick's weighty tomes. Like Sidgwick, Dicey broke with the Liberal

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[58] "Review of the Elements of Politics", Saturday Review, 72 (1891), p.251.

[59] See the discussion of Sidgwick's shifting political commitments in C. Harvie, The Lights of Liberalism: University Liberals and the Challenge of Democracy 1860-86, (London, 1976), p.225.

[60] Quoted in A.S. and E.M.S., Henry Sidgwick: A Memoir, (London, 1906), p.399.

[61] Biographical details of Dicey are to be found in R.A. Cosgrove, The Rule of Law: Albert Venn Dicey, Victorian Jurist (London, 1980). Unfortunately this work does not pay sufficient heed to the ideological context of Dicey's thought. On this point see D. Sugarman, "The Legal Boundaries of Liberty: Dicey, Liberalism and Legal Science", Modern Law Review, 46, (1983), pp.102-111.

party on the Home Rule issue, but although in later life became a staunch Unionist even in his seventy-sixth year he was proclaiming himself "an old, an unconverted, and an impenitent Benthamite."[62] Dicey was a member of the British Constitution Association, an Individualist pressure group largely consisting of Unionist Free Traders, which was in many respects the Edwardian successor to the Liberty and Property Defence League. Indeed, a number of veterans of the League, including Herbert and Mackay, were also counted among its membership.[63]

A third Individualist who could rival both Sidgwick and Dicey in terms of academic distinction was Sir Henry Maine (1822-1888) who became Regius Professor of Civil Law at Cambridge at the age of twenty-five, and who was subsequently elected to two other professorships as well as to the Mastership of Trinity Hall. Maine also served with distinction as an Indian Civil Servant, at first on the Governor-General's Council, and later on that of the Secretary of State for India.[64] Although there is within Maine's writings the persistent sub-theme of the necessity for a stable society of authority and hierarchy, which thus makes his thought untypical of Individualism in general, the difference between Maine and many of the other Individualists is perhaps best summed up as that between a Peelite and a Radical. However, his polemic **Popular Government** earns its inclusion in this study because it shared many of its targets as well as its theoretical assumptions in common with those of the Spencerians.

The absence from this list of two notable political theorists who occupy the interstices between liberalism and conservatism is in need of explanation. First of all, although Sir James Fitzjames Stephen's book **Liberty, Equality, Fraternity** has been proposed by Roach as the intellectual analogue of the "Hartington-Goschen group in Parliament", even in the 1850s and 1860s Stephen was critical of many fundamental liberal assumptions, and this clearly precludes him from membership of a

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[62] R.S. Rait, Memorials of Albert Venn Dicey (London, 1925), p.118.

[63] Bristow, "Liberty and Property Defence League and Individualism", p.788. Dicey's involvement with the BCA is entirely neglected by Cosgrove's biography.

[64] Full biographical details can be found in G. Feaver, From Status to Contract: A Biography of Sir Henry Maine 1822-1888 (London, 1969). See also M.E. Grant-Duff, Sir Henry Maine: A Brief Memoir of his Life, (London, 1892).

group of theorists whose chief claim was that they represented the "true" principles of mid-century liberalism.[65] In addition, Stephen's pungent criticisms of **On Liberty** were also uncharacteristic of Individualist thought, which was far more likely to invoke Mill's "simple principle" against "socialistic" interference, even of the kind advocated in his other work.[66] Finally, as Roach also notes, the fear that "the triumphant democracy will overthrow individual property", is not to be found in Fitzjames Stephen; but, as I will argue, this was an important Individualist theme.[67]

The second notable absentee is W.H. Mallock, who like Donisthorpe, Herbert, and Mackay was associated with the Liberty and Property Defence League. It has also been suggested of his thought that it is paradigmatic of what has come to be known as "liberal-conservatism."[68] However, rather than being a liberal who reacted to developments in liberal thought by espousing a form of conservatism, Mallock was a conservative seeking to reach an accommodation with the individualistic order of free market capitalism.[69] Hence although there is a convergence of perspective between Mallock and the Individualists, the theoretical assumptions by which they arrived at remarkably similar positions were quite different.[70]

By considering Individualist thought in contrast to that of Stephen and Mallock, it is possible to identify a number of characteristics which, behind their apparent diversity, the Individualists shared in common. First of all, nearly all of these theorists had identified themselves in their youth as either Radicals or Liberals, a political label

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[65] J. Roach, "Liberalism and the Victorian Intelligentsia", Cambridge Historical Journal, 13, (1957), p.79. Roach's claim to have identified the political ideas of the "Old Liberals" is vitiated by his concentration on two theorists (Maine and Stephen) who were, for various reasons, untypical of Individualist thought.

[66] For an example of the use of Mill's "simple principle" by Individualists see A.V. Dicey, "Mill 'On Liberty'", Workingmen's College Journal, 7, (1901). Note also S. Collini's remark that On Liberty was "conscripted into the later nineteenth century debate about the role of the state in social and economic matters." ("Liberalism and the Legacy of Mill", Historical Journal, 20, (1977), p.249.)

[67] Roach, "Liberalism", p.74.

[68] N. O'Sullivan, Conservatism, (London, 1976), p.116f.

[69] For a defence of this interpretation of Mallock see D.J. Ford, "W.H. Mallock and Socialism in England 1880-1918", in Brown (ed.) Essays in Anti-Labour History, pp.317-342.

[70] The difference in theoretical perspective between Mallock and the Individualists is best illustrated by the former's book Aristocracy and Evolution (London, 1898) which contains a forceful criticism of Spencer's theory of social evolution. Spencer replied in a characteristically testy article, "What is Social Evolution?" reprinted in Various Fragments (London, 1900).

with which they became increasingly uncomfortable throughout the first half of the 1880s, and especially after 1886. From the point of view of the Individualists, the mid-century Britain they had known as young men had been a paradise of *laissez faire* liberalism from which they were being driven out by the policy of the New Liberalism. They saw themselves as part of the Liberal tradition and expressed the common sentiment that the party had abandoned the principles to which it traditionally had adhered. Thus the Individualist reaction can be seen to have emerged out of the shared experience of liberal intellectuals of the same generation.[71] With the exception of Bramwell, who was born in 1808, most of the Individualists were born between the 1820s and 1840s; and by the great Liberal victory of 1906 nearly all were dead. In addition, the period of the most sustained Individualist literary output was during the mid-1880s: Spencer's **The Man Versus the State** appeared in 1884, although it drew on arguments he had elaborated in the *Synthetic Philosophy* for over two decades before; Maine's **Popular Government** appeared the following year, and in the same year Sidgwick commenced writing **The Elements of Politics**. After the early 1890s, however, the wave of Individualist propagandising had largely spent its force. By this time most Individualists had given the Liberal party up for lost, and changes in the intellectual climate also served to undermine their position. In particular, Spencer's authority went into rapid decline during this decade as the result of the challenge presented to his Lamarckian biological theories by the neo-Darwinian Weismann. While the decade witnessed the appearance of further Individualist tracts, these tended to resemble the pools of water left by a retreating tide.

Although this diverse group of Individualists were often acutely aware of each others' intellectual short-comings[72], they shared a sufficient number of theoretical assumptions for them to be treated as a coherent body of liberal political thought. However, a suggestion first made by A.V. Dicey in his work on **Law and Opinion** has

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[71] This point is elaborated in greater historical detail with regard to the "University Liberals" by Harvie, The Lights of Liberalism.

[72] The New Liberal D.G. Ritchie referred to A Plea for Liberty as "that manifesto of conflicting individualisms" (Studies in Political and Social Ethics [London, 1902], p.27.)

been recently revived by Stefan Collini, who suggests that a distinction can be drawn between Absolute and Moderate Individualism.[73] As Dicey expressed it, the distinction was between "the absolute individualism of Herbert Spencer on the one hand, [and] the practical or utilitarian individualism of J.S. Mill and H. Sidgwick on the other."[74] According to this characterisation of the individualism of the late Victorian period, absolute Individualists tended to be ideologues whose quest for intellectual consistency led them to a position which otherwise only exists in the caricatures of liberalism's enemies. Beyond the very basic functions of defence against external attack, the administration of justice and the enforcement of contracts, they held that all governmental activities were illegitimate and they even entertained fanciful conjectures about the future "withering away" of the state. Nevertheless, these absolute Individualists were widely regarded, and recognized themselves to be, on the fringes of late Victorian politics. As Sidney Webb wrote, the "political influence" of Spencer and Auberon Herbert "is absolutely imperceptible."[75] Despite their association with the LPDL, their purchase on practical politics was small and they were generally viewed with some embarrassment by other Individualists. The Moderate Individualists, on the other hand, were much closer to the centre-ground of late Victorian political opinion. Their chief difference with the Absolute Individualists concerned their conception of the legitimate activities of the state, which went a good deal further towards compromise with "Socialism" than either Spencer or his followers would have allowed. In practical terms, this entailed a willingness to tolerate some state provision of public goods as well as a degree of state regulation and interference. Only rarely, however, did this go beyond the limits of state action established in practice circa 1880.[76]

The first difficulty of this account of late nineteenth century Individualism is that it would appear to take an excessively instrumental view of the relationship of political theory and political practice. While few practical politicians would have shared

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[73] For Collini's restatement of Dicey's distinction see Chapter one of his Liberalism and Sociology.

[74] A.V. Dicey, Lectures on the Relation of Law and Public Opinion During the Nineteenth Century (London, 1905), pp.17-18.

[75] Webb, Socialism in England, p.80.

[76] Collini, Liberalism and Sociology, p.20f.

Spencer's enthusiasm for the abolition of the Poor Law, the Factory Acts, and the State Minting of currency, his authority as a philosopher did much to reinforce the general *presumption* against state interference. His chief practical prescriptions may have enjoyed little political leverage, but it also remains true that his theoretical conceptions were important components in the political struggle of the age as slogans and watchwords; "the liberty of each limited only by the like liberty of all" was a phrase often in the mouths of politicians who used it to resist "overlegislation" without being themselves aware of all of the practical, let alone of the theoretical, implications of the *Synthetic Philosophy*.

Secondly, the distinction between Moderate and Absolute Individualism (at least as formulated by Collini) elevates what was essentially a partisan distinction, employed by Dicey and Sidgwick to distance themselves from the Spencerians, into the status of a scientific truth. Moreover, it is founded on differences of opinion concerning policy rather than those concerning principle, and aside from the general inappropriateness of this way of categorising political theorists, even on questions of policy no hard and fast distinction between the Individualists can be maintained. On the question of the legitimate functions of the state, for example, one "Absolute" Individualist, Wordsworth Donisthorpe, could criticise another, Auberon Herbert, for his "extremism." In addition, Bruce Smith and Lord Pembroke shared the same conception of the legitimate functions of the state, although the former was a Spencerian while the latter was an "orthodox" utilitarian. Other policy differences also tended to cut across the "moderate"/"absolute" distinction. For example, Home Rule for Ireland was opposed by Spencer but supported by Auberon Herbert, while church establishments were opposed by both Spencer and Sidgwick. In general, therefore, it would appear better to refer to the "Individualists" without qualification, while noting that their broad agreement on matters of principle could issue in differences concerning specific policies.

It is also necessary to distinguish between my thesis of the existence of a body of late Victorian Individualist political thought and another of Dicey's claims in his

Lectures on Law and Opinion. In these lectures, Dicey saw fit to distinguish between two dominant legislative tendencies in the nineteenth century which he termed "Individualism" and "Collectivism", and he argued that by the end of the century the former had given place to the latter. Dicey's thesis has been much criticised by historians of public policy, who have challenged his view that there ever was a period of pure "Individualism" or "laissez faire" in British public policy.[77] Nevertheless, his account of the role of government in the nineteenth century is relevant to this thesis only to the extent that it indicates the existence of a body of late Victorian opinion which *believed* (rightly or wrongly) that the mid-century had witnessed the ascendency of the laissez faire doctrine, and that it had been subsequently abandoned. The question of whether or not this alleged paradise of mid-century liberalism was a myth is no more pertinent than the demonstration of the literal truth of the Bible would be for a study of Christian fundamentalism.

The contention that the distinction between "Individualism" and "Collectivism" is a valid way of conceptualizing issues in British political thought is also irrelevant to my argument. This is the position maintained, for example, by W.H. Greenleaf in his work on **The British Political Tradition.** The second volume, **The Ideological Heritage**, is constructed around "the perspective provided by the rise of collectivism and its opposition to libertarianism. The range of reaction to be discerned within each ideology reflects the basic tension of our age. Each doctrine thus nurtures two conflicting or contrasting modes of thought; and the history of modern ideological opinion in Britain is generally 'an oscillation between these two extremes.'"[78] Similarly, Collini has suggested that the late Victorian "disagreement over the role of the state was conceptualized in terms of the opposition between

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[77] The seminal article in this debate is J.B. Brebner, "Laissez Faire and State Intervention in Nineteenth Century Britain", Journal of Economic History, Supplement 8 (1948), pp. 59-73. For an attempt to defend Dicey see H. Parris, "The Nineteenth Century Revolution in Government: A Reappraisal Reappraised", Historical Journal, 3, (1960), pp.17-37.

[78] Greenleaf, The Ideological Heritage, p.15. The tendency Greenleaf refers to as "libertarianism" is equivalent to our "Individualism." It should be noted, however, that the source of this distinction in Greenleaf is not Dicey but M. Oakeshott, and in particular the essay "The Character of the Modern European State" in his work On Human Conduct (Oxford, 1975).

Individualism and Collectivism."[79] In the first place, however, the fact that a group of political theorists shared sufficiently similar assumptions to be labelled "Individualists" does not entail that their opponents form a similarly coherent group who can be classified as "Collectivists." Indeed, not only is the maintenance of the Individualism/Collectivism distinction irrelevant to my argument, but I would also contend that it is not a valid conceptualization of late Victorian political theory. Contrary to the picture of two great armies fighting a pitched battle over the fate of the British polity, it is more accurate to regard Individualism as an entrenched position being assailed by a variety of loosely associated guerilla bands -- including Idealists, New Liberals, Socialists (Christian, Fabian, and Marxian) and others -- who were united in their opposition to Individualism but were also often divided against each other. Thus the criticisms of Individualism made by its various opponents were often directed at different aspects or different levels of the doctrine. For example, an Idealist like Bosanquet might share the Individualists' general distrust of the state, but he did so on grounds which were directly inimical to many of their most profound philosophical, psychological, and sociological assumptions. On the other hand, the Idealist David Ritchie could criticise Spencer for his advocacy of a limited state while borrowing from his sociology the concept of the "social organism."

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[79] Collini, Liberalism and Sociology, pp.14-5.

III. RIVAL CLAIMANTS TO THE BENTHAMITE HERITAGE.

If the first objective of this thesis is to establish the existence of a body of late Victorian Individualist political thought, its second objective may be said to be that of establishing that it would be mistaken to regard it as simply a restatement of mid-century liberalism. With this end in view the present section will suggest that the unreflective identification of Individualism with mid-century liberalism must be questioned given the existence of a rival claimant to the inheritance and given the Individualists' own readiness to abandon or qualify liberal principles according to circumstance. The following section will then explore the nature of their conservatism in greater depth and will outline the structure of the main body of the thesis.

As defined in the first section of this chapter the political theory of Individualism would appear to be indistinguishable from mid-century liberalism. This was the view taken by Sidney Webb who in his contribution to the **Fabian Essays** thought it possible to "class men and ideas in a kind of geological order in time." According to this classification, the representative of Individualism, Lord Bramwell, was "a survival" or a "historic fossil" whose social theory had advanced no further than "about 1840."[80] In other words, it was characteristic of Individualists to abide by the principles of mid-century liberalism in social conditions to which they were no longer applicable. This assumption is also widespread in the more recent secondary literature which tends, insofar as it takes note of the doctrine expounded by Spencer, to equate it with "orthodox laissez faire" or "Liberalism of the Manchester school."[81] Thus one of the standard textbooks in the history of political thought has described Spencer as a "reactionary" since he "remained a philosophical radical after philosophical radicalism had been obsolete for a generation."[82] The only doctrinal change which is noted is Spencer's use of "Social Darwinism" to "back up" the economic theory of

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[80] S. Webb "The Basis of Socialism: Historic", pp.32-33.

[81] A typical example of this view is the account rendered by Bullock and Shock in The Liberal Tradition, p.xli.f. See also Greenleaf, The Ideological Heritage, p.48.

[82] G.H. Sabine and T.L. Thorson, A History of Political Theory, (Fourth Edition, Hinsdale, Illinois, 1973), p.654.

laissez faire and morality of self-help expounded by the mid-century liberals.[83] Indeed, although one recent historian of Liberalism has observed that the Individualists' "Social Darwinism" went beyond "the traditional Liberal preference for voluntary action and suspicion of state interference" the implications of this insight were not explored.[84] Thus despite this hint of a suspicion that the Individualists' claim to be the upholders of the true Liberal faith might have been belied by their own principles, the standard interpretation has persisted in viewing them as ideological purists.

The Individualists themselves certainly wished to propagate the view that they adhered to the pure form of the radical tradition. They were anxious to appropriate for themselves the mantle of philosophic radicalism, to argue that they alone were the true followers of Bentham, and their writings abound with references to the "true" principles of liberalism which, it was claimed, they alone represented.[85] Nevertheless, they did so against the background of a historical period in which the meaning of "liberalism" itself had become a political issue between the New Liberals and the theorists of Individualism. To borrow a term from the genre of *Begriffsgeschichte*, the closing decades of the nineteenth century may be described as a *Sattelzeit*. According to this conception, political action normally takes place against a background of shared concepts, but there are crucial historical junctures in which the common coin of discourse itself becomes a political battle-field. Hence, as the leading exponent of this theory has remarked, "the struggle over the 'correct' concepts becomes socially and politically explosive."[86] This, I would suggest, was the form taken by the late nineteenth century debate over the nature and content of the liberal ideology, since the "correct" interpretation of "liberalism" had itself become a matter of political dispute.

Thus for all that the Individualists claimed to be the "true" representatives of the historical liberal tradition, the New Liberals also claimed for themselves the mantle

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[83] P.F. Clarke, "Liberals and Social Democrats in Historical Perspective" in V.B. Bogdanor (ed.) Liberal Party Politics (Oxford, 1983), p.29.

[84] I. Bradley, The Optimists, (London, 1980), p.225.

[85] Good examples of this tendency among the Individualists are to be found in Smith, Liberty and Liberalism; and Spencer, "The New Toryism" in The Man Versus the State.

[86] R. Koselleck, quoted in T. Ball, Transforming Political Discourse (Oxford, 1988), p.9.

of the philosophic radicals, and like Ritchie were scathing of those

> who learn nothing from the past they profess to reverence, who build the sepulchres of those whom their fathers slew, and imitate their fathers' conduct all the while. The heroes and prophets belong not to those who invoke their names, but to the reformer who inherits their spirit by looking, as they did, to the future.[87]

The existence of these rival claimants to the Benthamite inheritance gives an indication that the Individualists' self-image as the only genuine legatees cannot go unquestioned and must at least be subjected to examination before the title deeds are handed over. This problem is best approached by first considering the nature of the dispute between the Individualists and the advocates of the New Liberalism.

The first point to be noted is that during the mid-1880s, the time of Individualism's greatest flourishing, the New Liberalism was not primarily a movement of theory since its most sophisticated philosophical statements were not forthcoming until Hobhouse and Hobson produced their most substantial work over two decades later. At first, therefore, the New Liberalism (or the "New Radicalism" as it was known at this stage in its career) was primarily manifested in specific acts of legislation or proposals for legislation. According to Beatrice Webb, the first quinnenium of the decade was full of "portents of a politics of a new type." The second Gladstone Administration, she observed with the benefit of hindsight, "may be fitly termed a 'no man's land' between the old Radicalism and the new Socialism. For this ministry of all the talents wandered in and out of the trenches of the old individualism and the scouting parties of the new Socialists..."[88]

The chief examples of Gladstone's "socialistic" legislation, the Ground Game Act, the Employers' Liability Act, Forster's Compensation for Disturbance (Ireland) Bill, and especially the 1881 Irish Land Act, were described by a "malcontent Liberal" as "direct contraventions of the principle of individual liberty, that is, of the fundamental principle of all true and sound liberalism."[89] Similarly, Lord Wemyss, the founder of the Liberty and Property Defence League, regarded them as "so many

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[87] D.G. Ritchie, The Principles of State Interference (London, 1891), p.80.

[88] B. Webb, My Apprenticeship, p.184.

[89] Edward Dicey, M.P., "The Plea of a Malcontent Liberal", Fortnightly Review, 44 (1885), pp.463-477; p.466.

instances of the general advance of State-Socialism all along the line", which shared in common "the substitution of the state as regulator or competitor in those various departments of social activity, which would otherwise be normally and adequately worked by private agency."[90] The significance of the Ground Game Act, Maine alleged, was that it furnished proof that "Liberal-Radical politicians are departing more widely than ever from principles which were once distinctively theirs"[91], particularly from the principle of freedom of contract. The Irish Disturbances Bill likewise proposed to deal "with agreements between Irishmen on principles absolutely unknown to civilized jurisprudence."[92] It was a Bill which intended to "interfere with contracts ex post facto" as well as those entered into, or submitted to, on the faith of the finality of the 1870 Act.

However, the Individualists reserved their greatest ire for the Irish Land Act which "provided for courts to set 'fair' rents and gave tenants considerable concessions on fixity of tenure and their right to sell their interest in the holding to the highest bidder."[93] The significance which was attached to the Act by both its supporters and critics was encapsulated by Toynbee's remark that it marked "not only an epoch in the history of Ireland, but also in the history of democracy." It indicated that "the Radical party has...finally accepted and recognized the fact...which is the fundamental principle of Socialism, that between men who are unequal in material wealth there can be no freedom of contract."[94] Toynbee regarded this recognition as providing grounds for rejoicing, but the Individualists did not share his view. Maine accused the Government of having turned Ireland into "one vast Phalanstry; and, as all socialistic schemes end

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[90] Earl of Wemyss, Socialism at St. Stephens in 1883, (London, 1884), p.9.

[91] [Sir Henry Maine] "Hares and Rabbits", St. James's Gazette, 1, (1880), p.76. For the attribution of Maine's unsigned articles in the St. James's, see Feaver, From Status to Contract, p.335ff.

[92] [Sir Henry Maine] "Irish Land and English Justice", St. James's Gazette, 1, (1880), p.430.

[93] R. Shannon, The Crisis of Imperialism, (London, 1976), p.153.

[94] Arnold Toynbee, "Are Radicals Socialists?", Lectures on the Industrial Revolution in England (London, 1884), p.216. See also T.H. Green, "Liberal Legislation and Freedom of Contract" in P. Harris and J. Morrow (eds.) Principles of Political Obligation and Other Writings (Cambridge, 1986): "To uphold the sanctity of contracts is undoubtedly the prime business of government, but it is no less its business to provide against contracts being made, which, from the helplessness of one of the parties to them, instead of being a security to freedom, become an instrument of disguised oppression." (p.209).

in despotism, the government exercised by this new institution [the land court] is to be absolute."[95] That the Act was seen as having violated a fundamental principle of freedom of contract is attested to by its reception by Henry Sidgwick, the most moderate of the Individualists, who having initially supported the Act, rapidly came to see it as a reversion to the exploded doctrine of a "fair price"[96].

Furthermore, for all that they were disturbed by the "empirical" socialism of the Irish Land Act, the Employers' Liability Act, and the Ground Game Act, the 1885 **Radical Programme** appeared to offer the Individualists the prospect of an additional extension of socialistic measures. Among the provisions of the **Programme**, which was published in instalments in the **Fortnightly Review** from the summer of 1883 to that of 1885, were free primary education, land reform and powers of compulsory purchase for local authorities for the creation of small-holdings, a moderate graduated taxation and a levy on the "unearned" increment. Indeed, it gloried in the "socialist" epithet:

> The socialistic measures now contemplated would preserve in their normal vigour and freshness all the individual activities of English citizenship, and would do nothing more spoilatory than tax -- if and in what degree necessary -- aggregations of wealth for the good of the community.[97]

The response of the Individualists to this socialistic "perversion" of liberalism was to condemn the New Liberals as "Tories" who favoured a return to the social system the philosophic Radicals had striven to overthrow. Herbert Spencer, for example, had declared in 1884 that "most of those who pass as Liberals are Tories of a new type" since the essence of Toryism was that it stood "for coercion by the State *versus* the freedom of the individual" and this had since become the policy of the Radical wing of the Party. Arguing that the "socialistic interference" promoted by the Radicals amounted to "slavery", he castigated the politics of social reform as "The New Toryism", while another Individualist, M.D. O'Brien, branded Socialism "the old Tory

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[95] [Sir Henry Maine] "The Projected Economic Revolution in Ireland", St. James's Gazette, 2, (1881), pp.1379-80.

[96] H. Sidgwick, "Economic Socialism", in Miscellaneous Essays and Addresses, (London, 1903).

[97] The Radical Programme, (London, 1885), p.13.

privilege system applied to Demos."[98] This theme was also propounded by Bruce Smith who alleged that "either from want of a clear recognition of the limits to which state interference should go, or from having placed a strained and unscientific interpretation upon the word 'liberty'" the new generation of Radicals were "actually favouring a reaction, in the direction of Toryism -- of a democratic type."[99]

The New Liberals themselves argued that this allegedly "Tory" policy was simply an attempt to remain true to the doctrine of the earlier generation of Radicals in the changed conditions of late Victorian Britain. Indeed, the degree to which the Radicals and Spencer had parted company was illustrated by the notice of **The Man Versus the State** carried by the **Westminster Review**, the house journal of Radicalism. Spencer's condemnation of "socialistic interference" as "the Coming Slavery" struck the anonymous reviewer as overblown, since whereas the slave was "unconditionally compelled" to do certain things, the tendency of the New Liberalism was simply to impose "*restrictions* on certain actions and...pecuniary burdens in the shape of rates and taxes."[100]

Furthermore, the early manifestations of the "New Liberalism" were justified by appeal to a set of political principles which, ironically for the Individualists, were derived from the same philosophy of mid-century radicalism to which Individualism laid claim. The New Radicals did not portray their innovations as marking a fundamental break with the Radicalism of the past; rather they represented them as an adaptation of old principles to new conditions or the completion of the project begun by the earlier generation. Thus Toynbee could remark "We have not abandoned our old belief in liberty, justice, and self-help, but we say that under certain conditions the people cannot help themselves, and that then they should be helped by the State representing directly the whole people."[101] Indeed, the degree to which the New Radicalism formed a continuation of that of the past was stressed by Toynbee's requirement that, even

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[98] M.D. O'Brien, The Natural Right to Freedom, (London, 1893) p.35.

[99] Smith, Liberty and Liberalism, p.57.

[100] "H. Spencer's *The Man Versus the State*", Westminster Review, p.555.

[101] Toynbee, "Are Radicals Socialists?", p.219.

when the opportunity "of removing a great social evil" should arise, "nothing must be done to weaken those habits of individual self-reliance and voluntary association which have built up the greatness of the English people."[102] This substantial degree of continuity between the Old and New Radicalism is often given insufficient attention by those accounts of the transformation of the liberal ideology which over-emphasize the role played by Idealist philosophy in effecting that transformation.[103]

The most important theoretical principle which the New Radicalism derived from the old was the principle of utility itself; and the contribution of Benthamism to the "socialistic" developments in late Victorian Radicalism was captured by Dicey's remark that the utilitarians had "forged the arms most needed by socialists."[104] Since the majority of the nation were the poor and needy, it was but a short step to the conclusion "that the whole aim of legislation should be to promote the happiness, not of the nobility or the gentry, or even of shop-keepers, but of artisans and other wage earners."[105] As Chamberlain wrote, concern with the "Social Question" meant that "the greatest happiness of the greatest number, which was formerly only the benevolent aspiration of a philosopher, has become a matter of urgent practical politics."[106]

The Individualists contended that the working class was simply one "sectional interest" among many, and hence that legislation designed to favour them was inevitably an instance of the "class legislation" favoured by the Tory enemies of their political ancestors. Dicey remarked:

> We dread the passing of laws...in accordance with the immediate wishes of a class, namely the class -- to use an inoffensive term -- of wage-earners. *We fear class legislation*; nor can anyone say this fear is unreasonable.[107]

Toynbee's response to such charges was to contend that the legislation favoured by the

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[102] Toynbee, "Are Radicals Socialists?", p.219.

[103] On this point see Freeden, New Liberalism, p.16f. Contrast the remark by Vincent and Plant that the New Liberals argued for "the modernity and innovatory nature of their proposals." (Philosophy, Politics, and Citizenship, p.36).

[104] Dicey, Law and Opinion, p.309.

[105] Dicey, Law and Opinion, p.304.

[106] J. Chamberlain, "Favourable Aspects of State Socialism", North American Review 152, (1891), pp.534-548; p.534.

[107] A.V. Dicey, "Address to the British Constitution Association", Constitution Papers, no.14 (1908), p.117.

New Radicals was not the "class legislation which Radicals have always opposed." On the contrary, it did not favour a sectional interest but was "in the interest of the whole community. We cannot call ourselves safe until all citizens have the chance of living decent lives; the poorest class needs to be raised in the interest of all classes."[108]

The principle of utility also appeared to favour an activist state once the empirical assumptions which had underpined the utilitarians' attachment to laissez faire came increasingly under question during the closing decades of the century. As Dicey argued, the Benthamites of the second quarter of the century had failed to grasp that there was no logical connection between laissez faire and the "greatest happiness" principle, because "they could hardly imagine the possibility of a conflict between the true interest of the community and the universal as well as the equal liberty of individual citizens."[109] However, Toynbee stressed that this belief in the "spontaneous" identity of the individual and common interest was

> a perfect instance of the reckless abstractness of the old Political Economy...The pressure of competition does undoubtedly tend to the satisfaction of the greatest number of wants at the lowest cost, but not without innumerable evils in the process -- evils which, as we now see, the wise regulation of the competitive impulse may...avert.[110]

In addition, as T.H.S. Escott argued in the **Radical Programme**, "capital has acquired so predominant a power that it is not safe to leave labour to look after itself; that the economical laws of supply and demand, which are merely generalizations from experience, are not infallible in their operation; and that freedom of contract may be employed as an instrument of oppression as well as of liberty."[111] Given different social conditions and assumptions the principle of utility seemed to demand a degree of state intervention in the economy and regulation of the competitive process; or, as Dicey preferred to describe it, "the despotic authority of a democratic state."[112]

Hence the employment of the principle of utility by the New Radicals issued in

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[108] Toynbee, "Are Radicals Socialists?", p.219.

[109] Dicey, Law and Opinion, p.304.

[110] Toynbee, "Ricardo and the Old Political Economy", in his Lectures on the Industrial Revolution pp.21-22.

[111] The Radical Programme, p.53.

[112] Dicey, Law and Opinion, p.307.

a conception of the state fundamentally at odds with the Individualists' laissez faire views. Edward Dicey, for example, argued that "latter-day Liberalism" had adopted the theory that "the State is to take in hand the control of the masses and that in order to do so it is to override the rights of the individual."[113] Pleydell-Bouverie also discerned the abandonment of the view that the function of the state was to "protect people in their liberty and property...so long as they do not interfere with or injure other people" and the substitution of the theory that it was "a great machine which is to endeavour...to grind out...a greater amount of material enjoyment and happiness for the bulk of the people..."[114]

The second element of the old Radicalism to feed into the New was the principle of "trust in the people" with its corollary of universal suffrage. One of the cardinal tenets of the old Radical creed, Toynbee observed, was the belief that "to obtain justice and liberty...all classes should be admitted to the suffrage...Others might fear, they trusted the people; and nothing shook this faith -- not the wild cries of starving multitudes, not ignorant tumults, not violence."[115] The New Liberals saw their policy as the logical culmination of this faith in democracy. As Chamberlain announced in the Preface to the **Radical Programme**, "The Reform Acts of 1885 have set the seal on the great change which the Reform Act of 1832 inaugurated...At last the majority of the nation will be represented by a majority of the House of Commons, and ideas and wants and claims which have been hitherto ignored in legislation will find a voice in Parliament, and will compel the attention of statesmen."[116] This view was echoed by Escott who remarked that the 1885 Reform Act had served to reinforce the change "in the direction in which the legislation of the last quarter of a century has been tending -- the intervention...of the state on behalf of the weak against the strong, in the interests of labour against capital, of want and suffering against luxury and ease."[117] The state having become fully democratised, it was henceforth to legislate in the interests of the

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[113] Edward Dicey, "Plea of a Malcontent Liberal", p.466.

[114] Pleydell-Bouverie, The Province of Government, p.10.

[115] Toynbee, "Are Radicals Socialists?", pp.204-5.

[116] Radical Programme, Preface.

[117] Radical Programme, p.7.

majority of the people, and this required that (when necessary) it would undertake "socialistic" interference.

A belief in the connection between democracy and socialism was not merely the preserve of the New Liberals. In the minds of the Individualists as well the linkage seemed all too evident, and it led them to question the very principle of "trust in the people" which the earlier generation of Radicals had espoused. Pleydell-Bouverie spoke for many of them when he remarked to a meeting of the LPDL that:

> The truth is, as far as I can discern it, that this vast extension of political privileges and franchises...has practically turned up a new substratum of political soil...which is readily prepared to grow exactly the same weeds of prejudice and ill-understood opinions, which sprang up and prevailed among the more cultivated class two or three hundred years ago, and which has been eradicated from their minds by the experiences of those times.[118]

Democracy, in passing political power to the uneducated majority, was likely to generate the same myths of protectionism and class legislation which it had been the historical mission of true liberalism to eradicate. As Sir Henry Maine remarked, "the Radical doctrine of the expediency of an extended suffrage is in fact rapidly mining the Radical doctrines of free ships and free trade, of free transfer and free contract."[119]

The perceived conflict between the democratic rights of the majority and the rights of the propertied minority was resolved by all the Individualists in favour of the latter. Maine's answer was to launch into a polemic against popular government which Sidgwick thought "the best anti-democratic writing we have had."[120] Sidgwick's own response was characteristically more measured although his ideal constitution, which included unpaid legislators, an unelected Upper Chamber, and a bureaucracy of enlightened utilitarians, was designed to check the worst excesses of democracy.[121] Spencer also abandoned the doctrines of the Complete Suffrage Union which he had espoused in his youth, arguing that an extended franchise for anything less than fully

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[118] Pleydell-Bouverie, The Province of Government, p.5.

[119] [Sir Henry Maine] "Radical Patriarchialism", St. James's Gazette, 1, (1880), pp.259-60.

[120] Quoted in A.S. and E.M.S., Henry Sidgwick: A Memoir, p.392.

[121] See Elements of Politics, pt.II, and W.C. Havard, Henry Sidgwick and Later Utilitarian Political Philosophy (Gainesville, 1959), chpt.7.

evolved humanity would issue in "communism"[122]; while A.V. Dicey's obsession with the referendum was motivated by a desire to employ it as a "democratic check on democratic evils" and to establish a "conservative democracy" in which the rights of property would be respected.[123]

In view of the foregoing discussion it would seem that the unreflective identification of Individualism with the principles of mid-century radicalism would be misconceived. The rival claims to the Benthamite inheritance are far more complex that might *prima facie* appear to be the case since, as we have seen, Individualists and New Liberals alike claimed to be the "true" liberals, and each condemned the other's misunderstanding (or wilful misrepresentation) of what liberalism "really" meant. Nor did they believe themselves to be engaged in a merely verbal dispute: the issues involved were of fundamental political importance. In addition, while it would be tempting to construe the rivalry to be between the *literal* followers of the philosophic radicals and those who had adopted their *spirit* of reform, the evident willingness of the Individualists to compromise their principles on the issue of the franchise hardly suggests that they took literalness to extremes. Thus the Individualists' repeated insistence that they alone represented the historically pure principles of liberalism must be questioned in view of the late nineteenth century dispute over the "correct" interpretation of the liberal ideology.

IV. A BRACE OF NEW LIBERALISMS.

Individualist political theory developed out of this late nineteenth century dispute about the "correct" interpretation of the meaning of liberalism. However, the declarations of the Individualists themselves notwithstanding, it would be mistaken to identify Individualism with a strictly "traditional" interpretation of the liberal creed.

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[122] Spencer, Principles of Sociology, vol.II (London, 1882), p.750.

[123] A.V. Dicey, "Democracy in Switzerland", The Nation (NY), 42, (1886), pp.494-496. Dicey's views are discussed in H.A. Tulloch, "Changing British Attitudes to the United States in the 1880s", Historical Journal, 20 (1977), pp.825-840. This debate primarily concerned the extent to which Britain should borrow from the institutions of the United States in order to entrench property rights after the passing of the 1884 Franchise Act.

The severe ideological cleavage which developed in the liberal tradition during the closing decades of the century did not occur between a group of "traditionalists" and a group of "innovators", but was between two tendencies *both of which* represented significant adaptations of the doctrine to which they laid claim. Hence although the New Liberal revisions of the liberal ideology were more self-conscious than those of the Individualists, the latter also profoundly transformed the mid-century liberal ideology.

The motive force for the Individualists' transformation of the liberal ideology was their belief that the late Victorian social order embodied those very principles of freedom of contract, protection of the rights of property, and a minimal state which were allegedly under threat from the New Liberalism. Because they identified the ideal society of mid-century liberalism with the "actually existing" social order, the conservatism of the Individualists ran deeper than merely seeking to preserve the "historical" principles of "true" liberal doctrine; instead their theories became a full-blown attempt to provide a justification for the actual distribution of wealth, property and power in late Victorian society. In developing such a justification, however, they created a significant modification of classical liberal doctrine and hence vitiated their own claim to be doctrinal conservatives. The debate between the two wings of liberalism concerning the *means* by which the philosophic Radicals' programme of reform was to be continued tended to shade off into an argument about the *desirability* or even the *possibility* of any further reform.[124]

In defence of the late Victorian social order the Individualists advanced two separate lines of argument, the first of which took the form of a syllogism. The major premise was the claim that the extension of the functions of the state to further social reform was contrary to many long-established liberal principles. The minor premise was that these principles were already embodied in the existing distribution of property and the functioning of an economic system with a minimum of governmental regulation

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[124] It should be noted, however, that some Individualists were not completely opposed to further reform if it came about as the result of the voluntary action of individuals. Thus Auberon Herbert argued for the voluntary break-up of the great landed estates to create a new class of peasant proprietors as a bulwark for private property. ("The Rights of Property", an address to the Liberty and Property Defence League, 1889). However, Herbert was not typical of Individualists in general and, needless to say, the proposal was brusquely dismissed by the League's President, Lord Wemyss.

and interference. Hence the conclusion was drawn that the preservation of the *status quo* had become the primary task of liberalism. As Bruce Smith remarked, "the (what I would term) *aggressive* function of liberalism has been exhausted, and, with certain minor exceptions, it only remains for it to guard over the equal liberties of citizens generally, with a view to their *preservation.*"[125] From the point of view of the Individualists, therefore, the reform of the late Victorian social order was unnecessary, since liberal principles were already substantially realised in the existing order of society.

Secondly, however, the Individualists did not merely contend that any attempt to interfere with the *status quo* by pursuing the kinds of measures advocated by the New Liberals would be undesirable. They also argued that attempts to employ the instrument of the state to change society were necessarily bound to fail. Social reform, at least as pursued as a matter of state policy, was therefore impossible since it proceeded in ignorance of certain fundamental laws of human nature and of the evolution of society. This view is captured by Thomas Mackay's argument that "revolutionary reconstructions" of society, in particular those which aimed to level up "the condition of the poorer classes by devices designed to confer on the 'have nots' the right to live on the taxation of the 'haves'", were to be rejected because they were contrary to the fundamental principles of social science:

> Whether we like it or not, the fabric of society has grown up around the support of certain fundamental principles. These principles are not, of course, absolutely rigid and immutable...but viewing the history of their development as a whole, we find that their main tendency is definite and unmistakable...We could not attain, and even if we could attain, we could not permanently retain, the advantages resulting from the working of these social tendencies, if we discarded the principles which have given them birth.[126]

It is my contention that, in order to establish both these lines of argument in defence of the late Victorian social order, the Individualists were forced to make substantial revisions of the arguments employed by the earlier generation of Radicals, and hence their political conservatism undermined their professions of doctrinal purity. The first four chapters of the thesis will be devoted to an examination of arguments

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[125] Smith, Liberty and Liberalism, p.10.

[126] T.D. Mackay, Public Relief of the Poor: Six Lectures (London, 1901), pp.10-11.

used to support the Individualists' claim about the impossibility of social reform, while the remaining two will examine those concerned to establish their other claim that social reform was undesirable. In terms of the former, the Individualists, while continuing to share the philosophic radicals' enthusiasm for the free market and minimal state, had abandoned their faith in human reason being able to construct a more just or more humane social order. In terms of the latter, the Individualists went to great lengths to reinterpret the principle of utility and the conception of justice derived from the old Radicalism to suit their conservative purpose. In both cases, I shall argue, Individualists introduced substantial modifications into the theoretical conceptions of the tradition to which they laid claim.[127]

My approach in each of the chapters will be primarily expository rather than critical. Given the absence of Individualism from the standard accounts of political thought during this period, the most pressing task has appeared to be the identification of the chief arguments and positions of the Individualists; before the body can be reinterred, it must first be completely exhumed. Furthermore, much recent political thought has proceeded on assumptions directly inimical to those made by the Individualists: hence they are either guilty of (by modern lights) the most egregious intellectual blunders, or their defence would require mounting a profound challenge to vast areas of contemporary social and political philosophy. Thus, for example, to defend the Individualists on their own terms would require overthrowing the

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[127] It has been argued by Collini that Individualist argument can be subsumed under four categories, which he refers to as the Political, the Economic, the Scientific and the Moral. (Liberalism and Sociology, p.22ff which closely follows the article on "Individualism" in the Encyclopedia of Social Reform, pp.717-724.) He argues that of the four, the "political" argument, essentially a protest against corruption, privilege and state inefficiency, "seemed to call less insistently for refutation" since it had enjoyed its heyday in the anti-aristocratic crusades of the philosophical radicals. This conclusion would seem correct, as does his down-grading of the importance of the "economic" argument on the grounds that, with the exception of Sidgwick, none of the Individualists were sophisticated political economists and the kinds of economic arguments which they invoked were usually a generation or more out of date. The "moral" argument, which consisted in affirming "the independent and overriding value assigned to the fostering of 'character' as a primary aim of politics" (Liberalism and Sociology, p.28) is dealt with as part of the second chapter of this thesis. However, Collini's category of the "scientific" argument which "consisted in presenting an account of Progress such that Individualism figured as both the mechanism of advance and a constitutive part of the goal" would appear to conflate a number of separate issues which are dealt with in chapters 1, 3, and 4. This categorisation also fails to capture a number of other arguments, especially those deriving their force from considerations of justice or utility.

assumption that genetic questions -- for instance concerning the origin of the moral sentiments -- are irrelevant to philosophical questions concerning the rightness of a course of conduct. Similarly, the fact/value distinction, which has effectively undermined attempts to find in scientific doctrines of evolution the true guide to human conduct, would also need to be abandoned. Nevertheless, although I have not engaged in direct criticism of Individualist theories, reference will be made to criticisms of Individualist ideas made in particular by the New Liberals, since these serve to locate Individualism in the context of late Victorian political argument.

Given that the *Synthetic Philosophy* provided the focus for Individualist argument, the order of the chapters in this thesis follows the development of ideas in Spencer's *magnum opus*, and hence the subject of the first chapter, "Progress and the Struggle for Existence", will be the doctrine of evolution. A cardinal tenet of both the old Radicalism and the New was a belief in "Progress" which was to be achieved by the reform of social and political institutions. It will be argued that the Individualists had not lost their faith in "Progress", but reconciled it with their political conservatism by arguing that, rather than being achieved by the conscious design of human agents, it was to be attained by the working out of the inexorable laws of nature. This argument for Individualism is widely caricatured as "Social Darwinism", the application of the biological law of the "survival of the fittest" to the relations of individuals in society. However, as I shall argue, although the Individualists did place considerable emphasis on competition and struggle as motive forces of social progress, this emphasis had a number of distinct sources in addition to the specifically Darwinian account of evolution. The advantage of these accounts of social evolution from the stand-point of Individualists was that at the same time as they justified an individualistic social order based on free competition they also indicated that the suffering and misery caused by this type of society were necessary to the future progress of humanity. This point was brought out clearly in the criticisms of Spencer's book **The Man Versus the State** which were made by the Belgian sociologist Emile de Laveleye. He argued that the social reformer held that laws and institutions "emanate from men's will, and from the

decisions of legislators" and hence that if "these laws are bad, or in any way lacking, we are free to change them." By contrast, the Spencerian sociologist taught that all miseries could be attributed to "the inevitable and beneficent consequences of natural laws; that these laws, being necessary conditions of progress, any endeavour to do away with them would be to disturb the order of nature and delay the dawn of better things."[128] Hence nothing could be achieved by the reform of institutions.

In the second chapter, "The Formation of Character", I propose to deal with the association psychology developed in Spencer's **Principles of Psychology**. The association psychology was identified by J.S. Mill as one of the chief instruments at the disposal of the Radicals with which to undermine political conservatism. Whereas the latter derived much of its intellectual justification from a belief in innate characteristics, Mill correctly believed that this doctrine was rendered untenable by a psychological theory which stressed the formative role of the environment. However, I shall argue, Spencer's version of the association psychology effectively negated its radical implications: by combining it with his doctrine of evolution he transferred the influence of the environment from the individual to the race as a whole. This had two implications. In the first place, psychological characteristics were developed only over the course of many generations, and were inherited by each new generation. Hence the capacity of the legislator to remodel humanity was brought into question. Secondly, the conservative doctrine of innate characteristics was rehabilitated so that Spencer was able to argue, for example, that there were inherent differences between the sexes which could justify their respective social roles. In other words, a formerly radical doctrine had been converted into an essentially conservative one.

The second way in which biological concepts were employed as part of Individualist political thought was in terms of the conception of society as an "organism", which is usually associated with collectivism and state intervention. Hence in the third chapter, "Individualism and the 'Organic Conception of Society'", it will be necessary to demonstrate why it was that the Individualists believed that this

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[128] E. de Laveleye, "The State Versus the Man", Contemporary Review, 47, (1885), p.502.

conception could be used to sustain their political creed. Many recent commentators on Spencer's thought have accused him of having failed to recognize that he had attempted to combine two incompatible ways of conceptualizing society, but I will demonstrate that this criticism rests on an inadequate appreciation of the nature of the analogy which Spencer himself drew. The comparison between society and an organism is one which will bear many different interpretations, and hence in the chapter I will be concerned to demonstrate the ways in which it might be used to support an individualistic social order. At the same time, however, the implications of this argument were profoundly conservative in the sense that they implied that individualism was the form necessarily adopted by advanced societies, and that they must either conform to this type or regress. Moreover, it also suggested that society was a natural rather than an artificial structure, and hence was not subject to human control.

The fourth chapter, "The Individualist Theory of History" will be concerned with examining the theory of history according to which an activist state could be condemned by the Individualists as a "regression" to a superseded form of social organisation. According to this view, human progress had taken the form of the gradual emancipation of mankind from a hierarchical, coercive social structure based on relations of command and obedience to the open, free, progressive society of classical liberalism with its voluntarily assumed obligations. On this view of history, there was nothing new in "socialistic" proposals to limit human freedom; indeed, the type of society which the social reformers were in the process of creating was merely a regression to a superseded condition of society. Thus, on this account, "progressivism" was paradoxically a retrogressive creed and the "conservative" defence of the existing social structure could be presented as the truly progressive doctrine.

The remaining chapters of the thesis witness a slight shift of emphasis. In the first place, whereas the first four chapters are all concerned with arguments which were intended to demonstrate the impossibility of state-sponsored social reform, the remaining two are concerned with demonstrations of its undesirability. In addition,

Spencer's followers cease to figure prominently in the closing chapters since they contributed little to the more philosophically abstruse topics under consideration, while by contrast Sidgwick's work assumes a new importance. Because he was sceptical about attempts to find solutions to political and ethical problems in biology or sociology, Sidgwick hardly features in the first four chapters.[129] However, once the issue becomes that of providing a foundation for Individualism in terms of the principle of utility or the doctrine of natural rights, his philosophical thought assumes increased prominence. As I shall argue, although it is true that Sidgwick was a forceful and perceptive critic of Spencer, their primary differences were philosophical, not political; his ambition was not to undermine Individualism but to place it on the allegedly more secure foundation of "orthodox" utilitarianism. Thus the most accurate description of Sidgwick's views is, in Ryan's apt phrase, "utilitarianism tempered by a reading of Herbert Spencer."[130]

The fifth chapter, "The Reworking of Utilitarianism", examines the use made of the principle of utility by Individualist thinkers, including Sidgwick and Spencer. I shall argue that they shared in common the ambition of constructing a form of the utilitarian doctrine which reaffirmed the connection between the principle of utility and a limited state, but which made that connection more than merely contingent. Whereas in the past the support given for laissez faire by the utilitarians depended on a number of assumptions which the late Victorians were increasingly inclined to question, the Individualists argued that utility could only be promoted indirectly, by respecting the conditions productive of the greatest happiness. Since these were identified with the Spencerian Law of Equal Freedom, the utilitarian doctrine could again be made to justify a limited state. This version of utilitarianism was also conservative in import, since Spencer made a distinction between "absolute" and "relative" ethics which enabled him to deny the logical implications of his own principles where they threatened to challenge the existing Victorian social order. Similarly Sidgwick excluded on methodological grounds the possibility of constructing an ideal code of utilitarian

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[129] Sidgwick's scepticism about this intellectual tendency is best expressed by his paper "The Relation of Ethics to Sociology" printed in his Miscellaneous Essays and Addresses (London, 1904).

[130] Ryan, Property and Political Theory, p.117.

ethics with which to criticise existing institutions. Hence in his hands utilitarianism lost the radical cutting edge it had possessed in the heyday of philosophic Radicalism. Thus even in this case the Individualists were forced to modify significantly the doctrines of the philosophic radicals in order to suit them to their purpose.

Similarly, the argument of the sixth chapter, "Justice, Property and Natural Rights", is that although the Individualists made use with a theory of justice and a justification of private property which clearly condemned the existing distribution of wealth and property as unjust, their conservatism is again revealed by their failure to pursue these observations to their logical conclusions. Indeed, they went to great lengths to defuse the apparently radical implications of their own principles. As an instance of this I will consider the case of private property in land, which logically seemed to be a negation of the Law of Equal Freedom (as the youthful Spencer had himself recognized.) However both he and Auberon Herbert argued that private property was justified, albeit on grounds which were inconsistent with their leading ideas. Similarly, Sidgwick considered the perennial tension between equality and security in the utilitarian justification of private property, resolving it decisively in favour of the latter.

Each of these six arguments combined the duality of liberalism and conservatism which was characteristic of late Victorian Individualism. On the one hand, each argument endorsed the classical liberal view that the best type of society was that based on the limited state, the free market and freedom of contract. On the other hand, consistent with the Individualist's belief that the social structure of late Victorian Britain conformed to this model, they also lent weighty support to the belief that further progress could not be achieved by the reform of institutions. Hence all that Individualistic liberalism could aspire to was the defence of its achievements in the faith that the inexorable laws of nature could be trusted to do the rest.

CHAPTER 1:
PROGRESS AND THE STRUGGLE FOR EXISTENCE.

I. INTRODUCTION.

In the late nineteenth century the idea that biological theories or categories could be used to draw conclusions in social and political philosophy was widely entertained by political thinkers of all persuasions. Biology was regularly employed on the side of collectivism, Benjamin Kidd's **Social Evolution** and David Ritchie's **Darwin and Hegel** being only two such examples, while the "organic" conception of society was an important element in the justification of New Liberal ideas.[1] Similarly, biological theories of evolution were employed by Individualists in an attempt to establish the necessity and desirability of individual competition and struggle as a means to human progress. Indeed, writing at the turn of the century, L.T. Hobhouse observed that the "primary intellectual cause" of the reaction against progressivism had been "the doctrine that human progress depends upon the forces which condition all biological evolution... Just as the doctrine of Malthus was the main theoretical obstacle to all schemes of social progress through the first two thirds of the century," he argued, "so the doctrine derived in part from Malthus by Darwin has provided a philosophy for the reaction of the last third."[2]

It is the argument of this chapter that the value to the Individualists of biological theories of evolution was that they made possible the reconciliation of two apparently irreconcilable political commitments. In the first place, the Individualists identified themselves with the tradition of mid-century liberalism, one of the most characteristic features of which, as Ian Bradley has noted, was the "passion for improvement":

> Zeal for improving mankind was a characteristic feature of the Victorian Liberal Mind. It manifested itself in an obsession with the efficiency and reform of institutions, in a desire to clear away anomalies and obstacles to social progress and advancement, and in the passionate involvement of so many liberals in crusades to right some wrong and make the world a better place.[3]

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[1] Cf. M.S.Freeden, The New Liberalism (Oxford, 1978), *passim*.

[2] L.T. Hobhouse, Democracy and Reaction (Second Edition, London, 1909), pp.86-7.

[3] I. Bradley, The Optimists (London, 1980), p.200.

The Individualists laid claim to the tradition of which this reforming zeal was part, and Spencer insisted that his "opposition to socialism results from the fact that it would stop the progress to...a higher state and bring back a lower state."[4] Yet despite their protestations that they had not abandoned their belief in "progress", the Individualists' own writings were often marked by quietism and by a complacent acceptance of the *status quo*. Rather than expressing the "passion for improvement" of the older Radicalism, they exhibited a preference for established institutions over those which were untried, and argued that the existence of an institution created a presumption in favour of its utility.

