

**501 QUOTATIONS ABOUT LIBERTY AND
POWER:
A Collection drawn from the *Online Library of
Liberty*
(Jan. 2015 edition)**



<http://oll.libertyfund.org/quotes>

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AMAGI. The cuneiform inscription that appears in the logo and serves as a design element in all Liberty Fund books and websites is the earliest-known written appearance of the word freedom or liberty ("amagi" in Ancient Sumerian) It is taken from a clay document written about 2,300 B.C. in the Sumerian city-state of Lagash.

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LIBERTY FUND, INC.
8335 Allison Pointe Trail, Suite 300
Indianapolis, Indiana 46250-1684

Quotations about Liberty and Power

Tocqueville asks where the passion for liberty comes from (1856)



Alexis de Tocqueville (1805 – 1859)

Alexis de Tocqueville (1805-1859) in his unfinished history of the Revolution of 1789 asks where the love of liberty comes from:

I have often asked myself what was the source of that passion for political liberty which has inspired the greatest deeds of which mankind can boast. In what feelings does it take root? From whence does it derive nourishment? ...

It is the intrinsic attractions of freedom, its own peculiar charm—quite independently of its incidental benefits—which have seized so strong a hold on the great champions of liberty throughout history; they loved it because they loved the pleasure of being able to speak, to act, to breathe unrestrained, under the sole government of God and the laws. He who seeks freedom for any thing but freedom's self is made to be a slave.

[See the [full quotation](#)]

Introduction

Each week we post a Quotation about Liberty and Power which is taken from the collection of titles in the Online Library of Liberty <oll.libertyfund.org>. Its aim is to explore what some key thinkers have to say about mankind's struggle for liberty against the individuals and institutions which sought to tax, regulate, control, enslave, conscript, or kill him or her. After 11 years this collection of 501 quotations provides a valuable resource which shows the diversity and richness of these texts.

The quotations are organized into the following themes (the links are to sections of this document):

[Colonies, Slavery & Abolition](#) | [Economics](#) | [Education](#) | [Food & Drink](#) | [Free Trade](#) | [Freedom of Speech](#) | [Law](#) | [Liberty](#) | [Literature & Music](#) | [Money & Banking](#) | [Natural Rights](#) | [Odds & Ends](#) | [Origin of Government](#) | [Parties & Elections](#) | [Philosophy](#) | [Politics & Liberty](#) | [Presidents, Kings, Tyrants, & Despots](#) | [Property Rights](#) | [Religion & Toleration](#) | [Revolution](#) | [Rhetoric of Liberty](#) | [Science](#) | [Socialism & Interventionism](#) | [Society](#) | [Sport and Liberty](#) | [Taxation](#) | [The State](#) | [War & Peace](#) | [Women's Rights](#)

To see the current list of Quotations on the OLL website please consult this page <<http://oll.libertyfund.org/quotes>>.

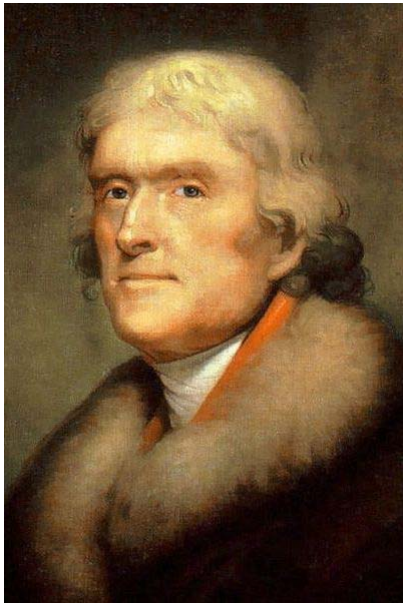
Each quotation begins with a brief summary of its content, the date it first appeared, the date it was published on the OLL website, a picture of the author (if available), a link to the main author page in the OLL, the full quote (with the abbreviated quote in bold), a brief comment on the importance of the quote, and its source (with a link to book where it is located).

1. Colonies, Slavery & Abolition↩

1. [Less well known is Thomas Jefferson's First Draft of the Declaration of Independence in which he denounced the slave trade as an "execrable Commerce" and slavery itself as a "cruel war against nature itself" \(1776\) \(Jul 4, 2005\)](#)
2. [Adam Smith notes that colonial governments might exercise relative freedom in the metropolis but impose tyranny in the distant provinces \(1776\) \(Jun 19, 2006\)](#)
3. [John Millar argues that as a society becomes wealthier domestic freedom increases, even to the point where slavery is thought to be pernicious and economically inefficient \(1771\) \(Jul 24, 2006\)](#)
4. [J.B. Say argues that colonial slave labor is really quite profitable for the slave owners at the expense of the slaves and the home consumers \(1817\) \(Feb 22, 2007\)](#)
5. [Jean-Baptiste Say argues that home-consumers bear the brunt of the cost of maintaining overseas colonies and that they also help support the lavish lifestyles of the planter and merchant classes \(1817\) \(Feb 23, 2007\)](#)
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8. [John Stuart Mill on the "atrocities" committed by Governor Eyre and his troops in putting down the Jamaica rebellion \(1866\) \(Oct 15, 2007\)](#)
9. [Harriet Martineau on the institution of slavery, "restless slaves", and the Bill of Rights \(1838\)](#)

- (Aug 25, 2008)
10. [Sir William Blackstone declares unequivocally that slavery is “repugnant to reason, and the principles of natural law” and that it has no place in English law \(1753\)](#) (Jan 5, 2009)
 11. [Emerson on the right of self-ownership of slaves to themselves and to their labor \(1863\)](#) (Dec 14, 2009)
 12. [Frederick Douglass makes a New Year’s resolution to gain his freedom from slavery \(1836\)](#) (Dec 28, 2009)
 13. [John Stuart Mill on “the sacred right of insurrection” \(1862\)](#) (Apr 17, 2011)
 14. [Tocqueville on Centralised Government in Canada and Decentralised Government in America \(1856\)](#) (May 19, 2014)

Less well known is Thomas Jefferson's First Draft of the Declaration of Independence in which he denounced the slave trade as an "execrable Commerce" and slavery itself as a "cruel war against nature itself" (1776) (Jul 4, 2005)



Thomas Jefferson (1743 – 1826)

Less well known than the official version of the Declaration of Independence of the American colonies is Thomas Jefferson's first draft where Jefferson makes the following points about slavery:

He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain.

He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Markett where Men should be bought and sold, and that this assemblage of Horrors might want no Fact of distinguished Die

He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.

In every stage of these oppressions we have petitioned for redress, in the most humble Terms; our repeated Petitions have been answered by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a People who mean to be free.—future ages will scarce believe, that the Hardiness of one Man, adventured, within the Short Compass of twelve years only, on so many Acts of Tyranny, without a Mask, over a People, fostered and fixed in the Principles of Liberty.

About this Quotation:

We chose this quote to coincide with the July 4 celebrations in this country. It is always a puzzlement to consider Jefferson's obvious abhorrence of slavery, as this draft of the Declaration of independence clearly shows, and his ownership of slaves. One wonders how the two could exist side by side in the same individual. If a man like Jefferson was able to make compromises like this what does this mean for the rest of us?

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 2. <http://oll.libertyfund.org/title/755/86069/1987297>

Adam Smith notes that colonial governments might exercise relative freedom in the metropolis but impose tyranny in the distant provinces (1776) (Jun 19, 2006)



Adam Smith (1723 – 1790)

Adam Smith, In the chapter "Of Colonies" in vol. 2 of *The Wealth of Nations* (1776), discusses how colonial governments exercise tyranny in the distant provinces but relative freedom in the metropolis:

The absolute governments of Spain, Portugal, and France, on the contrary, take place in their colonies; and the discretionary powers which such governments commonly delegate to all their inferior officers are, on account of the great distance, naturally exercised there with more than ordinary violence. Under all absolute governments there is more liberty in the capital than in any other part of the country. **The sovereign himself can never have either interest or inclination to pervert the order of justice, or to oppress the great body of the people. In the capital his presence overawes more or less all his inferior officers, who in the remoter provinces, from whence the complaints of the people are less likely to reach him, can exercise their tyranny with much more safety.** But the European colonies in America are more remote than the most distant provinces of the greatest empires which had ever been known before. The government of the English colonies is perhaps the only one which, since the world began, could give perfect security to the inhabitants of so very distant a province. The administration of the French colonies, however, has always been conducted with more gentleness and moderation than that of the Spanish and Portuguese. This superiority of conduct is suitable both to the character of the French nation, and to what forms the character of every nation, the nature of their government, which though arbitrary and violent in comparison with that of Great Britain, is legal and free in comparison with those of Spain and Portugal.

About this Quotation:

Adam Smith asks a pertinent question of the colonial powers Spain, Portugal, France, and Great Britain concerning the relative freedom experienced in the capital cities versus the often dictatorial powers exercised by their respective armies in the field. His response is that the junior officers are in

awe of the sovereign when at home in the capital and the great distance to the colonies means they can act tyrannically because of the lack of adequate legal supervision. The exception is Britain, and to some degree France, in their North American colonies where the rule of law and respect for property rights has been transplanted and thus restrains the actions of the army officers when they are so far away from home.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/119#Smith_0206-02_219

John Millar argues that as a society becomes wealthier domestic freedom increases, even to the point where slavery is thought to be pernicious and economically inefficient (1771) (Jul 24, 2006)



[John Millar](#) (1735 – 1801)

A major concern of Millar in *The Distinction of Ranks* was to show how unjust and inefficient social arrangements, like slavery, were gradually abolished as nations became more prosperous and commercial:

It may in general be observed, that according as men have made greater progress in commerce and the arts, the establishment of domestic freedom is of greater importance; and that, in opulent and polished nations, its influence extends to the great body of the people, who form the principal part of a community, and whose comfortable situation ought never to be overlooked in the provisions that are made for national happiness and prosperity.

In whatever light we regard the institution of slavery, it appears equally inconvenient and pernicious. No conclusion seems more certain than this, that men will commonly exert more activity when they work for their own benefit, than when they are compelled to labour for the benefit merely of another. The introduction of personal liberty has therefore an infallible tendency to render the inhabitants of a country more industrious; and, by producing greater plenty of provisions, must necessarily increase the populousness, as well as the strength and security of a nation.

About this Quotation:

John Millar's book *The Origin of the Distinction of Ranks* (1771) is one of many works in the late 18th century to which one might ascribe the label of "sociology". A number of French theorists, such as Turgot and Condorcet, along with their counterparts in Scotland, such as Adam Smith, Adam Ferguson, and John Millar, engaged in what they would have called "philosophical history" but which today we would probably call sociology. The aim of these writers was to use historical and economic

analysis in order to explore the nature of class and power, the evolution of societies from one “mode of production” to another, the operation of the newest phase of human economic development (i.e. the free market and industry), and the impact this might have on society. It is the latter concern which drives Millar to the conclusion that economic progress will begin to undermine one of the pillars of old regime societies – slavery. Even this venerable institution would be eroded away as industry and commercial values made their inevitable way through the world. This work has just recently been published by Liberty Fund as part of its *Natural law and Enlightenment Classics Series*.

Source

John Millar, *The Origin of the Distinction of Ranks; or, An Inquiry into the Circumstances which give rise to Influence and Authority in the Different Members of Society*, edited and with an Introduction by Aaron Garrett (Indianapolis: Liberty Fund, 2006). <http://oll.libertyfund.org/title/287/52408/833718>

J.B. Say argues that colonial slave labor is really quite profitable for the slave owners at the expense of the slaves and the home consumers (1817) (Feb 22, 2007)



Jean Baptiste Say (1767 – 1832)

Say denounced slavery as “this vicious system of production” and argued that slaves were kept in poverty by their masters who pocketed most of the profits of their labor

But let me ask, in what manner does slavery operate upon production? Is the labour of the slave less costly than that of the free labourer? This is an important inquiry, originating in the influence of the modern system of colonization upon the multiplication of wealth.

Stewart, Turgot, and Smith, all agree in thinking, that the labour of the slave is dearer and less productive than that of the freeman. Their arguments amount to this: a man, that neither works nor consumes on his own account, works as little and consumes as much as he can: he has no interest in the exertion of that degree of care and intelligence, which alone can insure success: his life is shortened by excessive labour, and his master must replace it at great expense, besides, the free workman looks after his own support; but that of the slave must be attended to by the master; and, as it is impossible for the master to do it so economically as the free workman, the labour of the slave must cost him dearer.

This position has been controverted by the following calculation...

Common sense will tell us, that the consumption of a slave must be less than that of a free workman. The master cares not if his slave enjoy life, provided he do but live; a pair of trowsers and a jacket are the whole wardrobe of the negro: his lodging a bare hut, and his food the manioc root, to which kind masters now and then add a little dried fish. A population of free workmen, taken one with another, has women, children, and invalids to support: the ties of consanguinity, friendship, love, and gratitude, all contribute to multiply consumption; whereas, the slave-owner is often relieved by the effects of fatigue from the maintenance of the veteran: the tender age and sex enjoy little exemption from labour; and even the soft impulse of sexual attraction is subject to the avaricious

calculations of the master.

What is the motive which operates in every man's breast to counteract the impulse towards the gratification of his wants and appetites? Doubtless, the providential care of the future. Human wants and appetites have a tendency to extend—frugality to reduce consumption; and it is easy to conceive, that these opposite motives, working in the mind of the same individual, help to counteract each other. But, where there are master and slave, the balance must needs incline to the side of frugality; the wants and appetites operate upon the weaker party, and the motive of frugality upon the stronger. It is a well-known fact, that the net produce of an estate in St. Domingo cleared off the whole purchase-money in six years; whereas in Europe the net produce seldom exceeds the one twenty-fifth or one thirtieth of the purchase-money, and sometimes falls far short even of that. Smith, himself, elsewhere tells us, that the planters of the English islands admit that the run and molasses will defray the whole expenses of a sugar plantation, leaving the total produce of sugar as net proceeds: which, as he justly observes, is much the same as if our farmers were to pay their rent and expenses with the straw only, and to make a clear profit of all the grain. Now I ask, how many products are there that exceed the expenses of production in the same degree?

Indeed, this very exorbitance of profit shows, that the industry of the master is paid out of all proportion with that of the slave. To the consumer it makes no difference. One of the productive classes benefits by the depression of the rest; and that would be all, were it not that the vicious system of production, resulting from this derangement, opposes the introduction of a better plan of industry. The slave and the master are both degraded beings, incapable of approximating to the perfection of industry, and, by their contagion, degrading the industry of the free man, who has no slaves at his command. For labour can never be honourable, or even respectable, where it is executed by an inferior caste. The forced and unnatural superiority of the master over the slave, is exhibited in the affectation of lordly indolence and inactivity: and the faculties of mind are debased in an equal degree; the place of intelligence is usurped by violence and brutality.

About this Quotation:

Political economists in the late 18th and early 19th centuries were divided over whether or not the system of slave labor was “profitable”. The Smithian school argued that free labor was more productive than inefficient slave labor because of the “incentive problem.” Say, on the other hand, argued that slavery was immensely profitable to the slave owners who were able to benefit from protective tariffs and to transfer many of their costs to domestic consumers and taxpayers. The outcome of this academic debate would be very important to the problem of if and when slavery would end in the United States.

Source

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed.). <http://oll.libertyfund.org/title/274/38017/900481>

Jean-Baptiste Say argues that home-consumers bear the brunt of the cost of maintaining overseas colonies and that they also help support the lavish lifestyles of the planter and merchant classes (1817) (Feb 23, 2007)



Jean Baptiste Say (1767 – 1832)

Say provides a devastating critique of the colonial system on economic, political, and moral grounds. His sympathies obviously lie with the exploited slaves as well as exploited home-consumers and taxpayers who foot the bill. Here he makes an early form of classical liberal class analysis, pitting the exploited slaves and home consumers and taxpayers against the powerful planter and merchant classes who dominate parliament and benefit from the slave trade and the profits which come from the slave system

While, on the one hand, the colonists are obliged to buy of the mother-country, they are, on the other, compelled to sell their colonial produce exclusively to its merchants, who thus obtain an extra advantage without any creation of value, at the expense, likewise, of the colonists, by the enjoyment of an exclusive privilege, and of exemption from competition. Here, too, the profit and loss destroy each other nationally, but not individually; what a merchant of Havre or Bordeaux gains in this way is substantial profit; but it is taken from the pockets of one or more subjects of the same state, who had equal right to have their interest attended to. It is true, indeed, that the colonists are indemnified in another way; viz. either by the miseries of the slave population, as we have already explained; or by the privations of the inhabitants of the mother-country, as I am about to show.

So completely is the whole system built upon compulsions, restriction, and monopoly, that these very domestic consumers are compelled to buy what colonial articles of consumption they require exclusively from the national colonies; every other colony, and all the rest of the world, being denied the liberty of importing colonial¹⁶ produce, or subjected to the payment of a heavy fine, in the shape of an import duty.

It would seem that the home-consumer should at any rate derive an obvious benefit, in the

price of colonial produce, from his exclusive right of purchasing of the colonists. But even this unjust preference is denied him; for, as soon as the produce arrives in Europe, the home-merchant is allowed to re-export and sell it where he chooses, and particularly to those nations that have no colonies of their own; so that, after all, the planter is deprived of the competition of buyers, although the home-consumer is made to suffer its full effect.

All these losses fall chiefly upon the class of home-consumers, a class of all others the most important in point of number, and deserving of attention on account of the wide diffusion of the evils of any vicious system affecting it, as well as the functions it performs in every part of the social machine, and the taxes it contributes to the public purse, wherein consists the power of the government. They may be divided into two parts; whereof the one is absorbed in the superfluous charges of raising the colonial produce, which might be got cheaper elsewhere; this is a dead loss to the consumer, without gain to any body. The other part, which is also paid by the consumer, goes to make the fortunes of West-Indian planters and merchants. The wealth thus acquired is the produce of a real tax upon the people, although, being centred in few hands, it is apt to dazzle the eyes, and be mistaken for wealth of colonial and commercial acquisition. And it is for the protection of this imaginary advantage, that almost all the wars of the eighteenth century have been undertaken, and that the European states have thought themselves obliged to keep up, at a vast expense, civil and judicial, as well as marine and military, establishments, at the opposite extremities of the globe.

About this Quotation:

The early political economists were adamantly opposed to slavery and the colonial system for a good mix of reasons: they opposed its high cost in taxation to pay for the navy and the colonial administration, they objected to the system of trade restrictions which gave preferential treatment in the home market to goods made in the colonies, they opposed the power the planters had in parliament, and last but not least they opposed the “vicious” and degrading system of exploitation known as slavery on the grounds of the natural rights to liberty and property of all individuals. This should lay aside the common charge that the early political economists were “heartless” economists.

Source

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed.). <http://oll.libertyfund.org/title/274/38017/900488>

Thomas Clarkson on the “glorious” victory of the abolition of the slave trade in England (1808) (Mar 12, 2007)



[Thomas Clarkson](#) (1760 – 1846)

Thomas Clarkson, in his *History of the Abolition of the Slave Trade* (1808), concludes with the following optimistic view of the possibilities of human reason and sympathy:

Thus ended one of the most glorious contests, after a continuance for twenty years, of any ever carried on in any age or country. A contest, not of brutal violence, but of reason. A contest between those, who felt deeply for the happiness and the honour of their fellow-creatures, and those, who, through vicious custom and the impulse of avarice, had trampled under-foot the sacred rights of their nature, and had even attempted to efface all title to the divine image from their minds.

Of the immense advantages of this contest I know not how to speak. Indeed, the very agitation of the question, which it involved, has been highly important. Never was the heart of man so expanded. Never were its generous sympathies so generally and so perseveringly excited. These sympathies, thus called into existence, have been useful in the preservation of a national virtue. For any thing we know, they may have contributed greatly to form a counteracting balance against the malignant spirit, generated by our almost incessant wars during this period, so as to have preserved us from barbarism.

It has been useful also in the discrimination of moral character. In private life it has enabled us to distinguish the virtuous from the more vicious part of the community*. It has shown the general philanthropist. It has unmasked the vicious in spite of his pretension to virtue. It has afforded us the same knowledge in public life. It has separated the moral statesman from the wicked politician. It has shown us who, in the legislative and executive offices of our country are fit to save, and who to destroy, a nation.

It has furnished us also with important lessons. It has proved what a creature man is! how devoted he is to his own interest! to what a length of atrocity he can go, unless fortified by religious principle! But as if this part of the prospect would be too afflicting, it has proved

to us, on the other hand, what a glorious instrument he may become in the hands of his Maker; and that a little virtue, when properly leavened, is made capable of counteracting the effects of a mass of vice!

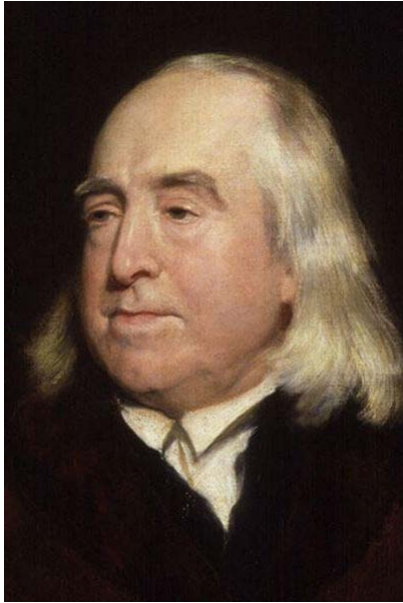
About this Quotation:

Thomas Clarkson is justifiably in very high spirits in 1808 with the successful passing of legislation in the British Parliament to abolish the slave trade. He and his fellow abolitionists knew that this was a first but important step towards finally abolishing slavery (which would not occur in British colonies until the 1830s). What lies behind the tone of this final passage in the book is the realisation that an injustice which had survived for millennia, and which had become the unquestioned orthodoxy of all “right thinking people”, had been overturned by a peaceful campaign of moral suasion and political campaigning, and not by violence.

Source

Thomas Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-Trade by the British Parliament*, 2 vols. (London: L. Taylor, 1808). Vol. 2.
<http://oll.libertyfund.org/title/1072/82014/1939759>

Jeremy Bentham relates a number of “abominations” to the French National Convention urging them to emancipate their colonies (1793) (Aug 6, 2007)



Jeremy Bentham (1748 – 1832)

In an address to the French National Convention in 1793 Jeremy Bentham urged the delegates to emancipate the colonies from French rule. He particularly denounced the policy of the government monopolizing the sugar trade:

The attempt, I say, is iniquitous: it is an aristocratical abomination: it is a cluster of aristocratical abominations: it is iniquitous towards them; but much more as among yourselves.

Abomination the 1st. Liberty, property, and equality violated on the part of a large class of citizens (the colonists) by preventing them from carrying their goods to the markets which it is supposed would be most advantageous to them, and thence keeping from them so much as it is supposed they would otherwise acquire.

Abomination 2d. One part of a nation (the people of France) taxed to raise money to maintain by force the restraints so imposed upon another part of the nation (the colonists.)

Abomination 3d. The poor, who after all are unable to buy sugar—the poor in France, taxed in order to pay the rich for eating it. Necessaries abridged for the support of luxury. The burthen falls upon the rich and poor in common: the benefit is shared exclusively by the rich.

About this Quotation:

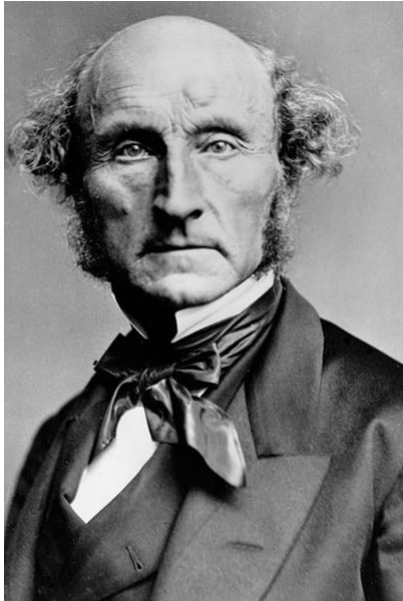
Jeremy Bentham was forever petitioning governments and well-connected people to adopt his reform proposals, whether they were for prison reform, the colonisation of Australia, or the independence of France's colonies. It is hard to tell what the French politicians thought of this tirade but it is amusing to read. Bentham has a strong dislike of the aristocrats in England and France who monopolised

politics and cloaks his arguments in a thinly disguised theory of class (a view also adopted by his followers James Mill and other members of the Philosophic radicals). Abominations are not just abominations, but “aristocratical abominations”. I guess they don’t get much worse than that in his view.

Source

Jeremy Bentham, *The Works of Jeremy Bentham*, published under the Superintendence of his Executor, John Bowring (Edinburgh: William Tait, 1838-1843). 11 vols. Vol. 4.
<http://oll.libertyfund.org/title/1925/116765/2371202>

John Stuart Mill on the “atrocities” committed by Governor Eyre and his troops in putting down the Jamaica rebellion (1866) (Oct 15, 2007)



John Stuart Mill (1806 – 1873)

In 1866 JS Mill chaired a committee to look into the brutal repression of a mutiny in Jamaica by Governor Eyre. He spoke on the matter several times in the House of Commons. In his *Autobiography* he observed that:

Another public duty, of a most serious kind, it was my lot to have to perform, both in and out of Parliament, during these years. **A disturbance in Jamaica, provoked in the first instance by injustice, and exaggerated by rage and panic into a premeditated rebellion, had been the motive or excuse for taking hundreds of innocent lives by military violence or by sentence of what were called courts martial, continuing for weeks after the brief disturbance had been put down; with many added atrocities of destruction of property, flogging women as well as men, and a great display of the brutal recklessness which generally prevails when fire and sword are let loose. The perpetrators of these deeds were defended and applauded in England by the same kind of people who had so long upheld negro slavery: and it seemed at first as if the British nation was about to incur the disgrace of letting pass without even a protest, excesses of authority as revolting as any of those for which, when perpetrated by the instruments of other governments, Englishmen can hardly find terms sufficient to express their abhorrence.** After a short time, however, an indignant feeling was roused; a voluntary Association formed itself under the name of the Jamaica Committee, to take such deliberation and action as the case might admit of, and adhesions poured in from all parts of the country. I was abroad at the time but I sent in my name to the Committee as soon as I heard of it, and took an active part in its proceedings from the time of my return. There was much more at stake than only justice to the Negroes, imperative as was that consideration. The question was, whether the British dependencies, and eventually perhaps Great Britain itself, were to be under the government of law, or of military license; whether the lives and persons of British subjects are at the mercy of any two or three officers however raw and inexperienced or reckless and brutal, whom a panic-

stricken Governor or other functionary may assume the right to constitute into a so-called Court Martial. This question could only be decided by an appeal to the tribunals; and such an appeal the Committee determined to make. Their determination led to a change in the Chairmanship of the Committee, as the Chairman, Mr. Charles Buxton, thought it not unjust indeed, but inexpedient, to prosecute Governor Eyre and his principal subordinates in a criminal court: but a numerously attended General meeting of the Association having decided this point against him, Mr. Buxton withdrew from the Committee, though continuing to work in the cause, and I was, quite unexpectedly on my own part, proposed and elected Chairman. It became, in consequence, my duty to represent the Committee in the House, sometimes by putting questions to the Government, sometimes as the recipient of questions more or less provocative, addressed by individual members to myself; but especially as speaker in the important debate originated in the session of 1866 by Mr. Buxton: and the speech I then delivered is that which I should probably select as the best of my speeches in Parliament. For more than two years we carried on the combat, trying every avenue legally open to us, to the courts of criminal justice. A bench of magistrates in one of the most Tory counties in England dismissed our case: we were more successful before the magistrates at Bow Street; which gave an opportunity to the Lord Chief Justice of the Queen's Bench, Sir Alexander Cockburn, for delivering his celebrated charge, which settled the law of the question in favour of liberty, as far as it is in the power of a judge's charge to settle it.[] There, however, our success ended, for the Old Bailey Grand Jury by throwing out our bill prevented the case from coming to trial. It was clear that to bring English functionaries to the bar of a criminal court for abuses of power committed against negroes and mulattoes, was not a popular proceeding with the English middle classes. We had however redeemed, so far as lay in us, the character of our country, by shewing that there was at any rate a body of persons determined to use all the means which the law afforded to obtain justice for the injured. We had elicited from the highest criminal judge in the nation an authoritative declaration that the law was what we maintained it to be; and we had given an emphatic warning to those who might be tempted to similar guilt hereafter, that though they might escape the actual sentence of a criminal tribunal, they were not safe against being put to some trouble and expense in order to avoid it. Colonial Governors and other persons in authority will have a considerable motive to stop short of such extremities in future.

About this Quotation:

John Stuart Mill and other liberals were shocked at the brutality used by Governor Eyre and his troops in putting down a rebellion in the previously slave colony of Jamaica. Mill chaired a parliamentary committee to look into charging Eyre with crimes in order to both bring justice to the innocent victims as well as to show other colonial governors that such behaviour would not be tolerated in the future. Mill notes that the initial rebellion broke out because of unjust treatment of the inhabitants but that this quickly spiralled out of control (due to "excesses of authority") as the authorities resorted to capital courts martial, the wanton destruction of property, the flogging of men and women, and "the general recklessness which generally prevails when fire and sword are let loose". Mill further notes that Eyre's supporters in England were the same people who had "upheld negro slavery" before its abolition in the 1830s.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume I – Autobiography and Literary*

Essays, ed. John M. Robson and Jack Stillinger, introduction by Lord Robbins (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1981). <http://oll.libertyfund.org/title/242/7732/716561>

Harriet Martineau on the institution of slavery, “restless slaves”, and the Bill of Rights (1838) (Aug 25, 2008)



Harriet Martineau (1802 – 1876)

The popularizer of political economy, Harriet Martineau (1802-1876), in her account of her travels in the U.S. in 1834-36, relates the story of a slave woman, Mum Bett, who resisted a beating by her owner and demanded her liberty in the name of the Bill of Rights

A woman once lived in Massachusetts, whose name ought to be preserved in all histories of the State, as one of its honours, though she was a slave, Some anecdotes of her were related in a Lyecum lecture delivered at Stockbridge in 1831. Others were told me by the Sedgwicks, who had the honour of knowing her best, by means of rendering her the greatest services. Mum Bett. Whose real name was Elizabeth Freeman, was born, it is supposed, about 1742. Her parents were native Africans, and she was a slave for about thirty years. At an early age she was purchased, with her sister, from the family into which she was born, in the States of New York, by Colonel Ashley, of Sheffield, Massachusetts. The lady of the mansion, in a fit of passion, one day struck at Mum Bett's sister with a heated kitchen shovel. Mum Bett interposed her arm, and received the blow, the scar of which she bore to the day of her death. "She resented the insult and outrage as a white person would have done." Leaving the house, and refusing to return. Colonel Ashley appealed to the law for the recovery of his slave. **Mum Bett called on Mr. Sedgwick, and asked him if she could not claim her liberty under the law. He inquired what could put such an idea into her head. She replied that the "Bill of Rights" said that all were born free and equal, and that as she was not a dumb heast, she was certainly one of the nation.** When afterwards asked how she learned the doctrine and facts on which she proceeded, she replied. "By keepin' still and mindin' things." It was a favourite doctrine of hers, that people might learn by keeping still and minding things. But what did she mean, she was asked, by keeping still and minding things, Why, for instance, when she was waiting at table, she heard gentlemen talking over the Bill of Rights and the new constitution of Massachusetts; and in all they said she never heard but that all people were born free and equal, and she thought long about it, and resolved she would try whether she did not come in among them.

About this Quotation:

A number of liberal minded Europeans visited America in the 1830s and 1840s hoping to discover more about the new American experiment in democracy, republicanism, and individual liberty. The best known is Alexis de Tocqueville, whose *Democracy in America* is being newly translated by Liberty Fund. Others of note include his friend and travelling companion Gustave de Beaumont who wrote a book on American slavery *Marie: ou l'Esclavage aux États-Unis* (1835), and Harriet Martineau who wrote *Retrospect of Western Travel* (1838). Martineau casts her eye, as they all did, on the glaring contradiction between the principles behind the Declaration of Independence and the Bill of Rights and the existence of slavery. Martineau was able to find a feisty black woman, Mum Bett, and let her speak in her words. Mum Bett came upon the principles of individual liberty by overhearing the conversations of the “gentlemen” she had to serve at table and thinking them through at her leisure. Note how Frederick Douglass came upon these same ideas – by reading the speeches of famous English authors and politicians, even though learning to read for black slaves was illegal for just this very reason.

Source

Harriet Martineau, *Retrospect of Western Travel in Three Vols* (London: Saunders and Otley, 1838). Vol. 2. <http://oll.libertyfund.org/title/1700/12144/1537786>

Sir William Blackstone declares unequivocally that slavery is “repugnant to reason, and the principles of natural law” and that it has no place in English law (1753) (Jan 5, 2009)



[Sir William Blackstone](#) (1723 – 1780)

Sir William Blackstone (1723-1780), the great English jurist, in his *Commentaries of the Laws of England* (1753) believed that slavery was "repugnant to reason, and the principles of natural law" and thus had no standing under English law

I. As to the several sorts of servants: **I have formerly observed(a) that pure and proper slavery does not, nay, cannot, subsist in England: such, I mean, whereby an absolute and unlimited power is given to the master over the life and fortune of the slave. And indeed it is repugnant to reason, and the principles of natural law, that such a state should subsist anywhere. The three origins of the right of slavery assigned by Justinian(b) are all of them built upon false foundations.**© As, first, slavery is held to arise “jure gentium,” from a state of captivity in war; whence slaves are called mancipia, quasi manu capti. The conqueror, say the civilians, had a right to the life of his captive; and, having spared that, has a right to deal with him as he pleases. But it is an untrue position, when taken generally, that by the law of nature, or nations, a man may kill his enemy: he has only a right to kill him, in particular cases: in cases of absolute necessity, for self-defence; and it is plain this absolute necessity did not subsist, since the victor did not actually kill him, but made him prisoner. War is itself justifiable only on principles of self-preservation; and therefore it gives no other right over prisoners but merely to disable them from doing harm to us, by confining their persons: much less can it give a right to kill, torture, abuse, plunder, or even to enslave, an enemy, when the war is over. Since therefore the right of making slaves by captivity depends on a supposed right of slaughter, that foundation failing, the consequence drawn from it must fail likewise. But, secondly, it is said that slavery may begin “jure civili;” when one man sells himself to another. This, if only meant of contracts to serve or work for another, is very just: but when applied to strict slavery, in the sense of the laws of old Rome or modern Barbary, is also impossible. Every sale implies a price, a quid pro quo, an equivalent given to the seller in lieu of what he transfers to the buyer: but what equivalent can be given for life and liberty, both of

which, in absolute slavery, are held to be in the master's disposal? His property also, the very price he seems to receive, devolves ipso facto to his master, the instant he becomes his slave. In this case therefore the buyer gives nothing, and the seller receives nothing: of what validity then can a sale be, which destroys the very principles upon which all sales are founded? Lastly, we are told, that besides these two ways by which slaves "fiunt," or are acquired, they may also be hereditary: "servi nascuntur;" the children of acquired slaves are jure naturæ, by a negative kind of birthright, slaves also. But this, being built on the two former rights, must fall together with them. If neither captivity nor the sale of one's self, can by the law of nature and reason reduce the parent to slavery, much less can they reduce the offspring.

Upon these principles the law of England abhors, and will not endure the existence of, slavery within this nation; so that when an attempt was made to introduce it, by statute 1 Edw. VI. c. 3, which ordained, that all idle vagabonds should be made slaves, and fed upon bread and water, or small drink, and refuse meat; should wear a ring of iron round their necks, arms, or legs; and should be compelled, by beating, chaining, or otherwise, to perform the work assigned them, were it never so vile; the spirit of the nation could not brook this condition, even in the most abandoned rogues; and therefore this statute was repealed in two years afterwards.(d) And now it is laid down,(e) that a slave or negro, the instant he lands in England, becomes a freeman; that is, the law will protect him in the enjoyment of his person, and his property. Yet, with regard to any right which the master may have lawfully acquired to the perpetual service of John or Thomas, this will remain exactly in the same state as before: for this is no more than the same state of subjection for life, which every apprentice submits to for the space of seven years, or sometimes for a longer term. Hence too it follows, that the infamous and unchristian practice of withholding baptism from negro servants, lest they should thereby gain their liberty, is totally without foundation, as well as without excuse. The law of England acts upon general and extensive principles: it gives liberty, rightly understood, that is, protection, to a Jew, a Turk, or a heathen, as well as to those who profess the true religion of Christ; and it will not dissolve a civil obligation between master and servant, on account of the alteration of faith in either of the parties: but the slave is entitled to the same protection in England before, as after, baptism; and, whatever service the heathen negro owed of right to his American master, by general not by local law, the same, whatever it be, is he bound to render when brought to England and made a Christian.

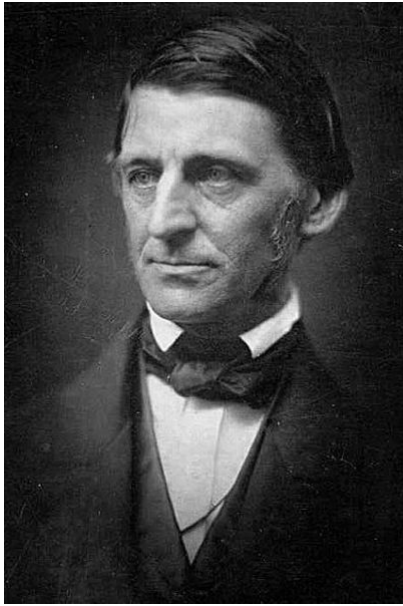
About this Quotation:

There is some debate among historians whether or not Blackstone watered down his condemnation of slavery in later editions of his *Commentaries* as opinions polarised in England at the time of the Somerset case (1772). Nevertheless, in the edition we have online Blackstone has a two pronged set of arguments against slavery: firstly that traditional arguments in its favor are wrong (the right of capture in war, selling oneself into slavery); and secondly, that it historically has had no place in English law and that in fact "The law of England acts upon general and extensive principles: it gives liberty, rightly understood, that is, protection, to a Jew, a Turk, or a heathen, as well as to those who profess the true religion of Christ." End of argument.

Source

Sir William Blackstone, *Commentaries on the Laws of England in Four Books. Notes selected from the editions of Archibold, Christian, Coleridge, Chitty, Stewart, Kerr, and others, Barron Field's Analysis, and Additional Notes, and a Life of the Author by George Sharswood. In Two Volumes.* (Philadelphia: J.B. Lippincott Co., 1893). Vol. 1 – Books I & II. <http://oll.libertyfund.org/title/2140/198679/3147405>

Emerson on the right of self-ownership of slaves to themselves and to their labor (1863) (Dec 14, 2009)



[Ralph Waldo Emerson](#) (1803 – 1882)

Ralph Waldo Emerson (1803-1882) caused a stir when he read this poem in Boston to celebrate President Lincoln's Emancipation Proclamation. What seemed to ruffle some feathers was his notion that the slaves had a right to self-ownership and therefore should be compensated for the crimes committed against them while they were slaves:

Boston Hymn. Read in Music Hall, January 1, 1863.

THE WORD of the Lord by night
To the watching Pilgrims came,
As they sat by the seaside,
And filled their hearts with flame.

God said, I am tired of kings,
I suffer them no more;
Up to my ear the morning brings
The outrage of the poor

Think ye I made this ball
A field of havoc and war,
Where tyrants great and tyrants small
Might harry the weak and poor?

My angel,—his name is Freedom,—
Choose him to be your king;
He shall cut pathways east and west
And fend you with his wing.

Lo! I uncover the land

Which I hid of old time in the West,
As the sculptor uncovers the statue
When he has wrought his best;

I show Columbia, of the rocks
Which dip their foot in the seas
And soar to the air-borne flocks
Of clouds and the boreal fleece.

I will divide my goods;
Call in the wretch and slave:
None shall rule but the humble,
And none but Toil shall have.

I will have never a noble,
No lineage counted great;
Fishers and choppers and ploughmen
Shall constitute a state.

Go, cut down trees in the forest
And trim the straightest boughs;
Cut down trees in the forest
And build me a wooden house.

Call the people together,
The young men and the sires,
The digger in the harvest-field,
Hireling and him that hires;

And here in a pine state-house
They shall choose men to rule
In every needful faculty,
In church and state and school.

Lo, now! if these poor men
Can govern the land and sea
And make just laws below the sun,
As planets faithful be.

And ye shall succor men;
'Tis nobleness to serve;
Help them who cannot help again:
Beware from right to swerve.

I break your bonds and masterships,
And I unchain the slave:
Free be his heart and hand henceforth
As wind and wandering wave.

I cause from every creature
His proper good to flow:
As much as he is and doeth,
So much he shall bestow.

**But, lay hands on another
To coin his labor and sweat,
He goes in pawn for his victim
For eternal years in debt.**

**To-day unbind the captive,
So only are ye unbound;
Lift up a people from the dust,
Trump of their rescue, sound!**

**Pay ransom to the owner
And fill the bag to the brim.
Who is the owner? The slave is owner,
And ever was. Pay him.**

O North! give him beauty for rags,
And honor, O South! for his shame;
Nevada! coin thy golden crags
With Freedom's image and name.

Up! and the dusky race
That sat in darkness long,—
Be swift their feet as antelopes,
And as behemoth strong.

Come, East and West and North,
By races, as snow flakes,
And carry my purpose forth,
Which neither halts nor shakes.

My will fulfilled shall be,
For, in daylight or in dark,
My thunderbolt has eyes to see
His way home to the mark.