The theory of evolution enabled the Individualists to contend that the defence of existing institutions was itself a means to the end of "progress." They argued that the framework of rights and liberties established by fundamental institutions of the late Victorian social order were the necessary conditions for any future progress; indeed, they were the only conditions that were necessary. Human progress was a "natural" process which would occur only if the individual was guarantied the freedom to develop his own capacities in competition with others. Since these conditions were secured by the free market and the minimal state, all that was required of the enthusiasts for progress was that they defend these institutions against the attacks of social reformers. Hence this argument for Individualism gave support to the combination of liberalism and conservatism which was characteristic of Individualist political thought. On the one hand, the idea that progress was best promoted by the competition of individuals implied that the function of the state was the minimal one of ensuring that the competition took place within the framework of just rules, primarily the protection of rights to life, liberty, and property. On the other hand, the reliance on biological theories was conservative in so far as it suggested that present miseries were not the result of unjust political or social institutions, but were the social consequences of fundamental biological laws, and thus that nothing could be achieved by a programme of social reform. Therefore, the value of the arguments for Individualism derived from

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[4] Spencer, "From Freedom to Bondage" in T.D. Mackay (ed.) A Plea For Liberty (London, 1891), p.24.

the doctrine of evolution and from biological theories was that they permitted the reconciliation of this professed belief in progress with the Individualists' institutional conservatism.

A secondary theme of this chapter is that it would be mistaken to describe the Individualists' use of evolutionary theory as an instance of "Social Darwinism", a term which has now become so inclusive as to be practically devoid of meaning. For example, in his classic study of **Social Darwinism in American Thought**, Richard Hofstadter employed the term indiscriminately to refer to the "general adaptation of Darwinian, and *related* biological concepts to social ideologies", the latter category encompassing such diverse notions as social organicism, evolutionism, and even a belief in the power of hereditary.[5] A similar lack of precision in the term is to be found in Greta Jones' more recent study of **Social Darwinism and English Thought**, in which she argues that "Social Darwinism flowed into many channels, into liberalism, socialist as well as conservative thought, into ideas about race and class, into the debate over the state and social reform."[6] The notion enjoyed such pervasive influence because, as Jones uses the term, it refers to *any* application of biological ideas to the study of society. Moreover, this imprecision has deep historical roots since even in the closing decades of the last century "Social Darwinism" could be used to refer to such diverse notions as brutal individualism, a rationale for socialism and the class struggle, and the rising tide of Imperialist and militarist sentiment.[7]

For the sake of precision, "Social Darwinism" in the present context will be taken to mean the direct transference of the biological law of the struggle for existence to the relations of individuals in society. This definition excludes from consideration theories, like that of Benjamin Kidd, which applied the Darwinian evolutionary mechanism to the struggle for existence between entire societies, and hence concluded

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[5] R. Hofstadter, Social Darwinism in American Thought (First Edition, New York, NY, 1944), p.vii.(Emphasis mine.) See also the discussion of the inadequacy of Hofstadter's definition in R.C. Bannister, Social Darwinism: Science and Myth in Anglo-American Social Thought (Philadelphia, PA, 1979), p.5.

[6] G. Jones, Social Darwinism and English Thought: The Interaction Between Biological and Social Theory, (Hassocks, 1980), p.vii.

[7] Bannister, Social Darwinism, p.4.

that a measure of social reform was necessary to improve the efficiency of the nation. "Social Darwinism" in the present sense carries with it the implication that the struggle for existence between individuals would be carried on under the guise of a philosophy of laissez faire.[8] As Hofstadter characterised this "individualist-competitive" use of Darwinist ideas, it involved the notion that the "most popular catchwords of Darwinism 'struggle for existence' and 'survival of the fittest', when applied to the life of man in society, suggested that nature would provide that the best competitors in a competitive situation would win, and this process would lead to a continuing improvement."[9]

However, I shall argue, although Individualist political thinkers undoubtedly argued in these terms, they did not simply transfer Darwinian notions like "the survival of the fittest" and "natural selection" from biology to social thought. In the first place, the evolutionary theory expounded by Herbert Spencer (and which served as an inspiration to many other Individualists) was not a generalisation of a biological theory at all. While it has been variously claimed that Spencer simply transposed the process which Darwin saw at work in nature to associated human beings, or that he was a generalizer of a Lamarckian biological theory of use-inheritance, I shall argue that both interpretations are mistaken since they share in common the assumption that the inspiration for Spencer's theory was derived from biology. Rather than generalising biological theories, Spencer regarded them as special cases of a more fundamental principle of evolution which owed more to classical mechanics than it did to biology. Therefore, the Lamarckian and Darwinian theories of evolution had to be reinterpreted in order that both might be accommodated within the architecture of his *Synthetic Philosophy*. A corollary of this argument was that both Lamarckian and Darwinian factors were assigned a role in Spencer's account of social evolution.

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[8] This distinction corresponds to that made by B. Semmel between "internal" and "external" Social Darwinism. (Cf. Imperialism and Social Reform, [London, 1960], p.29ff.) In Semmel's terms, the present chapter is concerned only with the "internal" variety of the doctrine. This is not to deny, however, that Spencer did occasionally refer to a struggle between societies in which the industrially most advanced (which he equated with the most individualistic) would triumph. See below, chpt.3.

[9] Hofstadter, Social Darwinism, p.6.

Moreover, the literal application of Darwinian evolution to society seemed to imply that "might was right" and that the strong had no obligations at all to the weak, but this conclusion was so contrary to fundamental Victorian moral notions that Spencer and the other Individualists were reluctant to draw its full implications. Thus they argued that the competition between individuals in society was not entirely analogous to the struggle for existence in nature since it had to be restricted by the recognition of the rules of justice or even of "charity." Therefore, even when explicitly Darwinist language was used in the defence of Individualism it was usually associated with other arguments which owed nothing to the "struggle for survival" as a factor in social improvement.

Finally it will also be argued that it is often difficult to separate the apparently Darwinian theories expounded by some Individualists from Malthusian concerns about the dangers of excessive population growth, particularly among the poor. This was especially the case since both Darwinian and Malthusian doctrines emerged out of a common context, and Darwin's theory of evolution was little more than the transposition of a social theory to the natural world. Indeed, despite Hobhouse's remark quoted in the first paragraph of this chapter, Malthusian ideas had not entirely lost their hold among the Individualists and they continued to provide them with a valuable weapon with which to assail socialists and other social reformers who appeared to have abandoned this "fundamental truth" of political economy. Hence the inspiration for many apparently "Social Darwinist" ideas was not Darwin, but the social theorist who himself had inspired Darwin.

II. THE SPENCERIAN THEORY OF EVOLUTION.

Many commentators on Spencer's thought have emphasised its "Darwinian" aspects and from this has followed his reputation as a callous defender of acquisitiveness and self-interest, a proponent of the doctrine that the weak must go to the wall. In replying to Spencer's polemic **The Man Versus the State**, the Belgian sociologist Emile de Laveleye charged that Spencer was "anxious to see the law of the survival of the fittest and natural selection adopted in human society."[10] The New Liberal David Ritchie similarly alleged that

> In the name of Evolution and on behalf of the survival of the fittest Mr. Herbert Spencer cries out against the 'Sins of Legislators' in interfering with the beneficent operation of the pitiless discipline which kills off unsuccessful members of society, and against 'The Coming Slavery' of Socialistic attempts to diminish the misery of the world.[11]

Nor was this interpretation of Spencer's theory confined to his critics of the Left. The Conservative theorist W.H. Mallock accused Spencer of according excessive emphasis to the Darwinian theory of evolution and criticised him for concentrating exclusively on the discovery of laws of development for social aggregates. According to Mallock's caricature view of Spencerian evolution, it ascribed the motive force of progress to the fact that

> in any community the means of subsistence are being constantly appropriated by the members who are a little stronger than the rest, whilst those who are weaker have an insufficient portion left them. The latter therefore die early themselves; or breed no children; or breed children who die early; whilst the former live long, and breed children who live likewise; and of these children there is always a certain percentage in whom are reproduced the superior qualities of their parents... In other words, the Darwinian struggle for existence produces progress by raising the general average of efficiency.[12]

More recent commentators, not directly engaged in an ideological struggle with Spencer's brand of liberalism, have also perpetuated this interpretation. Brinton, for

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[10] E. de Laveleye, "State Versus the Man", Contemporary Review, 47, (1885), p.492.

[11] D.G. Ritchie, Darwinism and Politics, (London, 1889), p.11.

[12] W.H. Mallock, Aristocracy and Evolution, (London, 1898), pp.91-92. While Spencer attempted to discover laws of the development of social aggregates, Mallock believed that progress was primarily due to a struggle for domination between "exceptionally gifted and efficient" individuals. The closest that an Individualist came to Mallock's emphasis on the role of the "Great Man" in social evolution was Sir Henry Maine, who argued that "the history of human improvement has hitherto, been the development of what are called privileged classes...Aristocracy arises on the decay of aristocracy, and the world makes its progress by one privileged class pushing another from its seat." ([Maine] "The Goal of Democratic Progress", St. James's Gazette, 1, (1880), 115-6.) However, Maine's views on social evolution were untypical of Individualists in general.

example, paraphrased Spencer as claiming that "the basic law of organic growth is the Darwinian notion of the survival of the fittest...Thus, in free competition, the best tends to survive and the worst to die out. Even before Darwin, Spencer had made a rough and literary anticipation of this doctrine."[13] According to Semmel, Spencer "employed the Darwinian theory to supplement the Malthusian argument of the classical economists, to prove that the individualist competitive society of Victorian England had been ordained by nature and was the sole guarantor of progress."[14] Similarly, Arblaster has declared that Spencer "was the leading translator of the survival of the fittest into social terms which meant that the sufferings of 'the incapable', 'the imprudent', 'the idle', and 'the weak' were not only deserved, but part of the inevitable price to be paid for the progress of the species as a whole."[15]

In contrast to this account another has been developed, especially by J.D.Y. Peel, which has stressed that Spencer saw the mechanism of evolution in terms of Lamarckian "use inheritance" rather than in terms of a Darwinian struggle for survival.[16] Although Spencer himself invented the phrase "the survival of the fittest" it is claimed that he saw the mechanism of human evolution (at least in its civilized stages) as being not Darwinian but Lamarckian, and that this tended to reduce the role played by competition and struggle in his political thought. Thus, Peel argues, it is a profound mistake to view Spencer as a simple "translator" of the struggle for survival into sociological language. The objectives and achievements of Spencer's theory of evolution were very different from Darwin's and consequently that it is "misguided to see Spencer as a generalizer of the Darwinian theory and so necessarily a corruptor of a proper theory of social evolution."[17] Indeed, whereas "Darwin's theory accounted for the secular transformation of each species by the mechanism of natural

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[13] C. Brinton, English Political Thought in the Nineteenth Century, (London, 1933), p.229.

[14] Semmel, Imperialism, p.29.

[15] A. Arblaster, The Rise and Decline of Western Liberalism, (Oxford, 1984), p.290.

[16] Cf. J.D.Y. Peel, Herbert Spencer: The Evolution of a Sociologist (London, 1971), p.136ff. Peel was not the first to make this point. Ernest Barker in his Political Thought from 1848 to the Present Day, (Oxford, 1915), stated bluntly that Spencer "never became a Darwinian." p.92.

[17] Peel, Herbert Spencer, p.141.

selection,...Spencer's attempted to explain the total configuration of nature, physical, organic and social, as well as its necessary process."[18] Lamarckian evolution is thus the connecting link between these different elements of the evolutionary process, since only use-inheritance can be used to explain the processes of both biological and cultural evolution.[19]

In this section I intend to demonstrate that both parties to this dispute rest their case on the false assumption that Spencer was engaged in generalising an essentially biological theory into a theory of cosmic evolution. I shall argue that the source of Spencerian evolution was classical mechanics rather than biology, and that in consequence it owed far more to Grove's proof of the correlation of the physical forces than to Darwin's account of the origin of the species. In other words, Spencer's doctrine of evolution was neither Darwinian or Lamarckian, although both Lamarckian and Darwinian factors can be seen to have been incorporated in the theory of evolution which Spencer propounded. The view of Spencer as advocating competition on the model of a Darwinian struggle for survival may have gained currency in proportion to the neglect which his writings have endured, but the exclusive concentration on Lamarckianism as the mechanism by means of which mankind became more perfectly adapted to its environment has produced a view of Spencer which is as distorted as were the earlier "Social Darwinist" caricatures. The survival of the fittest clearly did have a role to play, not merely in his biology, but also in his political theory. However, Spencer did not simply "translate" Darwinist ideas into sociological terms and he believed that the process of adaptation would tend to reach an equilibrium in which the moral development of individuals became completely suited to the requirements of the social state.

Spencer's general theory of evolution is to be found in his volume on **First Principles** which, of all his works, most thrilled the Victorians but which today is viewed simply as the source of his arcane metaphysics. Indeed, there has been a

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[18] Peel, Herbert Spencer, p.142.

[19] Peel, Herbert Spencer, p.143.

marked tendency among commentators to avoid having to deal with Spencer's most philosophically abstract work. Brinton, for instance, declared that "a complete analysis of Spencer's system would be an intolerable infliction upon the reader. We shall confine ourselves to the essentials of his political thought, and leave the Unknowable and other first principles in the vague background where they belong."[20] Similarly, Peel has acknowledged that his treatment "of much of [Spencer's] writing in philosophy in the narrow sense, psychology, ethics, and biology, is cursory and patchy."[21] However, the **First Principles** cannot be conveniently ignored as the "vague background" to the rest of Spencer's thought. Since it was written to propound the principles of which the remaining nine volumes of the Synthetic Philosophy are merely *illustrations*, it is clear that some acquaintance with it must be a prerequisite to understanding the totality of Spencer's system. The **First Principles** provides us with the key with which to unlock the whole Synthetic Philosophy.[22]

According to Spencer the task of philosophy was not analysis but was to systematise and synthesize all human knowledge. He resembled Hegel to the extent that he could not discover a contradiction without attempting to resolve it in a higher synthesis. This was true of the conflict between the deductive and the inductive or historical methods in social science; between idealism and materialism in metaphysics; between associationism and intuitionism in psychology; and between Lamarckianism and Darwinism in biology.

In accordance with this conception of philosophy, it was defined as "knowledge of the highest degree of generality", and just "as each widest generalisation of Science comprehends and consolidates the narrower generalizations of its own division; so the generalizations of philosophy comprehend and consolidate the widest generalizations of science." Spencer, it may be fairly said, aimed at nothing less than a mechanical

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[20] Brinton, English Political Thought, p.228.

[21] Peel, Herbert Spencer, p.vii.

[22] References to Spencer's First Principles are throughout to the 1870 edition. I have preferred this edition to later revisions of the work since Spencer subsequently excised much of the illustrative material on the grounds that it was repeated in the volumes of the completed Synthetic Philosophy. However, for the purposes at hand Spencer's illustration of his principles by sociological material is particularly useful.

interpretation of the Universe in which every event could be explained in terms of the relations of cause and effect between incident forces. The Universe was nothing but a field of forces which acted and reacted upon each other, and life itself was merely a process of adjustment of these forces. Thus the most accurate characterisation of Spencerian evolution is in terms of

> an assertion of the all-sufficiency of natural law, a denial of intervention from outside at any stage of the process by which the universe has become what it is. Moreover, natural law means here strictly physical law; everything is to be explained in terms of 'matter and motion.'[23]

The one exception to the "all-sufficiency" of natural law was the necessity of postulating the existence of a first cause which set the observed processes of change in train. Yet although we are persistently aware of the existence of a supreme being, we can know nothing about it beyond the fact that it is the Unknown Cause.

The initial data of philosophy comprised three primary truths which Spencer called "the Indestructibility of Matter", the "Continuity of Motion", and the "Persistence of Force." From the first two of these primary truths it followed that the quantities of matter and motion in the Universe were unchanging, while the latter stated "there can only be changes of state of a constant amount of energy", and is also known by the more familiar name of the law of the conservation of energy. Furthermore, Spencer believed, all our experiences of matter and motion could be resolved into experiences of force; given Grove's proof of the correlation of physical forces and Joule's discovery of the mechanical equivalent of heat, it was but a short step to the conclusion that all motions in the universe were mutually convertible.[24] Hence all the diverse phenomena of the universe could be resolved into instances of force, and from the law of the "Persistence of Force" it followed that force itself was unchangeable in quantity.

However, neither of these laws could provide Spencer with the ultimate synthesis which he sought. Evidently they were merely factors in a more general process, the concomitant redistribution of matter and motion, and it was the law

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[23] R. Mackintosh, From Comte to Benjamin Kidd: The Appeal to Biology or Evolution For Human Guidance (London, 1899), p.72.

[24] Mackintosh, From Comte to Benjamin Kidd, p.71.

governing this process which would represent the ultimate synthesis of human knowledge. This law, he believed, must be a statement of the truth that the concentration of matter entailed the dissipation of motion, and conversely that the absorption of motion entailed the diffusion of matter. Indeed, the cycle of changes passed through by every existence, whether inorganic, organic, or "superorganic" (i.e. social) entailed "loss of motion and consequent integration, followed by gain of motion and consequent disintegration." The first such transformation was called Evolution, the second Dissolution. Therefore, as Sir Peter Medawar observed, the **First Principles** was an attempt "to show that the laws of evolution followed 'inevitably' from laws of the indestructibility of matter and the conservation of energy."[25]

In the simplest possible terms, Spencerian evolution was simply an affirmation of the growing complexity of the universe, whether inorganic, organic, or superorganic. "Evolution means growing complexity; more complex is more evolved."[26] The complexity develops according to both a primary and a secondary redistribution. The primary redistribution is in evidence in the instance of a concentrating aggregate which loses its motion rapidly or integrates quickly. For example, a society displays this aggregative process by the increasing mass of its population and their concentration in special parts of its area (i.e. towns and cities), as well as the indirect integrations, like the division of labour, by means of which the parts are made more mutually dependent. The secondary redistribution, or "compound evolution", referred to the tendency of the parts of the aggregate to become more and more unlike each other; that is to say, its component elements exhibited a transformation from homogeneity to heterogeneity. Thus "the increase of a society in numbers and consolidation has for its concomitant an increased heterogeneity both of its political and industrial organization." Along with this increasing heterogeneity the elements of the aggregate also became more sharply demarcated from each other; there was a movement from indefinite to definite parts. Finally, with every increase in structural complexity there was a parallel increase in

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[25] P.B. Medawar, "Herbert Spencer and the Law of General Evolution" in The Art of the Soluable (London, 1967), p.42.

[26] Mackintosh, From Comte to Benjamin Kidd, p.77

functional complexity. Thus the redistribution of matter and retained motion is from a diffused, uniform, and indeterminate arrangement, to a concentrated, multiform and determinate arrangement, and in a statement which Spencer variously referred to as a "law", "formula" or "definition", evolution was defined as "an integration of matter and concomitant dissipation of motion; during which the matter passes from an indefinite, incoherent homogeneity to a definite, coherent heterogeneity; and during which the retained motion undergoes a parallel transformation."[27] He was at pains to stress that this process of evolution went on everywhere and in the same manner, and that there were not different processes operating in each separate science, but one, single, unitary process which each science studied from a partial point of view. "There are not many metamorphoses similarly carried on; but there is one single metamorphosis universally progressing, wherever the reverse metamorphosis has not set in."

The next stage in Spencer's argument was to show that evolution was a necessary concomitant of his basic principle of the persistence of force, and the first law to which he appealed was that of the Instability of the Homogeneous. The Universe may be considered as a field of forces, but the forces acting at any two points in that field are not equal. It follows that two different parts of a homogeneous aggregate are subject to different incident forces, and therefore will develop correspondingly different structures. Hence any finite homogeneous aggregate must necessarily lose its homogeneity and develop towards greater and greater heterogeneity.

Secondly, the law of the Multiplicity of Effects decreed that "every differentiated part is not simply a seat of further differentiations, but also a parent of further differentiations." By this law, Spencer seems to have had in mind something not unlike a chain reaction in which a particular force is responsible for provoking a whole series of alterations in the field of force, each of which in turn provoke a further series of such peturbations. However, this "chain reaction" cannot take place ad infinitum since all these processes must have a limit. The continual division and

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[27] Spencer, First Principles, p.367.

subdivision of forces will continue only as long as there remain forces unbalanced by opposing forces, and must ultimately end in rest. Thus the whole process of the redistribution of forces in the Universe, which had been set in train by the Unknowable "First Cause", will finally reach an equilibrium, a state of quiescence in which all force has been dissipated. On the way to this final equilibrium, the dispersion of the smaller and more resisted movements make possible transitional stages which Spencer called "moving equilibria", among which may be counted all biological and social structures.

It should also be noted that it would be mistaken to assume that the universal tendency to growing complexity was a continuous and uninterrupted process. As one of Spencer's expositors noted:

> It is a common error to suppose that evolution is continuous and uninterrupted -- that its course may be symbolized by a straight line. A wavy line would, roughly speaking, be a more correct expression...[T]hroughout the whole universe motion is rhythmical or undulatory. This is true of all phenomena, from the minutest changes cognizable by science to the latest transformation of societies studied by the economist and the historian.[28]

This corollary of the three fundamental principles Spencer himself referred to as the "Rhythm of Motion", and the law was to receive added significance as part of Spencer's explanation of the "regression" to socialism in late Victorian Britain.[29]

Rather than Spencer having developed a biological theory, whether Darwinian or Lamarckian, into a general theory of evolution, his **Principles of Biology** can be seen to represent an application of these general principles to the specific case of biological organisms. They were subject to the same laws of evolution as any other aggregate, in so far as they were involved in a process of continual adjustment of their own forces to the forces impinging on them from their environment. For example, the skeleton of an animal passively resists forces like gravity or momentum which tend "to derange the requisite relations between an organism and its environment" by counteracting them with an equal and opposite force, thus maintaining the "moving

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[28] W.H. Hudson, An Introduction to the Philosophy of Herbert Spencer (London, 1897), p.91.

[29] See below, chpt.4.

equilibrium."[30] However, the forces operating on a biological organism would not always remain constant, and as a consequence the "moving equilibrium" of the organism was being repeatedly disturbed. In order to regain equilibrium the organism would need to adjust its own inner forces so as to balance the new outer forces; for Spencer, this adjustment was the very essence of the life process. "Each change is of necessity towards a balance of forces; and of necessity can never cease until a balance of forces is reached."[31] Moreover, each successive "moving equilibrium" which the organism attained was a further stage in the evolutionary process, since it produced an increased integration and differentiation of parts and a correspondingly more complex structure. Hence, Spencer concluded:

> In subordination to the different amounts and kinds of forces to which its different parts are exposed, every individual organic aggregate...tends to pass from its original indistinct simplicity towards a more distinct complexity. Unless we deny the persistence of force, we must admit that the gravitation of an organism's structure from an indefinitely homogeneous to a definitely heterogeneous state, must be cumulative in successive generations, if forces causing it continue to act.[32]

It has been suggested by R.M. Young that the main feature of Spencer's explanation of the process of evolution was Progress itself. Like the account offered by Peel, this argument presupposes that Spencerian evolution simply generalised Lamarckianism on a cosmic scale, and Young suggests that Spencer agreed with Lamarck that nature had an "inherently progressive tendency" but then "garbled the Lamarckian theory and considered the mechanism of this progress to be the inheritance of learned modifications."[33] However, it should be clear from the foregoing account that the "inherently progressive tendency of nature" played no part in Spencer's explanation of evolution. Indeed, he explicitly repudiated this aspect of Lamarck's theory, since the "ascription of organic evolution to some aptitude naturally possessed by organisms, or miraculously imposed on them, is unphilosophical. It is one of those explanations which explains nothing -- a shaping of ignorance into the

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[30] Spencer, Principles of Biology, vol. i,(London, 1864), p.154.

[31] Princ. Bio., vol.i, p.432.

[32] Princ. Bio., vol.i, p.430.

[33] R.M. Young, "Malthus and the Evolutionists: The Common Context of Biological and Social Theory", Past and Present, 43, (1969), pp.104-145; p.135. This point is also emphasised by Peel, Herbert Spencer, esp. p.148.

semblance of knowledge."[34] Instead, Spencer wrote, "while we are not called on to suppose that there exists in organisms any primordial impulse which makes them continually unfold into the more heterogeneous forms; we see that a liability to be unfolded arises from the actions and reactions of the organisms and their fluctuating environments."[35] In other words, evolution was a matter of natural law, not of some metaphysical tendency inherent in the organism.

The process of adjustment of the organism to its environment could take one of two forms, which Spencer termed "direct" and "indirect equilibration", and which corresponded respectively to Lamarckian and Darwinian accounts of the evolutionary mechanism. Although Spencer rejected the "inherent tendency of organisms to progress" as an explanation of evolution, he did attach considerable importance to other aspects of Lamarck's theory. A Lamarckian explanation, in the relevant sense, is one which accounts for the evolution of the species in terms of evolution within the life history of its specimens, which acquire more adaptive characteristics and transmit them to their offspring. An organ not fully suited to the creature's environment becomes more suited as a result of the creature's attempts to use it in that environment; for instance, fins develop into limbs and gills into lungs owing to the attempts of some species of fish to move about on land.[36] This was the aspect of Lamarck's account of evolution which Spencer incorporated into the Synthetic Philosophy since, as he remarked, "direct equilibration is that process currently known as adaptation."[37] This form of equilibration was to be found wherever a force acted continuously or frequently on the individual members of the species and to which they were therefore required to adjust themselves.

It should be pointed out, however, that Lamarckian explanation in this sense is not teleological since it is "not the intention of the organism to so alter its equipment: it is altered as a result of a use which is not intended to alter it, but which reflects the

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[34] Princ. Bio., vol.i, p.404.

[35] Princ. Bio., vol.i, p.430.

[36] For this statement of Lamarckian explanation I am indebted to G.A. Cohen, Karl Marx's Theory of History: A Defence, (Oxford, 1978), p.288.

[37] Prin. Bio., vol.i, p.435.

environment's demands."[38] Indeed, had the explanation been teleological it would have represented a serious flaw in the Synthetic Philosophy since, as Burrow has noted, "Spencer's belief in the universality of natural causation was...the bedrock of his thinking." Thus, "to imagine Spencer as a telelogical evolutionist, one would have to rewrite the whole order of his ideas; for him the belief in natural causation was primary, the theory of evolution derivative."[39]

Furthermore, there is no necessary connection between the Lamarckian mechanism of evolution and competitive pressure on the organism, expressing itself in terms of differential survival rates between well- and ill-adapted organisms. Spencer himself did make use of competitive pressures, but these were supplied by indirect rather than direct equilibration. By "indirect equilibration" Spencer meant a Darwinian account of the evolutionary mechanism which had as its salient features chance variations (in the sense that they were not caused by requirements of the environment), and selection by competitive pressure. The "chance" (i.e. non-environmental) variations were caused, Spencer believed, by the action of many "secondary and tertiary perturbations and deviations, some of which are the still-reverberating effects of disturbing forces previously experienced by the individual, and others which are the still-reverberating effects of disturbing forces experienced by ancestral individuals."[40] These chance variations meant that the moving equilibria of different specimens of the same species would not be absolutely identical and hence that they were differently affected by changes in the environment. As a result "it cannot but happen that those individuals whose functions are most out of equilibrium with the modified aggregate of external forces, will be those to die; and that those will survive whose functions happen to be most nearly in equilibrium with the modified aggregate of external forces."[41] Whereas direct equilibration was brought into operation by the continuous or frequent action of a force on individual organisms, indirect

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[38] Cohen, Karl Marx's Theory of History, p.288.

[39] J.W. Burrow, Evolution and Society, (Cambridge, 1966), pp.205-6.

[40] Princ. Bio., vol.i, p.443.

[41] Princ. Bio., vol.i, p.444.

equilibration resulted from a force which, while not acting frequently on individuals, "acts frequently on the species as whole -- either destroying such of the members who are least capable of resisting it, or fostering such of the members who are capable of taking advantage of it. And by the abstraction, generation after generation, of those least in equilibrium with the new factor...the species as a whole is eventually brought into complete equilibrium with the new factor -- there is indirect equilibration."[42] In other words, "indirect equilibration" was simply the Darwinian principle of the survival of the fittest translated into the dialect of the Synthetic Philosophy.

Thus, in Spencer's account of biological evolution, the factors of adaptation and competitive selection co-operated. He argued that, at the lower stages of evolution, indirect equilibration was the form most in evidence, but that "along with the gradual evolution of organisms having some activity, there grows up a kind of equilibrium that is relatively direct."[43] In the **Principles of Biology** Spencer argued that the growing complexity of organisms and their increased mutual dependence meant that indirect equilibration through natural selection became less and less capable of producing specific adaptations and remained fully capable only of maintaining the fitness of constitution to conditions. As a consequence "the production of adaptations by direct equilibration, takes the first place -- indirect equilibration serving to facilitate it. Until, at length, among civilized human races, the equilibration becomes mainly direct: the action of natural selection being restricted to the destruction of those who are constitutionally too feeble to live, even with external aid."[44]

Thus the theory of evolution which Spencer propounded was not a generalisation of a biological theory, but an independent account of the process which resulted in the growing complexity of the cosmos. The theories of biological evolution put forward by both Lamarck and Darwin did not inspire this over-arching vision but were incorporated as parts of it. Spencer's doctrine of evolution was neither Lamarckian nor Darwinian, since these biological theories were simply special cases of

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[42] Princ. Bio., vol.i, p.463.
[43] Princ. Bio., vol.i,p.468.
[44] Princ. Bio., vol.i,p.469.

the cosmic process Spencer set out to describe.

III. THE POLITICAL USES OF LAMARCKIANISM.

Having thus established the general principles of Spencerian evolution, there remains to be examined the political uses to which the doctrines of direct and indirect equilibration, of Lamarckianism and Darwinism, were put. I shall begin with an examination of the use which Spencer made of Lamarckian or direct equilibration, while in the following section Darwinian or indirect equilibration will be examined.

As we have seen, the mechanism of the evolutionary process referred to by Spencer's term "direct equilibration" was one in which progress occurred because of the efforts of individual organisms to become better adapted to their environment. Where the environment is simple, the organism is simple, but progress to higher stages of life implies the ability of the organism to respond to special and complex changes in the environment. At the simplest level, the environment produces a single sensation to which the organism adjusts with an unconscious, automatic reflex action. However, as the environment becomes more complex, a simple reflex action is no longer sufficient to effect the adjustment of the organism to its environment. At this point a more highly developed form of reflex action, namely instinct, is required. In the further course of development, the environment becomes so complex that even the most highly developed instincts are unable to perform the task of equilibration. Where the adjustments become many, complex, and temporary, memory, reason and will come into play, since "there can be no conscious adjustment of an inner to an outer relation without all these being involved."[45] Thus the will comes into existence "through the increasing complexity and imperfect coherence of automatic changes."[46] However, the frequent performance of the adjustment will tend to make the process instinctive and eventually automatic. Because there is no categorial difference between reason and instinct, it is thus possible over the course of time for conscious adaptations to become instinctive.

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[45] Spencer, Principles of Psychology, (First Edition, London, 1855), p.613.

[46] Spencer, Princ. Psy., p.616.

This point may be illustrated by an example, used by Spencer himself, drawn from the animal kingdom. He remarked that it was well known that "on newly-discovered lands not inhabited by man, birds are so devoid of fear as to allow themselves to be knocked over with sticks; but that in the course of generations, they acquire such a dread of man as to fly on his approach; and that this dread is manifested by young as well as by old."[47] The only way in which this phenomenon could be explained was if we suppose that "in each bird that escapes the injuries inflicted by man...there is established an association of ideas between the human aspect and the pains, direct and indirect, suffered from human agency."[48] At first the bird is motivated to take flight by a state of consciousness which is "nothing more than an ideal reproduction of those painful impressions which before followed man's approach"; that is, the bird's flight is an exercise of will.[49] However, over the course of generations, the tendency to flight becomes instinctive, in the young as well as in the old. Thus, Spencer argued,

> it is an unavoidable inference that the nervous system of the race has been organically modified by these experiences: we have no choice but to conclude that when a young bird is thus lead to fly, it is because the impression produced on its senses by the approaching man entails, through an incipiently-reflex action, a partial excitement of those nerves which in its ancestors had been excited under like conditions...[50]

This law holds equally in the case of human beings, and it implies that "the nature which we inherit from an uncivilized past, and which is still very imperfectly fitted to the partially-civilized present, wiil, if allowed to do so, slowly adjust itself to the requirements of a fully-civilized future."[51] Indeed, Spencer believed that the future development of mankind would take the form of the greater adaptation of the individual to the requirements of the social state in terms of an improvement in intellect and morality:

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[47] Spencer, "Bain on the Emotions and the Will", Essays: Scientific, Political and Speculative (London, 1868), vol.i, p.315.

[48] Spencer, "Bain...", p.315.

[49] Spencer, "Bain...", p.316. Spencer defined a voluntary act as "nothing beyond a mental representation of the act, followed by a performance of it." (Princ. Psy., First Edition, p.613.)

[50] Spencer, "Bain...", p.316.

[51] Principles of Ethics, vol.ii, p.258.

> A further endowment of those feelings which civilization is developing in us -- sentiments responding to the requirements of the social state -- emotive faculties that find their gratification in the duties devolving on us -- must be acquired before the crimes, excesses, diseases, improvidences, dishonesties and cruelties that now so greatly diminish the duration of life, can cease.[52]

Given the condition that the individual be allowed the greatest possible sphere of free action, compatible with a like freedom for other individuals, each person would experience the "natural" consequences of his conduct. If human beings are allowed the freedom to experience the consequences of their conduct then, over a period of time, the adaptive mechanisms will operate to bring about an adjustment of the "natural character" of the human organism to match the requirements of social life. The "natural" consequence of improvidence, for example, is misery. Hence an association of ideas would be established between improvidence and specific types of pain. These unpleasant experiences would thus provide the individual with the stimulus to modify his character by an exercise of will; he would chose to be careful with money, to save for contingencies, and so on. After repeated attempts, the associations of ideas would strengthen and the physiological lines of communication constituted by nervous fibres would begin to form.[53] This physiological constitution would be inherited by each subsequent generation, who would further develop and strengthen the channels of communication by their own conscious efforts to avoid improvidence. Thus, over the course of many generations, the nervous system appropriate to a more fully adapted life would become organic in the race, prudence would become instinctive, and improvidence would disappear. A similar process will also occur with regard to the other moral dispositions, for example self-help, responsibility, and the love of justice, of property, and of liberty. In physiological terms, the strands of the nervous system, which are the objective counterparts of these "higher emotions" necessary to the creation of the most perfect human communities, will be formed only by many generations of individuals receiving the natural consequences of their conduct. Once formed, these strands of nervous fibre will be transmitted from one generation to the

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[52] Princ. Bio., vol.ii, p.497.

[53] For a more extensive discussion of Spencer's association psychology and its connection with the physiological constitution of human beings, see Chapter 2.

next according to the mechanisms of Lamarckian evolution.

If human nature was becoming more perfectly adapted to the requirements of living in society, it followed that (like all other evolutionary processes) the progress of mankind would eventually result in equilibrium. "The ideal social being", Spencer wrote in the **Data of Ethics**, is one who is "so constituted that his spontaneous activities are congruous with the conditions imposed by the social environment formed by other such beings." Moreover, it was "only by the process of adaptation itself" that the type of character could be produced "which makes social equilibrium spontaneous."[54] In other words, instead of being locked into an inevitable and ruthless struggle for survival, progress ensured that human beings were becoming more interdependent and more suited for a life of social co-operation. Hence the equilibrium towards which human evolution was tending was the perfect adaptation of the individual to the social state in which there is a correspondence between "the promptings of nature" and "the requirements of life in society."[55]

The increasing adaptation of mankind to its social environment also meant that the kinds of restraints placed on unsocialized individuals to maintain the order and stability of society eventually would become redundant. The result of the development of the altruistic sentiments, especially of justice, was a social condition in which every person spontaneously respected the freedom of every other person, and hence the coercive apparatus of the state would wither away. In political terms, therefore, the tendency of the evolutionary process was towards the equilibrium represented by an anarchistic utopia:

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[54] Social Statics, p.310.

[55] Spencer, The Data of Ethics, London, 1907, pp.237-238.

> The adaptation of man's nature to the conditions of his existence, cannot cease until the internal forces we know as feelings are in equilibrium with the forces they encounter. And the establishment of this equilibrium, is the arrival at a state of human nature and social organization, such that the individual has no desires but those which may be satisfied without exceeding his proper sphere of action, while society maintains no restraints but those which the individual voluntarily respects. The progressive extension of the liberty of citizens, and the reciprocal removal of political restrictions, are the steps towards which we advance towards this state. And the ultimate abolition of all limits to that freedom of each, save those imposed by the like freedom of all, must result from the complete equilibration of man's desires and conduct necessitated by surrounding conditions.[56]

However, one important qualification of this theory in Spencer's later work needs to be recognized. Whereas in his youth he had assumed that the process of adaptation to this goal would be accomplished fairly rapidly, and that "civilization was on the verge of opening the last envelope"[57], in his later thought the opening ceremony had been delayed indefinitely. As he remarked in his **Autobiography**, "though I believe that, in the words of the song, 'there's a good time coming', it now seems to me that the 'good time' is very far distant."[58] Apart from any merely biographical factors which may have contributed to this change, Spencer's reason was the recognition that, as the "moving equilibria" became more complex, they would take a much longer time to adapt to their environment. On some occasions he even went as far as to suggest that complete adaptation would take an infinite time, and hence the future goal he had once predicted for mankind was "a goal ever to be recognized, though it cannot actually be reached."[59]

Despite this qualification, however, Spencer continued to place considerable weight on the Lamarckian mechanism of evolution, a fact attested to by his controversy towards the end of his life with the neo-Darwinian Weismann who had contended that no evidence could be found for the inheritance of acquired variations. Although it is clear that Spencer got the worst of the argument, the vigour with which he entered the lists can only be explained by his recognition of the continuing importance of Lamarckian ideas for the Synthetic Philosophy. Benjamin Kidd, who was

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[56] First Principles, pp.512-3.

[57] J.W. Burrow, Evolution and Society, p.227.

[58] Spencer, Autobiography, vol,ii., p.369.

[59] Spencer, "Absolute Political Ethics" in Essays, vol.iii, (Library Edition, London, 1891), p.228.

a follower of Weismann, declared that since the views of Weismann were true the whole human race was caught "in the toils and that struggle for the rivalry of life which has been in progress from the beginning. Then must the rivalry of existence continue, humanized as to conditions, it may be, but immutable and inevitable to the end."[60] However, if Lamarckianism was correct "then the utopian dreams of the philosophy of the past are undoubtedly possible of realization", and in clinging to Lamarckianism Spencer was also attempting to cling to his utopian dreams. This point alone should be sufficient to establish that Spencer did not merely "generalise" Darwinian evolution, for, as one commentator remarked of his thought, "Spencer's golden age of individualism lies in the future, in a period of equilibrium; but if struggle is all-important, such a period can never arise."[61]

It should be obvious that the utility of the Lamarckian theory from an Individualist point of view was that it stressed that the freedom of the individual was a condition of all further progress, and hence all that was necessary was for the state to secure the rights and liberties necessary for the process of adaptation to occur. It enabled the Individualists to contend that progress could only occur by the development of individual faculties, and that this process of individual adaptation required only the framework of individual rights and liberties secured by a limited state. Hence the reason why the welfarist policies of the New Liberals were counter to the principles of evolution was that, as Peel has remarked, "the welfare measures will prevent people from adapting themselves through their own efforts so that improvement becomes 'organic' in the race."[62] In his essay on "The Sins of Legislators", Spencer employed his evolutionary theory as part of an attack on social reformers who believed that all human misery might be relieved by legislation. In the first place, by attempting to protect the individual from his own indolence or idleness, socialism weakened the direct relationship between performing an action and suffering its consequences which was essential to the evolutionary mechanism. Moreover, since present evils were the results

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[60] Benjamin Kidd, Social Evolution, (London, 1894), p.191.

[61] Mackintosh, From Comte to Kidd, p.77.

[62] Peel, Herbert Spencer, p.148.

of defects in human nature, they could be expected to disappear only as quickly as those defects themselves disappeared. Hence, "nothing but a slow modification of human nature by the discipline of social life can produce permanently advantageous changes"[63] in the human condition, since social ills are "caused by the ill-working of a human nature but partially adapted to the social state."[64] Spencer insisted that this did not entail a contentment with the status quo, but an injunction to learn from one's suffering and to adapt.

The Lamarckian theory was also of value to the Individualists in another respect since it placed emphasis on the adaptation of the *individual* to his or her environment. The implication of this argument seemed to be that genuine social improvement could only come about as the result of the independent attempts of numerous individuals to improve themselves. Thus Mackay defined Individualism as "the rule of conduct" which "obliges man to adapt his character to his environment -- which in social life is governed by economic laws."[65] Furthermore, because social improvement was the result of the improvement of its individual members, attempts to employ the state as an instrument to reform society were bound to be futile. As Mackay again remarked, the "unit of life, out of which all development and evolution proceeds, is an individual unit. It is this unit of an individual man which, in the process of evolution, has to get itself fitted to its environment."[66] Social advance could only occur through individual adaptation and hence socialistic attempts to reform society by means of state action would fail to achieve their intended goal. As Hobhouse remarked, the tendency of these arguments was to "fall back on the good old maxim that each should improve himself."[67]

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[63] Spencer, "From Freedom to Bondage", in Mackay, (ed.) A Plea For Liberty, p.24.

[64] Spencer, The Man Versus the State, (Harmondsworth, 1969), p.106.

[65] T.D. Mackay, The English Poor (London, 1889), p.vi.

[66] Mackay, The English Poor, p.10.

[67] Hobhouse, Democracy and Reaction, p.90.

IV. THE POLITICAL USES OF DARWINISM.

While few Individualists had shared Spencer's Lamarckianism and his faith in the eventual growth and improvement of the altruistic faculties, his use of Darwinian arguments in defence of the free market and minimal state enjoyed a much wider following. As J.M. Keynes long ago pointed out, there was a natural affinity between Darwinism and the economics of laissez faire: "The principle of the survival of the fittest could be regarded as a vast generalisation of the Ricardian economics."[68] The terminology of Darwinian evolution was too good a weapon for the Individualists to ignore, but this did not mean that it was employed by them without significant modification. As I shall argue, the notion of the "fittest" is always relative to the circumstances in which survival must take place, and in the social and economic context the Individualists tended to identify the "fittest survivor" with the industrially efficient individual, rather than with the qualities required for success in the natural world. Furthermore, even where explicitly Darwinian terminology was employed by the Individualists, they claimed that the struggle for existence had to be mitigated by ethical considerations which owed nothing to biological theories of evolution.

In defence of his interpretation of Spencer as the generalizer of Lamarckian evolution, J.D.Y. Peel has suggested that Spencer did not believe that "the weakest must be made to go to the wall in order for the improvement of the race to occur by natural selection."[69] As we have seen, an important reason for Spencer's opposition to "socialistic" legislation was that it would interfere with the process of individual adaptation on which further social evolution would have to depend. However, Peel's additional claim that the Darwinist mechanism has no place in Spencer's argument is misleading. Indeed, it is difficult to square Peel's interpretation with Spencer's blunt remark that "having, by unwise institutions [i.e. the Poor Law], brought into existence large numbers who are unadapted to the requirements of social life, and are consequently sources of misery to themselves and others, we cannot repress and

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[68] J.M. Keynes, "The End of Laissez-Faire", p.276 in Essays in Persuasion (Cambridge, 1972), pp.272-294.

[69] Peel, Herbert Spencer, p.148.

gradually diminish this body of relatively worthless people without inflicting much pain."[70]

Peel's error on this issue derives from his consistent underestimation of the role of the Darwinian struggle in Spencer's political thought. Although Peel himself has observed that "there was a streak in Spencer which was 'Darwinian' in the crude sense", he attempts to downplay the passages in which Spencer speaks in explicitly Darwinian terms on the grounds that they usually also make a Lamarckian point and because their main application is to "the early stages of social evolution."[71] Nevertheless, as I hope to have demonstrated, Darwinian "indirect equilibration" played as important a part in Spencer's general theory of evolution as did Lamarckian "direct equilibration." Hence it would be surprising to find that it played no role at all in Spencer's political theory. As one commentator remarked, although Spencer was "hardly to be regarded as a Darwinian in his thinking", he was "too good a tactician" to refuse help "from the doctrine, when he finds help offered incidentally, in the biological or historical region."[72]

Whatever Spencer may have written in the early editions of the **Principles of Biology** about the substitution of direct for indirect equilibration in the social state, in his subsequent political works he did not exclusively stress the Lamarckian mechanism of evolution. Bannister has argued that between the publication of the **Biology** in 1867 and the appearance of the **Study of Sociology** in 1873, Spencer had become more pessimistic and the Darwinian mechanism began to receive greater stress at the level of human evolution.[73] However, the suggestion that Spencer's use of crudely Darwinian language was a relatively late addition to his thought would seem invalidated by his direct quotation from the **Social Statics** in one of the most crudely Darwinian passages of the **The Man Versus The State**. Thus having quoted a passage from the **Social Statics** in which he had praised the "beneficent, though

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[70] Princ. Ethics, Vol. ii., p.393.

[71] Peel, Herbert Spencer, p.149.

[72] Mackintosh, From Comte to Benjamin Kidd, p.76.

[73] Bannister, Social Darwinism, p.47.

severe discipline" which expressed itself in "the poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong, which leave so many in 'shallows and miseries'", Spencer continued:

> The process of 'natural selection', as Mr. Darwin called it...he has shown to be a chief cause (though, not I believe, the sole cause) of that evolution through which all living things...have reached their present degrees of organization and adaptation to their modes of life. So familiar has this truth become that some apology seems needed for naming it. And yet, strange to say, now that this truth is recognized by most cultivated people -- now that the beneficent working of the survival of the fittest has been so impressed on them that, much more than people in past times, they might be expected to hesitate before neutralizing its action -- now more than ever before in the history of the world, are they doing all they can to further the survival of the unfittest![74]

In other words, state interference, "socialistic" legislation like the Poor Laws, and maudlin private benevolence to the "undeserving" poor, eliminate present misery at the cost of greater misery hereafter:

> Men who are so sympathetic that they cannot let the struggle for existence bring on the unworthy the suffering consequent on their incapacity or misconduct are so unsympathetic that they can, deliberately, make the struggle for existence harder for the worthy, and inflict on them and on their children artificial evils in addition to the natural evils they have to bear.[75]

Yet, Spencer maintained, legislators frequently have been ignorant of this truth, as they have of many other findings of social science. It was this ignorance which was responsible for more human suffering than all the legislation derived from selfish or class interests combined.

Many other examples of Spencer's use of crudely Darwinian terminology in his political writings may be discovered. For example, in a section of the **Study of Sociology** which significantly was entitled "Preparation in Biology", Spencer wrote that:

> Besides an habitual neglect of the fact that the quality of a society is physically lowered by the artificial preservation of its feeblest members, there is an habitual neglect of the fact that the quality of a society is lowered, morally and intellectually, by the artificial preservation of those who are least able to take care of themselves...
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> Fostering the good-for-nothing at the expense of the good, is an extreme cruelty. It is a deliberate storing up of miseries for future generations. There is no greater curse to posterity than that of bequeathing them an increasing population of

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[74] The Man Versus the State, p.141.

[75] The Man Versus the State, p.144.

> imbeciles and idlers and criminals. To aid the bad in multiplying is, in effect, the same as maliciously providing for our descendants a multitude of enemies. It may be doubted whether the maudlin philanthropy which, looking only at direct mitigations, persistently ignores indirect mischiefs, does not inflict a greater total of misery than the extremest selfishness inflicts.[76]

Bannister has further alleged that passages like these mark the completion of a syllogism which previously Spencer "had studiously avoided, even denied", namely: "Natural laws should be left alone. Survival of the fittest was a natural law. Therefore survival of the fittest must go on unhindered."[77] However, Spencer was at pains to point out that he was indulging in a celebration of the struggle for existence in which brute force triumphed, and in which the weak were disappropriated by the strong. This position had been ascribed to him by de Laveleye and in replying to this charge Spencer maintained that "the survival of the fittest" in its social applications did not mean the survival of the physically strongest or most cunning, but rather "the survival of the industrially superior and those who are fittest for the requirements of social life." Thus although Spencer was not denying that the struggle for existence took place in the higher forms of social organisation, he emphasised that it was to be distinguished from its "brutal form" in which physical aggression triumphed. In the social context, therefore, the biologically fittest survivor had been transformed into the industrially most efficient producer.

Spencer's identification of the social "struggle for existence" with the "industrial battle" of economic competition was echoed by a number of other Individualists.[78] Writing in **Popular Government** on the success of the United States of America, Sir Henry Maine explicitly linked the individualism of its economic system with a Darwinian conception of the survival of the fittest. The admiring picture of the United

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[76] Spencer, The Study of Sociology (London, 1889), pp.343-5. The passage is also quoted by Peel, Herbert Spencer, p.149 in recognition of the "crudely Darwinian" streak in Spencer's thought.

[77] Bannister, Social Darwinism, p.50.

[78] It is also worthy of note that, despite his emphasis on the "Great Man" as a motive force of progress, W.H. Mallock also believed that a secondary factor in evolution was the competition for subsistence between labourers. Thus if the Darwinian evolutionary mechanism did have a social counterpart, this was to be found "in the contemporary competition of labourers to find remunerative employment, and in the fact that those who are least successful in finding it would, if left to themselves, be continually dying off." Since Mallock assumed that in a progressive society there would always be more labourers available for work than tasks for them to perform, it followed that a struggle "was involved in obtaining work of any kind; and for the higher kinds of work the struggle is very keen." (Mallock, Aristocracy, p.147.)

States which he drew was based on the fact that there "has hardly ever before been a community in which the weak have been pushed so pitilessly to the wall, in which those who have succeeded have so uniformly been the strong, and in which in so short a time there has arisen so great an inequality of private fortune and domestic luxury."[79]

Maine employed this notion of a Darwinian struggle in the economic sphere to attack the efforts of social reformers to secure a redistribution of wealth. In ignorance of the "real causes" of "comfort and happiness", he argued, the belief had become widespread that it was within the power of government to indefinitely increase human happiness. Yet such a view rests on the mistaken assumption that "the stock of good things in the world is practically unlimited in quantity, that it is (so to speak) contained in a vast store-house or granary, and that out of this it is now doled in unequal shares and uneven proportions."[80] The fallacy of this assumption resided in the fact that "the largest part of the wealth of the world is constantly perishing by consumption" and therefore needed to be replaced by "perpetual toil and adventure."[81] In other words, the prosperity of mankind depended on

> The motives, which at present impel mankind to the labour and pain which produce the resuscitation of wealth in ever-increasing quantities, are as infallibly to entail inequality in the distribution of wealth. They are the springs of action called into activity by the strenuous and never-ending struggle for existence, the beneficent private war which makes one man strive to climb on the shoulders of another and remain there through the law of the survival of the fittest.[82]

A similar identification of economic competition with a "struggle for survival" was to be found in M.D. O'Brien's **The Natural Right to Freedom**, in which it was argued that:

> Industrial struggle is at once both the condition and the opportunity of the really efficient man, and the more there is of it the more will efficiency flourish and inefficiency come to grief; as, indeed, what can be more just than that the latter should 'get the worst of it'? since, in this great battle of life, somebody must lose; somebody must go to the wall in this universal and irrevocable struggle for existence.[83]

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[79] Sir Henry Maine, Popular Government: Four Essays, (London, 1885), p.51.

[80] Maine, Popular Government, p.45.

[81] Maine, Popular Government, p.46.

[82] Maine, Popular Government, p.50.

[83] M.D. O'Brien, The Natural Right to Freedom, (London, 1893), pp.323-4.

It followed from this identification of industrial competition with the biological struggle for survival that wealth in general was simply "the wealth of the fittest survivors of the commercial struggle for existence." In both Maine and O'Brien, therefore, as in Spencer, the "fittest survivor" of Darwin's model of biological evolution had become the "most efficient producer."

Although all the Individualists who made use of the Darwinian theory modified it by equating the biological capacity for survival with industrial efficiency, the most fundamental change that was made to the doctrine of the "struggle for existence" was the belief that in society it should be mitigated by ethical factors. The Individualists recognized the force of Ritchie's argument that

> [t]o get the real benefits of natural selection, we should require not merely to give up all philanthropy, but to abolish all such institutions as inheritance of property, marriage for life, probably all law and order -- everything that separates us from the animals. Simply to abolish all factory Acts and land Acts and sanitary Acts...would leave us still very far away from the region of unimpeded natural selection.[84]

In this context, the part of Spencer's reply to de Laveleye which has the greatest significance was his contention that "the struggle for existence as carried on in society, and the greater multiplication of those best fitted for the struggle, must be subject to rigourous limitations."[85] In other words, rather than claiming that the "survival of the fittest" should go on unhindered, Spencer argued in very un-Darwinian terms that the process of evolution demanded that the human mind had to be "disciplined into that form which itself puts a check upon that part of the cosmic process which consists of the unqualified struggle for existence."[86] Spencer insisted that he was not reworking the jaded doctrine that "Might makes Right", but was arguing on the contrary that the principles of right imposed a check on the competitive process. Indeed, his early work on moral philosophy, the **Social Statics**, could be regarded "as an elaborate statement of the conditions under which, and limits within which, the natural process of elimination of the unfit should be allowed to operate."[87] Even in O'Brien's case the

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[84] D.G. Ritchie, Studies in Political and Social Ethics (London, 1902), p.27.

[85] Spencer, "M. de Laveleye's Error" reprinted from Contemporary Review, April, 1885 in Various Fragments (Enlarged Edition, London, 1900.), p.107.

[86] Duncan, Life and Letters of Herbert Spencer, p.336.

[87] "M. de Laveleye's Error", p.106.

Darwinian struggle was not directly transposed into the social sphere since, like Spencer, he insisted that the industrial competition must be regulated by ethical considerations, in particular "exemption from aggression and from fraud, the equivalent of aggression."[88] Thus the function of ethics was to impose a check on the untrammelled struggle for existence which otherwise would operate with the same ferocity in the human world as it did in the animal kingdom.

The ethical limitations which were imposed on the struggle for existence were specifically the sentiments of justice and generosity. Justice, for Spencer, meant the mutual limitation of spheres of action, expressed by the "equal liberties" principle that "every man is free to do that which he wills, provided he infringes not the equal freedom of any other man." Thus justice came to mean a respect for the rights of life, liberty, and property, and given Spencer's insistence that he did not want "to establish a reign of injustice under its most brutal form", the struggle for existence in society had to be limited by respect for these rights. It was the function of the state to ensure that the rights to life, liberty, and property were respected and thus that the competitive struggle was conducted according to the dictates of justice. In other words, de Laveleye was mistaken to think that the "survival of the fittest" in society would mean the disappropriation of the weak by the strong, as it did in the animal kingdom.

Spencer also recognized that the "stern" reign of justice would "quickly clear away the degraded" but that this outcome would hardly correspond to our most deeply felt moral sentiments. Hence justice had to be tempered by benevolence, especially by private charity to the poor, without which "a social life may be carried on, though not the highest social life". Nevertheless, charity had to recognize certain limits, since "a reign of generosity without justice -- a system under which those who work are not paid, so that those who have been idle and drunken may be saved from misery -- is fatal; and any approach to it is injurious."[90]

Spencer's attempt to employ the altruistic sentiments developed by direct

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[88] O'Brien, Natural Right, pp.337-8.

[89] Princ. Ethics, Vol.ii, p.46. Discussed in chapter six as the Law of Equal Freedom.

[90] "M. de Laveleye's Error", p.109.

equilibration as a check on the processes of indirect equilibration was not without its difficulties. In the first place, the struggle for existence served to retard the development of altruistic sentiments like generosity, pity and mercy since not only did it involve "the necessity that personal ends must be pursued with little regard to the evils entailed on unsuccessful competitors; but it also involves the necessity that there shall not be too keen a sympathy with that diffused suffering inevitably accompanying this industrial battle."[91] Moreover, this was not the only instance of a conflict arising between direct and indirect equilibration in the social sphere. The development of the altruistic sentiments could also run counter to indirect equilibration by promoting ill-directed voluntary benevolence to help the undeserving poor, rather than allowing them to be subject to the processes of natural selection. The same kind of "sentimentality" and misplaced sympathy which resulted in the increasingly interventionist tendencies of the Liberal party was also responsible for the abuse of private charity and of institutions like the Poor Law. Although the theory not only permitted, but positively demanded, a degree of individual benevolence (for without exercise this faculty would also wither away), this had to be offered with due regard to the necessity of encouraging self-help and personal responsibility. Hence in his discussion of "Positive Beneficence" in the **Principles of Ethics** Spencer was at pains to emphasise that voluntary charitable effort should only be directed to the deserving poor, those who were destitute through no fault of their own. Ethics, it seemed, could produce only the most limited mitigation of the sufferings of mankind.

The tension present in Spencer's efforts to mitigate the struggle for existence with the development benevolent or generous sentiments was clearly apparent in the work of one of his followers, T.D. Mackay, who went so far as to describe the English Poor as an "incipient species."[92] According to Mackay, those members of society who "have not inherited, or cannot acquire, or who acquiring cannot keep enough to maintain themselves", were analogous to the "unfittest" of Darwinian biological

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[91] Princ. Psy. Vol.ii, p.611.

[92] Mackay, The English Poor, p.21.

theory.[93] In the "natural course of things" there was a "tendency" for these "lower types" to "disappear", and even in primitive human societies the poor died "like flies in winter."[94] However, mankind's growing success in its struggle with nature had also meant that under the influence of religious doctrines the wealthy members of more advanced societies had felt able to help those who could least help themselves, with the result that the existence of the "lower types" had been "unnaturally prolonged":

> It is not too much to say that man has made all other species his ministers; but the conflict still rages between the members of his own species; and... philanthropy obliges him to provide for the unfittest that fall in battle. This operation we may call the domestication of the unfittest by the fit.[95]

Mackay's attitude to this process of "domestication" was ambivalent, to say the least. On the one hand, while praising the "cruel, but in the end beneficent rules, under which the battle of life is fought in the world of nature" he also remarked that "it was inevitable and right that humanity should mitigate the rigour of this struggle for existence."[96] One of the chief forms of the "mitigation" of the "struggle for existence" was the Poor Law, and Mackay argued for its "strict application" in order to ensure that the "incipient species" did not multiply to an extent where it would threaten the "healthy existence" of the parent stock. This argument clearly owed much to Malthusian fears about population growth, and Mackay insisted that if unskilled workers multiplied out of proportion to the availability of remunerative employment "congestion of population and enforced idleness are occasioned."[97] Hence he attacked the "narcotics of poor law and charitable relief" and claimed that

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[93] Mackay, The English Poor, p.4.
[94] Mackay, The English Poor, p.5.
[95] Mackay, The English Poor, p.6.
[96] Mackay, The English Poor, pp.18-9.
[97] Mackay, The English Poor, p.178.

the tendency downwards towards uneconomic conditions of existence must be carefully restrained. If poor law guardians and enthusiastic philanthrophists insist on making eligible provision for all who cannot support themselves in economic independence, it is difficult to see how the rottenness of the foundation on which society then rests can be repaired.[98]

Mackay's dilemma was the same as that of many other Individualists who employed biological language, since the logical implications of their arguments often seemed to run counter to many widely accepted Victorian moral beliefs and were unpalatable to even the most hardened advocate of self-help. Thus Mackay's scientific-biological arguments appeared to come close to denying that charity really was a virtue, and he was only able to square this with conventional morality by arguing that Christian "charity" might sometimes require that one acted uncharitably. For example, it was not to display charity to a starving man to give him food if this would dissuade him from making efforts on his own behalf.[99]

The Malthusian fears which underpined Mackay's vision of the "lower types" expanding to a point at which they destroyed the "healthy stock" also found echoes in the work of Sir Henry Maine. Despite the Darwinian language employed in the passages quoted above, Maine himself claimed that the source of his social philosophy was not biology but the Reverend Thomas Malthus's **Essay on the Principle of Population**. Indeed, there is a sense in which Maine's ambition in **Popular Government** was to inflict on the forces of "sentimentality" (in the form of advanced Liberalism) exactly the same kind of mortal wound which Malthus had dealt to the radical Utopianism of the Godwinites. "The very delusions which the author of the **Essay on Population** made an end of for a time are reviving and overwhelming his principles" Maine explained in reply to E.L. Godkin's criticism of **Popular Government**. "Before he wrote, the deluge of loose and aimless humanitarianism was flowing from France over this country under the influence of Godwin...But Malthus...completely disposed of these fancies by showing with unrivalled clearness what are the real causes which determine the comfort and happiness of the great

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[98] Mackay, The English Poor, pp.184-5.

[99] See Mackay's discussion of the nature of "charity" in chpt.1 of his The State and Charity (London, 1898).

majority of men in every society."[100]

Malthus had argued that the tendency of population to expand exponentially, while the food supply grew arithmetically, placed an impediment in the way of all schemes of social reform, and Maine went so far as to state that he regarded Darwin's theories as simply a generalisation of the insights gained by Malthus, which had "added to political economy the only portions of that science which are beyond question and cavil, and it has enabled the modern observer and experimentalist to unlock the secret of nature and to reconstruct the history of organic life."[101] This point was acknowledged by Darwin himself in his **Autobiography**, and as Robert M. Young has also convincingly shown, it was the first version of the **Essay On Population** which provided him with the key to the process of evolution.[102]

Therefore, in basing his own argument on that of Malthus's **Essay**, and in making the struggle for survival the key evolutionary mechanism, Maine merely reflected an interpretation of the Malthusian theory which enjoyed widespread and influential support in the late Victorian era. James Bonar, who was to produce the standard edition of the **Essay** for the Royal Economic Society, wrote that:

> Malthus had seen that there must be a struggle for room and food. Darwin showed that in all plants and animals, and in man in his early stage, the victory in the struggle must go to those to whom nature had given some slight peculiarity that proved a help to them and was wanting to their rivals.[103]

Moreover, Bonar claimed, in the animal world the principle of population is in the foreground:

> there is no check to it but famine, disease, and death. We can therefore understand how the study of the **Essay on Population** led Charles Darwin to explain the origin of species by a generalization which Malthus had known and named, though he did not pursue it beyond man.[104]

Similarly, M.D. O'Brien argued that in a condition of "general poverty" caused

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[100] Maine, "Mr. Godkin on Popular Government", pp.373-374, The Nineteenth Century, 19, (1886), pp.366-379.

[101] [Maine] "Malthusianism and Modern Politics", St. James's Gazette , 1, (1880), pp.524-5.

[102] On the Malthusian source of Darwinian ideas see R.M. Young, "Malthus and the Evolutionists".

[103] J.Bonar, Philosophy and Political Economy in Some of their Historical Relations, (London, 1893), p.358.

[104] J. Bonar, Malthus and his Work, (London, 1885), p.46.

by the tendency of population growth to outstrip food supply, only two possibilities would be open: either "all the members of the species would be obliged to die of starvation, or else the strongest variations...would have to declare war and forthwith commence competing on their own account against the weakest in order to get hold of this limited food supply" which would mean that the strongest would survive and perpetuate the race.[105] Hence there would appear to be strong evidence for believing that Maine's own attribution of his "Darwinian" ideas to Malthus was correct, at least given the interpretation of Malthus prevailing at the time.[106] All that Maine believed he was doing in invoking the law of the "survival of the fittest" was to draw the inescapable conclusions of a law of population which Malthus himself had applied only to human beings.

Therefore it would appear that the emphasis on the "survival of the fittest" to be found in Maine's writings owed more to Malthus than it did to Darwin. Indeed it is often difficult to separate the allegedly biological source of the "Social Darwinist" ideas of the Individualists from the social philosophy of Malthus which itself had influenced the development of Darwin's theories. These considerations provide further support for our contention that "Social Darwinism", meaning the direct transference of the "struggle for survival" from the natural world to the social sphere, was something of a misnomer. In some cases at least these ideas were derived from economics and not from biology, being simply an application of the principles of the **Essay on Population**, which was a contribution to political economy.

Thus the conclusion of this section is that although some Individualists, including Spencer, did make use of Darwinian language in defending a social system based on free competition, the sources of these conceptions were as often the older

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[105] O'Brien, The Natural Right to Freedom, p.353.

[106] This interpretation of Malthus is challenged by P.J. Bowler, "Malthus, Darwin, and the Concept of Struggle" (Journal of the History of Ideas, 37, [1976], pp.631-650). Bowler suggests that a careful examination of Malthus's text reveals that he used the concept of struggle primarily in the sense of the struggle of the species against its environment, whereas Darwin used it in the sense of a struggle between different members of the same species, and thus Young must be mistaken in attributing the origin of Darwin's ideas to Malthus. However, the question of the correct interpretation of Malthus's intentions is essentially irrelevant to understanding the way in which his work was interpreted by the Victorians.

Malthusian population theory as the specifically biological account of evolution. Furthermore, a simple transposition of the struggle for existence from the animal kingdom to the social sphere was incapable of furnishing the Individualists with the defence of the free market order which they required. As de Laveleye and Ritchie pointed out, a literal application of Darwinian evolution to the social sphere issued in a form of unfettered competition in which might was right. In contrast, the Individualists wanted to justify a form of competition in which the rules of justice and property were respected, and this clearly demanded the importation of non-biological factors into their account of social evolution. For human beings the struggle for existence was to be mitigated by ethics; but the degree to which ethics could limit the "struggle for existence" was in fact quite limited. Beyond the recognition of the rules of justice, the Individualists believed that the competition for the wealth of the world must be entirely unfettered or else progress would cease.

V. CONCLUSION.

Thus I hope to have shown that the defence of Individualism on the basis of evolutionary arguments did not take the form of a simple transposition of the Darwinian conception of evolution into sociological terms. It is true that Spencer attempted to accommodate the Darwinian account of development as part of a more ambitious theory of evolution, but Darwinian struggle had to be limited by ethical considerations and he could only guarantee ethical progress by relying on the Lamarckian mechanism of the inheritance of acquired characteristics. This created a number of unresolved tensions in his political thought, tensions which also surfaced in the attempts of other Individualists to import ethical considerations into their general account of evolution with the aim of mitigating the ruthlessness of the "natural" processes of "survival of the fittest" and "struggle for existence."

As we have seen, the Individualists were unable to arrive at a convincing synthesis of the "natural" and "ethical" elements of their thought. It was left to the New Liberals to develop the conception of the ethical limitation of competition to the

extent that in a civilized society reason, as embodied in the state, could suspend the necessity of struggle. As L.T. Hobhouse remarked, Spencer's theory "meant that the human mind must be regarded as an organ like the lungs or liver evolved in the struggle for existence with the function of adjusting the behaviour of the organism to its environment", and thus was to be thought of "as a sort of glorified reflex action."[107] In contrast, Hobhouse argued, Mind, rather than being a mere reflex action which assisted human beings in the struggle for existence, enabled them to exercise control over the blind forces of evolution. This in turn implied that mankind could take control over the underlying conditions of life:

> Now it seemed to me that it is precisely on this line that modern civilisation has made its chief advance, that through science it is beginning to control the physical conditions of life, and that on the side of ethics and religion it is forming those ideas of the unity of the race, and of the subordination of law, morals, and social constitutions generally to the needs of human development which are the conditions of the control that is required.[108]

In other words, a point was reached in the evolutionary process which produced an organism no longer subject to the evolutionary law of conduct and consequence. Instead of being forced to adapt itself to its environment, this organism was able to gain control over its environment with the aim of moulding it in accordance with ethical norms. Whereas the Individualists assumed that the environment was a constant to which the individual must adapt, the New Liberals challenged this view by arguing that the environment could be shaped by conscious human design.

The Individualists believed that competition was a necessary condition of progress, and that the interference of the state with this struggle, by forcing men into co-operation, must induce a decline or a regression in the level of social progress and the gradual degeneration of the individual. This enabled them to achieve a reconciliation between the "passion for improvement" of mid-Victorian liberalism and their own institutional conservatism. Although Hobhouse's assumption that these evolutionary arguments had their source in Darwinian biology can now be seen to have been mistaken, he gave an admirably clear exposition of the practical consequences of

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[107] L.T. Hobhouse, Development and Purpose, (London, 1913), p.xv.

[108] Hobhouse, Development and Purpose, pp. xxii-xxiii.

the evolutionary argument:

> No doubt there remained even in human society many features which are at first sight objectionable. But here again the evolutionist was in the happy position of being able to verify the existence of a soul of goodness in things evil. Was there acute industrial competition? It was the process by which the fittest came to the top. Were the losers in the struggle left to welter in dire poverty? They would the sooner die out. Were housing conditions a disgrace to civilization? They were the natural environment of an unfit class, and the means whereby such a class prepared the way for its own extinction. Was infant mortality excessive? It weeded out the sickly and the weaklings.[109]

The Individualists had not abandoned the belief in "progress" characteristic of earlier liberals, but contrary to the views of the latter, they believed that progress was to be achieved by a "natural" process rather than by means of conscious human intervention. In general, the institutions of late Victorian Britain provided the framework of rights and liberties within which this "natural" process could take place; hence the primary objective of the liberal legislator was to ensure their preservation, and secondarily to endeavour to eliminate or emasculate those remaining institutions (like the Poor Law) which interfered with the "natural" processes. The problem of poverty was best dealt with by allowing these natural processes free play, subject to the conditions imposed by the "equal liberties" conception of justice. Therefore, as Mackay argued,

> [t]he object of statesmanship should be, not to plunge forward into the unlimited slough of social legislation but, cautiously, and with due regard to existing circumstances, to withdraw these uneconomic conditions of life, and to allow them to be replaced by the healthy vigourous expanding framework of individual right and liberty.[110]

Thus the evolutionary argument serves to illustrate the combination of liberalism and conservatism which in the Introductory Essay I described as being characteristic of Individualist political theory. It supported the liberal emphasis on the minimal state and the free market to the extent that free competition was regarded as the primary cause of human improvement; any state more extensive than the minimal state would thus stand in the way of progress. On the other hand, evolutionary theories reinforced the conservative aspect of Individualism to the extent that they suggested that the processes of evolution were best secured by defending existing

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[109] Hobhouse, Social Evolution and Political Theory (New York, NY, 1911), pp.20-1.

[110] Mackay, The English Poor, pp.194-5.

institutions, and hence "there is no purpose to be achieved by the reform of institutions."[111]

[111] Hobhouse, Democracy and Reaction, p.90.

CHAPTER 2:

THE FORMATION OF CHARACTER.

I. INTRODUCTION.

Among the reasons cited by the Individualists as a justification for resisting any substantial sphere of state interference, one of the most frequently employed was the need to foster the normative virtues of "character." As Spencer remarked in the **Principles of Ethics**, "the end which the statesman should keep in view as higher than all other ends, is the formation of character. And if there is entertained a right conception of the character which should be formed, and of the means by which it may be formed, the exclusion of multiplied state-agencies is necessarily implied."[1] This passage merely repeated his earlier statement in the **Study of Sociology**, that "of all the ends to be kept in view by the legislator, all are unimportant compared with the end of character-making; and yet character-making is an end wholly unrecognised."[2] Thus the focus of this chapter will be on the theory of character formation which underpined the Individualists' fears that a substantial sphere of state activity would be antithetical to the development of character. According to this theory, the virtues of "character" were not to be promoted by the conscious design of the legislator, but only by the individual being prepared to develop pre-given "natural" faculties of the mind. It will be argued that in order to confer "scientific" credibility on this theory of the formation of individual character Spencer transformed the classical associationist psychology in a direction which provides additional confirmation for our central contention that Individualism represented a conservative adaptation of the liberal tradition.

The Victorian concept of "character" contained both a descriptive and a normative element.[3] The descriptive content referred to an individual's settled dispositions, as for example in Alexander Bain's **On the Study of Character** which dealt with the ancient problem of constructing a typology of individual personalities. In the normative sense, "character" referred not simply to strongly developed dispositions, but to habits of action of

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[1] H. Spencer, The Principles of Ethics, vol.ii, (London, 1897), p.251.

[2] H. Spencer, The Study of Sociology, (London, 1889), p.372.

[3] S. Collini, "The Idea of 'Character' in Victorian Political Thought", Transactions of the Royal Historical Society, Fifth Series, 35, (1985),.

certain desirable kinds; in other words, "character" meant "moral qualities highly developed or strikingly displayed."[4] This evaluative sense of character was constituted by a basic core of qualities which included self-restraint, perseverance, strenuous effort, courage, self-reliance, thrift, and a sense of personal responsibility and duty. It was a conception which enjoyed such an extraordinary status and centrality in Victorian thought that it transcended all the conventional political categories. Indeed, as Collini has remarked, by the end of the nineteenth century there was a "swelling chorus of politicians of all parties who professed to stand in the same relation to any scheme which might be said to weaken character as the preacher did to sin."[5] Furthermore, it would be a mistake to suppose that fundamentally different interpretations were attached to the term by the contending parties; although some Socialist theorists were inclined to argue that socialism would permit the formation of a higher type of character than was possible under a system of self-interest and competition, as Freeden has pointed out, "nowhere in liberal thought was there a reversal of faith in the individual virtues of self-reliance, personal exertion and the like."[6]

The Individualist argument that an extensive sphere of state action was a threat to these virtues was one which their opponents treated with great respect. As the New Liberal Walter Lyon Blease noted in his **Short History of English Liberalism**,

> The philosophical argument against Social Reform which has most weight...is the argument...that by helping individuals the State deprives them, in whole or in part, of the disposition to help themselves, and that they tend to rely more and more upon the social organization and less upon their own strength. Everything in the way of public assistance is thus regarded with suspicion. To feed school children is to weaken parental responsibility. To raise wages by legislation is as demoralizing as to distribute doles. To offer a pension of five shillings a week in old age is to discourage thrift in youth.[7]

Nevertheless, at the same time that the Individualists could oppose state interference on the grounds that it undermined "character", the New Liberals could insist that an important reason for advocating state interference in such spheres as housing, education,

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[4] O.E.D. definition.

[5] Collini, "'Character'", p.46.

[6] M.S. Freeden, The New Liberalism, (Oxford, 1978), p.174. This point is echoed by S. Collini, Liberalism and Sociology, (Cambridge, 1978), p.31.

[7] W.L. Blease, A Short History of English Liberalism (London, 1913). It should be noted, however, that Blease did not distinguish between the "character" argument and the "evolutionary" argument discussed in Chapter One. As will be shown, although they were connected, these arguments were also distinct.

and health-care was the promotion of these same virtues.[8] The crucial premise of their argument was, as Freeden has pointed out, the individual's "dependence on his environment in the widest sense of the term -- human and non-human. Moral improvement became thus a question of reforming the framework in which the individual functioned."[9]

Freeden has further argued that the opponents of the New Liberal emphasis on the role of the social environment in the formation of character embraced the view that the positive virtues of "character" could be achieved only as a consequence of exercising "individual and autonomous will power."[10] Character was thus "not geared to the claims of the environment" but was "based on an independent entity", i.e. the actions of an autonomous moral agent.[11] This argument had its roots in the Idealist tradition, and in this regard it is significant that the example of this doctrine cited by Freeden is the ideology of the Charity Organisation Society, of which Bernard Bosanquet was the chief theorist. Indeed, as Vincent and Plant have suggested, the argument advanced by Bosanquet for treating character as the creation of the will of an autonomous moral agent "was a qualified and developed form of the Kantian argument that morality is a self-imposed maxim."[12] From the Kantian requirement that truly moral actions must be self-imposed it was but a short step to the inference "which Kant and T.H. Green made only with hesitation, but Bosanquet boldly,...that self-maintenance by the individual in nearly all aspects of his life was the key to morality and the real will."[13] Hence, Bosanquet argued, rather than character being the creation of an individual's social conditions and circumstances, the circumstances of an individual's life were the product of his character.[14]

Yet the Idealist theory of character formation drew on philosophical assumptions which were deeply antithetical to the empiricist epistemology and sensationalist psychology which the Individualists had inherited from the philosophic radicals. A key assumption of

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[8] On the New Liberal adoption of the objective of the promotion of "character" as an end of legislation, see Freeden, New Liberalism, p.170ff; and S. Collini, Liberalism and Sociology, p.31.

[9] Freeden, New Liberalism, pp.170-1.

[10] Freeden, New Liberalism, p.170.

[11] Freeden, New Liberalism, p.172.

[12] A. Vincent and R. Plant, Philosophy, Politics and Citizenship, (Oxford, 1984), p.108.

[13] Vincent and Plant, Philosophy, Politics and Citizenship, pp.107-8.

[14] Vincent and Plant, Philosophy, Politics and Citizenship, p.109.

the radicalism of the second quarter of the nineteenth century, which the Individualists shared in common with the New Liberals, was a belief in the formation of character by environmental influences. Given this philosophical inheritance the Individualists were clearly precluded from making use of the Idealist dichotomy of "character" and "environment." Hence it is the objective of this chapter to explain how it was possible for them to insist on the determination of character by the environment while at the same time being able to regard social reform as at best irrelevant, and at worst antithetical, to the development of "character."

The explanation of this apparent paradox is to be found in Herbert Spencer's psychological theory. Although it belongs in the tradition of associationist psychology, I shall argue that by introducing evolutionary and biological elements into associationism, Spencer fundamentally transformed the doctrine with the result that its formerly radical political implications were negated. His theory differed from that of both his Philosophic Radical forebears and the New Liberals in holding that the environment did not exercise its influence directly on the individual mind but rather on the race as a whole, over the course of many generations. Thus the human mind, instead of being composed of a complex of environmentally-generated sensations as the classical associationist doctrine held, consisted of a series of faculties which had evolved from the experience of the race and which, from an individual point of view, were pre-determined. Spencer had, in effect, attempted a synthesis of the two most influential psychological schools of the early nineteenth century: associationism and the faculty psychology of Jean Francis Gall and the phrenologists. He had become a faculty psychologist on an associationist foundation. Yet, as will be demonstrated, the doctrine that the human mind comprised a variety of faculties gave support to the theory of innate ideas which J.S. Mill had deemed one of the bulwarks of political conservatism.

Because the traditional associationist doctrine had held that the mind consisted of trains of ideas created by their repeated association in the experience of the individual, it had seemed possible for the educator or legislator to transform society by establishing new associations of ideas in the minds of its individual members. By contrast, Spencer argued

that the associations of ideas were not accumulated by the individual but by the race as a whole, over many generations, and hence much of the individual's "natural character" was pre-determined at birth. Thus he believed that, in the short term at least, individual character was largely immutable and he drew the politically conservative conclusion that attempts to reform character by modifying the social environment would prove futile.

Spencer drew an additional political conclusion from his psychological theory. Although each individual human mind was endowed at birth with the faculties of conscience, benevolence, and justice, to grow strong they required repeated use, like the muscles of the body. Hence the desired qualities of "character" could be fostered only if the individual was granted the freedom for their exercise, and Spencer's transformation of classical associationism was loaded with profound political consequences since it required that the functions of the state were kept to a minimum. Thus although Spencer's psychological theory was rarely invoked in its full complexity by other Individualists, it did provide a powerful "scientific" basis for the stock Individualist claim that state regulation and intervention would cause the desirable qualities of "character" to wither.

II. ASSOCIATIONISM AND RADICALISM.

Associationism in its primary signification referred to a "principle of explanation put forward by an important school of thinkers to account generally for the facts of mental life."[15] This was the doctrine that the human mind was composed of atomic sensations, which were held together by certain combinatory laws. It had its origin in Locke's "new way of ideas" and especially in the Humean observation that the mind consisted of impressions and ideas, the former being the data of sense, the latter being simply less vivid copies of the former. However, it had been left to David Hartley to transform Hume's philosophical theory into an empirical psychology which held that "any sensations A, B, C and co., by being associated with one another a sufficient number of times, get such a power over the corresponding ideas a, b, c, and co., that any one of the sensations A, when

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[15] G. Croom Robertson, "Associationism" in Encyclopedia Britannica, 9th Edition, vol.ii, p.730. A much more extensive discussion of associationism is to be found in H.C. Warren, A History of the Association Psychology, (London, 1921).

impressed alone, shall be able to excite in the mind b, c, and co., the ideas of the rest."[16] For example, the sensations of the taste, colour, shape and smell of an apple having been repeatedly associated in my experience, and having produced the corresponding ideas in my mind, it follows that whenever I experience the scent of an apple, the ideas of its taste, colour, shape etc. are immediately recalled. From this example it is clear why the classical associationist doctrine made the principle of the combination of ideas one of contiguity, "or the repetition of impressions synchronous or immediately successive."[17]

Although Hartley is usually credited with being the founder of the association psychology, it was effectively re-founded by James Mill's **Analysis of the Phenomena of the Human Mind** which, as Flugel has written, represented "the climax of associationism in its most rigourous and mechanical form", and which explained Mind as simply "a mosaic of sensations built up by a series of purely mechanical processes."[18] Furthermore, the associationist psychology had been one of the pillars of Philosophic Radicalism, and the case of the elder Mill also illustrates the connection which traditionally existed between the association psychology and political radicalism; as Passmore has observed, "from Priestly to J.S. Mill the associationists were all of them radicals, both in politics and religion."[19]

Writing in his **Autobiography**, J.S. Mill brought out the connection between his father's politics and his psychological views in a very clear way:

> In psychology, his fundamental doctrine was the formation of all human character by circumstances, through the universal Principle of Association, and the consequent unlimited possibility of improving the moral and intellectual condition of mankind by education. Of all his doctrines, none was more important than this, or needs to be insisted on: unfortunately there is none which is more contradictory to the prevailing tendencies of speculation, both in his time and since.[20]

Indeed, Ryan has suggested that the associationist psychology was as much a utopian as a radical doctrine. Its political implications derived from the fact that the theory "declared that a teacher could inculcate whatever moral values he chose, by associating them with

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[16] Croom Robertson, "Associationism", p.732.

[17] Croom Robertson, "Associationism", p.732.

[18] J.C. Flugel, One Hundred Years of Psychology, (London, 1933), p.32.

[19] J. Passmore, The Perfectibility of Man, (London, 1970), p.190. See also E. Halevy, The Growth of Philosophic Radicalism, (London, 1972), p.7ff.

[20] J.S. Mill, Autobiography, in The Collected Works of J.S. Mill, (Toronto and London), Vol. I, pp.109-11.

the pleasures and pains of the childish psyche." Thus the only difference between James Mill and a utopian like Robert Owen was that "Owen tended to stress the natural sympathy which children possessed, where James Mill was inclined to emphasize the way in which discipline worked upon the child's selfish feelings."[21] In either form, the classical doctrine of associationism placed immense power in the hands of the educator and legislator to transform individual character for good or ill.

John Mill remained true to his father's faith in the capacity of the principles of associationism to explain the phenomena of the human mind, as well in the correlative belief in the power of education to transform individual character. As Leslie Stephen remarked, Mill treated the principle of association as "omnipotent": "As it can make the so-called necessary truths, it can transform the very essence of character."[22] Indeed, the "science of human character", which Mill termed "Ethology", was parasitic on the laws of association, and would, if constructed, be a "deductive science", consisting of corollaries from psychology, the "experimental science":

> If...we employ the name Psychology for the science of the elementary laws of mind, Ethology will serve for the ulterior science which determines the kind of character produced in conformity to those general laws, by any set of circumstances, physical or moral. According to this definition, Ethology is the science which corresponds to the art of education; in the widest sense of the term including the formulation of national or collective character as well as individual.[23]

The utility of the science of ethology from the point of view of Mill's ultimate project of elevating the character of the race was obvious. "It would be a statement of the way in which society was actually to be built up out of the clusters of associated ideas, held together by the unit Man."[24]

Furthermore, Mill insisted on the radical implications of associationism in one additional respect. He regarded it as posing a fundamental challenge to one of the bulwarks of conservatism, namely the view that there were innate differences between human characters, not only between individuals, but also between sexes. This view, Mill argued, was "one of the chief hindrances to the rational treatment of great social questions

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[21] A. Ryan, J.S. Mill, (London, 1974), p.18.

[22] L. Stephen, The English Utilitarians, (London, 1900), vol.iii, p.150.

[23] J.S. Mill, System of Logic, (London, 1919), p.869.

[24] Stephen, English Utilitarians, vol.iii, p.151.

and one of the greatest stumbling blocks to human improvement."[25]

III. SPENCER'S EVOLUTIONARY ASSOCIATIONISM.

As we have seen, the classical theory of associationism enabled both James and John Stuart Mill to draw radical political conclusions from a psychological doctrine which stressed the possibility of "improving the moral and intellectual condition of mankind" by education and legislation. However, it will now be argued that Spencer introduced a biological and evolutionary element into associationism which had the effect of transferring the influence of the environment from the individual to the race as a whole. This effectively removed the possibility of radical reform by means of moral and intellectual education and which also resulted in a defence of the allegedly innate differences between individuals and sexes which Mill had regarded as constituting an obstacle to human improvement. In short, Spencer transformed the association psychology into a form which lent support, not to political radicalism, but to the conservative adaptation of classical liberalism which, we have alleged, was characteristic of Individualism.

Spencer insisted that rational legislation had to be founded on a "a true theory of conduct, which is derivable only from a true theory of mind..."[26] However, this was a requirement which legislators were inclined to overlook and in so far as they based legislation on a theory of human nature, it was derived from unsystematic "empirical notions" rather than from "generalizations expressing the ultimate laws of Mind."[27] Thus he regarded an adequate psychological theory as an essential part of his social and political thought, and in the **Social Statics** he had drawn heavily on phrenology in contending that the mind consisted of a number of pre-given faculties.[28] However, after the completion of this work he became a convert to associationism under the influence of Mill's **Logic**, and commentators have declared unanimously that his **Principles of Psychology** is a

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[25] Mill, Autobiography, p.111.

[26] Spencer, Study of Sociology, p.358.

[27] Study of Sociology, p.356.

[28] The transformation of Spencer's psychological doctrines and the relationship between the Social Statics and phrenology is admirably dealt with by R.M. Young, Mind, Brain, and Adaptation in the Nineteenth Century, (Oxford, 1970), p.151ff.

work in this tradition.[29]

Spencer took as the basic unit of consciousness a "nervous shock" like that felt when we experience a sudden noise or flash of lightning. This is the "primordial element of consciousness" out of which the "countless kinds of consciousness may be produced by the compounding of this element with itself and the recompounding of its compounds with one another in higher and higher degrees: so producing increased multiplicity, variety, and complexity."[30] However, Spencer's primary concern was not with the ultimate constituents of mind but with its proximate components which he divided into two main groups -- Feelings and the Relations between Feelings. Spencer employed the term "Feeling" much as it had been used by James Mill, to denote "any portion of consciousness which occupies a place sufficiently large to give it a perceivable identity; which has its individuality marked off from adjacent portions of consciousness by qualitative contrasts and which, when introspectively contemplated, appears to be homogeneous."[31] Spencer assumed that such a "feeling" would be compounded from a number of nervous shocks; the analogy being with a series of taps which, exceeding a rate of more than sixteen per second, would appear to form a single musical note. Thus, a particular feeling, for example the experience of coloured patch, would be formed from a rapid succession of nervous shocks. The Relations between Feelings (or "cognitions" as they were more commonly called) were characterized by contrast as "occupying no appreciable part of consciousness. Take away the terms it unites, and it disappears along with them; having no independent place, no individuality of its own."[32] Relations between Feelings may be analysed into the detection of differences between two successive feelings; they last no appreciable amount of time and consist purely in the recognition of the amount of (un)likeness between a feeling and that which immediately succeeds it in the mind.

Feelings may be divided into Emotions and Sensations, the difference between them consisting of the larger or smaller proportions of the relational elements present.

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[29] For this point see Warren, Association Psychology, p.119ff; Flugel, A Hundred Years of Psychology, p.115ff; J.M. Baldwin, History of Psychology, (London, 1913), Vol.ii, p.82ff; H. Elliot, Herbert Spencer, (London, 1917), p.277.

[30] H. Spencer, Principles of Psychology, (Second Edition, London, 1870) vol.i, p.120.

[31] Princ. Psy., vol.i, p.164.

[32] Princ. Psy., vol.i, p.164.

Thus emotions are vaguely demarcated from each other and have indefinite relations, whereas sensations by contrast are characterised by an abundance of sharp and definite relations. In addition, whereas sensations readily enter into associations, emotions do not, and whereas sensations can be easily recalled, emotions cannot.

Having identified the proximate components of Mind, it is now possible to analyse the manner in which the variety and complexity of consciousness can be created out of these elements. The "method of composition remains the same throughout the entire fabric of Mind", Spencer wrote, for the same process which creates a feeling out of a succession of nervous shocks can also account for the formation of the higher emotions like the love of liberty, property, or justice. The differences between feelings result from the different rates of occurrence of nervous shocks, and each sensation is generated by the "perpetual assimilation of a new pulse of feeling to pulses of feeling immediately preceding it: the sensation is constituted by the linking of each vital pulse as it occurs, with the series of past pulses that were severally vivid but have severally become feint."[33] The process of the composition of Mind is "no other than this same process carried out on higher and higher platforms, with increasing extent and complication." Thus,

> Mind is constituted only when each sensation is assimilated to the faint forms of antecedent like sensations. The consolidation of successive units of feeling to form a sensation, is parallelled in a larger way by the consolidation of successive sensations to form what we call a knowledge of the sensation as such or such -- to form the smallest separable portion of what we call thought, as distinguished from mere confused sentiency. So too it is with the relations among those feelings that occur together and limit one another in space or time.[34]

It should be noted that Spencer had abandoned the classical associationist principle of association by contiguity in favour of a principle which links sensations according to their degrees of likeness or unlikeness. Thus, as Croom Robertson wrote, Spencer maintained "that the fundamental law of all mental association is that presentations aggregate or cohere with their like in past experience, and that, besides this law, there is in strictness no other, all further phenomena of association being incidental. Thus, in particular, he would explain association by Contiguity as due to the circumstances of

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[33] Princ. Psy., vol.i, p.184.

[34] Princ. Psy., vol.i, p.185.

imperfect assimilation of the present to the past in consciousness."[35]

Spencer also argued that the development of Mind, in the form of the compounding and re-compounding of primitive sensations into higher states of consciousness, obeyed the laws of general evolution. In other words, the process of the development of Mind exhibited the same features of integration, differentiation and increased definiteness as did the rest of creation. In the first place, Mind displayed an increasing integration; in the initial phases of its evolution a sensation is created from "an integrated series of nervous shocks or units of feeling" while in the more advanced stages "by an integration of successive like sensations, there arises the knowledge of a sensation as such or such."[36] Accompanying this process of integration is a process of differentiation or increased heterogeneity. Sensations which are composed of units all of one kind are rendered heterogeneous by the combination and re-combination of these units in a multitude of ways. Finally, feelings also take on an increasingly definite character. As Mind develops, so feelings become increasingly clearly demarcated from each other, culminating in the visual sensations, by far the most important part of our intellectual operations, which are more definitely circumscribed than any others. Thus Mind manifests the same traits followed by evolution in both biology and sociology.

Despite Spencer's substitution of the Law of Similarity for Contiguity as the primary associative principle, and despite his subsumption of the laws of association under the general laws of evolution, his primary innovation in the associationist psychology was the claim that each mental event has a physiological counterpart. He was at pains to deny charges of materialism, but he insisted that for each occurrence of a sensation there was a corresponding disturbance of the nervous system, and that these were to be regarded as the mental and physical instantiations of the same event. Spencer argued that what was subjectively a mental event was objectively a molecular motion, and that in both human and inferior beings feelings were the accompaniments of changes in the nervous system. Thus for every feeling there is a corresponding nervous discharge. This parallelism of

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[35] Croom Robertson, "Associationism", p.733.

[36] Princ. Psy., vol.i, p.187.

feeling with nervous action was confirmed by a number of considerations: that the circumstances which hinder or facilitate nervous actions are also circumstances which similarly facilitate or hinder feelings; that both feeling and nervous action last an appreciable time; that, *ceteris paribus*, the intensity of a feeling is proportionate to the intensity of a nervous action; and so on. Hence, Spencer concluded, although it was impossible to obtain "immediate proof" that "feeling and nervous action are the inner and outer faces of the same change, yet the hypothesis that they are so harmonizes with all the observed facts" and no other verification is either necessary or possible.[37]

Hence it followed that the "primordial element of consciousness", a nervous shock, corresponded to an objective event, a wave of molecular motion. Just as what we call "feelings" are compounded from a rapid succession of nervous shocks, so the "nerve current" is

> intermittent -- consists of waves which follow one another from the place where the disturbance arises to the place where its effect is felt. The external stimulus in no case acts continuously on the sentient centre, but sends to it a series of pulses of molecular motion. Hence, in concluding that the subjective effect or feeling, is composed of rapidly recurring mental shocks, we simply conclude that it corresponds to the objective cause -- the rapidly recurring shocks of molecular change.[38]

Furthermore, if mental composition is compared with nervous structure, feelings can be seen to correspond to the molecular changes of which nerve-corpuscles are the seats; and relations between feelings to the molecular changes transmitted through the fibres which connect the nerve-corpuscles. "Speaking generally", Spencer wrote, "feelings and the relations between feelings, correspond to nerve-corpuscles and the fibres which connect nerve corpuscles; or rather, to the molecular changes of which nerve corpuscles are the seats, and the molecular changes transmitted through fibres."[39]

The development of Mind on its subjective side, as we have seen, is determined by the laws of evolution. Therefore, just as it is (subjectively) an increasing integration of feelings on successively higher stages, along with which there occurs increasing heterogeneity and definiteness, these traits correspond to (objective) developments in the

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[37] Princ. Psy., vol.i, p.128.
[38] Princ. Psy., vol.i, p.152.
[39] Princ. Psy., vol.i, p.190.

evolution of the nervous system in which "along with growing distinctness and multiformity of structure, there is throughout an advancing integration of structure as well as of mass."[40] Spencer offered an account of the evolution of the nervous structure which explained this process of increased integration, heterogeneity and definiteness in terms of the adaptation of the organism to its environment. Initially, organisms are undifferentiated specks of protoplasm which have direct experience of environmental stimuli. However, given the Law of the Instability of the Homogeneous, these stimuli will not act equally or continuously on all parts of the organism, and hence a stage will be reached when a stimulus will habitually be experienced by particular parts of the organism. From these points of contact waves of molecular change will spread throughout the entire organism. Furthermore, given the law that forces follow the path of least resistance, and as a result of differences in the composition of the various parts of the organism, the molecular waves will pass more readily through some parts rather than others. Over the course of evolution, the repeated passage of waves of molecular motion along the same path will facilitate further such passages, just as water running over sand does not spread evenly over the whole but cuts out a number of channels leaving the intermediate areas dry. Hence, over time, strands of specially adapted protoplasm will extend throughout the organism which will constitute channels of easy communication between its various parts.

The connection between the evolution of the objective structures of the nervous system and the subjective association of ideas was brought out very clearly by one of Spencer's expositors, John Fiske. He pointed out that

> The continual redistribution of nervous energy among the cells is the objective side of the process of which the subjective side is the recompounding of impressions ...[F]or every revived association of ideas, there is a nervous discharge between two or more cells, along formerly used sets of transit fibres; and for every fresh grouping of impressions, for every new connection of ideas, there is a discharge along new transit lines.[41]

Thus the formation of a new association involves "the establishment of a new transit line or set of transit lines, while the revival of an old association involves merely the recurrence of motion along old transit lines."[42] In other words, the association of ideas is accompanied

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[40] Princ. Psy., vol.i, p.192.

[41] J. Fiske, Outline of the Cosmic Philosophy, (London, 1876), vol.ii, p.139.

[42] Fiske, Outline, p.141.

by the formation of a fibrous transit-line between two nerve cells and the more often this path is traversed the stronger will be the association.

The upshot of Spencer's identification of the subjective principles of association with the formation of the objective structure of the nervous system was thus fundamentally to alter the nature of associationism. Whereas the earlier version of the doctrine had supported the view that individual character was infinitely malleable since the educator could, given sufficient skill, establish whatever associations were desired, Spencer held that associations were simply the subjective counterparts of objective structures and could change only to the extent that the objective structures were themselves changed. In other words, the trains of ideas of classical associationism were now deemed to run on physiological tracks worn by the associations of many previous generations and hence were substantially pre-determined for any given individual. Such biological tracks, i.e. the strands of nervous fibre, changed only slowly, over the course of many generations, while particular configurations of nervous structure were transmitted from parent to children according to the Lamarckian inheritance of acquired characteristics.

Spencer argued, therefore, that the individual human mind was not a *tabula rasa*, but that the individual was the inheritor of a whole series of characteristics and capacities which were acquired by the race as a whole. As R.M. Young has pointed out in one of the few recent studies of Spencerian psychology, "evolutionary associationism was incompatible with a simple *tabula rasa* view of the mind."[43] Indeed, Spencer can be found making the same criticisms of the classical doctrine of associationism as did anti-sensationalist psychologists like Jean Francis Gall: "it could not explain individual and species differences, and it ignored the fundamental importance of the biological endowment of varying brain structures."[44] Even in his later writings, after his "conversion" to associationism, Spencer continued to employ the conception of the human mind as consisting of certain faculties, like those of justice or benevolence, which he had derived from phrenology; however, rather than these faculties being part of an eternally fixed

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[43] Young, Mind, Brain, and Adaptation, p.173.

[44] Young, Mind, Brain, and Adaptation, p.173.

order of nature, they were now seen to be the product of the interaction of many generations of individuals with their environment, both natural and social. The phrenological faculties had become historicised. As J.M. Baldwin remarked, the "native, a priori, forms of the mind are looked upon as solidified social experience -- acquired, stiffened and transmitted by hereditary ...Innate ideas are the petrified deposits of race experience."[45]

Hence the associations of ideas and characteristics which were innate in the individual were the result of the accumulated experience of the race, inherited by each new generation by means of the Lamarckian mechanism of transmission. As Young has again observed,

> By replacing the tabula rasa of the individual with that of the race, Spencer was able to maintain the basic position of sensationalism while recognizing inherited biological endowments of the nervous system and avoiding the risk of the rationalist belief in innate ideas. The term 'innate' thereby lost its Cartesian terrors for the empiricist.[46]

This point was regarded by many of Spencer's commentators as constituting his most important contribution to psychology, since it appeared to offer a reconciliation of the profound issues raised by the debate between the empiricism of J.S. Mill and the intuitionism of Sir William Hamilton. In the case of mathematics, for instance, although Spencer disagreed with Mill's view that the evidence of individual experience would be sufficient to confirm the "inductive truth" that "two plus two always equals four", he did not therefore support Hamilton contention of the existence of a special faculty of mathematical intuition which was prior to all experience. The "inductive truths" of mathematics were confirmed by the weight of evidence derived from the experience of all the generations of mankind, and thus the mathematical faculty could be seen to have evolved from the experiences of the race as a whole.

Thus Spencer's unique combination of associationism with the theory of evolution explained the formation of character by circumstance and condition, and was fundamentally at odds with the Idealist theory of character formation. However, the "circumstances" which went to make up character were primarily those of ancestral

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[45] Baldwin, History of Psychology, vol.ii, p.82.

[46] Young, Mind, Brain, and Adaptation, p.178.

experience rather than those experienced by the individual. In other words, the environment continued to shape character, but rather than acting through the experience available to an individual during a single life-time it acted on the accumulated experience of the race as a whole. As Spencer wrote in the first edition of the **Principles of Psychology**, the "greater part" of the psychological cohesions in the mind of the individual "constituting what we call his natural character" have been determined "by the experience of antecedent organisms; and the rest by his own experiences."[47] The character of the individual is simply the product of that "general antecedent life whose accumulated results are organized in his constitution", i.e., the experiences of the many generations of individuals out of which his nervous system has evolved.

IV. FROM PSYCHOLOGY TO POLITICS.

While Spencer's contemporaries tended to concentrate on the philosophical implications of his attempt to reconcile empiricism and intuitionism, the political implications of his evolutionary associationism went largely unremarked. Nevertheless, the claim that environment influences character only over the course of many generations, and the associated belief that the human mind comprised certain faculties which were (from an individual point of view) innate, were doctrines which were also loaded with important political consequences.[48] Spencer derived both a negative and a positive political conclusion from his psychological theory. The negative conclusion concerned the impossibility of altering individual character by changes in the immediate environment, such as those proposed by the social reformers. The positive conclusion related to the importance of individual liberty and a limited state as the precondition for the development of each individuals' innate faculties. In this section I intend to examine the negative conclusion, while the following section will explore the positive conclusion.

In the first place, Spencer's argument suggested that there were innate differences between individuals as the result of the differences in the constitution of their respective

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[47] Spencer, Principles of Psychology, (First Edition, London, 1855), p.616.

[48] It is also worthy of note that Spencer regarded the theory of evolutionary associationism as a way of supporting the doctrine of a moral sense which had been presupposed by the Social Statics.

nervous systems, a point which was brought out especially sharply in terms of the different "natural characters" of the sexes. True to the classical doctrine of associationism, J.S. Mill had insisted that there were no innate differences in the mental characteristics of men and women: "A long list of mental and moral differences are observed, or supposed to exist, between men and women; but at some future, and, it may be hoped, not distant period, equal freedom and an equally independent social position come to be possessed by both, and their differences of character are either removed or totally altered."[49]

By contrast, Spencer argued that to claim that men and women are mentally alike "is as untrue as that they are alike bodily."[50] Adaptation to maternal rather than paternal functions determines the differences which exist, not merely between the physical structures of men and women, but also between their "psychical structures." Because of the necessity of conserving female energy for the task of reproduction, women come to maturity earlier than men and this results in "a rather smaller growth of the nervo-muscular system." Two fundamental consequences for the female mind followed from this fact: first, that "mental manifestations have somewhat less of general power or massiveness"; and secondly, that "there is a perceptible falling short in those two faculties, intellectual and emotional, which are the latest products of human evolution -- the power of abstract reasoning and that most abstract of the emotions, the sentiment of justice -- the sentiment which regulates conduct irrespective of personal attachments and the likes or dislikes felt for individuals."[51] In addition to these differences resulting from the respective parental functions of the sexes, Spencer also noted a number of secondary differences which resulted from their relations with each other: thus women are characterised by "the ability to please, and the concomitant love of approbation", and are particularly inclined to admire both powerful men and power in general.[52]

Although Spencer recognized that the course of evolution was eventually likely to

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[49] Mill, Logic, p.566. See also J.S. Mill, The Subjection of Women (London, 1867).
[50] Study of Sociology, p.373.
[51] Study of Sociology, p.374.
[52] Study of Sociology, p.377.

lead to "a diminution of the mental differences between men and women", for the present the "traits of intellect and feeling which distinguish women" had to be considered for their impact on social policy.[53] In particular, the less developed sense of justice and the "love of the helpless, which in her maternal capacity woman displays in a more special form than man", pre-disposes women to support the kinds of social policies which yield benefits apart from deserts. Women also possess a "vivid imagination" for "simple direct consequences" at the expense of the ability to grasp "consequences that are complex and indirect", while they also exhibit "awe of power and authority." In combination, these factors mean that women respect freedom less than men, and their influence "goes towards the maintenance of controlling agencies, and does not resist the extension of such agencies."[54] Hence the chief consequence of female suffrage will be unquestionably to assist in the extension of state interference.

Another important political implication of evolutionary associationism stemmed directly from Spencer's doctrine that the character of the individual was shaped by the environment only by indirect means, as mediated through the accumulated experiences of his ancestors.[55] This doctrine supported the conclusion that the attempt to mould character "artificially" either by education or social reform was destined to fail. Given that character is contained within the inherited physiological constitution of the individual, and that any lasting biological changes will take many centuries to realize, it is obviously absurd to suppose that "society in its corporate capacity" has the means to attempt to inculcate particular dispositions in its members by systems of education, discipline, or culture.[56]

Spencer's belief that it was impossible to artificially mould individual character was a constant theme in his writings. The malleability of character was rejected as early as his volume on **Education** in which he argued that the view that individuals might be moulded by the deliberate inculcation of moral precepts was based on an unsound psychology. The

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[53] Study of Sociology, p.379.

[54] Study of Sociology, p.380.

[55] This argument was intended to supplement Spencer's contention that the evolution of human association from "militancy" to "industrialism" removed the ethical warrant for the discipline of the individual by society in its corporate capacity. (Principles of Ethics, vol.ii, p.254.)

[56] Principles of Ethics, vol.ii, p.257.

notion that "an ideal humanity might be forthwith produced by a perfect system of education", he wrote, was one which was not acceptable "to such as have dispassionately studied human affairs."[57] Similarly, in the **Study of Sociology** he suggested that although human nature is infinitely modifiable, it can be modified only with glacial slowness by the processes of evolution, and hence "all laws and institutions and appliances which count on getting from it within a short time, much better results than present ones, will inevitably fail."[58] Spencer challenged what he alleged was the prevalent opinion that "there needs but this kind of instruction or that kind of discipline, this mode of repression or that system of culture, to bring society into a very much better state."[59] There was ample evidence -- illustrated by the experience of the Christian Church -- to support the view that deliberate attempts to reform character by education do not work: "Throughout a Christendom full of churches and priests, full of pious books, full of observances directed to fostering the religion of love, encouraging mercy and insisting on forgiveness, we have an aggressiveness and a revengefulness such as savages have everywhere shown."[60] Hence a conclusion which could be seen to follow *a priori* from Spencer's psychological principles, could be seen to be confirmed *a posteriori* by the evidence of history.

The necessary slowness of any change in the "natural character" of individuals meant that evolutionary associationism could also be used against those social reformers who believed that a "higher" type of character might be produced by changes in social conditions or institutions. Thus, for example, it was argued that the objective of state intervention in order to provide free libraries, a system of education, and better sanitary conditions in the cities, was the improvement of the character of the people, but such views rest on a misapprehension of the "appropriateness of the appliances" by means of which this objective was to be realised: "Here we read that 'it is necessary completely to re-fashion the people whom one wishes to make free': the implication being that a re-

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[57] Spencer, Education: Intellectual, Moral, and Physical (Thinker's Library Edition, London, 1929), pp.100-1.

[58] Study of Sociology, p.120.

[59] Study of Sociology, p.120.

[60] Principles of Ethics, vol.ii, p.257.

fashioning is practicable."[61] Yet it was this very implication which evolutionary associationism denied, for character could be re-fashioned, if at all, only over the course of many generations.

Evolutionary associationism also served to distance Spencer from other theorists, like Bosanquet, who argued that the improvement of society was to be brought about by the deliberate inculcation of moral ideals in its individual members. This point of view lent itself to an approach to social reform by means of the transformation of individual souls rather than by means of the "mechanical" theories of socialists.[62] Thus, for instance, N.P. Gilman distinguished a "higher" individualism from the "lower" individualism of private selfishness; the former "respects every person as having something of infinite worth in him, and would begin to improve the world by elevating the single spirit, counting no advance permanent that is not based on reformed and cultivated individuals. This method fully deserves the epithet 'Christian'..."[63] Similar views to these were expressed by leading members of the Charity Organization Society, and by Bosanquet in particular, who made appeal to a "higher" individualism than that represented by the "atomistic" theories of Mill and Spencer.[64] Although the Individualists shared with these theorists the fundamental assumption that it was only by means of a alteration of individual character that permanent social change was to be achieved, they believed that improvement could only occur in the course of the natural processes of evolution.

The negligible impact of the environment on individual character was also apparent in Spencer's divergence of opinion with J.S. Mill in estimating the impact of the 1789 revolution on the character of the French people. In the **System of Logic**, Mill had argued that character was the product of social environment, and hence could be rapidly altered by changes in the environment: "The French people had, or were supposed to have, a certain national character; but they drive out their royal family and aristocracy, alter

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[61] Study of Sociology, p.120.

[62] This theory was attacked by Hobson as a "convenient" doctrine which released the individual "from fighting in those coarser and more brutal frays which engage the ungovernable passions and disturb the foundations of the existing social order." The endeavour to "solve economic problems by direct appeal to the moral conduct of individual members", he argued, was "fordoomed to failure."J.A. Hobson, The Social Problem, pp.132-4.

[63] N.P. Gilman, Socialism and the American Spirit (London, 1893), p.325.

[64] Cf. Vincent and Plant, Philosophy, Politics and Citizenship, p.100.

their institutions, pass through a series of extraordinary events for the greater part of a century, and at the end of that time their character is found to have undergone important changes."[65] From Spencer's point of view this reversed the direction of causation: "national character" was a given to which institutions must conform.