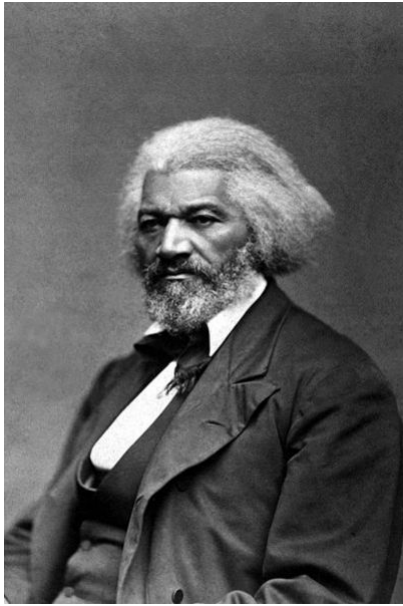
About this Quotation:

The radical individualists grounded their defence of individual liberty in the notion of self-ownership. Thus they abhorred slavery – the idea that one human being could own another – as the grossest violation of that right. This is very clear in the writings of Herbert Spencer, Lysander Spooner and interestingly in this poem by Ralph Waldo Emerson who asks and then answers this key question in political philosophy “Who is the owner? The slave is owner, and ever was.”

Source

Ralph Waldo Emerson, *The Works of Ralph Waldo Emerson, in 12 vols. Fireside Edition* (Boston and New York, 1909). <http://oll.libertyfund.org/title/1964/123852>

Frederick Douglass makes a New Year's resolution to gain his freedom from slavery (1836) (Dec 28, 2009)



Frederick Douglass (1817 – 1895)

Frederick Douglass (1817-1895) must have been 19 or so when he made a solemn vow as part of his New Year's resolutions for 1836 to exercise his "natural and inborn right" to be free by escaping the "hell of horrors" which was slavery:

Chapter XIX. The Runaway Plot

I AM now at the beginning of the year—1836—when the mind naturally occupies itself with the mysteries of life in all its phases—the ideal, the real, and the actual. Sober people look both ways at the beginning of a new year, surveying the errors of the past, and providing against the possible errors of the future. I, too, was thus exercised. I had little pleasure in retrospect, and the future prospect was not brilliant. "Notwithstanding," thought I, "the many resolutions and prayers I have made in behalf of freedom, I am, this first day of the year 1836, still a slave, still wandering in the depths of a miserable bondage. My faculties and powers of body and soul are not my own, but are the property of a fellow-mortal in no sense superior to me, except that he has the physical power to compel me to be owned and controlled by him. By the combined physical force of the community I am his slave—a slave for life." With thoughts like these I was chafed and perplexed, and they rendered me gloomy and disconsolate. The anguish of my mind cannot be written.

At the close of the year, Mr. Freeland renewed the purchase of my services from Mr. Auld for the coming year. His promptness in doing so would have been flattering to my vanity had I been ambitious to win the reputation of being a valuable slave. Even as it was, I felt a slight degree of complacency at the circumstance. It showed him to be as well pleased with me as a slave as I with him as a master. But the kindness of the slave-master only gilded the chain, it detracted nothing from its weight or strength. The thought that men are made for other and better uses than slavery thrive best under the gentle treatment of a

kind master. Its grim visage could assume no smiles able to fascinate the partially enlightened slave into a forgetfulness of his bondage, or of the desirableness of liberty.

I was not through the first month of my second year with the kind and gentlemanly Mr. Freeland, before I was earnestly considering and devising plans for gaining that freedom, which, when I was but a mere child, I had ascertained to be the natural and inborn right of every member of the human family. The desire for this freedom had been benumbed while I was under the brutalizing dominion of Covey, and it had been postponed and rendered inoperative by my truly pleasant Sunday-school engagements with my friends during the year at Mr. Freeland's. It had, however, never entirely subsided. I hated slavery always, and my desire for freedom needed only a favourable breeze to fan it into a blaze at any moment. The thought of being only a creature of the present and the past troubled me, and I longed to have a future—a future with hope in it. To be shut up entirely to the past and present is to the soul whose life and happiness is unceasing progress—what the prison is to the body—a blight and mildew, a hell of horrors. The dawning of this, another year, awakened me from my temporary slumber, and roused into life my latent but long-cherished aspirations for freedom. I became not only ashamed to be contented in slavery, but ashamed to seem to be contented, and in my present favourable condition under the mild rule of Mr. Freeland, I am not sure that some kind reader will not condemn me for being over ambitious, and greatly wanting in humility, when I say the truth, that I now drove from me all thoughts of making the best of my lot, and welcomed only such thoughts as led me away from the house of bondage. The intensity of my desire to be free, quickened by my present favourable circumstances, brought me to the determination to act as well as to think and speak. Accordingly, at the beginning of this year 1836, I took upon me a solemn vow, that the year which had just now dawned upon me should not close without witnessing an earnest attempt, on my part, to gain my liberty. This vow only bound me to make good my own individual escape, but my friendship for my brother-slaves was so affectionate and confiding that I felt it my duty, as well as my pleasure, to give them an opportunity to share in my determination. Toward Harry and John Harris I felt a friendship as strong as one man can feel for another, for I could have died with and for them. To them, therefore, with suitable caution, I began to disclose my sentiments and plans, sounding them the while on the subject of running away, provided a good chance should offer. I need not say that I did my very best to imbue the minds of my dear friends with my own views and feelings. Thoroughly awakened now, and with a definite vow upon me, all my little reading which had any bearing on the subject of human rights was rendered available in my communications with my friends. That gem of a book, the *Columbian Orator*, with its eloquent orations and spicy dialogues denouncing oppression and slavery—telling what had been dared, done, and suffered by men, to obtain the inestimable boon of liberty, was still fresh in my memory, and whirled into the ranks of my speech with the aptitude of well-trained soldiers going through the drill. I here began my public speaking. I canvassed with Henry and John the subject of slavery, and dashed against it the condemning brand of God's eternal justice. My fellow-servants were neither indifferent, dull, nor inapt. Our feelings were more alike than our opinions. All, however, were ready to act when a feasible plan should be proposed. "Show us how the thing is to be done," said they, "and all else is clear."

We were all, except Sandy, quite clear from slave-holding priestcraft. It was in vain that we had been taught from the pulpit at St. Michaels the duty of obedience to our masters; to recognise God as the author of our enslavement; to regard running away as an offence, alike against God and man; to deem our enslavement a merciful and beneficial

arrangement; to esteem our condition in this country a paradise to that from which we had been snatched in Africa; to consider our hard hands and dark colour as God's displeasure, and as pointing us out as the proper subjects of slavery; that the relation of master and slave was one of reciprocal benefits; that our work was not more servicable to our masters than our masters' thinking was to us. I say it was in vain that the pulpit of St. Michaels had constantly inculcated these plausible doctrines. Nature laughed them to scorn. For my part, I had become altogether too big for my chains. Father Lawson's solemn words of what I ought to be, and what I might be in the providence of God, had not fallen dead on my soul. I was fast verging toward manhood, and the prophecies of my childhood were still unfulfilled. The thought that year after year had passed away, and my best resolutions to run away had failed and faded, that I was still a slave, with chances for gaining my freedom diminished and still diminishing—was not a matter to be slept over easily. But here came a trouble. Such thoughts and purposes as I now cherished could not agitate the mind long, without making themselves manifest to scrutinizing and unfriendly observers. I had reason to fear that my sable face might prove altogether too transparent for the safe concealment of my hazardous enterprise. Plans of great moment have leaked through stone walls, and revealed their projectors. But here was no stone wall to hide my purpose. I would have given my poor tell-tale face for the immovable countenance of an Indian, for it was far from proof against the daily searching glances of those whom I met.

About this Quotation:

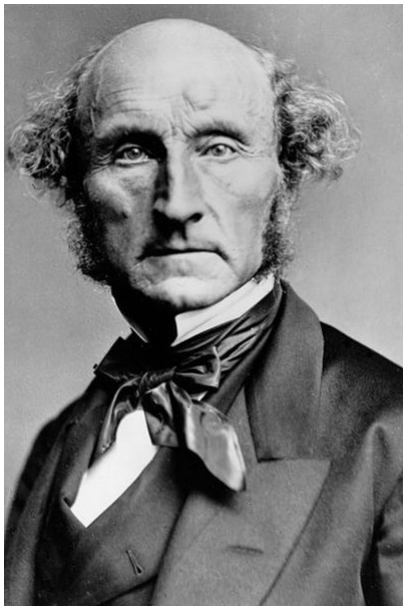
Frederick Douglass took the opportunity of a New Year's resolution to usher in the year of 1836 to swear that he would attempt to run away from his bondage as a slave. He is deeply aware of his natural right to be free and a burning hatred of his "prison". What is interesting to note is that his reading matter which inspired these sentiments was a book of speeches used in schools, the *Columbian Orator* (1st ed. 1797), which provided him with both the theory of individual liberty as well as an historical context in which others had sought their liberty. No wonder that the slave owners made learning to read a crime.

Source

Frederick Douglass, *The Life and Times of Frederick Douglass: From 1817-1882, written by himself; with an Introduction by the Right Hon. John Bright*, ed. John Lobb (London: Christian Age Office, 1882). <http://oll.libertyfund.org/title/2007/138739/2635351>

John Stuart Mill on “the sacred right of insurrection” (1862)

(Apr 17, 2011)



John Stuart Mill (1806 – 1873)

John Stuart Mill (1806-1873) was convinced that the American “Civil War” was fought over who should exercise control over the Federal Government concerning tariffs, internal improvements, but most especially, over the expansion of slavery into new territories. He was convinced that if the Confederate States had their way they would expand the institution of slavery into Mexico and the Caribbean and therefore they needed to be stopped. Likening the South to highway robbers such as Dick Turpin, Mill thought they had no right to insurrection to defend an unjust cause:

But we are told, by a strange misapplication of a true principle, that the South had a right to separate; that their separation ought to have been consented to, the moment they showed themselves ready to fight for it; and that the North, in resisting it, are committing the same error and wrong which England committed in opposing the original separation of the thirteen colonies. This is carrying the doctrine of the sacred right of insurrection rather far. It is wonderful how easy, and liberal, and complying, people can be in other people’s concerns. Because they are willing to surrender their own past, and have no objection to join in reprobation of their great-grandfathers, they never put to themselves the question what they themselves would do in circumstances far less trying, under far less pressure of real national calamity. Would those who profess these ardent revolutionary principles consent to their being applied to Ireland, or India, or the Ionian Islands? How have they treated those who did attempt so to apply them? But the case can dispense with any mere argumentum ad hominem. I am not frightened at the word rebellion. I do not scruple to say that I have sympathized more or less ardently with most of the rebellions, successful and unsuccessful, which have taken place in my time. But I certainly never conceived that there was a sufficient title to my sympathy in the mere fact of being a rebel; that the act of taking arms against one’s fellow citizens was so meritorious in itself, was so completely its own justification, that no question need be asked concerning the motive. It seems to me a strange doctrine that the most serious and responsible of all human acts imposes no obligation on those who do it, of showing that they have a

real grievance; that those who rebel for the power of oppressing others, exercise as sacred a right as those who do the same thing to resist oppression practised upon themselves. Neither rebellion, nor any other act which affects the interests of others, is sufficiently legitimated by the mere will to do it. Secession may be laudable, and so may any other kind of insurrection; but it may also be an enormous crime. It is the one or the other, according to the object and the provocation. And if there ever was an object which, by its bare announcement, stamped rebels against a particular community as enemies of mankind, it is the one professed by the South. Their right to separate is the right which Cartouche or Turpin would have had to secede from their respective countries, because the laws of those countries would not suffer them to rob and murder on the highway. The only real difference is, that the present rebels are more powerful than Cartouche or Turpin, and may possibly be able to effect their iniquitous purpose.

Suppose, however, for the sake of argument, that the mere will to separate were in this case, or in any case, a sufficient ground for separation, I beg to be informed whose will? The will of any knot of men who, by fair means or foul, by usurpation, terrorism, or fraud, have got the reins of government into their hands? If the inmates of Parkhurst Prison were to get possession of the Isle of Wight, occupy its military positions, enlist one part of its inhabitants in their own ranks, set the remainder of them to work in chain gangs, and declare themselves independent, ought their recognition by the British Government to be an immediate consequence? Before admitting the authority of any persons, as organs of the will of the people, to dispose of the whole political existence of a country, I ask to see whether their credentials are from the whole, or only from a part. And first, it is necessary to ask, Have the slaves been consulted? Has their will been counted as any part in the estimate of collective volition? They are a part of the population. However natural in the country itself, it is rather cool in English writers who talk so glibly of the ten millions (I believe there are only eight), to pass over the very existence of four millions who must abhor the idea of separation. Remember, we consider them to be human beings, entitled to human rights. Nor can it be doubted that the mere fact of belonging to a Union in some parts of which slavery is reprobated, is some alleviation of their condition, if only as regards future probabilities. But even of the white population, it is questionable if there was in the beginning a majority for secession anywhere but in South Carolina. Though the thing was pre-determined, and most of the States committed by their public authorities before the people were called on to vote; though in taking the votes terrorism in many places reigned triumphant; yet even so, in several of the States, secession was carried only by narrow majorities. In some the authorities have not dared to publish the numbers; in some it is asserted that no vote has ever been taken. Further (as was pointed out in an admirable letter by Mr. Carey), the Slave States are intersected in the middle, from their northern frontier almost to the Gulf of Mexico, by a country of free labour—the mountain region of the Alleghanies and their dependencies, forming parts of Virginia, North Carolina, Tennessee, Georgia, and Alabama, in which, from the nature of the climate and of the agricultural and mining industry, slavery to any material extent never did, and never will, exist. This mountain zone is peopled by ardent friends of the Union. Could the Union abandon them, without even an effort, to be dealt with at the pleasure of an exasperated slave-owning oligarchy? Could it abandon the Germans who, in Western Texas, have made so meritorious a commencement of growing cotton on the borders of the Mexican Gulf by free labour? Were the right of the slave-owners to secede ever so clear, they have no right to carry these with them; unless allegiance is a mere question of

local proximity, and my next neighbour, if I am a stronger man, can be compelled to follow me in any lawless vagaries I choose to indulge.

But (it is said) the North will never succeed in conquering the South; and since the separation must in the end be recognised, it is better to do at first what must be done at last; moreover, if it did conquer them, it could not govern them when conquered, consistently with free institutions. With no one of these propositions can I agree.

About this Quotation:

The American Civil War (also called the War for Southern Independence) raises a number of very difficult issues for classical liberals. On the one hand, it seems clear from the thought of Thomas Jefferson and other Founding Fathers that just as the original 13 colonies had the right to “secede” from the British Empire so too would any disgruntled state or states within the Union, if it were a true union of independent sovereign states as many originally intended. There also seem to be a number of good liberal reasons why the southern states might wish to secede: interference in state affairs by an encroaching federal government, increased tariffs, and a policy of mercantilism being pursued by an industrialising north (following the Hamiltonian-inspired “American System” of government intervention in the economy). On the other hand, classical liberals like John Stuart Mill and Richard Cobden thought the northern tariffs were still quite low by European standards and that the Southern states were planning to expand slavery westwards and into Mexico and the Caribbean, and when they were thwarted by the North, they sought independence so they could pursue this policy on their own. Only a war to break the “slave power” could bring an end to slavery, they thought. Whatever the reasons for going to war, there are also significant concerns one could raise about how the war was fought and what impact it had on liberty in America. As the Tenniel cartoon makes clear, what do classical liberals do if the war to end slavery for some meant an increase in “slavery” for others, as some liberals might argue happened with the new income tax, the suspension of habeas corpus, the closing down of newspapers, the arrest of dissenters, the killing of thousands of innocent civilians, and the creation of a new kind of “total war” and industrialised killing with horrible ramifications for the future in 50 years time?

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). <http://oll.libertyfund.org/title/255/21669/809397>

Tocqueville on Centralised Government in Canada and Decentralised Government in America (1856) (May 19, 2014)



Alexis de Tocqueville (1805 – 1859)

Alexis de Tocqueville (1805-1859) believed that the true essence of the government of the old régime was revealed in the institutions it created in its Canadian colony, in very great contrast to what was happening in the British colonies:

How the administrative centralization of the old regime can be best judged in Canada.

The physiognomy of governments can be best detected in their colonies, for there their features are magnified, and rendered more conspicuous. When I want to discover the spirit and vices of the government of Louis XIV., I must go to Canada. Its deformities are seen there as through a microscope.

A number of obstacles, created by previous occurrences or old social forms, which hindered the development of the true tendencies of government at home, did not exist in Canada. There was no nobility, or, at least, none had taken deep root. The Church was not dominant. Feudal traditions were lost or obscured. The power of the judiciary was not interwoven with old institutions or popular customs. There was, therefore, no hindrance to the free play of the central power. It could shape all laws according to its views. And in Canada, therefore, there was not a shadow of municipal or provincial institutions; and no collective or individual action was tolerated. An intendant far more powerful than his colleagues in France; a government managing far more matters than it did at home, and desiring to manage every thing from Paris, notwithstanding the intervening 1800 leagues; never adopting the great principles which can render a colony populous and prosperous, but, instead, employing all sorts of petty, artificial methods, [300] and small devices of tyranny to increase and spread population; forced cultivation of lands; all lawsuits growing out of the concession of land removed from the jurisdiction of the courts and referred to the local administration; compulsory regulations respecting farming and the selection of land—such was the system devised for Canada under Louis XIV.: it was Colbert who signed the edicts. **One might fancy one's self in the midst of modern**

centralization and in Algeria. Canada is, in fact, the true model of what has always been seen there. In both places the government numbers as many heads as the people; it preponderates, acts, regulates, controls, undertakes every thing, provides for every thing, knows far more about the subject's business than he does himself—is, in short, incessantly active and sterile.

In the United States, on the contrary, the English anti-centralization system was carried to an extreme. Parishes became independent municipalities, almost democratic republics. The republican element, which forms, so to say, the foundation of the English constitution and English habits, shows itself and develops without hindrance. Government proper does little in England, and individuals do a great deal; in America, government never interferes, so to speak, and individuals do every thing. The absence of an upper class, which renders the Canadian more defenseless against the government than his equals were in France, renders the citizen of the English colonies still more independent of the home power.

In both colonies society ultimately resolved itself into a democratic form. But in Canada, so long as it was a French possession at least, equality was an accessory of absolutism; in the British colonies it was the companion of liberty. And, so far as the material consequences of the two colonial systems are concerned, it is well known that in 1763, at the conquest, the population of Canada was 60,000 souls, that of the English provinces 3,000,000.

About this Quotation:

Tocqueville had a long standing interest in colonisation as his trips to Algeria in the 1840s attest. The kind of government which the metropole created there revealed a great deal about how senior political, military, and bureaucratic figures viewed the proper role of government and in many cases those colonial institutions and practices were repatriated back to the metropole if they had proven to be useful. When Tocqueville was writing a major issue which concerned him was the centralisation of state power which he considered to have been a key factor in both the old regime and the post-revolutionary regimes which followed it. In his history of the Old Regime and the Revolution (1856) he contrasted the French colonies in Canada with its top heavy bureaucracy and centralised power with the economic dynamism and political equality of the English colonies. What is curiously absent from his account is any mention of slavery and the state institutions which were needed to enforce it. Nevertheless, he saw democracy and equality emerging in both societies but with an important twist: in the French colonies in Canada “equality was an accessory of absolutism; in the British colonies it was the companion of liberty.”

Source

Alexis de Tocqueville, *The Old Regime and the Revolution*, trans John Bonner (New York: Harper & Brothers, 1856). http://oll.libertyfund.org/titles/2419#lf1597_label_119

2. Economics ↩

1. [Adam Smith on the natural ordering Tendency of Free Markets, or what he called the “Invisible Hand” \(1776\)](#) (May 31, 2004)

2. [Voltaire on the Benefits which Trade and Economic Abundance bring to People living in the Present Age \(1736\)](#) (Sep 13, 2004)
3. [Adam Smith argued that the “propensity to truck, barter, and exchange” was inherent in human nature and gave rise to things such as the division of labour \(1776\)](#) (Apr 4, 2005)
4. [Bernard Mandeville uses a fable about bees to show how prosperity and good order comes about through spontaneous order \(1705\)](#) (Sep 5, 2005)
5. [Bernard Mandeville concludes his fable of the bees with a moral homily on the virtues of peace, hard work, and diligence \(1705\)](#) (Nov 7, 2005)
6. [Montesquieu thought that commerce improves manners and cures “the most destructive prejudices” \(1748\)](#) (Jan 27, 2006)
7. [Forrest McDonald argues that the Founding Fathers envisaged a new economic order based upon Lockean notions of private property and the creation of the largest contiguous area of free trade in the world \(2006\)](#) (Apr 24, 2006)
8. [Adam Ferguson observed that social structures of all kinds were “the result of human action, but not the execution of any human design” \(1782\)](#) (Aug 14, 2006)
9. [Lord Macaulay writes a devastating review of Southey’s Colloquies in which the Poet Laureate’s ignorance of the real condition of the working class in England is exposed \(1830\)](#) (Mar 13, 2007)
10. [Ludwig von Mises argues that the division of labor and human cooperation are the two sides of the same coin and are not antagonistic to each other \(1949\)](#) (Apr 16, 2007)
11. [Jean-Baptiste Say argues that there is a world of difference between private consumption and public consumption; an increase in the latter does nothing to increase public wealth \(1803\)](#) (Jun 16, 2008)
12. [Frank Taussig argues for the reverse of a common misconception about the relationship between high wages and the use of machinery \(1915\)](#) (Oct 19, 2009)
13. [Kirzner defines economics as the reconciliation of conflicting ends given the existence of inescapable scarcity \(1960\)](#) (Jun 29, 2010)
14. [Wicksteed on the subjective theory of value and on opportunity costs \(1910\)](#) (Aug 2, 2010)
15. [Bentham on the proper role of government: “Be Quiet” and “Stand out of my sunshine” \(1843\)](#) (Oct 4, 2010)
16. [Bastiat asks the fundamental question of political economy: what should be the size of the state? \(1850\)](#) (Oct 11, 2010)
17. [Mises on the interconnection between economic and political freedom \(1949\)](#) (Feb 7, 2011)
18. [Adam Smith on the greater productivity brought about by the division of labor and technological innovation \(1760s\)](#) (Jun 6, 2011)
19. [Bastiat on the state vs. laissez-faire \(1848\)](#) (Jun 20, 2011)
20. [Spencer on spontaneous order produced by “the beneficent working of social forces” \(1879\)](#) (Jul 18, 2011)
21. [Alexander Pope on how private “self love” can lead to the public good \(1732\)](#) (Apr 23, 2012)
22. [Bastiat on trade as a the mutual exchange of “a service for another service” \(1848\)](#) (Jul 23, 2012)
23. [Bentham on the liberty of contracts and lending money at interest \(1787\)](#) (Sep 17, 2012)
24. [Horace Say on “I, Pin” and the international division of labor \(1852\)](#) (Oct 15, 2012)
25. [Ludwig Lachmann and the free market as a leveling process in the distribution of wealth \(1956\)](#) (Jan 7, 2013)
26. [James Buchanan on “process” and the market order \(1982\)](#) (Jan 10, 2013)
27. [Destutt de Tracy on the damage which government debt and the class which lives off loans to the state cause the industrious classes \(1817\)](#) (Jan 20, 2013)
28. [Paul Heyne on THE economic way of thinking \(1995\)](#) (Mar 25, 2013)

29. [Lao Tzu and the Tao of laissez-faire \(6thC BC\)](#) (Apr 1, 2013)
30. [Adam Smith debunks that idea that when it comes to public debt “we owe it to ourselves” \(1776\)](#) (Apr 8, 2013)
31. [Spooner on the “natural right to labor” and to acquire all one honestly can \(1846\)](#) (Aug 19, 2013)
32. [Philip Wicksteed’s positive vision of the “cash nexus” \(1910\)](#) (Oct 21, 2013)
33. [Philip Wicksteed on how impersonal economic relations help others \(1910\)](#) (Apr 7, 2014)
34. [Destutt de Tracy on the mutually beneficial nature of exchange \(1817\)](#) (Jun 9, 2014)
35. [Arthur Seldon on the problem of “who guards us from the guardians”? \(1990\)](#) (Jun 23, 2014)
36. [Destutt de Tracy on society as “nothing but a succession of exchanges” \(1817\)](#) (Aug 11, 2014)
37. [Anthony de Jasay on the free rider problem \(2008\)](#) (Sep 29, 2014)

Adam Smith on the natural ordering Tendency of Free Markets, or what he called the “Invisible Hand” (1776) (May 31, 2004)



Adam Smith (1723 – 1790)

This passage comes from Adam Smith, *An Inquiry into the Nature and Causes of the the Wealth of Nations* and is perhaps one of his most famous quotations (1776):

But the annual revenue of every society is always precisely equal to the exchangeable value of the whole annual produce of its industry, or rather is precisely the same thing with that exchangeable value. As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestick industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the publick interest, nor knows how much he is promoting it. By preferring the support of domestick to that of foreign industry, he intends only his own security; and **by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention.** Nor is it always the worse for the society that it was no part of it. By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the publick good. It is an affectation, indeed, not very common among merchants, and very few words need be employed in dissuading them from it.

About this Quotation:

Liberty Fund is pleased to publish in paperback and online the *Glasgow Edition of the Works and Correspondence of Adam Smith*, in 7 volumes, which was commissioned by the University of Glasgow and originally published by Oxford University Press in 1976 in order to commemorate the 200th anniversary of the first publication of Smith's *The Wealth of Nations* (1776).

The concept of the “invisible hand” is one of Smith's most potent concepts and is consequently one of

his most famous statements. With his complete works online it is possible to do a “key word” search for this phrase across his entire corpus. It is surprising to see where else it crops up in his writings.

This phrase about the “invisible hand”, along with Adam Ferguson’s that societies were “the result of human action, but not the execution of any human design,” are two of the most important and profound insights to emerge out of the Scottish Enlightenment.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).

http://oll.libertyfund.org/titles/237#Smith_0206-01_1115

Voltaire on the Benefits which Trade and Economic Abundance bring to People living in the Present Age (1736) (Sep 13, 2004)



Voltaire (1694 – 1778)

Voltaire's poem celebrating the fact that he was living in an age of developing commerce and markets:

**Others may with regret complain
That 'tis not fair Astrea's reign,
That the famed golden age is o'er
That Saturn, Rhea rule no more:
Or, to speak in another style,
That Eden's groves no longer smile.
For my part, I thank Nature sage,
That she has placed me in this age:
Religionists may rail in vain;
I own, I like this age profane;
I love the pleasures of a court;
I love the arts of every sort;
Magnificence, fine buildings, strike me;
In this, each man of sense is like me.
I have, I own, a worldly mind,
That's pleased abundance here to find;
Abundance, mother of all arts,
Which with new wants new joys imparts
The treasures of the earth and main,
With all the creatures they contain:
These, luxury and pleasures raise;
This iron age brings happy days.
Needful superfluous things appear;
They have joined together either sphere.
See how that fleet, with canvas wings,
From Texel, Bordeaux, London brings,**

By happy commerce to our shores,
All Indus, and all Ganges stores;
Whilst France, that pierced the Turkish lines,
Sultans make drunk with rich French wines.

About this Quotation:

Voltaire was best known in his lifetime as an author of poetry and plays. To us in the 21st century he is best known for his satirical work *Candide* (1759) and the *Philosophical Dictionary* (1764). Yet as this quote shows even in his poetry and plays Voltaire had sharp observations about political and economic matters.

Source

Henry C. Clark, *Commerce, Culture, and Liberty: Readings on Capitalism before Adam Smith*, ed.
Henry C. Clark (Indianapolis: Liberty Fund, 2003). <http://oll.libertyfund.org/title/836>

Adam Smith argued that the “propensity to truck, barter, and exchange” was inherent in human nature and gave rise to things such as the division of labour (1776) (Apr 4, 2005)



Adam Smith (1723 – 1790)

In his discussion of the division of labor, Adam Smith argues that the propensity to truck, barter, and exchange is part of human nature:

This division of labour, from which so many advantages are derived, is not originally the effect of any human wisdom, which foresees and intends that general opulence to which it gives occasion. It is the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility; the propensity to truck, barter, and exchange one thing for another.

Whether this propensity be one of those original principles in human nature, of which no further account can be given; or whether, as seems more probable, it be the necessary consequence of the faculties of reason and speech, it belongs not to our present subject to enquire. It is common to all men, and to be found in no other race of animals, which seem to know neither this nor any other species of contracts. Two greyhounds, in running down the same hare, have sometimes the appearance of acting in some sort of concert. Each turns her towards his companion, or endeavours to intercept her when his companion turns her towards himself. This, however, is not the effect of any contract, but of the accidental concurrence of their passions in the same object at that particular time. Nobody ever saw a dog make a fair and deliberate exchange of one bone for another with another dog. Nobody ever saw one animal by its gestures and natural cries signify to another, this is mine, that yours; I am willing to give this for that. When an animal wants to obtain something either of a man or of another animal, it has no other means of persuasion but to gain the favour of those whose service it requires. A puppy fawns upon its dam, and a spaniel endeavours by a thousand attractions to engage the attention of its master who is at dinner, when it wants to be fed by him. Man sometimes uses the same arts with his brethren, and when he has no other means of engaging them to act according to his inclinations, endeavours by every servile and fawning attention to obtain their good will.

He has not time, however, to do this upon every occasion. In civilized society he stands at all times in need of the co-operation and assistance of great multitudes, while his whole life is scarce sufficient to gain the friendship of a few persons. In almost every other race of animals each individual, when it is grown up to maturity, is intirely independent, and in its natural state has occasion for the assistance of no other living creature. But man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from their benevolence only. He will be more likely to prevail if he can interest their self-love in his favour, and shew them that it is for their own advantage to do for him what he requires of them. Whoever offers to another a bargain of any kind, proposes to do this. Give me that which I want, and you shall have this which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we stand in need of. It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages. Nobody but a beggar chuses to depend chiefly upon the benevolence of his fellow-citizens. Even a beggar does not depend upon it entirely. The charity of well-disposed people, indeed, supplies him with the whole fund of his subsistence. But though this principle ultimately provides him with all the necessaries of life which he has occasion for, it neither does nor can provide him with them as he has occasion for them. The greater part of his occasional wants are supplied in the same manner as those of other people, by treaty, by barter, and by purchase. With the money which one man gives him he purchases food. The old cloaths which another bestows upon him he exchanges for other old cloaths which suit him better, or for lodging, or for food, or for money, with which he can buy either food, cloaths, or lodging, as he has occasion.

About this Quotation:

Adam Smith raises an important point in this quotation: is the “propensity to truck, barter, and exchange” something that is inherent in human nature or is it something learned or otherwise acquired by living in society? His conclusion was that it was a “natural” and not an “artificial” aspect of all humanity. It was from this “inherent” property of human nature that he derived the idea of the division of labour which was crucial for the development of complex economic structures in all societies wherever they may be located.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/237#Smith_0206-01_150

Bernard Mandeville uses a fable about bees to show how prosperity and good order comes about through spontaneous order (1705) (Sep 5, 2005)

Bernard Mandeville (1670 – 1733)

This year is the the 300th anniversary of the publication of the poem “The Grumbling Hive” which began Mandeville’s exploration of the idea that the pursuit of selfish goals by individuals, within the confines of the free market, could produce beneficial public benefits:

**A Spacious Hive well stockt with Bees,
That liv’d in Luxury and Ease;
And yet as fam’d for Laws and Arms,
As yielding large and early Swarms;
Was counted the great Nursery
Of Sciences and Industry.
No Bees had better Government,
More Fickleness, or less Content:
They were not Slaves to Tyranny,
Nor rul’d by wild *Democracy*;
But Kings, that could not wrong, because
Their Power was circumscrib’d by Laws.**

These Insects liv’d like Men, and all
Our Actions they perform’d in small:
They did whatever’s done in Town,
And what belongs to Sword or Gown:
Tho’ th’ Artful Works, by nimble Slight
Of minute Limbs, ’scap’d Human Sight;
Yet we’ve no Engines, Labourers,
Ships, Castles, Arms, Artificers,
Craft, Science, Shop, or Instrument,
But they had an Equivalent:
Which, since their Language is unknown,
Must be call’d, as we do our own.
As grant, that among other Things,
They wanted Dice, yet they had Kings;
And those had Guards; from whence we may
Justly conclude, they had some Play;
Unless a Regiment be shewn
Of Soldiers, that make use of none.

About this Quotation:

This poem, which formed the basis of Mandeville’s longer work *The Fable of the Bees*, is a clever and witty attempt to make a profound point of economic theory, namely that structure and order can arise from individual action and does not have to be imposed from above by a King (in this case shouldn’t it be a “Queen?”).

Source

Bernard Mandeville, *The Fable of the Bees or Private Vices, Publick Benefits*, 2 vols. With a Commentary Critical, Historical, and Explanatory by F.B. Kaye (Indianapolis: Liberty Fund, 1988). Vol. 1. <http://oll.libertyfund.org/title/846/66863/1630979>

Bernard Mandeville concludes his fable of the bees with a moral homily on the virtues of peace, hard work, and diligence (1705)

(Nov 7, 2005)

Bernard Mandeville (1670 – 1733)

2005 is the 300th anniversary of the publication of the poem “The Grumbling Hive” which began Mandeville’s exploration of the idea that the pursuit of selfish goals by individuals, within the confines of the free market, could produce beneficial public benefits. This Moral concludes the poem:

*THEN leave Complaints: Fools only strive
To make a Great an Honest Hive
T’ enjoy the World’s Conveniencies,
Be fam’d in War, yet live in Ease,
Without great Vices, is a vain
Eutopia seated in the Brain.
Fraud, Luxury and Pride must live,
While we the Benefits receive:
Hunger’s a dreadful Plague, no doubt,
Yet who digests or thrives without?
Do we not owe the Growth of Wine
To the dry shabby crooked
Which, while its Shoots neglected stood,
Chok’d other Plants, and ran to Wood;
But blest us with its noble Fruit,
As soon as it was ty’d and cut:
So Vice is beneficial found,
When it’s by Justice lopt and bound;
Nay, where the People would be great,
As necessary to the State,
As Hunger is to make ’em eat.
Bare Virtue can’t make Nations live
In Splendor; they, that would revive
A Golden Age, must be as free,
For Acorns, as for Honesty.*

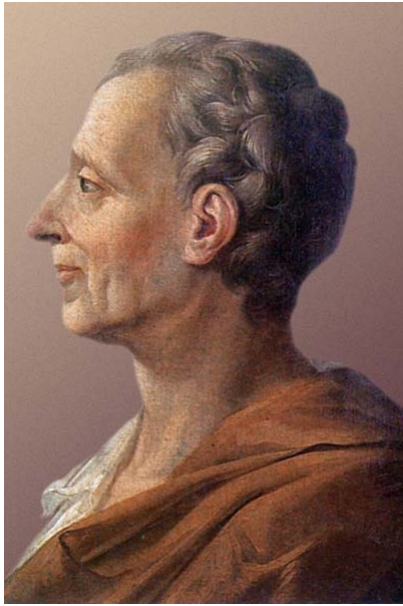
About this Quotation:

We continue our exploration of Mandeville's "The Grumbling Hive" (1705) in this anniversary year. In the conclusion to the poem Mandeville makes the then shocking claim that often out of Vice comes much good, that when Vice is bound by Justice it becomes beneficial, and that if we wish to enter another Golden Age of mankind then we must be "as free for Acorns as for Honesty."

Source

Bernard Mandeville, *The Fable of the Bees or Private Vices, Publick Benefits*, 2 vols. With a Commentary Critical, Historical, and Explanatory by F.B. Kaye (Indianapolis: Liberty Fund, 1988). Vol. 1. <http://oll.libertyfund.org/title/846/66863/1631009>

Montesquieu thought that commerce improves manners and cures “the most destructive prejudices” (1748) (Jan 27, 2006)



Charles Louis de Secondat, Baron de Montesquieu (1689 – 1755)

Montesquieu, like many writers in the 18th century, thought that commerce would have more than just economic benefits for societies. It would also improve morals.

Commerce is a cure for the most destructive prejudices; for it is almost a general rule, that wherever we find agreeable manners, there commerce flourishes; and that wherever there is commerce, there we meet with agreeable manners.

Let us not be astonished, then, if our manners are now less savage than formerly. Commerce has every where diffused a knowledge of the manners of all nations; these are compared one with another, and from this comparison arise the greatest advantages.

Commercial laws, it may be said, improve manners, for the same reason as they destroy them. They corrupt the purest morals; this was the subject of Plato’s complaints: and we every day see, that they polish and refine the most barbarous.

About this Quotation:

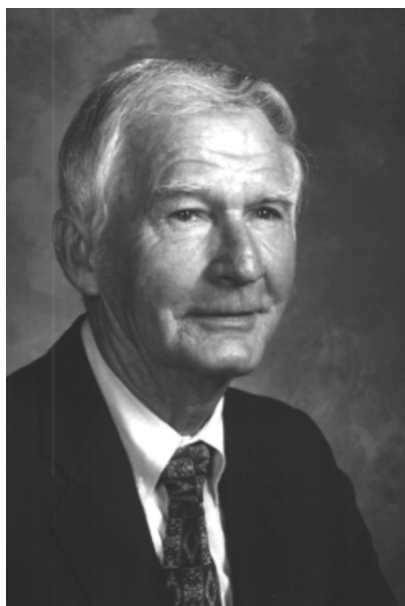
Henry Clark selected this passage in his anthology *Commerce, Culture and Liberty: Readings on Capitalism Before Adam Smith* (published by Liberty Fund, 2003). He rightly points to the somewhat neglected but important contribution made by French authors such as Montesquieu, Turgot, Voltaire, Gournay, and Condillac. A common perception, especially among contemporary Europeans, is that free market ideas are a pernicious “Anglo-Saxon” phenomenon, when in fact, they have deep roots in Francophone culture.

Source

Charles Louis de Secondat, Baron de Montesquieu, *The Complete Works of M. de Montesquieu*

(London: T. Evans, 1777), 4 vols. Vol. 2. <http://oll.libertyfund.org/title/838/71771>

Forrest McDonald argues that the Founding Fathers envisaged a new economic order based upon Lockean notions of private property and the creation of the largest contiguous area of free trade in the world (2006) (Apr 24, 2006)



[Forrest McDonald](#) (? – —)

Forrest McDonald begins his speech to the Economic Club of Indianapolis by asking what kind of economic order did the Founding Fathers intend building:

If I should ask you what kind of economic order the Founding Fathers contemplated when they established the constitutional order, you would doubtless reply capitalism or a market economy. If I addressed that question to a similar number of professional American historians, the answer would be the same, the difference being that most of you would add “Thank God” and most of them would add “unfortunately.”

In certain important particulars, your answer is supported by the historical record. For one thing, Americans were committed to John Locke’s proposition that mankind has a God-given right to life, liberty, and property, and that legitimate governments are required to protect those rights. In the Constitutional Convention of 1787 James Madison, Gouverneur Morris, and others listed the protection of property rights as the primary reason for instituting government; the sole dissenter was James Wilson.

For a second thing, the Constitution created the largest contiguous area of free trade in the world. Neither the states nor the Congress could levy taxes on the interstate movement of goods which the states had been theoretically able to do prior to the adoption of the Constitution. For yet another, the contract clause of Article I, section 10 – “No State shall... pass any... Law impairing the Obligation of Contracts” – was a commitment to unfettered capitalism insofar as it prohibited state legislative interference into market transactions. Mystery surrounds the contract clause: it was proposed by Rufus King (who was a delegate representing Massachusetts) late in August and was roundly rejected. Somehow the clause made its way into the finished document a couple of weeks

later.

As to whether the Framers *intended* to create a capitalistic order, the weightier evidence balances to the contrary.

About this Quotation:

Forrest McDonald reminds us of the very important role that Lockean notions of property played in the thinking of the Founding generation and consequently on the kind of political, legal, and economic order they wanted to create. This view can be summarised as “that mankind has a God-given right to life, liberty, and property, and that legitimate governments are required to protect those rights.” A consequence of this belief is the resulting creation of what McDonald calls the “largest contiguous area of free trade in the world.” A significant area for political battle as the 19th century was then the level of tariff protection which would exist for trade outside of this free trade area. This struggle also occurred within the Zollverein and later the German Reich. Economic nationalists like Friedrich List (1798-1846) were in favor of considerable free trade within the Reich but high tariffs for external, foreign trade. One might say that this is also the position taken in the European Union today.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).

<http://oll.libertyfund.org/pages/forrest-mcdonald-the-founding-fathers-and-the-economic-order>

Adam Ferguson observed that social structures of all kinds were “the result of human action, but not the execution of any human design” (1782) (Aug 14, 2006)



[Adam Ferguson](#) (1723 – 1816)

Friedrich Hayek was most taken by an observation Adam Ferguson made in this work that social structures of all kinds were “the result of human action, but not the execution of any human design”. This led him to develop his notion of “spontaneous order”:

Men, in general, are sufficiently disposed to occupy themselves in forming projects and schemes: But he who would scheme and project for others, will find an opponent in every person who is disposed to scheme for himself. Like the winds that come we know not whence, and blow whithersoever they list, the forms of society are derived from an obscure and distant origin; they arise, long before the date of philosophy, from the instincts, not from the speculations of men. The crowd of mankind, are directed in their establishments and measures, by the circumstances in which they are placed; and seldom are turned from their way, to follow the plan of any single projector.

Every step and every movement of the multitude, even in what are termed enlightened ages, are made with equal blindness to the future; and nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design. If Cromwell said, That a man never mounts higher, than when he knows not whither he is going; it may with more reason be affirmed of communities, that they admit of the greatest revolutions where no change is intended, and that the most refined politicians do not always know whither they are leading the state by their projects.

If we listen to the testimony of modern history, and to that of the most authentic parts of the ancient; if we attend to the practice of nations in every quarter of the world, and in every condition, whether that of the barbarian or the polished, we shall find very little reason to retract this assertion. No constitution is formed by concert, no government is copied from a plan. The members of a small state contend for equality; the members of a

greater, find themselves classed in a certain manner that lays a foundation for monarchy. They proceed from one form of government to another, by easy transitions, and frequently under old names adopt a new constitution. The seeds of every form are lodged in human nature; they spring up and ripen with the season. The prevalence of a particular species is often derived from an imperceptible ingredient mingled in the soil.