> Again and again for three generations has France been showing to the world how impossible it is essentially to change the type of social structure by any re-arrangement wrought out through a revolution. However great the transformation may for a time seem, the original thing reappears in disguise. Out of the nominally free government set up a new despotism arises, differing from the old by having a new shibboleth and new men to utter it; but identical with the old in the determination to put down opposition and in the means used to this end.[66]

Utopian schemes for social reconstruction, and the "superstition that good behaviour is to be forthwith produced by lessons learned out of school-books" were simply two facets of the same delusion: namely, that it is within the capacity of moralists or legislators to change human nature for the better.

Contrary to the theories of social reformers, therefore, Spencer's psychological doctrine held that the improvement of society was to be achieved only by means of the improvement of the individual members of it, a process which required only that they experience the "natural" consequences of their conduct. On the one hand, the deliberate inculcation of moral ideals in the individual was bound to fail, and the pain resulting from indolent or feckless living was a far better moral guide than the preaching of sermons. On the other hand, social reform, since it sought to improve social conditions only, did not effect any fundamental change in human nature; and it was only by means of a transformation of the latter that a lasting improvement in society could be brought about. For example, Spencer criticised Comte for believing that "society is to be re-organised by philosophy" when it could be reorganised only by "the accumulated effects of habit on character."[67] This was also the position maintained by Auberon Herbert when he wrote that progress could be obtained only by the "individualizing of the individual", because it was only by acquiring the dispositions of the "free individual, self-restraining, self-guiding"

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[65] Mill, System of Logic, p.566.

[66] Study of Sociology, p.121.

[67] H. Spencer, "Reasons for Dissenting from the Philosophy of M. Comte" in Essays, Vol.iii, p.77.

that there was any "hope of true permanent good."[68] In accordance with this view, Herbert argued that "for a nation whose units are willing to keep their bodies and minds free, all progress is possible. For a nation whose units are willing to place their bodies and minds in the keeping of others, there are no hopes of growth and movement."[69]

V. THE "NATURAL" FORMATION OF CHARACTER.

If the negative political conclusion drawn from Spencer's evolutionary associationism was that it was impossible to improve individual character by a change in social conditions, its positive conclusion was that the desirable qualities of "character" could only be fostered by encouraging the exercise of those faculties which were innate in each individual. An individual's capacity for self-help, as well as the altruistic sentiments, were conceived on the analogy of the thews and sinews of the body; should the state assume the burdens which the faculties rightfully ought to bear then they would atrophy in exactly the same way as an unused muscle. As one of Spencer's followers remarked, "according to all laws of evolutionary science, instincts grow stronger as they are exercised."[70] Thus to transfer the responsibility for the relief of suffering from the individual to the state would be to promote the withering of these sentiments by their disuse. Spencer wrote in the **Social Statics** that "no one can need reminding" that

> demand and supply is the law of life as well as the law of trade. Would you draw out and increase some feeble sentiment? Then you must set it to do, as well as it can, the work required of it. It must be kept ever active, ever strained, ever inconvenienced by its incompetence. Under this treatment it will, in the slow course of generations, attain to efficiency; and what was once an impossible task will become the source of a healthy, pleasurable and desired excitement. But let a state-instrumentality be thrust between such a faculty and its work, and the process of adaptation is at once suspended. The embryo agency now superseded by some commission -- some board and staff of officers, straightaway dwindles; for power is inevitably lost by inactivity as it is gained by activity.[71]

The development of the individual faculties was influenced by every change in social conditions, among which must be included every law which compels, restrains, or aids a man over the course of time. Hence legislators had to give very careful consideration to the

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[68] A. Herbert, The Voluntaryist Creed, (London, 1908), p.16.

[69] Herbert, Compulsion by the State, p.64.

[70] T.D. Mackay, The English Poor (London, 1889), p.12.

[71] Social Statics, pp.309-10.

point that every law is capable of either encouraging or stunting the growth of the faculties of the individual.

Spencer argued that the historically evolved faculties which comprised the human mind could be further developed only on the condition that individuals were allowed the liberty to experience the "natural consequences" of their conduct. The attempt to mould character deliberately meant that it would become "deformed to fit the artificial arrangements instead of the natural arrangements. More than this: it has to be depleted and dwarfed for the support of the substituted agencies."[72] Thus, for instance, over many centuries the existence of the Poor Law had destroyed the dispositions to thrift and self-help. Spencer insisted that the habitual "improvidence" of the English was due to their having been "for ages disciplined in improvidence" by state relief of the poor. "Extravagance has been made habitual by shielding them from the sharp penalties extravagance brings. Carefulness has been discouraged by continually showing to the careful that those who were careless did as well, or better than, themselves."[73] Hence it was "impossible for artificial moulding to do that which natural moulding does", since the essence of the "spontaneous" formation of character was that "each faculty acquires fitness for its function by performing its function."

Hence the only way in which the faculties of the mind could be further developed was to allow the individual the liberty for their exercise, and the problem with the artificial moulding of character was that the social reformer proposed "to divorce conduct from consequence", and to go against the primary condition for the occurrence of this process of adaptation.[74] Accordingly, proposals for social reform would serve to intensify rather than cure the habitual improvidence of the English: "Men who have been made improvident by being shielded from many of the evil results of improvidence, are now to be made more provident by further shielding them from the evil results of improvidence. Having had their self-control decreased by social arrangements which have lessened the need for self-control, other social arrangements are devised which will make self-control still less

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[72] Principles of Ethics, vol.ii, p.259.

[73] H. Spencer, The Study of Sociology, p.368.

[74] Principles of Ethics, vol.ii, p.260.

needful; and it is hoped to make self-control greater."[75] Nothing could be a more fundamental absurdity, Spencer argued, than to propose to improve social life by breaking the fundamental law of social life.

Therefore not only did evolutionary associationism provide a justification for the Individualist contention that no lasting social change could come about without a change in individual character, but it also lent credibility to their claim that the dispositions of "character" could not flourish in the shadow of the state. Although Spencer's psychological theories were not explicitly invoked by the other Individualists, they did provide a "scientific" justification for one of the most widely employed of all the arguments against state intervention. A typical instance of this argument is to be found in the speech on "Political Principles" made by the individualistic Radical M.P. Joseph Cowen:

> Every human being has a quality peculiar to himself, that distinguishes him from every other human being that has been, that is, or will be. Those distinctive qualities constitute his character, and his life. To develop those attributes -- moral, intellectual, and physical -- is his mission. To accomplish this mission, he requires freedom, without which there can be no responsibility, and equality, without which, liberty is a deception.[76]

The incompatibility of "character" with an interventionist state was also affirmed by T.D. Mackay, one of the Individualists most profoundly influenced by Spencer:

> Endless Acts of Parliament have been passed, now to protect, now to coerce the poor, and as a consequence atrophy has settled down on some of the instincts which might otherwise have protected them. The first lessons in thrift, the first motives to refrain from consuming wages on the day they are earned, arise from the desire of men to provide against the uncertainties of an unknown morrow, and for the inevitable period of sickness and old age.[77]

Another Individualist of a Spencerian hue, J. McGavin Sloan, argued in his **Three Addresses on the Fallacies of State Socialism** that "faculty" was "the child in the main, of individual responsibility and self-reliance. Let the state make the citizen secure of all things needful from youth to old age, and faculty would soon be smitten with senility and decrepitude."[78] Similarly, Auberon Herbert insisted that "if we are to improve in any direction, we must not be bound up with each other in inseparable bundles, we must

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[75] Ibid, p.371.

[76] J. Cowen, quoted in Smith, Liberty and Liberalism, p.218. The "equality" without which liberty is a "deception" should be understood in the sense of "equal liberties."

[77] Mackay, The English Poor, pp.12-3.

[78] J.M. Sloan, For Freedom: Three Addresses on the Fallacies of State Socialism, (London, n.d.), p.20.

have the power in ourselves to find and to take the new path of our own."[79] And M.D. O'Brien argued that "nothing is more demoralizing than government; nothing tends more to destroy character than the regulation of minorities by majorities; hence nothing needs more keeping within the narrowest possible limits than that corporate action of individual despots called the State."[80]

Many other examples could be cited of Individualists who held that state interference and that state provision for the poor, the aged, and the infirm was a threat to the virtues of "character." A typical example was Lord Bramwell who criticised legislation like the Ground Game Act, the Employers' Liability Act and the Irish Land Act on the grounds that "legislation which treats people as helpless...instead of teaching them to struggle for themselves, adds to their feebleness by a mischievous taking care of them."[81] W.E.H. Lecky also objected to state pensions since they proposed "to teach the working population to look to the state, and not to themselves, for the provision of their old age...Can it be seriously believed that the addition of many millions a year to the state funds directly employed in the relief of poverty will, in the long run, tend to diminish pauperism or to encourage self-reliance and thrift?"[82] Lecky's ideal was that of the "classic type of English liberalism" who was "a robust, healthy, self-reliant type, extremely jealous of all extensions of government interference, extremely tenacious of individual liberty, and habitually preferring spontaneous action...to the disciplined action of a controlling power."[83] Finally, the British Constitution Association, an Individualist pressure group with which both Dicey and Mackay were associated, announced in its literature that "the highest aim of human life being the elevation of character...all legislation which decreases personal responsibility and discourages personal initiative tends to weakness. Throughout the nation all should be encouraged to do something themselves, either personally or by

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[79] A. Herbert, Voluntaryist Creed, (London, 1908), p.36.

[80] M.D. O'Brien, The Natural Right to Freedom, (London, 1833), p.7.

[81] Lord Bramwell, Laissez Faire (London, 1884), p.21.

[82] W.E.H. Lecky, "Old Age Pensions", in Historical and Political Essays (London, 1903), p.309.

[83] W.E.H. Lecky, The History of England in the Eighteenth Century, (Fourth Edition, London, 1890), vol.vi, p.241.

voluntary co-operation."[84]

The tone of these arguments was predominantly moralistic; although it was sometimes argued that fostering the dispositions of "character" was merely a means to an end, and that without them productive industry would cease, it was more usual for the development of "character" to be treated as an end in itself, and for freedom and responsibility to be regarded as the indispensable conditions for attaining this goal.[85] Spencer's achievement was to have transformed this moralistic argument about the necessity of freedom for the development of "character" into a "scientific" demonstration of the conditions under which the desirable type of character could be formed. The incompatibility of "character" with an interventionist state was no longer an article of faith capable only of constant reaffirmation, but was the logical outcome of his psychological theory. Evolutionary associationism clearly indicated that the human mind comprised a number of faculties, for example of benevolence, justice or self-help, and that these could be developed only on the condition that the freedom and opportunity for their exercise was available to the individual.

VI. CONCLUSION.

In conclusion it would appear that Spencer's theory of the formation of character could offer scientific justification for two standard Individualist arguments: first, that extensive state action would undermine the virtues of character; and second, that lasting social improvement was only possible as the result of the accumulated effects of habit on individual character. However, the theory of "evolutionary associationism" represented a considerable modification of the classical associationist doctrine, and the innovations which Spencer introduced had profound political implications for this formerly radical psychological theory.

In the first place, although evolutionary associationism was not blind to the significance of environmental influence on the formation of character, this factor entered

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[84] "Statement of Principle", Constitution Papers, Sept., 1908, p.128.

[85] For examples of Individualists who saw the virtues of character as the "mainspring of production" see W.E.H. Lecky, Democracy and Liberty (Second Edition, London, 1898), vol.ii, p.367; Smith, Liberty and Liberalism, p.550.

into the theory in a different way to that of the classical form of the theory. In the short term, the Individualists held, character was relatively constant, since it possessed a physiological basis in the individual's nervous system. Hence changes in the environment, or deliberate attempts at moral or intellectual education, would prove to be futile. In the longer term, however, the environment did assume importance since character was modified by the accumulated efforts of many generations of individuals to consciously adapt themselves to it. In other words, the environment provided the stimulus to which the organism would respond by exercising its will. Despite Spencer's repeated insistence that "ultimately" the process of evolution would achieve the objective of moulding character to a form appropriate to the social state, his conclusion was altogether contrary to that of the Philosophic Radicals who contended that it was within the power of the legislator or the educator to create in the mind of the individual whatever associations of ideas were desired. Nevertheless, while the emphasis on the malleability of individual character, which had suffused the thought of both James and John Stuart Mill, was explicitly denied by the Individualists, it continued to perform a vital function in the New Liberalism. Thus, as Freeden has remarked, "on the basis of the new political and scientific theories, a collective effort to control environment was no longer contrary to the essence of human nature. And by collective effort the rational control of mind over matter, of the human spirit over its material environment, could yet be attained."[86] Although the New Liberal emphasis on collective effort was a distinctively new aspect of the theory, the belief that changes in character could be brought about by changes in the environment was a theme which forged a link between the new liberalism and the old, and which differentiated both from Individualism. The seeds of the New Liberal project of improving individual character by means of social reform were contained in the associationist doctrine of the orthodox utilitarians which had stressed the possibility of the legislative and educational improvement of mankind.

The second consequence of evolutionary associationism was to affirm that the individual human mind comprised certain faculties which had evolved out of the experience

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[86] Freeden, New Liberalism, p.175.

of the race as a whole. Hence, although there were no innate ideas, in the sense of ideas prior to all experience, certain ideas were "innate" in each individual. For example, every individual possessed a mathematical faculty, itself the product of the experiences of many generations of individuals, which enabled him or her to recognize the "intuitive" truth of mathematical propositions. Similarly, the "moral sense" enabled individuals to recognize the "intuitive" rightness of certain courses of conduct, a capacity which was also based on generations of ancestral experience. By providing the doctrines of intuitionism with apparent intellectual respectability, Spencer had not merely brought about a fundamental change in the nature of associationism but he had also transformed it in a conservative direction since, as we have seen, the younger Mill explicitly connected intuitionism with conservatism. The doctrines that each individual could recognize the intuitive rightness of certain courses of conduct, or that different sexes and races possessed different "inherent" characteristics, were regarded by Mill as dangerous obscurantism, intellectual mists dissolved by the light of the association psychology. Spencer's achievement was to return credibility to these doctrines by employing the same instrument Mill had used to destroy them.

Hence with reference both to the malleability of human character and the doctrine that there were "innate" ideas accessible to special faculties of the human mind, Spencer's evolutionary associationism represented a conservative adaptation of the classical doctrine, and was thus another instance of the conservatism which pervaded Individualism as a whole. Even in the 1850s Spencer had resisted the radical implications of classical associationism, but the conservative nature of his doctrine did not become fully apparent until the project of reform became transformed into the New Liberalism. While the task of liberalism remained destructive (i.e. removing obstacles to the formation of character), Spencer's disagreement with both James and John Stuart Mill did not fully emerge; but once, towards the end of the century, the radicalism of the liberal creed took a more constructive turn, the conservative implications of Spencer's version of associationism rapidly became apparent. His evolutionary associationism still held out the hope of a future state of human perfection, but it could be achieved only over the course of many

generations and as a consequence of the misery of the idle, the improvident, and the destitute.

CHAPTER 3:

INDIVIDUALISM AND THE "ORGANIC CONCEPTION OF SOCIETY."

I. INTRODUCTION.

The politically conservative nature of Individualism is illustrated, not only by its transformation of the association psychology or of the liberal conception of progress, but also by the attempts of some Individualists to secure support for their principles from a biologically inspired science of society. In the first volume of his **Principles of Sociology** Spencer had drawn an extensive analogy between a biological organism and the social aggregate, and this conception of the "social organism" did much to determine the principal concerns of social science in the closing decades of the nineteenth century. Thus the present chapter will be concerned with the attempts of Spencer and other Individualists to use the conception of society as an organism as part of the defence of an individualistic social order.

The ambition of the first generation of sociologists had been to construct a social science which could be used as an instrument to facilitate the project of social reform. This objective was in evidence in Mill's **System of Logic** as much as in the writings of Comte. Thus Mill remarked that the "object of the Social Science" was to "understand by what causes" any given condition of social affairs had been "made what it was; whether it was tending to any, and to what, changes; what effects each feature of its existing state was likely to produce in the future; and by what means any of those effects might be prevented, modified, or accelerated, or a different class of effects superinduced."[1] However, the ambition of Spencer and those Individualists who borrowed from his sociological work was quite different. As Richard Hofstadter has perceptively noted, Spencer was

> animated by the desire to foster a science of society which would puncture the illusions of legislative reformers who, he believed, generally operated on the assumption that social causes and effects are simple and easily calculable, and that projects to relieve distress and remedy ills will always have the anticipated effect. A science of sociology, by teaching men to think of social causation scientifically, would awaken them to the enormous complexity of the social organism, and put an end to hasty legislative

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[1] J.S. Mill, A System of Logic, (London, 1919), p.573.

panaceas.[2]

Hence the objective of Spencerian sociology, unlike that of Comte or Mill, was not to serve as a basis for social engineering, but rather to show that all such engineering was an impossibility.

From the Individualists' point of view, the virtue of a justification for their creed based on the "organic conception of society" was that it combined a defence of an individualistic social order with the view that society was not an object of conscious human design. The Individualists could argue that the nature of society was such that any attempt by the centralised authority to overstep the limits imposed on it by the protection of rights and the administration of justice would result in disruption to the whole social organism, and hence it was not possible to employ the state as an instrument of social reform. Once again, the characteristic of a key Individualist argument was the bi-polarity of liberalism and conservatism on which we have already had cause to remark. The upshot of the social organism analogy as it was used by Spencer and his disciples was that the state was structurally determined to perform only those functions which were assigned to it by classical liberalism.

However, to many of Spencer's critics the attempt to marry organicism with individualism was fundamentally misconceived and he has been accused of having failed to recognize that his sociology made use of two irreconcilable ways of conceptualizing society. It will be argued that this alleged incompatibility between Individualism and the "organic conception of society" rests on a confusion of the several distinct senses in which society might be compared to a biological organism. Spencer's use of the analogy had nothing to do with the idea that the state or society possessed a will or purposes of its own, distinct from those of its members. Instead, it related primarily to a fundamental parallelism of structure, especially to the fact that both societies and biological organisms possessed systems for production, distribution, and regulation. Thus the points of similarity were quite limited and specific, and Spencer believed that any attempt to impute a closer resemblance than this between society

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[2] R. Hofstadter, Social Darwinism in American Thought, (New York, Ny, 1944), p.29

and an organism was destined to fail.

Nevertheless, it is also true that a more literal "organic" conception of society was adopted by one of Spencer's self-professed disciples, Wordsworth Donisthorpe, who believed that the social organism possessed a group purpose and a group will distinct from that of its members. Since this particular version of organicism is more usually associated with an active, interventionist state, the present chapter will also consider Donisthorpe's attempt to reconcile an individualistic social order with the notion that society had a will of its own which was directed to the group welfare.

In addition, I will examine the views of Spencer's New Liberal opponents, who accused him of having illegitimately restricted the "organic" analogy to the basic structural similarities resulting from the systems of production, distribution and regulation. Had it not been for the distorting influence of Spencer's out-moded political views, they argued, he would have realised that the analogy between social and biological organisms was much more profound than this limited parallelism of structure and it implied the existence of a centralized, directive intelligence which could be identified with an interventionist state. Hence the "scientific" analysis of society seemed to support political conclusions which were the very opposite of those which Spencer himself wished to draw.

II. THE SOCIAL ORGANISM AND INDIVIDUALISM.

Despite Spencer's ambition to put Individualism on a secure social scientific foundation, many of his critics have alleged that he had failed to recognize that Individualism is incompatible with the centre-piece of his sociology, the organic conception of society. For instance, T.H. Huxley argued in his essay on "Administrative Nihilism" that taken seriously Spencer's theory of the social organism lead to the conclusion that there was much the state would be justified in doing, beyond the limited functions Spencer had ascribed to it. Indeed, Huxley believed that the real force of the analogy was "totally opposed to the negative view of State function":

> Suppose that, in accordance with this view, each muscle were to maintain that the nervous system had no right to interfere with its contraction, except to prevent it from hindering the contraction of another muscle; or each gland, that it had a right to secrete, so long as its secretion interfered with no other; suppose every separate cell left free to follow its own "interest" and laissez faire Lord of all, what would become of the body physiological?[3]

In the present century Sir Ernest Barker argued that there was a tension between Spencer's theory of natural rights, in which society is made up of atomistic individuals who form the state only for the limited purpose of the protection of their liberty and property, and his view of society as forming an organic unity. Since these were incompatible ways of conceptualizing society, Spencer's political theory began and ended in "an incongruous mixture of Natural Rights and physiological metaphor."[4] More recent commentators have continued to make this claim. L.A. Coser, for instance, has pointed out that "in spite of the individualistic underpinnings of his philosophy, Spencer developed an overall system in which the organicist analogy is pursued with even more rigour than Comte's work."[5] Similarly, Stanislav Andreski, a contemporary sociologist who otherwise displays considerable sympathy for Spencer, has argued that his theory of society "should have lead him to espouse some form of authoritarian collectivism because the organisms regarded as higher display a greater centralization of the nervous system, and a greater subordination of the parts to the whole. Indeed, his system provides a much more logical justification for socialism (as practised rather than preached) than Marx's theory of class struggles..."[6] And David Wiltshire concluded a notably unsympathetic reading of Spencer's use of the organism analogy with the remark that "no one after Spencer attempted to reconcile the incompatibles of organicism and individualism."[7]

While the majority of recent commentators are agreed that Spencer tried, but

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[3] T.H. Huxley, "Administrative Nihilism" quoted by Spencer in "Specialized Administration", Essays: Scientific, Political and Speculative, vol.iii, (London, 1874), p.144.

[4] E. Barker, Political Thought in England, (London, 1915), p.71.

[5] L.A. Coser, The Masters of Sociological Thought (Second Edition, New York, NY, 1977), p.98. For an additional statement of this argument see W.M. Simon, "Herbert Spencer and the 'Social Organism'", Journal of the History of Ideas, 21 (1960), pp.294-299.

[6] S. Andreski, Herbert Spencer: Structure, Function, and Evolution, (London, 1972), p.28.

[7] D. Wiltshire, The Social and Political Thought of Herbert Spencer (Oxford, 1978), p.242.

failed, to reconcile his sociology with his political views, another recent interpretation has suggested that his sociological theories have no connection whatsoever with his Individualism. In his "Renewed Appreciation" of Spencer, Jonathan H. Turner has attempted to rehabilitate Spencer's reputation as one of the founders of sociology by claiming that as "the first general systems theorist", there was no connection at all between his sociology and his political views. Spencer's "laissez faire ideology" is "easy to ignore", Turner writes, "because it hardly appears in Spencer's sociology. And yet, so many just assume that Spencerian sociology is riddled with references to 'survival of the fittest' and ideological tracks (*sic*) on the virtues of laissez faire. This is just not the case."[8]

Given this weight of argument, Spencer's belief that the conception of society as an organism could not only be reconciled with his Individualism, but could even render an intellectual justification for it, appears to be utterly incomprehensible. However, the solution to the paradox is to be found in the varied meanings which could be (and were) attached to the social organism analogy. In describing society as "organic" a late Victorian political thinker could be advancing one of a number of different claims. In the first place, the "organic conception of society" might refer only to certain basic structural similarities between society and a biological organism; for example that they both possessed systems for nutrition and regulation. Any conclusions concerning the legitimate functions of the state would have to await a more detailed explication of the nature of the parallel which was being drawn. Secondly, "organicism" might also be used to refer to the older, Burkean notion that society was not an artificial construct but was a natural growth. This sense of the analogy did not favour any particular conception of the role or functions of the state, but merely indicated that social changes ought to take place slowly and "organically." Thirdly, the "social organism" analogy might be used in order to indicate that, just as a biological organism possessed consciousness and intentions which were not those of its component parts, the state or

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[8] J.H. Turner, Herbert Spencer: a renewed Appreciation, (Beverly Hills, CA, 1985), p.83. As I shall argue, there are ways in which Spencer's sociology supports his Individualism without his having to resort to such crude propagandising.

society possessed a will, purpose, or interest of its own which was distinct from that of the will, ends, or interests of any of its members, considered either collectively or individually. In this sense of the organic analogy (which I shall refer to as the conception of society as a "collectivity") seemed to support collectivism and state intervention in order to realize this notion of the common good. Fourthly, a system of social relations might be described as "organic" in the sense that there were harmoniously interconnected. Finally, organicism might also mean the philosophical claim which denied that society could be conceptualized in terms of discrete individual atoms, and which regarded the dichotomy between state and individual as merely the product of a false empiricism in philosophy. As a statement about ontology the last proposition belonged to a higher plane of abstraction than did the previous four statements of organicism, and it was one of the central tenets of philosophical Idealism. This version of the "organic analogy" might not necessarily manifest itself in any profound differences with the political doctrine of Individualism, as the case of Bosanquet indicates, although it also lent support to the more interventionist stance of Ritchie or Haldane. Furthermore, although the five propositions were not, prima facie, mutually exclusive, neither did one logically entail any of the others. The error into which commentators on Spencer have fallen is in failing to distinguish between the various senses which can be attached to the social organism conception, and as a consequence they have convicted him of having failed to draw the implications of a version of the analogy which it was no part of his intention to expound.

The application of the analogy which Spencer himself recognized was limited to the first proposition, namely that there are profound similarities of structure between the social organism and a biological organism, with also a hint of Burkean organicism. He argued, first of all, that evolution produced specialization of both the structure and function of particular organs, and since this was true of society as much as of a biological organism, the functions of the state could be no exception to this law. For the sake of the efficient working of society, therefore, government activities had to be confined to those, and only those, functions which the state was in a unique position to

perform. Of equal importance was Spencer's notion that the industrial system, or internal structure of the social organism, formed a "spontaneous order"; it exhibited properties of orderliness and regularity without being the product of human intention or command. Because this system was too complex for social scientists to discover simple cause-effect relations with regard to its operation, it followed that it could not be subjected to direction or regulation by the legislator. The third consideration relied on the significant disanalogies which Spencer himself recognized between society and a biological organism, most notably the multiplicity of centres of consciousness in society which had no biological counterpart. Fourthly, the Burkean aspect of Spencer's use of organicism was evident in his argument that social institutions were dependent on particular types of individual character and that no lasting change in them could come about which was not accompanied by a corresponding alteration in individual character.[9] An example of this was the system of production and exchange associated with a market economy, which would continue to exist as long as individuals possessed certain characteristics and motivations. This argument also placed formidable obstacles in the path of legislative attempts to affect social change. Finally, an overarching consideration was Spencer's positivistic[10] interpretation of the nature of sociological laws. The truths which his sociological investigations discovered were of the same status as those of biology or physiology, and a legislator could no more discard them than a surgeon could dispense with the knowledge of human anatomy.

In accordance with his attempt to systematise and synthesize all human knowledge, which was discussed in the first chapter, Spencer attempted to demonstrate that the process of the emergence of an individualistic social order could be subsumed under general laws of evolution. Evolution is the progressive integration of matter accompanied by the dissipation of motion, and embodies a continuous change from incoherent homogeneity, illustrated by the lowly protozoa, to coherent heterogeneity,

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[9] The mechanisms of change in individual character were examined in the previous chapter.

[10] I use " positivism" here in the broad sense of the conception that social phenomena conform to laws like those of natural science. Spencer himself denied any direct influence of Comte's Positivism on his own thought despite the Comtean title of his first book. See Spencer, Autobiography, vol.ii, Appendix B and his "Reasons for Dissenting from the Philosophy of M. Comte" in Essays, vol.iii, pp.59-80.

manifested in man and the higher animals. Everywhere one finds evidence of a general direction of change from those things which are "small, loose, uniform, and vague in structure" to those which are "large, compact, multiform and distinct."[11] Since the homogeneous is inherently unstable it will inevitably develop into the heterogeneous and this process of evolution from simplicity to complexity is the principle common to everything in the known universe.

The principles of evolution which were in evidence in the natural world were also to be found in the "superorganic" evolution of human societies. Social phenomena conformed to laws of their progress and development in identical fashion to biological organisms, and thus sociological laws were discoverable in the same way as were those of biology. Indeed, the truths of sociology bore the same relation to history as those of biology did to the biography of an individual human being, a point which Spencer developed in his popular introduction to **The Study of Sociology**. It could be thought that the "incalculableness of a child's future" -- whether he will survive infancy, whether he will enjoy success in a career, whether he will marry, whether he will eventually father children -- means that the child presents "no subject-matter for science." But this would be to ignore the fact that behind the "inconstant" phenomena of human life, that is to say the biography of the individual, there stand the "constant" phenomena of the anatomy and physiology of Man. Despite the inexactness of some the generalisations of the study of human biology, and despite the fact that the general truths which this study propounds admit important exceptions, nevertheless "no one doubts that the biological phenomena presented by the human body, may be organized into a knowledge having the definiteness which constitutes it scientific, in the understood sense of that word."[12] Similarly, although in societies "causes and effects are related in ways so involved that prevision is often impossible"[13], Spencer argued that the relationship between history and sociology parallelled that between an individual's biography and his physiology:

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[11] Spencer, Principles of Sociology, vol. ii, p.646.

[12] H. Spencer, The Study of Sociology (Fifteenth Edition, London, 1889), p.57.

[13] Study of Sociology, p.53.

> The kind of relation which the saying and doings that make up the ordinary account of a man's life, bear to an account of his bodily and mental evolution, structural and functional, is like the kind of relation borne by that narrative of a nation's actions and fortunes its historian gives us, to a description of its institutions, regulative and operative, and the ways in which their structures and functions have gradually established themselves.[14]

Not only were sociological laws of the same epistemic status as those of biology, but society also exhibited a process of evolution from simplicity to complexity, from the undifferentiated to the differentiated, and from the independence of its parts to their integration, analogous to that to be found in the animal kingdom. And as each of its parts became more fully integrated they gradually assumed more and more specialised functions, just as the organs of an animal become more specialised with its greater complexity. It should be noted that for Spencer this comparison between society and an organism dealt "not with a figurative resemblance but a fundamental parallelism." [15]

Spencer argued that there were five points of analogy between a society and an organism. In the first place, they both "conspicuously exhibit augmentation in mass", in other words they both undergo a process of growth.[16] Secondly, this increase in size is accompanied by the development of structure in terms of the multiplication and differentiation of parts. Hence "while at first so simple in structure as to be considered structureless, they assume, in the course of their growth, a continually increasing complexity of structure."[17] Thirdly, "the progressive differentiation of structures is accompanied by the progressive differentiation of functions."[18] The differentiation of parts follows from the diversity of functions they perform, so that they "grow into unlike organs having unlike duties." Fourthly, in both societies and organisms, evolution establishes "not differences simply, but definitely connected differences -- differences such that each makes the other possible." The mutual dependence of parts to which this gives rise is expressed in the division of labour, "that which in the society, as in the animal, makes it a living whole. Scarcely can I emphasize sufficiently the

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[14] Study of Sociology, p.58.
[15] Study of Sociology, p.328.
[16] Princ. Soc., Vol.i, p.467.
[17] Spencer, "The Social Organism" in Essays, vol.i, p.391.
[18] Princ. Soc., vol.i, p.468.

truth that in respect of this fundamental trait, a social organism and an individual organism are entirely alike."[19] Finally, the life of the aggregate can immensely exceed that of its components; thus the "life and development of a society is independent of, and far more prolonged than the development of any of its component units; who are severally born, grow, work, reproduce, and die, while the body politic composed of them survives generation after generation, increasing in mass, completeness of structure, and functional activity."[20]

From the stand-point of Spencer's Individualism, the most important of these parallels was that between the differentiation of social structure and the tendency of the organs of the body to become increasingly specialized. Peel has argued that "differentiation, specialization, the division of labour come about because they are more adaptive", but this is to confuse process with cause.[21] In adapting itself to the environment the organism does take on an increasingly complex structure, but the reason why this structure develops is not that it is "more adaptive" but because homogeneous structures are inherently unstable. As I argued in the first chapter, Spencer believed that all aggregates are subject to the law of the instability of the homogeneous, and social aggregates are no exception to this law. Thus "the social mass, homogeneous when minute, habitually gains in heterogeneity along with each increment of growth; and to reach great size must acquire great heterogeneity."[22] However, this differentiation of structure "cannot occur without changes of function."[23] Indeed, in both biological and social organisms

> vitality increases as the functions become specialized. In either case, before there exist variously adapted structures for performing unlike actions, these are ill-performed...But along with advance of organization, every part, more limited in its office, performs its office better...each aids all and all aid each with increasing efficiency; and the total activity we call life, individual or national, augments.[24]

In other words, the efficient co-operation of the parts of the social organism demands

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[19] Princ. Soc., vol.i, p.470.
[20] "The Social Organism", p.392.
[21] Peel, Herbert Spencer, p.139.
[22] Princ. Soc. vol.i, p.489.
[23] Princ. Soc., vol.i, p.504.
[24] Princ. Soc., vol.i, pp.508-9.

that they obey the law of increased specialization of function. As I will now demonstrate, this aspect of the conception of the social organism placed a limitation on the sphere of state action by stressing the progressive specialization of functions of the various parts of the organism.

According to Spencer the most important differentiation between the parts of any organism is that between its inner and outer organs. The external parts of the organism are "those which deal with environing existences -- prey, enemies, etc.", while the internal parts are those which "utilize for the benefit of the entire body the nutritious substances which the external parts have secured."[25] As a theory of social structure and function this conception was given its clearest and most concise statement in the course of Spencer's essay on "Specialized Administration.", in which he asserted that "the primary differentiation in organic structures...is the differentiation between outer and inner parts -- the parts which hold direct converse with the environment."[26] What Spencer appears to have had in mind by this distinction was a division between those organs which enabled the individual organism to defend itself or to acquire food and those internal organs which provided its various parts with nutriment. Hence in any organism, biological or social, there had to be both a system regulation or control and a system which provided the diverse organs with the means of "sustenation". In addition, once these inner and outer systems had been marked off a third system developed, "lying between the two and facilitating their co-operation. Mutual dependence of the primarily contrasted parts, implies intermediation; and in proportion as they respectively develop, the apparatus for the exchange of products and of influences must develop too." In other words, some means was also required of distributing the nutriment produced by the organs of sustenation.

Thus, in sociological terms, Spencer distinguished between the regulating system of society, of which the state was part, and between systems of production and

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[25] Princ. Soc., vol.i, p.511.

[26] Spencer, "Specialized Administration" in Essays Vol.iii, p.131.

distribution. The sustaining (or producing) system consisted of those parts "carrying on alimentation in a living body and the parts carrying on productive industries in the body politic." These parts of the social organism were internally differentiated according to certain laws. For example, differences in the organic or inorganic environment initiated differences of occupation; a coal-mining industry could only develop where there were deposits of coal or a ship-building industry where there was access to the sea as well as to supplies of iron. Hence the industrial system, like the digestive system of an individual organism, "takes on activities and correlative structures determined by the animals, minerals and vegetals, with which its working population are in contact; and that industrial specialisations in parts of its population are determined by differences, organic and inorganic, in the local products those parts have to deal with."[27] In addition, these industrial structures of society were able to "extend themselves without reference to political divisions, great or little", and hence could overrun parish, county, or even national boundaries.

In any but the simplest social organisms, the diversity of the process of production creates the need for a system of distribution. The "distributing system" means, in the first instance, the physical infrastructure like roads, railways, and canals which carry men and commodities. However it can also mean the physical movements along these channels of communication as well as the "circulating currents themselves."[28] The commodities which circulate throughout the social system correspond to the "nutritive fluid" of animal organisms, and just as the organs of body take from the blood certain elements for their sustenation and return to it the particular elements which they produce, so the physical processes of the industrial structure operate on the same principles. Each industry "allowing various materials to pass through its streets untouched, takes out of the mixed current those it is fitted to act upon; and throws into the circulating stock of things...the articles it has prepared for general consumption."[29] Furthermore, competition occurs between the various

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[27] Princ. Soc., Vol.i, p.523.
[28] Princ. Soc., Vol.i, p.533.
[29] Princ. Soc., Vol.i, p.535.

organs, both social and biological, so that although indirectly they are all mutually dependent "yet, directly, each is antagonistic to the rest." They are in an antagonistic relationship since they "both depend for their existence on a common stock of produce."[30] Moreover, the ability of an industry to remove items from the circulating stock of commodities will depend on its state of activity since the competition between the organs causes "high nutrition and growth of parts called into greatest activity by the requirements of the rest."[31]

The third differentiation with respect to function is the regulating system. Whereas the alimentary systems of animals and societies are "developed into fitness for dealing with substances, organic or inorganic, used for sustenation", the regulating and expending systems (nervo-motor in animals and governmental-military in societies) "are developed into fitness for dealing with surrounding organisms, individual or social -- other animals to be caught or escaped from, hostile societies to be conquered or resisted."[32] Hence society "has a set of structures fitting it to act upon its environment -- appliances for attack and defence, armies, navies, fortified and garrisoned places"[33] which correspond to the external parts of the organism, and governmental structures owe their origin and efficiency to wars between societies.

Whereas in the earliest stages of society the governmental or military structure is not clearly distinguished from the rest of society, since "the army is simply the mobilized society and the society is the quiescent army"[34], social evolution divides the regulating system from the industrial process and at the same time differentiates it into two separate and distinct systems. This follows from the general law of organisation that "distinct duties entail distinct structures." In the case of the external organs of the social organism, "success in conflicts with other societies implies quickness, combination and special adjustment to ever-varying circumstances" which in

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[30] "Specialized Administration", p.139.

[31] Princ. Soc, Vol,.i, p.536.

[32] Princ. Soc., Vol.i, p.539.

[33] "Specialized Administration", p.138.

[34] Spencer, The Man Versus The State (Harmondsworth, 1969), p.114.

turn requires a "centralized agency which is instantly obeyed."[35] The outer parts, like those of the individual, are under rigourous central control since they "must be capable of prompt combination; and that their actions may be quickly combined to meet each exigency as it arises, they must be completely subordinated to a supreme executive power -- armies and navies must be despotically controlled."[36]

On the other hand, the industrial organization of society requires no "quick, special and exact adaptations...but only a general proportion and tolerable order among actions which are not precise in their beginnings, amounts or endings."[37] Thus the "comparatively uniform" activity of the industrial system produces a regulating system which is very different to the centralized and hierarchical organization of the state. Like the digestive or visceral system of an individual, the industrial system functions according to its own controlling mechanism which provides manufacturers and the manufacturing centres with "spurs or checks" to production. "Partly by direct orders from distributors and partly by indirect indications furnished by the market reports throughout the kingdom, they are prompted to secrete actively or to diminish their rates of secretion." It might seem as if at this point Spencer had pre-empted the Hayekian idea that the price mechanism is essentially a system for conveying information, but it is apparent that the system of control he has in mind is rather the messages which "from hour to hour...pass between all the chief provincial towns, as well as between each of them and London; from hour to hour prices are adjusted, supplies are ordered hither or thither, and capital is drafted from place to place, according as there is greater or less need for it."[38] As this passage makes evident, Spencer thought adjustments in prices were the consequences of the transfer of information, not themselves the means of its transfer.

Thus as a result of the process of functional and structural differentiation, the industrial system has become divorced from the governmental organization, and

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[35] Princ. Soc., vol.i, p.562.

[36] "Specialized Administration", p.140.

[37] Princ. Soc., vol.i, p.560.

[38] "Specialized Administration", pp.140-141.

whereas in the primitive societies "industrial organization is ruled by the chief", in the more advanced stages of civilization industry "has evolved for itself a substantially independent control."[39] The upshot of this process of development is a specialisation of the state's functions:

> There is now no fixing of prices by the State, no prescribing of methods. Subject to but slight hindrance from a few licenses, citizens adopt what occupations they please. The amounts grown and manufactured, imported and exported, are unregulated by laws; improvements are not enforced nor bad processes legislatively interdicted; but men, carrying on their business as they think best, are simply subject to the legal restraints that they should fulfil their contracts and not aggress upon their neighbours.[40]

Henceforth industrial production is conducted without interference from the executive centre which controls the external organs, with the single exception of the "one all-essential influence which these higher centres exercise over the industrial activities -- a restraining influence which prevents aggression direct and indirect."[41] In order for the industrial process to function correctly it is necessary that the materials exhausted in work and waste shall be replaced, and "securing this is nothing less than securing fulfilment of contract." An organ which adequately performs its function but which is not repaid in blood will dwindle, causing great damage to the organism itself; similarly, "an industrial centre which has made and sent out its special commodity, but does not get adequately paid in other commodities, must decay." This is the only aspect of the industrial system which is not self-regulating, and hence in addition to the function of defending the social organism against external aggressors, the executive centre must also concern itself with the protection of individual rights and especially with ensuring the fulfilment of contracts. Thus Spencer claimed that "far from contending for a laissez faire policy in the sense which the phrase commonly suggests, I have contended for a more active control of the kind distinguishable as negatively regulative."[42] In particular the legal system was in need of radical overhaul to improve its efficiency.

Thus, as a result of the process of evolution, the state's functions become more specialized and more narrowly focussed. Despite the state having attempted in earlier

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[39] Princ. Soc., vol.i, p.565.

[40] Princ. Soc., vol.i, p.565.

[41] "Specialized Administration", p.141.

[42] "Specialized Administration", p.167.

periods of history to regulate the systems of production and distribution, with the increased differentiation and structuration of the social organism it came to specialize in those functions which it was uniquely placed to perform. In other words, the state was limited to securing the conditions under which each citizen was enabled to receive the full benefit of his character and activities, subject only to the limitations necessarily imposed by the presence of fellow-citizens having like claims. Spencer called this function "negative regulation", which aimed to protect "each individual against others", and which comprised the administration of justice, the enforcement of contracts, and defence against aggression by other states. Thus, in the higher social organisms, the function of the state was merely to ensure that there was no interference with the fundamental laws of life. For it to have performed any other function would be an encroachment on the "office" of some other social structure and hence would lead to inefficiency in the co-operation and co-ordination of the diverse organs of society. This was merely a specific instance of the general law, "universally illustrated by organizations of every kind" that "in proportion as there is to be efficiency, there must be specialization, both of structure and function -- specialization which, of necessity, implies accompanying limitation."[43]

Thus in arguing that the social organism analogy supported positive regulation by the state, Huxley had failed to grasp the point that the specialization of function of an organ entailed a corresponding limitation of its sphere of activity, so that in advanced social organisms the state performed only negatively regulative functions. Moreover, contrary to Coser's claim, Spencer's use of the organic analogy was not a "more rigourous" application of it than is to be found in Comte's writings. Indeed, in explicit repudiation of Comte's conception of society constituting a collectivity, Spencer insisted that "there exists no analogies between the body politic and a living body save those necessitated by that mutual dependence of parts which they display in common."[44]

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[43] "Specialized Administration", p.168.

[44] Princ. Soc., vol.i, p.613. It is significant in this regard that although some Individualists, most notably Henry Sidgwick and the Earl of Pembroke, were critical of Spencer's employment of the "social organism" analogy it was not suggested that he

In addition to the argument from the differentiation of social structure, Spencer also attempted to give a social scientific foundation for his Individualism by insisting on the almost incomprehensible complexity of the systems of production and distribution. Rather than being based on the hierarchical system of command which is characteristic of the "external" organs, the basis of the industrial order was "spontaneous" voluntary co-operation and Spencer gave expression to a sense of wonder that social order should emerge unplanned from the self-interested actions of a multitude of individuals:

> The world-wide transactions conducted in merchant's offices, the rush of traffic filling our streets, the retail distributing system which brings everything in easy reach and delivers the necessaries of daily life to our doors, are not of government origin. All these are the results of the spontaneous activities of citizens, separate or grouped. Nay, to these spontaneous activities Governments owe the very means of performing their duties. Divest the political machinery of all the aids which Science and Art have yielded it -- leave it those only which State-officials have invented; and its functions would cease. The very language in which its laws are registered and the orders of its agents daily given, is an instrument not in the remotest degree due to the legislator; but is one which had unawares grown up during men's intercourse while pursuing their personal satisfactions.[45]

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had undermined Individualism by his use of the organic conception of society. Sidgwick, for example, accepted that Spencer had identified important structural parallels between societies and organisms, but he also believed that there were disanalogies of equal significance. (Cf. H. Sidgwick, "The Relation of Ethics to Sociology" in Miscellaneous Essays and Addresses [London, 1904], p.253ff.) Pembroke believed the organic analogy to have demonstrated that the industrial and trading (i.e. nutritive) functions of society were best promoted by the self-interested activities of individuals, but the "functions about which there is most dispute are precisely those in which the analogy helps us little, if at all." Just as there were physiological functions which "lie between those that are purely self-working, and those that are always directed by the brain and nerves" and with which "the brain and nerves may be said to interfere, or not according to the circumstances of the particular case", so there were social functions which were similarly hybrid. National Education was just such an example, in part self-working but also in need of external regulation. (George Herbert, thirteenth Earl of Pembroke, "Liberty and Socialism", Political Letters and Speeches, [London, 1896], p.211ff.)

What is of significance in both Sidgwick's and Pembroke's discussions of the organic conception of society is that neither of them suggested that it was an analogy which served to undermine Individualism. Since Sidgwick subjected most of the Spencerian philosophy to sustained and detailed criticism, he might have been expected to have highlighted any potential inconsistencies between Spencer's political views and his concept of the social organism. But the fact that neither he nor Pembroke criticised Spencer's organic conception of society on these grounds lends *prima facie* support to the contention of this chapter that, correctly understood, the social organism conception and Individualism did not necessarily come into conflict.

[45] Spencer, The Man Versus The State, pp.134-5. It should be noted that the notion of spontaneous order has recently been revived in defence of Individualism by F.A. Hayek. In discussing his use of the notion, Hayek has remarked that "very complex orders, comprising more particular facts than any brain could ascertain or manipulate, can be brought about only through forces inducing the formation of spontaneous orders." (Law, Legislation, and Liberty, [London, 1973], vol.i, p.38) Society is just such a spontaneous order. This is exactly the same idea as Spencer expresses in the passage just quoted, although Hayek nowhere acknowledges Spencer's influence.

It has been the "spontaneous" co-operation of individuals which has done much more than governmental agencies to promote the cause of social development, whether the progress concerned has been from wigwams to houses or the formation of complex trading networks.

Furthermore, Spencer argued, "this spontaneously formed social organisation is so bound together that you cannot act on one part without acting more or less on all parts."[46] It also follows from this claim that society is so constituted that an attempt to interfere with the spontaneous order at a particular point will have repercussions throughout the social system, and because of the complexity of the system these will be impossible to predict. Spencer gave expression to this idea in a passage in the **Study of Sociology** of inspired comedy in which he likened the action to the legislator to the attempts of someone to flatten a buckled metal plate:

> You see that this wrought-iron plate is not quite flat: it sticks up a little here towards the left -- "cockles" as we say. How shall we flatten it? Obviously, you reply, by hitting down on the part that is prominent. Well, here is a hammer, and I give the plate a blow as you advise. Harder you say. Still no effect. Another stroke? Well, there is one, and another, and another. The prominence remains, you see: the evil is as great as ever -- greater indeed. But this is not all. Look at the warp which the plate has got near the opposite edge. Where it was flat before it is now curved. A pretty bungle we have made of it...Is humanity more readily straightened than an iron plate?[47]

The difficulty from the legislator's point of view is that "in proportion as an aggregate is complex, the effects wrought by an incident force become more multitudinous, confused and incalculable, and that a society is of all kinds of aggregates the kind most difficult to affect in an intended way and not in unintended ways."[48] It should be clear, therefore, that the point concerning the impossibility of a piece of legislation producing the intended outcome is simply an application of the Law of Multiplicity of Effects which was examined in the first chapter. Since any incident force, in this case the legislative measure, is likely to be the cause of perturbations throughout the entire social organism it is impossible to predict the total effect it will produce. We can be sure, however, that it is likely to be the seat of many unintended

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[46] The Man Versus The State, p.135.
[47] Study of Sociology, pp.270-1.
[48] Study of Sociology, p.270.

adjustments throughout the structure of society and that these are likely to defeat its initial purpose.

While Spencer's philosophical justification for this view was not widely invoked, the notion that misguided "socialistic" legislation stemmed from a failure to study its ultimate rather than the immediate effects found favour with many other Individualists. Bruce Smith, for example, argued that while the tendency towards socialism was in part due to the cupidity of the lower classes,

> the over-legislation of the present day is equally the outcome of misconception as to results -- miscalculations, as it were, of political arithmetic arising from the...habit of regarding the immediate effects of a statute, while ignoring, or at least neglecting to give due consideration to, those which are less easily discerned.[49]

Similarly, the historian W.E.H. Lecky declared that "the remote and indirect consequences of a political measure are often more important than its immediate effects, but they have seldom much weight in popular judgements."[50]

Hence, because the relations of cause and effect in society cannot be determined with any precision, the best that organised knowledge can do is to teach us to submit more readily to the forces of evolution. Even if legislators were educated in genuinely scientific ways of thinking about society (and Spencer was critical of classical education for failing to provide such knowledge) they could not be certain of the outcome of a proposed measure. Thus the legislator should be prepared to acknowledge his ignorance and be prepared to forego his meddling legislation on the grounds that what he does not understand is best left alone. This line of argument displayed the same bipolarity of liberalism and conservatism which was characteristic of many Individualist theories. On the one hand, it suggested that market mechanisms were capable of spontaneously producing social organization and hence that the state's role need only be the strictly limited one of administering justice and ensuring that contracts were respected. On the other hand, the emphasis on the complexity of the relations among the parts of the social aggregate had the effect of placing the Individualists in the company of those thinkers, predominantly conservative, who have argued that society is an organism of

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[49] Smith, Liberty and Liberalism, p.320.

[50] W.E.H. Lecky, History of England in the Eighteenth Century, (Fourth Edition, London, 1890), vol.iii, p.222.

incomprehensible complexity and thus that it is beyond the power of governments or of any other human agency to produce any fundamental alteration in its constitution.

The third aspect of Spencer's sociology to give support to his Individualism relied on the most significant disanalogy between a biological organism and a social organism. Spencer made the assumption that although the social organism could display a mutual dependence of parts and a sub-division of functions, this did not extend to the kind of differentiation "by which one part becomes an organ of feeling and thought, while other parts become insensitive."[51] While in a biological organism consciousness is concentrated in a small part of the aggregate, in the social organism it is diffused throughout the aggregate and "all units possess the capacity for happiness and misery, if not in equal degrees, still at least in degrees that approximate." This "cardinal difference" between biological and social organisms was such that it "entirely changes the ends to be pursued."[52] Since Spencer took a utilitarian view of ethics, the capacity of all members of the organism to experience pleasure and pain was a fact of great moral significance.[53] Indeed, since the social organism itself lacked a "sensorium", and was therefore incapable of states of consciousness, whether pleasant or unpleasant, it followed that "the welfare of the aggregate, considered apart from that of the units, is not an end to be sought. The society exists for the benefit of its members; not its members for the benefit of society." Indeed, despite the great efforts made for the prosperity of the body politic, "the claims of the body politic are nothing in themselves, and become something only in so far as they embody the claims of component individuals." Spencer's belief that the social organism was incapable of experiencing pleasure or pain, and that therefore it possessed moral significance only as a means to the happiness of its members, indicates the misconception in Wiltshire's remark that "Spencer, who numbered himself among progressive thinkers, adopted an analogy the subsequent applications of which led directly to Fascism, in Benito

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[51] Princ. Soc. vol.i, p.478.

[52] "Specialized Administration", p.138.

[53] Spencer's utilitarianism is discussed in greater detail in Chapter 5.

Mussolini's literally 'corporate' state."[54] Nothing could be further from Spencer's own understanding of the analogy he drew than the claim that society is everything and the individual nothing.[55]

The fourth aspect of Spencer's sociology to lend support to his Individualism was not directly connected to his social organism conception, but nonetheless warrants mention since it involves the "Burkean" sense of "organicism" identified earlier. This was his belief, which he probably owed to Mill's ambition to construct a science of "ethology", that no study of institutions could dispense with a study of the character of the individuals who compose the social organism. Spencer believed the general scientific truth that "the properties of the units determine the properties of the whole they make up, evidently holds of societies as of other things."[56] Furthermore, since the individual citizen is "imbedded in the social organism as one of its units, moulded by its influences, and aiding reciprocally to remould it, furthering its life while enabled by it to live" it followed that "unless the mass of citizens have sentiments and beliefs in something like harmony with the social organization in which they are incorporated, this organization cannot continue."[57] Spencer argued that social and political institutions were dependent on the character of the individual members of the social organism, and hence it followed that "political institutions cannot be effectually modified faster than the character of citizens are modified; and that if greater modifications are by any accident produced, the excess of change is sure to be undone by some counter-change."[58] Thus "in the absence of a duly-adapted character, liberty given in one direction is lost in another"; for example, granting the franchise to people who were not ready for it would result in a net loss of freedom by the extension of socialistic measures.

It is true that J.S. Mill himself had suggested that the success or failure of

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[54] Wiltshire, Herbert Spencer, p.229.

[55] As C.W. Saleeby pointed out in a slim volume on Sociology (London, n.d. [1906]), "the State has no consciousness of its own and therefore the welfare of the State never means more or other than the welfare of the citizens...This assertion...is of the very first importance because it is essentially a democratic assertion." (pp.44-5).

[56] Study of Sociology, p.51.

[57] Study of Sociology, p.175.

[58] Princ. Soc., Vol.ii, (London, 1882), p.749.

political institutions depended on the capacity, ability and willingness of individuals to operate them. But these were minimal constraints on the choice of a political system, and Mill always retained his faith in the capacity of education to mould human character in the desired direction. By contrast, the implications of Spencer's line of argument were obviously much more deeply conservative, since any lasting improvement in a social institution would have to depend on the fitness of character of the individuals who would have to operate it, and, as was argued in the previous chapter, this could only be changed over many generations by the inexorable forces of evolution.

III. INDIVIDUALISM AND GROUP-WELFARE.

A number of other Individualists besides Spencer also hankered after a science of society which would establish Individualism on a secure footing. Bruce Smith, for example, wrote that "true Liberalism, as I understand it, is based on scientific considerations."[59] He insisted that the study of politics was one of "the most profound and complex of sciences", a fact which the great majority of people had failed to recognize. Like Spencer, he argued that the difficulty of this science arose from the fact that "the effect of measures is, as a rule, quite different from that which has been aimed at and expected"[60], and it followed that:

> the science of government is not the very simple study which most people imagine, but a science, in the strict sense of the word, involving a knowledge, and a profound knowledge, of the laws of 'human nature and human necessities' and of whatever other laws may regulate the operation and prospects of the numerous and varied institutions grown and growing up around us as part of our social organization.[61]

The political implications of this doctrine were clearly elitist, and Smith was critical of democratic proposals for handing power to the ignorant masses. Their ignorance will lead to "over-legislation", or the "passing of short-sighted and misconceived laws" which will result in "incalculable injury to the whole social organism."[62]

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[59] Bruce Smith, Liberty and Liberalism (London and Melbourne, 1887), p.211.