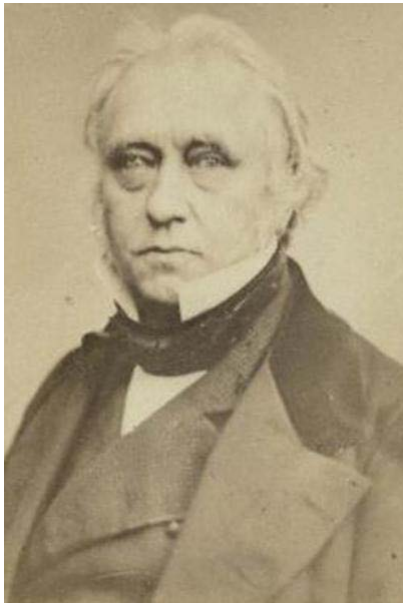
About this Quotation:

This is another one of those pioneering works of philosophical history (or “sociology” as we would call it today) which emerged in France and Scotland in the late 18th century as part of the Enlightenment project to discover the motors which drove societies to evolve over time. This passage had a profound impact on the thinking of the Austrian economist Friedrich Hayek in the formulation of his ideas of “spontaneous order”. He found precursors to his way of viewing social and economic change in many of the writers of the Scottish Enlightenment. In this quotation we find the phrase that Hayek himself quoted on a number of occasions in its larger context: that societies were “the result of human action, but not the execution of any human design.” This phrase, along with Adam Smith’s phrase about the “invisible hand”, are two of the most important and profound insights to emerge out of the Scottish Enlightenment.

Source

Adam Ferguson, *An Essay on the History of Civil Society*, 5th ed. (London: T. Cadell, 1782).
<http://oll.libertyfund.org/title/1428/19736/1566171>

Lord Macaulay writes a devastating review of Southey's *Colloquies* in which the Poet Laureate's ignorance of the real condition of the working class in England is exposed (1830) (Mar 13, 2007)



[Thomas Babington, Lord Macaulay](#) (1800 – 1859)

Lord Macaulay writes a devastating review of Southey's *Colloquies* (1830) in which the Poet Laureate's ignorance of the real condition of the working class in England is exposed:

It would be scarcely possible for a man of Mr. Southey's talents and acquirements to write two volumes so large as those before us, which should be wholly destitute of information and amusement. Yet we do not remember to have read with so little satisfaction any equal quantity of matter, written by any man of real abilities. We have, for some time past, observed with great regret the strange infatuation which leads the Poet Laureate to abandon those departments of literature in which he might excel, and to lecture the public on sciences of which he has still the very alphabet to learn. He has now, we think, done his worst. The subject which he has at last undertaken to treat is one which demands all the highest intellectual and moral qualities of a philosophical statesman, an understanding at once comprehensive and acute, a heart at once upright and charitable. Mr. Southey brings to the task two faculties which were never, we believe, vouchsafed in measure so copious to any human being, the faculty of believing without a reason, and the faculty of hating without a provocation. ...

The advice and medicine which the poorest labourer can now obtain, in disease or after an accident, is far superior to what Henry the Eighth could have commanded. Scarcely any part of the country is out of the reach of practitioners who are probably not so far inferior to Sir Henry Hallford as they are superior to Dr. Butts. That there has been a great improvement in this respect, Mr. Southey allows. Indeed he could not well have denied it. "But," says he, "the evils for which these sciences are the palliative, have increased since the time of the Druids, in a proportion that heavily overweighs the benefit of improved therapeutics." We know nothing either of the diseases or the remedies of the Druids. But we are quite sure that the improvement of medicine has far more than kept pace with the

increase of disease during the last three centuries. This is proved by the best possible evidence. The term of human life is decidedly longer in England than in any former age, respecting which we possess any information on which we can rely. All the rants in the world about picturesque cottages and temples of Mammon will not shake this argument. No test of the physical well-being of society can be named so decisive as that which is furnished by bills of mortality. That the lives of the people of this country have been gradually lengthening during the course of several generations, is as certain as any fact in statistics; and that the lives of men should become longer and longer, while their bodily condition during life is becoming worse and worse, is utterly incredible. ...

We are, on the whole, inclined to think, though we would speak with diffidence on a point on which it would be rash to pronounce a positive judgment without a much longer and closer investigation than we have bestowed upon it, that **the labouring classes of this island, though they have their grievances and distresses, some produced by their own improvidence, some by the errors of their rulers, are on the whole better off as to physical comforts than the inhabitants of any equally extensive district of the old world. For this very reason, suffering is more acutely felt and more loudly bewailed here than elsewhere. We must take into the account the liberty of discussion, and the strong interest which the opponents of a ministry always have to exaggerate the extent of the public disasters.** There are countries in which the people quietly endure distress that here would shake the foundations of the state, countries in which the inhabitants of a whole province turn out to eat grass with less clamour than one Spitalfields weaver would make here, if the overseers were to put him on barley-bread. In those new commonwealths in which a civilised population has at its command a boundless extent of the richest soil, the condition of the labourer is probably happier than in any society which has lasted for many centuries. But in the old world we must confess ourselves unable to find any satisfactory record of any great nation, past or present, in which the working classes have been in a more comfortable situation than in England during the last thirty years. When this island was thinly peopled, it was barbarous: there was little capital; and that little was insecure. It is now the richest and the most highly civilised spot in the world; but the population is dense. Thus we have never known that golden age which the lower orders in the United States are now enjoying. We have never known an age of liberty, of order, and of education, an age in which the mechanical sciences were carried to a great height, yet in which the people were not sufficiently numerous to cultivate even the most fertile valleys. But, when we compare our own condition with that of our ancestors, we think it clear that the advantages arising from the progress of civilisation have far more than counterbalanced the disadvantages arising from the progress of population. While our numbers have increased tenfold, our wealth has increased a hundredfold. Though there are so many more people to share the wealth now existing in the country than there were in the sixteenth century, it seems certain that a greater share falls to almost every individual than fell to the share of any of the corresponding class in the sixteenth century. The King keeps a more splendid court. The establishments of the nobles are more magnificent. The esquires are richer; the merchants are richer; the shopkeepers are richer. The serving-man, the artisan, and the husbandman, have a more copious and palatable supply of food, better clothing, and better furniture. This is no reason for tolerating abuses, or for neglecting any means of ameliorating the condition of our poorer countrymen. But it is a reason against telling them, as some of our philosophers are constantly telling them, that they are the most wretched people who ever existed on the face of the earth.

About this Quotation:

The opening paragraphs of Macaulay's review of the Poet Laureate, Southey's, *Colloquies* is one of the funniest and most devastating reviews ever penned. He raises the interesting point about the wisdom of people who are experts in one area of human endeavour, say poetry or rock music, making serious pronouncements in areas where they have no expertise, say the economic well-being of ordinary working people or global warming. Macaulay argues very strongly in favour of seeing the health and economic condition of the working class in Britain to be better then (1830) than at any time in human history.

Source

Thomas Babington, Lord Macaulay, *Critical and Historical Essays contributed to the Edinburgh Review*, 5th ed. in 3 vols. (London: Longman, Brown, Green, and Longmans, 1848). Vol. 1.
<http://oll.libertyfund.org/title/362/50384/834592>

Ludwig von Mises argues that the division of labor and human cooperation are the two sides of the same coin and are not antagonistic to each other (1949) (Apr 16, 2007)



Ludwig von Mises (1881 – 1973)

In vol. 1, part 2, chapter 8, section 2 of *Human Action: A Treatise on Economics*, Ludwig von Mises shows the necessary and essential connection between free economic activity and social cooperation:

The fundamental social phenomenon is the division of labor and its counterpart human cooperation.

Experience teaches man that cooperative action is more efficient and productive than isolated action of self-sufficient individuals. The natural conditions determining man's life and effort are such that the division of labor increases output per unit of labor expended. These natural facts are:

First: the innate inequality of men with regard to their ability to perform various kinds of labor. Second: the unequal distribution of the nature-given, nonhuman opportunities of production on the surface of the earth. One may as well consider these two facts as one and the same fact, namely, the manifoldness of nature which makes the universe a complex of infinite varieties. If the earth's surface were such that the physical conditions of production were the same at every point and if one man were as equal to all other men as is a circle to another with the same diameter in Euclidian geometry, men would not have embarked upon the division of labor.

There is still a third fact, viz., that there are undertakings whose accomplishment exceeds the forces of a single man and requires the joint effort of several. Some of them require an expenditure of labor which no single man can perform because his capacity to work is not great enough. Others again could be accomplished by individuals; but the time which they would have to devote to the work would be so long that the result would only be attained late and would not compensate for the labor expended. In both cases only joint effort makes it possible to attain the end sought.

About this Quotation:

Liberty Fund is republishing a large number of the works of Ludwig von Mises as part of a new Liberty Fund “Library of the Works of Ludwig von Mises”. Over the next few months we will be sampling several of these works for interesting insights. In this passage Mises lays to rest an old argument that the capitalist system based upon the division of labor is somehow inimical to human cooperation. In fact the reverse is true, according to Mises, as each depends upon the existence of the other: social cooperation makes the division of labor possible, and the division of labor encourages and rewards social cooperation.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 1. <http://oll.libertyfund.org/title/1893/110293/2296310>

Jean-Baptiste Say argues that there is a world of difference between private consumption and public consumption; an increase in the latter does nothing to increase public wealth (1803) (Jun 16, 2008)



Jean Baptiste Say (1767 – 1832)

Jean-Baptiste Say (1767-1832) in his influential *Treatise on Political Economy* (1803) drew a distinction between private and public consumption, viewing an increase in the latter as no way to increase public wealth:

There has been long a prevalent notion, that the values, paid by the community for the public service, return to it again in some shape or other; in the vulgar phrase, that what government and its agents receive, is refunded again by their expenditure. This is a gross fallacy; but one that has been productive of infinite mischief, inasmuch as it has been the pretext for a great deal of shameless waste and dilapidation. The value paid to government by the tax-payer is given without equivalent or return: it is expended by the government in the purchase of personal service, of objects of consumption; in one word, of products of equivalent value, which are actually transferred. Purchase or exchange is a very different thing from restitution.

Turn it which way you will, this operation, though often very complex in the execution, must always be reducible by analysis to this plain statement. A product consumed must always be a product lost, be the consumer who he may; lost without return, whenever no value or advantage is received in return; but, to the tax-payer, the advantage derived from the services of the public functionary, or from the consumption effected in the prosecution of public objects, is a positive return.

If, then, public and private expenditure affect social wealth in the same manner, the principles of economy, by which it should be regulated, must be the same in both cases. There are not two kinds of economy, any more than two kinds of honesty, or of morality. If a government or an individual consume in such a way, as to give birth to a product larger than that consumed, a successful effort of productive industry will be made. If no

product result from the act of consumption, there is a loss of value, whether to the state or to the individual; yet, probably, that loss of value may have been productive of all the good anticipated. Military stores and supplies, and the time and labour of civil and military functionaries, engaged in the effectual defence of the state, are well bestowed, though consumed and annihilated; it is the same with them, as with the commodities and personal service, that have been consumed in a private establishment. The sole benefit resulting in the latter case is, the satisfaction of a want; if the want had no existence, the expense or consumption is a positive mischief, incurred without an object. So likewise of the public consumption; consumption for the mere purpose of consumption, systematic profusion, the creation of an office for the sole purpose of giving a salary, the destruction of an article for the mere pleasure of paying for it, are acts of extravagance either in a government or an individual, in a small state or a large one, a republic or a monarchy. Nay, there is more criminality in public, than in private extravagance and profusion; inasmuch as the individual squanders only what belongs to him; but the government has nothing of its own to squander, being, in fact, a mere trustee of the public treasure.

What, then, are we to think of the principles laid down by those writers, who have laboured to draw an essential distinction between public and private wealth; to show, that economy is the way to increase private fortune, but, on the contrary, that public wealth increases with the increase of public consumption: inferring thence this false and dangerous conclusion, that the rules of conduct in the management of private fortune and of public treasure, are not only different, but in direct opposition?

If such principles were to be found only in books, and had never crept into practice, one might suffer them without care or regret to swell the monstrous heap of printed absurdity; but it must excite our compassion and indignation to hear them professed by men of eminent rank, talents, and intelligence; and still more to see them reduced into practice by the agents of public authority, who can enforce error and absurdity at the point of the bayonet or mouth of the cannon.

About this Quotation:

Say returns to an issue which was problematical in his own day (1803) and which continues to haunt us to this very day, namely the commonly held belief that an increase in public consumption will increase public wealth. Say calls this a “gross fallacy” and proceeds to show how public consumption by various office holders and bureaucrats and those favored with government handouts is wasteful, inefficient, acts of extravagance, and even criminal. To add injury to insult, he concludes, “the agents of public authority (can) enforce (this) error and absurdity at the point of the bayonet or mouth of the cannon.”

Source

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed.). <http://oll.libertyfund.org/title/274/38117/901299>

Frank Taussig argues for the reverse of a common misconception about the relationship between high wages and the use of machinery (1915) (Oct 19, 2009)



[Frank William Taussig](#) (1859 – 1940)

Frank W. Taussig (1859-1940), in a chapter on comparative advantage, shows the connection between high wages, the use of machinery, and the widespread existence of “freedom and competition in [men’s] affairs”:

The relation between high wages and the use of machinery calls for a word more of explanation. It is usually said that high wages are a cause of the adoption of machinery, and that we find here the explanation of the greater use of machinery in the United States. I believe that the relation is the reverse; high wages are the effect, not the cause. To the individual manufacturer it may seem a cause; he schemes to save in the wages bill by adopting a labor-saving device. But the reason why he is induced to scheme is that labor-saving devices are in common use and that the effectiveness of industry at large is therefore great,—hence high wages. No doubt the general situation has its reflex influence on the individual. Every one is put to his trumps; every one feels the need of playing the industrial game at its best. **The abundant resources which so long contributed greatly, and indeed still contribute, to making labor productive and wages high, thereby stimulated the introduction of labor-saving methods in industries not so directly affected by the favor of nature. But the fundamental cause of the prevalent use of machinery was in the intelligence and inventiveness of the people; these being promoted again by the breath of freedom and competition in all their affairs.** What are the ultimate causes of industrial progress and industrial effectiveness is not easily stated; complex historical, political, perhaps ethnographic forces must be reckoned with. But these causes work out their results in modern times largely by prompting men to improve their implements and to use unhesitatingly new and better implements. Thence flows a high rate of return for their labor; it is not the high rate of return that leads them to use the better tools.

In creating and maintaining the comparative advantage which comes from the better

application of the machine processes, the business man—the industrial leader—has become in recent times a more and more important factor. The efficiency of the individual workman has been much dwelt on in discussion of the rivalries of different countries: aptitude, skill, intelligence, alertness, perhaps inherited traits. No doubt qualities of this sort have counted in the international trade of the United States, and still count. The American mechanic is a handy fellow,—it is from his ranks that the inventors and business leaders have been largely recruited,—and he can run a machine so as to make it work at its best. But there is a steady tendency to make machinery automatic, and largely independent of the skill of the operative who runs it. The mechanics who construct the machines and keep them in repair must indeed be highly skilled. Once, however, the elaborate machine is constructed and kept in perfect running order, the operative simply needs to be assiduous. Under such circumstances the essential basis of a comparative advantage in the machine-using industries is found in management,—in invention, rapid adoption of the best devices, organization.

About this Quotation:

One could almost say for a certainty that the economic truth of a proposition is the opposite of what “common sense” would usually argue for. For example, if rents are seen to be “too high” then rent control of some kind will solve the problem, when in fact such controls will almost certainly increase rents and reduce the supply of rental housing. Taussig here gives us another example concerning the link between high wages and the introduction of machinery. It is commonly believed that the introduction of machinery occurs in an industry in order to replace high wage labor. Taussig argues the opposite: that high wages are the result of machinery making the productivity of workers greater than they were before.

Source

Frank William Taussig, *Some Aspects of the Tariff Question* (Cambridge: Harvard University Press, 1915). <http://oll.libertyfund.org/title/293/35084/934204>

Kirzner defines economics as the reconciliation of conflicting ends given the existence of inescapable scarcity (1960) (Jun 29, 2010)



Israel M. Kirzner (1930 – —)

The Austrian economist Israel Kirzner (b. 1930) argues that to understand economics as the investigation of a particular aspect of society, such as wealth or welfare, is mistaken. Rather it is the study of much more general and abstract matters such as conflicting ends and the inescapable scarcity of means:

Fraser has classified definitions of economics into Type A definitions and Type B definitions. Type A definitions consider economics as investigating a particular department of affairs, while Type B definitions see it as concerned with a particular aspect of affairs in general. The specific department singled out by Type A definitions has usually been wealth or material welfare. The aspect referred to in Type B definitions is the constraint that social phenomena uniformly reveal in the necessity to reconcile numerous conflicting ends under the shadow of an inescapable scarcity of means.

During the twentieth century two distinct trends are visible in the definitions of the economic point of view. On the one hand, a transition from Type A to Type B definitions has been vigorously carried forward. On the other hand, there has been a pronounced movement toward the denial of any distinctly economic point of view whatsoever, and the consequent conviction that all attempts to present such a point of view with clarity must be a waste of time.

It will be seen in subsequent chapters that the classification of definitions of the economic point of view into Types A and B is far from an exhaustive one. The voluminous literature since the turn of the century dealing with the problem of definition reveals, indeed, the entire range of formulations that are discussed in this essay. Nevertheless, it remains true that the most outstanding development in the history of the problem is the switch from the search for a department of human affairs to which the adjective “economic” applies, to the

search for the appropriate aspect of affairs in which economic concepts are of relevance. (It should be noticed that almost all the numerous formulations of the specific point of view of economic science are considered by their authors, not as describing a new science, but as offering a more consistent characterization of the existing discipline.) The emergence of the Type B definitions is reflected in a considerable body of literature on the continent as well as in the English-speaking countries. Type A definitions are treated in the second chapter of this essay, and the transition to Type B definitions is traced in the sixth chapter. Type B definitions are associated especially with the name of Professor Robbins, whose work of 1930 has had an outstandingly stimulating effect on all subsequent discussions.

The final chapter of this essay traces the further development, in recent decades, of **this trend away from the association of economics with specific “ends” or a specific department of human affairs. In this development the work of Robbins has been consistently pursued to what appears to the writer to be the most adequate solution of the problem. The developments described in this final chapter are made up of the contributions of several eminent economists, including Mises and Knight. These writers in no way constitute a “school,” and although in this essay the developments of the final chapter are described as “praxeological” (following Mises’ terminology), it is not to be understood that all the writers cited in that chapter fully subscribe to what is here called the praxeological outlook. It is maintained, however, that the consistent and refined development of the ideas first brought to a focus in the Type B definition constitutes a distinct contribution to the history of the problem. The path-breaking work of Mises in this regard has a significance that, in the writer’s opinion, has not been sufficiently recognized because it has not yet been brought into historical perspective.**

About this Quotation:

2010 is the 50th anniversary of the publication of this path-breaking book by Israel Kirzner on *The Economic point of View* (1960). Kirzner was a student of the great Austrian economist Ludwig von Mises and he brings to the study of what economics actually is a much needed historical perspective. By examining the evolution of what economists thought they were studying he is able to show what was far too often a certain narrowness of perspective, focusing on a single issue such as wealth, trade, or welfare. The great insight of the Lionel Robbins in England and Ludwig von Mises in Austria and then America was the need to make the discipline of economics much more abstract and general by focusing on the nature of human action itself in order to understand the deeper reasons for exchange in a world of inevitable scarcity.

Source

Israel M. Kirzner, *The Economic Point of View: An Essay in the History of Economic Thought*, ed. with an Introduction by Laurence S. Moss (Kansas City: Sheed Andrews McMeel, 1976).
<http://oll.libertyfund.org/title/304/5912/699372>

Wicksteed on the subjective theory of value and on opportunity costs (1910) (Aug 2, 2010)



Philip H. Wicksteed (1844 – 1927)

Philip H. Wicksteed (1844-1927) was a pioneer English economist who made contributions to the development of a subjective theory of cost. In this example of a shopper going to market, he not only correctly discusses how she has ranked the desirability of purchasing each item according to her own subjective preferences, but she also is aware of the opportunity costs of purchasing food instead of some other good:

We have seen that the skilful marketer has a portion of her scale of preferences definitely and even minutely present in her consciousness as she enters the market. She knows with considerable nicety the terms on which this or that alternative purchase is preferable, and the immensely complex system of combinations which can be commanded by the money she has to spend is fairly well under her ken. She may therefore come out of the marketplace having done something like the best that was possible with her money. But in order for this result to represent the most effective administration of her resources in general for all the purposes of her life, other opportunities than those of the market in which she actually stood must also have been present in her mind with adequate preciseness; for her total expenditure in the market-place is not rigidly fixed in advance. It is related to her expenditure on other things (furniture, clothes, education, literature, holidays, etc.), and should be kept in close and continuous connection with it. And just as her expenditure on provisions is affected by the price of all these other things, so likewise her expenditure on them is affected by the price of provisions. The price of one or many of the commodities in the market may be considerably different from what she expected. If she finds that she can fill her basket for less than she expected she may feel at liberty to buy something else that she would not otherwise have allowed herself; and if prices are so high that the money she had meant to spend will make too poor a provision she must cast about for some saving elsewhere to enable her to spend a little more in the market-place. So when she learns the prices at the stalls, she may find she “can get that scarf for Bob after all,” or, on the contrary, that with things at such prices, she “must put off binding Grimm’s Fairy Tales a

little longer.” The ideal marketer therefore will have in her mind, as she enters the market, a perfectly clear and precise realisation of that portion of her scale of preferences which is immediately concerned, while those portions of it which are adjacent and bear most directly and closely upon it will be within easy reach; and the whole range will be subconsciously present in what psychologists call “the fringe.” So much for recapitulation.

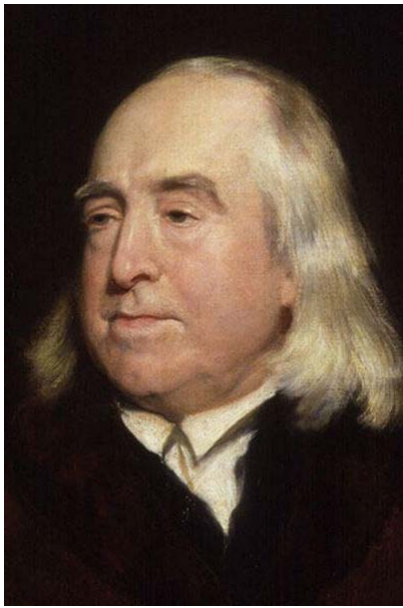
About this Quotation:

2010 is the 100th anniversary of the publication of Wicksteed’s *Commonsense of Political Economy*. Philip Wicksteed was a polymath who translated Dante and Aristotle and made significant advances in economic theory as well. He is recognized by modern Austrian economists for his contributions to the subject theory of prices which had begun to emerge in the 1870s with the work of William Stanley Jevons, Carl Menger, and Léon Walras who began the so-called “marginal revolution”. There is another quite interesting aspect to this quotation, Wicksteed’s use of the pronoun “she” in his example of a shopper in the marketplace. Perhaps this is an example of early “gender inclusive language”?

Source

Philip H. Wicksteed, *The Commonsense of Political Economy, including a Study of the Human Basis of Economic Law* (London: Macmillan, 1910). <http://oll.libertyfund.org/title/1415/38931/1404165>

Bentham on the proper role of government: “Be Quiet” and “Stand out of my sunshine” (1843) (Oct 4, 2010)



Jeremy Bentham (1748 – 1832)

Jeremy Bentham (1748-1832) inspired James and John Stuart Mill with his theory of utilitarianism. His formulation of what the government should do is similar to that of the 18th century French Physiocrats, “laissez-faire”. In an uncharacteristically brief statement he urged the government to “be quiet”, or to “get out of my sunlight”:

Intelligence and power may be administered by government at a much cheaper rate. A mite of reward, skilfully applied, is often sufficient to produce an immensity of intelligence. In many instances, it frequently requires nothing more than the removal of coercion from one hand to another, or even the repeal of it altogether, in order to confer the sort and degree of requisite power; the operation, in either case, not being attended, in the shape of pain, with any perceptible effect.

The two most extensive descriptions of the cases in which it is necessary or expedient to interfere for the purpose of regulating the exertions of individuals in respect to the increase of wealth, are those in which it is necessary to regulate the pursuit of the several objects in view, according to the order of their importance:—in giving to the matter of wealth that modification which adapts it to the several purposes of subsistence and defence—security in respect of subsistence, and security in respect of defence—in preference to that which adapts it to the mere purpose of enjoyment.

With few exceptions, and those not very considerable ones, the attainment of the maximum of enjoyment will be most effectually secured by leaving each individual to pursue his own maximum of enjoyment, in proportion as he is in possession of the means. Inclination in this respect will not be wanting on the part of any one. Power, the species of power applicable to this case—viz. wealth, pecuniary power—could not be given by the hand of government to one, without being taken from another; so that by such interference there would not be any gain of power upon the whole.

The gain to be produced in this article by the interposition of government, respects principally the head of knowledge. There are cases in which, for the benefit of the public at large, it may be in the power of government to cause this or that portion of knowledge to be produced and diffused, which, without the demand for it produced by government, would either not have been produced, or would not have been diffused.

We have seen above the grounds on which the general rule in this behalf—Be quiet—rests. Whatever measures, therefore, cannot be justified as exceptions to that rule, may be considered as non agenda on the part of government. The art, therefore, is reduced within a small compass: security and freedom are all that industry requires. The request which agriculture, manufactures, and commerce present to governments, is modest and reasonable as that which Diogenes made to Alexander: “Stand out of my sunshine.” We have no need of favour—we require only a secure and open path.

About this Quotation:

Bentham has suffered at the hands of many people. He wrote a great deal, not all of which is easily comprehensible; some of his most influential work appeared in French under the editorship of Dumont before it appeared in English; and his English editor Bowring was rather cavalier in his arrangement of Bentham's material and sometimes even censorious when it came to his writings on religion. Now and again, from amongst the endless listing and categorization that plagues Bentham's writings out pops a pithy statement which catches the eye. Here is one of these about the proper function of government. After making some exceptions for defence and the propagation of useful knowledge, Bentham concludes that government could help the public welfare the most by “being quiet”, that is in not doing anything much. This is his rather English way of saying what the Physiocrats urged their government to do: “laissez-faire, laissez-passer”. Just to make sure we understand what he is saying Bentham relates the story of Diogenes' conversation with King Alexander in which Diogenes told the ruler of the world in no uncertain terms to “get out of my sunlight”.

Source

Jeremy Bentham, *The Works of Jeremy Bentham*, published under the Superintendence of his Executor, John Bowring (Edinburgh: William Tait, 1838-1843). 11 vols. Vol. 3.
<http://oll.libertyfund.org/title/1922/114390/2347216>

Bastiat asks the fundamental question of political economy: what should be the size of the state? (1850) (Oct 11, 2010)



Frédéric Bastiat (1801 – 1850)

In his incomplete magnum opus *Economic Harmonies* (1850) Frédéric Bastiat asks the fundamental question of political economy: what should be the proper size of the state? His answer is that it should limit its functions to a very “small circle” of activity which would include only defence and policing:

But what we actually observe is that public services or government action increases or decreases according to time, place, or circumstances, from the communism of Sparta or the Paraguay missions to the individualism of the United States, with French centralization as a midpoint along the way.

The first question to be asked, then, as we begin the study of political science is this:

What are the services that should remain in the realm of private activity? What are those that should fall within the domain of public or collective activity?

That question amounts to this:

Within the great circle that we call “society,” what should be the circumference of the smaller circle we call “government”?

It is evident that this question is connected with political economy, since it requires the comparative study of two very different forms of exchange.

Once this problem is solved, there still remains another: How can public services best be organized? We shall not consider this question, since it falls entirely within the field of government.

Let us examine the essential differences between private services and public services, since this is a necessary preliminary to determining what should be the logical line of

demarcation between them.

This entire book up to the present chapter has been devoted to showing the evolution of private services. We have seen that it is, implicitly or explicitly, based on this formula: You do this for me, and I will do that for you; which implies a double and mutual consent regarding what is given and what is received. The notions of barter, exchange, appraisal, value, cannot, therefore, be conceived of without freedom, nor freedom without responsibility. Each party to an exchange consults, at his own risk and peril, his wants, his needs, his tastes, his desires, his means, his attitudes, his convenience—all the elements of his situation; and nowhere have we denied that in the exercise of free will there is the possibility of error, the possibility of an unreasonable or a foolish choice. The fault is imputable, not to the principle of exchange, but to the imperfection of human nature; and the remedy is to be found only in responsibility itself (that is, in freedom), since it is the source of all experience. To introduce coercion into exchange, to destroy free will on the pretext that men may make mistakes, would not improve things, unless it can be proved that the agent empowered to apply the coercion is exempt from the imperfection of our nature, is not subject to passion or error, does not belong to humanity. Is it not evident, on the contrary, that this would be tantamount not only to putting responsibility in the wrong place, but, even worse, to destroying it, at least in so far as its most precious attribute is concerned, that is, as a rewarding, retributive, experimental, corrective, and, consequently, progressive force? We have also seen that free exchange, or services voluntarily received and voluntarily rendered, constantly increases, thanks to the effect of competition, the relative proportion of gratuitous utility to onerous utility, the domain of common wealth in relation to the domain of private property; and we have thus come to recognize in freedom the power that in every way promotes equality, or social harmony.

About this Quotation:

Frédéric Bastiat died before he could finish his great work on political economy. He published a truncated version shortly before he died and some of his colleagues added a few extra chapters which they found among his papers in a larger edition the year after his untimely death from a serious throat condition (possibly TB, an infection, or even throat cancer). As he states in this quotation the whole purpose of his book was to trace the evolution of private, voluntary economic activity and to show how coercive, “public” or government activity intruded upon and disturbed the harmonious operation of this private activity. Bastiat thought of “society” as a very large circle which incorporated all manner of personal, social, and collective voluntary activity. Within this circle was a very “small circle” which incorporated the sphere of government activity which was based upon coercion and taxation. Bastiat wanted to keep this “small circle” of the state as small as possible. The exact extent of the government activity he favored will be the subject of future quote.

Source

Frédéric Bastiat, *Economic Harmonies*, trans by W. Hayden Boyers, ed. George B. de Huszar, introduction by Dean Russell (Irvington-on-Hudson: Foundation for Economic Education, 1996). <http://oll.libertyfund.org/title/79/35554/669663>

Mises on the interconnection between economic and political freedom (1949) (Feb 7, 2011)



Ludwig von Mises (1881 – 1973)

The Austrian free market economist Ludwig von Mises (1881-1973) argues not only that political and economic liberty are inextricably linked but that economic liberty is the foundation stone for all political liberties:

In spite of these serious shortcomings of the defenders of economic freedom it was impossible to fool all the people all the time about the essential features of socialism. The most fanatical planners were forced to admit that their projects involve the abolition of many freedoms people enjoy under capitalism and “plutodemocracy.” Pressed hard, they resorted to a new subterfuge. The freedom to be abolished, they emphasize, is merely the spurious “economic” freedom of the capitalists that harms the common man. Outside the “economic sphere” freedom will not only be fully preserved, but considerably expanded. “Planning for Freedom” has lately become the most popular slogan of the champions of totalitarian government and the Russification of all nations.

The fallacy of this argument stems from the spurious distinction between two realms of human life and action, entirely separated from one another, viz., the “economic” sphere and the “noneconomic” sphere. With regard to this issue there is no need to add anything to what has been said in the preceding parts of this book. However, there is another point to be stressed.

Freedom, as people enjoyed it in the democratic countries of Western civilization in the years of the old liberalism’s triumph, was not a product of constitutions, bills of rights, laws, and statutes. Those documents aimed only at safeguarding liberty and freedom, firmly established by the operation of the market economy, against encroachments on the part of officeholders. No government and no civil law can guarantee and bring about freedom otherwise than by supporting and defending the fundamental institutions of the market economy. Government means always coercion and compulsion and is by necessity the opposite of liberty. Government is a

guarantor of liberty and is compatible with liberty only if its range is adequately restricted to the preservation of what is called economic freedom. Where there is no market economy, the best-intentioned provisions of constitutions and laws remain a dead letter.

The freedom of man under capitalism is an effect of competition. The worker does not depend on the good graces of an employer. If his employer discharges him, he finds another employer. The consumer is not at the mercy of the shopkeeper. He is free to patronize another shop if he likes. Nobody must kiss other people's hands or fear their disfavor. Interpersonal relations are businesslike. The exchange of goods and services is mutual; it is not a favor to sell or to buy, it is a transaction dictated by selfishness on both sides.

About this Quotation:

Milton Friedman argued for many years that economic and political liberty were interlinked and that to destroy one (such as economic liberty) would eventually harm the other (political liberty). He was aiming his argument at the “political liberals” (i.e. social democrats) who were happy to regulate and control the economy without thinking that they would thereby end up harming what they considered to be a higher value, namely political freedom. Mises goes much further than this in his chapter “On Freedom” in *Human Action* in which he argues that political freedom is dependent about flourishing free markets and that written constitutions merely protect already existing institutions created by market activities. If these free market institutions are weakened too much then the political edifice which is built upon them will come crashing down.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 2. <http://oll.libertyfund.org/title/1894/110394/2298827>

Adam Smith on the greater productivity brought about by the division of labor and technological innovation (1760s) (Jun 6, 2011)



Adam Smith (1723 – 1790)

In an early draft of the *Wealth of Nations* (1776) which Adam Smith wrote in the 1760s he discusses the very great increases in productivity brought about by incremental improvements in technology such as the plough and the corn mill, often brought about by the users of the machines who stood to benefit from them:

The advantage, too, which is gained by saving the time commonly lost in passing from one species of work to another is very considerable, and much greater than what we should at first be apt to imagine. It is impossible to pass very quickly from some businesses to others, which are carried on in distant places and with quite different tools. A country weaver who likewise cultivates a small farm must lose a good deal of time in passing from his loom to the field and from the field to his loom. Where the two businesses can be carried on in the same work house, the loss of time is no doubt much less. It is even here, however, very considerable. A man commonly saunters a little in turning his hand from one sort of employment to a quite different (one). When he first begins the new work he is seldom very keen or hearty. His mind does not go with it, and he for some time rather trifles than applies to good purpose. A man of great spirit and activity, when he is hard pushed upon some particular occasion, will pass with the greatest rapidity from one sort of work to another through a great variety of businesses. Even a man of spirit and activity, however, must be hard pushed before he can do this. In the ordinary course of business, when he passes from one thing to another he will saunter and trifle, tho' not undoubtedly in the same degree, yet in the same manner as an idle fellow. This habit of sauntering and of indolent, careless application, which is naturally or rather necessarily contracted by every country workman, who is obliged to change his work and his tools every half hour, and to apply his hand in twenty different manners almost every day in his life, renders him almost always very slothful and lazy, and incapable, even upon the most pressing occasions, of any vigorous application. Independent therefore of his want of the most perfect dexterity this cause alone must always make the quantity of the work which he performs extremely inconsiderable.

Every body must be sensible how much labour is abridged and facilitated by the application of proper machinery. By means of the plough two men, with the assistance of three horses, will cultivate more ground than twenty could do with the spade. A miller and his servant, with a wind or water mill, will at their ease grind more corn than eight men could do, with the severest labour, by hand mills. To grind corn in a hand mill was the severest work to which the antients commonly applied their slaves, and to which they seldom condemned them unless when they had been guilty of some very great fault. A hand mill, however, is a very ingenious machine which greatly facilitates labour, and by which a great deal of more work can be performed than when the corn is either to be beat in a mortar, or with the bare hand, unassisted by any machinery, to be rubbed into powder between two hard stones, as is the practice not only of all barbarous nations but of some remote provinces in this country. It was the division of labour which probably gave occasion to the invention of the greater part of those machines, by which labour is so much facilitated and abridged. When the whole force of the mind is directed to one particular object, as in consequence of the division of labour it must be, the mind is more likely to discover the easiest methods of attaining that object than when its attention is dissipated among a great variety of things. He was probably a farmer who first invented the original, rude form of the plough. The improvements which were afterwards made upon it might be owing sometimes to the ingenuity of the plow wright when that business had become a particular occupation, and sometimes to that of the farmer. Scarce any of them are so complex as to exceed what might be expected from the capacity of the latter. The drill plow, the most ingenious of any, was the invention of a farmer. Scarce any of them are so complex as to exceed what might be expected from the capacity of the latter. The drill plow, the most ingenious of any, was the invention of a farmer. Some miserable slave, condemned to grind corn between two stones by the meer strength of his arms, pretty much in the same manner as painters bray their colours at present, was probably the first who thought of supporting the upper stone by a spindle and of turning it round by a crank or handle which moved | horizontally, according to what seems to have been the original, rude form of hand mills. He who first thought of making the spindle pass quite through the under millstone, which is at rest, of uniting it with a trundle, and of turning round that trundle by means of a cog wheel, which was itself turned round by a winch or handle, according to the present form of hand mills, was probably a mill wright, or a person whose principal or sole business it was, in consequence of the still further division of labour, to prepare that original, rude machine which it does not exceed the capacity of a common slave to have invented. Great advantages were gained by this improvement. The whole machinery being thus placed below the under millstone, the top of the upper one was left free for the conveniencies of the hopper, the feeder and shoe, and the crank or handle, which turned the cog wheel, moving in a circle perpendicular to the horizon, the strength of the human body could be applied to it with much more advantage than to any crank which was to be turned round in a circle parallel to the horizon. These different improvements were probably not all of them the inventions of one man, but the successive discoveries of time and experience, and of the ingenuity of many different artists...

About this Quotation:

This quote from an early draft of the *Wealth of Nations* is interesting for not only making the point that the division of labor creates greater productivity but also for stating clearly that it stimulates

technological innovation as well. When “ the whole force of the mind is directed to one particular object”, such as the use of a plough or a grain mill, the users of technology naturally strive to reduce the amount of labor they must expend and hence come up with incremental improvements. Gradually over time new improvements are added by different users of the tools which add even more to the productivity of their labor. Smith concludes that “(t)hese different improvements were probably not all of them the inventions of one man, but the successive discoveries of time and experience, and of the ingenuity of many different artists”, a conclusion which seems very similar to Adam Ferguson’s description of social orders like the market, which were “the result of human action, but not the execution of any human design”. What Smith does not state, but which is implied in what he is saying, is that these technological innovations come about because humans are stimulated by the incentive of economically benefiting from the improvements they introduce to productive process if they are the property owners of the greater output which results from the effort and ingenuity.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
<http://oll.libertyfund.org/pages/missing-links>

Bastiat on the state vs. laissez-faire (1848) (Jun 20, 2011)



Frédéric Bastiat (1801 – 1850)

The French classical liberal economist and member of parliament Frédéric Bastiat (1801-1850) wrote in his revolutionary magazine in June 1848 that the policy of “laissez-faire”, or “let things be done” was in opposition to the policy of the state, which was to “prevent things being done”:

“Laissez-faire”, Jacques Bonhomme, 11-15 June 1848.

Laissez-faire! I will begin by saying, in order to avoid any ambiguity, that laissez-faire is used here for honest things, with the state instituted precisely to prevent dishonest things.

This having been said, and with regard to things that are innocent in themselves, such as work, trade, teaching, association, banking, etc., a choice must be made. It is necessary for the state to let things be done or prevent them from being done.

If it lets things be done, we will be free and optimally administered most economically, since nothing costs less than laissez-faire.

If it prevents things from being done, woe to our freedom and our purse. Woe to our freedom, since to prevent things is to tie our hands; woe to our purse, since to prevent things requires agents and to employ agents takes money.

In reply to this, socialists say: “Laissez-faire! What a disaster!” Why, if you please? “Because, when you leave men to act, they do wrong and act against their interests. It is right for the state to direct them.”

This is simply absurd. Do you seriously have such faith in human wisdom that you want universal suffrage and government of all by all and then you proclaim these very men whom you consider fit to govern others unfit to govern themselves?

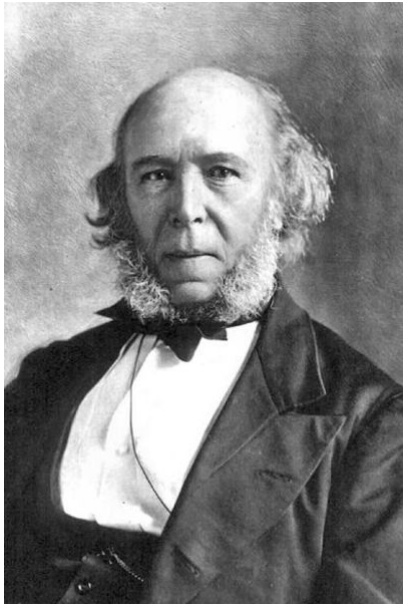
About this Quotation:

Twice during the revolutionary year of 1848 Frédéric Bastiat and some younger friends took to the streets of Paris in an attempt to persuade the rioters not to be seduced by the superficial appeal of socialism. In February he helped edit and distribute *La République française*. In June he did the same with *Jacques Bonhomme*. The articles were short and written to appeal to the average worker. Some were designed to be made into wall posters which could be glued to the walls of the streets of Paris to attract the attention of passers-by. This one is simply called “Laissez-faire” and here Bastiat contrasts the policy of the state, which is to “prevent things being done” with that of the market and enlightened policy making, which is “laissez-faire”, or “let things be done”. It is interesting to note that one of the areas of the economy Bastiat thinks should enjoy “laissez-faire” is banking. He also chastises his socialist opponents by saying that he is only claiming for the economy and the consumer the same “rights” of choice that they are claiming for voters in a democratic government, albeit in a different sphere of activity.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226074/3709063>

Spencer on spontaneous order produced by “the beneficent working of social forces” (1879) (Jul 18, 2011)



Herbert Spencer (1820 – 1903)

The English radical individualist philosopher Herbert Spencer (1820-1903) believed that the legislator makes a serious mistake in thinking of society “as a manufacture” in spite of all the evidence to the contrary, that it is the result of “the spontaneous cooperations of men pursuing their private ends” in spite of much “governmental obstruction”:

1. **Which is the more misleading, belief without evidence, or refusal to believe in presence of overwhelming evidence? If there is an irrational faith which persists without any facts to support it, there is an irrational lack of faith which persists spite of the accumulation of facts which should produce it; and we may doubt whether the last does not lead to worse results than the first.**

The average legislator, equally with the average citizen, has no faith whatever in the beneficent working of social forces, notwithstanding the almost infinite illustrations of this beneficent working. He persists in thinking of a society as a manufacture and not as a growth: blind to the fact that the vast and complex organization by which its life is carried on, has resulted from the spontaneous cooperations of men pursuing their private ends. Though, when he asks how the surface of the earth has been cleared and made fertile, how towns have grown up, how manufactures of all kinds have arisen, how the arts have been developed, how knowledge has been accumulated, how literature has been produced, he is forced to recognize the fact that none of these are of governmental origin, but have many of them suffered from governmental obstruction; yet, ignoring all this, he assumes that if a good is to be achieved or an evil prevented, Parliament must be invoked. He has unlimited faith in the agency which has achieved multitudinous failures, and has no faith in the agency which has achieved multitudinous successes.