[60] Smith, Liberty and Liberalism, p.208.

[61] Smith, Liberty and Liberalism, p.210.

[62] Smith, Liberty and Liberalism, p.284.

Nevertheless, Smith's usage of the term "social organism" was little more than a slogan, and to find a more sophisticated attempt to develop the organic conception of society into a defence of individualism we have to turn to the work of Wordsworth Donisthorpe who had argued that "in order to be of any value, our work must take the form of an inductive science."[63] However, whereas Spencer's use of the "social organism" analogy depended on drawing a parallel between the permanent relations among the parts of a society and the permanent relations among the parts of a living body, Donisthorpe employed a much more literal conception of society as an "organism" in defence of Individualism. Indeed, although he lauded Spencer for having "contributed more to the scientific study of society than any other thinker" it is obvious that Donisthorpe had completely misunderstood the nature of the analogy which Spencer drew since his writings make no reference to the structural and functional aspects of Spencerian sociology.[64] Instead, Donisthorpe's own organic conception owed far more to the third sense of organicism, in the sense of imputing a group will and a group purpose to society, than it did to Spencer's limited analogy.

Donisthorpe's political theory also suffered from a lack of rigour and frequent ambiguities in terminology; for example, he referred variously to organic nature of the "state", of "society" and of the "group." These terms may be treated as rough synonyms, but to confuse matters Donisthorpe also used the term "state" in a narrower sense to mean the machinery of government. He also made considerable use of an ambiguity in the term "law", as meaning both statute and physical regularity, again without keeping these senses clearly distinct. Yet despite Donisthorpe's obvious short-comings s a political thinker, his work deserves consideration since he was described by no less an authority than T.H. Huxley as an "acute thinker and vigourous writer...whose work on Individualism is at once piquant, learned, and thorough-going."[65]

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[63] Wordsworth Donisthorpe, Individualism: A System of Politics, (London, 1889), p.302.

[64] Donisthorpe, Individualism, p. v.

[65] T.H. Huxley, "Government: Anarchy or Regulation?", The Nineteenth Century,27, (1890), p.860.

Donisthorpe's use of the organic conception of society involved both the second and third senses of organicism which we have identified. That is to say, he placed emphasis both on the necessary slowness of any change and on the existence of a group will or purpose. To describe society as an organism, Donisthorpe believed, meant that it was "a whole not to be expressed in terms of its component parts, any more than a man can be expressed in terms of the cells of which he is composed."[66] Furthermore, just as an individual man has a consciousness which cannot be reduced to those of the cells of his body, it followed from this conception that there was a group consciousness and a group will. Unlike Spencer, Donisthorpe believed that it was possible to conceive of the State possessing a consciousness which was not that of its members, and hence it was "absolutely essential to conceive of the group or state as acting in accordance with the motives of sympathy or antipathy; such acts taking the form of charity, compensation or reward in the one case, and of spoilation, compulsory restitution, or punishment in the other."[67]

In addition, there was a group will or a group purpose which is distinct from that of its members either individually or collectively, and which Donisthorpe identified with the will of the Sovereign as expressed by the classical theory of sovereignty. In **The Man Versus The State**, Spencer had criticised Hobbes and Austin for affirming the "unlimited authority" of the sovereign and thus for having laid the foundation for a theory of majoritarian democracy which ignored the limitations on political power imposed by natural rights. However, Donisthorpe argued, contrary to Spencer's view of the classical theory of sovereignty,

> all that Hobbes and Austin contend is, that what the group wills, it does, and that those members who happen to be in line with the group act may be called the effective majority. No-one pretends that any determinate person, or number of persons, ever did have or could have the making of the group will.[68]

Thus the "effective majority" is the section of society which wills in accordance with the group will and this is to be distinguished from the mere numerical majority.

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[66] Donisthorpe, Individualism, p.276.

[67] Donisthorpe, Individualism, p.292.

[68] Donisthorpe, Individualism, pp.275-276.

Although the "effective" majority may be out-numbered, it nevertheless possesses a superiority of force. "Force in the form of wealth, intellectual force, moral force, and many other and derivative and combined forces, pour into the common stream...and the resultant of these and other forces is the group-will."[69] The state is the embodiment of the effective majority -- the force majeure -- of the country and this is the reason why Hobbes described its power as absolute.

Spencer had also challenged the classical theory of sovereignty because he could find no "assignable warrant" for the unlimited power of the sovereign, but Donisthorpe contended that it was fruitless to search for the justification of the authority of the state. No one would think to ask "by what particular virtue or authority or warrant or justification, the greater overcomes the less. And yet when the subject of the inquiry is not the organism a human being, but the organism a society, [Spencer] searches everywhere for an 'assignable warrant' and bitterly complains that Austin while admitting that a government is actuated by group-morality furnishes none."[70]

The question which Spencer ought to have addressed concerned the criterion according to which the group acts were to be considered good or bad, right or wrong. On Donisthorpe's account, there could only be one answer to this question: "the welfare of the group. This is the warrant, this the justification."[71] The welfare of the group was to be distinguished from that of its members in the same way that the group will was to be distinguished from the majority will:

> We are not even bound to show that all the units of the group are benefited by the operation of the law; nor that the majority of the individuals are benefited; nor that any of the individuals are benefited. It is true there are powerful forces tending to bring about coincidence between the will of states and the wills of their component units, but this may be regarded for the present purposes as accidental.[72]

Hence in his employment of the "social organism" analogy Donisthorpe had arrived at a conception of society or the social group as a collectivity, having a consciousness, will, and purpose independent of that of its members. Such a conception was obviously a far

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[69] Donisthorpe, Individualism, p.275.
[70] Donisthorpe, Individualism, p.275.
[71] Donisthorpe, Individualism, p.276.
[72] Donisthorpe, Individualism, p.277.

cry from that expounded by Spencer, who had attempted to avoid the pitfalls of collectivism by arguing that the analogy broke down on these very points. Thus Donisthorpe was confronted with the problem of establishing a defence of an individualist social order from a basis which apparently undermined his own case.

The reconciliation between organicism and individualism was achieved by Donisthorpe's conception of the kinds of laws which were conducive to the group welfare and which were therefore willed by the group will. It is important to recognize in this context that Donisthorpe used the word "law" in two very different senses. In the first place, "out of deference for popular usage" he employed the term to refer to "so-called State laws, statutes, decrees, edicts etc." However, law in the "nomological sense" meant the statement of "an invariable sequence of which the antecedent is an act of an individual citizen or individual citizens and the consequent is the act of the group or state."[73] These laws, which are "true laws in the scientific sense", are to be discovered by "making inductions from the minor social rules which have stood the test of time" and not by deduction from first principles.[74]

The notion of law in the "nomological" sense referred to a number of "middle principles or maxims" which were based on experience and confirmed by induction. In the realm of individual morality, for example, we are guided by moral principles, not because they are deductions from a higher law, but because "we have found them trustworthy a thousand times, and our parents and friends have trusted them too. Do not lie. Do not steal. Do not hurt your neighbour's feelings without cause. And why not? Because, as a general rule, it will not pay."[75] Thus the principles of morality were like the prudential Hobbesian "laws of nature". The same applied to "group morals or state laws" as to individual morality. We must abandon all hope of deducing good laws from "high general principles" and instead must rest content with "these middle principles which originate in experience and are verified by experience. And we must

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[73] Donisthorpe, Individualism, p.283.

[74] Donisthorpe, Individualism, p.284.

[75] Donisthorpe, "The Limits of Liberty" in T.Mackay, (ed.), A Plea for Liberty, (London, 1891),p.75.

search for these middle principles by observing the tendency of civilization."[76] These middle principles are discovered by the science Donisthorpe calls "nomology" which deals with the "true statical laws which operate in societies, of their tendency, and of the dynamical laws of their change and development."[77]

Donisthorpe expressed the relationship between law in the "nomological" sense and law in the sense of statute in the following terms:

> The invariable sequences which actually tend to hold good at any given time in any country, may be called the statical laws or internal group-morals of that particular State at that stage of its development. The laws as expressed are necessarily but imperfect and often distorted reflections of these true laws, the distortion being due not only to imperfect expression and the inadequacy of language but more especially to the false generalisation of law-makers of one sort or another.[78]

In addition, nomology did not only study the "statical" laws of the social organism but also the dynamical laws of their development. Donisthorpe observed that some laws were repealed or ceased to be operative, and the reason for this was to be found in the fact that "tribes whose laws conduce to the well-being of the race necessarily outlive and thrust out of existence those tribes whose laws, however apparently reasonable or just, do not conduce to the group-welfare."[79] Indeed, although the welfare of the group was not the cause of the origin of laws "it is the cause of their survival -- of their present existence." For example,

> the strong man who first deferred to the wish of a weak man was not actuated by solicitude for the well-being of his race. But it was the compatibility of such acts with the well-being of his race which preserved and rendered organic the habit of such acts. Tribes practising such acts predominated by elbowing other tribes out of existence, and by perpetuating a race of men actuated by like promptings.[80]

If the members of a tribe were prepared to compromise over their self-seeking claims they would experience fewer internal conflicts, and as a result force would be greatly economised. Thus instead of being expended in internecine warfare, their energies could be channelled outwards into external defence or aggression. Such tribes would therefore tend to predominate and the "State whose members practised the rule would tend to

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[76] "The Limits of Liberty", p.75.

[77] Donisthorpe, Individualism, p.304.

[78] Donisthorpe, Individualism, p.270.

[79] Donisthorpe, Individualism, p.286.

[80] Donisthorpe, Individualism, p.278.

survive."[81]

Thus Donisthorpe appears to have believed that the process of natural selection operated with regard to groups or societies rather than to individuals. In the struggle for existence it was "the superior social organisation which tends to survive, and not necessarily that of the individual type of man."[82] The superior social organisms were those which had adopted the laws most conducive to the group-welfare and a pattern or tendency could thus be observed in the development of civilization, in which one conception of justice came to prevail over its rival. Donisthorpe argued that justice consisted of two distinct and antagonistic principles, the first of which had its origin in self interest and involved a "spirit of compromise" expressed in terms of a willingness of individuals to make contracts with each other, and hence in some circumstances for the strong to defer to the wishes of the weak. The other principle had its origin in parental love and denoted "those group interferences between individual citizens which aim at more or less equalising the conditions of the competition."[83] The former principle was the principle of individualism, while the latter was the principle of socialism. The tendency of history was for justice as "selfish compromise" to finally "absorb the whole field of law. Altruism tends to become wholly voluntary and law to become wholly based on average individual advantage and implied voluntary contract. Thus scientific anarchy is shown to be the end towards which society is moving."[84] In the anarchic state which is the goal of history "voluntary association would practically effect what the state does now in all that is necessary, and therefore good" but for the time being some degree of state interference was indispensable and therefore had to be tolerated. The final result "to which we shall ever approximate, but never attain, will be perfect

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[81] Donisthorpe, Individualism, p.280.

[82] Donisthorpe, Individualism, p.20.

[83] Donisthorpe, Individualism, p.281. Donisthorpe's distinction between the two principles of justice had much in common with Spencer's belief that the "continuance of every higher species of creature depends on conformity, now to one, now to the other, of two radically opposed principles." Within the family group the principle of altruism and benevolence is the ruling one; in society in general, however, each adult "gets benefit in proportion to merit – reward in proportion to desert: merit and desert in each case being understood as the ability to fulfil all the requirements of life." A mother can show pity on her weak and unsuccessful offspring, but society encourages its failures at its peril. Woe-betide the well-meaning but misguided legislator who seeks to inject the ethics of the family into the social organism. (The Man Versus The State, p.137).

[84] Donisthorpe, Individualism, p.282.

civil liberty, or the greatest liberty which is compatible with the utmost well-being of society as a whole."[85]

Nevertheless, although the history of civilization was a transition from a socialistic to an anarchic state, the process by which this was brought about was one of slow, evolutionary growth, and to impose a "more advanced form on an organism not yet ripe for it is not to hasten but to retard its development."[86] Indeed, in regarding the social organism as a natural growth and in emphasising the consequent slowness of any change affecting it, Donisthorpe's conception of the organic nature of society had more in common with Burkean organicism than it did with the "fundamental parallelism" of structure which Spencer had discussed. Nevertheless, Donisthorpe himself attributed this insight to Spencer, and he argued that due to the fact that

> the science of society has met with general acceptance of late years,...(thanks chiefly to Mr. Spencer) even the most impatient reformers recognize the fact that the State is an organism and not an artificial structure to be pulled to pieces and put together on a new model whenever it pleases the effective majority to do so.[87]

However, while admiring Spencer's contributions to sociology, Donisthorpe also believed that he had vitiated his own "scientific" insights into the nature of society by attempting to provide individualism with an alternative justification in terms of natural rights. Due to Spencer's deluded belief "in abstract justice, as something anterior to society or even to man -- something immutable and absolute", the attempt to formulate a natural rights defence of Individualism resulted in an "absolutist" demand for the immediate abolition of many of the state's functions.[88] In opposition to this view he argued that it was impossible to settle the functions of the state according to some a priori formula of Justice, like the Law of Equal Freedom, since whether or not a particular measure or state function was conducive to the group-welfare at any particular stage of its development was something which could be determined only by induction. Thus although the aim of the legislator was to obtain "the greatest possible

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[85] Donisthorpe, Individualism, p.303.

[86] Donisthorpe, Individualism, p.282.

[87] "Limits of Liberty", p.67.

[88] Donisthorpe, Individualism, p.271. Spencer's "natural rights" defence of Individualism is examined in Chapter Six.

freedom of the individual from state interference, compatible with the well-being of the social organism", the degree of freedom which was possible would vary according to the stage of development which the social organism had reached.[89]

However, this was not to deny that the science of nomology was incapable of providing any guidance to the legislator in deciding the practical questions of the day. In the first place, nomology had established that "as civilisation advances the State tends to throw off one claim after another to interfere with the free action of its members, while at the same time it becomes stronger, more regular, speedier and more certain in performing the functions that remain to it."[90] Because the tendency of the times was towards throwing off various forms of state control it followed that "when we see an agitation for the purpose of adding to the duties of the state, we may reasonably conclude prima facie that it is an agitation in the wrong direction."[91] Moreover, it also followed that "when we see the State interfering in matters having little in common with what is more and more clearly marked out as its normal province...we are again logically justified in presuming that such matters ought to be removed from the domain of state control. Upon those who maintain a contrary opinion must rest the onus probandi."[92]

Donisthorpe did not believe that it was possible to set a limit to the functions of the state by institutional means, since he thought that it was a further implication of his theory that it would be folly to attempt to set any limit on the state's powers ab extra.

> To contend that the state, when it had once made up its mind, rightly or wrongly, to act in such or such a way, is subject to restraints is to say that which has no meaning. The group will, once made up, necessarily manifests itself in action, and it is no more subject to restraints from without than is the will of a single human being.

However, although no limit can be set on the state from without, "we may imbue the hearts of our countrymen with the doctrine of individualism", and just as a virtuous

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[89] Donisthorpe, Individualism, p.295.
[90] Donisthorpe, Individualism, p.300.
[91] Donisthorpe, Individualism, p.300.
[92] Donisthorpe, Individualism, p.300.
[93] Donisthorpe, Individualism, p.261.

man may impose restrictions on the gratification of his appetites, so "it is hoped, will the wise state of the future lay down a general principle of state action, which principle is briefly expressed in the words Let Be."[94] Even an indefinite extension of the franchise was not to be looked on with fear for the new electorate will soon learn the "great lesson of liberty", that sweet though it is to bully others "it is sweeter still not to be bullied oneself."[95] Indeed, since personal liberty was the outcome of the process of evolution and not its cause, "as each class and each individual fights for his own hand, he will find that the lowest price at which he can obtain his own greatest freedom is in the granting of equal liberty to others in certain departments of activity which experience, and experience alone, can demarcate."[96]

Thus the "scientific" legislator, as distinguished from the "rule of thumb" politician who recognized no general principles of legislation, attempted to apply the general principles which had been discovered by nomological social science. Indeed, Donisthorpe remarked that:

> the art of politics is the application of the science of nomology to the concrete...Till Adam Smith laid the foundations of modern economics the fiscal policy of the government was a game of perpetual see-saw between rival crocheteers. All was rule of thumb. So it is to-day with the great question of liberty and law. Yesterday we were all Free Traders and "Let Be", to-day we are on the high road to socialism; tomorrow the Fates only know where we shall be. The only cure for the policy of drift is a patient and intelligent study of nomology, whereby middle principles of practical application will be brought to light and the absurd fallacies of the social doctrinaires put to flight for ever.[97]

The "social doctrinaires" who were to be thus routed included not only socialists but also "absolute" Individualists like Auberon Herbert. Nevertheless, as proof of the general proposition that political disputes are at their most acrimonious between those who are in substantial agreement, Donisthorpe joined with Herbert in condemning the poor laws, state education, monopolies, and the Church establishment, and agreed with him on the need to reduce the number of the departments of the state.

Thus although Donisthorpe claimed he owed his greatest debt to Spencer the

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[94] "The Limits of Liberty" p.65.

[95] Donisthorpe, Individualism, p.43.

[96] Donisthorpe, Individualism, p.302.

[97] Donisthorpe, Individualism, p.305.

sociologist, it is clear that he employed the "organic" analogy in a manner completely at odds with that to be found in the **Principles of Sociology**. Indeed, in arguing that there was a group will or group purpose, Donisthorpe had apparently conceded to collectivism the view that society possessed a corporate consciousness and corporate interests. He was able to extricate himself from this compromising position by arguing that since individualism promoted the group welfare the corporate consciousness of society, which always desires the group welfare, therefore desired an individualistic social order. In other words, rather than relying on an aggregative notion of the common good, which was characteristic of Individualist thinkers as diverse as Spencer and Sidgwick, Donisthorpe defended a policy of non-interference from the stand-point of an "corporate" conception of the group welfare. This had the neat implication that although Individualism may not have been desired by the majority of Donisthorpe's fellow countrymen, especially the working classes whom he held in such disdain, it was nevertheless uniquely in accordance with the well-being of society and hence was the object of the group will. Donisthorpe consistently held a low estimation of the capacity of the working class, describing one of his audiences at a LPDL meeting as "worms" and regarding the poor as too weak and divided to challenge the propertied "effective majority". "The man who cannot overcome the temptation of glass of grog when his wife and children have to pay for it with their dinner, is not the man to refuse the gold of the rich to stab his fellow-worker in the back."[98] Although out-numbered, the Individualist elite thus willed in accordance with the group will and were therefore justified in regarding themselves as the "effective majority."

IV. INDIVIDUALIST CRITICS OF NEW LIBERAL "ORGANICISM".

The conception of the social organism which Donisthorpe employed in defence of Individualism was far more frequently used by the New Liberal theorists who attempted to demonstrate that the organic conception of society "seems to admit of more easy applications to the defence of just those very views about the state which

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[98] Donisthorpe, Individualism, p.238.

Mr. Spencer most dislikes."[99] The chief point of the New Liberal criticisms of Spencer was to contend that, had he not been blinded by his Individualism, he would have recognized that the analogy between society and a biological organism went much deeper than the limited structural parallel he had drawn in his sociological writings. Indeed, an extensive sphere of state action could be seen to be a necessary corollary of the "organic" conception of society once it was grasped in its full complexity. Thus the New Liberals did not suggest that the social organism conception and individualism were incompatible given Spencer's own understanding of the analogy, but instead argued that the organic conception of society could be extended in ways which Spencer himself was reluctant to admit because of his "out-moded" political views.

In the **Principles of Sociology**, for example, Spencer had argued that one of the most significant disanalogies between social and biological organisms was that the social organism did not possess a corporate consciousness, but Ritchie suggested that it was merely "his political creed of individualism which leads Mr. Spencer to deny the existence of a social sensorium, and to deny to the social organism the important characteristic of all organisms -- the dependence of the parts on the whole."[100] As J.A. Hobson put the same point, having found society "a low grade organism without a sensorium" Spencer had made the mistaken assumption that it must always remain so because "in politics he fell back on the Atomism of the so-called Liberty of a wrongly conceived individual and of a society composed of a mechanical balance of individual rights."[101]

This argument amounted to a profound challenge to Spencer's attempt to provide his Individualism with a foundation in social science, since it suggested that there was a greater analogy between society and an organism than he had been prepared to admit; indeed, his reluctance to press the organic conception of society to its logical conclusion stemmed only from dubious political motives. Hobson expanded

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[99] D.G. Ritchie, The Principles of State Interference (London, 1891), p.22. For a discussion of Ritchie's employment of the organic analogy and its place in New Liberal thought see M.S. Freeden, The New Liberalism, p.97ff.

[100] Ritchie, State Interference, p.17.

[101] J.A. Hobson, "Herbert Spencer", South Place Magazine, 9, (1904), pp. 44-55; p.52. Reprinted in M.S. Freeden (ed.), J.A. Hobson: A Reader (London, 1988),pp.60-4.

this criticism in **The Crisis of Liberalism** by arguing that Spencer's belief that the organic analogy broke down at certain key points could be questioned in the light of developments in biological thought. The denial that society possessed a corporate consciousness could be answered in two ways. First of all, "the whole evolution of organic life is from forms in which there is no discernible sensorium towards forms which are more distinctly specialised in this regard. If, then, we could find no sensorium in society, we are not therefore entitled to deny its organic nature, but only to conclude that it is as yet a low order of organism."[102] Secondly, Spencer had mistakenly concentrated only on the physical life of society, but

> whatever view we hold about Society on the physical plane as a collection of individual bodies living in some sort of union, it can, I think, be made quite clear that Society is rightly regarded as a moral rational organism in the sense that it has a common psychic life, character, and purpose, which are not to be resolved into the life, character, and purpose of its individual members.[103]

It was a fact, Hobson believed, that the habits of thinking, feeling, and acting together transform the minds of the individual members of a community into a single mind and this was what was meant by the doctrine of the "general will."[104]

Further developments in biology also suggested that the individual cell of an organism is closer to an individual member of society than previously had been thought and that it was "a more distinct, a more individual vital unit than was supposed, that it is itself of an organic structure, that it is not physically continuous with other cells, that it performs what may be termed free acts, giving out effort and even exercising choice in movement and in the selection of its food from its environment."[105] The findings of "modern psychophysics" also suggested to Hobson that the specialisation of consciousness in the brain is not complete, but that "some degree of cellular consciousness pervades the body."[106] Hence, whereas Spencer had argued that the discreteness of individual members of society, and the multiplicity of centres of consciousness had no sociological counterpart, Hobson argued on the contrary that a

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[102] J.A. Hobson, The Crisis of Liberalism, (London, 1909), p.72.
[103] Hobson, Crisis of Liberalism, p.73.
[104] Hobson, Crisis of Liberalism, p.76.
[105] Hobson, Crisis of Liberalism, pp.71-2.
[106] Hobson, Crisis of Liberalism, p.72.

biological organism was itself a "social mechanism."

In addition, Ritchie argued that while Spencer had failed to follow through the true implications of the organic conception of society, in another sense he was guilty of taking it too seriously. He treated the conception as the "key to all mysteries" rather than as something of merely heuristic value which can help political theory out of the confusions of Individualism. Ritchie also challenged Spencer's view that society was a natural spontaneous order which governments should let alone. The theory, he argued, was impaled on the horns of a dilemma: either government is part of the organic structure of society, in which case it should be left to fight it out with the individual on the principles of natural selection, or it is not part of the organic order and there is some flaw in Spencer's sociology. Yet this dilemma was itself the product of a false dichotomy, Ritchie alleged, for the choice was not simply between society's having been made or its having grown, since "social organisms differ from other organisms in having the remarkable property of making themselves; and the more developed they are the more consciously do they make themselves."[107] Thus this aspect of Ritchie's criticism amounted to a radical rejection of the idea that the social structure was itself part of the natural order of things and was therefore beyond human control. It was an affirmation of the ability of human beings to take collective control over their own destiny and to reconstruct society according to some more rational or humane ideal. This was the very opposite of what the social organism analogy meant to Spencer and to the other Individualists, since for them it supported the kind of conservatism which regarded a society of free competition and the minimal state as the inevitable form which civilized societies must take.

Nevertheless, this use of the "social organism" analogy by the New Liberals was not without its Individualist critics. The most decisive rejections of the organic analogy by Individualist political theorists are to be found in Auberon Herbert's article "Lost in the Region of Phrases", which was part of an exchange with Hobson, and in

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[107] Ritchie, State Interference, p.49.

M.D. O'Brien's book, **The Natural Right to Freedom**.[108] As a good Spencerian, Herbert was careful to distinguish between two different senses of the "social organism", and he admitted that there was a "resemblance...between an individual and certain social wholes, in which he is included, and...between an organism and its component parts."[109] The nature of this resemblance was identical to that which Spencer himself had noted, namely

> All parts included in wholes have a generic likeness to each other of a certain kind. A brick in a house, a muscle in a body, have each of them relations to their own whole (the house and the body) which may be compared to the relations existing between an individual and the various social bodies in which he is included.[110]

However, Herbert also followed Spencer in insisting that the disanalogies between an organism and society were almost as important as the analogies. In particular, while in the case of the body the whole is greater than the part since a muscle does not exist "for its own sake", this is not true of the relationship between the individual and society, since the former is always "an end in himself."[111] Hence he was critical of the conception of the society employed by Hobson because it represented "an attempt to reduce the individual to nothingness, and on the ruins of the individual to exalt and glorify 'the social organism.'"[112]

Whereas Hobson had argued that the "social organism" conception established that society possessed something resembling a "common psychic life", Herbert was equally convinced that society was nothing more or less than the individuals comprising it: "If a crowd, a town, a nation, is not in each case a collection of individuals -- more or less acted upon, it is true, by certain common feelings, more or less possessing certain common interests -- what can it be?" Thus, he argued, to contend that

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[108] A. Herbert, "Lost in the Region of Phrases", The Humanitarian, 14 (1899), pp.320-330; M.D. O'Brien, The Natural Right to Freedom (London, 1893.)

[109] Herbert, "Lost in the Region of Phrases", p.324.

[110] Herbert, "Lost in the Region of Phrases", p.324.

[111] Herbert, "Lost in the Region of Phrases", p.325.

[112] Herbert, "Lost in the Region of Phrases", p.321.

John Smith and Richard Parker are under the influence of the same class of feelings or are engaged in seeking the same ends,... does not in any way get rid of the individuals John Smith and Richard Parker, or put in their place a new sort of being made up half of Smith and half of Parker, or -- to state the case of the Social Entity even more exactly -- made up of some twenty or thirty millions of Smiths and Parkers.[113]

However, the most extreme rejection of the social organism conception by an Individualist was to be found in O'Brien's diatribe against Ritchie's **Principles of State Interference**. His theory could be described, not inaccurately, as a throwback to the pre-sociological views of earlier generations of liberals since O'Brien gave expression to the kind of crude atomistic view of society which many commentators have alleged is characteristic of classical liberal thought. But while he rejected the organic conception of society outright, O'Brien's target was not the Spencerian structural analogy but the third sense of organicism which we identified earlier in this chapter, society as a collectivity. O'Brien recognized that to think of society as an organism possessing interests and a conception of the good which were not those of its individual members gave powerful support to socialism. Hence, taking the term "State" in its widest sense as being synonymous with "society", O'Brien declared that "strictly speaking there is no such thing as the State...All that really exists is the individual surrounded by a number of beings similar to himself...The individual is the basis of society; for the social aggregate is simply the unit multiplied."[114] Indeed, there was no conception of the common good in the organicist sense, and the "freest possible individual development" was "the only good common to all."[115]

In addition, O'Brien argued that although it was often claimed that the State was an organism, it was impossible to conceive of society apart from its component units, that terms like "State", "Society" and "Social Organism" were nothing more than useful classificatory metaphors, and he emphasised the same disanalogies identified by Spencer. In the first place, a biological organism possessed physically continuous parts, yet this was precisely what the individual parts of a society were

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[113] Herbert, "Lost in the Region of Phrases", p.323.

[114] O'Brien, Natural Right to Freedom, p.10.

[115] O'Brien, Natural Right to Freedom, p.13.

not.[116] Only "under a system of absolute command and slavish obedience", in which the units of society "move together like one body" might the organic analogy have any purchase, but the evolution of society was away from systems of command and obedience and was towards a regime of individual liberty. Furthermore, the application of the "social organism" conception was itself vague since it left unanswered a number of vital questions; for example, did all the inhabitants of the earth form a single social organism? Was the British Empire a social organism? And could a voluntary association be described as a "social organism"? In the absence of any answers to these questions, O'Brien believed that the "organic conception of society" was fundamentally flawed. However, in arguing that society was nothing but an aggregation of individuals, O'Brien had failed to distinguish between the conception of the social organism as a collectivity and Spencer's notion that the social organism was an aggregate possessing definite relations which remained comparatively constant while the individuals occupying them changed.

Thus in the criticisms of Spencer made by the New Liberals, and in the Individualists' criticisms of the latter's conception of the "organic" nature of society, it was never suggested that there was a basic incompatibility between organicism and Individualism. It was generally agreed that on Spencer's understanding of the analogy it certainly did give support to his Individualism. The disputes arose over the New Liberals' attempts to formulate a much closer analogy between society and a biological organism than was possible within the framework of Spencerian organicism. Thus one side contended that this closer parallel could not be drawn, while the other side argued that there was no warrant for thinking of society as organic in only the limited sense implied by the structural parallel unless one had already adopted individualism as a political creed.

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[116] O'Brien, Natural Right to Freedom, p.14.

V. CONCLUSION.

Thus the conclusion of this chapter is that Spencer was not guilty of having committed the kind of fundamental error of which he has been accused by many commentators. Rather than being unaware of the implications of his own analogy between society and a biological organism, Spencer avoided the collectivist implications of the organic analogy by employing it in a quite limited and specific sense. He may have possessed no more justification for this limited employment of the analogy than a desire to make it consonant with his individualist political views, but this is a very different point to the accusation that he had failed to realise that his organicism was incompatible with his individualistic politics. Thus I hope to have demonstrated that, as W.H. Hudson argued, Spencer's Individualism "so far from being artificially foisted on to the rest of his system...grows naturally out of and therefore properly belongs to it -- is an organic part of his doctrine of universal evolution."[117]

However, even if we succeed in holding distinct the different senses of organicism, it is also clear that Donisthorpe believed that even the "collectivist" version of organicism could be made compatible with Individualism. The fact that society possessed a group will and a group purpose seemed to him to present no obstacle to the defence of an individualistic social order, once it was recognized that the common good was best served by a regime of the greatest possible individual liberty compatible with the existence of the social organism. Thus even this sense of organicism could be made to serve Individualist ends.

Furthermore, both Spencer and Donisthorpe shared the Burkean notion of organicism in the sense that they believed that all changes in the direction of individualism had to take place slowly and over the course of many generations. In this respect, both versions of the organic conception of society were deeply conservative. However, Spencer's account was conservative in an even more fundamental sense since it affirmed that society necessarily possessed a given structure for each stage of social development, and that the limitation of state function was a "natural"

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[117] W.H. Hudson, An Introduction to the Philosophy of Herbert Spencer, (London, 1897), p.141.

concomitant of the processes of evolution. The upshot of the organic analogy was to insist that the individualistic social structure and the liberal minimal state were the expression of the natural order of things, and hence were the only possible form of social organization appropriate to advanced societies. In other words, if it is the essence of conservatism to declare that social and political institutions cannot be radically reformed, then Spencer's deterministic thesis also lent itself to a conservative defence of the existing order of society.

CHAPTER 4:

THE INDIVIDUALIST THEORY OF HISTORY.

I. INTRODUCTION.

The Individualist philosophy of history provides further evidence in support of the contention that the Individualists endeavoured to combine liberal principles with a conservative defence of the established late Victorian social order. The object of this chapter is to establish that the interpretation of history propounded by the Individualists enabled them to contend, on the one hand, that they represented the party of progress and, on the other hand, to proclaim that progress required the maintenance of the free market and limited state of late Victorian Britain. In the view of the Individualists, social reformers were engaged in a retrogressive rather than a progressive enterprise, since they were undermining the very conditions of progress and re-creating the repressive type of society from which mankind had only recently emerged. Therefore, their interpretation of history enabled them to present institutional conservatism as the truly progressive creed and to claim that the New Radicalism served the cause rather of reaction than of progress.

Individualist political thinkers, I shall argue, can be seen to have given expression to a particular theory of history in which the freedom of the individual and an individualistic social order were presented as the ultimate goal of social evolution. The theory of history which they propounded involved a sequential development from a custom-bound, hierarchical society based on relations of status and subordination to the open, free, progressive society of classical liberalism with its voluntarily assumed social relations. Furthermore, they were agreed that socialism was not an innovation but was a reversion to the type of social organization which already had been superseded by the advent of a social order based on the principles of Individualism.[2] The Individualists believed that Socialism, far from being a progressive force, would re-create the same relations of command and obedience, of hierarchy and subordination, which had characterised more primitive forms of social organization. Hence the Individualist theory of history did not only purport to establish that the greatest possible individual

liberty, compatible with the like liberty of others, was the end towards which society was tending but it also demonstrated that socialism and social reform were ultimately "reactionary" creeds.

I shall begin this discussion of the Individualist interpretation of history with an examination of Sir Henry Maine's generalization that "the movement of progressive societies has hitherto been a movement from Status to Contract", which is generally recognized to be the earliest statement of the theory.[1] It will be argued that Maine's generalization can be seen to be part of a sophisticated theory of history in which the emergence of individual rights to property, an individualistic social order, and civilization itself were all of a piece. This account will be contrasted with that of Spencer who incorporated Maine's generalization (although without accepting the underlying theory) as part of his own theory that the processes of evolution were transforming society from a "militant" into an "industrial" type. Contrary to many commentators on Spencer's political thought, who have concentrated on tracing the historical antecedents of this distinction, I will be concerned in this chapter to demonstrate the role which the ideal types of militancy and industrialism played in the political argument of late Victorian Britain.

In order to locate Spencer's ideal types of society in their polemical context, I will examine their employment as part of his critique of socialism in the essay on "The Coming Slavery." It will be argued that many other Individualists besides Spencer expressed the view that history was the story of the emancipation of mankind from the tyranny of the socialistic institutions of the past, and that the final decades of the nineteenth century had witnessed a regression towards a more "militant" social order.

Finally, I shall also point out that the Individualist interpretation of history was itself open to two possible interpretations. The first of these shared with A.V. Dicey the view that the goal of history had been reached with the high-tide of Individualism in mid-century and that the only function remaining to liberalism was to preserve its

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[1] Cf. S. Collini, Liberalism and Sociology, (Cambridge, 1978), p.27.

achievements.[2] Thus a substantial group of Individualists like Lecky, Maine, and Bruce Smith believed all that was necessary to preserve the Individualist order was to maintain the limits of state action which had been recognized before the *fin de siecle* resurgence of collectivism. While the conservative implications of this version of the theory are obvious, there was also another version of it, mainly held by those thinkers who were inspired by Spencer, which regarded anarchy as the goal towards which human history was tending. From this point of view the mid-century limited state was merely a stage in a more far-reaching process which would eventually result in complete disappearance of all forms of coercive authority. Nevertheless, even this version of the theory could be made to serve a conservative purpose because it implied that all changes in the direction of anarchy had to take place slowly and "organically", while the shared perception of social reform as retrogressive enabled both strands of Individualists to make common cause against socialism.[3] Thus even the Individualist interpretation of history can be seen to have exhibited the dual features of liberalism and conservatism which we have already indicated as the common feature in all Individualist arguments.

II. FROM STATUS TO CONTRACT.

Sir Henry James Sumner Maine was one of the most distinguished legal historians of the Victorian period. His work on **Ancient Law**, published in 1861, was widely regarded as a path-breaking work which was to inspire a whole generation of legal historians, among them Maitland and Pollock, as well as sociologists and anthropologists. His later works, like **The Early History of Institutions** and **Village Communities** were essentially footnotes to the **Ancient Law**, although they were also inspired by a fascination with India born of Maine's service as a member of

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[2] A.V. Dicey, Lectures on the Relation of Law to Public Opinion (London, 1905), *passim*.

[3] This distinction between the two versions of the Individualist theory of history does much to explain the tensions within a group like the Liberty and Property Defence League, which consisted of both the more conservative Individualists and "philosophic anarchists" who were followers of Spencer. On this tension see E. Bristow, "The Liberty and Property Defence League and Individualism", Historical Journal, 18 (1975), pp.761-789.

the Governor General's Council and later as an adviser to the Secretary of State. Maine's last book was a bitter polemic on **Popular Government** which even its most sympathetic critics regarded as a poor monument to a great scholar. **Popular Government** has been described (rather uncharitably) as a caricature of **Ancient Law**, and both books are unified by a common use of what Maine called "the Historical Method." This method, on Ernest Barker's account, was "at once historical, in the sense of being based on chronological data arranged in a sequence of development, and comparative, in the sense of being based on an induction from different people in the same stages of growth." Hence Maine is more correctly described as a proponent of the historical and comparative method.

The ancestry of the Historical Method may be traced back to Montesquieu, to Burke and especially to the German legal scholar von Savigny. However, Maine was too deeply imbued with the empiricist tradition of English thought to accept the latter's Romanticism, and Darwin was at least as important an influence on the formation of his methodology. Indeed, Sir Fredrick Pollock suggested that Darwin's doctrine of evolution was simply an application of the Historical Method to the study of nature, and this connection was brought out most clearly in the definition of the method given by A.V. Dicey. According to this definition the Historical Method had three meanings or aspects all of which were combined in the minds of its adherents. In the first place, it was "the habit or practice of examining the growth or history of laws, institutions, customs or opinions." Secondly, it was

> the desire and attempt to make discoveries in the history of mankind analogous to discoveries made by means of investigation and experiment in the sphere of natural science.
> Historical and scientific investigations may run easily into one another: an examination of the early history of civilization, on the one hand, may throw light upon the Darwinian theory, and, on the other hand, Darwin's speculations may be looked upon as enquiries into the early history of living beings, including man.[4]

Finally, the historical method was also the "habit of looking on men not as separate individuals but as members or parts of the social organism."[5] Indeed, Leslie

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[4] Dicey, Lectures on Law and Opinion, p.454, footnote. However, Dicey was sceptical of the value of this method.

[5] Dicey, Lectures on Law and Opinion, p.454, footnote.

Stephen might have been writing of Maine rather than of Malthus when he remarked of the latter that he "argued that society formed a complex organism, whose diseases should be considered physiologically, their causes explained, and the appropriate remedies considered in all their bearings...He did not, therefore, so much as proclaim a new truth as induce reformers to place themselves in a new and more rational point of view."[6]

The theory of history as the transition from "socialism" to individualism was expressed by Maine's most famous generalization that the "history of progressive societies has hitherto been one of transition from status to contract." He was impressed by the way in which individuality was the product of a precarious and rather fortuitous historical development and shared with Spencer a conception of this process as involving a transition from a custom-bound hierarchical society to one based on freedom and liberty of contract. However, in order to understand exactly what it was that he meant by this generalisation it is necessary to examine the theory of human progress and development which was first put forward in **Ancient Law** and subsequently elaborated in Maine's other writings. This theory provided the often unspoken background to many of Maine's writings on society and even to his arguments against democracy in **Popular Government**. The importance of his social theory to the understanding of Maine's thought was first stressed by K.B. Smellie in an article in **Economica**, in which he pointed to Maine's social theory as the connecting link between **Ancient Law** and **Popular Government**.[7] In the present section I rely heavily on Smellie's account.

The great Social Contract theorists, Hobbes and Locke, had argued that the state of nature was a state of perfect liberty, some portion of which had to be surrendered in order to institute civil society and government. By contrast, Maine believed that this notion of a state of nature, and the corresponding belief in the natural liberty of the individual, could be shown to be false when examined under the

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[6] L. Stephen, "The Sphere of Political Economy" in Social Rights and Duties, (London, 1896), vol.i, p.119.

[7] K.B. Smellie, "Sir Henry Maine", Economica, 8, 1928, pp.64-94. Smellie himself misleadingly refers to this social theory as "the political aspect" of Maine's work (p.65).

lens of the Historical Method. In the Preface to **Popular Government**, he remarked that his earlier work on the **Ancient Law** had been obstructed "by a number of a priori theories which, in all minds but a few, satisfied curiosity as to the Past and paralysed speculation as to the Future." These theories were specifically the hypotheses of a Law and a State of Nature, and they had not only obscured thinking about the private laws of mankind but they were also responsible for misconceptions about the nature of political institutions as well. Yet the application of the Historical Method demonstrated that such assumptions were "unhistorical and unverifiable" and that as a result of his investigations "some assumptions commonly made on the subject must be discarded." Indeed, the State of Nature (in so far as it could be said to exist at all) was not an Hobbesian state of unlimited liberty but one in which the individual was subordinated within the patriarchal family-state. Thus, as Smellie has suggested, Maine's social theory is best understood by comparing it with the political thought of Hobbes:

> To Hobbes men, finding the state of Nature 'nasty, brutish and short' surrendered their power to a sovereign. Any tampering with that full delegation would mean anarchy. To Maine the state of nature was a tyranny of custom from which some men had escaped when a favourable combination of circumstances lead to the discovery of institutions which were the conditions of freedom. Any tampering with these might destroy that freedom.[8]

The State of Nature, far from being either Hobbes's state of absolute liberty, was the subordination of the individual to the crushing tyranny of blind obedience to custom; civilization, on the other hand, was "a condition of social organisation which made possible a constant succession of new ideas. It was a condition which was secured by a favourable combination of order and liberty."[9] But what were the conditions of freedom and what were the "favourable circumstances" which had led to their discovery? In **Ancient Law** Maine had traced the evolution of individual rights and duties out of communal customs, identifying the calculus of social justice elaborated by the Roman jurists as the crucial turning point in this development. However, in order for this

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[8] Smellie, "Maine", p.65.

[9] Smellie, "Maine", p.66.

process to be possible at all, two prerequisites had to be met. The first of these was the existence of the Patriarchal family, while the second was the existence of an organised force -- kingship -- capable of enforcing some solution of the conflicts which would inevitably occur between such families. The families in ancient society were literally tiny states the members of which were subject to the capricious commands of the father-legislator. The ancient law was simply the international law which existed between these family-states and "civilisation is born with the transformation of the heavy technical formalities that were in ancient law the only legal transactions possible, and were between group and group, into the comparative simplicity of modern legal concepts. Roman law is important because it gives us an almost complete history of this change."[10]

It is in the light of this account that Maine's generalisation that the movement of progressive societies has "hitherto been one from status to contract" has to be viewed. Although this statement has often been made "the text of a naive individualism" all that Maine meant by it was little more than that the disabilities of the subordinate members of the patriarchal family have been removed with the passage of time. The emergence of an Open Society out of a Closed one was marked by the emergence of individual rights out of communal customs and this was the criterion of human progress. Maine made this point very clearly with reference to individual rights of property:

> Property in land as we understand it, that is, several ownership, ownership by individuals or groups not larger than families, is a more modern institution than joint property or co-ownership, that is, ownership in common by large groups of men originally kinsmen and still, where-ever they are to be found...believing or assuming themselves to be in some sense kin to one another...Individual property in land has arisen from the dissolution of co-ownership.[11]

He continued:

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[10]Smellie, "Maine", p.68.

[11] Maine, The Effects of the Observation of India in Modern European Thought ("Rede Lecture" Cambridge May 22, 1875), (London, 1875). p.27.

> Civilization is nothing more than a name for the old order of the Aryan world, dissolved but perpetually reconstituting itself under a vast variety of influences, of which infinitely the most powerful have been those which have, slowly, and in some parts of the world less perfectly than others, substituted private property for collective ownership.[12]

The emergence of property and free contract was all of a piece with the emergence of civilization, understood in the sense of a social organisation which permitted a constant succession of new ideas. To attack private property would thus be to undermine the very conditions of civilized life: "Nobody is at liberty to attack several property and to say at the same time that he values civilization. The history of the two cannot be disentangled." This overwhelming sense of the precariousness of civilization, and an intense awareness of the rare conjunction of conditions which had produced it, engendered in Maine a Burkean respect and reverence for the existing constitution of society.[13] For Maine history was "the record of our failures from which we might glean the causes of a success which had become ours by accident."[14] If he did not think of society as being literally an organism in Spencer's sense, then he was strongly aware of the subtle interdependence of its parts and of its having grown, like an organism, independently of the will or intention of any of its constitutive members. History provided Maine with a sense of the rarity and fragility of civilization and with an awareness of the delicate constitution of the social organism, while the Historical Method provided the key to studying society as an organic growth.

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[12] Maine, Rede Lecture, p.30.

[13] The comparison between Burke and Maine has been drawn not only by Smellie but also by Ernest Barker in Political Thought in England. In addition, the Saturday Review in its notice of Popular Government remarked that Maine might be regarded as "the Burke of the new secession of the Whig aristocracy from a party now once more tainted with revolutionary doctrines." (Saturday Review, Vol. 60, Dec. 12, 1885, p.782). However, the comparison is not altogether appropriate. Maine's rationalistic, secular, and unsentimental approach to institutions hardly corresponds to that of Burke, while rather than looking nostalgically on the regime of Status he celebrates its supersession by Contract. Hence even the most "Tory" of the Individualists differed in many important respects from the older conservative tradition.

[14] Smellie, "Maine", p. 80.

III.FROM MILITANCY TO INDUSTRIALISM.

Like Maine, Herbert Spencer also propounded a theory of history involving a sequential development from a custom-bound, aggressive, hierarchical type of social organisation based on relations on command and subordination to the open, free, progressive society of classical liberalism with its voluntarily assumed contractual social relations.[15] Many commentators have discussed Spencer's theory that human history involved a transition from "militancy" to "industrialism", but the secondary literature which exists on this topic is almost exclusively concerned with establishing the historical antecedents of this distinction. Peel, for example, has identified a similar conception in the writings of (among others) Harriet Martineau, Andrew Ure, and H.T. Buckle. He argues that these different versions of the contrast between militancy and industrialism can be traced to a common root in the society/polity distinction of the eighteenth century English Radicalism of Godwin and Paine, in which society is regarded as the realm of authentic virtue and polity as something to be avoided or minimized.[16] Similarly, Wiltshire has remarked that the notion of stages of development was a "common manifestation of nineteenth century political theory" and that "Henry Maine (status to contract), Walter Bagehot (the age of discussion) and Auguste Comte (the law of the three stages) shared Spencer's liking for compartmentalized progress."[17] Nevertheless, neither Peel nor Wiltshire has attempted to relate Spencer's theory of history to that of the other Individualists. In concentrating on what may be termed a "vertical" investigation into the intellectual origins of this distinction, they have neglected an "horizontal" examination of its place in the political argument of late Victorian Britain. In the present section I will sketch the broad outlines of the ideal types of militancy and industrialism, while in the following section I will attempt to rectify this omission.

The first point to be noted is that the Militancy/Industrialism distinction was

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[15] For recent discussions of Spencer's militancy/industrialism distinction see especially, J.D.Y. Peel, Herbert Spencer: The Evolution of a Sociologist, (London, 1971), p.192 ff; D. Wiltshire, Social and Political Thought of Herbert Spencer, (Oxford, 1978), p.243 ff.

[16] Peel, Herbert Spencer, p.192 ff.

[17] Wiltshire, Herbert Spencer, p.194.

integral to the "organic conception of society."[18] It was demonstrated in the previous chapter that Spencer believed the process of evolution, as applied to the social organism, implied that society "considered apart from its living units, presents phenomena of growth, structure, and function, like those of growth, structure, and function in an individual body; and these last are needful keys to the first."[19] Hence the Spencerian conception of the social organism had a double aspect. First of all, society resembled an organism in terms of the structure and function of its various component parts. Institutions were to be explained in terms of their function as part of the social organism, just as organs of the body were explained by their contribution to the maintenance of the living system. Secondly, however, society passed through stages of evolutionary growth which exactly parallelled the process of development apparent in organic evolution. Initially, societies were simple, unstructured, small, and uniform; they gradually became complex, structured, large and individuated. In this sense, therefore, the theory of the "social organism" was an attempt to explain the dynamic processes of human history. Whereas the organic conception in its first aspect may be regarded as constituting the foundation of Spencer's functionalist sociological theory, in its other aspect it gave expression to his theory of history.

The origins of society, Spencer believed, were to be found in the compounding of families and tribes into what were initially loose, almost homogeneous aggregations. The parallel between the development of a social organism and an individual organism was again apparent; the foundation of the latter was the "definite nucleated cells" out of which it was aggregated, while "well-developed, simple social groups are those out of which, by composition, the higher societies are eventually evolved."[20] As the aggregate became more complex and closely integrated, however, the separateness of the cells "gradually give place to structures in which the cell-form is greatly masked or almost lost." Hence "the family groups and compound family groups which were the original

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[18] This point deserves stressing since it receives too little emphasis in much of the secondary literature, most notably Wiltshire, Herbert Spencer.

[19] Spencer, Study of Sociology, (London, 1889), p.330.

[20] H. Spencer, Principles of Sociology, vol.i, p.737.

components eventually lose their distinguishableness."[21] In this respect the theory might appear to have much in common with Maine's account of social development, and Spencer believed that there was a degree of truth to the generalization that the individual had replaced the family as the unit of modern societies. Nevertheless, Spencer was also explicitly critical of the patriarchal theory. He argued that Maine incorrectly held that patriarchal family was the social unit of all primitive peoples, whereas it was in fact distinctive to the pastoral mode of existence, and there was no one single primitive group out of which society grew. Moreover, Spencer also criticised Maine's belief that all property ownership was originally tribal.

Thus contrary to Maine's account of the evolution of society from patriarchy to individualism, the basis for Spencer's distinction between Militant and Industrial types of societies rested on the observation that the co-operation which constituted the foundation of all societies may take two radically different forms. In the first place, there is the kind of spontaneous co-operation which unintentionally arises from the pursuit of private ends, giving rise to the division of labour and to the system of production and distribution which relies on the pursuit of gain by individuals. This "spontaneous" co-operation, which is achieved without the instrument of coercive power, produces "a combined action which directly seeks and subserves the welfares of individuals, and indirectly subserves the welfare of society as whole by preserving individuals."[22] On the other hand, there is also a form of co-operation which is consciously devised and which implies a distinct recognition of public ends which are often at variance with private wishes. Spencer called this latter form of co-operation "governmental" since it employed coercive agency to achieve its ends and it exhibited a "combined action which directly seeks and subserves the welfare of society as a whole, and indirectly subserves the welfare of individuals by protecting society."[23] The "spontaneous" co-operation of individuals gave rise to the "industrial" social type, while

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[21] Princ. Soc., vol.i, p.737.
[22] Princ. Soc., vol.ii, p.247.
[23] Princ. Soc., vol.ii, p.247.

"governmental" co-operation created "militant" social organizations.[24]

The Militant form of social organization took historical precedence over Industrialism since the earliest co-operation of individuals had been for the purpose of mutual protection in an environment of warlike and unsocialized individuals in whom the altruistic sentiments of justice and generosity were largely undeveloped.[25] The model for militant society, Spencer thought, was the army and this type of society was to be found in its purest form in primitive communities in which the "army is simply the mobilized society and the society is the quiescent army."[26] Like an army, the social structure of a militant society is characterised by a regime of *status*, since its members

> stand one towards another in successive grades of subordination. From the despot down to the slave, all are masters of those below and subjects of those above.[27]

Even the ecclesiastical system exhibits an elaborate hierarchy closely resembling the hierarchy of the political system. In addition, the militant social type is founded on the principle of inheritance and hereditary, so that the position of each individual in the society is determined by birth. Since Spencer held that the "acquirement of function by inheritance conduces to rigidity of structure" and "succession by descent favours that which exists", this serves to make the social structure rigid and unchanging.[28]

Nevertheless, the Militant type of society was characterised by much more than a regime of *status*. Concerted action, which entails the subordination of the individual to the whole, is necessary to obtain military success. Hence the life of the unit is not his own "but is at the disposal of his society" and he possesses only "such liberty as military obligations allow."[29] Furthermore, even where private ownership is recognized, in the last resort the citizen is "obliged to surrender whatever is demanded

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[24] It is important to note that both industrialism and militancy were of the nature of ideal types. Spencer made it plain that actually existing societies exhibited a combination of elements of both, albeit compounded in different degrees. Thus although industrialism had not been anywhere completely realised it was nevertheless possible to regard British society as having undergone a transformation towards industrialism in the first half of the nineteenth century.

[25] See above, Chapter One.

[26] Spencer, The Man Versus the State, (Harmondsworth, 1969), p.114.

[27] Princ. Soc., vol.ii, p.663.

[28] Princ. Soc., vol.ii, p.257.

[29] Princ. Soc., vol.ii, p.661.

for the community's use."[30] Indeed, under a militant type of social organization, not only the citizen's property, but ultimately even the citizen himself, is owned by the state.

Under a system of militancy the terms of social co-operation are set compulsorily by force and aggression, and this in turn implies the necessity of "a coercive instrumentality" since no union for corporate action is possible without "a powerful controlling agency."[31] In addition, this need for a controlling agency creates a highly centralised social structure, since "organizations other than those forming parts of the State-organization, are wholly or partially repressed."[32] The public combination, occupying and regulating all fields of social life, excludes all private or voluntary combination.

Because military efficiency is the over-riding concern of the militant type of society its economic system, which is under the direction of the centralised authority, is exclusively geared towards needs engendered by the requirements of offence and defence. Thus not only does the government perform "negatively regulative" functions, it also exercises those which are "positively regulative": "It does not simply restrain; it also enforces. Besides telling the individual what he shall not do, it tells him what he shall do."[33] Moreover, the economic system of this social type was predominantly autarkic since militant societies existed in an environment composed of similarly war-like societies, with the result that there was little prospect of their being able to engage in mutual trade.