Of the various feelings which move men to action, each class has its part in producing social structures and functions. There are first the egoistic feelings, most

powerful and most active, the effects of which, as developing the arrangements for production and distribution, have been above adverted to, and which, whenever there is a new sphere to be profitably occupied, are quick to cause new growths. From the cutting of a Suez Canal and the building of a Forth Bridge, to the insurance of ships, houses, lives, crops, windows, the exploration of unknown regions, the conducting of travelers' excursions, down to automatic supply boxes at railway stations and the loan of opera glasses at theaters, private enterprise is ubiquitous and infinitely varied in form; and when repressed by state agency in one direction buds out in another. Reminding us of the way in which, in Charles II's time, there was commenced in London a local penny post, which was suppressed by the government, we have, in the Boy Messengers' Company and its attempted suppression, illustrations of the efficiency of private enterprise and the obstructiveness of officialism. And then, if there needs to add a case showing the superiority of spontaneously formed agencies we have it in the American Express Companies, of which one has 7,000 agencies, has its own express trains, delivers 25,000,000 parcels annually. is employed by the government, has a moneyorder system which is replacing that of the Post Office, and has now extended its business to Europe, India, Africa, South America, and Polynesia.

About this Quotation:

In his major work on political philosophy, *The Principles of Ethics* (1879), Herbert Spencer brings together three strains of thought concerning how social structures are formed. One is the Scottish tradition enunciated by Adam Ferguson and Adam Smith which sees social orders emerging “spontaneously” through voluntary social and economic interaction among individuals, guided as it were by Smith’s “invisible hand” to create ordered structures which were not the express intent of the participants. A second tradition is a French one whose best known exponent is Frédéric Bastiat who argued that the selfish behaviour of profit seeking individuals produced a “harmonious” interlocking of buying and selling which was highly productive on the one hand and moral on the other hand in so far as coercion was not used in the transactions. Late in the 19th century Spencer adds a third strain which might be called “evolutionary”. In the post-Darwinian milieu Spencer argued that social and economic structures evolved “naturally” from the more simple to the more complex through a process of individual activity and “the spontaneous cooperations of men pursuing their private ends”. He contrasts this with the “artificial” and “manufactured” orders which politicians and legislators try to create, usually without much success.

Source

Herbert Spencer, *The Principles of Ethics*, introduction by Tibor R. Machan (Indianapolis: LibertyClassics, 1978). Vol. 2. <http://oll.libertyfund.org/title/334/40762/594732>

Alexander Pope on how private “self love” can lead to the public good (1732) (Apr 23, 2012)



[Alexander Pope](#) (1688 – 1744)

The English poet Alexander Pope (1688-1744) in his “An Essay on Man” (1732) argues that “even kings” are obliged to act increasingly morally because of the operation of the natural laws which govern society and the world:

V. Great Nature spoke; observant man obey'd; Cities were built, societies were made:
[200] Here rose one little state; another near Grew by like means, and join'd thro' love or fear. Did here the trees with ruddier burdens bend, And there the streams in purer rills descend? What war could ravish, commerce could bestow, And he return'd a friend who came a foe. Converse and love mankind might strongly draw, When Love was liberty, and Nature law. Thus states were form'd, the name of King unknown, Till common int'rest placed the sway in one. [210] 'T was Virtue only (or in arts or arms, Diffusing blessings, or averting harms), The same which in a sire the sons obey'd, A prince the father of a people made...

So drives Self-love thro' just and thro' unjust, [269] To one man's power, ambition, lucre, lust: The same Self-love in all becomes the cause Of what restrains him, government and laws. For, what one likes if others like as well, What serves one will, when many wills rebel? How shall he keep what, sleeping or awake, A weaker may surprise, a stronger take? His safety must his liberty restrain: All join to guard what each desires to gain. Forc'd into virtue thus by self-defence, Ev'n kings learn'd justice and benevolence: [280] Self-love forsook the path it first pursued, And found the private in the public good.

About this Quotation:

The poet Alexander Pope makes one of the first explicit arguments for the idea that the pursuit of selfish interests indirectly promotes the public good in his poem “An Essay on Man.” The law of nature acts as a kind of brake on the selfish desires of individuals, whether kings or commoners, who

learn through experience that what promotes the public good also promotes their own private good. “So drives Self-love thro’ just and thro’ unjust, To one man’s power, ambition, lucre, lust: The same Self-love in all becomes the cause Of what restrains him, government and laws.” This sounds well and good but what is missing is any idea of how the market requires that profits cannot be made unless the needs and wants of consumers are met satisfactorily. In the first extract here from Epistle 3 we have a rather naive view of how government comes into being. This should be compared to the more realistic views of David Hume and Thomas Paine.

Source

Alexander Pope, *The Complete Poetical Works of Alexander Pope*. Cambridge Edition, ed. Henry W. Boynton (Boston and New York: Houghton, Mifflin and Co., 1903). <http://oll.libertyfund.org/title/2278/216004/3473734>

Bastiat on trade as a the mutual exchange of “a service for another service” (1848) (Jul 23, 2012)



Frédéric Bastiat (1801 – 1850)

The French economist Frédéric Bastiat (1801-1850) believed that all exchanges in the free market could be seen as a trade of one “service” for another service of equivalent value:

Property and Plunder. Second Letter

I understand utility to be what everyone understands by this word whose etymology shows its meaning exactly, namely, that everything that serves a purpose, whether by its nature, by work, or by both, being useful, constitutes utility.

I call value the only part of utility that is communicated or added by work, so that two things are of equal value when those who have worked on them exchange them freely with each other. The following are my reasons for this:

What makes a man refuse an exchange? It is his knowledge that the item being offered to him would require less work from him than the item demanded from him. It is absurd to say to him, “I have worked less than you, but gravity helped me and I have included it in the calculation.” He will reply, “I can also use gravity with work that is equal to yours.”

When two men are isolated, if they work, it is to provide a service to themselves. Where an exchange is involved, each person is providing a service to the other and receives an equivalent service in return. If one of them is helped by some force of nature that is at the disposal of the other, this force will not be included in the bargain as the right to refuse will oppose this.

Robinson hunts and Friday fishes. It is clear that the quantity of fish exchanged for game will be determined by the work involved. If Robinson said to Friday, “Nature goes to a lot more trouble in making a bird than a fish, so give me more of your work than I will give

you of mine since I am trading you in return a greater effort by nature... ." Friday would not fail to reply, "It is no more up to you than me to judge the efforts of nature. What should be compared is your work to mine, and if you wish to establish our relationship on the footing that I will work more than you on a regular basis, I will start to hunt and you can fish if you want to."

You can see that the generosity of nature in this hypothesis cannot become a monopoly unless violence is involved. You can also see that, while it is a significant factor in utility, it is not a factor in value.

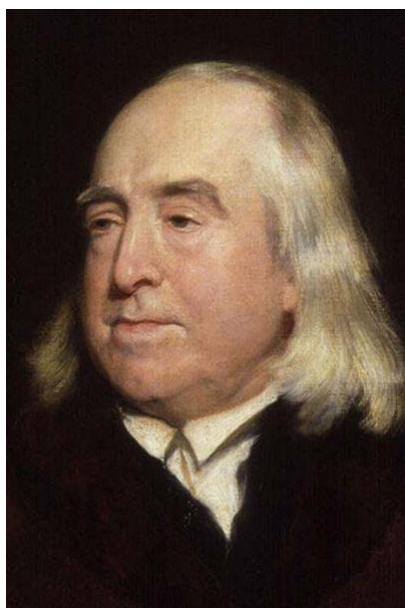
About this Quotation:

In "Property and Plunder" written in February 1848 Bastiat takes up the challenge to free market economics made by the socialists who became a powerful force in the early phase of the revolution of February 1848. They questioned the legitimacy of all exchanges because they thought that there was a component of profit which was "unearned" because it came from the bounty of the earth or the labor of the worker. Bastiat uses the thought experiment of the story of Robinson Crusoe and Friday on their desert island to illustrate the logic of exchange in a more abstract and simplified form. In this, Bastiat was an innovator in using such stories to elucidate economic principles. There are three other points which should be emphasised here: the first is that in a free market both parties to an exchange have the freedom to participate in making the exchange or in refusing to do so. Any compulsion to trade or not to trade is a violation of their liberty and their property rights. Secondly, how close Bastiat is to a fully fledged subjective theory of value with his notion that each party considers how valuable the service offered by the other party is to him and not some external and supposedly "objective" value or utility. And thirdly, the way in which Bastiat universalizes the thing being exchanged into a "service". Thus, it no longer matters whether the thing being exchanged is a good or a commodity, an amount of money in the form of a loan, an amount of money in the form of a wage, or an "immaterial good" such as the health services of a doctor or the "entertainment services" of an opera singer or the "educational services" of a teacher.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 2: The Law, The State, and Other Political Writings, 1843-1850*, Jacques de Guenin, General Editor. Translated from the French by Jane Willems and Michel Willems, with an introduction by Pascal Salin. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation Editor Dennis O'Keeffe. Academic Editor, David M. Hart (Indianapolis: Liberty Fund, 2012).
<http://oll.libertyfund.org/title/2450/231344/3920867>

Bentham on the liberty of contracts and lending money at interest (1787) (Sep 17, 2012)



Jeremy Bentham (1748 – 1832)

The English utilitarian philosopher Jeremy Bentham (1748-1832) defends the practice of lending money at interest (“usury”) as just another example of consenting adults engaging in their legal right to make contracts with each other:

Defence of Usury, Letter I (January 1787)

Among the various species or modifications of liberty, of which on different occasions we have heard so much in England, I do not recollect ever seeing any thing yet offered in behalf of the liberty of making one’s own terms in money-bargains. From so general and universal a neglect, it is an old notion of mine, as you well know, that this meek and unassuming species of liberty has been suffering much injustice.

A fancy has taken me, just now, to trouble you with my reasons: which, if you think them capable of answering any good purpose, you may forward to the press: or in the other case, what will give you less trouble, to the fire.

In a word, the proposition I have been accustomed to lay down to myself on this subject is the following one, viz. that no man of ripe years and of sound mind, acting freely, and with his eyes open, ought to be hindered, with a view to his advantage, from making such bargain, in the way of obtaining money, as he thinks fit: nor, (what is a necessary consequence) any body hindered from supplying him, upon any terms he thinks proper to accede to.

This proposition, were it to be received, would level, you see, at one stroke, all the barriers which law, either statute or common, have in their united wisdom set up, either against the crying sin of Usury, or against the hard-named and little-heard-of practice of Champerty; to which we must also add a portion of the multifarious, and as little heard-of

offence, of Maintenance.

On this occasion, were it any individual antagonist I had to deal with, my part would be a smooth and easy one. “You, who fetter contracts; you, who lay restraints on the liberty of man, it is for you” (I should say) “to assign a reason for your doing so.” That contracts in general ought to be observed, is a rule, the propriety of which, no man was ever yet found wrong-headed enough to deny: if this case is one of the exceptions (for some doubtless there are) which the safety and welfare of every society require should be taken out of that general rule, in this case, as in all those others, it lies upon him, who alledges the necessity of the exception, to produce a reason for it.

About this Quotation:

Bentham turns his defence of the specific economic activity of lending money at interest (commonly criticised as “usury”) into a more general defence of the right of adults (any “man of ripe years and of sound mind”) to make contracts with other consenting adults without being “fettered” by others. Here Bentham lumps together several supposed offences such as “usury” (lending at unreasonably high interest), “champerty” (an agreement in which a third person with no direct interest in a law suit finances the suit in the hope of sharing in any property settlement), and “maintenance” (another form of champerty), which he believes are examples of unjustified interference in the right of individuals to enter into legal contracts with each other. He thought it was up to those who wanted to prevent or “fetter” such contracts and transactions to show how they were exceptions to the general principle of freedom contract. Otherwise he thought, “that no man of ripe years and of sound mind, acting freely, and with his eyes open, ought to be hindered ... from making such bargain ... as he thinks fit.”

Source

Jeremy Bentham, *Defence of Usury; shewing the Impolicy of the Present Legal Restraints on the Terms of Pecuniary Bargains; in Letters to a Friend. To which is added A Letter to Adam Smith, Esq. LL.D. on the Discouragements opposed by the above Restraints to the Progress of Inventive Industry; and to which is also added, A Protest against Law-Taxes* (London: Payne and Foss, 1818).
<http://oll.libertyfund.org/title/277/35582/672427>

Horace Say on “I, Pin” and the international division of labor (1852) (Oct 15, 2012)

[Horace Émile Say](#) (1794 – 1860)

Horace Say (1794-1860), the son of Jean-Baptiste Say, took Adam Smith’s story of a domestic pin factory which he used to explain the productivity gains from the division of labor within the factory, to an international level. He showed that there was an international division of labor which took the argument to a whole new level of sophistication and complexity:

But it is especially in manufacturing industries that the division of employments has attained the most marvelous results, and that its influence is unparalleled in the increase of the values produced. Hence, the first economists who critically examined the vast mechanism of the production of wealth were struck at once with this great phenomenon.

Adam Smith says, in his “Inquiry into the Nature and Causes of the Wealth of Nations”: “The greatest improvement in the productive powers of labor, and the greater part of the skill, dexterity and judgment with which it is anywhere directed or applied, seem to have been the effects of the division of labor.” (Book i., c. 1.) And to make the full bearing of this observation understood he instances the case of the pin-maker, and shows what an immense difference there would be between the results of a man who should attempt, alone and unaided, the manufacture of pins, and those obtained in a workshop where the labor is suitably subdivided among men skilled each in a distinct branch of their manufacture. Here one draws the wire, another straightens it, a third cuts it, while a fourth points it; it is a distinct process to prepare one end to receive the head, while the head itself is the result of two or three different operations. Then the pins have to be whitened; and lastly the perforation of the paper and the wrapping up are additional and separate departments. It is thus that in the important industry of pin-making there are 18 operations, which in certain factories are the work of as many different hands. The establishment which Adam Smith visited was, as he says, small, and indifferently furnished with suitable machinery; only 10 workmen were employed, and yet it produced 48,000 pins a day, that is, an average of 4,800 apiece. In the presence of such production, and, owing to improved methods much greater to-day than when Smith wrote, how insignificant indeed would be the results of one attempting alone the manufacture of pins; scarcely would he perhaps by dint of the hardest labor make 20 in a day.

J. B. Say has taken as his example the manufacture of playing-cards, and there is no branch of industry in which immensely greater results are not obtained from the co-operation of individual effort and the division of employments.

If Adam Smith had extended his analysis, he might have shown that many other partial operations are divided among different workmen to complete that small product of human industry the value of which is so little, and which is called a pin. He might have directed attention to the work of the miner who brings to the surface of the earth the ore of copper, and to that of the miner having a different origin and habits, who, in another part of the world perhaps, has had to dig out the ore of tin necessary for alloyage and for whitening the pin. But in addition to the labor necessary to bring these metals to the requisite degree of purity, they must besides have been transported by sea and by land to the pin-maker’s manufactory. How

many different operations divided among an infinite number of workmen have not been necessary in the mere construction of the ship employed in carrying the tin from a port of India to England! And what shall we say of the compass which has been used in guiding this vessel across the seas? What an amount of time and of observations of different kinds, by a great number of individuals, was necessary to put mankind in possession of the compass! The imagination is appalled at the extent of the research needed to exhibit all the labor which has been necessary to bring to perfection the most trifling product, in a single branch of any manufacturing industry of our day.

About this Quotation:

Horace Say (the son of Jean-Baptiste) takes Adam Smith's story of the manufacture of a pin a step further in an article on "The Division of Labour" he wrote for the *Dictionnaire de l'Économie politique* (1852). Smith had used the story in the *Wealth of Nations* (1776) to illustrate his idea of the power of the division of labor to increase output in a single factory. By breaking the manufacturing process into smaller parts and having workers specialize in doing just one task instead of many tasks, the total output of the association of workers was increased dramatically. Horace Say correctly pointed out in 1852 that this idea could be extended to include the many aspects of world trade which made the work of the single factory possible: the miners in foreign countries who dug up the ore, the workers who built the ships which transported the ore to Europe, the inventors who created the compass which the ship's captain used to navigate the ship, and so on in ever widening circles. This proved how dependent a single factory in England was on the actions and decisions of thousands, perhaps millions, of other people who were all part of the world economic system. Say concludes by saying "The imagination is appalled at the extent of the research needed to exhibit all the labor which has been necessary to bring to perfection the most trifling product, in a single branch of any manufacturing industry of our day." Say's story is very similar to that of Leonard Read's "I, Pencil" which he wrote in 1958. Perhaps we should rename Horace Say's essay "I, Pin" to make the similarity in thinking clearer.

Source

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 1 Abdication-Duty. <http://oll.libertyfund.org/title/1679/2981>

Ludwig Lachmann and the free market as a leveling process in the distribution of wealth (1956) (Jan 7, 2013)



[Ludwig M. Lachmann](#) (1906 – 1990)

In an article he wrote in 1956 the Austrian school economist Ludwig M. Lachmann (1906 – 1990) observed that the free market created a “leveling process” in the distribution of wealth because wealth did not stay in any particular person’s hands for long unless they they had the skill to successfully satisfy the demands of consumers in the face of constantly changing conditions:

The market process is thus seen to be a leveling process. In a market economy a process of redistribution of wealth is taking place all the time before which those outwardly similar processes which modern politicians are in the habit of instituting, pale into comparative insignificance, if for no other reason than that the market gives wealth to those who can hold it, while politicians give it to their constituents who, as a rule, cannot.

This process of redistribution of wealth is not prompted by a concatenation of hazards. Those who participate in it are not playing a game of chance, but a game of skill. This process, like all real dynamic processes, reflects the transmission of knowledge from mind to mind. It is possible only because some people have knowledge that others have not yet acquired, because knowledge of change and its implications spread gradually and unevenly throughout society.

In this process he is successful who understands earlier than any one else that a certain resource which today can be produced when it is new, or bought, when it is an existing resources, at a certain price A , will tomorrow form part of a productive combination as a result of which it will be worth A' . Such capital gains or losses prompted by the chance of, or need for, turning resources from one use to another, superior or inferior to the first, form the economic substance of what wealth means in a changing world, and are the chief vehicle of the process of redistribution.

In this process it is most unlikely that the same man will continue to be right in his

guesses about possible new uses for existing or potential resources time after time, unless he is really superior. And in the latter case his heirs are unlikely to show similar success — unless they are superior, too. In a world of unexpected change, capital losses are ultimately as inevitable as are capital gains. Competition between capital owners and the specific nature of durable resources, even though it be “multiple specificity,” entail that gains are followed by losses as losses are followed by gains.

These economic facts have certain social consequences. As the critics of the market economy nowadays prefer to take their stand on “social” grounds, it may be not inappropriate here to elucidate the true social results of the market process. We have already spoken of it as a leveling process. More aptly, we may now describe these results as an instance of what Pareto called “the circulation of elites.” Wealth is unlikely to stay for long in the same hands. It passes from hand to hand as unforeseen change confers value, now on this, now on that specific resource, engendering capital gains and losses. The owners of wealth, we might say with Schumpeter, are like the guests at a hotel or the passengers in a train: They are always there but are never for long the same people.

About this Quotation:

In this essay the Austrian school economist Ludwig Lachmann (who was in fact born in Berlin so hence German not Austrian) examines the social implications of the Austrian idea of the market as a process for disseminating economic information in a constantly changing world. Since there is constant change in people’s preferences for goods and services, in the supply of those goods and services, and thus their prices, there can be no “equilibrium” state which is ever reached in an economy, only the constant shifting of resources from one activity to another. He concludes from this two things; firstly, that there is a “leveling process” at work governing the distribution of wealth because wealth did not stay in any particular person’s hands for long unless they they had the skill to successfully satisfy the demands of consumers in the face of ever changing conditions. Secondly, drawing upon the class analysis of the Italian liberal Vilfredo Pareto (1848–1923) who developed the idea of the “circulation of elites”, there was also a constant “circulation of economic elites” or entrepreneurs and capitalists as “(w)ealth is unlikely to stay for long in the same hands. It passes from hand to hand as unforeseen change confers value, now on this, now on that specific resource, engendering capital gains and losses. The owners of wealth, we might say with Schumpeter, are like the guests at a hotel or the passengers in a train: They are always there but are never for long the same people.” Lachmann prefers this kind of inbuilt economic “redistribution of wealth” in the free market to the politicized “redistribution of wealth” advocated by politicians and their supporters.

Source

Ludwig M. Lachmann, *Capital, Expectations, and the Market Process: Essays on the Theory of the Market Economy*, ed. with an Introduction by Walter E. Grinder (Kansas City: Sheed Andrews and McMeel, 1977). <http://oll.libertyfund.org/title/97/3326/655814>

James Buchanan on “process” and the market order (1982) (Jan 10, 2013)



James M. Buchanan (1919 – 2013)

In a discussion prompted by an essay on “Spontaneous Order” by Norman Barry, the economist James M. Buchanan (1919-2013) provides one of the most succinct descriptions of how a market order emerges spontaneously by a process of free exchanges:

ORDER DEFINED IN THE PROCESS OF ITS EMERGENCE [A note stimulated by reading Norman Barry, “The Tradition of Spontaneous Order,” *Literature of Liberty*, V (Summer 1982), 7–58.]

Norman Barry states, at one point in his essay, that the patterns of spontaneous order “appear to be a product of some omniscient designing mind” (p. 8). Almost everyone who has tried to explain the central principle of elementary economics has, at one time or another, made some similar statement. In making such statements, however, even the proponents-advocates of spontaneous order may have, inadvertently, “given the game away,” and, at the same time, made their didactic task more difficult.

I want to argue that the “order” of the market emerges only from the process of voluntary exchange among the participating individuals. The “order” is, itself, defined as the outcome of the process that generates it. The “it,” the allocation-distribution result, does not, and cannot, exist independently of the trading process. Absent this process, there is and can be no “order.”

What, then, does Barry mean (and others who make similar statements), when the order generated by market interaction is made comparable to that order which might emerge from an omniscient, designing single mind? If pushed on this question, economists would say that if the designer could somehow know the utility functions of all participants, along with the constraints, such a mind could, by fiat, duplicate precisely the results that would emerge from the process of market adjustment. By implication, individuals are presumed to carry around with them fully-determined utility functions, and, in the market, they act

always to maximize utilities subject to the constraints they confront. As I have noted elsewhere, however, in this presumed setting, there is no genuine choice behavior on the part of anyone. In this model of market process, the relative efficiency of institutional arrangements allowing for spontaneous adjustment stems solely from the informational aspects.

This emphasis is misleading. **Individuals do not act so as to maximize utilities described in independently-existing functions. They confront genuine choices, and the sequence of decisions taken may be conceptualized, ex post (after the choices), in terms of “as if” functions that are maximized. But these “as if” functions are, themselves, generated in the choosing process, not separately from such process. If viewed in this perspective, there is no means by which even the most idealized omniscient designer could duplicate the results of voluntary interchange. The potential participants do not know until they enter the process what their own choices will be. From this it follows that it is logically impossible for an omniscient designer to know, unless, of course, we are to preclude individual freedom of will.**

The point I seek to make in this note is at the same time simple and subtle. It reduces to the distinction between endstate and process criteria, between consequentialist and nonconsequentialist, teleological and deontological principles. Although they may not agree with my argument, philosophers should recognize and understand the distinction more readily than economists. In economics, even among many of those who remain strong advocates of market and market-like organization, the “efficiency” that such market arrangements produce is independently conceptualized. Market arrangements then become “means,” which may or may not be relatively best. Until and unless this teleological element is fully exorcised from basic economic theory, economists are likely to remain confused and their discourse confusing.

About this Quotation:

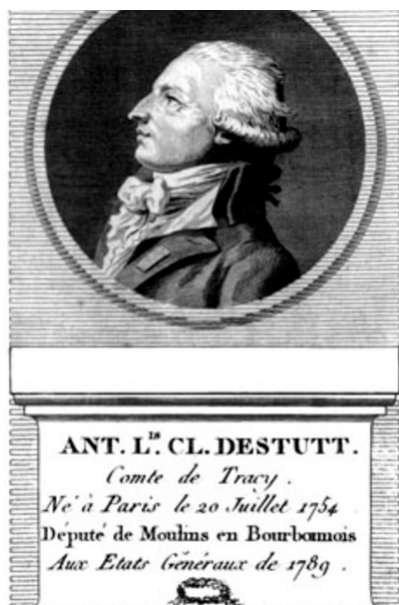
The great free market economist James M. Buchanan (1919-2013) died this week. His contribution to the resurgence of interest in free market economics and limited constitutional government in the post-war period cannot be underestimated. Not only did he make pioneering contributions to an entirely new field of economic theory, the so-called “Public Choice” school, winning the Nobel Prize for Economics in 1986 as a consequence, he also taught several generations of young economists who continue to work in this important area. The key insight he developed was the apparently obvious one that politicians and bureaucrats are also human beings and have the same motivations which spur their fellow creatures to action (or inaction). It is a common place that “consumers” and “producers” attempt to maximize the “benefits” which are available to them and to minimize the “losses” or “inconveniences” which they face. So too do politicians and bureaucrats, only for them the things they attempt to “maximize” are not profits or monetary gains but power, privilege, re-election, promotion, expanded departments and budgets, and dare one also say renown and an historical “legacy”. Buchanan spent a lifetime developing these ideas and they have become very influential. Liberty Fund is very proud to be the publisher of a 20 volume edition of his *Collected Works*, 9 volumes of which are online here at the OLL.

Source

Leonard P. Liggio, *Literature of Liberty: A Review of Contemporary Liberal Thought* was published

first by the Cato Institute (1978-1979) and later by the Institute for Humane Studies (1980-1982) under the editorial direction of Leonard P.iggio. <http://oll.libertyfund.org/title/1305/100453/2190658>

Destutt de Tracy on the damage which government debt and the class which lives off loans to the state cause the industrious classes (1817) (Jan 20, 2013)



Antoine Louis Claude, Comte Destutt de Tracy (1754 – 1836)

The Idéologue and classical liberal Destutt de Tracy (1754-1836) criticised the practice of increasing government debt by “borrowing money on perpetual annuities” as harmful to productive economic activity and which perpetuated the power of “a crowd of useless annuitants” who live off future taxes:

But at this day, in Europe, we are so habituated to the existence of a public debt, that when we have found the means of borrowing money on perpetual annuities, and of securing payment of the interest, we think ourselves liberated and no longer owing any thing; and we do not or will not see that this interest absorbing a part of the public revenue (which was already insufficient) since we have been obliged to borrow, is the cause that this same revenue still less suffices for subsequent expenses; that soon we must borrow again to provide for this new deficit, and load ourselves with new interest; and that, thus in but a short time it is found that a considerable portion of all the riches annually produced is employed, not for the service of the state, but to support a crowd of useless annuitants. And to fill the measure of our evils, who are these lenders? Men not only idle, as are all annuitants; but also completely indifferent to the success or failure of the industrious class to which they have lent nothing: having absolutely no interest but the permanence of the borrowing government, whatsoever it be or whatsoever it does; and at the same time having no desire but to see it embarrassed, to the end that it may be forced to keep fair with them and pay them better. Consequently natural enemies to the true interests of society, or at least being absolutely strangers to them. I do not pretend to say that all the annuitants of the state are bad citizens; but I say that their situation is calculated to render them such. I add further, that life annuities tend moreover to break family ties; and that the great abundance of public effects cannot fail of producing a crowd of licentious gamblers in the funds. The truth of what I advance is manifested in a very odious and fatal manner in all great cities without commerce; and especially in all the capitals in which this class of men is very numerous and very powerful; and has many means of giving weight to their passions, and of perverting the public opinion.

It is then as erroneous to believe that the loans of government are not hurtful to national industry, as it is to suppose that the funds which they produce, are not taken from any individual involuntarily. In truth these are not the real reasons which cause so much importance to be attached to the possibility of borrowing. The great advantage of loans, in the eyes of their partisans, is that they furnish in a moment enormous sums, which could only have been very slowly procured by means of taxes, even the most overwhelming. Now I do not hesitate to declare that I regard this pretended advantage as the greatest of all evils. It is nothing else than a mean of urging men to excessive efforts, which exhaust them and destroy the sources of their life. Montesquieu perceived it well. After having painted very energetically the state of distress and anxiety to which the exaggeration of the public expenses had already, in his time, reduced the people of Europe, who ought by their industry to have been the most flourishing, he adds, “And, “what prevents all remedy in future, they no longer “count on the revenues; but make war with “their capital. It is not unheard of for states “to mortgage their funds even during peace, and “employ to ruin themselves means which they “call extraordinary; and which are so much so “that an heir of a family the most deranged could “with difficulty imagine them.”

It will not fail to be said that this is to abuse its credit, and not to use it; and that the abuse which may be made of it does not prevent its being good to have it. I answer, first, that the abuse is inseparable from the use, and experience proves it. It is scarcely two hundred years since the progress of civilization, of industry, of commerce, that of the social order, and perhaps also the increase of specie, have given to governments the facility of making loans; and in this short space of time these dangerous expedients have led them all either to total or partial bankruptcies, sometimes repeated, or to the equally shameful and more grievous resource of paper money, or to remain overburdened under the weight of a load which daily becomes more insupportable.

But I go farther. I maintain that the evil is not in the abuse; but in the use itself of loans, that is to say that the abuse and the use are one and the same thing; and that every time a government borrows it takes a step towards its ruin. The reason of this is simple: A loan may be a good operation for an industrious man, whose consumption reproduces with profit. By means of the sums which he borrows, he augments this productive consumption; and with it his profits. But a government which is a consumer of the class of those whose consumption is sterile and destructive, dissipates what it borrows, it is so much lost for ever; and it remains burdened with a debt, which is so much taken from its future means. This cannot be otherwise. In several countries they have commenced, by being long without feeling the bad effects of these operations; because the progress of industry and the arts being very great at this epoch, their advance has been found more rapid than that of the debt; and the means of the government have not failed to augment also. Many have even concluded that a public debt was a source of prosperity, while it only proved that individuals did more good than the government did evil; but this evil was not the less real; and nobody now undertakes to deny it.

About this Quotation:

Destutt de Tracy was one of Thomas Jefferson’s favourite economists and he spent much effort in having two of his books translated into English. As an arch foe of Emperor Napoleon Tracy witnessed how public debt was used to dramatically increase government expenditure without a corresponding

increase in taxation (at least this unpleasant necessity was put off until some uncertain future date). A superficial reading of Tracy might suggest that he was opposed to lending at interest with his comments about “a crowd of useless annuitants” and “a crowd of licentious gamblers” who were “idle” and “indifferent” to fate of the industrious class. But this would be a mistake. He distinguished between lending for productive activities and lending to the government. Tracy realised that debt was essential for productive economic activity but he regarded government activities as far from being productive. They were damaging to both taxpayers who footed the bill and to consumers and producers who had to suffer the consequences of government regulation at home and war fighting abroad. Furthermore, the investors who made this harmful government activity possible were indifferent to the productive sector of the economy and had “absolutely no interest but the permanence of the borrowing government” which was the only way they could get a return on their “investment.” Thus they and the government they lent to had interests diametrically opposed to those of the “industrious class.”

Source

Antoine Louis Claude, Comte Destutt de Tracy, *A Treatise on Political Economy: to which is Prefixed a Supplement to a Preceding Work on the Understanding or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will* (Georgetown: Joseph Milligan, 1817).
<http://oll.libertyfund.org/title/121/37963/936862>

Paul Heyne on THE economic way of thinking (1995) (Mar 25, 2013)



Paul Heyne (1931 – 2000)

The economist Paul Heyne (1931-2000) believed that there was a unique “economic way of thinking” about the world which was based upon a handful of key insights which were not well understood by the general public:

The Heart of the Matter

Why pay heed to economists? What do they know that is worth listening to? The answer differs, of course, among economists. Some know a lot about the form and functions of gross domestic product, labor force data, reserve banks, taxation and expenditure policies of governments, financial institutions and the markets in which they operate, and what economists usually call macroeconomics. Some know a lot about the history of economic systems. Most know a great deal of statistics and mathematics. But I shall emphasize what I think is most valuable in everything that economists know, or that at least the good economists know, with “good economist” circularly defined as one who not only knows it but believes strongly in its applicability and importance. A good economist knows how to employ the economic way of thinking.

Is it presumptuous to speak about the economic way of thinking? Aren’t there several economic ways of thinking? There are surely many ways to think about economic life, at least once we’ve decided exactly what we mean by “economic life” (which turns out not to be all that easy). But there is a particular perspective on human actions and interactions that regularly emerges when economists analyze the world that many economists recognize as uniquely the economic way of thinking. This article will try to explain and illustrate that way of thinking, with teachers of introductory economics especially in mind.

I like to summarize the economic way of thinking in a short sentence that states its basic assumption: All social phenomena emerge from the choices of individuals in

response to expected benefits and costs to themselves.

About this Quotation:

Paul Heyne wrote a brilliant textbook which not surprisingly went through 11 editions. It was called *The Economic Way of Thinking* which might sound a bit presumptuous but I think he is correct – there is a special way of looking at the world if you understand a few basic principles of economic theory. In a mere five pages of text (and no equations) in this short article Paul Heyne brilliantly summarizes how good economists think about the world. I would go further and argue that there are other ways in which to view the world as well as the economic one – there is an “historical way of thinking” and a “political way of thinking” among others, all of which provide us with valuable insights. Heyne’s great skill is to choose five key concepts which define what it means to think “economically”, namely economizing actions, marginal decisions, opportunity costs, interactions which coordinate the actions of economizers, and markets and prices; and to clearly explain what they mean, why they are important, and how economists use them to understand the economic world around them. It is a tour de force of analysis and exposition.

Source

Paul Heyne, “*Are Economists Basically Immoral?*” and *Other Essays on Economics, Ethics, and Religion*, edited and with an Introduction by Geoffrey Brennan and A.M.C. Waterman (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2228/209380/3405305>

Lao Tzu and the Tao of laissez-faire (6thC BC) (Apr 1, 2013)



[Lao Tzu](#) (600 BCE – ?)

Lao Tsu, the founder of Taoism, advises a wise ruler to follow a policy of laissez-faire, in other words “to do nothing” and thus allow the people to transform themselves:

“The Genuine Influence”

57.1. A state may be ruled by (measures of) correction; weapons of war may be used with crafty dexterity; (but) the kingdom is made one’s own (only) by freedom from action and purpose.

2. How do I know that it is so? By these facts: —In the kingdom the multiplication of prohibitive enactments increases the poverty of the people; the more implements to add to their profit that the people have, the greater disorder is there in the state and clan; the more acts of crafty dexterity that men possess, the more do strange contrivances appear; the more display there is of legislation, the more thieves and robbers there are.

3. Therefore a sage has said, ‘I will do nothing (of purpose), and the people will be transformed of themselves; I will be fond of keeping still, and the people will of themselves become correct. I will take no trouble about it, and the people will of themselves become rich; I will manifest no ambition, and the people will of themselves attain to the primitive simplicity.’

About this Quotation:

Some 2,000 years before the theory of “laissez-faire” was developed by French economists in the 18th century, the Chinese philosopher and founder of Taoism, Lao Tsu in his book *Tao-te Ching* was offering very similar advice to rulers. He offered a number of maxims designed to guide the actions of “the wise ruler” and they contain a number of assumptions about how political and economic systems work which modern day classical liberals find congenial. These are the idea that world operates according to natural laws which cannot be violated by rulers without harming the interests of “their” people; that order in the world arises spontaneously and that the best thing the wise ruler can do is step

back, not interfere, and allow these ordering forces to operate by themselves; that excessive numbers of laws and regulations create more criminals; that the use of violence, especially in war, harms the people; that rulers are faced with a Hayekian “problem of knowledge” and that sometimes the best thing for them to do is not to meddle in the affairs of other people. How different the advice in this passage is from the advice to the prince Niccolo Machiavelli gave in 1513.

Source

Lao Tzu, *The Sacred Books of China. The Texts of Taoism. Part I: The Tao Teh King. The Writings of Kwang Ze Books I-XVII*, trans. James Legge (Oxford University Press, 1891). <http://oll.libertyfund.org/title/2272/213660/3455161>

Adam Smith debunks that idea that when it comes to public debt “we owe it to ourselves” (1776) (Apr 8, 2013)



Adam Smith (1723 – 1790)

In a discussion of funding a war by increasing public debt, Adam Smith (1723-1790) rejects the commonly held idea that heavy debt is not a problem for a society because “we owe it to ourselves”, or as he put it, “it is the right hand which pays the left”:

When the publick expence is defrayed by funding, it is defrayed by the annual destruction of some capital which had before existed in the country; by the perversion of some portion of the annual produce which had before been destined for the maintenance of productive labour, towards that of unproductive labour. As in this case, however, the taxes are lighter than they would have been, had a revenue sufficient for defraying the same expence been raised within the year; the private revenue of individuals is necessarily less burdened, and consequently their ability to save and accumulate some part of that revenue into capital is a good deal less impaired. If the method of funding destroys more old capital, it at the same time hinders less the accumulation or acquisition of new capital, than that of defraying the publick expence by a revenue raised within the year. Under the system of funding, the frugality and industry of private people can more easily repair the breaches which the waste and extravagance of government may occasionally make in the general capital of the society.

It is only during the continuance of war, however, that the system of funding has this advantage over the other system. Were the expence of war to be defrayed always by a revenue raised within the year, the taxes from which that extraordinary revenue was drawn would last no longer than the war. The ability of private people to accumulate, though less during the war, would have been greater during the peace than under the system of funding. War would not necessarily have occasioned the destruction of any old capitals, and peace would have occasioned the accumulation of many more new. Wars would in general be more speedily concluded, and less wantonly undertaken. The people feeling, during the continuance of the war, the complete burden of it, would soon grow weary of it, and government, in order to humour them, would not be under the necessity

of carrying it on longer than it was necessary to do so. The foresight of the heavy and unavoidable burdens of war would hinder the people from wantonly calling for it when there was no real or solid interest to fight for. The seasons during which the ability of private people to accumulate was somewhat impaired, would occur more rarely, and be of shorter continuance. Those on the contrary, during which that ability was in the highest vigour, would be of much longer duration than they can well be under the system of funding.

When funding, besides, has made a certain progress, the multiplication of taxes which it brings along with it sometimes impairs as much the ability of private people to accumulate even in time of peace, as the other system would in time of war. The peace revenue of Great Britain amounts at present to more than ten millions a year. If free and unmortgaged, it might be sufficient, with proper management and without contracting a shilling of new debt, to carry on the most vigorous war. The private revenue of the inhabitants of Great Britain is at present as much encumbered in time of peace, their ability to accumulate is as much impaired as it would have been in the time of the most expensive war, had the pernicious system of funding never been adopted.

In the payment of the interest of the publick debt, it has been said, it is the right hand which pays the left. [52] The money does not go out of the country. It is only a part of the revenue of one set of the inhabitants which is transferred to another; and the nation is not a farthing the poorer. This apology is founded altogether in the sophistry of the mercantile system, and after the long examination which I have already bestowed upon that system, it may perhaps be unnecessary to say any thing further about it. It supposes, besides, that the whole publick debt is owing to the inhabitants of the country, which happens not to be true; the Dutch, as well as several other foreign nations, having a very considerable share in our publick funds. But though the whole debt were owing to the inhabitants of the country, it would not upon that account be less pernicious.

FN 52 Smith also refers to the apology for the public debt offered by some (unspecified) authors: ‘Say they, tho’ we owe at present above 100 millions, we owe it to ourselves, or at least very little of it to forreigners. It is just the right hand owing the left, and on the whole can be little or no disadvantage.’ Smith rejected this doctrine on the ground that the taxes paid by the industrious classes, such as the merchants, in effect reduced their stocks: ‘it is to be considered that the interest of this 100 millions is paid by industrious people, and given to support idle people who are employed in gathering it. Thus industry is taxed to support idleness. If the debt had not been contracted, by prudence and œconomy the nation would have been much richer than at present.’ Smith went on to point out that the contemporary clamour against the debt caused Sir Robert Walpole to try and show that ‘the public debt was no inconvenience, tho’ it is to be supposed that a man of his abilities saw the contrary himself’. In his essay ‘Of Public Credit’ Hume described the doctrine as being based on ‘loose reasonings and specious comparisons’ (Essays Moral, Political and Literary, ed. Green and Grose, i.366). Melon stated: ‘The Debts of a State are Debts due from the right hand to the left’. Essai, trans. Bindon, 329.

About this Quotation:

Adam Smith calls the Keynesian-like argument that a large public debt is not to be feared because “we owe it to ourselves” an example of “the sophistry of the mercantile system” which he had spent so

much time debunking in the *Wealth of the Nations* (1776). He argues this is factually not true as debt may be held by foreign countries (in his case the Dutch) which means that there are international transfer payments to be made when the interest is paid. Even it were true, he believes that there are many problems which must be faced by a nation which goes into debt. He argues that it causes a “perversion” of the economy by diverting resources from peaceful and productive activities, that by moving the burden of payment into the future it deceives the people about the true cost of war and that wars therefore seem to be “cheaper” than they in fact are, that there is a crowding out effect since capital is diverted from private to public uses, and it results in increased taxation which reduces capital accumulation. But even if the public debt was entirely funded by domestic sources “we owe it to ourselves” is wrong in any case. Smith argues that within a society, public debt takes money from the “productive classes” and gives it to support “idle people who are employed in gathering it” and to the military who use it to fight, resulting in the destruction of life and property in the process. We have included the long footnote 52 where Smith makes these arguments more explicit.

Source

Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* by Adam Smith, edited with an Introduction, Notes, Marginal Summary and an Enlarged Index by Edwin Cannan (London: Methuen, 1904). Vol. 2. http://oll.libertyfund.org/titles/119#Smith_0206-02_966

Spooner on the “natural right to labor” and to acquire all one honestly can (1846) (Aug 19, 2013)



Lysander Spooner (1808 – 1887)

The American radical individualist Lysander Spooner (1808-1887) argued that a person could not exercise their “natural right to labor” unless they could also exercise their “natural right to make contracts” which more often than not was restricted by “arbitrary legislation”:

Each man has the natural right to acquire all he honestly can, and to enjoy and dispose of all that he honestly acquires; and the protection of these rights is all that any one has a right to ask of government in relation to them. It is all that he can have, consistently with the equal rights of others. If government give any individual more than this, it can do it only by taking it from others. It, therefore, in doing so, only robs one of a portion of his natural, just, and equal rights, in order to give to another more than his natural, just, and equal rights. To do this, is of the very essence of tyranny. And whether it be done by majorities, or minorities, by the sword, the statute, or the judicial decision, it is equally and purely usurpation, despotism, and oppression.

Labor is one of the means, which every man has a natural right to employ for the acquisition of property. But in order that a man may enjoy his natural right to labor, and to acquire all the property that he honestly can by it, it is indispensable that he enjoy fully and freely his natural right to make contracts; for it is only by contract that he can procure capital on which to bestow his labor. And in order that he may obtain capital on the best possible terms, it is indispensable that his natural right of contract be entirely unrestricted by any arbitrary legislation; also that all the contracts he makes be held obligatory fully to the extent, and only to the extent, to which, according to natural law, they can be binding.

But nearly all the positive legislation, that has ever been had in this country, either on the part of the general or state governments, touching men’s right to labor, or their right to the fruits of their labor, or their rights of contract—whether such legislation has had reference

directly to banks and banking, to the rates of interest, to insolvency and bankruptcy, to the distribution of the debtor's effects among his creditors, or to the obligation or enforcement of contracts—nearly all has been merely an attempt to substitute arbitrary for natural laws; to abolish men's natural rights of labor, property, and contract, and in their place establish monopolies and privileges; to create extremes in both wealth and poverty; to obliterate the eternal laws of justice and right, and set up the naked will of avarice and power; in short, to rob one portion of mankind of their labor, or the fruits of their labor, and give the plunder to the other portion.

Some of this legislation has probably been the result of an ignorance of natural law; but very much of it has undoubtedly been the result of deliberate design.

The system proposed would take men's pecuniary interests, in a great measure, out of the hands of the legislative branch of the government, and leave them to rest upon immutable principles of natural law, to be ascertained by the judiciary. If this were accomplished, the "natural, inherent, and inalienable right of individuals to acquire, possess, and dispose of property," would then have at least a semblance of reality in actual life; and would cease to be treated, as it now is, as a mere privilege to be enlarged, contracted, or utterly withholden, as those who administer the government may arbitrarily dictate. But so long as this right is admitted to be a subject of arbitrary legislation, so long it will be perpetually infringed, invaded, and denied, by innumerable legislative devices of the cunning and the strong, which a large portion of society, the ignorant, the weak, and the poor, can neither ferret out, nor resist.

About this Quotation:

In 19th century France there was a debate between socialists like Louis Blanc, who believed that "the right to work" (*le droit au travail*, or right to a job) meant that the state had the duty and obligation to provide every willing worker with a job at a livable wage, and classical liberal economists like Frédéric Bastiat who believed that everybody had a natural right to engage in whatever work they chose (*le droit du travail*, or the right to engage in work) and to freely trade the products of their labor. In the U.S. a similar set of arguments to Bastiat's was articulated by Spooner who went one step further in arguing that "*le droit du travail*" meant very little unless one also had the right to engage in contracts with others, whether to employ someone at a given wage or to buy a product at a given price. The greatest impediment, in Spooner's view, to the proper functioning of a free system of labor and contracts was government legislation which gave privileges and benefits to some at the expense of others and was thus "merely an attempt to substitute arbitrary for natural laws."

Source

Lysander Spooner, *The Shorter Works and Pamphlets of Lysander Spooner vol. I (1834-1861)* (Indianapolis: Liberty Fund, 2010). <http://oll.libertyfund.org/title/2290/216989/3486054>

Philip Wicksteed's positive vision of the "cash nexus" (1910) (Oct 21, 2013)



Philip H. Wicksteed (1844 – 1927)

The English economist and theologian Philip H. Wicksteed (1844-1927) turns Marx's idea of the evils of the "cash nexus" on its head in his discussion of how the "economic nexus" brings together two groups who would not normally associate with each other very easily, if at all:

The proposal to exclude "benevolent" or "altruistic" motives from consideration in the study of Economics is therefore wholly irrelevant and beside the mark. A man's purposes may, of course, be selfish, but however unselfish they are he requires the co-operation of others who are not interested, or who are inadequately interested in them, in order to accomplish them. We enter into business relations with others, not because our purposes are selfish, but because those with whom we deal are relatively indifferent to them, but are (like us) keenly interested in purposes of their own, to which we in our turn are relatively indifferent. "Business," then, is primarily a vast network of organisations by which any person or combination of persons can direct their resources and their powers to the accomplishment of their purposes, without the necessity of a direct relation, hard and often impossible to secure, between the objects sought and the faculties and materials directly at command.

There is surely nothing degrading or revolting to our higher sense in this fact of our mutually furthering each other's purposes because we are interested in our own. There is no taint or presumption of selfishness in the matter at all. The economic nexus indefinitely expands our freedom of combination and movement; for it enables us to form one set of groups linked by cohesion of faculties and resources, and another set of groups linked by community of purpose, without having to find the "double coincidence" which would otherwise be necessary. This economy and liberty will be equally valued by altruistic and by egoistic groups or individuals, and it would be just as true, and just as false, to say that the business motive ignores egoistic as to say that it ignores altruistic impulses. The specific characteristic of an economic relation is not its "egoism," but its "non-tuism."

It may be urged, however, that since, as a rule, “ego” and “tu” fill the whole canvas, not only to the spectator, but to the actors also; that is to say, since a man, when he is doing business, is generally only thinking of his own bargain, and how to deal with his correspondent, and not of any one else at all, the exclusion of “tu” is tantamount to the solitary survival of “ego.” So that, after all, “altruism” has no place in business, and “non-tuism” is equivalent to “egoism.” And, indeed, it may be true enough that, as a rule, the average man of business is not likely to be thinking of any “others” at all in the act of bargaining, but even so the term “egoism” is misapplied, for neither is he thinking of himself! He is thinking of the matter in hand, the bargain or the transaction, much as a man thinks of the next move in a game of chess or of how to unravel the construction of a sentence in the Greek text he is reading. He wants to make a good bargain or do a good piece of business, and he is directly thinking of nothing else. All manner of considerations of loyalty, of humanity, of reputation, and so forth, are no doubt present to his mind in solution, so to speak, as restraining influences; and they may easily be precipitated and emerge into consciousness at any moment of vacillation or reflection; but in making his bargain the business man is not usually thinking of these things, and when he thinks of them they act chiefly as restraints. Neither is he thinking of the ultimate purposes to which he will apply the resources that he gains.

About this Quotation:

In the vocabulary of Marx the impersonal relationship which existed between the capitalist and his workers was derogatively referred to as the “cash nexus.” Wicksteed on the other hand thought the cash nexus, or what he called the “economic nexus,” was a very positive thing as it brought together in a social as well as economic relationship two groups who might otherwise not come together, those who have certain technical skills and resources to create things (such as the manufacturers of building supplies), and those social groups who have a shared “community of purpose” (such as a congregation who wish to build a new church). In order for economic activity to occur individuals from a variety of groups and backgrounds must be brought together in order to cooperate to achieve certain common interests in spite of the fact that they might have very different personal goals and ideological viewpoints.

Source

Philip H. Wicksteed, *The Commonsense of Political Economy, including a Study of the Human Basis of Economic Law* (London: Macmillan, 1910). http://oll.libertyfund.org/titles/wicksteed-the-commonsense-of-political-economy#Wicksteed_0587_274

Philip Wicksteed on how impersonal economic relations help others (1910) (Apr 7, 2014)



[Philip H. Wicksteed](#) (1844 – 1927)

The English economist Philip H. Wicksteed (1844-1927) makes the interesting point that a business person aims to help others achieve their goals whether or not the business person is motivated by selfishness or altruism:

We shall find that the economic relations constitute a machinery by which men devote their energies to the immediate accomplishment of each other's purposes in order to secure the ultimate accomplishment of their own, irrespective of what those purposes of their own may be, and therefore irrespective of the egoistic or altruistic nature of the motives which dictate them and which stimulate efforts to accomplish them. And the things and doings with which economic investigation is concerned will therefore be found to include everything which enters into the circle of exchange—that is to say, everything with which men can supply each other, or which men can do for each other, in what we may call an impersonal capacity; or, in other words, the things a man can give to or do for another independently of any personal and individualised sympathy with him or with his motives or reasons.

A full realisation of this, while bringing home to our minds the fundamental importance and the wide area of these relations, will at the same time convince us of the impossibility of permanently isolating them in practical life from the non-economic relations into which they perpetually play.

When our conception of the nature of economic facts and relations has become clear, we shall see without difficulty that the market, in the widest sense of the term, is their field of action, and that market prices are their most characteristic expression and outcome. The individual, in administering his resources, regards market prices as phenomena which confront him independently of his own action, and which impose upon him the conditions under which he must make his selections between alternatives. But when he has arrived at a thorough comprehension of the principles of his own conduct, as he stands confronted

by market prices, he will find that those market prices are themselves constituted by other people's acting precisely on the principles on which he acts; so that he is in fact himself, by his own action, contributing towards the formation of those very market prices which appear to be externally dictated to him. Because other people are doing exactly what he is doing a phenomenon arises, as the resultant of the sum of their individual actions, which presents itself to each one of them, severally, as an alien system imposed from without.

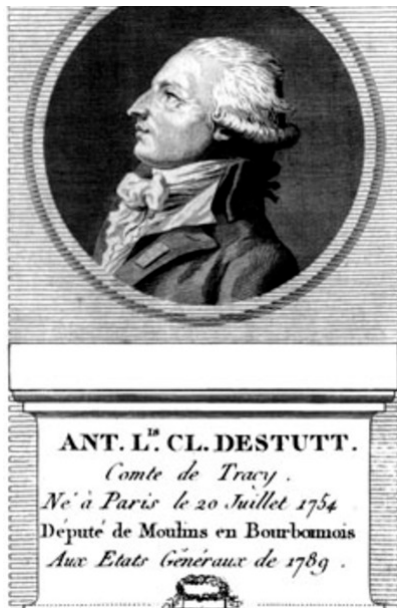
About this Quotation:

A common criticism of business people is that they are selfish, which no doubt many are. But so too are the people who work for them and the people who buy their goods and services. To Philip Wicksteed this is beside the point. He prefers to see the economic relations between people as constituting a piece of impersonal machinery which is unconcerned about the motives of the people who are part of its operations. On the other hand, the business person is forced to make another person's wishes and goals part of their own concern, at least temporarily, if they wish to make a sale, and for a much longer period of time if they wish to make repeat sales. This works to the advantage of the consumer because this means that there are millions of people you do not know, whose motives you know nothing about, whom you may not even like if you met them face to face, yet who are all devoted to satisfying your needs and wants. The apparent contradiction of this does not escape Wicksteed, that a vast impersonal economic machine is the best, most efficient, and cheapest way to satisfy our very personal goals.

Source

Philip H. Wicksteed, *The Commonsense of Political Economy, including a Study of the Human Basis of Economic Law* (London: Macmillan, 1910). http://oll.libertyfund.org/titles/wicksteed-the-commonsense-of-political-economy#Wicksteed_0587_24

Destutt de Tracy on the mutually beneficial nature of exchange (1817) (Jun 9, 2014)



[Antoine Louis Claude, Comte Destutt de Tracy \(1754 – 1836\)](#)

In his *Treatise on Political Economy* (1817) which was so admired by Thomas Jefferson, the French revolutionary politician and republican Destutt de Tracy (1754-1836) argues that both parties to a voluntary exchange benefit (i.e profit) from the same transaction:

It is equally true that **an exchange is a transaction in which the two contracting parties both gain. Whenever I make an exchange freely, and without constraint, it is because I desire the thing I receive more than that I give; and, on the contrary, he with whom I bargain desires what I offer more than that which he renders me. When I give my labour for wages it is because I esteem the wages more than what I should have been able to produce by labouring for myself; and he who pays me prizes more the services I render him than what he gives me in return.** When I give a measure of wheat for a measure of wine, it is because I have a superabundance of food and nothing to drink, and he with whom I treat is in the contrary case. When several of us agree to execute any labour whatsoever in common, whether to defend ourselves against an enemy, to destroy noxious animals, to preserve ourselves from the ravages of the sea, of an inundation, of a contagion, or even to make a bridge or a road, it is because each of us prefers the particular utility which will result to him from it, to what he would have been able to do for himself during the same time. We are all satisfied in all these species of exchanges, every one finds his advantage in the arrangement proposed.

In truth it is possible that, in an exchange, one of the contractors, or even both, may have been wrong to desire the bargain which they conclude.—It is possible they may give a thing, which they will soon regret, for a thing which they will soon cease to value. It is possible, also, that one of the two may not have obtained for that which he sacrifices as much as he might have asked, so that he will suffer a relative loss while the other makes an exaggerated gain. But these are particular cases which do not belong to the nature of the transaction. And it is not less true that it is the essence of free exchange to be advantageous to both parties; and that the true utility of society is to render possible

amongst us a multitude of similar arrangements.

It is this innumerable crowd of small particular advantages, unceasingly arising, which composes the general good, and which produces at length the wonders of perfected society, and the immense difference we see between it and a society imperfect or almost null, such as exists amongst savages. It is not improper to direct our attention for some time to this picture, which does not sufficiently strike us because we are too much accustomed to it.

About this Quotation:

It is a fundamental argument put forward by socialists that an exchange benefits one party at the expense of the other party, in other words, that the exchange is not an equal one because “profits” are made. In the Marxist lexicon, this is the origin of the exploitation of the workers by the capitalist class through the system of wage labour. Free market economists have rejected this argument from the very beginning, but the classical school represented by Adam Smith and David Ricardo found it hard to make a convincing case because they believed two things of “equal something” were being exchanged. These “equal somethings” might be labour, utility, or something else of “value”. Another school of economic thought, the French liberal school had a different perspective where individuals valued goods and services differently, which was the reason why one individual would exchange something on which s/he placed a lower value (compared to other goods and services) for something on which s/he placed a higher value. The trick was to find another person who had the opposite set of values so an exchange might take place. This of course is one of the functions of “markets”, namely to bring these different people together so trades can take place efficiently. Tracy was one of the French school of economists who developed this insight as early as 1817, well before the Austrians and Marginalists of the 1870s revolutionised economic theory by introducing the idea of subjective rather than objective value.

Source

Antoine Louis Claude, Comte Destutt de Tracy, *A Treatise on Political Economy: to which is Prefixed a Supplement to a Preceding Work on the Understanding or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will* (Georgetown: Joseph Milligan, 1817).
http://oll.libertyfund.org/titles/121#Tracy_0469_406

Arthur Seldon on the problem of “who guards us from the guardians”? (1990) (Jun 23, 2014)



Arthur Seldon (1916 – 2005)

The founder of the Institute of Economic Affairs, Arthur Seldon (1916-2005), argues that advocates of limited government have still yet to solve this most important political problem:

The liberal reaction has been to question the efficacy of government and to limit it in the limited state or to minimize it in the minimal state. In essence the difference between the two liberal approaches lies in a varied view on the extent of public goods. The case for limited government has been put persuasively by the Oxford philosopher John Gray. The trend to centralization must be reversed, government must “relinquish a paternal role” and power must be returned to “civil society.” He quoted Professor Michael Oakeshott for the view that government must not “galvanize” its subjects but act as “the umpire ... to administer the rules of the game....” Yet, though government should be limited, Gray argued that it should go beyond Oakeshott; it had “an important positive agenda,” which included first the classical public goods, second, and more unexpectedly, the protection of “all who wish to acquire a decent modicum of wealth and responsibility in their health, education and provision for old age,” and third, and an intriguing new item, the responsibility “to facilitate the transmission of valuable cultural traditions across the generations.”

The other liberal approach to the case for minimal government emerges from the work of several followers of Mises and other Austrian economists, mainly Professor Murray Rothbard, and from the “anarcho-capitalist” writings of Professor David Friedman. Both in effect mount a root-and-branch assault on the notion of maximalist or unlimited government based on variants of social choice.

The difficulty with limited government that liberals have yet to resolve is that its functions must be exercised through the imperfect political process that distorts and manipulates individual preferences. Who makes the rules that politicians are to enforce in the public interest if not the politicians themselves? Quis custodiet ipsos

custodes? Limited government implicitly supposes that government will perform faithfully the main functions allotted to it even though it is judged incompetent in performing other functions. The notion of limited government lacks the indispensable instinctive scepticism of government taught by the classical liberal economists that led them to want government confined to its unavoidable minimal functions of public goods rather than to the indeterminate limited functions that could be decided by government itself. If government cannot be expected to perform acceptably the services it can leave to the market, it cannot be expected to devise neutrally the rules that decide the services it must perform itself.

Means have not yet been devised to discipline the politicians. The new constitutional economics has grown in the very attempt to clarify the requirements and discern the essentials of the solution. The liberal advocates of minimal government reflect the anxiety that government should be confined to the indispensable functions that cannot be performed in any other way. To give political man more powers and functions is to leave the potential for abuse that no democratic government anywhere in the world has scrupulously rejected or resisted.

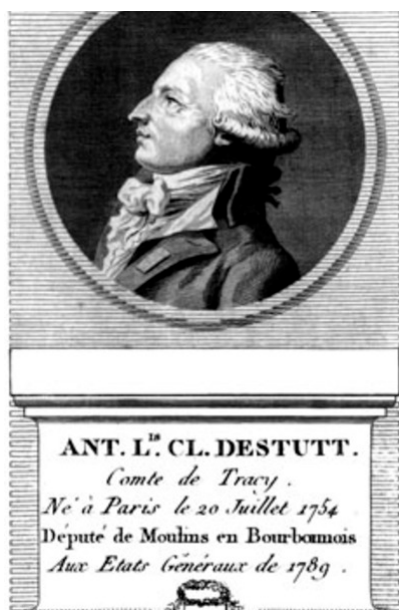
About this Quotation:

There are two problems which the advocate for limited government has to solve. The first is to specify clearly what functions a government should be limited to and why. There has been some kind of consensus about this ever since Adam Smith proposed that government be limited to three things, the supply of internal defence and courts, the supply of external defence, and a small number of public goods which could not be provided by the free market. Classical liberals have argued about how many such public goods like this there were but Smith's formulation has remained remarkably steady. The second problem is the one Arthur Seldon confronts head on in these chapters on "Intellectual Reinforcement for Capitalism". Even if we can agree on a set of specific functions which the limited state should carry out, how do we prevent the state from expanding its activities to include many others? Seldon argues that the public choice school of economics has decisively shown how self-interested politicians and bureaucrats constantly act to pursue their own interests at the expense of those they are supposed to "serve and protect". He sadly concludes that the "(m)ean have not yet been devised to discipline the politicians."

Source

Arthur Seldon, *The Collected Works of Arthur Seldon*, 7 vols., ed. and with Introductions by Colin Robinson (Indianapolis: Liberty Fund, 2004-5). Vol. 1. <http://oll.libertyfund.org/pages/intellectual-reinforcement-for-capitalism?q=quis+custodiet#>

Destutt de Tracy on society as “nothing but a succession of exchanges” (1817) (Aug 11, 2014)



[Antoine Louis Claude, Comte Destutt de Tracy \(1754 – 1836\)](#)

The French revolutionary politician and republican Destutt de Tracy (1754-1836) believed that society was a complex web of mutually beneficial transactions which brought people together both across space and time:

Now what is society viewed under this aspect (its economical relation)? I do not fear to announce it. Society is purely and solely a continual series of exchanges. It is never any thing else, in any epoch of its duration, from its commencement the most unformed, to its greatest perfection. And this is the greatest eulogy we can give to it, for exchange is an admirable transaction, in which the two contracting parties always both gain; consequently society is an uninterrupted succession of advantages, unceasingly renewed for all its members. This demands an explanation.

First, society is nothing but a succession of exchanges. In effect, let us begin with the first conventions on which it is founded. Every man, before entering into the state of society, has as we have seen all rights and no duty, not even that of not hurting others; and others the same in respect to him. It is evident they could not live together, if by a convention formal or tacit they did not promise each other, reciprocally, surety. Well! this convention is a real exchange; every one renounces a certain manner of employing his force, and receives in return the same sacrifice on the part of all the others. Security once established by this mean, men have a multitude of mutual relations which all arrange themselves under one of the three following classes: they consist either in rendering a service to receive a salary, or in bartering some article of merchandize against another, or in executing some work in common. In the two first cases the exchange is manifest. In the third it is not less real; for when several men unite, to labour in common, each makes a sacrifice to the others of what he could have done during the same time for his own particular utility; and he receives, for an equivalent, his part of the common utility resulting from the common labour. He exchanges one manner of occupying himself against another, which becomes

more advantageous to him than the other would have been. It is true then that society consists only in a continual succession of exchanges.

I do not pretend to say that men never render gratuitous services. Far from me be the idea of denying benevolence, or of banishing it from their hearts; but I say it is not on this that all the progress of society reposes, and even that the happy consequences of this amiable virtue are much more important under a moral relation,* of which we are not at this time speaking, than under the economical relation which now occupies us. I add that if we urge the sense of the word exchange, and if we wish, as we ought, to take it in all the extent of its signification, we may say with justice that a benefit is still an exchange, in which one sacrifices a portion of one's property, or of one's time, to procure a moral pleasure, [8] very lively and very sweet, that of obliging, or to exempt oneself from a pain very afflicting, the sight of suffering; exactly as we employ a sum of money to procure an artificial fire work, which diverts, or to free ourselves from something which incommodes us.

About this Quotation:

In the first chapter of his treatise on political economy (1817) Destutt de Tracy declares that human beings are naturally social and group together for mutual protection and because they share a "natural disposition to sympathy" or a sense of fellow feeling with each other. In every community there emerges a desire to better satisfy one's own as well as the group's needs which results in the division of labour and the exchange among the members of various goods and services. From this come's Tracy's quite startling conclusion that "society is nothing but a succession of exchanges". This might sound to some ears like the crudest form of economism but in Tracey's worldview it is the cement which bonds a society together in a deep social way. The types of exchanges he has in mind are simple barter without money, exchanges involving money, as well as work done in common. However, they all have one thing in common, and that is the mutually beneficial nature of these exchanges. Over an extended period of time this "continual succession of exchanges", this "innumerable crowd of small particular advantages", is what constitutes society itself and leads to "the wonders of perfected society". Thomas Jefferson was so impressed with this line of thinking that he arranged to have Tracey's work translated and published in the U.S.

Source

Antoine Louis Claude, Comte Destutt de Tracy, *A Treatise on Political Economy: to which is Prefixed a Supplement to a Preceding Work on the Understanding or Elements of Ideology; with an Analytical Table, and an Introduction on the Faculty of the Will* (Georgetown: Joseph Milligan, 1817).
http://oll.libertyfund.org/titles/121#Tracy_0469_404

Anthony de Jasay on the free rider problem (2008) (Sep 29, 2014)



[Anthony de Jasay](#) (1925 – —)

Anthony de Jasay (1925-) believes that the presence of large benefits to free riders at the expense of others (the suckers) is the basic reason why society has so many examples of “non-contractual social co-ordination” or coercion:

In the last analysis, all arm’s-length social coexistence and cooperation that is not exchange under contract carries within itself an element of potential abuse by free riding. This is so because when benefits are not contractually tied to contributions both contributors and non-contributors have access to the benefit. The free rider can appropriate some part of it by taking advantage of others (the suckers) who would rather produce the benefit and share it with the free rider than go without it altogether. It tells something of the human condition that room for free riding, and the “strategies” that give access to it, turns out to provide the most basic explanation of the general principles of non-contractual social co-ordination. Our organization is what it is because the opportunities for free riding, offered by the provision of public goods, are what they are.

In the state of nature, a person’s decision to ride free is essentially a utility-maximizing “gamble” on the probability of everybody else’s voluntary decisions to contribute or to ride free, jointly producing the outcome which makes free riding by the person concerned feasible. The outcome, whatever it is, is blatantly “unfair” in the sense of conforming to no rhyme or reason in terms of the relation between contributions and benefits. Yet it has the singularly interesting feature, which is far from devoid of significance in another sense of “fairness,” that it is consistent with public-goods provision by wholly voluntary contributions: it relies on no command-obedience brought about by the surrender of individual to social choice.

The social contract, which makes contributions to public provision mandatory, is nothing more exalted than an anti-free-rider device. It is an attempt at putting right the unfairness of a voluntary system where contributions would be made by those who wanted to insure against public provision failing if too few contributed to it, and free rides enjoyed by

those who got away with running the risk of failure and exploited the prudence of others. But while the intent of the social contract is to suppress free riding, its actual effect is to open up an altogether new ground on which it thrives with impunity. For the deterrent to state-of-nature free riding is the falling probability of successful public provision of a good as abuse of it by free riding increases. When the necessary contributions for successful public provision are assured by coercion, no such check operates and free riding is never too risky. Risk, in fact, enters people's calculations with the opposite sign: from a check upon free riding it turns into its spur.

All must now try and wrest free-rider benefits through the social-choice process, for if some do not others would presumably get away with securing bigger ones at their expense. Must pull who do not want to be pulled. Free-rider behavior thus becomes preventive and defensive, a matter of prudence. Incremental public-goods provision little by little drives out contractual exchanges and the state tends to become "maximal," without this result being "chosen" in any proper sense of the word, and without anybody in particular being noticeably pleased by it.

About this Quotation:

Jasay takes a game theoretic approach to studying the problem of the free rider and comes to some very interesting but rather depressing conclusions. At the heart of his political and economic theory lies the idea that free societies are fully capable of supplying what are called "public goods" through voluntary cooperation and exchange. This being so, the question then arises why societies have not evolved to the point where these goods are in fact provided by the free market; why have all modern societies gone down the route towards increasing state provisions of "public goods", starting with the old standards of roads, money, and police, but now including health, education, and welfare as well. His answer is the popularity of the idea of a social contract which had as one of its original motivations the forcible inclusion of all individuals in the pool of taxpayers who would fund these services, and thus "suppress free riding." However, an unintended and unplanned consequence of this original motive was to create political institutions where there are no or inadequate checks or balances to prevent the abuse of free riding. Since anyone can enjoy the benefits of using political coercion to free ride, everybody does so in order to prevent others from doing this first, a kind of "preventive and defensive" free riding. The end result of this process is the modern welfare state where there seems to be no end in sight to the free rider problem.

Source

Anthony de Jasay, *Social Contract, Free Ride: A Study of the Public Goods Problem* (Indianapolis: Liberty Fund, 2008). Part of *The Collected Papers of Anthony de Jasay*. http://oll.libertyfund.org/titles/2641#Jasay_1455_684

3. Education ↩

1. [Adam Smith on the rigorous education of young Fitzmaurice \(1759\)](#) (Jul 5, 2004)
2. [John Locke tells a "gentleman" how important reading and thinking is to a man of his station whose "proper calling" should be the service of his country \(late 1600s\)](#) (Apr 11, 2005)
3. [Forrest McDonald discusses the reading habits of colonial Americans and concludes that their thinking about politics and their shared values was based upon their wide reading, especially of](#)

- [history \(1978\)](#) (Apr 17, 2006)
4. [The ex-slave Frederick Douglass reveals that reading speeches by English politicians produced in him a deep love of liberty and hatred of oppression \(1882\)](#) (Sep 3, 2007)
 5. [Adam Smith on compulsory attendance in the classroom \(1776\)](#) (May 28, 2012)

Adam Smith on the rigorous education of young Fitzmaurice (1759) (Jul 5, 2004)



Adam Smith (1723 – 1790)

Smith wrote this letter to Lord Shelburne reporting on the progress of young Mr. Fitzmaurice's education:

I have nothing to add to what I said to your Lordship in my Last letter concerning Mr Fitzmaurices behaviour here. It has hitherto been altogether unexceptionable.

With regard to the Plan which I would propose for his education while he continues here; he will finish his Philosophical studies next winter; and as My Lord Fitzmaurice seemed to propose that he should stay here another year after that, I would propose that it should be employed in perfecting himself in Philosophy and the Languages, but chiefly and principally in the Study of Law and history. In that year I would advise him to attend the Lectures of the Professor of Civil Law: for tho' the civil law has no authority in the English courts, the study of it is an admirable preparation for the Study of the English Law. The civil Law is digested into a more regular System than the English Law has yet been, and tho' the Principles of the former are in many respects different from those of the latter, yet there are many principles common to both, and one who has studied the civil law at least knows what a System of law is, what parts it consist of, and how these ought to be arranged: so that when he afterwards comes to study the law of any other country which is not so well digested, he carries at least the Idea of a System in his head and knows to what part of it he ought to refer every thing that he reads. While he attends the lectures of the Proffessor of Civil Law, I shall read with him myselfe an institute of the feudal law, which is the foundation of the present laws and Government of all European Nations.

In order to have him immediately under my own eye I have hurried him a little in his Philosophical studies. I have made him pass the logic class, which ought regularly to have been his first study, and brought him at once into my own, the moral Philosophy. He attends however the lectures of the Proffessor of Logic one hour a day. This, with two

hours that he attends upon my Lectures, with one hour which he gives to the Professor of Mathematics, one hour to the Professor of Greek and another to that of Latin, makes his hours which he attends every day except Saturday and Sunday to be six in all. He has never yet missed a single hour, and in the evening and the morning goes over very regularly with me the business of those different classes. I chuse rather to oppress him with business for this first winter: It keeps him constantly employed and leaves no time for Idleness. The oppression too is not so great as it may seem. The Study of Greek and latin is not at all new to him: Logic requires little attention so that moral philosophy and mathematicks are the only studies which take up much of his time. The great vigour both of mind and body with which he seems to be peculiarly blessed makes every thing easy to him. We have one holiday in the month which he has hitherto constantly chosen of his own accord to employ rather in learning something which he had missed by being too late in coming to the College, than in diversion.

The College breaks up in the beginning of June and does not sit down again till the beginning of October. During this interval I propose that he should learn french and Dancing and fencing and that besides he should read with me the best greek, latin and french Authors on Moral Philosophy for two or three hours every morning, so that he will not be idle in the vacation. The Professor of Mathematics too proposes to teach him Euclid at that time as he was too late to learn it in the Class. That Gentleman, who is now turned seventy but preserves all the gaiety and vigour of youth, takes more pains upon Mr Fitzmaurice than I ever knew him to do upon any Person, and generally gives him a private lecture twice or thrice a week. This is purely the effect of personal liking, for no other consideration is capable of making Mr Simson give up his ease.

I make Mr Fitzmaurice pay all his own accounts after he has summed and examin'd them along with me. He gives me a receipt for whatever money he receives: in the receipt he marks the purpose for which it is to be applyed and preserves the account as his voucher, marking upon the back of it the day when it was payed. These shall all be transmitted to your Lordship when there is occasion: But as My Lord Fitzmaurice left fifty Pounds here I shall have no occasion to make any demand for some time.

Your Lordship may depend upon the most religious compliance with whatever commands you shall please to lay upon me with regard to the conduct or Education of Mr Fitzmaurice.

About this Quotation:

It is important to remember that before he became of professor of moral philosophy Smith worked as a tutor. One stands in wonderment at the intensity and depth of education which the elite in the 18th and 19th century were able to “enjoy” (if that is the right word). It reminds one of the extraordinary education which John Stuart Mill got at the hands of his father James in the early 19th century.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
<http://oll.libertyfund.org/pages/missing-links>

John Locke tells a “gentleman” how important reading and thinking is to a man of his station whose “proper calling” should be the service of his country (late 1600s) (Apr 11, 2005)



John Locke (1632 – 1704)

Locke begins his advice to a Gentleman on the importance of reading with the following thoughts:

Reading is for the improvement of the understanding.

The improvement of the understanding is for two ends; first, for our own increase of knowledge; secondly, to enable us to deliver and make out that knowledge to others.

The latter of these, if it be not the chief end of study in a gentleman; yet it is at least equal to the other, since the greatest part of his business and usefulness in the world is by the influence of what he says, or writes to others.

The extent of our knowledge cannot exceed the extent of our ideas. Therefore he, who would be universally knowing, must acquaint himself with the objects of all sciences. But this is not necessary to a gentleman, whose proper calling is the service of his country; and so is most properly concerned in moral and political knowledge; and thus the studies, which more immediately belong to his calling, are those which treat of virtues and vices, of civil society, and the arts of government; and will take in also law and history.

It is enough for a gentleman to be furnished with the ideas belonging to his calling, which he will find in the books that treat of the matters above-mentioned.

But the next step towards the improvement of his understanding, must be, to observe the connexion of these ideas in the propositions, which those books hold forth, and pretend to teach as truths; which till a man can judge, whether they be truths or no, his understanding is but little improved; and he doth but think and talk after the books that he hath read, without having any knowledge thereby. And thus men of much reading are greatly learned, but may be little knowing.

The third and last step therefore, in improving the understanding, is to find out upon what foundation any proposition advanced bottoms; and to observe the connexion of the intermediate ideas, by which it is joined to that foundation, upon which it is erected, or that principle, from which it is derived. This, in short, is right reasoning; and by this way alone true knowledge is to be got by reading and studying.

When a man, by use, hath got this faculty of observing and judging of the reasoning and coherence of what he reads, and how it proves what it pretends to teach; he is then, and not till then, in the right way of improving his understanding, and enlarging his knowledge by reading.

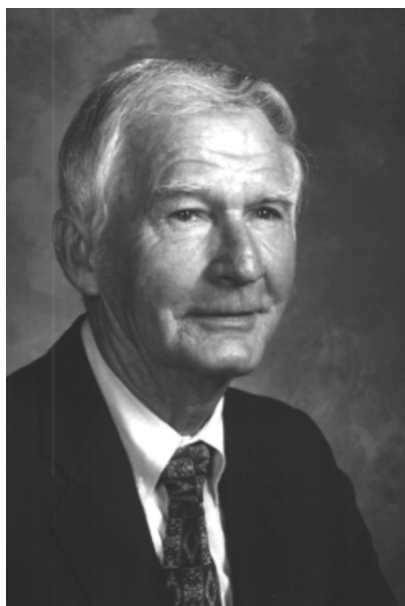
About this Quotation:

Just as Vicesimus Knox tried to persuade a young nobleman under his care to abandon the aristocratic notion that he had a right to rule over others, John Locke tells his “gentleman” friend that if he wished to be of true service to his country it might be more profitable to read good books than to pursue other more “gentlemanly” activities.

Source

John Locke, *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 2.
<http://oll.libertyfund.org/title/762/80855/1924837>

Forrest McDonald discusses the reading habits of colonial Americans and concludes that their thinking about politics and their shared values was based upon their wide reading, especially of history (1978) (Apr 17, 2006)



[Forrest McDonald](#) (? – —)

In the very first issue of the journal *Literature of Liberty: A Review of Contemporary Liberal Thought* the distinguished historian of the American Revolution, Forrest McDonald discussed the reading habits of Americans before the revolution and concluded that much of what they thought was based upon their wide reading, especially of history:

Of the many generalizations customarily made about the Founding Fathers, one of the most common but least defensible is that they all thought pretty much of the same things about the nature of man, society, and government. On one level of consciousness, we know better. Had there been such unanimity of opinion the American public would scarcely have taken so long to work out an acceptable governmental system. Our political union—begun in 1774 and crystallized with the writing of the Constitution thirteen years later—was at first only a paper union of states with widely divergent social customs, economic interests, and ideological conceptions; and secession movements repeatedly threatened to tear the Union asunder for nearly a century after independence, when the telegraph and the railroad finally gave it sinews and substance.

On the other hand, **despite their differences the Revolutionary generation did achieve independence, they did write a number of strikingly similar state constitutions, and they did draft and put into operation the federal Constitution. What underlay and made possible these monumental accomplishments, however, was not a universally accepted set of philosophical principles. Rather, I suggest, most Americans shared a common matrix of ideas and assumptions about government and society, about liberty and property, about politics and law. These ideas and assumptions, together with the belief (however inaccurate) that they shared a common historical heritage, made their achievements possible. They derived those ideas and assumptions, as well as their perception of their heritage, from a variety of sources, but the principal**

wellspring was the printed word.

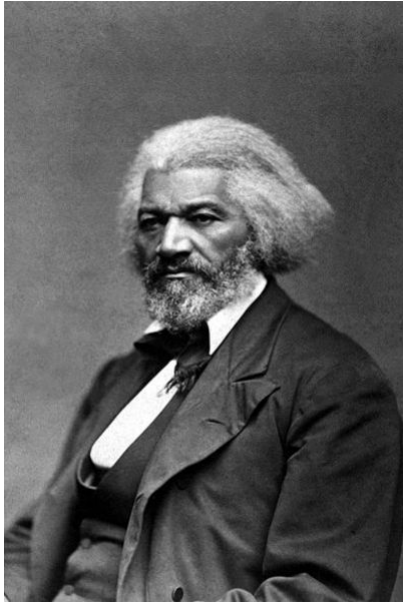
About this Quotation:

As Forrest McDonald shows, the founding generation of the American republic was very well read, especially in history, and it was the commonly shared perspective on the world, derived from this reading, which shaped their political actions. This made booksellers in the colonies, like Thomas Hollis, especially important. For example, his edition of Locke's *Two Treatises* was widely distributed as were works by Montesquieu, Blackstone, Hume, Coke, Cicero, and Grotius, to mention a few. There is an interesting essay on "The Founding Fathers' Library" in The Forum which lists the most popular authors read at that time.