In the previous chapter it was shown that Spencer believed that social and political institutions were dependent on the existence of a particular type of character among the individuals of a society; for example, there was little point in extending the franchise in a society in which the virtues of justice and self-restraint were so little developed that democracy would lead directly to socialism. He similarly argued that

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[30] Princ. Soc., vol.ii, p.662.
[31] Princ. Soc., vol.ii, p.662.
[32] Princ. Soc., vol.ii, p.666.
[33] Princ. Soc., vol.ii, p.664.

both Militancy and Industrialism had a particular type of character appropriate to them. Militancy was naturally associated with the martial virtues; in particular, fearlessness, delight in the forcible exercise of mastery, the pursuit of vengeance, little regard for life or liberty and unswerving obedience.[34] As reflecting this type of character, as well as the average life of the community, the religion was one of enmity and was marked by the prominence of stern and repulsive doctrines.

Although the military and industrial activities of society are antagonistic, Spencer also believed the former had played the main part in the development of the latter throughout the whole course of social evolution. In the first place, the military struggle for existence between societies had been essential for their internal consolidation, while each new integration brought about by conquest has ultimately changed the warlike relations formerly existing between the communities integrated into relations of a peaceful character. "Neither the consolidation and re-consolidation of small groups into large ones; nor the organization of such compound and doubly-compound groups; nor the concomitant development of those aids to a higher life which civilization has brought; would have been possible without inter-tribal and inter-national conflicts."[35] Thus although the universal antagonism of mankind may have caused inconceivable horrors, without it "the world would still have been inhabited only by men of feeble types, sheltering in caves and living on wild food." Yet the war-like phase of human existence was over and "from war has been gained all that it had to give."[36] Having done its work of creating the initial conditions of social solidarity, and of fostering within itself the social system destined to replace it, the military instinct will eventually disappear.

Whereas the chief features of the militant social type are a comparatively undeveloped and undifferentiated social structure, with little mutual dependence of parts, and no clear demarcation between the systems for production and regulation, industrialism represents its complete opposite. In other words, if the Militant type of

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[34] Princ. Soc., vol.ii, p.684 ff.

[35] Princ. Soc., vol.ii, p.241.

[36] Princ. Soc., vol.ii, p.752.

society is simply the social organism in its lowest stages of development, then Industrialism may be equated with its most advanced forms. Indeed, given that the development of "spontaneous co-operation" and the division of labour has made individuals more mutually dependent, "a corporate action subordinating individual actions by uniting them in joint effort, is no longer requisite."[37] It is thus a regime of contract rather than status, and since the market system formed by "spontaneous" co-operation is also subject to its own regulating mechanism, the state can retreat from interference with the industrial and commercial activities of mankind. In addition, the concomitant ethical evolution of the individual and the corresponding decline in war-like behaviour also implies that corporate action, which is called into existence "by those aggressive traits of human nature which chronic warfare has fostered", will diminish in function and become more limited in scope. In the industrial type of society the governmental agency will concern itself only with keeping private action in due bounds. Indeed, whereas in the Militant type of society the individuality of the citizen is submerged in the collectivity, the primary object of the corporate agency in the Industrial social order is the defence of his individuality; this "becomes society's essential duty...internal protection must become the cardinal function of the state."[38] The state thus becomes negatively regulative only, concerning itself with the maintenance of justice in the sense of the "preservation of the normal connexions between acts and results -- the obtainment by each of as much benefit as his efforts are equivalent to -- no more and no less..."[39] Moreover, the narrow range of the public organization will create the scope for the formation of a wide range of private, voluntary organizations to perform functions which were once the province of the governmental power.

Thus as society evolves towards industrialism, voluntary or "spontaneous" co-operation comes to predominate over the coercive "governmental" co-operation which characterised militancy. The model for industrialism was not the army but the

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[37] Princ. Soc., vol.ii, p.728.
[38] Princ. Soc., vol.ii, p.697.
[39] Princ. Soc., vol.ii, p.700.

productive association, and instead of being organized for the waging of war, this type of society is "organized exclusively for carrying on internal activities, so as most efficiently to subserve the lives of citizens."[40] As Burrow has noted this is the "liberal, individualistic, rational bourgeois society par excellence", in which the only social relations which remain are the economic division of labour, the rights of property, and the natural sympathy which Spencer assumes to be developed during the process of evolution.[41] To this list one ought also to add familial relations, since Spencer made it clear that the family would not disappear and that its excessive weakening was responsible for the misguided belief in the paternal duty of the state.[42] These social relations will be the only ones necessary for the mankind once it has become perfectly adapted to living in society. Hence industrialism is simply the equilibrium towards which human evolution tends considered in its sociological aspect. However, Industrial society was more than a sociological concept; it was also an ethical one since the equilibrium attained in the utopia of perfectly adapted man served as an ideal or a norm, the code of Social Statics.[43]

Finally, Spencer also stressed the type of individual character appropriate to industrialism differed fundamentally from that associated with militancy. The light regard in which life and liberty had been held was replaced by the love of freedom; in the place of delight in the exercise of authority was respect for the claims of others and a respect for property; in the place of the desire for vengeance was a love of justice; and the belief in the virtue of obedience was replaced by the strengthening of the desire for independence.

Thus the developmental process which, in the case of the organic conception of

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[40] Princ. Soc., vol.ii, p.728.

[41] J.W. Burrow, Evolution and Society, p.222.

[42] "This recognition of the individual, even when a child, as the social unit, rather than the family, has indeed now gone so far that by many the paternal duty of the state is assumed as self-evident; and criminals are called 'our failures'...[However], so far from expecting disintegration of the family to go further, we have reason to suspect that it has already gone too far." Princ. Soc., vol.i, pp.738-9.

[43] The ethical code appropriate for Industrialism will be examined in greater detail in the following chapter. Although Spencer generally identified the code of Absolute ethics with his sociological concept of Industrialism, he also occasionally seemed to speak of a type of society beyond even this in which human goals were predominantly cultural rather than economic. See especially The Principles of Sociology, vol i, p.563.

society, was presented as a transition from a simple, undifferentiated, and unstructured social organization to one which was complex, differentiated and structured, could also be regarded under another aspect as the transformation of militancy into industrialism. In other words, the growth of industrial types of societies out of militant ones was simply another instance of the general law of evolution which was at work throughout the whole of creation. Furthermore, social organisms, like their biological counter-parts, necessarily reflect the demands which the environment imposes on them. A social organism which exists in a warlike environment must necessarily assume a structure suited to military operations; in the lower stages of evolution the survival of societies depends on their powers of offence and defense, and thus "relative to these temporary requirements those with the most centralized regulating systems" will survive.[44] On the other hand, the advance of industrialism will bring about conditions in which the survival of societies depends mainly on "those powers which enable them to hold their own in the struggle of industrial competition" and hence will promote the development of the industrial system at the expense of the structures of militancy.[45] Thus the struggle for existence between societies does not disappear with the predominance of the industrial over the militant type, but merely takes a different form. The principle of selection will continue to operate to favour those societies which have developed furthest along the road to industrialism. In other words, the societies in which life, liberty, and property are secure and all interests justly regarded will be those to survive since "they must prosper more than one in which they are not; and consequently, among competing industrial societies, there must be a gradual replacing of those in which personal rights are imperfectly maintained, by those in which they are perfectly maintained."[46] As so often in Spencer's philosophy, providence operates to secure the outcome most desirable from the stand-point of Individualism.

Nor was Spencer alone in interpreting history as a transition from a condition

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[44] Princ. Soc., vol.i, p.618 b.
[45] Princ. Soc., vol.i, p.618 b.
[46] Princ. Soc., vol.ii, p.698.

of subordination to one of liberty. For example, Thomas Mackay, a self-professed disciple of Spencer, argued that although it often had been assumed that "Socialism is something new, and that in the past human destiny has been entrusted to the care of the individualistic principle", nothing could be further from the truth. On Mackay's account the principles of individualism and socialism had been locked in perpetual struggle throughout history; the individualistic rule of conduct obliged man "to adapt his character to his environment" while the "socialistic instinct" was the tendency to avoid this rule by submitting to the guidance of groups or associations in the search for happiness. Very early in human history the socialistic instinct had triumphed and had "set on men's necks a central government, which acted in a narrow class spirit, and devoted itself according to the lights of the time to preserving class distinctions and to making each class perform the duties which an ill-informed legislature thought necessary or important."[47] Progress was thus a continuous process of human emancipation from the institutions created by this socialistic instinct and of liberation "from the slavery of custom and superstition towards freedom of action and thought."[48] Indeed, he claimed, "the dominant principle of human affairs has been socialism. History is the record of the gradual and painful emancipation of the individual from the socialistic tyranny of slavery, feudalism and centralised authority."[49]

IV. THE LATE VICTORIAN "REGRESSION" TO SOCIALISM.

It has been suggested by one recent critic of Spencer that although he recognized and denounced the late Victorian drift to Socialism, he was unable to explain it within the framework of the *Synthetic Philosophy*. Thus, it is argued, Spencer's "elaborate explanatory system withered under Britain's drift towards socialism in the latter half of the nineteenth century."[50] However, as was pointed out in Chapter One,

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[47] T. Mackay, The English Poor (London, 1889) p.7.

[48] English Poor,, p.13.

[49] English Poor , p.v.

[50] E.F. Paul, "Herbert Spencer: The Historicist as Failed Prophet", Journal of the History of Ideas, 64, (1983), pp.619-638; p.634. Paul has since repeated the charge in "Liberalism, Unintended Orders and Evolutionism", Political Studies, 36, (1988), pp.251-272.

it would be mistaken to believe that Spencer thought of evolution as a continuous and uninterrupted process, following an undeviating course. The law which Spencer termed "the Rhythm of Motion" implied that all change alternated between progression and retrogression. This alternation was as true of social changes as of any others, and thus Spencer remarked in his **Autobiography** that

> On recognizing the universality of rhythm, it becomes clear that it was absurd to suppose that the great relaxation of restraints -- political, social, commercial -- which culminated in free trade would continue. A reimposition of restraints, if not of the same kind then of other kinds, was inevitable; and it is now manifest that whereas during a long period there had been an advance from involuntary co-operation in social affairs to voluntary co-operation (or, to use Sir Henry Maine's language, from status to contract), there has commenced a reversal of the process.[51]

The first such manifestation of this reversal was the imperialism and militarisation of late Victorian Britain which Spencer inevitably viewed as leading to a regression towards militancy.[52] On these grounds he opposed such apparently innocuous organizations as the Salvation Army, which he believed were expressive of the resurgence of militaristic sentiments abroad in the nation. Hence also his opposition to the Boer war and colonial expansion which, despite his stance on other issues, aligned him with the party of progress.

However, in addition to this process of "re-barbarization", Spencer also believed that another retrogressive movement was taking place in terms of the internal structure of the social organism. This he associated with the "socialistic" tendencies of both major parties in late nineteenth century Britain and with the growing role of the state in industrial and commercial activities. In the article on "The Coming Slavery" Spencer had invoked the distinction between militancy and industrialism to argue that the tendency of recent legislation was towards a new militancy. The process which had been set in train by the collectivist legislation of the two decades prior to the publication of **The Man Versus The State** was the re-creation of the superseded militant form of social organisation. Spencer alleged that under socialism the regulative apparatus of the State would everywhere control all kinds of production and distribution, and would

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[51] Spencer, Autobiography (London, 1904), vol.ii, p.369.

[52] See, for example, the various essays collected in his Facts and Comments (London, 1902).

everywhere apportion the shares of the product required for each locality, working establishment, and individual:

> [T]he changes made, the changes in progress, and the changes urged, will carry us not only towards state-ownership of all land and dwellings and means of communication, all to be worked and administered by state agents, but towards state usurpation of all industries.

As socialism advanced the state would take ever greater control over public and private life, thus unleashing an irresistible tyranny. In his introduction to the Liberty and Property Defence League's **A Plea For Liberty**, Spencer wrote that the consequence of the general establishment of a socialistic organisation will be that:

> the vast, ramified, and consolidated body of those who direct its activities, using without check whatever coercion seems to them most needful in the interests of the system (which will practically become their own interests) will have no hesitation in imposing their rigourous rule over the entire lives of actual workers; until, eventually, there is developed an official oligarchy, with its various grades, exercising a tyranny more gigantic and more terrible than the world has seen.[53]

The upshot of this development would be the formation of a system of slavery, for if that "which fundamentally distinguishes the slave is that he labours under coercion to satisfy another's desires" then this would be the fate of those subjected to this tyranny.[54] Socialism would force the individual to labour without option for the society, awarding him from the general stock such a portion as the society thought fit. It matters not that his master is now a whole society rather than a person; he is undeniably a slave.

Hence having partially freed himself from the shackles of the earlier militant type of society with its enforced co-operation and philosophy of "do your work and take your rations", man was again building a new regime of bondage for himself. Spencer believed that mankind

> having by long struggles emancipated itself from the hard discipline of the ancient regime and having discovered the new regime into which it has grown, though relatively easy, is not without its stresses and pains, its impatience with these prompts the wish to try another system, which system is, in principle if not in appearance, the same as that which during past generations was escaped from with much rejoicing.[55]

Thus Spencer could conclude "The Coming Slavery" by writing that Socialism would

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[53] Spencer, "From Freedom to Bondage" in T.D. Mackay (ed.) A Plea For Liberty, (London, 1891), p.24.

[54] Spencer, The Man Versus the State, (Harmondsworth, 1969), p.100.

[55] "From Freedom to Bondage", p.10.

revive the regime of status, "the system of compulsory co-operation, the decaying tradition of which is represented by the old Toryism, and towards which the New Toryism is carrying us back."[56] The idea that Socialism is nothing new, and that it will inevitably entail the revival of a superseded condition of society is one which has since become part of the mainstream of "classical liberalism" in the twentieth century, represented by works such as von Mises' **Socialism** and von Hayek's **Road to Serfdom**.

The view that the increasing intervention of the state in many spheres of economic and social life involved a return to a superseded social condition was widely shared among the Individualists. Sir Henry Maine, for example, echoed Spencer's belief that the tendency of late nineteenth century Radicalism was to regress towards a more primitive type of society. Maine wrote that the policies of Radicals who had supported "socialistic" measures like the Ground Game Act, the Employers' Liability Act and the 1881 Irish Land Act were a form of "Radical Patriarchalism", a description of great significance in the light of his social thought. The social theory of the Tories of the previous generation, he argued, was one "tinged with a rather sentimental benevolence and tending towards a mild Patriarchalism. The Tories wished that society should be preserved and protected all round." Through the efforts of Bentham and the elder Mill this view had been discredited as theory and destroyed in practice, and the self-regulation of society "through the utmost liberty of contract and transfer" had been substituted in its place.[57] Nevertheless, the Radicals of the present generation had gone so far in reversing the doctrine of laissez faire "that we have almost a return to Tory patriarchalism" and the intellectual descendants of the philosophic Radicals were preaching the very "heresies" which Bentham and Mill had devoted themselves to exposing.[58]

A similar view of late Victorian Radicalism was expressed by the historian

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[56] The Man Versus the State, p.110.

[57] [Sir Henry Maine] "Radical Patriarchalism", St. James's Gazette, 1, (1880), pp.259-60.

[58] [Sir Henry Maine] "Patriarchal Radicalism", St. James's Gazette, 2, (1881), pp.1467-8.

William Lecky, who declared that "few things are more curious to observe in the extreme Radical speculation of our times than the revival of beliefs which had been supposed to have been long since finally exploded -- the aspirations to customs belonging to early and rudimentary stages of society."[59] Among the allegedly "exploded" doctrines which were being revived Lecky included land nationalisation which was "avowedly based on the remote ages, when a few hunters or shepherds roved in common over an unappropriated land." Similarly, the doctrine of the criminality of lending money for interest was as old as Aristotle and the fathers of the Church but it was to be found as "a favourite doctrine in advanced modern Socialist programmes."[60] Like Spencer, Lecky discerned a long ancestry for the proposals of modern socialistic legislation:

> The system of making different forms of industry monopolies in the hands of different corporations, of restricting each labourer to one kind of labour, of regulating minutely by authority the hours, the wages, and all other conditions of labour has been abundantly tried in the past. It may be seen in the castes of the East, which descend from a period beyond the range of authentic history, and it was equally apparent in the medieval guilds and other corporations that were abolished at the French Revolution, and in the restrictive Tudor legislation which lingered in England till the first decade of the nineteenth century. All these ideas of restriction and control are once more in full activity among us, and many of them are rapidly passing into legislation.[61]

Lecky regarded this "reaction" as simply the expression of a general desire to escape from the "many and violent agitations of modern life" and to "revert to archaic types of thought and custom" which was in evidence in such tendencies of the times as Tractarian theology and pre-Raphaelite art. However, whereas both these movements had largely lost their force by the last decade of the century, the "reaction towards Tudor regulation of industry and an almost Oriental exaggeration of the powers of the State" was continuing virtually unabated.[62]

Bruce Smith similarly regarded late Victorian socialism as a return to the sumptuary laws of the Tudors in another guise. In his book **Liberty and Liberalism** he had set out to return the Liberal party to its true principles by

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[59] W.E.H. Lecky, Democracy and Liberty (London, 1896), vol.ii, p.185.

[60] Democracy and Liberty, vol ii, p.186.

[61] Democracy and Liberty, vol ii, pp.186-7.

[62] Democracy and Liberty, vol ii, p.189.

attempting to demonstrate that it was the inheritor of a tradition going back to the Norman Conquests. This was Whig history with a vengeance, the story of liberalism as the story of the gradual emergence of English freedom from under the Norman Yoke. The Charter of Henry I, the Magna Carta, the Petition of Right, the Habeas Corpus Act, the Declaration of Right, the struggle for American Independence and Catholic Emancipation were all part of the history and growth of liberalism. Smith believed that these pieces of legislation marked the development of a principle

> which has, at various periods, been recognized and acted upon, under different and changing titles, and has, at all times, spurred on, to fresh thoughts and fresh actions, all who could see in the future, an improved condition of civil and religious freedom, based on an ever broader principle of the 'equality of man.'[63]

The notion of equality which was at the root of all true Liberalism was the principle of "equal liberties", the abolition of legal privileges based on birth, creed, or station. Hence "true" Liberalism conferred on individuals equality of opportunity in the exercise of whatever faculties and abilities they might happen to possess and thus its chief object was the abolition of class privileges, whether the result of prescription or of Act of Parliament. However, whereas true Liberalism attempted only to grant to an individual the liberty to do whatever his fellow citizens could do, its perverted "socialistic" form aimed to secure for him not only opportunities for the exercise of his abilities but also the material wherewithal. Yet "spurious" Liberalism had only the effect of "curtailing the liberty of citizens instead of widening it; involving the State in commercial pursuits instead of leaving the field to private enterprise; or of interfering with the recognized rights of property."[64] Thus in pursuing the chimera of material equality, which Smith believed was contrary to all sound social science, "spurious" Liberalism would result in the destruction of all real liberties.

Smith had little difficulty in pointing out that there were many historic instances of this "spurious" Liberalism which had demonstrably failed to achieve their desired result. For example, he could point to the abortive attempt to regulate the price of bread in the reign of Henry III; to equally futile historical efforts to regulate the

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[63] Bruce Smith, Liberty and Liberalism, (London, 1887), p.79.

[64] Liberty and Liberalism, p.256.

price of wool or to stimulate its production; to failed attempts to prevent the export of wool or iron, to regulate the price of labour, to prevent usury, to fix the locality of manufactures, and to regulate workmen's meals by legislation. These instances of failed "socialistic" legislative meddling proved "that the repeated attempts to produce happiness or success for the people, by Act of Parliament, have not only failed to effect their purpose, but, in many cases, produced results entirely opposite to those which were intended and anticipated."[65]

Nevertheless, the growth of the knowledge of economic laws among the ruling class had meant that they had set aside as futile these abortive efforts to promote human happiness by means of legislation. They had come to recognize that the only secure foundation for the welfare of the citizen and society was the principle of "equal opportunities" and they had accordingly enlarged the sphere of individual liberty by abolishing many unnecessary state functions. However, by the end of the nineteenth century, power was being wrested from the hands of the educated and enlightened classes and transferred to the new mass electorate who were as ignorant of the truths of political economy as had been the ruling class of old. Thus Smith anticipated with some trepidation a return to the kind of "overlegislation" which had characterised state policy under the Tudors, inflicting "endless injury, loss, inconvenience, and misery as the result of their incompetence."[66] Yet although the immediate prospects for the welfare of society were very bleak, ultimately the democracy would, like the aristocracy before it, learn by its experiences. In virtue of "unalterable and unaccommodating economic laws" the follies of the mass electorate would "throw back on their authors practical and sorrowful proofs of their unwisdom, and thus instil some wholesome lessons for subsequent guidance."[67] Having run its course, the tendency to overlegislation which had emerged in the closing decades of the nineteenth century would once again be supplanted by the principles of Individualism.

As was pointed out in the Introductory Essay, it was usual among

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[65] Liberty and Liberalism, pp.263-4. Compare Spencer's discussion of this point in Chapter Three.

[66] Liberty and Liberalism, p.281.

[67] Liberty and Liberalism, p.326.

Individualists to attribute the resurgence of socialism to the extension of the franchise. This was a point of view which Spencer himself endorsed, but in the essay on "The Coming Slavery" which was quoted from earlier, he also developed a more sophisticated account of the causes of the "regression." Spencer argued that the momentum which was being built up behind corporate action at the expense of individual action had a number of distinct sources. The lower classes supported regulation because it was in their apparent interests; since it seemed to be to their immediate advantage they did not stop to consider the likely long-term consequences. And their support for these measures increased exponentially: "every additional tax-supported appliance for their welfare raises hopes of further ones. Indeed the more numerous public instrumentalities become, the more is generated in citizens the notion that everything is to be done for them, and nothing by them."[68] As generation succeeds unto generation, the belief that governmental agencies are the only ones available will grow, and this fallacy will be fostered by popular education and by popular literature of the kind which deals with "pleasant illusions rather than...hard realities." But the impetus for socialistic legislation does not derive solely from the desires of the working class; the upper ten thousand are equally culpable. For example, Spencer laid much of the blame at the door of the practical politician, who thinking only of the proximate results of a measure, failed to pay attention to its long term consequences or to see it as part of a larger pattern of social change. "Dwelling only on the effects of his particular stream of legislation, and not observing how such other streams already existing, and still other streams which will follow his initiative, pursue the same average course, it never occurs to him that they may presently unite into a voluminous flood utterly changing the face of things." Hence he was "unconscious that he is helping to form a certain type of social organisation" and that the cumulative effect of his measures will be to make the realisation of this type of organisation all the more irresistible.[69] Furthermore, the chiefs of the great political parties outbid each other in

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[68] The Man Versus the State, pp95-96.

[69] The Man Versus the State, p.91.

an irresponsible grab for popularity; rather than exposing the delusions underlying the popular clamour for legislative interference they pander to them and Members of Parliament become "unconscientious enough to vote for Bills which they believe to be wrong in principle, because party needs and the demands of the next election demand it."[70] Moreover, the extension of the regulative agencies of the government also serves the interests of the middle classes, who are able to find their sons respectable careers in the government bureaucracy.

However, these blinkered attitudes neglect that bureaucracy, once released, multiplies throughout the body politic like an uncontrollable virus. The growth of the numbers of government officials has a significance far outweighing the size of the bureaucracy relative to that of the community it serves. This is because

> a comparatively small body of officials, coherent, having common interests, and acting under central authority, has an immense advantage over an incoherent public which has no settled policy, and can be brought to act unitedly only under strong provocation. Hence an organisation of officials, once passing a certain stage of growth, becomes less and less resistible; as we see in the bureaucracies of the continent.[71]

The fear of continental bureaucracy to which Spencer also refers in this passage was a commonplace among individualist writers of this period and in some instances, although not in that of Spencer himself, it was bound up with a sense of Anglo-Saxon superiority over those lesser races who were not fitted for free government and freedom of contract. It was also associated with a characteristic Individualist fear, echoed by Sidgwick for example, of "caesarism". This "disciplined army" of bureaucrats will, like its military counterpart, concentrate authority at its head and so eventually pass supreme power to one single individual.

If we compare the critique of socialism developed by Spencer with that evolved by the other great sociologist of bureaucracy, Max Weber, important short-comings become at once apparent. While Weber agreed with Spencer that "socialism would...require a still higher degree of formal bureaucratization than capitalism" he also saw the economic processes of capitalism and the administrative processes of

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[70] The Man Versus the State, p.97.

[71] The Man Versus the State, p.94.

bureaucracy going hand in hand. The system of capitalist production could not continue without "stable, strict, intensive and calculable administration" thus "capitalism in its modern stages of development requires the bureaucracy, although both have arisen from different historical sources." Hence the choice was not between capitalism and bureaucracy, but between different degrees of bureaucratization. The only means of escape from this process of bureaucratization was "by reversion in every field -- political, religious, economic etc. -- to small-scale organization."[72] The idea that modern capitalism might actually require bureaucracy for its efficient operation does not seem to be one which Spencer considered. As Hyndman pointed out, he neglected entirely that the private companies had become "really as much organised bureaucracies, with as little volition left to the individual employees, as they would be if managed by the state."[73] And while one of Spencer's followers, Auberon Herbert, apparently preferred a society composed of small-scale producers, this is not an issue which Spencer himself confronted, nor did Herbert examine the means by which his objective might be accomplished if individual rights of property were not to be curtailed.

Furthermore, socialism was not, strictly speaking, a regression to militancy since the object for which the corporate authority was exercised was quite different to that of the Militant type of society. Spencer himself recognized this point in his reply to de Laveleye's criticisms of **The Man Versus the State**, when he remarked that "my assertion was that the coercive system employed [by socialism] was like that employed in militant society: the ends to which the systems are directed being quite different."[74] If Spencer had followed the logic of this reply it would have necessitated the development of a third ideal type to stand alongside militancy and industrialism, and the fact that he did not do so probably indicates that the insight was lost in the heat of polemical controversy. However, the point was elaborated by Ritchie who criticised Maine and Spencer for reducing history to "only one great formula", namely that

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[72] Max Weber, Economy and Society, (trans. Roth and Wittich, Berkeley, CA, 1978), vol. i, p.224.

[73] H.M. Hyndman, Socialism and Slavery, (London, 1884), p.9.

[74] Spencer, "M. De Laveleye's Error", reprinted from the Contemporary Review, April 1885, in Various Fragments (Enlarged Edition, London, 1900), p.104.

"society advances from status to contract -- and sticks there or else goes backwards."[75] He alleged that beyond these "one-sided extremes" there was a higher type of society which involved an advance "to a stage in which all that is most precious in individualism must be retained along with the stability of social condition which individualism has destroyed."[76] This higher stage was best described as Socialism.

V. THE GOAL OF HISTORY IS ANARCHY.

At the beginning of this chapter it was noted that the individualist theory of history was open to two divergent interpretations. If the end of history was held to be the liberation of the individual from all those restraints which were unnecessary other than to secure the like liberty of other individuals, then it could be contended either that this goal had been achieved by the mid-Victorian limited state or that it remained an objective for the future. Most Individualists who were not influenced by Spencer, and who stood closer to the centre-ground of late nineteenth century politics than did he, adopted the former interpretation. Bruce Smith spoke for many of them when he remarked that the advanced stage of Liberalism had been attained already, and that consequently the policy of Liberals ought to be "to preserve that state of things; to watch...for any attempt to encroachment upon that domain of freedom or 'equal opportunities'." Smith readily acknowledged that this was a conservative outlook. If the essence of conservatism was "merely a maintenance, or a preservation of institutions as they are, then society, having reached the desired social condition at which liberalism aims, we should have two political schools, Conservatives and Liberals, embracing the same policy."[77]

While Sir Henry Maine and William Lecky shared this view of the function of Liberalism of the future as being to preserve the achievements of its past, there were other Individualists who were more willing to develop the millenarian implications of their interpretation of history. The logical consequence of Spencer's specification of the

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[75] D.G. Ritchie, Darwinism and Politics (London, 1889), p.69.

[76] Ritchie, Darwinism and Politics, p.71.

[77] Smith, Liberty and Liberalism, p.253.

Industrial social type, conjoined with his faith in the ethical evolution of mankind, was that all coercive power would eventually wither away. Social solidarity having being produced by the "spontaneous" co-operation of individuals, and each individual instinctively modifying his behaviour to respect the claims of others, there would be no further functions for the state to perform, not even the limited ones of the enforcement of contracts and the administration of justice. Thus if history was the process of the liberation of the individual from all unnecessary restraints on freedom, then, as Bristow has remarked, "Individualism...literally shaded off into individualist anarchism, the recurring doctrine which posits a stateless society with private property."[78]

The difference between Spencer and Maine on this issue had deep theoretical roots. In tracing the origin of society from the patriarchal family, Maine had in effect postulated the existence of government from the very beginning of human history. There never had been, and he implied, there never could be, an instance of a stateless society. The limited state of liberalism, which had been won with only the greatest difficulty from the despotic past, was the best that mankind could achieve. By contrast, Spencer did not merely place his faith in the future evolution of humanity but he also pointed out that Maine was factually incorrect. The assumption that all primitive social groups are inevitably patriarchal was contradicted by evidence which indicated that many were not patriarchal and that some social groups even existed without any form of headship at all.[79] Thus what appeared on the surface to be an arcane anthropological dispute was charged with profound implications for political theory.

Spencer's "anarchist" version of the Individualist interpretation of history was echoed by a number of other political theorists. Wordsworth Donisthorpe, for instance, wrote that the "more advanced individualists and philosophic anarchists express the view that absolute freedom from state-interference is the goal towards which society is making" and that the history of society was the story of the transition of society from a

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[78] Bristow, "The Liberty and Property Defence League and Individualism", p.772.

[79] Princ. Soc., vol.i, p.721.

socialistic to an anarchic state.[80] In the anarchic state which is the goal of history, "voluntary association would practically effect what the state does now in all that is necessary, and therefore good."[81] This same process, in which human evolution eventually would make the functions of the state redundant, was expressed in apocalyptic terms by M.D. O'Brien. He wrote that the state was destined to be outgrown, since it was merely "the clumsy scaffolding within which the spirit of man is slowly and painfully building a nobler temple" and that "outer compulsion is the sign of inner weakness, and dies in proportion as the knowledge of the law grows." Although at the present time man was so far below "his true, his rational nature" that the institution of government could not be dispensed with, nevertheless, "when men are free of their personal infirmities, they will be free of the tyranny of one another. Then shall there be for them a new heaven and a new earth."[82]

While the conservative implications of Smith's version of the Individualist interpretation of history are clear, they are less obvious in the case of Spencer and his followers. Indeed, as Burrow has noted, in the early editions of the **Social Statics** Spencer had only been able to reconcile his "almost instinctive political attitudes with his theory of gradual social evolution by the assumption that civilization was on the verge of opening the last envelope."[83] Nevertheless, by the time that Spencer came to "revise and abridge" the **Social Statics** for re-publication with the **Man Versus The State**, the opening ceremony had been somewhat delayed. He had come to recognize that the process of adaptation, upon which so much depended, necessarily became slower the more closely that mankind approximated to perfection.[84] Like the mature Spencer, Donisthorpe regarded the state, although ultimately destined to wither away, as a necessary evil for certain stages of social development, and one which could not be dispensed with more rapidly than evolution allowed. Mankind was

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[80] A concise statement of Donisthorpe's theory of history is given in his essay "The Limits of Liberty" in T. Mackay, (ed.) A Plea For Liberty (London, 1891). The quotation is taken from p.67 of that volume.

[81] Donisthorpe's political theory was discussed in greater detail in the previous chapter.

[82] M.D. O'Brien, Natural Right to Freedom, (London, 1891), p.16.

[83] Burrow, Evolution and Society, p.227.

[84] See the discussion of this point in Chapter One.

not yet ready for unconditioned liberty, which was a type of society suited for the distant future and hence "for the present, we must recognize some form of state interference as necessary and beneficent."[85]

Thus the conservatism of even the Spencerian version of the theory should be apparent since, like the "organic conception of society" it placed great emphasis on the gradualness of any changes which might take place in the direction of the anarchic goal of history. Spencer clearly regarded the process as one which would require many generations to reach completion, since social institutions could only be modified as rapidly as the characters of individual citizens. In practical terms it thus resulted in a political position which was virtually indistinguishable from that promoted by Individualists who took the view that all that was necessary was to preserve the mid-Victorian State from collectivist encroachments. It mattered little that "philosophic anarchists" like Spencer and Donisthorpe regarded this as a relative and qualified objective, since the hope of a future stateless society had receded so far into the distance as to possess hardly any operational value at all.

VI. CONCLUSION.

Despite the differences between Maine and Spencer over the issue of whether or not the goal of Individualism had been attained, this should not detract from the considerable ground they shared in common. They both expounded a vision of history in which individualism had emerged only with difficulty from the barbarism of the past. The liberal social order based on individual liberty, private property, freedom of contract, and economic competition was the product of slow evolutionary development which enjoyed at best uncertain prospects of survival. The superseded condition of society, whether described as "militancy" or as "status", was identified with the characteristics of hierarchy, subordination and the command economy, and thus it was all too easy to identify proposals for social reform or extensive social reconstruction via the medium of the state with a return to this primitive social order. From the point of

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[85] Donisthorpe, "The Limits of Liberty", p.68.

view of this theory of history, therefore, socialism could not be interpreted as a progressive force, but was inherently retrogressive. Given that all increases of state function, whatever the objective, could be thus regarded it followed that the state ought not to perform any function beyond the individualistic minimum of the enforcement of contracts, the administration of justice, and external defence.

This account of the historical process could be used to give "scientific" credibility to the notion that liberalism, at least in its individualistic form, represented the summit of human development. If the history of mankind was the history of the progressive emancipation from the compulsory co-operation enforced by the state, then "socialistic" attempts to extend the province of the public authority could only be portrayed as a "regression" to an earlier mode of social organisation and as a threat to the order which had produced and sustained individuality.

Furthermore, having demonstrated that individualism was the goal of progress, the Individualists also drew conclusions from this interpretation of history which were, in the context of late Victorian politics, profoundly conservative. On the one hand, Maine could contend that resistance to "Patriarchal Radicalism" and the preservation of the existing social order was the only certain way of securing the benefits of progress. On the other, Spencer could argue that although the social order of late Victorian Britain continued to contain many fragments of the egg-shell of the old Militancy, and hence fell some way short of the ideal of industrialism, nevertheless the only alternative to its preservation was a regression towards subordination and tyranny. He recognized that hope of further progress in the direction of industrialism was in advance of the "temporary needs" of the time, and thus the most that could be achieved was to prevent the "broad, vague form of sympathy with the masses" which "spends itself in efforts for their welfare by multiplication of political agencies" from the further elaboration of "a social organization at variance with that required for a higher form of social life."[86] Hence both "conservative" Liberals and "philosophic anarchists" could make common cause in the defence of the existing constitution of

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[86] Princ. Soc., vol.ii, p.754-5.

society, and once more Individualism displays the duality of conservatism and liberalism which was its hallmark.

CHAPTER 5:

THE REWORKING OF UTILITARIANISM.

I. INTRODUCTION.

In the preceding chapters we have observed that the Individualists frequently employed the arguments of the Philosophic Radicals, but reinterpreted them to serve a conservative purpose. This was true, for example, of Spencer's transformation of the associationist psychology or of the conception of sociological laws which lay at the heart of his analogy between society and a biological organism. The contention that the Individualists gave a conservative twist to previously radical arguments is also supported by the case of the foundation-stone of philosophic radicalism, the principle of utility. Thus the object of the present chapter is to explore the use which was made of this ethical theory by the late Victorian Individualists.

True to the Individualists' self-image as the inheritors of the mantle of the philosophic radicals, many of them continued to espouse the ethical theory of utilitarianism. At the same time, however, the versions of the utilitarian doctrine defended by the most philosophically sophisticated Individualists, Spencer and Sidgwick, represented considerable departures from the classical theory. In the present chapter I shall argue that the modifications which they introduced into classical utilitarianism represent two different strategies designed to accomplish the same objective of purging the doctrine of its potentially statist implications. From its very inception, utilitarian thought had been ambiguous in its relation to the state, being pulled between enlightened state intervention and laissez faire.[1] By the closing decades of the nineteenth century, the potential for justifying an extensive sphere of state activity was beginning to be exploited by Radical politicians like Chamberlain and by

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[1] This thesis was, of course, first advanced by Elie Halevy, The Growth of Philosophic Radicalism (London, 1972), especially p.118ff. His contention that there was a contradiction between Bentham's jural and economic assumptions has been challenged by recent scholarship, in particular R. Harrison, Bentham, (London, 1983), p.122; and J. Steintrager, Bentham, (London, 1977), p.64f. Nevertheless, the central fact remains that the connection between utilitarianism and laissez faire was contingent on a variety of economic assumptions which were being increasingly challenged in the late nineteenth century. On this point see Arnold Toynbee, "Ricardo and the Old Political Economy" in his Lectures on the Industrial Revolution in England (London, 1884), p.21f.

the political theorists of the New Liberalism. Hence Spencer and Sidgwick aimed to construct a version of the doctrine which could lend justification to the actual distribution of wealth and property, to an industrial system based on free contract, and which would re-establish the connection between the principle of utility and a limited state.

The problem which confronted the Individualists, therefore, was that of adapting the utilitarian doctrine, which in the late Victorian era apparently lent support to an activist state, to the conservative purpose of resisting any substantial sphere of state interference. Spencer regarded his "rational" or "deductive" utilitarianism as transcending the orthodox, Benthamite version of the doctrine. He argued that utility was to be regarded as the ultimate rather than the immediate end of action, and hence that the "greatest happiness" could be promoted only by conforming to the scientifically discoverable conditions for happiness. This strategy was also adopted by Bruce Smith, although he stopped short of embracing the full evolutionary trappings of Spencer's version of the theory. The aim of maximizing utility was not to be achieved directly but indirectly, by promoting the conditions for the production of happiness. This had the effect of severely restricting the legislator's capacity to pursue "the greatest happiness of the greatest number" as a matter of deliberate policy. Although it might appear possible to take legislative short-cuts to maximizing utility, for example by introducing state relief for the poor, such policies violated the necessary conditions for the attainment of the ultimate objective, and hence in the long-run would prove to be self-defeating.

However, Spencer's theory also seemed to entail a number of consequences which, at least in his mature years, he was reluctant to acknowledge, in particular the nationalisation of the land. In an attempt to make his ethical theory conform more closely to the late Victorian social order, Spencer introduced the distinction between "relative" and "absolute" ethics, arguing that what was ethically correct for a perfectly evolved humanity was not necessarily correct when the distorting factors of a "partially civilized" human nature were taken into account. Hence the radical elements

in the theory were defused and Spencer was enabled to engage in an Individualist defence of the existing social order, including the private ownership of land.

The conservatism engendered by Spencer's distinction between "absolute" and "relative" ethics was also present in the form of the utilitarian doctrine expounded by Henry Sidgwick. Like Spencer, he was concerned to confine state action within certain narrow limits, and to resist any substantial interference with the free market. He also shared Spencer's view that the principle of utility was not to be applied directly to political decisions but was in need of mediation through legislative principles like the Law of Equal Freedom. However, Sidgwick disagreed with Spencer on questions of methodology and substance. Rather than basing his case on scientific "laws" for the production of happiness, Sidgwick remained committed to the "empirical" method of orthodox utilitarianism. Yet he also claimed that this method was so difficult to employ that most utilitarian decisions could be only be reached by the application of "middle axioms" -- among which were to be counted the rules of common sense morality and the principles of nineteenth century legislation. A further corollary was that it was impossible to construct an ideal code of utilitarian ethics which could be used to criticise existing social arrangements, including established moral beliefs. Consequently, the most that the utilitarian philosopher could hope to achieve were specific and piece-meal reforms. Thus Sidgwick's ethical theory did not "transcend" Benthamism, but was a transformation of it which remained rooted in the classical doctrine.

Secondly, whereas Spencer insisted that the rules of morality were always to be adhered to irrespective of a direct estimate of the utility produced by particular acts falling under them, Sidgwick argued that a consistent utilitarian could not accord moral rules anything more than dependent validity since in some circumstances they might fail to be maximally felicific. Because this point also applied to the legislative principle of "equal liberties", he drew the limits of legitimate state action more broadly than did Spencer. This has lead many commentators to argue that Sidgwick's political theory was intended to support a substantial extension of the sphere of state action, but a comparison of his views with those of other Individualists like Lord Pembroke, Goldwin

Smith and Dicey reveals that he remained within the Individualist fold. In other words, Sidgwick drew conclusions about the legitimate functions of the state which were generally conservative, but the philosophical route by which he arrived at them was quite different to that followed by Spencer.

II. BENTHAMISM TRANSCENDED: SPENCER.

The contribution of Benthamism to the development of late Victorian socialism or "Collectivism" was discussed in the Introductory Essay. Spencer had always been aware of the potentially statist implications of utilitarianism, and it has been argued that the **Social Statics** was, at least in part, intended as an attempt to rescue the doctrine from them.[2] Benthamite utilitarianism, Spencer declared, led to the evils of "state superintendence" since it embodied "the belief that government ought not only to guarantee men the unmolested pursuit of happiness, but should provide the happiness for them and deliver it at their door."[3] Similarly, the argument of the final article in the series which constituted **The Man Versus The State** was directed against the theory of majoritarian democracy, which was compounded from the classical theory of sovereignty and the "empirical" utilitarianism of Bentham. Spencer claimed that a notion had passed into common currency that the majority, like the absolute monarchy, possessed powers which knew no bounds. From the doctrine of sovereignty as expounded by Hobbes and Austin came the notion that the state possesses an absolute authority, an unqualified supremacy, whether exercised by "one, or by a small number, or by a large number over the rest." From empirical utilitarianism the view was derived that this power was to be exercised by the majority for the "greatest happiness of the greatest number."[4]

Spencer made a number of criticisms of the Benthamite doctrine, but his analysis of its tendency to support an interventionist state was the most telling. Although he shared Bentham's conception that the greatest happiness was the ultimate

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[2] J.D.Y. Peel, Herbert Spencer: The Evolution of a Sociologist, (London, 1971), p.83.

[3] H. Spencer, The Social Statics, (London, 1868 [First Published 1850]), p.308.

[4] Spencer, The Man Versus the State, (Harmondsworth, 1969), p.155.

end of action, he believed that the principle of utility could not provide a definitive guide to conduct and hence was not "an axiom but simply an enunciation of the problem to be solved."[5] Although Bentham had assumed that mankind were "unanimous in their definition of 'greatest happiness'", on the contrary "no fact is more palpable than that the standard of happiness is infinitely variable."[6] But even granting that it was possible to give some content to the phrase "the greatest happiness", "there yet remains the unwarranted assumption that it is possible for the self-guided human judgement to determine, with something like precision, by what methods it may be achieved."[7] In other words, as Burrow has put it, Spencer thought that the Benthamite version of the greatest happiness principle "is no more than a statement of good intentions. We do not know what means to adopt to achieve the desired ends."[8] The Benthamites had been too crude and empirical in their efforts to promote the greatest happiness, and their tendency to look to the instrumentality of the state was simply a product of this "empiricism", with the result that the statute book was simply a "record of unhappy guesses" of "empirical attempts at the acquisition of happiness."[9] What was required instead was the rational or "scientific" determination of "the conditions by conforming to which this greatest happiness may be obtained."[10]

Hence Spencer saw fit to distinguish between his own brand of "deductive" or "rational" utilitarianism and orthodox or "empirical" utilitarianism. The Benthamites assumed that "utility is to be directly determined by simple inspection of the immediate facts and estimation of the probable results", whereas deductive utilitarianism rests on the recognition that

> life consists in and is maintained by, certain activities; and that among men in a society, these activities, necessarily becoming mutually limited, are to be carried on by each within the limits thence arising, and not carried beyond those limits: the maintenance of the limits becoming, by consequence, the function of the agency which regulates society.[11]

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[5] Social Statics, p.27.
[6] Social Statics, p.13.
[7] Social Statics, p.19.
[8] J. Burrow, Evolution and Society, (Cambridge, 1966), p.216.
[9] Social Statics, p.21.
[10] Social Statics, p.82.
[11] The Man Versus the State, p.181.

Elaborating on this point in the **Principles of Ethics**, Spencer accused orthodox, "empirical", utilitarianism of attempting to distinguish good conduct from bad by mere induction and observation:

> Conduct, according to its theory, is to be estimated by observation of results. When in sufficiently numerous cases, it has been found that behaviour of this kind works evil while behaviour of this kind works good, these kinds of behaviour are to be judged as wrong and right respectively.[12]

The problem with this approach, Spencer believed, was that it made the connection between an act and its good or bad results appear "accidental." It affirmed the existence of only "some relation between cause and effect" whereas "a completely-scientific form of knowledge" would be able to discover a necessary relation between them.[13]

The point which Spencer was making in this passage is less than clear. Miller, for example, suggests that the relevant contrast is between an "empirical" utilitarianism "filled out by an inductive social science" and "deductive utilitarianism" which "began with fundamental laws of the universe, holding true of all objects natural and social (the most important of which were the laws of evolution)."[14] The problem with this account is that it makes the orthodox utilitarians appear to be guilty only of insufficient ambition, and it also fails to explain Spencer's belief that "deductive" utilitarianism transcended or superseded its Benthamite rival.

By contrast, Gray has suggested that Spencer overstated the differences between his "rational" utilitarianism and J.S. Mill's "empirical" utilitarianism. Both Spencer and Mill, he argues, expounded a species of "indirect utilitarianism"[15] in which the principles of morality or of justice...were secondary maxims derivable from the

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[12] H. Spencer, The Principles of Ethics, vol.i, (London, 1897), p.56.

[13] Principles of Ethics, vol.i, p.57.

[14] D. Miller, Social Justice (Oxford, 1976), pp.181-2.

[15] The term "indirect utilitarianism" has been employed by J.N. Gray to describe an ethical theory "which evaluates all states of affairs by reference to the utility they contain but which condemns any strategy of direct utility maximization as self-defeating." (Hayek on Liberty, Second Edition, Oxford, 1986, p.104). Gray's conception of "indirect" utilitarianism thus requires whole *systems* of rules to be assessed in terms of their utility. As a characterisation of Spencer this would seem incorrect, since in his case the principle of utility is to be applied to particular rules, for example the Law of Equal Freedom. However, the term "indirect utilitarianism" is useful to the extent that it suggests that the Individualists believed it was impossible directly to promote utility by legislation; it could only establish the conditions for the attainment of individual utility.

principle of utility itself and based on the utility-promoting and utility-diminishing tendencies of the classes of acts they variously prescribed and prohibited.[16]

Thus, writes Gray, "the moral theory which Spencer expounds...under the name of 'rational utilitarianism' ...is in fact little different from the doctrine espoused by J.S. Mill..."[17] In support of his contention Gray quotes Mill's observation that "the right way of testing actions by their consequences, is to test them by the natural consequences of the particular action, and not by those which would follow if everyone did the same."[18] However, Gray's characterisation of "rational utilitarianism" has not captured the nature of Spencer's dispute with Mill. There can be no question that Spencer was aware that "empirical" utilitarianism was concerned with the "natural consequences" of action[19]; the source of his objection is located elsewhere, in the distinction he drew between "empirical" laws and "causal" or "scientific" laws. It is this distinction for which Gray's interpretation cannot account.

In fact, the origin of Spencer's distinction between the two forms of utilitarianism is to be found in Mill's **A System of Logic** where a contrast was drawn between the Deductive and Experimental Sciences. A science was experimental "in proportion as every new case, which presents any peculiar features, stands in need of a new set of observations and experiments -- a fresh induction."[20] It dealt only with "Empirical Laws", i.e. "those uniformities which observation or experiment has shown to exist" but on which one ought not to rely "in cases varying much from those which have been actually observed, for want of seeing any reason why a law should exist."[21] By contrast, a science was deductive to the extent that "it can draw conclusions, respecting cases of a new kind, by processes which bring those cases under old inductions." It was able to do this because its laws were "laws of nature" rather than "empirical", in the sense that they "state the explanation, the why, of empirical

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[16] J.N. Gray, "Spencer on the Ethics of Liberty and State Interference", p.472, History of Political Thought, 3, (1982), pp.465-481.

[17] Gray, "Spencer on the Ethics of Liberty", p.472.

[18] Gray, "Spencer on the Ethics of Liberty", p.473.

[19] Principles of Ethics, vol.i, p.61.

[20] J.S. Mill, A System of Logic, (London, 1919), p.144.

[21] System of Logic, p.338.

law...the ultimate causes on which it is contingent."[22] As Ryan has pointed out, these "laws of nature" may be identified with the few ultimate casual laws (like those of Newtonian mechanics) which explain the multiplicity of the observed uniformities in nature, i.e. "empirical laws."[23]

That this classification of the sciences was at the root of Spencer's distinction between deductive and empirical utilitarianism appears to be confirmed by a number of considerations. In the first place, there is the circumstantial evidence that the "deductive"/"empirical" distinction does not appear in the first edition of the **Social Statics**, which was written before Spencer had encountered the **System of Logic.**[24] Secondly, there is his insistence that deductive utilitarianism represented a higher, more "scientific" version of the moral theory than was mere "empirical" utilitarianism, which corresponded to Mill's assessment of the relationship of Empirical to Deductive Science. Mill insisted that the progress of a science consisted of its developing an increasingly deductive character, subsuming empirical regularities under explanatory causal laws.[25] Similarly, Spencer thought, the problem with empirical utilitarianism was that its adherents failed to recognize that they had "reached but the initial stage of Moral Science", since although observing regular connections between certain acts and good or bad results, they did not attempt to account for these connections in terms of *causality*.[26]

Thirdly, Mill invoked the example of astronomy in order to illustrate the transition of a science from an experimental to a deductive discipline. Spencer used this same illustration to explain the relationship between the empirical and deductive forms of utilitarianism. "Every science", he wrote,

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[22] System of Logic, p.338.
[23] A. Ryan, The Philosophy of John Stuart Mill, (London, 1970), p.68ff.
[24] Spencer, Autobiography, vol.ii, Appendix B, p.487.
[25] Cf. System of Logic, p.145.
[26] Principles of Ethics, vol.i, p.58.

> begins by accumulating observations, and presently generalizes them empirically; but only when it reaches the stage at which its empirical generalizations are included in rational generalizations, does it become a developed science. Astronomy has already passed through its successive stages: first collection of facts; then inductions from them; and lastly deductive interpretations of these, as corollaries from a universal principle of action among masses in space.[27]

Whereas the "early stages" of planetary Astronomy "consisted of nothing more than accumulated observations respecting the positions and motions of the sun and planets" the "modern science of planetary Astronomy consists of deductions from the law of gravitation -- deductions showing why the celestial bodies necessarily occupy certain places at certain times."[28] Hence "deductive" utilitarianism stood in the same relation to the Benthamite version of the doctrine as Newtonian mechanics stood to the observations of Tycho Brahe.

The object of Spencer's investigation was thus to discover a law of conduct in the moral sciences which corresponded to the law of gravitation in the physical sciences. It was the business of a moral science, he asserted, "to deduce from the law of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness."[29] Since "conduct at large, including the conduct which Ethics deals with, is to be fully understood only as an aspect of evolving life", Spencer argued that the rules of conduct were to be identified only by investigating the "fundamental truths" which were common to each of the sciences of physics, biology, psychology and sociology.[30] Physics supported the view that moral conduct was also the most highly evolved behaviour: in proportion as conduct is more moral it displays increasing coherence, heterogeneity, and definiteness. For instance, "the conscientious man is exact in all his transactions. He supplies a precise weight for a specified sum; he gives a definite quality in fulfilment of an understanding; he pays the full amount he bargained to do."[31] Similarly, biology reveals that the moral man is one "whose functions...are all discharged in degrees duly

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[27] Principles of Ethics, vol.i, p.61.
[28] Principles of Ethics, vol.i, p.57.
[29] Principles of Ethics, vol.i, p.57.
[30] Principles of Ethics, vol.i, p.63.
[31] Principles of Ethics, vol.i, p.68.

adjusted to the conditions of existence"[32], while psychology supports the view that the most highly evolved feelings are the best guides to conduct. Finally, sociology demonstrated that the most highly evolved type of society is one displaying the features of "industrialism" with its system of natural liberty, free markets, and the minimal state.

It followed from the identification of moral conduct with that which was most highly evolved that the principles of ethics were to be discovered by the method of extrapolating from the general principles of evolution the code of conduct which would regulate the "behaviour of the completely adapted man in the completely evolved society."[33] Whereas it was inevitable that the actions of imperfectly adapted beings would produce pain as well as pleasure in their performance, Spencer argued that the further development of the moral faculty meant that fully evolved humanity would be capable of acting so as to produce pleasure unsullied anywhere by pain. From a utilitarian point of view a society composed of such ideally perfect human beings would be the best conceivable and hence moral philosophy ought only to concern itself with the rules appropriate to this perfect society. Spencer had, in effect, merged the concerns of ethics and political theory; his ethical theory prescribed not only "what ought to be done as distinct from what is, but what ought to be done in a society that itself is not, but only ought to be."[34]

As a result of employing this method, the principles of ethics were revealed to be "Justice", "Negative Beneficence" and "Positive Beneficence", of which the first was the most important. This Spencer referred to as the Law of Equal Freedom, which asserted that "Every man is free to do that which he wills, provided he infringes not the equal freedom of any other man."[35] This Law was to be recognized as a rule of conduct and was to be conformed to "irrespective of a direct estimation of happiness or

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[32] Principles of Ethics, vol.i, p.76.

[33] Principles of Ethics, vol.i, p.275. However, contrary to G.E. Moore's argument in Principia Ethica (Cambridge, 1959, p.45ff.), Spencer did not define "good" as "more evolved." Like Mill and other utilitarians he defined the concept in terms of pleasure.

[34] Methods of Ethics, p.18.

[35] Principles of Ethics, vol.ii, p.46. A more extensive discussion of this principle will be deferred until the next chapter.

misery."[36] It was justified ultimately by reference to the utilitarian criterion, but the rightness of any particular act was determined by reference to the rule: "rational utilitarianism...does not take welfare for its immediate object of pursuit, but takes for its immediate object of pursuit conformity to certain principles which, in the nature of things, causally determine welfare."[37] Furthermore, the rules of "rational" utilitarianism demanded conformity irrespective of the utility to be derived from any particular act falling under them. In other words, the violation of the rule of conduct was not justified even in those cases where it might appear to promote a greater amount of utility than conformity to the rule. Thus in terms of the classification of types of utilitarianism developed by David Lyons, Spencer espoused a form of "Ideal Rule Utilitarianism", since he held that "an act is right if, and only if, it conforms to a set of rules general acceptance of which would maximize utility."[38]

The transition from Spencer's "rational utilitarianism" to a conception of the legitimate functions of the state was relatively uncomplicated. Conformity to the Law of Equal Freedom demanded only that the government guarantied the conditions for the pursuit of happiness, and did not aim to promote the general welfare by its direct action. In other words, since the Law of Equal Freedom was a statement of the principle of justice, the function of the state may be stated more positively as being to uphold and defend justice:

> Each citizen wants to live, and to live as fully as his surroundings permit. This being the desire of all, it results that all, exercising joint control, are interested in seeing that while each does not suffer from breach of the relation between acts and ends in his own person, he shall not break those relations in the persons of others. The incorporated mass of citizens has to maintain the conditions under which each may gain the fullest life compatible with the fullest lives of fellow citizens.[39]

The state, or "the incorporated mass of citizens", was thus strictly limited to the administration of justice; with the advance of peaceful relations between nations even the function of external defence would eventually cease to be necessary. If the state should seek to do more than uphold justice it would instantly itself become a

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[36] Principles of Ethics, vol.i, p.57.
[37] Principles of Ethics, vol.i, p.162.
[38] D. Lyons, The Forms and Limits of Utilitarianism (Oxford, 1965), p.140.
[39] Principles of Ethics, vol.ii, pp.213-4.

transgressor: "If justice asserts the liberty of each limited only by the like liberties of all, then the imposing of any further limit is unjust; no matter whether the power imposing it be one man or a million of men." The state exists to enforce rights and if "instead of preserving them, it trenches upon them, it commits wrongs instead of preventing wrongs."[40] Consequently Spencer regarded as illegitimate state functions which had long been part of the Victorian conception of the role of government, and were thus not primarily matters of contention between the New Liberalism and the Old, like the Poor Law, the state minting of currency, the provision of light-houses, the Factory Acts, and public health legislation.[41]

A similarly "indirect" utilitarian defence of the principles of Individualism was to be found in Bruce Smith's book **Liberty and Liberalism**. Government, he argued, had to aim at the greatest good of its citizens which he defined in terms of the "greatest happiness." In addition, it had to pursue this goal for the race as a whole rather than of a single generation since "every government has been entrusted with the charge of a great inheritance, which has to be handed on, again, to its successors."[42] Hence the government had to strive to attain the ultimate as well as the immediate happiness of the people, and as Smith remarked,

> the more one knows of legislation, the less it will be believed capable of actually *producing* happiness for the people, that is to say, happiness of a *positive* nature. It can prevent aggression and abuse by one citizen over another. It can guarantee to every citizen the freedom to do the very best for himself. But parliament possesses no mysterious power.[43]

Hence the most that the government could do was to ensure that the necessary conditions for human happiness were respected. Smith argued that social science had revealed these "necessary conditions of human happiness" to be three in number: "security of the person", "security of property" and individual liberty. In securing to every man the fruits of his labour or of his ingenuity, Individualism encouraged improved methods of work and production and thereby increased the sum total of

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[40] Principles of Ethics, vol.ii, p.222.

[41] See, for example, Spencer's discussion of the "limits of state-duties" in the Principles of Ethics, vol.ii, Pt. IV.

[42] Bruce Smith, Liberty and Liberalism, (London and Melbourne, 1887), p.241.

[43] Liberty and Liberalism, p.420.

human happiness. Thus Smith concluded that:

> in order to obtain for a community the largest aggregate amount of happiness, each member of it should have secured to him the most absolute freedom or liberty; subject only to such limitations as are necessary in order to secure equal freedom or liberty to all other members.[44]

Furthermore, since the progress, prosperity, and happiness of mankind require only the security of the person, property and liberty of the individual, it was possible to deduce broad guide-lines for the liberal legislator to follow. In the first place, "the state should not impose taxes or use the public revenue for any purpose other than that of securing equal freedom to all citizens." Secondly, this objective provides the only justification for the state interfering with the legally acquired property of any section of its citizens "and in the event of any such justifiable interference amounting to appropriation, then, only conditional upon the lawful owner being fully compensated." Finally, the state should not restrict the personal liberties of its citizens for any other purpose than that of guaranteeing the equal liberty of all.[45]

III. "ABSOLUTE" AND "RELATIVE" ETHICS.[46]

The rules of rational utilitarianism prescribed the ideally optimific behaviour for human beings who were perfectly adapted to the social state, but there remained the question of the applicability of this ideal code to the actual decisions of imperfect humanity. Furthermore, although rational utilitarianism excluded the possibility of the state acting to promote the happiness of its citizens directly, there was a divergence between the rights prescribed by the principle of justice and those actually established by law. In particular, the nationalisation of the land and universal suffrage were both logical corollaries of the theory which the mature Spencer was unwilling to acknowledge.[47]

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[44] Liberty and Liberalism, p.222.

[45] Liberty and Liberalism, p.450.

[46] The issues dealt with in this relatively short section are discussed more extensively in the following chapter.

[47] My conclusions about Spencer's later "drift to conservatism" broadly agree with those propounded by D. Wiltshire, The Social and Political Thought of Herbert Spencer (Oxford, 1978). This thesis has been challenged by W.L. Miller, "Herbert Spencer's Drift to Conservatism", History of Political Thought, 3, (1982), pp.483-497, which alleges that the "drift to conservatism" thesis is based on a misunderstanding of the nature of The Social Statics. Miller contends that this was not a "blueprint for immediate social reform", but was a description of an ideal state which could only be reached by mankind as a result of a long process of evolution

Spencer's proposed solution to both these problems was the distinction between "absolute" and "relative" ethics. By being regarded as analogous to the truths of "abstract mechanics or absolute mechanics", which were capable of practical application only if due allowance was made for distorting factors like friction and air resistance, the principle of justice was to be made at once applicable to actual decisions and less radical in its implications.[48] Although "absolute mechanics" dealt with an ideal world of "forces and motions considered as free from all interferences resulting from friction, resistances of media, and special properties of matter" it was nevertheless "indispensable for the guidance of real mechanics."[49] In like manner, the code of "absolute ethics" was indispensable for the guidance of less than completely evolved conduct; having deduced from the evolutionary "laws of life" the code of ethics appropriate to a perfect humanity, this could be applied to practical decisions once due allowance had been made for the "imperfect adaptation" of human nature to the requirements of living in the social state. This resulted in an analogue of "real" mechanics, a code of "relative ethics", which was intended "to serve as a standard for our solving, as well as we can, the problems of real conduct", and prescribed conduct which was "relatively right" or "least wrong."[50]

The upshot of this distinction between "absolute" and "relative" ethics was that many of the radical implications of Spencer's ethical theory were defused. Although "absolute" ethics might seem to demand equal political rights for men and women or the abolition of private ownership of the land, the realisation of these demands was made contingent on the glacially slow evolutionary processes which would remove the "misadaptations" of human nature to the social state. As Spencer remarked in the **Principles of Ethics**, the principle of justice "is an idea appropriate to an ultimate

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(p.483f). It thus belonged to what Spencer would later call "absolute" ethics, and hence there is no discrepancy between his earlier and later views. However, this argument would appear to overlook two points. (1) Spencer's views on the time-scale involved in human evolution underwent a considerable re-evaluation between his earlier and later work. (2) In his later work absolute ethics is not presented as a distant goal, but as a never-to-be-realised ideal analogous to the perfectly rigid lever of absolute mechanics. It was thus "a goal ever to be recognized, though it cannot actually be reached." ("Absolute Political Ethics"in Essays vol.iii, [Library Edition, London, 1891], p.228).

[48] Spencer, "Absolute Political Ethics", p.222.

[49] Spencer, "Absolute Political Ethics", p.223.

[50] Principles of Ethics, vol.i, p.275.

state, and can be but partially entertained during transitional states; for the prevailing ideas must, on the average, be congruous with existing institutions and activities."[51] The ethical conceptions appropriate to each stage of human existence were determined by the proportions of the ideal types of militancy and industrialism present in any given society; the closer a society conformed to the ideal type of industrialism, the more closely its code of ethics would correspond to "absolute" ethics. It followed that "justice" in a predominantly militant society would differ substantially from "justice" in a predominantly industrial society, and that the ethical code appropriate to an imperfectly evolved society like late Victorian Britain would diverge from the code of "absolute" ethics in many important respects. Thus Spencer was enabled to contend that although his principle of justice might appear to demand universal suffrage, "justice" in late Victorian Britain required a limited franchise since "in the absence of a duly-adapted character liberty given in one direction is lost in another."[52] To hand political power to the majority, who were incapable of respecting the principle of justice, would destroy the liberty of the property-owning class to use and dispose of their possessions as they saw fit. Similarly, the nationalisation of the land would either involve the expropriation of land-owners or the payment of such great sums in compensation that the scheme would be practically disastrous.[53]

By making the distinction between "absolute" and "relative" ethics, Spencer had arrived at a kind of naturalised Hegelianism in which the gradual emergence of the ethical Idea could be discerned in each stage of human history, and in which the actual could be identified with the rational. Despite the discrepancies between the "absolute" principle of justice and the prevailing distribution of property and power in late Victorian Britain, Spencer could nonetheless contend that it was a transitional stage necessary to the attainment of the ultimate goal and hence these departures from the principle could be justified.[54] Thus not only did deductive utilitarianism set itself against

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[51] Principles of Ethics, vol.ii, p.43.

[52] Principles of Sociology, vol.ii, p.750.

[53] Cf. Chapter 6, "Justice, Property, and Natural Right."

[54] Spencer's notion of a conception of justice appropriate to each stage of human social development has certain parallels with Marx's theory of justice. For Marx see A. Wood, Karl Marx (London, 1981), p.130ff.

the intervention of the state to reduce inequalities in society, but it was also opposed to all forms of radical social change.

IV. BENTHAMISM TAMED: SIDGWICK.

As Sidgwick himself stressed, he shared a considerable amount of ground in common with Spencer; both believed that the greatest happiness was the ultimate end of action and that "in the main" the service which "any one sane adult should be legally compelled to render to others should be merely the negative service of non-interference."[55] One the other hand they were separated by two chief differences, one methodological and the other practical.

"The main difference between me and Mr. Spencer", wrote Sidgwick, "is as to the value of Absolute Ethics."[56] By contrast to Spencer's methodology in the *Synthetic Philosophy*, Sidgwick insisted that a completely evolved society was too far removed from present reality to afford any guidance as to what we ought to do now. In the first place, even if it were possible to "conceive as possible a human community which is from a utilitarian point of view perfect" it would be impossible to "forecast the natures and relations of the persons composing such a community, with sufficient clearness and certainty to enable us to define even in outline their moral code." If Spencer might reply to this point that it merely indicated the limitations of Sidgwick's imagination, his second criticism was more telling. Even if such a construction were possible it would not be "of much avail in solving the practical problems of actual humanity." A society in which there was no such thing as punishment, for example, "is necessarily a society with its essential structure so unlike our own, that it would be idle to attempt any close imitation of its rules of behaviour."[57] Therefore, the construction of an ideally perfect code of utilitarian ethics, which was of dubious utility and was probably impossible to construct, was to be abandoned.[58]

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[55] Lectures on Ethics, p.278.

[56] Lectures on Ethics, p.199.

[57] Methods of Ethics, p.470.

[58] The best exposition of Sidgwick's methodology is to be found in S.Collini, J. Burrow, and D. Winch, That Noble Science of Politics, (Cambridge, 1983), pp.279-307.

Methodologically Sidgwick remained an "empirical" utilitarian, for whom right conduct was to be determined, not by elaborate deductions from the "laws of life", but by what he referred to as the "empirical-reflective method of Empirical Hedonism."[59] This was Bentham's "felicific calculus" under another name, and it involved calculating the potential surplus of pleasure over pain by representing

> beforehand the different series of feelings that our knowledge of physical and psychical causes leads us to expect from the different courses of action which lie open to us; judge which series, as thus represented, appears on the whole preferable, taking all probabilities into account; and adopt the corresponding line of conduct.[60]

Nevertheless, this method embroiled the individual "in much perplexity and uncertainty." To form an estimate of the pleasure likely to be derived from a future course of action an individual both had to attempt to compare his own past feelings in respect of their pleasantness, and to forecast his future pleasures from his past experiences, but in either case "it seems difficult or impossible for him to avoid errors of considerable magnitude."[61] When one also considered that the individual might have to estimate the character of his own potential experiences from the experiences of others, and that he would have to take into account the effects of his actions on all sentient beings, the difficulties in the way of this "empirical-reflective" method seemed insuperable.[62] However, despite Sidgwick's conclusion that the felicific calculus would be almost impossible to use, he also believed that a utilitarian had no alternative but to employ the "empirical-reflective" method.

He was rescued from this paradox by the convenient observation that, in the great majority of cases, the received opinion on moral questions could be shown to be supported by the principle of utility in the sense that many common sense moral rules have "some manifest felicific tendency." According to Sidgwick's conception of the role of philosophy in the **Methods of Ethics**, it aimed to produce a systematisation of principles already in evidence in accepted moral rules, and it was part of the argument of the book that utilitarianism provided just such a systematisation of the morality of

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[59] Methods of Ethics, p.460.
[60] Methods of Ethics, p.131.
[61] Methods of Ethics, p.460.
[62] Methods of Ethics, p.147ff.

Common Sense.[63] Although he did not claim that the rules of common sense were themselves the product of utilitarian calculation, it was nevertheless "but a short and easy step to the conclusion that in the Morality of Common Sense we have ready to hand a body of Utilitarian doctrine", and that the "apparent first principles of Common Sense may be accepted as the 'middle axioms' of utilitarian method."[64] Thus instead of the utilitarian philosopher standing aloof from ordinary morality, and using the principle of utility as a tool with which to cut through the irrationalities and confusions of accepted beliefs, Sidgwick was forced to concede that in the vast majority of cases utilitarian decisions could only be reached by employing the rules of common sense.

The practical difference between Spencer and Sidgwick was connected to their methodological differences and arose from the fact that Spencer insisted on taking his principle of justice -- the Law of Equal Freedom -- "as an absolute or ultimate ethical principle, having an authority transcending every other."[65] It was on this issue, Sidgwick remarked, that Spencer "conceives the main practical issue to lie between his own view and the more empirical Utilitarianism that I represent."[66]

Spencer, as we have noted, was a rule utilitarian since he believed that conformity to the Law of Equal Freedom determined the rightness of an act irrespective of the utilities it produced; the principle of utility being employed only in order to justify the Law. Sidgwick also believed that on many occasions a utilitarian would be justified in retaining the rules of common sense morality even when their own proper consequences were not maximally felicific, since the utility of the possession of a rule would outweigh the utility to be derived from its violation. As Schneewind has written in an excellent exposition of the place of rules in Sidgwick's theory:

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[63] See J.B. Schneewind, Sidgwick's Ethics and Victorian Moral Philosophy (Oxford, 1977), Chapter 6. It should be pointed out that Sidgwick distinguished between Egoism (the pursuit of personal happiness) and Utilitarianism (in the sense of a doctrine of "Universal Benevolence" directed to the Maximum Happiness) which might require the sacrifice of egoistic goals. This distinction had not been clearly made by earlier utilitarians.

[64] Methods of Ethics, p.461.

[65] Lectures on Ethics, p.279.

[66] Lectures on Ethics, p.278.

> We must be able to make reliable predictions about each other's conduct in moral matters, and we could not do so if each of us had to make complete utilitarian calculations of right and wrong prior to each decision...Hence so acts are allowed to pass as right even when their own proper consequences are less than maximally felicific. The reason is that the second-order benefits derived from using the decision-procedure which justifies doing them make up for the deficiencies in the consequences of the individual acts.[67]

Nevertheless, even counting the utility to be derived from the possession of a rule, it would be irrational for a utilitarian to refuse to break the rule in circumstances in which he was quite certain that to do so would produce a greater utility. Although Sidgwick believed that the accumulated experience of mankind as embodied in moral rules would make these exceptions exceedingly rare, he adopted the conventional act utilitarian view that the rightness of an act was determined, not by its conformity to a rule, but by its being productive of greater utility than any of its alternatives. Thus, he argued, "a Utilitarian must hold that it is always wrong for a man knowingly to do anything other than what he believes to be conducive to the greatest happiness"[68], and a consistent utilitarian could not act upon "any absolute practical maxims: but only general rules of a relative and limited validity."[69]

As we shall see in the following section, this difference over the status which a utilitarian could accord to his decision-rules was to have important consequences for Sidgwick and Spencer's respective views on the limits of state action. For the present, however, the most important point is that although Sidgwick allowed rules of conduct an important function in his ethical theory, he accorded them a different status to that which they had been assigned by Spencer. Whereas for Spencer the rules of conduct themselves determined the rightness of an act, for Sidgwick rules were primarily "axiomata media" or practical aids to utilitarian decision, the rightness of an act being determined by its producing a greater surplus of pleasure over pain than any alternatives.

Both these methodological and substantive differences between Sidgwick and Spencer emerged in the former's justification of a limited state. In making the

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[67] Schneewind, Sidgwick's Ethics, p.348.

[68] Methods of Ethics, p.492, quoted in Schneewind, Sidgwick's Ethics, p.348.

[69] Henry Sidgwick, "Review of James Fitzjames Stephen's Liberty, Equality, Fraternity", Academy, 4, (1873), p.293.

transition from his re-worked version of utilitarianism to Individualism, Sidgwick's methodology in the **Elements of Politics** closely corresponded to that which he employed in the **Methods of Ethics**, but rather than dealing with the principles of Common Sense morality, the **Elements** was founded on an appeal to "the common sense of mankind, as expressed in actual legislation."[70] Analogous to Sidgwick's argument in the **Methods of Ethics** that common sense moral rules possessed "some manifest felicific tendency" was his contention that the principles which had determined the course of legislation in Britain throughout much of the nineteenth century possessed a utilitarian justification. In other words, the utilitarian legislator could employ these principles as a ready-to-hand code for reaching political decisions in the same way that the utilitarian moralist could employ common sense morality as a ready-to-hand code for ethical decisions.

Sidgwick argued that the problems which had undermined the utility of the "empirical-reflective method" as a means of reaching moral decisions also meant that its applicability to political decision-making was limited. Hence rather than seeking to apply the principle of utility directly to legislation, the utilitarian political theorist had to "establish or assume some subordinate principle or principles, capable of more precise application, relating to the best means for attaining by legislation the end of Maximum Happiness."[71]

The first such "subordinate principle" to be considered was the Law of Equal Freedom which decreed that the sole end of legislation was to secure mutual non-interference between individuals. As we have seen, Spencer alleged that this principle issued in a sphere of state action comprising the protection of personal security, the enforcement of contracts, and the protection of the right of property. However, Sidgwick argued, even this limited sphere of state action (which he termed the "'Individualistic Minimum' of governmental interference") could not be justified if the Law of Equal Freedom was taken to be "absolutely desirable as the ultimate end of law

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[70] Sidgwick, Elements of Politics, p.44.

[71] Elements of Politics, p.39.

and of all governmental interference: an ideal good which would be degraded if it were sought merely as a means of obtaining pleasure and avoiding pain."[72] While it was conceivable that the maintenance of "equal liberties" should be the sole end of government, the attainment of this end would require a degree of state action more minimal than even the Individualistic Minimum. For example, the protection of property rights in their existing form seemed to go well beyond what would be required to secure an individual against infringements of his liberty in the ordinary sense of "the absence of physical and moral coercion."[73] In other words, Spencer's conception of harm as the infringement of an individual's liberty was far too attenuated to support even a "night-watchman" state. Thus, Sidgwick claimed, "all governments and most Individualists practically go beyond this, and aim at the protection of the governed from pain -- and loss or diminution of their means of gratifying their desires -- caused by the action of human beings. In so doing, they adopt by implication a utilitarian view of the mutual interference that law ought to prevent, -- even while expressly disavowing the utilitarian criterion."[74] Thus rather than the Law of Equal Freedom being the absolute moral principle of Spencer's theory, the justification of the "Individualistic Minimum" of governmental interference required

> an individualistic maxim definitely understood as a subordinate principle or 'middle axiom' of utilitarianism: i.e. that individuals are to be protected from deception, breach of engagement, annoyance, coercion, or other conduct tending to impede them in the pursuit of their ends, so far as such protection is conducive to the general happiness.[75]

The parallel between this point and Sidgwick's other criticisms of Spencer's "deductive utilitarianism" is evident: a consistent utilitarian could not accord the Law of Equal Freedom the status of an absolute principle, but only the status of a subordinate maxim of utilitarianism.

Thus although the Law of Equal Freedom was not to be accorded the status of an absolute moral principle, it was a useful "middle axiom" or practical aid for the application of the principle of utility to decisions concerning legislation and public

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[72] Elements of Politics, p.44.

[73] For a more extensive discussion of this point see Chpt.6.

[74] Elements of Politics, p.47.

[75] Elements of Politics, p.55.

policy. Sidgwick's position was similar to that of his friend A.V. Dicey, who argued that when it is said that a good law is productive of the greatest happiness of the greatest number "what is meant is not that the law really makes men happy, but that it favours the existence of the conditions under which it is likely that the persons subject to it may prosper and obtain the happiness open to human beings."[76] This formula, "favouring the existence of conditions" which promote human happiness, points in the direction of an indirect rather than a direct form of utilitarianism.

Hence, Sidgwick argued, the application of the principle of utility to legislation was, in general, to be mediated by the "middle axiom" that,

> [w]hat one sane adult is legally compelled to render to others should be merely the negative service of non-interference, except so far as he has voluntarily undertaken to render positive services; provided that we include in the notion of non-interference the obligation of remedying or compensating for mischief intentionally or carelessly caused by his acts -- or preventing mischief that would otherwise result from some previous act.[77]

Sidgwick argued further that the Individualistic Minimum provided a satisfactory theoretical foundation for a large part of the legislation which existed in civilized communities. Similarly, he was in broad agreement with orthodox political economy that "wealth tends to be produced most amply and economically in a society where Government tends to leave industry alone."[78] As a general rule, therefore, "the state should enforce all contracts made between sane adults, if they have been made without coercion and wilful or careless misrepresentation, and if the effects they were designed to produce involve no violation of law or damage to third parties or the community at large."[79]

It should be noted that although Sidgwick's principles of Individualism did not possess the absolute status which they were accorded by Spencer, he did not mean to imply that they were to be overridden on every occasion on which they failed to maximize utility. The self-limiting nature of Sidgwick's utilitarianism, which was

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[76] Dicey, Law and Opinion, p.136.

[77] Elements of Politics, p.42.

[78] H. Sidgwick, "Economic Socialism" in his Miscellaneous Essays and Addresses, (London, 1903), pp.201-202 (First published in the Contemporary Review, November, 1886).

[79] Elements of Politics, p.85.

discussed in relation to moral rules, was also apparent in his discussion of laissez faire. Thus Sidgwick did not aim to show that government intervention was always expedient, even where "laisser faire leads to a manifestly unsatisfactory result; its expediency has to be decided in any particular case by a careful estimate of advantages and drawbacks requiring data obtained from special experience."[80] Like the rules of moral common sense, which a utilitarian could be justified in following even though the proper consequences of a particular act falling under them did not produce maximally felicific results, Sidgwick believed that there could be utilitarian grounds for abiding by the rule of laissez faire even when it did not produce the greatest happiness in a particular case.

Thus despite the important methodological and substantive differences between Sidgwick and Spencer their fundamental conclusions were remarkably similar. In the first place, just as Spencer had produced a version of the utilitarian doctrine which was adverse to any substantial alteration of the late Victorian social order, Sidgwick's conclusions were also essentially conservative. Instead of seeking radical social change, the utilitarian philosopher must content himself with piecemeal criticism and reform, commencing "with the existing social order and the existing morality as part of that order."[81] As the New Liberal theorist D.G. Ritchie observed, "[i]f this is Benthamism, it is Benthamism grown tame and sleek."[82] He also noted that Sidgwick revealed an almost Hegelian willingness to discover the rational in the real, a point which was brought out especially clearly by the remark that "the form of society" to which the utilitarian philosopher's practical conclusions relate "will be one varying but little from the actual, with its actually established code of moral rules and customary judgements concerning vice and virtue."[83]

In addition, both Sidgwick and Spencer agreed that in general the direct application of the principle of utility to particular decisions would not produce the greatest total utility. Although they disagreed with each other over the reasons why this would be the case, and although Sidgwick could not accept the absolute status

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[80] Elements of Politics, p.168.

[81] Methods of Ethics, p.474.

[82] D.G. Ritchie, "Review of The Elements of Politics", International Journal of Ethics, Vol. 2, No. 2, April 1892, p.255.

[83] Methods of Ethics, p.474.

Spencer accorded the Law of Equal Freedom, both were consequently opposed to political strategies which aimed to maximize utility by the frequent and direct intervention of the state.

V. THE LIMITS OF LAISSEZ FAIRE.

Despite Sidgwick's endorsement of the general principle of laissez faire he also believed that the Individualistic Minimum was inadequate as a complete account of the limits of state action. He was aware of "certain difficulties and doubts which arise when we attempt to work out...a consistent and exclusive individualist system" and accordingly considered "to what extent, and under what carefully defined limitations, it is expedient to allow the introduction of paternal and socialistic legislation, with a view to remedy these inadequacies."[84]

Thus, Sidgwick argued, the legitimate functions of the state went beyond Spencer's Individualistic Minimum of the preservation of the rights of individuals. Indeed, some commentators have suggested that his conclusions demanded a range of state functions which are no longer consistent with Individualism. For example, it has been suggested by Kloppenberg that Sidgwick's **Elements of Politics** "represents something of a landmark in the transformation of British political thought."[85] He alleges that Sidgwick sought a compromise between the principles of individualism and socialism: "In much the same way that he used the principles of utilitarianism and common sense intuitionism (*sic*) to supplement one another in **The Methods of Ethics**, so he invoked the principles of socialism for those cases in which 'the individualistic basis' of liberalism tended 'to be inadequate to produce the attainable maximum of social happiness.'"[86] Similarly, William Havard in the only full-length study of Sidgwick's political theory, has suggested that he "humanised" the doctrine of individualism and thus stood "on the threshold of the doorway through which L.T.

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[84] Elements of Politics, p.43.

[85] J.T. Kloppenberg, Uncertain Victory, (Oxford, 1986), p.182.

[86] Kloppenberg, Uncertain Victory, p.185.

With regard to the psychological assumption, Sidgwick considered a number of cases in which "indirectly individualist" legislation or governmental intervention might be justified. This would involve the prohibition of "acts or omissions not directly or necessarily mischievous to others, but attended with a certain risk of mischief." An example of this would be the legal enforcement of a system of standard weights and measures to prevent deception by sellers with regard to the quantity of goods sold. These considerations shaded over into directly paternalist ones. Hence if it is proved that men are liable to ruin themselves by gambling or opium smoking, or if they knowingly incur easily avoided dangers in industrial processes, then "it would, I think, be unreasonable to allow these practices to go on without interference merely on account of an established presumption in favour of *laissez faire*."[92] Sidgwick inferred that the government would be entitled to prosecute the owners of gambling houses or of opium dens, and to set basic standards of safety in industrial processes. Similar considerations also justified the government in taking action to secure "adequate qualifications in any class of professional men", for example to eliminate quackery in the medical profession.[93]

In the context of the late nineteenth century these arguments were not radical. Much the same view of "paternalistic" legislation like the Factory Acts was expressed by Goldwin Smith, hardly a socialist himself, who argued that

> it is difficult to see why the enforcement of hygienic regulations or safeguards for life and limb is more socialistic in the case of a factory than in the case of a city, or why the protection of women and children who cannot protect themselves against industrial cruelty and abuse is more socialistic than the protection of them against wife-beating or infanticide.[94]

In dealing with the second, "sociological", assumption Sidgwick argued that although in general the common interest is best achieved by allowing the pursuit of individual self-interest "abstract theory shows several cases in which the individual's

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[92] Elements of Politics, p.137.

[93] Elements of Politics, p.137.

[94] Goldwin Smith, "Social and Industrial Revolution" in Essays on Questions of the Day, Political and Social (New York, NY, 1893), p.12. (This essay is largely a reprint of the pamphlet False Hopes; Or Fallacies Socialistic and Semi-Socialistic Briefly Answered, [London, 1886]).

interest does not tend in the direction most conducive to the common interest -- even assuming that utility to society is measured by market value."[95] If we take the sociological assumption to be simply an assertion of that "natural harmony of interests" which, according to Halevy, underpined the political thought of the first generation of Benthamites, then Sidgwick's point amounts to the allegation that individual interests do not *always* harmonise in the prescribed fashion. As a result, it was necessary that, in some cases at least, the state should intervene in order to bring about an artificial identity of interest.

While Sidgwick referred to such state interference as "socialistic", the point does not lend weight to Kloppenberg's contention that he "supplemented" the principles of liberalism with those of socialism. In the first place, even when "socialistic" interference was justified, it was subject to the Individualistic qualification that it should not replace or undermine voluntary association. The nature and limits of governmental action will thus depend upon "(1) the actual extent and effectiveness of voluntary association among the citizens, and (2) on the amount of philanthropic effort and sacrifice habitually devoted by private persons to the supply of social needs..."[96] Sidgwick could argue that both of these conditions were satisfied over a wide area of late Victorian social life: for example, the relief of poverty was dealt with by the "philanthropic" activities of the Charity Organisation Society (of which Sidgwick himself was a member.)

In addition, the limited nature of the "socialistic" interference in question is revealed by Sidgwick's definition of "socialism" in terms of "the requirement that one sane adult, apart from contract or claim for reparation, shall contribute positively by money or services to the support of others." This definition was supplemented by another which described as "socialistic" "any limitation on the freedom of action of individuals in the interest of the community at large, that is not required to prevent interference with other individuals or for the protection of the community against the

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[95] Elements of Politics p.xiv. See also Chapt. X Sect. 2.

[96] Elements of Politics, p.166.

aggression of foreigners."[97] Thus in the broad sense in which it was employed by Sidgwick, the term "socialism" clearly encompassed a wide range of policies or measures which did nothing to subvert the existing industrial system, and very little to transform it. In fact, it meant practically any extension of the State's activities beyond Spencer's "Individualistic Minimum" of the enforcement of contracts, the administration of justice and military defence.[98]

The "broad" notion of socialism with which Sidgwick supplemented the Individualistic Minimum is illustrated by the kinds of legislation which, according to his definition, were "socialistic." Thus, for instance, "where uniformity of action or abstinence on the part of a whole class of producers is required for the most economical production of a certain utility, the intervention of Government is likely to be the most effective way of obtaining the result."[99] Among examples of such cases Sidgwick cited the protection of land against floods and the protection of animals against infectious diseases. In addition, the Government is able to prevent individuals from "free riding" in a way which is unavailable to a voluntary association. For instance, suppose that fishermen agree to limit their catch in the interests of preserving fish stocks: their voluntary association will be unable to impose penalties on any member who decides to break the agreement, and hence the agreement will fail. The government on the other hand can impose limitations and punish violators in the interests of all. Sidgwick also believed that the evils of monopolies could become rampant, particularly given the tendency to trusts and cartels exhibited by the economy of his own time, and therefore that it was impossible to dispense with an element of governmental control in these areas.

Furthermore, "laissez faire may fail to furnish a supply of some important utility" in cases where "a particular employment of labour or capital may be most useful to the community, and yet the conditions of its employment are such that the

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[97] Elements of Politics, pp.42-43.

[98] This "broad" usage of the term "socialism" was not unique to Sidgwick, but was typical of late Victorian political thought. See Freeden, The New Liberalism, p.25f.

[99] "Economic Socialism", p.207.

labourer or capitalist cannot remunerate himself in the ordinary way..."[100] A case in point would be a lighthouse which cannot adequately secure the remuneration for the service it renders. Moreover, there were "certain kinds of utility...which Government, in a well-organised modern community, is peculiarly adapted to provide."[101] The government, being financially more stable than private individuals and companies, is better placed than they to give security to creditors.

The English system of Poor Relief also received Sidgwick's qualified endorsement. A system based entirely on voluntary donations, like the French, was inefficient and resulted in the paradoxical situation that the state provided for the physical needs of criminals but not of non-criminal paupers. The English system, in contrast, "secures adequate sustenance from public funds to all persons who are in destitution, while it aims at minimizing the encouragement thus offered to idleness and unthrift by attaching unattractive...conditions to public relief given to ordinary adult paupers."[102] Nevertheless, the system was not perfect since it did not secure adequate provision against old age or temporary sickness or accident, and to rectify these shortcomings Sidgwick advocated a scheme of compulsory insurance. However, since the German model struck him as too "anti-individualistic" he preferred a scheme in which "the burden of the provision is thrown on the persons who receive the benefit of it."[103]

In addition, Sidgwick believed that the community would be justified in expending public funds on the education of labourers, even when it was not in the interest of the labourers themselves or of their parents, so far as this outlay "tends to increase the productive efficiency of the persons who profit by it to an extent that more than repays the outlay."[104] The provision of public education was consistent with individualistic principles since it could be regarded as compensation for the fact that in appropriating natural resources "beyond what the individualistic theory justifies", the

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[100] "Economic Socialism", p.209.

[101] "Economic Socialism", p.206.

[102] Elements of Politics, p.165.

[103] Elements of Politics, p.166. The German model of compulsory state insurance was advocated for Britain by W.H. Dawson in his book Bismarck and State Socialism, (London, 1891).

[104] "Economic Socialism", p.210.

propertied classes had restricted the "equality of opportunity" of labourers. A similar justification could be given of state-aided emigration.[105]

Sidgwick's position on the issues of the poor law, state education, and assistance to emigration hardly differed from that taken half a century earlier by J.S. Mill. In **Auguste Comte and Positivism** Mill had acknowledged that there were "no absolute truths in the political art" and that "without large qualification" the doctrine of laissez faire was "unpractical and unscientific"; nevertheless, it did not follow that "those who assert it are not, nineteen times out of twenty, practically nearer the truth than those who deny it."[106] This contention was also endorsed in the **Principles of Political Economy**, in which, having declared that laissez faire "should be the general practice", Mill subsequently elaborated a series of exceptions to it. These included state-assisted emigration, involvement in education, the protection of children against exploitation, legislation on the hours of labour, and in the relief of poverty.[107]

In the context of the mid-nineteenth century Mill's proposals had been radical, but the same could not be said of Sidgwick's writings in the 1890s, and a number of the reviews of the **Elements of Politics** commented on this point. **For example, the "advanced" Liberal Speaker** was decidedly frosty in its response to the book, describing Sidgwick's moderate individualism as nothing more than "*laissez faire* with the chill off"[108], while D.G. Ritchie noted the absence from the book of Bentham's "strong critical antagonism to the institutions of his time"[109], an absence on which the Whiggish **Saturday Review** commented with approval:

> [Sidgwick] has kept marvellously few of his prejudices of origin, and for a child... of Mill and Bentham he exhibits hardly any of the *idola* of that curious creed, or no creed, the Liberalism of the second quarter of the century.[110]

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[105] Elements of Politics, p.163.

[106] J.S. Mill, "Auguste Comte and Positivism" in Utilitarianism (Everyman, London, 1972), p.400.

[107] J.S. Mill,"The Grounds and Limits of the Non-Interference Principle", Principles of Political Economy, Book V, Chpt.xi.

[108] "Review of Sidgwick's Elements of Politics", The Speaker, 4, (1891), p.327.

[109] Ritchie, "Review of The Elements of Politics", International Journal of Ethics, 2, (1892), p.255.

[110] *"A Review of the* Elements of Politics", Saturday Review, 72, (1891), p.251.

Indeed, the **Saturday** continued, "Mr. Sidgwick may almost be taken as a typical example of the *centre gauche* mind, which has as little as possible of the *gauche* and as much as possible of the *centre* in it."

Just how close Sidgwick was to the centre-ground of late Victorian political opinion can be illustrated by the considerable number of individualistic liberals who shared his outlook and conclusions. For example, G.J. Goschen, a Liberal politician who was to become a Conservative Chancellor of the Exchequer, insisted that "'Laissez Faire' has suffered in reputation, because its advocates have pushed its claims to public favour to extremes." Hence, like Sidgwick, he was not "a blind and unreasonable champion of 'Laissez Faire' under all circumstances."[111] Similarly, A.V. Dicey insisted that the principle of individualism was not absolute, but was to be used as "a good working rule of political practice...tempered by the common sense of prudent statesmanship."[112] This was a quality which he found in evidence in Lord Pembroke's **Speeches and Letters.**[113] Pembroke, he noted, belonged to that group of "conservatives" who, irrespective of their party, wished on the whole "to maintain the existing conditions of English life" and who opposed "any policy which undermines the foundations on which society in England now rests."[114] But Pembroke did not rigidly adhere to a policy of laissez faire and he exhibited "a width of mind not always to be found among the strictest economists. He perceives...that the maxim laissez faire, though in many cases a sound practical rule, cannot be treated as an absolute principle in the strict following whereof consists the whole of statesmanship."[115]

Pembroke had argued in his essay on "Liberty and Socialism" that, like Egoism and Altruism, Socialism and Individualism were of the nature "of two antagonistic but indispensable forces evolving social progress by their continual collision."[116] To carry

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[111] G.J. Goschen, "Laissez Faire and Government Interference" (London, 1883), p.34.

[112] A.V. Dicey, Letters to a Friend on Votes for Women, (Second Edition, London, 1912), p.32.

[113] A.V. Dicey, "Lord Pembroke", National Review, 28, (1897), pp. 616-29.

[114] "Lord Pembroke", p.622.

[115] "Lord Pembroke", p.623.

[116] George Herbert, thirteenth Earl of Pembroke, "Liberty and Socialism", in his Political Letters and Speeches, (London, 1896), p.199.

socialism to its logical end would "at once stop the growth of the healthiest nation in existence" while the principle of liberty alone would rapidly result in the dissolution of society. Hence "to talk of eliminating either is surely nonsense", and a "compromise" had to be found between these "inharmonious" forces.[117] The basis for this compromise was a careful consideration of the expediency of any proposed measure, and in accordance with this recognition he was prepared to support, for example, National Education, the Factory Acts and sanitary legislation.[118] Pembroke was echoed by that arch anti-socialist Lord Wemyss who believed that "the compromise that will approximately fix what are the proper limits of the rights and duties of the state" would be found "somewhere between the poles of Socialism and Individualism" although he was of no doubt that "this point will finally be found a long way on the Individualistic side of the division between the two extremes."[119]

Even Bruce Smith who, as we have seen, shared Spencer's "rational utilitarian" derivation of the "equal liberties" principle admitted several important extensions of it. In accordance with his belief that the greatest happiness required the state merely to protect the principle of "equal liberties", Smith objected to it becoming involved in the housing of the poor, the provision of "free" education (although it may be justified in compelling parents to educate their children without itself providing schools), the building of railways, or the provision of work for the unemployed. However, he also believed that sanitary measures were justified on the grounds that they were a defence against a certain sort of aggression, the difference being that the aggressors were diseases rather than members of our own species. Similarly, the State was justified in "taxing citizens for the purpose of affording aid to the severely distressed portion of our population." This was because such measures provided a safety-valve against rebellion, which is simply a form of internal invasion. Hence, on Smith's account, neither the Poor Laws nor the Sanitary Acts were unjustifiable as they were for Spencer.

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[117] "Liberty and Socialism", pp.195-6.

[118] "Liberty and Socialism", p.197; p.213.

[119] Lord Wemyss, Socialism at St. Stephens, (London, 1884), p.10.

Thus, located in the context of other late Victorian liberal individualists, Sidgwick's **Elements of Politics** appears to be less of a text-book for social reformers than an attempt to introduce greater clarity and consistency into the orthodox utilitarian defence of Individualism. Sidgwick argued that empirical utilitarianism could be shown to support, in a general way, the current scope and limits of state action, the recognized exceptions and qualifications to the principle of laissez faire, and the usual view of the relative merits of individualism and socialism. The **Elements of Politics**, he wrote, aimed not "to supply any entirely new method of obtaining reasoned answers to political questions, but rather, by careful reflection, to introduce greater clearness and consistency into the kinds of thought and reasoning with which we are all familiar."[120] The most significant exceptions Sidgwick had made to the rule of non-interference were also recognized by Dicey, Pembroke and Smith. Like these theorists, Sidgwick demonstrated the utility of a degree of state intervention beyond that recognized by Spencer's minimalist position, roughly corresponding to the functions which the government had already undertaken before the advent of the second Gladstone administration. Regulations concerning public health or the conduct of certain professions, which for Spencer counted as "Socialism" and anathema, were advocated by all these theorists as legitimate departures from the rule of laissez faire, and similar exceptions were made in the case of the poor law, and public education.

Thus Sidgwick was not, as the Spencerian J. Hiam Levy charged, an "apostle of indeterminism" in the sense that he had abandoned all fixed principles.[121] He argued, on the contrary, that it was a serious and dangerous mistake "to throw a rule aside as valueless, or treat it as having only a vague and indefinite validity, because we find it subject to important limitations and exceptions."[122] Indeed, Dicey noted that if Sidgwick had a defect it was that "he over-rejoiced in pointing out limitations,

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[120] Elements of Politics, p.1.

[121] "Most men, however anxious for the maintenance of their own liberties, like to do a little bit of Socialism on their own account, or have not a sufficient grasp of principle to take up any definite position. That apostle of indeterminism, the late Professor Henry Sidgwick, may be regarded as their patron saint." J.H. Levy, "The Outcome of Individualism" in J.H. Levy and E.B. Bax, Socialism and Individualism, (London, n.d. [1904]), p.75.

[122] Elements of Politics, p.13.

exceptions, and limitations on those exceptions."[123] In the **Elements of Politics** and in essays like "Economic Socialism", he did exactly that, pointing out the limitations, exceptions, and limitations on exceptions to the Law of Equal Freedom, but these exceptions did not extend beyond functions of the state which were already widely accepted.

VI. CONCLUSION.

In conclusion, we have seen that the late Victorian Individualists transformed utilitarianism into a doctrine which exhibited the same combination of liberalism and conservatism which, it is contended, was characteristic of their arguments in general. Whatever the differences between Spencer and Sidgwick on the *status* which a utilitarian could accord to the rules necessary for practical decision, and whatever their subsequent differences on the legitimate functions of the state, they both agreed that the principle of utility was not to be applied directly to particular measures but was to be mediated by the Law of Equal Freedom, considered either as a scientifically-discoverable condition for happiness or as a utilitarian "middle axiom." This insistence that the principle of utility had to be mediated was a means of reinforcing the traditional liberal emphasis on the free market and minimal state, while also defusing the statist tendencies of the utilitarian doctrine.

Secondly, the versions of the utilitarian doctrine expounded by Spencer and Sidgwick were, in their different ways, also examples of conservatism. Spencer's distinction between absolute and relative ethics had the consequence of robbing his theory of its critical leverage with regard to late Victorian society: the radicalism of the **Social Statics** in respect of private property in land, of universal suffrage, and equal rights for women was negated by this distinction between what was "relatively right" given the existing condition of society and what was right for a "completely-evolved" humanity.

Commenting on the substantial correspondence between Spencer's moral

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[123] A.V. Dicey, "Mill 'On Liberty'" in Workingman's College Journal, 7, (1901), p.35.

philosophy and accepted ethical notions, Sidgwick wryly remarked that it had been scarcely necessary to "have surveyed the process of the world from the nebula to the nineteenth century" to have gained such a degree of insight.[124] However, Sidgwick's own moral and political philosophy with its elaborate deductions and carefully phrased conclusions hardly escaped the same charge. His methodological claims about the impossibility of constructing an ideal code of utilitarian ethics, and his identification of existing morality and the social order with that prescribed by utilitarianism had obviously conservative implications. As Ritchie remarked of **The Elements of Politics**, it was "much what we might expect from the end of the nineteenth century Blackstone, or from an English Hegel, showing the rationality of the existing order of things with only a few modest proposals for reform."[125] Indeed, Ritchie's criticism that the book "nowhere arrives at any conclusion which would differ very widely from that of the average man of the professional and commercial classes of the present day" would have been seen by Sidgwick as a complete vindication of his project.

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[124] Lectures on Ethics, p.311.

[125] Ritchie, "Review of The Elements of Politics", p.255.

CHAPTER 6:
JUSTICE, PROPERTY, AND NATURAL RIGHT.

I. INTRODUCTION.

Perhaps one of the most profound tensions between the liberal principles and conservative intentions of Individualist thought was found in their accounts of justice and property. Basing their claims variously on the principle of desert or on a pre-social "natural right" to property, the Individualists argued that each individual had a moral right to the produce of his labour power. This doctrine has a long history as part of the liberal tradition; indeed, as Ryan has pointed out, it "has been a commonplace of political and economic radicalism for three hundred years."[1] Hence the Individualists were committed to a theory of justice the revolutionary implications of which "conservatism has had a continuous struggle to defuse."[2] At the same time, however, the Individualists also wished to turn this doctrine to the conservative purpose of providing an intellectual justification for the established distribution of property in late Victorian Britain. Despite the vast gulf between the extremes of opulence and poverty, despite the "unearned" income derived from inherited wealth, the Individualists wished to contend that any interference with the rights of property would constitute an injustice. Hence this chapter will explore this tension between the Individualists' conceptions of justice and their defence of the existing social order, and in particular it will examine their attempts to escape the radical implications of their own principles.[3]

Spencer provided two separate but related principles of justice. The first of these, which may be termed the Law of Conduct and Consequence, was a desert-based principle of justice. It affirmed that just distributions of property were thos in which "each man should receive benefits proportionate to his efforts", and from this it followed that "he may properly keep possession of all which his labour has produced,

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[1] A. Ryan, Property and Political Theory, (Oxford, 1984), p.1.

[2] Ryan, Property and Political Theory, p.1.

[3] It should be noted, however, that by the end of the nineteenth century much radical thought had moved beyond an insistence on the "natural rights" of property to the idea that property must serve a social function. For an example of this argument see L.T. Hobhouse, The Labour Movement (Third Edition, London, 1912 [first published 1893]).

leaving the less capable in possession of all which their labours have produced." However, Spencer was able to reconcile the desert-based theory with his defence of the existing distribution of property only if it was assumed that the "natural returns" accruing to the labourer under a system of free contract would be equivalent to his "deserts." As Sidgwick pointed out in a forceful criticism of this view, the contention that market value could be identified with desert was unsustainable; indeed the principle of distribution according to desert appeared to require outcomes fundamentally at odds with those existing in late Victorian Britain. Hence, on this first formulation of the principle of justice, Spencer appeared to have undermined the very institutions he was concerned to defend.

The same problem afflicted Spencer's attempt to derive a theory of justice from the mutual limitation of the natural right to freedom. Apart from the fact that Spencer failed to produce a convincing argument for the existence of the natural right to liberty, he was also unable to give a satisfactory account of how the appropriation of natural resources could be justified while respecting the like freedom of all other individuals. As Sidgwick again pointed out, the existence of property rights necessarily restricted the freedom of other individuals, and the problem was particularly acute in the case of land. If the appropriation of a natural resource which, like land, was fixed in supply resulted in the limitation of the freedom and a denial of the equal opportunities of the landless, then it was clearly unjust. In his youth Spencer had been aware of this point and was a trenchant opponent of private property in land; however, his later theory was more concerned to defend the existing distribution of property in late Victorian Britain than to remain self-consistent. Thus Spencer came to repudiate the logical consequences of his own theory. To more radical critics, like Hobson, the incompatibility of private property in land with the right-based theory of justice merely demonstrated that the Individualists had succeeded in undermining their own principles.[4]

Sidgwick was at pains to point out that the Individualist theory of justice, in

[4] This argument is examined in greater detail in a later part of this chapter.

either its desert-based or rights-based forms, was particularly weak as a defence of the institution of private property as it existed in late Victorian Britain. Indeed, it often appeared to offer hostages to fortune in providing a better statement of the socialist case than it did a justification for the free market, competitive system. Sidgwick's criticisms of Spencer have been frequently misinterpreted, since in consequence of these remarks he has been assumed to be an advocate of the socialist cause. This was far from his intention, which was not to advocate radical change in the system of property rights, but to propose an alternative defence of private property. Rather than basing the case for private property on a principle of justice which threatened to undermine Individualism, Sidgwick proposed an orthodox utilitarian defence in terms of the necessity of providing security in the enjoyment of the fruits of one's labours as an incentive to further exertion. Even in this case, however, Sidgwick was forced to downplay the radical implications of his own principles. In particular, he accorded security greater weight than the diminishing marginal utility derived from wealth and he was also unable to produce a satisfactory solution to the problem of justifying the appropriation of natural resources. While contending that those whose freedom was restricted ought to be compensated, in fact his conception of the form which this compensation should take was also limited by a concern with defending incentives and the security of private property.

II. THE LAW OF CONDUCT AND CONSEQUENCE.

Spencer gave two different formulations of his principle of justice, both of which he considered to be derived from his evolutionary theory. The first formulation was founded on the recognition that the "survival of the fittest, and spread of the most adapted varieties" depended upon the operation of the law that "among adults the individuals best adapted to the conditions of their existence shall prosper most, and that individuals least adapted to the conditions of their existence shall prosper least."[5] Ethically considered, this law became the Law of Conduct and Consequence, which

[5] Spencer, Principles of Ethics, vol.ii, p.17.

Spencer often referred to as the "positive" formulation of justice. It demanded the apportionment of benefits to deserts:

> Each individual shall receive the benefits and the evils of its own consequent conduct, neither being prevented from having what his good actions normally bring to him, nor allowed to shoulder off on to other persons whatever ill is brought to him by his actions.[6]

Yet this principle was capable of bearing a potentially radical interpretation which Spencer was unable or unwilling to recognize. As Alfred Russel Wallace, Darwin's "co-discoverer" of natural selection, remarked, "it is strange that Mr. Spencer did not perceive that if this law of the connection between individual actions and their results is to be allowed free play, some social arrangement must be made by which all may start in life with an approach to equality of opportunities."[7] Even if justice did require that the "fittest" should experience the benefits of their superiority and the "weakest" the burdens of their inferiority, it was only possible to identify the superior and inferior as a result of "absolute fair play between man and man in the struggle for existence."[8] But, given the actual conditions of late Victorian society, in which many individuals were "brought up from childhood in low and degrading surroundings...and have to struggle amid fierce competition for the bare necessities of life" it was manifestly absurd to maintain "that they receive the legitimate results of their own nature and actions only."[9] Therefore, Wallace argued, Spencer's principle of justice required that every person should be provided with "the best education they are capable of receiving; that their faculties shall be well trained, and their whole nature obtain the fullest moral, intellectual, and physical development." Furthermore, "equality of opportunity requires that all shall have an endowment to support them

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[6] Principles of Ethics, vol.ii, p.17. It should be noted, however, that Spencer limited the application of this principle to the social sphere. Within the family unit the ruling principle was one of altruism: children were nurtured irrespective of desert or merit. The crucial point was that the principles of distribution appropriate to the two spheres of society and family had to be kept distinct: "even a partial intrusion of the family regime into the regime of the state, will be slowly followed by fatal results." (The Man Versus the State, p.137.)

[7] Alfred Russel Wallace, "Herbert Spencer on the Land Question: A Criticism", p.342, in Studies Scientific and Social (London, 1900), vol.ii, pp.333-344.

[8] See Wallace, "True Individualism –The Essential Preliminary of a Real Social Advance" in Studies, vol ii, p.516.

[9] Wallace, "Spencer on the Land Question", p.342.

during the transition period between education and profitable employment."[10]

Spencer wished to contend that the degree of state action proposed by Wallace would constitute an injustice since it would "abstract from some men advantages they have earned" while awarding other men "advantages they have not earned."[11] In other words, justice required that each member of society should get "benefit in proportion to merit -- reward in proportion to desert: merit and desert in each case being understood as the ability to fulfil all the requirements of life."[12] Yet despite the quasi-biological sound of Spencer's definition of "desert" and "merit", his practical employment of the principle was indistinguishable from the "common sense" notion that rewards should be apportioned to effort. This was in evidence, for example, in the deduction of the right to private property from the Law of Conduct and Consequence. Thus from the principle that "each man should receive benefits proportionate to his efforts" it followed that "he may properly keep possession of all which his labour has produced, leaving the less capable in possession of all which their labours have produced."[13] The recognition of the right of property, Spencer affirmed, was "originally recognition of the relation between effort and benefit" and even in the earliest forms of human society it was "tacitly" acknowledged that "labour must bring to the labourer something like its equivalent in produce."[14]

It is significant that Spencer did not consider the radical implications of the doctrine that the labourer has a moral title to the product of his labour; he certainly did not entertain the view that the free market economy systematically exploits the worker by denying him the whole produce of his labour.[15] Instead, Spencer simply assumed that a market economy was the social institution which would afford the closest

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[10] Wallace, "True Individualism", p.516.

[11] Spencer, Principles of Sociology, vol.ii, p.700.

[12] The Man Versus the State, p.136.

[13] Principles of Ethics, vol.ii, p.100.

[14] Principles of Ethics, vol.ii, p.99.

[15] For an excellent discussion of these theories see A. Menger, The Right to the Whole Produce of Labour (London, 1899): "Our actual law of property...does not guarantee the labourer the whole product of his labour. By assigning the existing objects of wealth, and especially the instruments of production, to individuals to use at their pleasure, our law of property invests such individuals with an ascendancy by virtue of which without any labour of their own, they draw an unearned income which they can apply to the satisfaction of their wants." (pp.2-3).

approximation to the ideally just state of affairs:

> Under this universal relation of contract when equitably administered, there arises that adjustment of benefit to effort which the arrangements of the industrial society have to achieve. If each producer, distributor, manager, adviser, teacher, or aider of other kinds, obtains from his fellows such payment for his service as its value, determined by the demand, warrants; then there results that correct apportioning of reward to merit which ensures the prosperity of the superior.[16]

He thus believed both that wealth *ought* to be distributed according to desert, and that the market *does* distribute according to desert. Accordingly, an extensive sphere of state interference with the market was excluded on the grounds that it would undermine the mechanism which correctly apportioned benefit to desert.