Source

Leonard P. Liggio, *Literature of Liberty: A Review of Contemporary Liberal Thought* was published first by the Cato Institute (1978-1979) and later by the Institute for Humane Studies (1980-1982) under the editorial direction of Leonard P. Liggio. <http://oll.libertyfund.org/title/907/99457/2180425>

The ex-slave Frederick Douglass reveals that reading speeches by English politicians produced in him a deep love of liberty and hatred of oppression (1882) (Sep 3, 2007)



Frederick Douglass (1817 – 1895)

In his biography, the ex-slave Frederick Douglass recalls how a book of speeches by famous English authors and politicians inspired in him a love of liberty:

When I was about thirteen years old, and had succeeded in learning to read, every increase of knowledge, especially anything respecting the Free States, was an additional weight to the almost intolerable burden of my thought—"I am a slave for life." To my bondage I could see no end. It was a terrible reality, and I shall never be able to tell how sadly that thought chafed my young spirit. Fortunately, or unfortunately, I had earned a little money in blacking boots for some gentlemen, with which I purchased of Mr. Knight, on Thames street, what was then a very popular school-book, viz., "The Columbian Orator," for which I paid fifty cents. I was led to buy this book by hearing some little boys say they were going to learn some pieces out of it for recitation. This volume was indeed a rich treasure, and every opportunity afforded me, for a time, was spent in diligently perusing it. Among much other interesting matter, that which I read again and again, with unflagging satisfaction, was a short dialogue between a master and his slave. The slave is represented as having been recaptured in a second attempt to run away; and the master opens the dialogue with an upbraiding speech, charging the slave with ingratitude, and demanding to know what he has to say in his own defence. Thus upbraided, and thus called upon to reply, the slave rejoins that he knows how little anything that he can say will avail, seeing that he is completely in the hands of his owner; and with noble resolution, calmly says, "I submit to my fate." Touched by the slave's answer, the master insists upon his further speaking, and recapitulates the many acts of kindness which he has performed toward the slave, and tells him he is permitted to speak for himself. Thus invited, the quondam slave makes a spirited defence of himself, and thereafter the whole argument for and against slavery is brought out. The master is vanquished at every turn in the argument, and appreciating the fact, he generously and meekly emancipates the slave, with his best wishes for his prosperity. It is unnecessary to say that a dialogue with such

an origin and such an end, read by me when every nerve of my being was in revolt at my own condition as a slave, affected me most powerfully. I could not help feeling that the day might yet come, when the well-directed answers made by the slave to the master, in this instance, would find a counterpart in my own experience. This however, was not all the fanaticism which I found in the Columbian Orator. I met there one of Sheridan's mighty speeches, on the subject of Catholic Emancipation, Lord Chatham's speech on the American War, and speeches by the great William Pitt, and by Fox. These were all choice documents to me, and I read them over and over again, with an interest ever increasing, because it was ever gaining in intelligence; for the more I read them the better I understood them. **The reading of these speeches added much to my limited stock of language, and enabled me to give tongue to many interesting thoughts which had often flashed through my mind and died away for want of words in which to give them utterance. The mighty power and heart-searching directness of truth penetrating the heart of a slave-holder, compelling him to yield up his earthly interests to the claims of eternal justice, were finely illustrated in the dialogue; and from the speeches of Sheridan I got a bold and powerful denunciation of oppression and a most brilliant vindication of the rights of man. Here was indeed a noble acquisition. If I had ever wavered under the consideration that the Almighty, in some way, had ordained slavery, and willed my enslavement for His own glory, I wavered no longer. I had now penetrated to the secret of all slavery and all oppression, and had ascertained their true foundation to be in the pride, the power, and the avarice of man. With a book in my hand so redolent of the principles of liberty, with a perception of my own human nature, and the facts of my past and present experience, I was equal to a contest with the religious advocates of slavery, whether white or black,—for blindness in this matter was not confined to the white people.** I have met many good religious coloured people at the South, who were under the delusion that God required them to submit to slavery, and to wear their chains with meekness and humility. I could entertain no such nonsense as this; and I quite lost my patience when I found a coloured man weak enough to believe such stuff. Nevertheless, eager as I was to partake of the tree of knowledge, its fruits were bitter as well as sweet. "Slaveholders," thought I, "are only a band of successful robbers, who, leaving their own homes, went into Africa for the purpose of stealing and reducing my people to slavery." I loathed them as the meanest and the most wicked of men. And as I read, behold! the very discontent so graphically predicted by Master Hugh had already come upon me. I was no longer the light-hearted gleesome boy, full of mirth and play, as when I landed in Baltimore. Light had penetrated the moral dungeon where I had lain, and I saw the bloody whip for my back, and the iron chain for my feet, and my good, kind master, he was the author of my situation. The revelation haunted me, stung me, and made me gloomy and miserable. As I writhed under the sting and torment of this knowledge, I almost envied my fellow slaves their stupid indifference. It opened my eyes to the horrible pit, and revealed the teeth of the frightful dragon that was ready to pounce upon me; but alas, it opened no way for my escape. I wished myself a beast, a bird, anything rather than a slave. I was wretched and gloomy beyond my ability to describe. This everlasting thinking distressed and tormented me; and yet there was no getting rid of this subject of my thoughts. Liberty, as the inestimable birthright of every man, converted every object into an asserter of this right. I heard it in every sound, and saw it in every object. It was ever present to torment me with a sense of my wretchedness. The more beautiful and charming the smiles of nature, the more horrible and desolate my condition. I saw nothing without seeing it, and I heard nothing without hearing it. I do not exaggerate when I say it

looked at me in every star, it smiled in every calm, breathed in every wind, and moved in every storm. I have no doubt that my state of mind had something to do with the change in treatment which my mistress adopted towards me. I can easily believe that my leaden, downcast, and disconsolate look was very offensive to her. Poor lady! She did not understand my trouble, and I could not tell her. Could I have made her acquainted with the real state of my mind and given her the reason for it, it might have been well for both of us. As it was, her abuse fell upon me like the blows of the false prophet upon his ass; she did not know that an angel stood in the way. Nature made us friends, but slavery had made us enemies. My interests were in a direction opposite to hers, and we both had our private thoughts and plans. She aimed to keep me ignorant, and I resolved to know, although knowledge only increased my misery. My feelings were not the result of any marked cruelty in the treatment I received; they sprang from the consideration of my being a slave at all. It was slavery, not its mere incidents I hated. I had been cheated. I saw through the attempt to keep me in ignorance. I saw that slaveholders would have gladly made me believe that they were merely acting under the authority of God in making a slave of me and in making slaves of others, and I felt to them as to robbers and deceivers. The feeding and clothing me well could not atone for taking my liberty from me. The smiles of my mistress could not remove the deep sorrow that dwelt in my young bosom. Indeed, these came in time but to deepen my sorrow. She had changed, and the reader will see that I had changed, too. We were both victims to the same overshadowing evil, she as mistress, I as slave. I will not censure her harshly.

About this Quotation:

It is no wonder that slave owners did whatever they could to prevent slaves from learning to read. As Frederick's Douglass' autobiography shows he was able to put words and ideas to his love of freedom and his hatred of oppression by reading English authors like Sheridan and politicians like Pitt. As he eloquently states because of his reading and thinking "Light had penetrated the moral dungeon where I had lain." Many other slaves read the Bible and found stories of the Israelites' oppression by the Egyptians just as inspiring and relevant to their condition.

Source

Frederick Douglass, *The Life and Times of Frederick Douglass: From 1817-1882, written by himself; with an Introduction by the Right Hon. John Bright*, ed. John Lobb (London: Christian Age Office, 1882). <http://oll.libertyfund.org/title/2007/138723/2635209>

Adam Smith on compulsory attendance in the classroom (1776) (May 28, 2012)



Adam Smith (1723 – 1790)

Here Adam Smith (1723-1790) argues that the use of compulsion in schools is used primarily for the benefit of the teacher and the administration, not the students. Good lectures are usually well attended:

If in each college the tutor or teacher, who was to instruct each student in all arts and sciences, should not be voluntarily chosen by the student, but appointed by the head of the college; and if, in case of neglect, inability, or bad usage, the student should not be allowed to change him for another, without leave first asked and obtained; such a regulation would not only tend very much to extinguish all emulation among the different tutors of the same college, but to diminish very much in all of them the necessity of diligence and of attention to their respective pupils. Such teachers, though very well paid by their students, might be as much disposed to neglect them, as those who are not paid by them at all, or who have no other recompence but their salary.

If the teacher happens to be a man of sense, it must be an unpleasant thing to him to be conscious, while he is lecturing his students, that he is either speaking or reading nonsense, or what is very little better than nonsense. It must too be unpleasant to him to observe that the greater part of his students desert his lectures; or perhaps attend upon them with plain enough marks of neglect, contempt, and derision. If he is obliged, therefore, to give a certain number of lectures, these motives alone, without any other interest, might dispose him to take some pains to give tolerably good ones. Several different expedients, however, may be fallen upon which will effectually blunt the edge of all those incitements to diligence. The teacher, instead of explaining to his pupils himself, the science in which he proposes to instruct them, may read some book upon it; and if this book is written in a foreign and dead language, by interpreting it to them into their own; or, what would give him still less trouble, by making them interpret it to him, and by now and then making an occasional remark upon it, he may flatter himself that he is giving a lecture. The slightest degree of knowledge and application will enable him to do this without exposing himself to contempt or derision, or saying any thing that is really

foolish, absurd, or ridiculous. The discipline of the college, at the same time, may enable him to force all his pupils to the most regular attendance upon this sham-lecture, and to maintain the most decent and respectful behaviour during the whole time of the performance.

The discipline of colleges and universities is in general contrived, not for the benefit of the students, but for the interest, or more properly speaking, for the ease of the masters. Its object is, in all cases, to maintain the authority of the master, and whether he neglects or performs his duty, to oblige the students in all cases to behave to him as if he performed it with the greatest diligence and ability. It seems to presume perfect wisdom and virtue in the one order, and the greatest weakness and folly in the other. Where the masters, however, really perform their duty, there are no examples, I believe, that the greater part of the students ever neglect theirs. No discipline is ever requisite to force attendance upon lectures which are really worth the attending, as is well known wherever any such lectures are given. Force and restraint may, no doubt, be in some degree requisite in order to oblige children, or very young boys, to attend to those parts of education which it is thought necessary for them to acquire during that early period of life; but after twelve or thirteen years of age, provided the master does his duty, force or restraint can scarce ever be necessary to carry on any part of education. Such is the generosity of the greater part of young men, that, so far from being disposed to neglect or despise the instructions of their master, provided he shows some serious intention of being of use to them, they are generally inclined to pardon a great deal of incorrectness in the performance of his duty, and sometimes even to conceal from the publick a good deal of gross negligence.

About this Quotation:

Adam Smith has some sharp words to say on the matter of compulsory attendance at school. The “force and restraint” which is common for schools to use to require attendance in the classroom is, in his view, primarily for the benefit of the “master” and is designed to “pardon a great deal of incorrectness in the performance of his duty” and “to conceal from the publick a good deal of gross negligence.” As an experienced teacher himself, he knows that the best way to encourage attendance is to give good lectures. The only exception to this principle are those children aged less than 13 who might require additional “incentives” to attend classes.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/119#Smith_0206-02_590

4. Food & Drink↩

1. [Adam Smith on how Government Regulation and Taxes might drive a Man to Drink \(1766\)](#) (Jul 12, 2004)
2. [Erasmus argues that Philosophizing is all very well but there is also a need for there to be a Philosopher of the Kitchen \(1518\)](#) (Nov 22, 2004)
3. [As if in answer to Erasmus' prayer, Spencer does become a Philosopher of the Kitchen arguing](#)

[that “if there is a wrong in respect of the taking of food \(and drink\) there must also be a right” \(1897\) \(Nov 29, 2004\)](#)

4. [David Hume examines the pride of the turkey \(and other creatures\) \(1739\) \(Nov 24, 2008\)](#)
5. [Herbert Spencer on the pitfalls of arguing with friends at the dinner table \(1897\) \(Nov 23, 2009\)](#)
6. [Lysander Spooner on the idea that laws against “vice” \(victimless crimes\) are unjust \(1875\) \(Mar 31, 2010\)](#)
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Adam Smith on how Government Regulation and Taxes might drive a Man to Drink (1766) (Jul 12, 2004)



Adam Smith (1723 – 1790)

In a discussion of how taxes diminish a nation's "opulence", Smith has some interesting observations on the drinking habits of Europeans:

From the above we may observe that whatever police tends to raise the market price above the natural, tends to diminish public opulence. Dearnness and scarceity are in effect the same thing. When commodities are in abundance, they can be sold to the inferiour ranks of people, who can afford to give less for them, but not if they are scarce. So far therefore as goods are a conveniencey to the society, the society lives less happy when only the few can possess them. Whatever therefore keeps goods above their natural price for a permanency, diminishes nations opulence. Such are:

1st. All taxes upon industry, upon leather, and upon shoes, which people grudge most, upon salt, beer, or whatever is the strong drink of the country, for no country wants some kind of it. **Man is an anxious animal and must have his care swept off by something that can exhilarate the spirits. It is alledged that this tax upon beer is an artificial security against drunkenness, but if we attend to it, that it by no means prevents it. In countries where strong liquors are cheap, as in France and Spain, the people are generally sober. But in northern countries, where they are dear, they do not get drunk with beer but with spirituous liquors. No body presses his friend to a glass of beer unless he choose it.**

2^{dly}. Monopolies also destroy public opulence. The price of the monopolized goods is raised above what is sufficient for encourageing the labour. When only a certain person or persons have the liberty of importing a commodity, there is less of it imported than would otherwise be: the price of it is therefore higher, and fewer people supported by it. It is the concurrence of different labourer[er]s which always brings down the price. In monopolies such as the Hudson's Bay and East India companies | the people engaged in them make the price what they please.

3^{dly}. Exclusive privileges of corporations have the same effect. The butchers and bakers raise the price of their goods as they please, because none but their own corporation is allowed to sell in the market, and therefore their meat must be taken, whether good or not. On this account there is always required a magistrate to fix the prices. For any free commodity, such as broad cloth, there is no occasion for this, but it is necessary with bakers, who may agree among themselves to make the quantity and price what they please. Even a magistrate is not a good enough expedient for this, as he must always settle the price at the outside, else the remedy must be worse than the disease, for no body would apply to these businesses and a famine would ensue. On this account bakers and brewers have always profitable trades.

As what rises the market price above the natural one diminishes public opulence, so what brings it down below it has the same effect.

About this Quotation:

In our wanderings through the texts on the OLL website we have come across a surprising number of references to food and drink. Here is one by Adam Smith and we also have found a discussion by David Hume on turkeys (an obvious choice for a Thanksgiving Day quote) and Desiderius Erasmus on the importance of having Philosophers of the Kitchen. Now we have an Economist in the Bar.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/2621#Smith_1647_409

Erasmus argues that Philosophizing is all very well but there is also a need for there to be a Philosopher of the Kitchen (1518) (Nov 22, 2004)



Desiderius Erasmus (1466 – 1536)

Erasmus discusses the merits of feasting with two friends, Austin and Christian. After some witty repartee Austin concludes that Christian is a true "Philosopher of the Kitchen":

The PROFANE FEAST.

The Argument.

Our Erasmus most elegantly proposes all the Furniture of this Feast; the Discourses and Behaviour of the Entertainer and the Guests, &c. Water and a Bason before Dinner. The Stoics, the Epicureans; the Form of the Grace at Table. It is good Wine that pleases four Senses. Why Bacchus is the Poets God; why he is painted a Boy. Mutton very wholesome. That a Man does not live by Bread and Wine only. Sleep makes some Persons fat. Venison is dear. Concerning Deers, Hares, and Geese: They of old defended the Capitol at Rome. Of Cocks, Capons and Fishes. Here is discoursed of by the by, Fasting. Of the Choice of Meats. Some Persons Superstition in that Matter. The Cruelty of those Persons that require these Things of those Persons they are hurtful to; when the eating of Fish is neither necessary, nor commanded by Christ. The eating of Fish is condemned by Physicians. The chief Luxury of old Time consisted in Fishes. We should always live a sober Life. What Number of Guests there should be at an Entertainment. The Bill of Fare of the second Course. The Magnificence of the French. The ancient Law of Feasts. Either drink, or be gone. A Variation of Phrases. Thanksgiving after Meat....

Austin: I would cut you a Slice, if I knew what would please you. I would help you, if I knew your Palate. I would help you, if I knew what you lik'd best. If I knew the Disposition of your Palate, I would be your Carver. Indeed my Palate is like my Judgment.

Christian: You have a very nice Palate. No Body has a nicer Palate than you have. I don't think you come behind him of whose exquisite Skill the Satyrists says,

Ostrea callebat primo deprendere morsu,

Et semel aspecti dicebat littus echini.

Austin: And you, my *Christian*, that I may return the Compliment, seem to have been Scholar to *Epicurus*, or brought up in the *Catian* School. For what's more delicate or nice than your Palate?

Christian: If I understood Oratory so well as I do Cookery, I'd challenge *Cicero* himself.

Austin: Indeed if I must be without one, I had rather want Oratory than Cookery.

Christian: I am entirely of your Mind, you judge gravely, wisely, and truly. For what is the Prattle of Orators good for, but to tickle idle Ears with a vain Pleasure? But Cookery feeds and repairs the Palate, the Belly, and the whole Man, let him be as big as he will. *Cicero* says, *Concedat laurea linguæ*; but both of them must give place to Cookery. I never very well liked those *Stoicks*, who referring all things to their (I can't tell what) *honestum*, thought we ought to have no regard to our Persons and our Palates. *Aristippus* was wiser than *Diogenes* beyond Expression in my Opinion.

Austin: I despise the *Stoicks* with all their Fasts. But I praise and approve *Epicurus* more than that *Cynic Diogenes*, who lived upon raw Herbs and Water; and therefore I don't wonder that *Alexander*, that fortunate King, had rather be *Alexander* than *Diogenes*. Christian: Nor indeed would I myself, who am but an ordinary Man, change my Philosophy for *Diogenes's*; and I believe your *Catius* would refuse to do it too. The Philosophers of our Time are wiser, who are content to dispute like *Stoicks*, but in living out—do even *Epicurus* himself. And yet for all that, I look upon Philosophy to be one of the most excellent Things in Nature, if used moderately. I don't approve of philosophising too much, for it is a very jejune, barren, and melancholy Thing. When I fall into any Calamity or Sickness, then I betake myself to Philosophy, as to a Physician; but when I am well again, I bid it farewell.

Austin: I like your Method. You do philosophize very well. Your humble Servant, Mr. Philosopher; not of the *Stoick* School, but the Kitchen.

Christian: Nor indeed would I myself, who am but an ordinary Man, change my Philosophy for *Diogenes's*; and I believe your *Catius* would refuse to do it too. The Philosophers of our Time are wiser, who are content to dispute like *Stoicks*, but in living out—do even *Epicurus* himself. And yet for all that, I look upon Philosophy to be one of the most excellent Things in Nature, if used moderately. I don't approve of philosophising too much, for it is a very jejune, barren, and melancholy Thing. When I fall into any Calamity or Sickness, then I betake myself to Philosophy, as to a Physician; but when I am well again, I bid it farewell.

Austin: I like your Method. You do philosophize very well. Your humble Servant, Mr. Philosopher; not of the *Stoick* School, but the Kitchen.

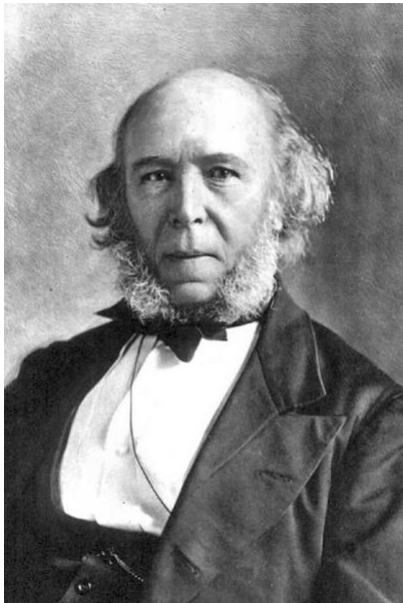
About this Quotation:

Erasmus was only a profound linguist and biblical scholar but also a man of great humanity and humor. He is regarded by many as the best Latin writer since the classical period and his Greek language edition of the Bible did much to encourage a much sounder critical analysis. But as one can see from quotes like the one above, he used his scholarship and humor to puncture the pomposities of theologians and philosophers alike. Above all, Erasmus believed, one should live a moral life to the fullest and enjoy every moment.

Source

Desiderius Erasmus, *The Colloquies of Erasmus*. Translated by Nathan Bailey. Edited with Notes, by the Rev. E. Johnson, M.A. (London: Reeves and Turner, 1878). Vol. 1. <http://oll.libertyfund.org/title/549/7634/1487096>

As if in answer to Erasmus' prayer, Spencer does become a Philosopher of the Kitchen arguing that “if there is a wrong in respect of the taking of food (and drink) there must also be a right” (1897) (Nov 29, 2004)



Herbert Spencer (1820 – 1903)

In *The Principles of Ethics* Spencer has a section in which he has something to say about the ethics of nutrition and the preference of many to denounce the excess swallowing of liquids rather than of solids:

210. Except perhaps in agreeing that gluttony is to be reprobated and that the *gourmet*, as well as the *gourmand*, is a man to be regarded with scant respect, most people will think it is absurd to imply as the above title does, that ethics has anything to say about the taking of food. Though, by condemning excesses of the kinds just indicated, they imply that men *ought* not to be guilty of them, and by the use of this word class them as *wrong*; yet they ignore the obvious fact that if there is a wrong in respect of the taking of food there must also be a right.

The truth appears to be that daily actions performed in ways which do not obviously deviate from the normal, cease to be thought of as either right or wrong. As the most familiar mathematical truths, such as twice two are four, are not ordinarily thought of as parts of mathematics—as the knowledge which a child gains of surrounding objects is not commonly included under education, though it forms a highly important part of it; so this all-essential ministration to life by food, carried on as a matter of course, is dropped out of the theory of conduct. And yet, as being a part of conduct which fundamentally affects welfare, it cannot properly be thus dropped.

How improper is the ignoring of it as a subject matter for ethical judgments, we shall see on observing the ways in which current opinion respecting it goes wrong.

211. Already, in section 174, the extreme instances furnished by the Esquimaux, the Yakuts, and the Australians, have shown us that enormous quantities of food are proper under certain conditions, and that satisfaction of the seemingly inordinate desires for them is not only warranted but imperative: death being the consequence of inability to take a sufficient quantity to meet the expenditure entailed by severe climate or by long fasts. To which here let me add the experiences of Arctic voyagers, who, like the natives of the Arctic regions, acquire great appetites for blubber.

Mention of these facts is a fit preliminary to the question whether, in respect of food, desires ought or ought not to be obeyed. As already said, treatment of this inquiry as ethical will be demurred to by most and by many ridiculed. Though, when not food but drink is in question, their judgments, very strongly expressed, are of the kind they class as moral; yet they do not see that since the question concerns the effect of things swallowed, it is absurd to regard the conduct which causes these effects as moral or immoral when the things are liquid but not when they are solid.

About this Quotation:

Here we have another impressively hirsute Victorian gentleman, now sporting what were called “mutton chops” or sideburns. He was nothing if not comprehensive in this writing and here he turns to a philosophical analysis of eating and drinking. It is possible that he had in the back of his mind the anti-alcohol temperance movement which tried to place government enforced limits on what people could drink. This quote appeared between Thanksgiving and Christmas when eating and drinking are on many people’s minds.

Source

Herbert Spencer, *The Principles of Ethics*, introduction by Tibor R. Machan (Indianapolis: LibertyClassics, 1978). Vol. 1. <http://oll.libertyfund.org/title/333/40687/596607>

David Hume examines the pride of the turkey (and other creatures) (1739) (Nov 24, 2008)



David Hume (1711 – 1776)

The great Scottish philosopher David Hume (1711-1776) in his *Treatise of Human Nature* (1739) has an interesting observation on the pride and vanity of the male turkey:

In order to this we must first shew the correspondence of passions in men and animals, and afterwards compare the causes, which produce these passions.

'Tis plain, that almost in every species of creatures, but especially of the nobler kind, there are many evident marks of pride and humility. The very port and gait of a swan, or turkey, or peacock show the high idea he has entertain'd of himself, and his contempt of all others. This is the more remarkable, that in the two last species of animals, the pride always attends the beauty, and is discover'd in the male only. The vanity and emulation of nightingales in singing have been commonly remark'd; as likewise that of horses in swiftness, of hounds in sagacity and smell, of the bull and cock in strength, and of every other animal in his particular excellency. Add to this, that every species of creatures, which approach so often to man, as to familiarize themselves with him, show an evident pride in his approbation, and are pleas'd with his praises and caresses, independent of every other consideration. Nor are they the caresses of every one without distinction, which give them this vanity, but those principally of the persons they know and love; in the same manner as that passion is excited in mankind. All these are evident proofs, that pride and humility are not merely human passions, but extend themselves over the whole animal creation.

The causes of these passions are likewise much the same in beasts as in us, making a just allowance for our superior knowledge and understanding. Thus animals have little or no sense of virtue or vice; they quickly lose sight of the relations of blood; and are incapable of that of right and property; For which reason the causes of their pride and humility must lie solely in the body, and can never be plac'd either in the mind or external objects. But so far as regards the body, the same qualities cause pride in the animal as in the human

kind; and 'tis on beauty, strength, swiftness or some other useful or agreeable quality that this passion is always founded.

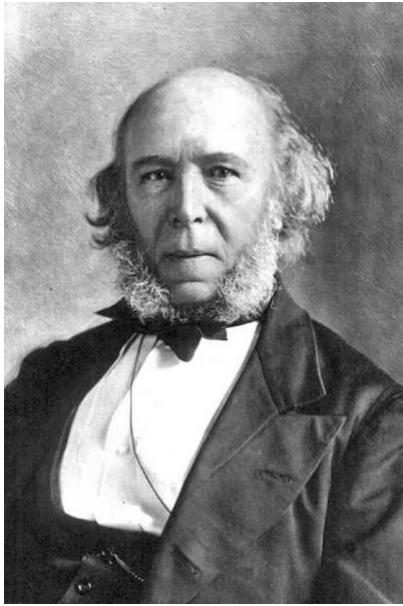
About this Quotation:

As Thanksgiving arrives one's thoughts naturally turn to what the great philosophers of the past had to say about turkeys. In his early and great *A Treatise of Human Nature* (1739) Hume compares the emotions felt by humans and a selection of animals and in a discussion concerning pride and humility refers to the swan, the turkey, the peacock. What might seem a little odd, given the modern turkey's reputation for stupidity, is that Hume considers it to be one of the "nobler kind" and furthermore, that it is prideful because of its "beauty" (but only in the male). Think on this as you munch on a turkey leg this Thanksgiving.

Source

David Hume, *A Treatise of Human Nature* by David Hume, reprinted from the Original Edition in three volumes and edited, with an analytical index, by L.A. Selby-Bigge, M.A. (Oxford: Clarendon Press, 1896). <http://oll.libertyfund.org/title/342/55157/607556>

Herbert Spencer on the pitfalls of arguing with friends at the dinner table (1897) (Nov 23, 2009)



Herbert Spencer (1820 – 1903)

The English radical individualist philosopher Herbert Spencer (1820-1903) wisely counsels silence when arguing with others at the dinner table. Sometimes it may be fit and proper to blow one's own horn. At other times biting one's tongue when a family member says something foolish or incorrect is the best way to promote "social intercourse":

1. A form of selfishness occasionally displayed, and rightly condemned, is that of men who display without bounds their remarkable conversational powers. Of various brilliant talkers we read that on some occasions the presence of others who vied with them, raised obvious jealousies; and that on other occasions, in the absence of able competitors, they talked down everyone, and changed what should have been conversation into monologue. Contrariwise, we sometimes hear of those who, though capable of holding continuously the attention of all, showed solicitude that the undistinguished or the modest should find occasions for joining in the exchange of thoughts: even going to the extent of "drawing them out." Men of these contrasted types exemplify the absence and presence of negative beneficence; and they exemplify, too, the truth, commonly forgotten, that undue efforts to obtain applause often defeat themselves. One who monopolizes conversation loses more by moral reprobation than he gains by intellectual approbation.

Over the dinner table, or in groups of persons otherwise held together, there frequently occur cases in which an erroneous statement is made or an invalid argument urged. One who recognizes the error may either display his superior knowledge or superior logic, or he may let the error pass in silence: not wishing to raise the estimate of himself at the cost of lowering the estimate of another. Which shall he do? A proper decision implies several considerations. Is the wrong statement or invalid argument one which will do appreciable mischief if it passes uncorrected? Is the person who utters it vain, or one whose self-esteem is excessive? Is he improperly regarded as an authority by those

around? Does he trample down others in the pursuit of applause? If to some or all of these questions the answer is—Yes, the correction may fitly be made; alike for the benefit of the individual himself and for the benefit of hearers. But should the error be trivial, or should the credit of one who makes it, not higher than is proper, be unduly injured by the exposure, or should his general behavior in social intercourse be of a praiseworthy kind, then sympathy may fitly dictate silence—negative beneficence may rightly restrain the natural desire to show superiority.

Of course much of what is here said respecting the carrying on of conversation or discussion, applies to the carrying on of public controversy. In nearly all cases the intrusion of personal feeling makes controversy of small value for its ostensible purpose—the establishment of truth. Desire for the *éclat* which victory brings, often causes a mercilessness and a dishonesty which hinder or prevent the arrival at right conclusions. Negative beneficence here conduces to public benefit while it mitigates private injury. Usually the evidence may be marshaled and a valid argument set forth, without discrediting an opponent in too conspicuous a manner. Small slips of statement and reasoning, which do not affect the general issue, may be generously passed over; and generosity may fitly go to the extent of admitting the strength of the reasons relied on, while showing that they are inadequate. A due negative beneficence will respect an antagonist's *amour propre*; save, perhaps, in cases where his dishonesty, and his consequent endeavor to obscure the truth, demand exposure. Lack of right feeling in this sphere has disastrous public effects. It needs but to glance around at the courses of political controversy and of theological controversy, to see how extreme are the perversions of men's beliefs caused by absence of that sympathetic interpretation which negative beneficence enjoins.

About this Quotation:

Here is Herbert Spencer mulling over the problem faced by many in a family situation over a meal, to engage or not to engage one's relatives in spirited argument and risk bad tempers and hurt feelings. Spencer counsels silence for the sake of "social intercourse."

Source

Herbert Spencer, *The Principles of Ethics*, introduction by Tibor R. Machan (Indianapolis: LibertyClassics, 1978). Vol. 2. <http://oll.libertyfund.org/title/334/40776/594890>

Lysander Spooner on the idea that laws against “vice” (victimless crimes) are unjust (1875) (Mar 31, 2010)



Lysander Spooner (1808 – 1887)

The radical American individualist legal theorist and abolitionist Lysander Spooner (1808-1887) argues in a collection of essays on the prohibition of alcohol that all laws against “vice” were unjust, immoral, and counter-productive, and that practising a vice was no crime at all:

VICES are those acts by which a man harms himself or his property.

Crimes are those acts by which one man harms the person or property of another.

Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property.

In vices, the very essence of crime—that is, the design to injure the person or property of another—is wanting.

It is a maxim of the law that there can be no crime without a criminal intent; that is, without the intent to invade the person or property of another. But no one ever practises a vice with any such criminal intent. He practises his vice for his own happiness solely, and not from any malice toward others.

Unless this clear distinction between vices and crimes be made and recognized by the laws, there can be on earth no such thing as individual right, liberty, or property; no such things as the right of one man to the control of his own person and property, and the corresponding and co-equal rights of another man to the control of his own person and property.

For a government to declare a vice to be a crime, and to punish it as such, is an attempt to falsify the very nature of things. It is as absurd as it would be to declare truth to be

falsehood, or falsehood truth.

About this Quotation:

In an anonymous essay written for a work on the failure of prohibition in 1875, the great American radical legal theorist argues that laws against the sale and consumption of alcohol (and all other so-called vices) were unjust, illegal, and unconstitutional. He distinguished between “vices”, which may or may not harm the individual who engages in them, and “crimes”, which harms another person’s person or property. Thus, in his mind, only “crimes” should be the concern of the “constabulary”. Unfortunately for those Christians who wanted to campaign for the voluntary giving up of alcohol, the “Washingtonians”, those politicians and police forces from the national capital, were interfering in their campaign by resorting to forcible prohibition, with the inevitable sad results. The editor of the book was a homeopath and Christian, “Diocletian” Lewis. “Lysander” Spooner was a deist and a radical abolitionist. Politics sometimes makes for strange bedfellows.

Source

Lysander Spooner, *The Shorter Works and Pamphlets of Lysander Spooner, vol. 2 (1862-1884)* (Indianapolis: Liberty Fund, 2010). <http://oll.libertyfund.org/title/2292/217204/3488149>

Bastiat, the 1830 Revolution, and the Spilling of Wine not Blood (1830) (Aug 5, 2012)



Frédéric Bastiat (1801 – 1850)

The young Frédéric Bastiat helped tip the balance in the garrison of the city of Bayonne during the 1830 Revolution. With a combination of his wit and charm, copious servings of the local red wine, and the singing of political songs by the liberal poet Béranger, he was able to persuade the officers of the garrison to support Louis Philippe and the constitutional monarchists:

1. Letter to Félix Coudroy, Bayonne 5 August 1830

Other people had had the same idea as I, and by dint of shouting and repetition it became general. But what could we do when we were unable to deliberate and agree, nor make ourselves heard? I withdrew to reflect and conceived several projects.

The first, which was already that of the entire population of Bayonne, was to display the flag and endeavor, through this movement, to win over the garrison of the chateau and the citadel. This was done yesterday at two o'clock in the afternoon, but by old people who did not attach the same significance to it as Soustra, I, and a lot of others, with the result that this coup failed.

I then took my papers of authorization to go to the army encampment to look for General Lamarque. I was relying on his reputation, his rank, his character as a deputy and his eloquence to win over the two colonels and, if need be, on his vigor to hold them up for two hours and present himself at the citadel in full military dress, followed by the National Guard with the flag at their head. I was on the point of mounting my horse when I received word that the general had left for Paris, and this caused the project, which was undoubtedly the surest and least dangerous, to fail...

The citadel must be in our hands this evening or civil war will break out. We will

act with vigor if necessary, but I, who am carried along by enthusiasm without being blind to the facts, can see that it will be impossible to succeed if the garrison, which is said to be imbued with a good spirit, does not abandon the government. We will perhaps have a few wins but no success. But we should not become discouraged for all that, as we must do everything to avoid civil war. I am resolved to leave straight away after the action, if it fails, to try to raise the Chalosse. I will suggest to others that they do likewise in the Landes, the Béarn, and the Basque country; and through famine, wiles, or force we will win over the garrison.

I will keep the paper remaining to me to let you know how this ends.

The 5th at midnight

I was expecting blood but it was only wine that was spilt. The citadel has displayed the tricolor flag. The military containment of the Midi and Toulouse has decided that of Bayonne; the regiments down there have displayed the flag. The traitor J — — thus saw that the plan had failed, especially as the troops were defecting on all sides; he then decided to hand over the orders he had had in his pocket for three days. Thus, it is all over. I plan to leave immediately. I will embrace you tomorrow.

This evening we fraternized with the garrison officers. Punch, wine, liqueurs, and above all, Béranger contributed largely to the festivities. Perfect cordiality reigned in this truly patriotic gathering. The officers were warmer than we were, in the same way as horses which have escaped are more joyful than those that are free.

About this Quotation:

Bastiat participated directly in two revolutions during his lifetime: the first one when he was 29 during the three “Glorious Days” in July 1830 which overthrew the repressive monarchy of Charles X and installed Louis Philippe as a constitutional monarch, and the second in February 1848 when the July Monarchy was in turn overthrown and the Second Republic founded. This letter to his friend Félix describes the role Bastiat had in winning over the officers of the garrison in the town of Bayonne in south west France who were torn between their oath to the old king and their support for the political principles promised by the new régime. At some risk to his own life if the revolution had failed, Bastiat persuaded the officers to throw their weight behind the revolution after an evening of drinking and singing political songs. As he wittily notes, “I was expecting blood but it was only wine that was spilt.” It is interesting to note also that they were singing the songs of the liberal poet Pierre Béranger who had spent two periods in prison during the 1820s for opposing the régime. He wrote several volumes of best-selling poems and songs which criticised and made fun of the repressive policies of the restored Bourbon monarchy and the Church. Bastiat was able to persuade Béranger to join his Free Trade Society in 1846 and sat with him in the Chamber to which they were both elected in April 1848.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries

by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/225615>

Benjamin Franklin on killing and cooking a turkey with electricity (1748) (Nov 22, 2012)



[Benjamin Franklin](#) (1796 – 1790)

The polymath Benjamin Franklin (1706-1790) was not only a key figure in the founding of the American republic but an inveterate inventor. He was fascinated by the new science of electricity and spent much time trying to discover its properties. In 1748 he planned a series of “experiments” to amuse himself and some friends at a picnic on the banks of the Skuykill river. This included killing and cooking a turkey for dinner:

TO PETER COLLINSON, Philadelphia, — — , 1748.

29. There is one experiment more which surprises us, and is not hitherto satisfactorily accounted for; it is this. Place an iron shot on a glass stand, and let a ball of damp cork, suspended by a silk thread, hang in contact with the shot. Take a bottle in each hand, one that is electrified through the hook, the other through the coating; apply the giving wire to the shot, which will electrify it positively, and the cork shall be repelled; then apply the requiring wire, which will take out the spark given by the other, when the cork will return to the shot; apply the same again and take out another spark, so will the shot be electrified negatively, and the cork in that case shall be repelled equally as before. Then apply the giving wire to the shot and give the spark it wanted, so will the cork return; give it another, which will be an addition to its natural quantity, so will the cork be repelled again; and so may the experiment be repeated as long as there is any charge in the bottles. Which shows that bodies having less than the common quantity of electricity repel each other, as well as those that have more.

Chagrined a little that we have been hitherto able to produce nothing in this way of use to mankind; and the hot weather coming on, when the electrical experiments are not so agreeable, it is proposed to put an end to them for this season, somewhat humorously, in a party of pleasure on the banks of the Skuykill. Spirits, at the same time, are to be fired by a spark sent from side to side through the river, without any other conductor than the water; an experiment which we some time since performed

to the amazement of many. A turkey is to be killed for our dinner by electrical shock, and roasted by the electrical jack, before a fire kindled by the electrified bottle; when the healths of all the famous electricians in England, Holland, France, and Germany are to be drank in electrified bumpers, under the discharge of guns from the electrical battery.

About this Quotation:

In order to acknowledge Thanksgiving here in the United States we have a curious anecdote about Benjamin Franklin's efforts to kill and cook a turkey using electricity. There was a playful side to Benjamin Franklin which is not as well appreciated as his activities on behalf of American independence. In an amusing letter to his friend Peter Collinson of Philadelphia in 1748 Franklin tells us about a picnic he was planning to hold on the banks of the Skuylkill river near Philadelphia. His aim was to entertain his friends by using electricity to set fire to flammable liquids, to kill a turkey with an electric shock and then cook it with electricity for their evening meal, to drink a toast to other experimenters with electricity in an electrically heated toasting glass (a "bumper"), and then to round off the evening with a series of explosions set off by yet more electricity. Amongst the playful, though sometimes dangerous fun, lies a very curious scientific mind who is here developing the concept for one of the most common appliances of the modern world, the electric oven.

Source

Benjamin Franklin, *The Works of Benjamin Franklin, including the Private as well as the Official and Scientific Correspondence, together with the Unmutilated and Correct Version of the Autobiography*, compiled and edited by John Bigelow (New York: G.P. Putnam's Sons, 1904). The Federal Edition in 12 volumes. Vol. II (Letters and Misc. Writings 1735-1753). <http://oll.libertyfund.org/title/2454/231592/3925091>

William Graham Sumner on how “society” helps the drunkard in the gutter (1883) (Sep 15, 2014)



William Graham Sumner (1840 – 1910)

The American sociologist William Graham Sumner (1840-1910) observed that when the state uses tax money to help someone who is down and out on their luck it is ultimately paid for by “the forgotten man”:

I now, however, desire to direct attention to the public, general, and impersonal schemes, and I point out the fact that, if you undertake to lift anybody, you must have a fulcrum or point of resistance. All the elevation you give to one must be gained by an equivalent depression on some one else. The question of gain to society depends upon the balance of the account, as regards the position of the persons who undergo the respective operations. But nearly all the schemes for “improving the condition of the working man” involve an elevation of some working men at the expense of other working men. When you expend capital or labor to elevate some persons who come within the sphere of your influence, you interfere in the conditions of competition. The advantage of some is won by an equivalent loss of others. The difference is not brought about by the energy and effort of the persons themselves. If it were, there would be nothing to be said about it, for we constantly see people surpass others in the rivalry of life and carry off the prizes which the others must do without. In the cases I am discussing, the difference is brought about by an interference which must be partial, arbitrary, accidental, controlled by favoritism and personal preference. I do not say, in this case, either, that we ought to do no work of this kind. On the contrary, I believe that the [479] arguments for it quite outweigh, in many cases, the arguments against it. What I desire, again, is to bring out the forgotten element which we always need to remember in order to make a wise decision as to any scheme of this kind. I want to call to mind the Forgotten Man, because, in this case also, if we recall him and go to look for him, we shall find him patiently and perseveringly, manfully and independently struggling against adverse circumstances without complaining or begging. If, then, we are led to heed the groaning and complaining of others and to take measures for helping these others, we shall, before we know it, push down this man who is trying to help himself.

Let us take another class of cases. So far we have said nothing about the abuse of legislation. We all seem to be under the delusion that the rich pay the taxes. Taxes are not thrown upon the consumers with any such directness and completeness as is sometimes assumed; but that, in ordinary states of the market, taxes on houses fall, for the most part, on the tenants and that taxes on commodities fall, for the most part, on the consumers, is beyond question. Now the state and municipality go to great expense to support policemen and sheriffs and judicial officers, to protect people against themselves, that is, against the results of their own folly, vice, and recklessness. Who pays for it? Undoubtedly the people who have not been guilty of folly, vice, or recklessness. Out of nothing comes nothing. We cannot collect taxes from people who produce nothing and save nothing. The people who have something to tax must be those who have produced and saved.

When you see a drunkard in the gutter, you are disgusted, but you pity him. When a policeman comes and picks him up you are satisfied. You say that “society” has interfered to save the drunkard from perishing. Society is a fine word, and it saves us the trouble of thinking to say that society acts. The truth is that the policeman is paid [480] by somebody, and when we talk about society we forget who it is that pays. It is the Forgotten Man again. It is the industrious workman going home from a hard day’s work, whom you pass without noticing, who is mulcted of a percentage of his day’s earnings to hire a policeman to save the drunkard from himself. All the public expenditure to prevent vice has the same effect. Vice is its own curse. If we let nature alone, she cures vice by the most frightful penalties. It may shock you to hear me say it, but when you get over the shock, it will do you good to think of it: a drunkard in the gutter is just where he ought to be. Nature is working away at him to get him out of the way, just as she sets up her processes of dissolution to remove whatever is a failure in its line. Gambling and less mentionable vices all cure themselves by the ruin and dissolution of their victims. Nine-tenths of our measures for preventing vice are really protective towards it, because they ward off the penalty. “Ward off,” I say, and that is the usual way of looking at it; but is the penalty really annihilated? By no means. It is turned into police and court expenses and spread over those who have resisted vice. It is the Forgotten Man again who has been subjected to the penalty while our minds were full of the drunkards, spendthrifts, gamblers, and other victims of dissipation. Who is, then, the Forgotten Man? He is the clean, quiet, virtuous, domestic citizen, who pays his debts and bis taxes and is never heard of out of his little circle. Yet who is there in the society of a civilized state who deserves to be remembered and considered by the legislator and statesman before this man?

Another class of cases is closely connected with this last. There is an apparently invincible prejudice in people’s minds in favor of state regulation. All experience is against state regulation and in favor of liberty. The freer the civil institutions are, the more weak or mischievous state [481] regulation is. The Prussian bureaucracy can do a score of things for the citizen which no governmental organ in the United States can do; and, conversely, if we want to be taken care of as Prussians and Frenchmen are, we must give up something of our personal liberty.

About this Quotation:

Sumner’s 1883 essay on “The Forgotten Man” is in many ways an American version of Frédéric

Bastiat's powerful insight into "the seen" and "the unseen", or in this case "the forgotten". Sumner reminds us that the process of collecting and spending taxes is a zero sum game where one person (the taxpayer) has to lose if another person (the recipient of tax money) gains, of which is something Sumner does not approve. However, the consequences of the "forgotten man" being unseen by the majority go much further. Sumner believes that people should learn from their mistakes and the intervention by a member of the state, whether it be the policeman or the welfare officer, prevents an important feedback mechanism from operating as it should. The man who wastes his money and his life by drinking to excess should suffer the consequences of his actions. If he does not, then there is little incentive to learn from his errors and change his behaviour in the future. If he knows that someone else will pick him up out of the gutter and buy him a square meal, then he may be more inclined to drink to excess again. Then there is the societal problem of the impact of a large state bureaucracy like the Prussian or the French, to use Sumner's late 19th century examples. The ultimate cost of having a Prussian or French style of regulatory bureaucracy is that one has to give up some of one's freedom in order to pay for their salaries and the costs of picking thousands, perhaps millions of people, out of the various gutters they have fallen into.

Source

William Graham Sumner, *The Forgotten Man and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1918). http://oll.libertyfund.org/titles/2396#Sumner_1225_710

5. Free Trade ↩

1. [Jane Haldimand Marcet, in a popular tale written for ordinary readers, shows the benefits to workers of foreign trade, especially at Christmas time \(1833\)](#) (Dec 4, 2006)
2. [Harriet Martineau condemns tariffs as a "vicious aristocratic principle" designed to harm the ordinary working man and woman \(1861\)](#) (Sep 17, 2007)
3. [Adam Smith argues that retaliation in a trade war can sometimes force the offending country to lower its tariffs, but more often than not the reverse happens \(1776\)](#) (Feb 9, 2009)
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12. [Adam Smith on how "furious monopolists" will fight to the bitter end to keep their privileges](#)

- [\(1776\)](#) (Mar 19, 2012)
13. [Guyot on the protectionist tyranny \(1906\)](#) (Jul 16, 2012)
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 15. [The 12th Day of Christmas: Frank Chodorov on free trade as the harbinger of goodwill among men and peace on earth \(1940\)](#) (Jan 5, 2013)
 16. [Henry George on a “free trade America” as the real city set on a hill \(1886\)](#) (Jun 3, 2013)
 17. [John Taylor on how a republic can “fleece its citizens” just as well as a monarchy \(1822\)](#) (Feb 3, 2014)
 18. [Adam Smith on the “liberal system” of free trade \(1776\)](#) (Feb 17, 2014)
 19. [Cobden on the folly of using government force to “protect commerce” \(1836\)](#) (Jun 16, 2014)
 20. [Henry George on how trade sanctions hurt domestic consumers \(1886\)](#) (Sep 1, 2014)
 21. [Lord Kames argued that neither the King nor Parliament had the right to grant monopolies because they harmed the interests of the people \(1778\)](#) (Nov 3, 2014)

Jane Haldimand Marcet, in a popular tale written for ordinary readers, shows the benefits to workers of foreign trade, especially at Christmas time (1833) (Dec 4, 2006)



Jane Haldimand Marcet (1769 – 1858)

Jane Haldemand Marcet was a successful popularizer of free market ideas in 19th century Britain. In a series of short “tales” in the book *John Hopkins’s Notions on Political Economy* (1833) she has various characters discuss topics such as the benefits to ordinary people of foreign trade, especially at Christmas time:

“Well, you see, my good friends,” continued the landlord, “that foreign trade—that is, trading with foreign countries—is advantageous to every country engaged in it; for, what is true of one, is true of all: and when we buy a piece of foreign goods, be it what it may, or come from whence it will, we encourage the British manufacture thereby, just as much as if we bought the piece of goods at Leeds or Manchester.”

“Ay, and a little more, too,” cried Bob, “according to your honour’s reckoning; for you have forgot to take into the account the money saved by buying the cheaper goods, which saving is laid out in something else, and so sets more hands to work.”

“That is true,” cried the landlord; “I was falling into your argument, my honest tar, that there was neither loss nor gain in foreign trade; but I am glad to find you steer so clear of error that you can become my pilot. We are agreed then, that there is gain on both sides; and I hope, John, that you begin to think so too.”

“Why,” said John, “to be sure your honour must know best; and, if all you say be true, (as no doubt it is,) why I can’t but say it must be so.”

“Well,” continued the landlord, “but there is another advantage in foreign trade, which I have not yet mentioned. There are some things, such as good wine, that it would be impossible for us to make, because our climate is not hot enough to cultivate vineyards; so, if we did not get it from other countries, we should be obliged to go without.”

“Oh! for the matter of that,” cried John, “foreign wines will never come within our reach: we poor folk should not be the better for them, even if they paid no duty at all.”

“But you are sometimes the better for foreign spirits, John, I take it,” said the landlord.

“And sometimes the worse, too,” said his wife. “However, I have no right to complain; for that is only once in a way.”

“Well, to say nothing of the wine and the spirits,” continued the landlord, addressing himself to the wife, “you, good dame, would not have a spoonful of sugar to sweeten your tea, without foreign trade. Nor could you give me a pinch of snuff,” added he, holding out his hand to John, who first tapped his box and then opening it, respectfully offered it to his landlord.—“And as for the English silks,” said Bob, “why we should have had none to dispute about without foreign trade; for, though we can spin and weave silk, we can’t breed silk-worms in our climate.”—“Nor could you smoke your pipe,” said the landlord; “for tobacco is not raised in England any more than silk.”—“But I have heard some talk,” said John, “of passing a law to let them grow tobacco in Ireland.”

“If the law of the land should allow them, I doubt whether the law of nature would,” replied the landlord; “for the warm climate of Virginia, in America, whence it comes, is much more favourable to its growth; and, if they attempt to raise it in Ireland, I doubt but that it will cost them dearer, and not be so good.”—“Why, then,” said John, “it would be wiser to make a law to prevent instead of to allow them to grow it.”

“The best way would be to pass no law, either for or against,” replied the landlord. “Let men have their own way, and plant and sow, buy and sell, just where and how they like; they will soon find out what will answer best. If they can raise tobacco in Ireland as cheap and as good as in America, they will do it; and if they cannot, they will let it alone.”

“Ay,” cried Bob, “a man has a sharper look out for his own interest than any one else can have for him.”

“So you see, my friends,” continued the landlord, “foreign trade has two advantages; for it not only procures things better and cheaper, but things which our climate renders it impossible for us to produce at home; such as wine, sugar, tobacco, plums, currants, rice, spices, cotton, silks, and other things without number.”

“Oh, then,” cried the good woman, “I could not even treat my children with a plum pudding at Christmas without foreign trade; for there’s no making it without plums and spices.”

Patty smiled, and cast a look upon her wedding gown, which her mother observing, said,—“Well, child, take it up and make it up. I should be loth to say or think ill of it, after all the squire has told us.”

About this Quotation:

In spite of the rather condescending tone of the all-knowing landlord there are some sound economic truths here aimed at the working classes of Britain in the 1830s. This quotation was selected as

millions of consumers in the west go about their Christmas shopping, perhaps not knowing about the benefits of “globalisation” and the international division of labor. So much of what is purchased and which provides happiness and joy at this time of the year depends upon a complex web of international trade. Today we have the electronic equivalent of the “plums and spices” mentioned in the Marcet homily.

Source

Jane Haldimand Marcet, *John Hopkins's Notions on Political Economy* (London: Longman, Rees, Orme, Brown, Green, and Longman, 1833). <http://oll.libertyfund.org/title/310/30331/710576>

Harriet Martineau condemns tariffs as a “vicious aristocratic principle” designed to harm the ordinary working man and woman (1861) (Sep 17, 2007)



Harriet Martineau (1802 – 1876)

In a series of letters written to Mrs. Chapman in 1861 Harriet Martineau argued that tariff protection not only harmed foreign workers but domestic American workers as well, by means of what she termed this “vicious aristocratic principle”:

October 31, 1861.

I don't believe Fremont will do for a hero. A man who has done, in such a way, what he has done, cannot be a statesman or a farsighted or adequate man in any way, unless a purely military way, which remains to be proved.

I perceive you ground your disapprobation of the protective system on the injustice and unkindness to foreign peoples. This is a very strong and quite indisputable ground, but it is not the one I have at all had in view at this time, or wished to bring forward in discussing the matter in the “Standard” or elsewhere. I protest against the vicious aristocratic principle, and the rank oppression exercised over the American people at large, for the selfish interest of certain classes. It is true your shippers and merchants are concerned in and injured by every injury inflicted on foreign commerce; but it is a graver consideration to my mind that every workingman in the country is injured for the illicit benefit of wealthier classes.

Popular ignorance alone can have permitted it thus long. It is true the disposition to tyranny and greed, which is conspicuous wherever a democracy exists, has made protectionists of all or most democratic associations, such as the most stringent trades-unions, and other socialistic organizations; but still, it is inconceivable that, in a country full of workingmen like yours, a handful of monopolists will be permitted to saddle and bridle the industrial majority, as at present. When the case is understood, it is inconceivable that the majority will put up with it. I wish some Member of Congress, or other man who would be listened to, would propose, as a matter of economy, a handsome

direct appropriation to the iron-masters and mill-owners, instead of preserving the tariff. It would be a vast, incalculable saving to pension them in a thoroughly handsome way and throw trade open. The proposal would open people's eyes to the aggression they are submitting to.

I look anxiously for some sort of news of Anderson's wife. I fear the poor fellow is in wearing suspense. C. Sumner has sent me his speech, which I am glad of, (but, entre nous, how very bad it is!)

Your

H. M.

About this Quotation:

In the 19th century there were a number of popularisers of free market thinking who took the ideas of an Adam Smith or a Jean-Baptiste Say and made them more approachable to a broader audience. In England there was Richard Cobden, Harriet Martineau, and Thomas Hodgskin. In France there was the incomparable Frédéric Bastiat. Martineau is especially noteworthy for a number of reasons, perhaps most notably because as a woman she found it particularly hard to make a living as a full-time author. She did not let her gender or her precarious way of life prevent her from being an outspoken and radical defender of free market ideas. For example, in 1861 the American Civil War divided English liberals into two camps, the free traders and states rights advocates who supported the South, and the anti-slavery abolitionists who favored the North (reluctantly perhaps because of its strong protectionist stance). Martineau took the radical position of arguing that, in supposedly "democratic" America, tariffs were class based and reflected a "vicious aristocratic principle" which benefited the "selfish interest of certain classes" at the expense of ordinary working people.

Source

Harriet Martineau, *Harriet Martineau's Autobiography and Memorials of Harriet Martineau*, ed. Maria Weston Chapman (Boston: James R. Osgood & Co., 1877). 2 vols. Vol. 2.
<http://oll.libertyfund.org/title/2012/140303/2647113>

Adam Smith argues that retaliation in a trade war can sometimes force the offending country to lower its tariffs, but more often than not the reverse happens (1776) (Feb 9, 2009)



Adam Smith (1723 – 1790)

Adam Smith (1723-1790) grudgingly admits that retaliation in a trade war may have some good effect if it leads to the abandonment of the initial protective duty, but he is highly doubtful that the “insidious and crafty animal, vulgarly called a statesman or politician” can or really wants to end protection in this manner. All it does is benefit a few at the expence of the many:

The case in which it may sometimes be a matter of deliberation how far it is proper to continue the free importation of certain foreign goods, is, when some foreign nation restrains by high duties or prohibitions the importation of some of our manufactures into their country. Revenge in this case naturally dictates retaliation, and that we should impose the like duties and prohibitions upon the importation of some or all of their manufactures into ours. Nations, accordingly seldom fail to retaliate in this manner. The French have been particularly forward to favour their own manufactures by restraining the importation of such foreign goods as could come into competition with them. In this consisted a great part of the policy of Mr. Colbert, who, notwithstanding his great abilities, seems in this case to have been imposed upon by the sophistry of merchants and manufacturers, who are always demanding a monopoly against their countrymen. It is at present the opinion of the most intelligent men in France that his operations of this kind have not been beneficial to his country. That minister, by the tariff of 1667, imposed very high duties upon a great number of foreign manufactures. Upon his refusing to moderate them in favour of the Dutch, they in 1671 prohibited the importation of the wines, brandies, and manufactures of France. The war of 1672 seems to have been in part occasioned by this commercial dispute. The peace of Nimeguen put an end to it in 1678, by moderating some of those duties in favour of the Dutch, who in consequence took off their prohibition. It was about the same time that the French and English began mutually to oppress each other's industry, by the like duties and prohibitions, of which the French, however, seem to have set the first example. The spirit of hostility which has subsisted between the two nations ever since, has hitherto hindered them from being moderated on

either side. In 1697 the English prohibited the importation of bonelace, the manufacture of Flanders. The government of that country, at that time under the dominion of Spain, prohibited in return the importation of English woollens. In 1700, the prohibition of importing bonelace into England, was taken off upon condition that the importation of English woollens into Flanders should be put on the same footing as before.

There may be good policy in retaliations of this kind, when there is a probability that they will procure the repeal of the high duties or prohibitions complained of. The recovery of a great foreign market will generally more than compensate the transitory inconveniency of paying dearer during a short time for some sorts of goods. To judge whether such retaliations are likely to produce such an effect, does not, perhaps, belong so much to the science of a legislator, whose deliberations ought to be governed by general principles which are always the same, as to the skill of that insidious and crafty animal, vulgarly called a statesman or politician, whose councils are directed by the momentary fluctuations of affairs. When there is no probability that any such repeal can be procured, it seems a bad method of compensating the injury done to certain classes of our people, to do another injury ourselves, not only to those classes, but to almost all the other classes of them. When our neighbours prohibit some manufacture of ours, we generally prohibit, not only the same, for that alone would seldom affect them considerably, but some other manufacture of theirs. This may no doubt give encouragement to some particular class of workmen among ourselves, and by excluding some of their rivals, may enable them to raise their price in the home-market. Those workmen, however, who suffered by our neighbours prohibition will not be benefited by ours. On the contrary, they and almost all the other classes of our citizens will thereby be obliged to pay dearer than before for certain goods. Every such law, therefore, imposes a real tax upon the whole country, not in favour of that particular class of workmen who were injured by our neighbours prohibition, but of some other class.

About this Quotation:

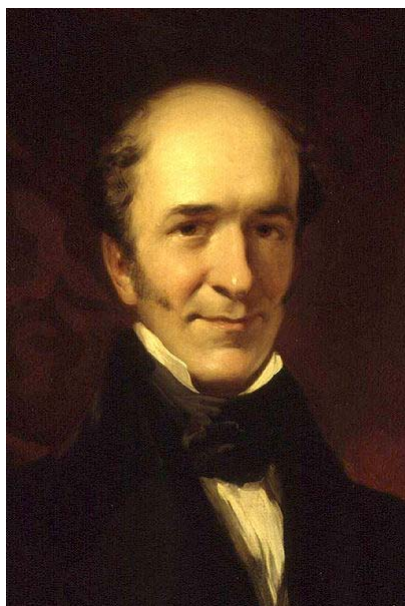
In this quotation Adam Smith cites a number of examples involving the Dutch, where retaliation in a trade war can force the offending nation to withdraw its new tariff or restriction and return to free trading. However, he is also aware that this is not always going to happen because that creature, the “insidious and crafty animal, vulgarly called a statesman or politician” can continue the trade war knowing that he will not have to bear the brunt of the costs, these being passed onto “other classes” in the society.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).

http://oll.libertyfund.org/titles/237#Smith_0206-01_1145

John Ramsay McCulloch argues that smuggling is “wholly the result of vicious commercial and financial legislation” and that it could be ended immediately by abolishing this legislation (1899) (May 11, 2009)



[John Ramsay McCulloch](#) (1789 – 1864)

The advocate of Ricardian economics, John Ramsay McCulloch (1789-1864), argued that smuggling was caused by poor legislation, and that it resulted in the corruption of the law courts and the sending of troops into the field

Origin and Prevention of Smuggling. **This crime, which occupies so prominent a place in the criminal legislation of all modern states, is wholly the result of vicious commercial and financial legislation. It is the fruit either of prohibitions of importation, or of oppressively high duties. It does not originate in any depravity inherent in man; but in the folly and ignorance of legislators.** A prohibition against importing a commodity does not take away the taste for it; and the imposition of a high duty on any article occasions a universal desire to escape or evade its payment. Hence the rise and occupation of the smuggler. The risk of being detected in the clandestine introduction of commodities under any system of fiscal regulations may be always valued at a certain average rate; and whenever the duties exceed this rate, smuggling immediately takes place. Now, there are plainly but two ways of checking this practice: either the temptation to smuggle must be diminished by lowering the duties, or the difficulties in the way of smuggling must be increased. The first is obviously the more natural and efficient method of effecting the object in view; but the second has been most generally resorted to even in cases where the duties were quite excessive. Governments have almost uniformly consulted the persons employed in the collection of the revenue with respect to the best mode of rendering taxes effectual; though it is clear that the interests, prejudices and peculiar habits of such persons utterly disqualify them from forming a sound opinion on such a subject. They can not recommend a reduction of duties as a means of repressing smuggling and increasing revenue, without acknowledging their own incapacity to detect and defeat illicit practices; and the result has been, that, instead of ascribing the prevalence of smuggling to its true causes, the officers of customs and excise have almost

universally ascribed it to some defect in the laws, or in the mode of administering them, and have proposed repressing it by new regulations, and by increasing the number and severity of the penalties affecting the smuggler. As might have been expected, these attempts have, in the great majority of cases, proved signally unsuccessful. And it has been invariably found, that no vigilance on the part of the revenue officers, and no severity of punishment, can prevent the smuggling of such commodities as are either prohibited or loaded with oppressive duties. The smuggler is generally a popular character; and whatever the law may declare on the subject, it is ludicrous to expect that the bulk of society should ever be brought to think that those who furnish them with cheap brandy, geneva, tobacco, etc., are guilty of any very heinous offense. “To pretend,” says Adam Smith, “to have any scruple about buying smuggled goods, though a manifest encouragement to the violation of the revenue laws, and to the perjury which almost always attends it, would, in most countries, be regarded as one of those pedantic pieces of hypocrisy, which, instead of gaining credit with anybody, serve only to expose the person who affects to practice them to the suspicion of being a greater knave than most of his neighbors. By this indulgence of the public the smuggler is often encouraged to continue a trade which he is thus taught to consider as, in some measure, innocent; and when the severity of the revenue laws is ready to fall upon him, he is frequently disposed to defend with violence what he has been accustomed to regard as his just property; and, from being at first rather imprudent than criminal, he at last too often becomes one of the most determined violaters of the laws of society.” (“Wealth of Nations,” p. 406.) **To create by means of high duties an overwhelming temptation to indulge in crime, and then to punish men for indulging in it, is a proceeding completely subversive of every principle of justice. It revolts the natural feelings of the people; and teaches them to feel an interest in the worst characters—for such smugglers generally are—to espouse their cause, and avenge their wrongs.**

A punishment which is not proportioned to the offense, and which does not carry the sanction of public opinion along with it, can never be productive of any good effect. **The true way to put down smuggling is to render it unprofitable; to diminish the temptation to engage in it; and this is not to be done by surrounding the coasts with cordons of troops, by the multiplication of oaths and penalties, and making the country the theatre of ferocious and bloody contests in the field, and of perjury and chicanery in the courts of law; but by repealing prohibitions, and reducing duties, so that their collection may be enforced with a moderate degree of vigilance; and that the forfeiture of the article may be a sufficient penalty upon the smuggler.** It is in this way, and in this way only, that we must seek for an effectual check to illicit trafficking. Whenever the profits of the fair trader become nearly equal to those of the smuggler, the latter is forced to abandon his hazardous profession. But so long as prohibitions or oppressively high duties are kept up, or, which is in fact the same thing, so long as high bounties are held out to encourage the adventurous, the needy and the profligate to enter on this career, we may be assured that armies of excise and customs officers, backed by the utmost severity of the revenue laws, will be insufficient to hinder them.

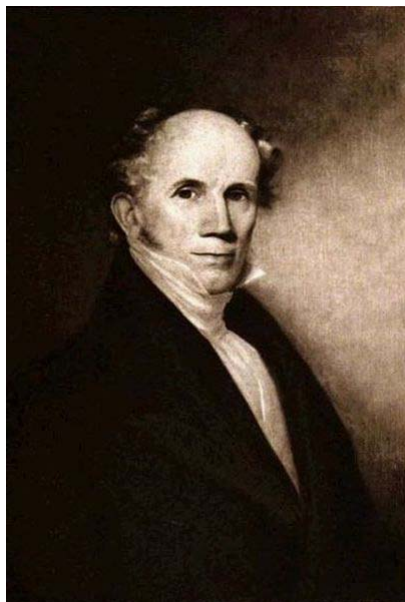
About this Quotation:

One has to admire McCulloch’s directness and simplicity. Who would have thought that so intractable problem like smuggling could be solved by one stroke of the pen? Adam Smith, Jean-Baptiste Say, Frédéric Bastiat, John Stuart Mill, Herbert Spencer, perhaps?

Source

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 3 Oath – Zollverein <http://oll.libertyfund.org/title/971/63617/1466512>

Condoraguet lays out a set of basic principles of free trade among which is the idea that governments cannot create wealth by means of legislation and that individuals are better judges of the best way to use their capital and labor than governments
(183 (Jun 29, 2009)



[Condoraguet](#) (1784 – 1842)

The American free trader Condoraguet began a series of articles in the Philadelphia paper *Banner of the Constitution* in 1829 in which he listed the basic principles of free trade and its benefits to consumers

Be this, however, as it may, it is manifest, that, let the ground be much or little, which has been gained by the advocates of untrammelled industry, that ground ought not to be lost through any relaxation of effort. The moment is propitious for pushing on the conquest, and whilst the champions who are placed within the walls of the capitol, are waging war in the front of the battle, let ours be the humbler task of skirmishing with the outposts. Nothing is wanted to overthrow the whole delusion which has been imposed upon the American people as a wise and judicious course of policy, but a dispassionate and unprejudiced examination of its real character, when divested of the false theories upon which it is built. Such an examination would shew —

That individuals are better judges of the most advantageous mode of employing their labour and capital, than governments —

That wealth cannot be created by the mere enactment of laws —

That commerce is an exchange of equivalents not merely beneficial to one of the parties which carries it on, but to both, by enabling each to exchange with the other, those products which it can furnish upon the most favourable terms —

That commerce must be reciprocal, and consequently, that when one nation restricts

its trade with another, and says, “I will not buy,” she declares in the same words, “I will not sell.”

That as far as foreign nations refuse to take our productions, they ipso facto, and without requiring any laws on our part to enforce a retaliation, absolutely deprive us of the power to take their productions—

That it is an error, to suppose that free trade is only advantageous when adopted by all nations, and that the interests of a country are to be promoted by counter restrictions—

That commerce being an exchange of domestic products for foreign products, gives employment to domestic industry, inasmuch as foreign products can only be paid for with domestic products—

That all high duties exclude a portion, or the whole, of the articles upon which they are laid, by raising their price to the consumer, or, what is the same thing, by preventing the price from falling as low as it would otherwise fall, were it not for the duty, as is the case now, with all articles made of wool, cotton, iron, and many other things—

That this enhanced price is a real tax upon the consumer, which goes into the pocket of the favoured monopolist, not always, indeed, increasing his wealth, but preventing his loss from being as great as it would be, did the high duty not exist—

That the great fall which has taken place since the year 1816, in many articles of manufacture, has resulted chiefly from the great improvements in labour-saving machinery which have progressed not only in this country but in Europe, and which in England have advanced so rapidly, that we are informed, in late papers, that an article for the manufacture of which, 2s. 6d. used formerly to be paid, can now be had, materials and all, for 5d.—

That the complaint of the manufacturers that the duties are not high enough, is positive proof that foreign fabrics can be imported cheaper than they can be made at home, and, consequently, that there is a want of consistency in the conduct of those who assert that the tariff system brings down prices, whilst, at the same time, they demand more duties, and thus appear to court their own ruin—

That all artificial modes of raising prices, or, of preventing them from falling, are oppressions upon the poor and labouring classes, inasmuch as they are compelled to pay for the necessities of life a higher price than they would otherwise have to pay, whilst the demand for their labour is diminished, from the circumstance that their employers, being themselves also obliged to give more for the articles of which they stand in need, have less means of giving employment to others than they would otherwise possess—

That all restrictive laws retard the gradual increase of capital, by rendering the producing faculties of the community less productive, and thus prevent that rapid accumulation of wealth, in which alone is to be found the means of affording employment to an increasing population—

That restrictive laws, by compelling people to abandon pursuits in which they find it their interest to labour, and to follow others, which are only made profitable to them by laying contributions upon all the rest of the community, operate precisely like laws which should compel A, without an equivalent, to contribute to the support of B, who has not even the merit of being entitled to such support, as a public pauper—

That restrictive laws operate upon the body politic as cords and bandages do upon the body natural, and equally diminish the power of production—

That restrictive laws operate precisely in the same manner as a law would operate, which should enact that a man with two hands should only labour with one—that a farmer who could work with a plough, should dig with a spade—that the owner of a cotton factory who has mules and spindles, should spin with the distaff—that a wood-cutter should chop trees with a dull axe instead of a sharp one—or, that a taylor should sew with a blunt needle instead of a sharp-pointed one—and, finally,

That the term “American System,” is a misnomer for what is nothing but the antiquated “British System,” and that its employment, for political party purposes, is a fraud upon the honest and patriotic feeling of the nation, devised for the purpose of appealing to the prejudices of the people upon a subject, upon which their understandings alone should be addressed.

These, and many other truths of similar import, we shall undertake to establish in this paper, to the satisfaction, we trust, of any individual who holds himself subject to the rule, that conclusions, logically drawn from premises, are not liable to be rejected or admitted at the pleasure of the reader, but must be admitted as data for subsequent arguments.

In the discussion of questions of political economy, it is manifest that much abstract reasoning, as in other sciences, is necessary for a complete understanding of them. Such reasoning, however, is only adapted to the studies of comparatively few, such, for example, as those who are selected for their supposed wisdom in the science of government, to make laws for the nation. The great mass of readers have neither a taste nor an inclination for severe investigation, and, on this account, whilst we must not lose sight of the duty of offering up a regular repast for those who delight in strong food, we shall study, as much as possible, the palate of those who can only digest a moderate and diluted portion of scientific truth.

About this Quotation:

Ten years before there was Richard Cobden in Britain and Frédéric Bastiat in France, there was the populariser of free trade ideas in America, Condry Raguet. The opponent against which he had to fight, and ultimately lost out to, was the Hamiltonian “America system” of tariffs and government funded “internal improvements”. In this First Essay from 1829 Raguet clearly lays out for a popular audience a list of the main free trade principles. In some respects he is like the free trade popularisers Thomas Hodgskin (who spoke to ordinary working people in the Mechanics Institutes) and Jane Haldimand Marcet who pioneered writing for a popular audience. One wonders how different America would have been if it chosen to follow the free trade Raguet path in the 19th century instead of the protectionist Hamiltonian path.

Source

The Principles of Free Trade illustrated in a series of short and familiar Essays originally published in the Banner of the Constitution, 2nd ed. (Philadelphia, 1840).

Richard Cobden outlines his strategy of encouraging more people to acquire land and thus the right to vote in order to defeat the “landed oligarchy” who ruled England and imposed the “iniquity” of the Corn Laws (1845) (Jan 11, 2010)



Richard Cobden (1804 – 1865)

In the Covent Garden Theatre in London on 15 January 1845 Richard Cobden (1804-1865) addressed a large crowd on the continuing struggle to abolish the Corn Laws (tariffs) which was eventually achieved when Sir Robert Peel announced their repeal on 27 January, 1846. In this New Year speech Cobden urged the better off members of the middle class to purchase land in the counties so that they could acquire the right to vote and thus defeat the “landed oligarchy”. In passing, he suggested that women should also have the right to vote:

I remember quite well, five years ago, when we first came up to Parliament to petition the Legislature, a certain noble earl, who had distinguished himself previously by advocating a repeal of the Corn-laws, called upon us at Brown’s Hotel. The committee of the deputation had a private interview with him, during which he asked us what we came to petition for? We replied, for the total and immediate repeal of the Corn-laws. His answer was, ‘My belief is, that the present Parliament would not pass even a 12s. fixed duty; I am quite sure they would not pass a 10s.; but as for the total repeal of the Corn-law, you may as well try to overturn the monarchy as to accomplish that object.’ I do not think any one would go so far as to tell us that now; I do not suppose that, if you were to go to Tattersall’s, ‘Lord George’ would offer you very long odds that this law will last five years longer. We have done something to shake the old edifice, but it will require a great deal of battering yet to bring it down about the ears of its supporters. It will not be done in the House; it must be done out of it. Neither will it be effected with the present constituency; you must enlarge it first. I have done something towards that end since I last saw you. I have assisted in bringing four or five thousand new ‘good men and true’ into the electoral list—four or five thousand that we know of in Lancashire, Yorkshire, and Cheshire; and I believe there are five or ten times as many more throughout the country, who have taken the hint we gave them of getting possession of the electoral franchise for the counties. Some people tell you that it is very dangerous and unconstitutional to invite

people to enfranchise themselves by buying a freehold qualification. I say, without being revolutionary or boasting of being more democratic than others, that the sooner the power in this country is transferred from the landed oligarchy, which has so misused it, and is placed absolutely—mind, I say ‘absolutely’—in the hands of the intelligent middle and industrious classes, the better for the condition and destinies of this country.

I hope that every man who has the ability to possess himself of the franchise for a county, will regard it as his solemn and sacred duty to do so before the 31st of this month.

Recollect what it is we ask you to do: to take into your own hands the power of doing justice to twenty-seven millions of people! When Watt presented himself before George III., the old monarch asked him what article he made; and the immortal inventor of the steam-engine replied, ‘Your Majesty, I make that which kings are fond of—power.’ Now, we seek to create a higher power in England, by inducing our fellow-countrymen to place themselves upon the electoral list in the counties. We must have not merely the boroughs belonging to the people; but give the counties to the towns, which are their right; and not the towns to the counties, as they have been heretofore. There is not a father of a family, who has it at all in his power, but ought to place at the disposal of his son the franchise for a county; no, not one. It should be the parent’s first gift to his son, upon his attaining the age of twenty. There are many ladies, I am happy to say, present; now, it is a very anomalous and singular fact, that they cannot vote themselves, and yet that they have a power of conferring votes upon other people. I wish they had the franchise, for they would often make a much better use of it than their husbands. The day before yesterday, when I was in Manchester (for we are brought up now to interchange visits with each other by the miracle of steam in eight hours and a half), a lady presented herself to make inquiries how she could convey a freehold qualification to her son, previous to the 31st of this month; and she received due instructions for the purpose. Now, ladies who feel strongly on this question—who have the spirit to resent the injustice that is practised on their fellow-beings—cannot do better than make a donation of a county vote to their sons, nephews, grandsons, brothers, or any one upon whom they can beneficially confer that privilege. The time is short; between this and the 31st of the month, we must induce as many people to buy new qualifications as will secure the representation of Lancashire, the West Riding of Yorkshire, and Middlesex. I will guarantee the West Riding of Yorkshire and Lancashire; will you do the same by Middlesex?

I am quite sure you will do what you can, each in his own private circle. This is a work which requires no gift of oratory, or powerful public appeals; it is a labour in which men can be useful privately and without ostentation. If there be any in this land who have seen others enduring probably more labour than their share, and feel anxious to contribute what they can to this good cause, let them take up this movement of qualifying for the counties; and in their several private walks do their best to aid us in carrying out this object. **We have begun a new year, and it will not finish our work; but whether we win this year, the next, or the year after, in the mean time we are not without our consolations. When I think of this most odious, wicked, and oppressive system, and reflect that this nation—so renowned for its energy, independence, and spirit—is submitting to have its bread taxed, its industry crippled, its people—the poorest in the land—deprived of the first necessities of life, I blush that such a country should submit to so vile a degradation. It is, however, consolation to me, and I hope it will be to all of you, that we do not submit to it without doing our best to put an end to the iniquity.**

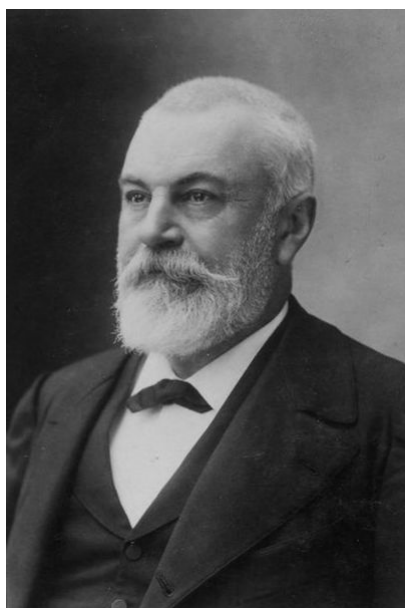
About this Quotation:

At the beginning of 1845 Richard Cobden could sense that victory in the struggle to repeal the Corn Laws was imminent. As he realised, a great deal had been achieved politically in the 5 years the Anti-Corn Law League had been active and that “the old edifice” of the English establishment had been shaken by the movement he led. In the final push he urged the better off members of the middle class to purchase land in the counties in order to qualify to vote in the next election which might see the power of the “landed oligarchy” challenged and the Corn Laws finally abolished. In passing, he makes a remarkable admission about women and the right to vote, stating that he wished they had the franchise “for they would often make a much better use of it than their husbands.”

Source

Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. by John Bright and J.E. Thorold Rogers with a Preface and Appreciation by J.E. Thorold Rogers and an Appreciation by Goldwin Smith (London: T.Fisher Unwin, 1908). 2 volumes in 1. Vol. 1 Free Trade and Finance.
<http://oll.libertyfund.org/title/927/104878/2227963>

Yves Guyot accuses all those who seek Protection from foreign competition of being “Socialists” (1893) (Apr 20, 2010)



Yves Guyot (1843 – 1928)

The French laissez-faire economist and politician Yves Guyot (1843-1928) accuses all political groups who call for state intervention in the economy, whether from the left with its demand for minimum wages, or from the right with the demand of large land owners for government protection from cheap foreign food stuffs, “Socialists”:

According to the verifications which we have made, the word Socialism may be defined as “the intervention of the State in the economic life of the country.

But, then, are these men who, in the interests of landed proprietors, ask for taxes on corn, on oats, on horses, cattle, wood, and wines, Socialists? those who, in the name of “national industries” and “national work,” ask for duties on cottons, silks, linens, and all kinds of textile fabrics, all kinds of steel, from rails down to pens, medicines, chemical products, and all objects whatsoever, due to human industry?

To this interrogation I answer by the clearest and most positive affirmation.

Yes, large and small proprietors alike, those of you are Socialists, who beg for customs duties. For what is it you ask, if not for the intervention of the State to guarantee the revenue of your property? What is it you ask for, tradesmen and manufacturers of every kind, who seek the imposition of import duties, if not for the intervention of the State to guarantee your profits? And what is it the Socialists ask, if not for the intervention of the State to guarantee to the workman a maximum of work, a minimum of wage? In a word, what is it you all ask, if not for the intervention of the State to protect you all against competition? The Protectionist asks for protection from the competition of progress from without—the Socialist asks for protection from the competition of activity within—and in aid of what? To throw political interference into the scale so as to violate the Law of Supply and Demand for the arbitrary benefit of such and such a class of producers or workmen,

and to the detriment of all consumers and ratepayers, which means—everybody.

This conception of the economic duties of the State is the same for the large landowner who calls himself “conservative,” for the large manufacturer who scorns the Socialists, and for the miserable Socialist who flings his scornful invectives against property and manufactures. They all make the same mistake. They are all victims of the same illusion. Those who look upon one another as enemies are brothers in doctrine. Hence it is that every recrudescence of Protection engenders a revival of Socialism. The Socialists of 1848 were the true sons of the Protectionist copyholders of the Restoration and of Louis-Philippe’s Government. If Protectionists deny this intimate relationship, I will introduce them to a Socialist who will say to them:

“You ask for customs duties so that your revenues and profits may be guaranteed. You appeal to the superior interests of agriculture and national labour. So be it. You have even asked me to join you for this purpose.¹ But what share will you give to me—to me, the working man? You demand the aid of “society.” I, too, claim a share in it, and with so much the more right that in society I hold, at least in point of numbers, a larger place than yours.”

Before such language as this the Protectionist is obliged to remain dumb, especially as the Socialist might add:

“You protect yourself; you strike at corn, meat, wines, at the things which are necessary for my food. In the custom house, textile fabrics, things of everyday use, and, therefore, the cheapest, those things intended for me, carry the heaviest weight. It is, therefore, upon my needs, and consequently upon my privations, that you ask the Government to guarantee your revenues and your profits. In my turn, I shall retort and tell you to return to me that which you take from me. I claim my share. Guarantee me my wages. Limit my hours of labour. Suppress my competitors, such as women. Suppress piece-work, which may prove an incentive to over-production at too cheap a rate. This for to-day; but to-morrow it will be necessary that property and manufactures shall rest in my hands alone. The State shall be the sole producer, the sole merchant, and all the profits shall be for me.”

About this Quotation:

Yves Guyot is remarkable for a couple of reasons, one for being a radical free trade political economist in the tradition of Frédéric Bastiat (1801-1850), and two for holding a quite high office (he was elected in 1885 to the national Chamber of Deputies and in 1889 he was appointed Minister of Public Works). It is quite likely that he was writing this book while he held this government post so it must have made for some interesting and spirited cabinet meetings! One should note that Guyot also applies Herbert Spencer’s notion of the inherent antagonism between the “militant” and “industrial” types of society to his analysis of French society in the late 19th century. The editor of the English translation, J.H. Levy, was part of a group of radical English individualists and a member of the Personal Rights Association.

Source

Yves Guyot, *The Tyranny of Socialism*, ed. J.H. Levy (London: Swan Sonnenschein and Co., 1894).
<http://oll.libertyfund.org/title/91/21287/687197>

William Grampp shows how closely connected Richard Cobden's desire for free trade was to his desire for peace (1960) (May 25, 2010)

[William Dyer Grampp](#) (1914 – —)

The historian William Grampp's book on the history of The Manchester School was published 50 years ago. In it he describes the connection between Richard Cobden's campaign for free trade (the repeal of the "Corn Laws" in 1846) and his total commitment to peace:

1. Pacifism was the motive of another group in the free-trade movement, and Cobden was its leader. Its faith was that free trade would make war impossible, because war would impoverish the millions who depended on international exchange. The idea, it may be noticed, is not the customary relationship adduced between free trade and peace: that trade creates international specialization which, in turn, prevents a nation from becoming self-sufficient enough to wage a war. Rather, the idea is a simple expression of confidence in self-interest. It was a faith that moved Cobden, and he moved thousands, perhaps millions. "Free trade," he said, "unites, by the strongest motives of which our nature is susceptible, two remote communities, rendering the interest of the one the only true policy of the other, and making each equally anxious for the prosperity and happiness of both."

Pacifism was Cobden's ruling purpose, and that is the most informative thing which can be said about him. The man who has been held up as the tribune of *laissez faire* was, in fact, not governed by economic purposes at all but by something much different; and of all the people who have written about him only Hobson has made the fact plain. There are few public figures whose motives were as transparent as Cobden's, and few who have been so mistaken by contemporaries and later generations. He said repeatedly that he wanted free trade because it would bring world peace, and his actions were altogether consistent with what he said. The evidence is so abundant that one is puzzled over its not being used. In 1842 he wanted to make the League a part of the peace movement—despite the fact that the League's constitution prohibited its taking on any other cause than repeal and despite Cobden's insistence that the constitution be followed literally when others wished to add their purposes to it—and his proposal was to bring the free traders over to pacifism, not the other way around. He wrote to Ashworth: "It has struck me that it would be well to try to engraft our Free Trade agitation upon the Peace Movement... Free Trade, by perfecting the intercourse, and securing the dependence of countries one upon another, must inevitably snatch the power from governments to plunge their people into wars." The proposal was not carried out, and after repeal Cobden tried again. In 1847, he urged Bright to join him in marshaling the free traders against Palmerston's militant foreign policy in order to "try to prevent the Foreign Office from undoing the good which the Board of Trade has done to the people." He knew quite well that his pacifism was ignored by others, and he also knew that his motives were misunderstood. In 1850, he said:

But when I advocated Free Trade, do you suppose I did not see its relation to the present question [of peace], or that I advocated Free Trade merely because it would give us a little more occupation in this or that pursuit? No; I believed

Free Trade would have the tendency to unite mankind in the bonds of peace, and it was that, more than any pecuniary consideration, which sustained and actuated me, as my friends know, in that struggle.

Only a few of his friends in fact did know. One was Combe, and pacifism was an issue on which they differed from the start. "I could account for his views only by Mr. Cobden's peculiar organization," he said, and meant "phrenological organization." His pacifism is indeed an interesting aspect of his personality, because it informed and guided his private as well as his public life. He had an aversion to violence, which was almost an obsession, despite his pugnacity during the repeal campaign. He was horrified by duelling and boxing, he condemned capital punishment, he disliked brass bands as much as the armies they accompanied, and he asked the Pope to prevail upon the Spanish to stop bull fighting. "Those horrid Indian massacres keep me in a constant shudder," he wrote in 1857. He didn't believe in revolution or in wars for national independence, and his reaction to the American Civil War was to denounce "the senseless and unscientific butchery" (although he hardly could have been less horrified had it been scientific). Yet as gentle as he was and as much as he relied upon persuasion, he was not a timid man, and he had great moral and physical courage. For some seven years he led one of the fiercest contests in the political history of the nineteenth century, and he repeatedly faced hostile crowds.

After the corn laws had been repealed and he saw that free trade did not have the pacifying effect he had predicted, Cobden believed the fault lay with the free traders. "How few ... really understand the full meaning of Free Trade principles," he wrote in 1857. "The manufacturers of Yorkshire and Lancashire look upon India and China as a field of enterprise which can only be kept open by force." He did not, however, lose hope, and when he concluded the commercial treaty with France in 1860 he said: "It will only require a few years to develop that state of mutual dependence which forms the solid basis for the peace and happiness of nations." The decisive test came when he had to choose between pacifism and free international capital movements of military significance. He promptly chose pacifism.

About this Quotation:

This is another title which deserves celebrating some 50 years after its first publication in 1960. The economist and historian William Grampp shows that the English campaigner for free trade in the 1840s, Richard Cobden, was motivated primarily by moral issues such as peace and voluntarism, and was not merely a heartless defender of the profits of Manchester industrialists as his critics sometimes portray him. Grampp quotes Cobden who says "Free trade unites, by the strongest motives of which our nature is susceptible, two remote communities, rendering the interest of the one the only true policy of the other, and making each equally anxious for the prosperity and happiness of both." So great was his abhorrence of violence that Cobden also condemned dueling, boxing, bull-fighting, capital punishment, all wars for national independence, and even brass bands (because of their association with the military). This thorough going objection to anything violent or which suggested violence is similar to Herbert Spencer's objection to members of the Salvation Army wearing army style uniforms because it symbolized the increasing militarization of British society in the late 19th century. One wonders what Cobden or Spencer would have made of modern day celebrations of national days such as July 4, or July 14, or Anzac Day; or especially May Day in the old Soviet Union

with its parade of missiles and tanks?