Nevertheless, as Sidgwick pointed out, Spencer's attempt to defend the institution of the free market on the basis that it apportioned benefits to deserts was flawed in a number of respects. According to this theory, an individual's deserts were measured by the "market value" of his labour as determined by free and fair competition. However, as Sidgwick readily pointed out, the claim was vitiated by the ignorance of the majority of people, who are "not properly qualified to decide on the value of many important kinds of services, from imperfect knowledge of their nature and effects; so that, as far as these are concerned, the true judgement will not be represented in the market-place."[17] Even in those cases in which it is possible to form a general estimate of value, in any particular instance an individual's ignorance of the real utility of the thing he exchanges may prevent him from obtaining its true market value.

Moreover, in those cases in which an individual or combination of individuals obtain a monopoly over certain goods and services they will be able to drive up the market price "but it is absurd to say that the social Desert of those rendering the service is thereby increased..."[18] Since (given constant demand) the increase in the supply of a service drives down its price, this would seem to imply that an individual's social Desert would be lessened by the increased number or willingness of others

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[16] Spencer, Principles of Sociology, vol.ii, p.701.

[17] Methods of Ethics, p.287.

[18] Methods of Ethics, p.288. Compare Sidgwick, Principles of Political Economy, (London, 1883), p. 507.

rendering the same service; but this is also absurd.[19] Similarly, the increasingly international nature of trade increases the "flucuation and uncertainty in the relations of the demand and supply of commodities" and hence "the complexity of the causes affecting any workers renumeration tends to increase in a far greater ratio than his intellectual resources for forecasting their effects; so that the element of desert in his gains and losses of income tends to become continually less instead of greater."[20] Finally, it would appear strange to suggest that an individual's desert is increased merely by rendering a service to those who can afford to pay lavishly for it.[21] Thus Spencer's assumption that market value was an accurate measure of desert was unsustainable.

Furthermore, Sidgwick argued, once the assumption that the free market did aportion benefits to deserts was abandoned, the principle that there should be a correspondence between the effort put forth by an individual and the advantages he received pointed to conclusions which were the very opposite of those which Spencer wished to draw. He had committed himself to the same ideal as Edward Bellamy, who had described a "communistic Utopia" in which "each shall make the same effort, and if by that same effort, bodily or mental, one produces twice as much as another, he is not to be advantaged by the difference."[22] In other words, justice would appear to require "a mode of distributing payment for services, entirely different from that at present effected by free competition: and that all labourers ought to be paid according to the intrinsic value of their labour as estimated by enlightened and competent judges."[23] Thus although Spencer attacked as a violation of the rights of property the "communist" doctrine that there should be "equal division of unequal earnings"[24], it was, in fact, a legitimate extension of his own principle of justice.

In addition, it was an equally plausible extension of the principle that benefits

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[19] Methods of Ethics, p.288.
[20] Principles of Political Economy, p.508.
[21] Methods of Ethics, p.289.
[22] Lectures on Ethics, p.262.
[23] Methods of Ethics, pp.288-9.
[24] Principles of Ethics, vol.ii, p.100.

ought to be proportionate to effort to contend that "unearned" income ought to be abolished; as Hobson forcefully pointed out, the acquisition of wealth by capital gains in the share market had very little to do with an individual's industriousness or exertion: "Can anything be more miraculous than that I should wake up to-morrow and find certain shares which to-day are worth £100 are then risen to £105?"[25] A similar problem also arose over the right of gift and bequest, which Spencer was at pains to defend on the grounds that "complete ownership of anything implies power to make over the ownership to another."[26] Yet he did not pause to consider the matter from the point of view of the recipient of the bequest, who cannot be said to "deserve" it in the sense that it was the product of his own efforts. If eleemosynary grants, like those resulting from the Poor Law, were unjust because they gave some men advantages which they had not earned, so were the results of gift and bequest. Indeed, Wallace expressed opposition to inherited wealth on the grounds that since the Law of Conduct and Consequence decreed "no one shall receive throughout life, that which is *not* the result of his own nature and actions" it forbade "such bequests to children or others as will render them independent of all personal exertion, enabling them to live idle lives on the labour of others..."[27]

Hence in those passages in which Spencer had contended that justice required that rewards should be proportionate to deserts he had undermined his own defence of the market order. Only if it was assumed that the market did distribute according to desert could Spencer's position be sustained; but this assumption would appear to be untenable.[28] Even if this assumption is granted it still does not serve to justify wealth which is acquired as a result of inheritance. Spencer's conservatism was thus manifested in a reluctance to explore the implications of his own principle of justice in those circumstances in which it appeared to demand social institutions of a very

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[25] J.A. Hobson, The Crisis of Liberalism, p.197. Although the passage was written as a criticism of Bosanquet, the point applies with equal force against the theory of property propounded by Spencer.

[26] Principles of Ethics, vol.ii, p.118.

[27] Wallace, "Spencer on the Land Question", pp.341-2.

[28] For further discussion of this point see D. Miller, Social Justice (Oxford, 1976), p.185ff.

different nature to those existing in late Victorian Britain.

III. THE LAW OF EQUAL FREEDOM.

Contrary to Spencer's design, therefore, his principle of justice implied that the distributions produced by the free market were often unjust, and he exhibited an unjustified reluctance to explore the potentially radical implications of the Law of Conduct and Consequence. However, his "negative" formulation of the principle of justice, the Law of Equal Freedom, was beset by even greater difficulties. In the first place, Spencer was unable to give an adequate defence of the natural rights according to which the justice of distributions were to be assessed; while secondly, like its desert-based counterpart, the Law of Equal Freedom seemed to decree that a number of fundamental institutions of the late Victorian social order, and especially private property in land, could not be defended on the strict principles of justice. In the present section Spencer's attempts to justify the Law of Equal Freedom will be examined, while the following section will explore his attempts to avoid the radical implications of the Law of Equal Freedom formulation.

Spencer himself regarded the Law of Equal Freedom and the Law of Conduct and Consequence as alternative formulations of the principle of justice.[29] Had human beings lived solitary existences, the Law of Conduct and Consequence would have exhausted the subject of justice. However, since human individuals were destined to exist as members of a society, another formulation was necessary which would specify the conditions under which the Law of Conduct and Consequence could apply in the associated state, and this he referred to as the Law of Equal Freedom, which we encountered in the previous chapter.

As Sidgwick pointed out, on Spencer's view all natural rights "may be summed up in the Right to Freedom; so that the complete and universal establishment of this right would be the complete realisation of Justice -- the Equality at which Justice is

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[29] Compare Miller, Social Justice (p.190), who misreads the Law of Equal Freedom as a principle of justice which is "secondary" to the desert-based formulation. In fact, Spencer's most frequent references are to the rights-based principle.

thought to aim being interpreted as Equality of Freedom."[30] However, the intellectual climate at the end of the nineteenth century was unfavourable to the doctrine of natural rights; as Morley succinctly remarked, its "naked appearance" in a piece of platform oratory "gave me as much surprise and dismay as if I were this afternoon to meet a Deinotherium shambling down Parliament street."[31] This scepticism extended even to many Individualists who, like Bruce Smith, thought that the doctrine of natural rights would lead "to great practical inconvenience in many matters of every-day life."[32] Similarly, Donisthorpe attacked the tendency of Spencer and his disciple Auberon Herbert to "hang most of their conclusions on capital letters" like Justice, Liberty or Rights. He believed that, like the "a priori vapourings" common to Locke, Rousseau and Henry George, such abstractions could not give rise to a "practical working doctrine" from which to delimit the functions of the state.[33]

Yet despite the importance to Spencer's argument of the justification of the natural right to freedom, he encountered substantial difficulties in formulating this defence, and these are illustrated by the quality of the arguments he deployed in **The Man Versus The State.** The first such argument, in typical Spencerian fashion, attempted to establish a positive conclusion by showing the incoherence of its negative. Famously referring to natural rights as "nonsense on stilts" Bentham had held that the government was the sole generator of rights and that consequently there could be no rights antecedent to the law. Spencer summarised what he took to be his argument as follows:

> The sovereign people jointly appoint representatives, and so create a government: the government thus created, creates rights; and then, having created rights, it confers them on the separate members of the sovereign people by which it was itself created.[34]

Such a view is surely nonsense, he claimed, for "among the metaphysical absurdities the most shadowy is this which supposes a thing to be obtained by creating an agent,

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[30] Methods of Ethics, p.274.

[31] J. Morley, Studies in Literature, (London, 1897), pp.174-5.

[32] Bruce Smith, Liberty and Liberalism, (London and Melbourne, 1887), p.444.

[33] Wordsworth Donisthorpe, "The Limits of Liberty" in T. Mackay (ed.) A Plea For Liberty (London, 1891) p.66.

[34] The Man Versus the State, p.162.

which creates the thing, and then confers the thing on its own creator!"[35] However, as Ritchie pointed out, either deliberately or inadvertently Spencer had failed to grasp the point of Bentham's argument. A government can create rights in a clear and unproblematical sense. It does so in the same way as a committee created to draw up the rules for a society, which in the course of enacting them thereby confers duties (and rights) on its members.[36]

In addition, Spencer claimed, influential Victorian thinkers like Jevons and Matthew Arnold might have been less ready to reject "dogmatically" the existence of natural rights had they been aware that "a whole school of legists on the Continent maintains a belief diametrically opposed to that maintained by the English school. The idea of Naturrecht is the root-idea of German jurisprudence...A doctrine current among a people distinguished above all others as labourious enquirers, and certainly not to be classed with superficial thinkers, should not be dimissed as though it were nothing more than a popular delusion."[37] However, as Ritchie pointed out with evident delight, Naturrecht meant an ideal code of law and was not to be translated as "Natural Rights"; this point apart, Spencer's argument could be parodied by replacing the term "Naturrecht" by the phrase "State action", thus standing the entire argument on its head.[38] In addition, Spencer had also invoked in his support the argument that since all governments have tended to recognize the same rights in different times and different places, this correspondence could only be explained by an appeal to the doctrine of natural rights. Ritchie replied by pointing out that a more convincing explanation was that there are "certain coditions necessary for the life of any society" and which are therefore recognized by the government of every state.

Nevertheless, Spencer's most important argument for the existence of the natural right to liberty was derived from the "laws of life." He claimed that certain activities are necessary for the maintenance of life, and if we hold life to be valuable, it

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[35] The Man Versus the State, p.163.
[36] D.G. Ritchie, The Principles of State Interference, (London, 1891), p.33.
[37] The Man Versus the State, p. 87.
[38] Ritchie, State Interference, p.33.

follows that men ought not to be prevented from carrying on their life-sustaining activities. "Clearly, the conception of 'natural rights' originates in recognition of the truth that if life is justifiable, there must be a justification for the performance of acts essential to its preservation; and, therefore, a justification for those liberties and claims which make such acts possible."[39] Spencer's point was apparently that life being justified on the optimistic assumption that it involves a surplus of pleasure over pain, activities necessary for the preservation of life were also justified. The preservation of life requires the acquisition of food, which in turn demands the use of faculties of prehension and locomotion. These faculties cannot be exercised without freedom, and if it is right that these life sustaining operations be carried on, it follows that the individual has "a right" to the requisite freedom. Clearly, as one recent critic has noted, this "seems to be little more than a facile verbal play on two meanings of 'right'."[40] Furthermore, even if Spencer's attempted derivation of the natural right to freedom from the "laws of life" was valid, it was true of other creatures as well as of man.

Spencer himself recognized the latter point and claimed that the distinctively ethical character of the right to freedom was specific to human beings, since with man there was an additional recognition of limits to what an individual may or may not do in the performance of life-sustaining acts. The natural right to liberty which this argument generates imposes on others only the negative duty that they forebear from interfering with the actions of the bearer of rights. Hence there arises the "mutual limitation of spheres of action" which is Spencerian justice.[41]

Therefore, according to the Law of Equal Freedom, the formula of justice was that "every man is free to do that which he wills, provided he infringes not the equal freedom of any other man."[42] Spencer noted that this formula combined both positive

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[39] The Man Versus the State, p.171.

[40] E.F. Paul, "The Time-Frame Theory of Governmental Legitimacy" in Jeffrey Paul (ed.) Reading Nozick, (Oxford, 1982). Paul's paper, which contains a detailed criticism of Spencer's argument for natural rights, is an attempt to reconstruct it in a more sustainable form.

[41] The Man Versus the State, p.172.

[42] Principles of Ethics, p.46. Spencer's equation of justice with "equal liberties" had a long ancestry in British political thought. In his slim volume on Burke, John Morley quoted one of his subject's letters in which he had written: "The liberty I mean is *social* freedom. It is that state of things in which liberty is secured by equality of restraint. This kind of liberty is, indeed, but another name for justice." [Morley, Burke

and negative elements. It was positive in so far as it asserted that for each person "since he is to receive and suffer the good and evil results of his actions, he must be allowed to act." It was negative since it implied that "each can be allowed to act only under the restraint imposed by the presence of others having like claims to act."[43] This formula was employed by many other Individualists as the fundamental statement of their creed. For example, on M.D. O'Brien's formulation, Individualism was the expression of "the conviction of equality" -- not the socialistic equality of "share and share alike" but the conviction "that we are all logically entitled to the same freedom for expressing our motives in action, that is, for doing as we like."[44]

A similar account of justice was offered by Auberon Herbert, although without Spencer's evolutionary and quasi-biological trappings. The difference between Herbert's approach and that of his intellectual mentor was well summed up by Sir Roland Wilson when he wrote that "while Spencer approached political problems, and ethical problems generally, in the scientific spirit, and from the starting point of biology, Auberon Herbert approaches them as an intuitive moralist, his starting point being the sentiment of personal dignity and responsibility."[45] The core of Herbert's doctrine was the belief that man is by right the master of his own faculties and energies, and hence that each man is to be regarded as the "owner and possessor of his own self" dependent "in everything on himself and his own exertions."[46] Herbert identified self-ownership in this sense with liberty, which was itself a natural right. Moreover, all ideas "of justice and morality are bound up with the parent idea of liberty -- that is with the right of man to direct his own faculties and energies -- and that where this idea is not acknowledged and obeyed, justice and morality cannot be said to exist."[47] Yet this natural right had to be limited in order that it could be made compatible with the enjoyment of an equal liberty for all. Hence Herbert arrived at the Spencerian

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(London, 1879), p.146.]

[43] Principles of Ethics, vol.ii, p.45.

[44] M.D. O'Brien, The Natural Right to Freedom (London, 1893), p.2.

[45] Sir Roland Wilson, The Province of the State, (London, 1911), p.272.

[46] Auberon Herbert, The Right and Wrong of Compulsion by the State, (London, 1885), p.5.

[47] Herbert, Compulsion by the State, p.4.

formula of justice, that "each man and woman is free to direct their faculties and their energies, according to their own sense of what is right and wise, in every direction except one. They are not free to use their faculties for the purpose of forcibly restraining their neighbour from the same free use of his faculties."[48]

From this mutual limitation of the natural right to liberty Spencer deduced a number of other more specific rights. Two "self-evident corollaries" of the principle of justice were that each man has a claim to his life, "for without it he can do nothing he has willed", and to his personal liberty, "for the withdrawal of it partially, if not wholly, restrains him from the fulfillment of his will."[49] The "law of equal freedom" could in like vein be made to yield many other rights. For example, it allegedly justified the right of property, the right of exchange, the right of free speech, patent law ("the right of property in ideas"), and the law of libel and slander ("the right of property in character.")

Both Spencer and Auberon Herbert insisted that the justification of property rights stemmed from each person's moral right to that which he had produced by the free exercise of his faculties. As Herbert remarked, "we claim that the individual is not only the true owner of his faculties, but also of his property, because property is directly or indirectly the product of faculties, is inseparable from faculties, and therefore must rest on the same moral basis, and fall under the same moral law, as faculties."[50] Furthermore, as Spencer argued, this justification of the right to private property did not require that "all shall have like shares of the things which minister to the gratification of the faculties, but that all shall have like freedom to pursue those

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[48] Herbert, Compulsion by the State, p.3.

[49] Social Statics, p.130.

[50] A. Herbert, "The Principles of Voluntaryism and Free Life" in Herbert, The Right and Wrong of Compulsion by the State and Other Essays (ed. E. Mack), (Indianapolis, 1978), p.369. In Herbert's theory the natural right to property was so absolute that it precluded the state from raising finance by taxation, even for the purpose of maintaining order and security. Instead, Herbert proposed a scheme of "voluntary taxation." According to his detailed plans for the operation of this scheme, the collection of voluntary contributions would take place during certain specially dedicated national holidays. Contributions could be made for specified purposes and where-ever the state fell short of a required sum it would circulate all citizens with a notice of the deficiency which it would be up to them to remedy or not, as the case may be. Remarking on this proposal, Ritchie found himself unable to determine "whether Mr. Auberon Herbert is to be classed among the Anarchists or among the reactionaries." (D.G. Ritchie, Natural Rights, (London, 1894), p.15.)

things -- shall have like scope."[51] If, as a result of this equality of opportunity, one individual obtains

> by his greater strength, greater ingenuity, or greater application, more gratifications or sources of gratification than the rest, and does this without in any way trenching upon the equal freedom of the rest, the moral law assigns him an exclusive right to those extra gratifications and sources of gratification; nor can the rest take from him without claiming greater liberty of action than he claims, and thereby violating that law.[52]

Spencer also tried to derive the natural right to property *a posteriori* from the customs of ancient and primitive societies. Since these societies recognized private property before law existed, he believed that this proved that property must rest on a natural right. This argument also struck Ritchie as singularly thin and unconvincing. Spencer's references to rights recognized by the customs of ancient societies proved only that "all rights cannot arise in an explicit contract or through a statute made by a definite legislature" but not that there are rights antecedent to, and independent of, society.[53] Furthermore, the property rights recognized in primitive societies were not of the absolute variety Spencer was seeking to prove, since property was often held in common, belonging to the village, family, or the tribe.[54]

Furthermore, as Sidgwick argued, although Spencer believed that the Law of Equal Freedom could be used to generate property rights it could justify no more than the "right to non-interference while actually using such things as can only be used by one person at once: the right to prevent others from using at any future time anything that an individual has once seized seems an interference with the free action of others beyond what is needed to secure the freedom, strictly speaking, of the appropriator."[55] In other words, on Spencer's account, property in a thing could be said to exist only while it was actually being used, and hence property in the sense of exclusive ownership over an extended period of time was not justified by the Law of Equal Freedom. Although it might be argued that in appropriating a particular thing a person

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[51] Social Statics, p.149.

[52] Principles of Ethics, vol.ii, p.100. (The same passage appears in Social Statics, p.150.)

[53] Ritchie, State Interference. p.36.

[54] Ritchie, State Interference, p.39.

[55] Methods of Ethics, p.276.

does not interfere with the freedom of others because the rest of the world is still open to them, it is possible that others might want the very thing which has been appropriated. They may be unable to find anything else as good at all, or only may be able to do so after much labour and searching. In addition, basing the right to appropriation on first use begged the question of what was to count as "usage" in this context. For instance, would an individual be justified in excluding others from pasturing sheep on any part of the land over which his hunting expeditions might extend? The problem here was that "the use of land by any individual may vary almost indefinitely in extent, while diminishing proportionately in intensity."[56] There was also the final problem that on Spencer's principle it would appear to be impossible to justify an individual's right to control the disposal of his possessions after his death. Hence, if Spencer entertained the conservative objective of generating a defence of the existing rights of property, he had failed to fulfil his purpose.

Similarly, Sidgwick pointed out that in other areas there were considerable "divergences between the colloraries from this formula and the actually established rules of law."[57] Spencer's definition of justice was formally bad because Common Sense -- and Spencer himself -- applied the notion in cases where the Law of Equal Freedom was inapplicable. This was true, for example, of the cases of compensation due for infringment of equal freedom; of the rights and duties of husbands and wives, or of parents and children; and even of fundamental institutions of the existing social order, like marriage. In the case of the marriage laws, for instance, Spencer failed to consider the question of "why and how far freedom of contract is to be limited?" Indeed, his principle seemed to demand "perfect freedom of contract in determining the conjugal relations of men and women" and hence, Sidgwick noted with sniffy disapproval, Spencer had set himself in opposition "to the law and custom of civilised societies."[58] In this case Spencer's Law of Equal Freedom formulation appeared to demand a radical restructuring of the Victorian social order, and in failing to recognize this he had

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[56] Methods of Ethics, p.277.

[57] Lectures on Ethics, p.279.

[58] Lectures on Ethics, p.296.

allowed his later conservatism to over-ride the strict logic of his principles.

IV. "EQUAL RIGHTS" AND PRIVATE PROPERTY IN LAND.

The most fundamental divergence between the recommendations of the Law of Equal Freedom and Spencer's intended political conclusions occurred over the problem of justifying an individual's appropriation of natural resources. As we have seen, both Spencer and Auberon Herbert wished to base property on an individual's natural right to the product of his labour; but, as Sidgwick argued, "a man does not create matter by his labour, but only modifies it: and the fact that he has spent his labour on material to which he has no right could at most give him a right to an equivalent for the additional utility that it has thereby acquired."[59] Hence the initial appropriation of land and other raw materials had to be justified in a way which demonstrated that the appropriator did not violate the equal rights of all other men.

On Spencer's own formulation, the question at issue was whether, in expending labour to appropriate an article from the common stock of nature, "a man has made his right to the thing greater than the pre-existing rights of *all* other men put together."[60] Ignoring Locke's solution to the problem, that there should be "enough and as good" remaining for others, Spencer suggested that there were three ways in which "under savage, semi-civilised and civilised conditions, men's several rights of property may be established with due regard to the equal rights of all other men." First of all, there was tacit consent "among the occupiers of a tract" to the appropriation of wild products; secondly, tacit assent "in the semi-settled stage" to the ownership of food grown on an appropriated portion by any one; thirdly, in civilised societies there might be a contract by which cultivators should give a share of the produce to non-cultivators, though "we have no evidence that such a relation...has ever arisen."[61] However, as Sidgwick argued, "none of these suggestions amounts to a justification of the actual

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[59] Elements of Politics, p.71.

[60] Principles of Ethics, vol.ii, p.95.

[61] Principles of Ethics, vol.ii, p.95ff.

'freedom' of a few (in Mr. Herbert's sense) involves the 'slavery' of the many."[67] If the opportunity for everyone to enjoy the "largest aggregate of freedom or 'self-ownership'" was to be secured in the face of the "niggardliness" of nature, Hobson argued, it was necessary to employ the instrument of "the State guided by considerations of social right or expediency."[68] Of all the points Hobson raised in "A Rich Man's Anarchism", this argument was his most effective, and it is significant that in Herbert's extended reply he was unable to arrive at a satisfactory response.[69]

The nationalisation of the land was an issue which Spencer himself had to confront directly, since the early editions of the **Social Statics** had refused to sanction the private ownership of land. However, by the time that Spencer published the last volume of his **Principles of Ethics** in the early 1890s he had recanted his views on land nationalization.[70] As David Wiltshire has written, "Spencer's reconsideration of the...land question reflects a significant modification of his view of personal...rights in which private property has come, by 1891, to outweigh the strict logic of the derivation of the original catalogue of 'natural rights' from the 'law of equal freedom.'"[71] Indeed, the case of private property in land reveals more clearly than any other the degree to which the Individualists were concerned to resist the radical implications of their own conception of justice.[72]

In the **Social Statics** Spencer had argued that if "one portion of the earth's surface may justly become the possession of an individual...then other portions of the earth's surface may be so held", so that eventually the whole of the earth's surface may lapse into private hands.[73] However, once the entire globe had been enclosed those who were not landowners could "exist on the earth by sufferance only. They are all trespassers." Hence there would arise an inequality between the landowners and the

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[67] Hobson, "Rich Man's Anarchism", p.394.

[68] Hobson, "Rich Man's Anarchism", p.395.

[69] Cf. A. Herbert, "Lost in the Region of Phrases", The Humanitarian, vol.14, (1899), pp.320-330.

[70] This issue is examined in Wiltshire, Herbert Spencer, p.120 ff.

[71] Wiltshire, Herbert Spencer, p.131.

[72] It should be noted that in his book The Province of the State Sir Roland Wilson was prepared to follow the logic of Individualist principles and demand land nationalisation. He was, however, a rare exception.

[73] Social Statics, p.132.

rest of mankind, since the latter "can then exercise their faculties -- can then exist even -- only by consent of the landowners" and this would constitute an infringement of the law of equal freedom.[74]

This argument continued to enjoy a place in Spencer's mature thought, but by the time he came to write the **Principles of Ethics** it had been banished into the realm of "absolute" ethics. While continuing to adhere to the inference that "the aggregate of men forming the community are the supreme owners of the land" he had now come to believe, as the result of "a fuller consideration of the matter" that, in the realm of "relative ethics", "individual ownership, subject to State-suzerainity, should be maintained."[75] The degree to which Spencer's Law of Equal Freedom threatened to undermine his own case for retaining the system of private property in land was illustrated by the extent to which he was forced to abandon any pretence of a commitment to "deductive" utilitarianism; his arguments against land nationalisation were those of a full-blooded "empirical" utilitarian.

In the first place, Spencer argued, "it suffices to remember the inferiority of public administration to private administration, to see that the ownership of the State would work ill."[76] Whereas under a system of private ownership those who manage the land enjoy a direct connection between effort and benefit, the officials of a state bureaucracy would experience no such direct connection with the consequence that their administration would be inefficient.

However, Spencer's most important reason for resisting land nationalisation was that

> the landless have not an equitable claim to the land in its present state -- cleared, drained, fenced, fertilized, and furnished with farm-buildings & c. -- but only to the land in its primitive state, here stony, there marshy, covered with forest, gorse, heather, & c.[77]

Nearly all of the value of the land had been created by its owners in the course of "clearing, breaking up, prolonged culture, fencing, draining, making roads, farm

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[74] Social Statics, p.132.
[75] Principles of Ethics, vol.ii, (Appendix B), p.444.
[76] Principles of Ethics, vol.ii, (Appendix B), p.444.
[77] Principles of Ethics, vol.ii, (Appendix B), p.443.

buildings & c." and on this portion of its value the community had no claim. In comparison to the "gigantic robbery" which the expropriation of this value from the landowners would involve, the undoubted injustices in the history of land-ownership paled into insignificance.[78] Spencer also contended that, since the landless were entitled only to the "prairie value" of the land, they had been adequately compensated during the course of the previous three centuries. In this period the land had contributed an estimated £500,000,000 in poor rates to the support of the landless, and it was probably the case that "the land-owners 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."[79]

The socialist's reply to this argument was likely to be that the poor rates paid in the past were "rather a compensation to the past poor", and an inadequate one at that, and were irrelevant to the "'equal claims' of existing human beings."[80] Moreover, Spencer's estimate of the value of land ignored the "unearned" increment exclusively due to the increase of population. Yet it also seemed to be a legitimate extension of his principle that this increment, not being the result of productive labour, "should be regarded as due to the poor."[81]

V. UTILITY AND PROPERTY.

It is clear from the preceding sections that Sidgwick was a forceful and perceptive critic of Spencer's "natural rights" defence of private property. Such a response is only to be expected from this careful and consistently utilitarian thinker, but some commentators have further alleged that Sidgwick is to be regarded as an advocate of policies like land nationalisation and taxation of the "unearned" increment. This is the position maintained, for example, by H.B. Acton who attributes to Sidgwick the assumption "that originally all men had a right to exert their faculties on the whole

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[78] Principles of Ethics, vol.ii, p.92.
[79] Principles of Ethics, vol.ii, (Appendix B), p.443.
[80] Sidgwick, Lectures on Ethics, p.287.
[81] Lectures on Ethics, p.288.

environment in which they live" and hence the conclusion that property in land was a "usurpation."[82] Similarly, after quoting some of Sidgwick's remarks on property rights, J. T. Kloppenberg contends that "Sidgwick shared [T.H.] Green's conception of effective rights" and argued for the limitation of property rights in a direct challenge to "the liberal conception of freedom."[83] These accounts might seem to gain further plausibility from the perennial tension between the respective claims of equality and security in utilitarian thinking about property rights; the argument might be that in considering inequalities of wealth and income Sidgwick had accorded priority to the diminishing marginal utility of property owners rather than the utility they derived from security of possession.[84] Contrary to this interpretation, I shall demonstrate that although Sidgwick was aware of the aspects of utilitarianism which appeared to demand a more equal distribution of wealth, he resolved the tension between equality and security decisively in favour of the latter. Moreover, while recognising the infringement of the principle of "equal opportunities" represented by private ownership of the land, he also refused to sanction land nationalisation or taxation of the "unearned increment." Hence, Sidgwick's utilitarianism gave rise to conservative conclusions about the rights of property which were the conterpart of his conservative conclusions about the functions of the state.

It is crucial for an understanding of Sidgwick's argument that he divided justice into "Conservative" and "Ideal" forms. The former was realised "(1) in the observance of law or contracts and definite understandings, and in the enforcement of such penalties for the violation of these as have been legally determined and announced; and (2) in the fulfillment of natural and normal expectations."[85] Since it was conceivable some laws were unjust, Conservative justice had to be supplemented by "Ideal" justice, which might take either desert-based or rights-based forms. As we have already observed, Sidgwick considered unsatisfactory the rights-based "Law of Equal Freedom"

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[82] H.B. Acton, "Introduction to the Gower Edition" of Sidney Webb, Socialism in England, (London, 1987), p.xlv.

[83] J.T. Kloppenberg, Uncertain Victory, (Oxford, 1986), p.182.

[84] For an excellent discussion of the tension between equality and security in utilitarian theories of property see Ryan, Property and Political Theory, Chapter 4.

[85] Methods of Ethics, p.293.

formulation because it failed to provide an adequate systematization of the principles underlying actually established rules of law. The alternative to this conception of "Ideal" justice was the "Socialistic Ideal" of requiting desert. But although Sidgwick acknowledged that this would "seem to give a nearer approximation to what we conceive as Divine Justice than the present state of society affords"[86], he shared Spencer's unwillingness to depart from the distributive mechanism of the free market.

Spencer had assumed both that benefits *ought* to be distributed according to desert and that, as a matter of fact, the market *did* distribute according to desert. Sidgwick had demonstrated that the latter assumption was unsound and, recognising the socialistic consequences of this argument, he abandoned the first assumption as well. In the first place, he argued, it was extremely doubtful that some "rational method of determining value", which the "Socialistic Ideal" presupposed, could be found. For instance, it would seem impossible to discover any means of comparing the value of the different services which must necessarily be combined to produce a happy life: how were the relative values of necessities and luxuries to be assessed or how could the value of the contributions of different kinds of labour to the same product be determined?[87] Thus in suggesting that the "Socialistic Ideal" took the form "of a conception of Divine rather than human justice", Sidgwick appears to have effectively ruled out its realisation on this side of the grave.[88]

Since distribution according to desert could not be realised by social institutions, it followed that the construction of "an ideally just social order in which all services are rewarded in exact proportion to their intrinsic value" had to be abandoned as impractical, and this conclusion was confirmed by the fact that "ordinarily the only kind of justice we try to realise is that which consists in the fulfillment of contracts and definite expectations [i.e. "Conservative Justice"]; leaving the general fairness of Distribution by Bargaining to take care of itself."[89] In other words, the question was no

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[86] Methods of Ethics, p.289.

[87] Methods of Ethics, p.289.

[88] It is to be doubted whether his involvement with the Society for Psychical Research much alters the argument.

[89] Methods of Ethics, p.290. Compare Sidgwick's discussion of the difficulties attendant on rewarding desert in his Principles of Political Economy,

longer that of discovering the intrinsic worth of different services but, rather, "what reward can procure them and whether the rest of society gain by the services more than the equivalent reward."[90] As Schneewind has pointed out, this involves a utilitarian mode of calculation[91], and in effect Sidgwick had rejected the possibility of the rectification of the existing legal system by reference to some standard of "ideal" justice; instead the promotion of the general utility was the only relevant criterion. Hence if the competitive system and the existing distribution of private property was in need of rectification, it would be on utilitarian grounds.

Sidgwick recognized that there were utilitarian reasons for seeking greater equality of incomes. He invoked the authority of common sense in favour of Bentham's view "that any given quantum of wealth is generally likely to be less useful to its owner, the greater total of private wealth of which it forms a part." Thus he held that it was "indubitable that the attainment of greater equality in the distribution of the means and opportunities of enjoyment is in itself a desirable thing", but, as so often with Sidgwick's writings, the formulation is carefully phrased: the greater equalisation of incomes is made conditional on its being "attained without any material sacrifices of the advantages of freedom."[92] And, as Sidgwick made abundantly clear, the diminution of the "advantages of freedom" was precisely the result to be expected from the pursuit of the goal of equality:

> Any great equalisation of wealth would probably diminish the accumulation of capital, on which the progress of industry depends; and would deteriorate the administration of the capital accumulated; since the most economic organisation of industry...requires capital in large masses under single management...Moreover, the effective maintenance and progress of intellectual culture...seems to require the existence of a numerous group of persons enjoying complete leisure and the means of ample expenditure....[93]

Furthermore, the equalitarian ideal could provide no effective substitute for the stimulus to "industry and thrift" provided by the competitive system, and hence "the

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pp.504-6. There he admitted that although "the principles of necessarianism" demanded that the attempt be abandoned as futile it was nevertheless a conclusion "not in harmony with our common notions of Justice." (p.506).

[90] Methods of Ethics, p.289.

[91] Schneewind, Sidgwick's Ethics, p.276.

[92] Sidgwick, Elements of Politics, p.160.

[93] Elements of Politics, p.161.

realisation of the collectivist idea at the present time or in the proximate future would arrest industrial progress; and...the comparative equality of incomes which it would bring about would be an equality in poverty."[94] The "overwhelming majority" of political economists were in favour of the "private competitive management of industry", he wrote,

> as securing an intensity of energy and vigilance, an eager inventiveness in turning new knowledge and new opportunities to account, a freedom and flexibility in adapting industrial methods to new needs and conditions, a salutary continual expurgation of indolence and unthrift, which public management cannot be expected to rival in the present state of social morality...[95]

Sidgwick's argument on this score had much in common with that of J.S. Mill's posthumously published "Chapters on Socialism", in which the latter had recognized the theoretical attractiveness of the Socialist ideal, but at the same time had declared that the moral and intellectual demands it placed on mankind were beyond its present capacities. Hence, he argued, "personal interest will for a long time be a more effective stimulus to the most vigourous and careful conduct of the industrial business of society than motives of a higher character."[96] Sidgwick appears to have shared this view, although even Mill's evolutionary optimism was lacking from his version of the argument. His primary concern, as both a moralist and a political theorist, was for the present, and he was certain that for the foreseeable future the realisation of the ideal of socialism was impracticable, and that to attempt to attain it would be nothing short of disastrous.

Sidgwick's utilitarian defence of the sanctity of private property was part of this general defence of the competitive system. From the point of view of empirical utilitarianism, he wrote, "the protection of exclusive use is obviously required in order that individuals may have adequate inducement to labour in adapting matter to the satisfaction of their needs and desires", and without the full enjoyment of the utility resulting from labour "we could not expect much of the labour to be performed."[97] The

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[94] Elements of Politics, p.159.

[95] Elements of Politics, p.159.

[96] J.S. Mill, "Chapters on Socialism" in G.L.Williams (ed.), John Stuart Mill on Politics and Society (London, 1976), p.340.

[97] Elements of Politics, p.49. The same point was made with greater literary flourish by Goldwin Smith: the "economical foundation" of property was that "it is the

incentive argument also served to justify the rights of inheritance and bequest. Considering Mill's proposal that the right of bequest should be limited to a "certain maximum, which should be fixed sufficiently high to afford the means of comfortable independence", Sidgwick argued that interference of this kind with free bequest "would dangerously diminish the motives to industry, and -- what is here, perhaps, more important -- thrift, in the latter part of the lives of the persons who came under the restrictions."[98] In view of these considerations, he concluded, "the law ought clearly to aim at securing each individual from the interference of others with his enjoyment of the results of his labour: and, in fact, the provision of this security is often simply stated as the end by reference to which private property is to be justified."[99]

However, as Sidgwick also recognized, the security argument only justified an individual retaining the products of his labour-power; it was silent on the question of whether the initial appropriation of material resources was itself right. Hence, he offered as a solution to this problem -- with which Spencer had wrestled so unsuccessfully -- the following disjunctive justification:

> either (1) that the thing appropriated would not practically have been available for human use, if the appropriator had not laboured in seeking it; or (2) that his appropriation does not materially diminish the opportunities open to other persons of obtaining similar things, owing to the natural abundance of such opportunities.[100]

This formula provided an adequate justification for the appropriation "of such things as fish caught in the open sea, or wild animals, plants, or even minerals found in large tracts of uncultivated country." Nevertheless, Sidgwick had not managed to avoid the serious short-comings which afflicted Spencer's proposed justification of property in natural resources, since on this formula the appropriation of the land clearly did "materially diminish the opportunities" of the landless. Hence there was a dilemma: on the one hand, for landless individuals, "private property in land involved a substantial

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only known motive power of production. Slavery has its whip; but, saving this, no general incentive to labour other than property has yet been devised." ("Social and Industrial Revolution" in Essays on Questions of the Day, p.7).

[98] Elements of Politics, pp.104-5.

[99] Elements of Politics, p.49. Like Spencer, Sidgwick did not explore the radical implications of the doctrine that the labourer should be entitled to enjoy the product of his labour.

[100] Elements of Politics, p.50.

encroachment on the opportunities of applying labour productively" while appropriation is "manifestly required by utilitarian Individualism, to stimulate and reward the most energetic and enlightened application of labour to land."[101]

Sidgwick's solution to this dilemma was to "allow the requisite appropriation but to secure adequate comepensation for it", and this was part of the justification for the limited socialistic interference, in such spheres as education and assisted emigration, which we examined in the previous chapter. Yet, as these examples demonstrate, the conception of "adequate compensation" entertained by Sidgwick was quite limited, and as Ryan has observed, the lengths to which the state could go in securing compensation was "limited by the need not to disturb security and incentive so much that the general welfare is lessened."[102] Furthermore, contrary to Acton's claim, Sidgwick did not conclude that private property in land was a "usurpation." Like Spencer he resisted the apparent logical consequences of his own principles when they threatened to disturb the existing distribution of property, and he contended that the "economic disadvantages" of a change in the system of land ownership would more than outweigh its advantages "at the present stage of social and political development."[103]

Sidgwick's arguments against land nationalisation were almost identical to those employed by Spencer, and he particularly emphasised the "inertness and jobbery incident to public management" as well as "the loss of special satisfactions, and any special stimulus to labour and care, which individuals derive from the sense of ownership..." Although, as a good utilitarian, Sidgwick refused to pronounce an absolute prohibition on the nationalisation of the land, he was convinced that "in reference to most existing communities at the present time" the "dimuation in production" thus resulting was likely to "outweigh any gain in equity of distribution."[104]

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[101] Elements of Politics, p.73.
[102] Ryan, Property and Political Theory, p.117.
[103] Elements of Politics, pp.148-9, footnote.
[104] Sidgwick, Principles of Political Economy, p.511.

Hence despite Sidgwick's awareness of the way in which the property rights of owners curtailed the freedom of non-owners, and despite his recognition of the principle of diminishing marginal utility, he can be seen to have resisted the radical and equalitarian implications of his own "utilitarian Individualism." He did so by stressing the importance of the security and incentives derived from property rights. Interpretations like those offered by Kloppenberg and Acton have missed the distinction between the logical implications of Sidgwick's arguments and his own attempts to escape these implications. That Sidgwick failed to be convincing in his attempt to remove the radical sting from his principles attests to the difficultly of the task in which he was engaged; that he undertook the project at all attests to the conservatism of his version of the utilitarian doctrine.

VI. CONCLUSION.

In his work on **Natural Rights** published in 1894 David Ritchie observed that although Tom Paine had "not yet been made a saint by the Knights and Dames of the Primrose League" his ghost would have taken a grim delight "in hearing the 'Rights of Man' preached by a Tory Lord Chancellor." Ritchie offered this observation in the course of examining the way in which the once revolutionary doctrine of natural rights had become, by the end of the nineteenth century, one of the cornerstones of conservatism and reaction. He explained this apparent contradiction by pointing out that

> all abstract theories about human society admit of divergent and conflicting application. Thus the theory of social contract is used by Hobbes to condemn rebellion, and by Locke to justify it. The conception of social organism is used by Plato to justify the extremest interference with individual liberty, and by Mr. Herbert Spencer to condemn a very moderate amount of state control. And so the theory of natural rights is used by Anarchists to condemn the existing inequalities of social conditions, and by Conservatives to check attempts on the part of government to remedy these inequalities.[105]

However, as this chapter has suggested, the Natural Rights defence of Individualism was ill-suited to the conservative purpose of defending the inequalities of property in late nineteenth century Britain. From their intellectual ancestors the Individualists had

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[105] Ritchie, Natural Rights, pp.14-15.

inherited a theory of justice the radical implications of which they laboured to remove. But the task was never satisfactorily accomplished. The doctrine that each individual possessed a moral right to the products of his labour sat uneasily with a social system in which great inequalities of wealth were clearly not founded on unequal labour. Whether the defence was in terms of the desert-based or rights-based interpretations of the principle of justice, the result was the same: the theory could not perform the function which the Individualists demanded of it.

Furthermore, if justice required that the equal rights or equal opportunities of all individuals were respected, the appropriation of limited natural resources was evidently unjust since it amounted to a denial of the rights of those who were excluded from the resource. Once more, the Individualists were confronted with a conflict between their principles and their desire to mount an effective defence of the late Victorian social order; their conservatism was revealed in their readiness to resolve the conflict in favour of the latter. They might have appealed to principles of justice in order to condemn government interference which aimed at rectifying extremes of inequality, but often the best defence of the policies they abhorred were the principles they espoused.

EPILOGUE:

INDIVIDUALISM AND CONSERVATISM.

In conclusion, I hope to have established the two points outlined in the Introductory Essay. In the first place, I have suggested that Spencer's political thought did serve as the focus for a group of late Victorian political theorists who were concerned to resist the late Victorian transformation of the liberal ideology into the New Liberalism. His polemic, **The Man Versus the State**, was not the isolated protest it is usually assumed to be but was part of a more general Individualist reaction to developments within liberal thought and practice. Secondly, however, I also hope to have demonstrated that Individualism, as much as the New Liberalism, represented an adaptation of the mid-nineteenth liberal ideology, and hence the Individualists' self-understanding as the proponents of "true" liberalism was mistaken.

In this epilogue I wish to draw two conclusions from this argument. The first conclusion is specific to the interpretation of liberal thought advanced by some contemporary "classical liberals"; the implication of my argument is that their own self-understanding as the inheritors of "true" liberalism is as doubtful as was that of the Individualists, while conversely, their attempt to write the New Liberalism out of the liberal tradition altogether is unsustainable. The second conclusion is of a more general nature. By combining the principles of the philosophic radicals with doctrines derived from evolutionary biology, the Individualists transformed liberalism from a creed of rational reform to a doctrine of stoical acceptance of the sufferings caused by the inequalities of late Victorian society. Individualism thus represents a form of conservatism, but one fundamentally unlike the theory described by most standard works on conservative thought.

In the short term the Individualists may have lost their battle with the New Liberals over the "true" meaning of liberalism, but, over the course of several generations, theorists sharing their general assumptions and outlook have succeeded in appropriating the title of "classical liberals", a tendency especially marked during the last decade in which many theorists of the "New Right" have so described themselves. The interpretation

of the history of liberal thought put forward by these "classical liberal" or "libertarian" political theorists has tended to identify "classical liberalism" with the political ideas of the Scottish Enlightenment. Until the recent revival of this doctrine in the work of F.A. Hayek, it is argued, the "classical liberal" tradition had been in eclipse. The long process of decline which "classical liberalism" experienced during the nineteenth century is attributed to the statist elements imported into liberalism first by the Benthamites, then by J.S. Mill, and finally by Idealists and New Liberals. Although an account of the history of "liberalism" which writes out of the tradition so much which apparently forms part of it must give pause for thought, it would seem difficult to challenge this interpretation without becoming embroiled in interminable semantic disputes about the "true" meaning of liberalism. However, the argument of the present thesis suggests that the substantial correspondence between Individualism and contemporary "classical liberal" or "libertarian" thought does have profound implications for the self-understanding of the latter.

The political theories of the contemporary "neo-liberal" New Right have much in common with those of the late nineteenth century Individualists. The similarities relate not only to matters of abstract principle, but also to much more substantive issues. Thus, for example, contemporary "classical liberals" can be seen to be making the same criticisms of the Benthamite form of the utilitarian doctrine that were made by Spencer and his followers. It is claimed, for instance, that Bentham espoused a form of "direct or activist" utilitarianism in contrast to that of classical liberalism which lays stress on "unintended consequences and equilibrating mechanisms." The Principle of Utility which, in the hands of the Scottish Enlightenment thinkers, was employed as an explanatory device with which to understand the "spontaneous emergence of social institutions" was transformed by Bentham into a instrument for assessing "specific measures of policy." Thus Bentham is found guilty of committing the "constructivist fallacy", the belief that "social institutions can the object of successful rational redesign."[1]

Many other parallels between Individualism and contemporary "classical liberalism" could also be cited. The Law of Equal Freedom formulation of justice continues

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[1] J.N. Gray, Liberalism (Milton Keynes, 1986), pp.28-9. See also N.P. Barry, On Classical Liberalism and Libertarianism, (London, 1986).

to be employed by a significant number of the theorists of the "neo-liberal" New Right. Their explanation for the break-down of the classical liberal order in nineteenth century Britain is also strikingly similar to that advanced by the Individualists. As Gray has written in a passage worthy of Sir Henry Maine:

> In retrospect, it seems inevitable that the liberal order should have waned, once its basic constitution -- a constitution that in England was preserved only in tradition and convention -- came to be regarded as alterable by political competition within a democracy. It was the necessities of the competition for votes in the emerging democracies of the late nineteenth century, rather than changes in intellectual life, which contributed most to the ending of the liberal era.[2]

The degree of convergence between the ideas of the new "classical liberals" and the Individualists is striking, but paradoxically there would appear to be little direct influence exerted on contemporary thought by the ideas of the Individualists. Given this lack of direct influence it is far from easy to account for the substantial degree of similarity between Individualist and New Right ideas, which perhaps requires a structuralist explanation in terms of the form taken by the liberal ideology when articulated as a defence of existing inequalities in the distribution of wealth and power. Whatever the explanation, however, the degree of correspondence between the political theories of the New Right and those of the Individualists has two important corollaries.

In the first place, it suggests that the claim to the title of "classical liberals" made by Hayek and those political theorists influenced by him is somewhat dubious. The substantial parallels between Individualist and New Right thought cannot be overlooked; hence if the claim of the former to the mantle of mid-century liberalism is in doubt, then so must be the claim of the latter. As we have seen, the self-understanding of the Individualists was gainsaid by the modifications which they introduced into the doctrine which they claimed merely to be defending. Similarly, the claim of the New Right to be "classical liberals" must be equally flawed since they share many theoretical assumptions in common with Individualism, including those which distanced the Individualists from the theories of mid-nineteenth century liberalism which they claimed to represent. In practice, the New Right theorists have attempted to avoid this difficulty by identifying "classical liberalism" with the political ideas of the Scottish Enlightenment rather than with those of

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[2] Gray, Liberalism, p.33.

the Philosophic Radicals, but the exclusion from the "true" liberal tradition of so many liberal theorists, including those to whom the Individualists paid homage, would seem a high price to pay to keep their identity intact. Indeed, it would seem historically more accurate for the New Right theorists to claim intellectual descent from Spencer and his followers rather than from Hume and Smith.[3]

Secondly, the attempts of New Right theorists to condemn the New Liberalism as a socialistic perversion and hence to write it out of the liberal tradition altogether have much in common with the Individualists' criticisms of the New Radicalism. But, as I hope to have established, it would be a mistake to interpret the dispute between these two wings of the liberal tradition as being between a group of "traditionalists" and a group of "innovators", and to draw the corollary that in consequence the former represent the doctrines of "true" liberalism. Given the argument of this thesis that Individualists and New Liberals were both (in their different ways) innovators, the Individualists' claim to be the sole inheritors of the liberal tradition cannot be granted. However, to advance the argument beyond this point, and to decide upon which has the better title to the liberal tradition, would be to go further than scholarship would permit or require. The attempt to pronounce upon this dispute about the "true" meaning of liberalism would be to enter the late nineteenth century "Sattelzeit" and hence would inevitably involve taking a political stance.

The second conclusion of this work is more general, although it is also relevant to the interpretation of New Right political thought. My argument additionally suggests a way of understanding the connection which has been established in the present century between the theory of the free market and limited state and the doctrine of conservatism. According to Norton and Aughey in their study of **Conservatives and Conservatism**, two broad strands can be discerned within the modern British Conservative tradition, which they refer to as "Liberal-Conservatism" or "Whiggery" and "Toryism." The difference between these two forms of modern conservatism is stated by them as follows:

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[3] See the discussion of Smith's political ideas in D. Winch, Adam Smith's Politics (Cambridge, 1978), which demonstrates that the historical Smith was far from the one whose ideas have been appropriated by the New Right.

Toryism is concerned to smooth over conflict and to assert the natural harmony of society. Whiggery is not averse to a good dose of creative tension and competitive struggle...In contrast to Tory themes, Whiggery believes that progress, on balance, is to be preferred to stability, harmony and order. Toryism agonises about change and is sceptical about its beneficial consequences. Whiggery tends to be aggressively self-confident and optimistic...What gives unity to this diversity is the fact that both Toryism and Whiggery are, in the British political system, woven into the fabric of the Conservative party, into a common purpose of preserving a system of social and economic inequalities.[4]

Most analyses of conservative political thought have tended to stress the "Tory" element of modern conservatism, the tradition of the organic society, authority and paternalism.[5] A typical example of an analysis of conservatism in these terms is Quinton's book **The Politics of Imperfection** which defines the ideology in terms of three theoretical principles: traditionalism, organicism, and political scepticism (itself the product of a belief in moral and intellectual imperfection). The first involves an attachment to, or reverence for, established customs and institutions which are regarded as the embodiment of the historically accumulated wisdom of the community. The second principle treats society as a unitary, natural growth and not a mechanical aggregate composed of abstract individuals. Political scepticism asserts that the kind of knowledge necessary for the governance of human affairs is not to be found in theoretical speculations but in the traditions of the community. The belief in human imperfection, which is in a sense the foundational one, decrees that man is imperfect both morally and intellectually. Moral imperfection requires that individuals should belong to a society held together by traditional customs and institutions, while intellectual imperfection indicates the importance of these practices as the depositories of the accumulated wisdom of the community.[6]

In contrast to this species of Toryism, "Liberal-Conservatism" or "Whiggery" has received comparatively little scholarly attention. Yet, as O'Sullivan has pointed out, the end of the nineteenth century witnessed a major shift in the nature of conservatism.[7]

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[4] P. Norton and A. Aughey, Conservatives and Conservatism (London, 1981), pp.65-6.

[5] H. Glickman, "The Toryness of English Conservatism", Journal of British Studies, 1, (1961), pp.111-143.

[6] A.M. Quinton, The Politics of Imperfection, London, 1978. pp.16-18.

[7] W.H. Greenleaf, The Ideological Heritage; N. O'Sullivan, Conservatism (London, 1976); see also N. Harris, Competition and the Corporate Society (London, 1972).

Taking as an example Lecky's work **Democracy and Liberty** he suggests that it has pre-empted two recent concerns of conservatives. These are, first of all, disquiet over the "democratic passion for 'social regulation'" which has lead a growth of bureaucracy and increased powers for the state, and secondly, the fear of handing power to the classes who care least for liberty. Thus O'Sullivan writes:

> In the writings of Lecky...the signs of a major change in direction within British conservative thought become very evident. Now the conservative enemy is no longer liberalism but socialism; and what happens as a result, is that conservatism visibly begins to adopt and defend the liberal values it formerly opposed.[8]

It is certainly the case that one element in the formation of "liberal-conservatism" was the attempt by a number of conservative thinkers to appropriate some of the values more usually associated with liberalism, and in particular to accommodate Toryism to the industrial and financial structure of modern capitalism. This approach is typified by the work of W.H. Mallock who, as we observed in the Introductory Essay, can be seen to have worked from Tory premises to conclusions not unlike those reached by the Individualists. As O'Sullivan has remarked, Mallock transformed the elitism of thinkers like Carlyle and Stephen with the objective of defending "the preservation of the individualistic order which the socialistic ideal now seemed likely to destroy."[9]

However, O'Sullivan's citation of the Individualist Lecky as an instance of "liberal-conservatism" also suggests that the doctrine must possess another component which consists, not of conservatives endorsing liberal values, but of liberals developing a defence of prevailing social and economic inequalities. This supposition would appear to receive support from the argument of this thesis, which has indicated the existence of a form of conservatism which defended existing institutions on the grounds that they embodied fundamental liberal principles. Freedom of contract, property rights, and a minimal state were seen by the Individualists as being part of the established order of society which the "socialistic" policies of the Liberal party were in the process of demolishing. In this sense their conservatism was like that of Hume or Alexander Hamilton both of whom "could be

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[8] O'Sullivan, Conservatism, p.111.

[9] O'Sullivan, Conservatism, p.115.

General Election.

Hence the Individualists brought to Conservatism a distinctive ideological apparatus. In contrast to Toryism, Individualism appealed more to the secular than to the pious mentality; in concluding that the functions of the state should be limited to the barest minimum it lacked the focus of reverence and authority which the state provides in the Tory tradition. Whereas Toryism relies on the collective, accumulated wisdom of the community expressed in its traditions and customs, Individualism asserted that individual self-interest could be relied on to reveal the wisdom of nature and that the community need only give this motive free play. Whereas Toryism celebrates the present as the living embodiment of the past, and views with nostalgia the vanished regime of status, Individualism believes that the decisive break in human history came when contract supplanted status as the chief form of human social relation. Thus the general conclusion which can be drawn from this study is that the "Whig" strand of modern conservatism owes at least part of its origin to the evolution of liberal thought represented by the Individualists.

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