Source

William Dyer Grampp, *The Manchester School of Economics* (Stanford: Stanford University Press, 1960). <http://oll.libertyfund.org/title/2128/192988/3095430>

Bastiat on the spirit of free trade as a reform of the mind itself (1847) (Aug 5, 2011)



Frédéric Bastiat (1801 – 1850)

In a letter to the English politician and free trader Richard Cobden written in 1847, Frédéric Bastiat (1801-1850) expresses his frustration at the slow progress of the free trade movement in France. He grudgingly admits that legislation cannot run ahead of popular opinion which means that there will not be free trade in France until there has been a “reform of the mind itself”. Once support for individual liberty was widespread there would then be a “spirit of free trade” in the popular mind and this would inevitably lead to policy reforms:

1. Letter to Richard Cobden (Paris, 20 March 1847).

My dear friend, I was filled with anxiety and even surprised not to receive news of you. I asked myself, “Has the free-trade atmosphere in Italy made him forget our protectionist region?” I thought every day of writing to you, but where would I find you, where should I address my letters? At last, I have received yours of the 7th. After my pleasure at hearing that both you and Mrs. Cobden were in good health, I have another cause for satisfaction, that of knowing Italy to be so far advanced in the right doctrine. Thus, my poor France, so far in advance of other nations in many respects, is being left behind in political economy. My national pride should be suffering, but I will whisper low in your ear, my friend, that I have little patriotism of this sort and if my country is not the one shining the light, I at least want it to shine in other skies. *Amica patria, sed magis amica veritas* (“Our native country is friendly but truth is more friendly”), and I say to peace, the happiness of mankind, and the brotherhood of nations, in the words of Lamartine to enthusiasm: “Come from the dusk or the dawn.”

I am writing to you, my dear Cobden, two hours before my departure for Mugron, to which the serious illness of the old aunt, who has been like a mother to me since I had the misfortune in childhood of losing mine, is summoning me urgently. How will our journal fare during my absence? I do not know and yet my name will

remain affixed to it! It is truly a difficult enterprise, as you cannot make the slightest mention of passing events without the risk of upsetting the political susceptibilities of one or another colleague. This assiduous care to avoid anything that might annoy the political parties (since all are represented in our association) deprives us of three-quarters of our strength. **What immense good our journal might do if it contrasted the inanity and danger of current policy with the grandeur and security of free-trade policies! Before the journal was founded, I had a plan to publish a small book each month in the same mold as the Sophisms, in which I would have free rein. I really think it would have been more useful than the journal itself.**

Our campaigning is not very active. We still need a man of action. When will he appear? I do not know. I should be that man, I am propelled forward by the unanimous confidence of my colleagues, but I cannot. My character is not suited to this and all the advice in the world cannot turn a reed into an oak. In the end, when the question will preoccupy people's minds, I very much hope a Wilson will appear.

I am sending you the five or six latest issues of Le Libre échange. It is not very widely distributed, but I have been assured that it was not without some influence on a few of our leading men.

It appears that this year our government will not dare to put forward a customs law that introduces significant changes into the current legislation. This is discouraging a few of our friends. As for me, I do not even want the current amendments. Down with the laws that precede the advance of public opinion! And I want not so much free trade itself as the spirit of free trade for my country. Free trade means a little more wealth; the spirit of free trade is a reform of the mind itself, that is to say, the source of all reform.

You tell me about Naples, Rome, Sardinia, and the Piedmont. But you say nothing about Tuscany. However, this region must be very curious to see. If you come across any good book on the state of this region, please try to send it to me. I would not be displeased to have a few of the oldest Italian economists, for example, Nicolò Donato, in my humble library. I think that, if fame were not somewhat capricious, Turgot and Adam Smith, while continuing to be acknowledged as great men, would lose their reputation as inventors.

About this Quotation:

Bastiat was inspired by the success of Richard Cobden's Anti-Corn Law League which was able to get the Corn Laws abolished in 1846. Bastiat slowly realized that change would be much slower in coming to France, admitting to Cobden that it was unlikely the Chamber of Deputies would pass a similar piece of legislation when it came up for a vote later in 1847. This disappointment led Bastiat to realize that before such legislation could become possible in France, a "revolution of the mind" had to occur first. As he so eloquently put it, there had to be widespread support for what he called "the spirit of free trade" before there could be any legislation in favor of free trade. He doesn't state in the letter what he means by this but one can infer the meaning from his other writings, namely a respect for private property, an abhorrence of violence and plunder, an understanding of how both parties benefit from voluntary exchanges, and the notion that international free trade promotes peace and

understanding between nations.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/225735/3706887>

Richard Cobden's "I have a dream" speech about a world in which free trade is the governing principle (1846) (Aug 8, 2011)



Richard Cobden (1804 – 1865)

On the eve of victory for the free trade Anti-Corn Law League, the British Member of Parliament Richard Cobden (1804-1865) gave a speech in Manchester on January 15, 1846 in which he outlined his dream of a future world where the principles of free trade “in everything” was the governing principle:

Well, I have now spoken on what may be done. I have told you, too, what I should advocate; but I must say, that whatever is proposed by Sir Robert Peel, we, as Free-traders, have but one course to pursue. If he proposes a total and immediate and unconditional repeal, we shall throw up our caps for Sir Robert Peel. If he proposes anything else, then Mr. Villiers will be ready, as he has been on former occasions—to move his amendment for a total and immediate repeal of the Corn-laws. We are not responsible for what Ministers may do; we are but responsible for the performance of our duty. We don't offer to do impossibilities; but we will do our utmost to carry out our principles. But, gentlemen, I tell you honestly, I think less of what this Parliament may do; I care less for their opinions, less for the intentions of the Prime Minister and the Cabinet, than what may be the opinion of a meeting like this and of the people out of doors. This question will not be carried by Ministers or by the present Parliament; it will be carried, when it is carried, by the will of the nation. We will do nothing that can remove us a hair's breadth from that rock which we have stood upon with so much safety for the last seven years. All other parties have been on a quicksand, and floated about by every wave, by every tide, and by every wind—some floating to us, others, like fragments scattered over the ocean, without rudder or compass; whilst we are upon solid ground, and no temptation, whether of parties or of Ministers, shall ever make us swerve a hair's breadth. I am anxious to hear now, at the last meeting before we go to Parliament—before we enter that arena to which all men's minds will be turned during the next week—I am anxious, not merely that we should all of us understand each other on this question, but that we should be considered as occupying as independent and isolated a position as we did at the first moment of the formation of this League. We have nothing to do with Whigs or

Tories; we are stronger than either of them; and if we stick to our principles, we can, if necessary, beat both. And I hope we perfectly understand now, that we have not, in the advocacy of this great question, a single object in view but that which we have honestly avowed from the beginning. Our opponents may charge us with designs to do other things. No, gentlemen, I have never encouraged that. Some of my friends have said, ‘When this work is done, you will have some influence in the country; you must do so and so.’ I said then, as I say now, ‘Every new political principle must have its special advocates, just as every new faith has its martyrs.’ It is a mistake to suppose that this organisation can be turned to other purposes. It is a mistake to suppose that men, prominent in the advocacy of the principle of Free Trade, can with the same force and effect identify themselves with any other principle hereafter. It will be enough if the League accomplishes the triumph of the principle we have before us. **I have never taken a limited view of the object or scope of this great principle. I have never advocated this question very much as a trader.**

But I have been accused of looking too much to material interests. Nevertheless I can say that I have taken as large and great a view of the effects of this mighty principle as ever did any man who dreamt over it in his own study. I believe that the physical gain will be the smallest gain to humanity from the success of this principle. I look farther; I see in the Free-trade principle that which shall act on the moral world as the principle of gravitation in the universe,—drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace. I have looked even farther. I have speculated, and probably dreamt, in the dim future—ay, a thousand years hence—I have speculated on what the effect of the triumph of this principle may be. I believe that the effect will be to change the face of the world, so as to introduce a system of government entirely distinct from that which now prevails. I believe that the desire and the motive for large and mighty empires; for gigantic armies and great navies—for those materials which are used for the destruction of life and the desolation of the rewards of labour—will die away; I believe that such things will cease to be necessary, or to be used, when man becomes one family, and freely exchanges the fruits of his labour with his brother man. I believe that, if we could be allowed to reappear on this sublunary scene, we should see, at a far distant period, the governing system of this world revert to something like the municipal system; and I believe that the speculative philosopher of a thousand years hence will date the greatest revolution that ever happened in the world’s history from the triumph of the principle which we have met here to advocate. I believe these things: but, whatever may have been my dreams and speculations, I have never obtruded them upon others. I have never acted upon personal or interested motives in this question; I seek no alliance with parties or favour from parties, and I will take none—but, having the feeling I have of the sacredness of the principle, I say that I can never agree to tamper with it. I, at least, will never be suspected of doing otherwise than pursuing it disinterestedly, honestly, and resolutely.

About this Quotation:

Richard Cobden faced a number of significant criticisms during his campaign to abolish the Corn Laws (agricultural protection) in Britain in the early and mid 1840s. One set of criticisms was that he represented a particular “class interest” and not the general interest of the British people, in particular that he was against the class of landlords and large land owners; another was that he wanted to weaken

“British” economic interests against that of foreign grain producers; or that he had a personal vested interest as a manufacturer of cotton goods in wanting to lower the cost of food for his workers so he could in turn lower their wages. In this speech on the eve of victory in the House of Commons (15 January, 1846 – the repeal came on 27 January 1846) Cobden was at pains to show that his motives had never been personal or pecuniary but were based on deeply held moral and economic principles that were above the specific place and time of his campaign. At the very end of the speech Cobden gave what is in effect his version of Martin Luther King’s “I have a dream” speech in which he outlined what his vision of the world would look like 1,000 years hence when “the Free-Trade principle” he advocated had become universal. Cobden sincerely believed that this would result in “the greatest revolution that ever happened in the world’s history”.

Source

Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. by John Bright and J.E. Thorold Rogers with a Preface and Appreciation by J.E. Thorold Rogers and an Appreciation by Goldwin Smith (London: T.Fisher Unwin, 1908). 2 volumes in 1. Vol. 1 Free Trade and Finance.
<http://oll.libertyfund.org/title/927/104884/2228105>

Bastiat on the most universally useful freedom, namely to work and to trade (1847) (Oct 9, 2011)



Frédéric Bastiat (1801 – 1850)

In this draft Preface for his major theoretical treatise the *Economic Harmonies* (1850), the French economist Frédéric Bastiat (1801-1850) argued with himself about his motivation for writing it. He decided on this key feature: that “ the most universally useful (freedom) to mankind ... is the freedom to work and to trade” :

No, I cannot believe that pride has so far gone to your head as to make you sacrifice genuine happiness for a reputation which, as you well know, is not made for you and which, in any case, will be only fleeting. It is not you who would ever aspire to become the great man of the month in the newspapers of today.

You would deny your entire past. If this type of vanity had beguiled you, you would have started by seeking election as a deputy. I have seen you stand several times as a candidate but always refuse to do what is needed to succeed. You used constantly to say, “Now is the time to take a little action in public affairs, where you read and discuss what you have read. I will take advantage of this to distribute a few useful truths under the cover of candidacy,” and beyond that, you took no serious steps.

It is therefore not the spur of amour-propre that drove you to Paris. What then was the inspiration to which you yielded? Is it the desire to contribute in some way to the well-being of humanity? On this score as well, I have a few remarks to make.

Like you I love all forms of freedom; and among these, the one that is the most universally useful to mankind, the one you enjoy at each moment of the day and in all of life’s circumstances, is the freedom to work and to trade. I know that making things one’s own is the fulcrum of society and even of human life. I know that trade is intrinsic to property and that to restrict the one is to shake the foundations of the other. I approve of your devoting yourself to the defense of this freedom whose triumph will inevitably usher in the reign of international justice and consequently

the extinction of hatred, prejudices between one people and another, and the wars that come in their wake.

But in fact, are you entering the lists with the weapons appropriate for your fame, if that is what you are dreaming of, as well as for the success of your cause itself? What are you concerned with, I mean totally concerned with? A proof, and the solution to a single problem, namely: Does trade restriction add to the profits column or the losses column in a nation's accounts? That is the subject on which you are exhausting your entire mind! Those are the limits you have set around your great question! Pamphlets, books, brochures, articles in newspapers, speeches, all of these have been devoted to removing this gap in our knowledge: will freedom give the nation one hundred thousand francs more or less? You seem very keen on keeping from the light of day any knowledge which does not directly support this preemptive postulate. You seem set on extinguishing in your heart all these sacred flames which a love for humanity once lit there.

Are you not afraid that your mind will dry up and wither with all this analytical work, this endless argumentation focused on an algebraic calculation?

Remember what we so often said: unless you pretend that you can bring about progress in some isolated branch of human knowledge or, rather, unless you have received from nature a cranium distinguished only by its imperious forehead, it is better, especially in the case of mere amateur philosophers like us, to let your thinking roam over the entire range of intellectual endeavor rather than enslave it to the solving of one problem. It is better to search for the relationship of branches of science to each other and the harmony of social laws than to wear yourself out shedding light on a doubtful point at the risk of even losing the sense of what is grand and majestic in the whole.

About this Quotation:

In a characteristic rhetorical device, Bastiat argues with himself about why he is spending so much time and effort in trying to write a theoretical treatise on political economy. He began writing as a journalist trying to defend the policy of free trade and found himself spending a lot of time debunking the false economic views most people held, not only about the benefits of free trade but about many other economic notions as well. This in turn led him to think that he could and should write a more substantial work showing the broader picture, which for him was the mutually beneficial and interlocking relationships which sprang up between people who were engaged in trade with each other (whether “domestic” or “international”). Bastiat did not live long enough to see his work finished but we have a substantial piece of work nevertheless which appeared in 1850. Perhaps to encourage himself in this difficult enterprise, when he may well have known his days were numbered because of a serious throat condition (cancer probably), he wrote a clever “draft” preface to the work addressed to “himself” as if he were a close friend commenting on the task. If you read the full piece you will see Bastiat arguing with himself about why he does what he does. He fundamentally believes that “All forms of freedom go together. All ideas form a systematic and harmonious whole, and there is not a single one whose proof does not serve to demonstrate the truth of the others.” He wanted show how it all fitted together.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The*

Correspondence and Articles on Politics, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226010/3708274>

Adam Smith on how “furious monopolists” will fight to the bitter end to keep their privileges (1776) (Mar 19, 2012)



Adam Smith (1723 – 1790)

In 1776 Adam Smith (1723-1790) was not optimistic about the chances of Britain introducing free trade because of the outspoken opposition and political power of the vested interests. He compared the protected manufacturing interests to “an overgrown standing army” which would focus the “insolent outrage of furious and disappointed monopolists” which no politician would dare cross:

Let the same natural liberty of exercising what species of industry they please be restored to all his majesty’s subjects, in the same manner as to soldiers and seamen; that is, break down the exclusive privileges of corporations, and repeal the statute of apprenticeship, both which are real encroachments upon natural liberty, and add to these the repeal of the law of settlements, so that a poor workman, when thrown out of employment either in one trade or in one place, may seek for it in another trade or in another place, without the fear either of a prosecution or of a removal, and neither the publick nor the individuals will suffer much more from the occasional disbanding some particular classes of manufacturers, than from that of soldiers. Our manufacturers have no doubt great merit with their country, but they cannot have more than those who defend it with their blood, nor deserve to be treated with more delicacy.

To expect, indeed, that the freedom of trade should ever be entirely restored in Great Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it. Not only the prejudices of the publick, but what is much more unconquerable, the private interests of many individuals, irresistibly oppose it. Were the officers of the army to oppose with the same zeal and unanimity any reduction in the number of forces, with which master manufacturers set themselves against every law that is likely to increase the number of their rivals in the home market; were the former to animate their soldiers, in the same manner as the latter enflame their workmen, to attack with violence and outrage the proposers of any such regulation; to attempt to reduce the army would be as dangerous as it has now become to attempt to diminish in any respect the monopoly which our manufacturers have

obtained against us. This monopoly has so much increased the number of some particular tribes of them, that, like an overgrown standing army, they have become formidable to the government, and upon many occasions intimidate the legislature. The member of parliament who supports every proposal for strengthening this monopoly, is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of men whose numbers and wealth render them of great importance. If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest publick services can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger, arising from the insolent outrage of furious and disappointed monopolists.

The undertaker of a great manufacture who, by the home markets being suddenly laid open to the competition of foreigners, should be obliged to abandon his trade, would no doubt suffer very considerably. That part of his capital which had usually been employed in purchasing materials and in paying his workmen, might, without much difficulty, perhaps, find another employment. But that part of it which was fixed in workhouses, and in the instruments of trade, could scarce be disposed of without considerable loss. The equitable regard, therefore, to his interest requires that changes of this kind should never be introduced suddenly, but slowly, gradually, and after a very long warning. The legislature, were it possible that its deliberations could be always directed, not by the clamorous importunity of partial interests, but by an extensive view of the general good, ought upon this very account, perhaps, to be particularly careful neither to establish any new monopolies of this kind, nor to extend further those which are already established. Every such regulation introduces some degree of real disorder into the constitution of the state, which it will be difficult afterwards to cure without occasioning another disorder.

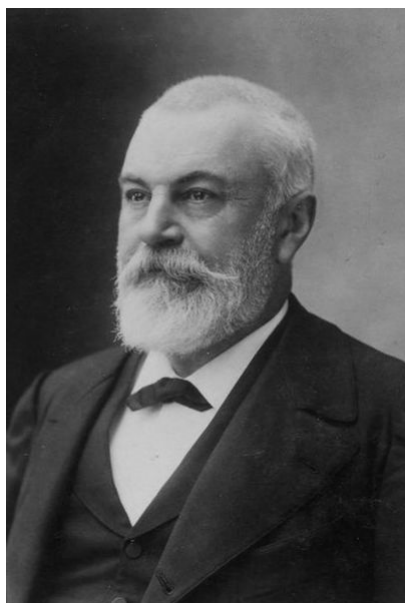
About this Quotation:

It is sobering to think about the obstacles which liberal reformers like Adam Smith and William Wilberforce had to face in the late 18th century. For Adam Smith and the free traders they had to overcome the enormous power of the entrenched agricultural and industrial interests if they wished to see Britain introduce a policy of free trade. For William Wilberforce, Thomas Clarkson, and the other opponents of slavery and the slave trade they had to overcome the equally powerful planter and trading interests which benefited from the use of slaves in the colonies. After a decades long battle the latter achieved success first with the abolition of the slave trade in 1808 and the abolition of slavery itself in the English colonies in 1833. It took somewhat longer for the free traders under Richard Cobden to have a similar level of success. It was not until 1846 that Cobden acting in Parliament and the Anti-Corn Law League in the streets, were able to see the ending of the Corn Laws in 1846 and the beginnings of free trade in Britain. In both these cases the “overgrown standing army” of the vested interests were eventually defeated.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/237#Smith_0206-01_1149

Guyot on the protectionist tyranny (1906) (Jul 16, 2012)



Yves Guyot (1843 – 1928)

The French politician and political economist Yves Guyot (1843-1928) denounces protectionists for cloaking their personal interests behind very dubious claims of advancing the “public interest”:

I could have given this book a grandiose title—“The Protectionist Tyranny,” or “The Protectionist Oligarchy”; or a tragic one in the vein of Book V., which describes the “Work of Death” on which most Protectionists embark. But I preferred a light and humorous title, “The Protectionist Comedy,” because there is much more food for laughter than anger in the behaviour of the Protectionists. Call them Méline or Chamberlain, their behaviour is always the same. They are men with a purpose disguised as something else: in their search for plausible pretexts they shrink from no absurdities, importing the miraculous into the hard facts of science. A long familiarity with deceit prevents their distinguishing truth from error, and though facts persistently give them the lie, they still call them to their aid: like the fairy godmother, they promise the riches of Golconda, and explain their failure to produce them as the influence of the evil genius of Free Trade. While they promote private interests inconsistent with the general good, they dub themselves patriots and benefactors, and declare that their opponents are traitorous robbers who have sold themselves to the foreigner; they devote all their energies to such fatuous tasks as the weighting of the balance of trade and the defence of a depreciated currency. In this they are all alike. One sees at a circus clowns giving themselves endless trouble to build up a mass of obstacles for themselves and others to overcome: when Protectionists jeer at such ridiculous labour they only prove their own ignorance, for this is exactly what they do themselves when they regard labour-saving processes carried on abroad as a grievance by which they try to prevent their countrymen from profiting. No doubt each of them has a sound reason for pursuing his end, but he hides it. While they talk about the defence of national labour, they keep their esoteric reasons for the initiate and put off the profane with public pleas. But whatever be the end he has in view, Tartuffe conceives that end by the same intellectual processes and employs the same means to realise it. When he is a Protectionist he says to the electorate, “I will make you rich by imposing a tax on you which brings in a profit to me.” Then the majority applauds lustily and hands over part of

what it has to him—and he is almost always much richer than they are. And Tartuffe is so clever in exciting Orgon’s prejudices and using them for his own ends that Orgon actually imagines himself to be gaining.

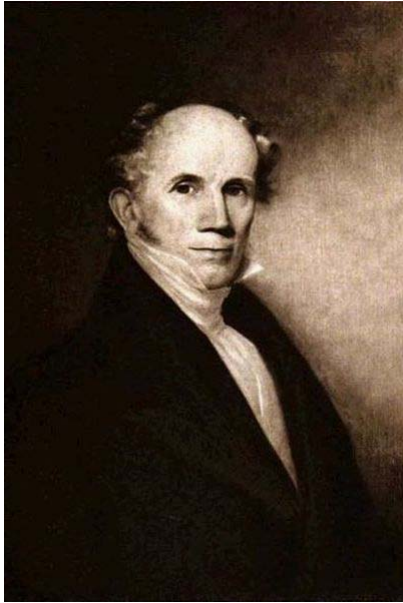
About this Quotation:

Yves Guyot was one of the few hard core free trade laissez-faire advocates who was also an elected politician (another was Richard Cobden). Guyot was not only the editor of the the *Journal des Économistes* (1910-1913?) but also the French Minister for Public Works (1889-1892). He wrote devastating critiques of public ownership, protectionism, and socialism. In this quote he returns to an argument used very effectively by Frédéric Bastiat during the 1840s in his campaign against protectionism, namely that the protectionists disguised their arguments for personal benefit behind a series of economic “fallacies” (or sophisms). Bastiat believed that it was the task of economic theorists and journalists to exposed these fallacies in order to help the general public escape from being the “dupes” of the protectionists.

Source

Yves Guyot, *The Comedy of Protection*, trans. M.A. Hamilton (London: Hodder and Stoughton, 1906).
<http://oll.libertyfund.org/title/2447/230841/3917250>

The 9th Day of Christmas: Condly Raguet on the anti-Christian character of protection and the need for peace on earth (1832) (Jan 2, 2013)



[Condly Raguet](#) (1784 – 1842)

The American free trader Condly Raguet (1784-1842) argues that there is not one set of rules which governs “duty from man to man, and another sort of duty from nation to nation”. There is only one, namely the “Christian dispensation” for “peace on earth, and good will to men” which in economics translates into a policy of free trade:

ESSAY No. CXXVII. (July 11, 1832).

Anti-Christian character of the American System.

IT is to us one of the most incomprehensible things that so many persons, who profess to be advocates of religion and good will to man, should be the disciples of a philosophy which teaches that the selfish principle is paramount to the principle of neighbourly love. If there be one truth which the Christian dispensation enforces with more than peculiar emphasis, after a man’s duty to God, it is a man’s duty to his neighbour. Upon these two principles hang all the law and the prophets.

And what is man’s duty to his neighbour? It is to act towards him according to the rules of equity and justice—it is to do unto him as you would that he should do unto you. An observance of these rules could not fail to make of society a complete band of brothers; and, so far from their operating to the disadvantage of individuals, their happiness would be incalculably promoted by it...

Now what does the restrictive philosophy teach? Why, that individuals, pursuing particular branches of industry, should consult their own interests, without any regard whatever to the interests of their neighbours; that sections or districts of country should unite together in a scheme calculated to render others tributary to them; and, carrying the principle still further out, that nations should study their

own selfish interests, without regard to the interests of other nations. The consequences of such a course of conduct cannot be other than to produce private enmities and heart-burnings between those who benefit and those who suffer, as is visible, every day, to our own eyes—civil war between different sections of the same country, as we may see before another year—and foreign wars of which we have witnessed an abundance within the last half century, growing out of commercial restrictions. If it were true that the Christian religion enjoined one sort of duty from man to man, and another sort of duty from nation to nation, there might be some ground for the adoption of one rule as applicable to one case, and another rule as applicable to the other. But no distinction is made between them, and peace on earth, and good will to men, are every where inculcated. Or, if it were true that the adoption of the selfish principle, in opposition to the neighbourly principle, either in relation to individuals, sections of country, or nations, would promote even the temporal interests of man, something might be allowed to those who embraced it, upon the score of human frailty, which often prefers a temporal to a spiritual blessing. But no such effect follows. The Restrictive System not only is injurious to the whole nation which adopts it, and to every separate branch of industry which is carried on in it, but, in the long run, to most of the very favoured classes themselves: for every one must perceive, that the profits and wages gained in protected branches of industry must ultimately be brought down to the common average of profits and wages, by which they are placed on a level with others which are not protected—and, when they reach that point, they participate with the rest of the nation in bearing their share of the national loss arising from the diminished production of the total land and labour of the country...

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men.” [Luke 2:14]

The American free trader Condry Raguet firmly believed that the so-called “American System” of high levels of protection for favoured industries and government funded public works was “anti-Christian.” This was true he argued because it violated two fundamental Christian doctrines, namely that of “peace on earth and good will to men” and “to do unto others as you would that they should do unto you.” Furthermore he argued, there was not one set of moral principles laid down in the Bible which governed the behaviour of “man to man” and another set to govern “nation to nation.” There was only a single set of moral principles which governed all human activity, that of “the rules of equity and justice” which were violated by protective tariffs and government subsidies. The American system of protection did this by making some, the consumers of high-priced protected goods, “tributaries” of others, those who benefited from tariff protection. Raguet thought that only a policy of free trade would permit “an observance of these rules (of equity and justice) (which) could not fail to make of society a complete band of brothers; and, so far from their operating to the disadvantage of individuals, their happiness would be incalculably promoted by it.”

Source

The Principles of Free Trade illustrated in a series of short and familiar Essays originally published in the Banner of the Constitution, 2nd ed. (Philadelphia, 1840).

The 12th Day of Christmas: Frank Chodorov on free trade as the harbinger of goodwill among men and peace on earth (1940)

(Jan 5, 2013)



[Frank Chodorov](#) (1887 – 1966)

The American radical individualist Frank Chodorov (1887-1966) notes that trade is “the harbinger of goodwill among men, and peace on earth”:

It is the business of the government which prepares you for war to teach you to hate. It is the business of the government which prepares you for war to teach you not to trade with certain peoples because they have bad “ideologies.” It is the business of the government which prepares you for war to prevent information coming to you which might predispose you kindly toward the people whom you will be called upon to kill. It is the business of war to break down that free exchange of goods, services, and ideas which is indigenous to all civilizations at all times.

You have no doubt observed that in dealing with the interrelated questions of trade and civilization, I have not distinguished between international trade and internal trade. There is none. What difference is there, essentially, in the exchange of goods between a New Yorker and a Vermonter and the exchange of goods between a New Worker and a Canadian? Does a political frontier inherently make a man a bad customer? When Detroit sells an automobile to Minnesota, the debt is eventually liquidated by a shipment of flour; and if the automobile is sold to Brazil, the sale is completed with a shipment of coffee. Nationality, color, race, and religion are of no consideration in any of these exchanges. These characteristics become of importance only where the war technique has become an integral part of our political system.

Trade, internal or international, is the harbinger of goodwill among men, and peace on earth. The opposite of trade is isolation, and isolation is a mark of decadence, of a return to a caveman economy. If it is good for America to isolate itself from other countries, economically and culturally, it is good for New York to isolate itself from Connecticut, for Manhattan to isolate itself from the Bronx, for every man to isolate

himself from his neighbor. Just as individuals specialize in occupations, so do nations, and usually the specializations are determined by superior natural resources or the development of special skills. It is no reflection on the United States that Australian wool has been a staple longer than that grown on American sheep. But it is a reflection on American intelligence that America makes it difficult for us to get this better wool, just as it is a reflection on the intelligence of Australians that they impose on themselves difficulties in the getting of our superior automobiles.

Isolation and self-sufficiency are war techniques. Both ideas derive from the stupid concept of war as the reason for and goal of national existence. Both, therefore, are tendencies toward decivilization. And in the final analysis, the isolation and self-sufficiency idea is merely national caveman economy.

About this Quotation:

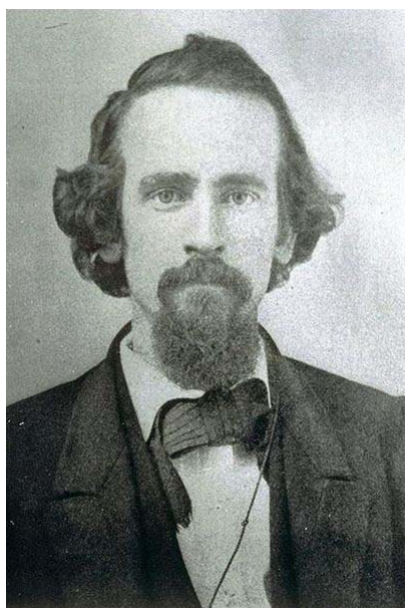
This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

On the eve of US entry in WW2 in December 1941 Frank Chodorov made an important distinction between “the business of the government” and “that free exchange of goods, services, and ideas which is indigenous to all civilizations at all times”. A major trigger for the war against Japan was the embargo placed upon some of its key imports by Britain, the Netherlands, and the U.S., in other words, the breakdown of free trade and the use of trade restrictions as an instrument of war. According to Chodorov it is the business of government to prevent the natural inclination to trade with others by teaching its citizens to hate the citizens of other countries and to restrict the flow of information which might show that the enemy shares our common humanity. The “warriors” who fight these wars do not understand that free trade is “synonymous with civilization” because “their speciality is destruction” not production and they are essentially parasites who live off the productive activity of others who produce the goods and pay the taxes. Turning to the Gospel of Saint Luke II, 14 “Glory to God in the highest, on earth peace, good will towards men” Chodorov concluded that free trade is “the harbinger of goodwill among men, and peace on earth”.

Source

Frank Chodorov, *Fugitive Essays: Selected Writings of Frank Chodorov*, Compiled, Edited, and with an Introduction by Charles H. Hamilton (Indianapolis: Liberty Fund, 1980). <http://oll.libertyfund.org/title/1730/141850/2668607>

Henry George on a “free trade America” as the real city set on a hill (1886) (Jun 3, 2013)



Henry George (1839 – 1897)

The American free trade advocate Henry George (1839-1897) thought the best way to spread the idea of liberty was not the use of “steelplated” naval vessels or “death-dealing air ships” but the removal of all “impediments to trade and travel”:

In throwing open our ports to the commerce of the world we shall far better secure their safety than by fortifying them with all the “protected” plates that our steel ring could make. For not merely would free trade give us again that mastery of the ocean which protection has deprived us of, and stimulate the productive power in which real fighting strength lies; but while steel-clad forts could afford no defense against the dynamite-dropping balloons and death-dealing air ships which will be the next product of destructive invention, free trade would prevent their ever being sent against us. The spirit of protectionism, which is the real thing that it is sought to defend by steelplating, is that of national enmity and strife. The spirit of free trade is that of fraternity and peace.

A nobler career is open to the American Republic than the servile imitation of European follies and vices. Instead of following in what is mean and low, she may lead toward what is grand and high. This league of sovereign states, settling their differences by a common tribunal and opposing no impediments to trade and travel, has in it possibilities of giving to the world a more than Roman peace.

What are the real, substantial advantages of this Union of ours? Are they not summed up in the absolute freedom of trade which it secures, and the community of interests that grows out of this freedom. If our states were fighting each other with hostile tariffs, and a citizen could not cross a state boundary line without having his baggage searched, or a book printed in New York could not be sent across the river to [353] Jersey City without being held in the post-office until duty was paid, how long would our Union last, or what would it be worth? The true benefits of our Union, the true basis of the inter-state peace it

secures, is that it has prevented the establishment of state tariffs and given us free trade over the better part of a continent.

We may “extend the area of freedom” whenever we choose to—whenever we apply to our intercourse with other nations the same principle that we apply to intercourse between our states. We may annex Canada to all intents and purposes whenever we throw down the tariff wall we have built around ourselves. We need not ask for any reciprocity; if we abolish our custom houses and call off our baggage searchers and Bible confiscators, Canada would not and could not maintain hers. This would make the two countries practically one. Whether the Canadians chose to maintain a separate Parliament and pay a British lordling for keeping up a mock court at Rideau Hall, need not in the slightest concern us. The intimate relations that would come of unrestricted commerce would soon obliterate the boundary line; and mutual interest and mutual convenience would speedily induce the extension over both countries of the same general laws and institutions.

And so would it be with our kindred over the sea. With the abolition of our custom houses and the opening of our ports to the free entry of all good things, the trade between the British Islands and the United States would become so immense, the intercourse so intimate, that we should become one people, and would inevitably so conform currency, and postal system and general [354] laws that Englishman and American would feel themselves as much citizens of a common country as do New Yorker and Californian. Three thousand miles of water are no more of an impediment to this than are three thousand miles of land. And with relations so close, ties of blood and language would assert their power, and mutual interest, general convenience and fraternal feeling might soon lead to a pact, which, in the words of our own, would unite all the English speaking peoples in a league “to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty.”

Thus would free trade unite what a century ago protectionism severed, and in a federation of the nations of English speech—the world-tongue of the future—take the first step to a federation of mankind.

And upon our relations with all other nations our repudiation of protection would have a similar tendency. The sending of delegations to ask the trade of our sister republics of Spanish America avails nothing so long as we maintain a tariff which repels their trade. We have but to open our ports to draw their trade to us and avail ourselves of all their natural advantages. And more potent than anything else would be the moral influence of our action. The spectacle of a continental republic such as ours, really putting her faith in the principle of freedom, would revolutionize the civilized world.

For, as I have shown, that violation of natural rights which imposes tariff duties is inseparably linked with that violation of natural rights which compels the masses to pay tribute for the privilege of living. The one [355] cannot be abolished without the other. **And a republic wherein the free-trade principle was thus carried to its conclusion, wherein the equal and unalienable rights of men were thus acknowledged, would indeed be as a city set on a hill.**

About this Quotation:

Henry George had a dream of America as “a city set on a hill”. But unlike many others who saw this

as a religious or political ideal, George saw it as coming about as the result of absolute free trade where there would be “no impediments to trade or travel” either within a state like the US or between nation states like Canada and the US. To those who still hankered after invading and occupying British Canada in revenge for the ignominious defeat in the War of 1812 George argued that the best way to “annex” Canada (or any other country in the sights of the expansionists) was for the Americans to “throw down the tariff wall” between them, to “abolish our custom houses and call off our baggage searchers and Bible confiscators”, and allow “unrestricted commerce ... (to) obliterate the boundary line” between the two countries. Unrestricted free trade would lead as a first step to “a federation of the nations of English speech” which would gradually develop the same set of “general laws and institutions” as their peoples went about their peaceful business. The next step in this evolution, he thought, would be “our sister republics of Spanish America” and then ultimately “a federation of mankind” under the joint banner of free trade. If peaceful and unlimited free trade could achieve this goal, what use then for “steel-clad forts, ... dynamite-dropping balloons and death-dealing air ships”?

Source

Henry George, *Protection or Free Trade, An Examination of the Tariff Question, with especial Regard to the Interests of Free Trade* (New York: Doubleday, Page, and Co., 1905). http://oll.libertyfund.org/titles/1652#George_0448_719

John Taylor on how a republic can “fleece its citizens” just as well as a monarchy (1822) (Feb 3, 2014)



John Taylor (1753 – 1824)

John Taylor (1753-1824) argues that the American Revolution would have been in vain if the Americans replicated the British system of government privilege and favors to special economic interests:

Suppose the Committee had recommended monarchy, but protested at the same time, that they had no predilection for this foreign opinion. Would the protestation have rendered monarchy not only harmless but nutritious to our republican principles? **A policy for transferring property by exclusive privileges, pensions, bounties, monopolies and extravagance, constitutes the essence of the British monopoly, and is sustained by a conspiracy between the government and those who are enriched by it, for fleecing the people. This policy is the most efficacious system of tyranny, practicable over civilized nations. It is able to subject the rights of man, if men have any rights, to ambition and avarice. It can as easily deprive nations of the right of self-government as it can rob individuals of their property. It can make revolutions reorganizers of the very abuses they overturn, and merely a wheel for turning up or down combinations equally oppressive. What is the difference between recommending the form or the substance of the European monarchies? Would it not be better, like the Lacedemonians, to adopt the form of monarchy without its substance, than to adopt its substance without its form?** It is said by the holy alliance, that both the form and substance of all monarchies, however corrupt or oppressive, ought to be maintained, because they are established. By an alliance, not less holy, between our abuses, it is contended that these also ought to be maintained, because they are established. In both cases reformation is forbidden upon the same ground. England conceals the crimes of her policy by an impartial execution of her laws, but when the judicial ermine is stripped from her legislation, though it proceeds from a government called representative, the strict execution of her partial laws, are visibly an extension of the oppressions and frauds they are calculated to perpetuate. The execution of laws contrived for transferring property, only brings men to suffer the torture of a legal rack.

The British parliament, some years past, resolved, “that the influence of the crown had increased, was increasing, and ought to be diminished.” Is it not at least as true here, that the influence of exclusive privileges and extravagance in our governments, has increased, is increasing, and ought also to be diminished? Which is most oppressive, the influence of one man, or the influence of a combination between several thousand men, to rule and plunder a nation? Which can be most easily overturned, a single-headed or a many-headed tyrant? In England, the instrumentality of royal influence in extending the policy of transferring property, was the evil which the parliament believed required diminution: but such was the force of this influence, that the parliamentary conviction has never been able to check it. Here the instrumentality of capitalist influence, has been able hitherto to suppress the national conviction that it ought to be diminished. Does its strength and success prove the wisdom of making it stronger, that it may become, like royal influence, irresistible even by the legislature? In England, the nature of the government requires some regal influence, and therefore the parliament only resolved, that it ought to be diminished: here, the principles of the government forbid any fictitious capitalist influence, and therefore it ought to be abolished. In England the abolition of regal influence would be a revolution; here the establishment of a privileged influence, would also be a revolution. I blush to behold a love for the principles of limited monarchy, inducing a British parliament to speak truth; and look with sorrowful disappointment for a similar proof of affection for our constitutional principles from republican legislatures. Instead of resolving that the several modes for creating a moneyed aristocracy, have increased, are increasing, and ought to be abolished, or even diminished; and not content with a tacit approbation of this revolutionizing policy, they have laboured actively for its introduction. The Committee protest that they have no predilection for it. They only propose to drive it, not away, but towards its oppressive English completion.

About this Quotation:

Taylor was a Jeffersonian Republican and Anti-Federalist who objected to a powerful central government which could impose economic privileges for some, such as tariffs and state subsidised “internal improvements”, on the entire nation. In his book *Tyranny Unmasked* (1822) he attacked a Congressional Committee established in 1821 which recommended these very things. He extended these specific criticisms into a general treatise on political and economic theory which repays careful reading today. In it he argues that a core feature of the British imperial and monarchical system from which the Americans had seceded was the “policy for transferring property by exclusive privileges, pensions, bounties, monopolies and extravagance” which was “sustained by a conspiracy between the government and those who are enriched by it” in order to “fleec(e) the people”. He saw no difference in this policy of fleecing the people if were done by an aristocratic elite with the assistance of the Crown, or a “capitalist” elite with the assistance of Congress. Given the direction the American Congress was moving in 1822 Taylor believed that a new American “moneyed aristocracy” was well on the way to overturning the gains of the American Revolution and returning to an “oppressive English” system of privilege.

Source

John Taylor, *Tyranny Unmasked*, ed. F.Thornton Miller (Indianapolis: Liberty Fund, 1992).
<http://oll.libertyfund.org/title/691/120279/2427064>

Adam Smith on the “liberal system” of free trade (1776) (Feb 17, 2014)



Adam Smith (1723 – 1790)

One of the earliest uses of the word “liberal” to describe a society in which there was individual economic liberty was Adam Smith’s phrase “liberal system” which he used to describe free trade in contrast to the “mercantile system” of restrictions and laws:

Were all nations to follow the liberal system of free exportation and free importation, the different states into which a great continent was divided would so far resemble the different provinces of a great empire. As among the different provinces of a great empire the freedom of the inland trade appears, both from reason and experience, not only the best palliative of a dearth, but the most effectual preventative of a famine; so would the freedom of the exportation and importation trade be among the different states into which a great continent was divided. The larger the continent, the easier the communication through all the different parts of it, both by land and by water, the less would any one particular part of it ever be exposed to either of these calamities, the scarcity of any one country being more likely to be relieved by the plenty of some other. But very few countries have entirely adopted this liberal system. The freedom of the corn trade is almost every where more or less restrained, and, in many countries, is confined by such absurd regulations, as frequently aggravate the unavoidable misfortune of a dearth, into the dreadful calamity of a famine. The demand of such countries for corn may frequently become so great and so urgent, that a small state in their neighbourhood, which happened at the same time to be labouring under some degree of dearth, could not venture to supply them without exposing itself to the like dreadful calamity. The very bad policy of one country may thus render it in some measure dangerous and imprudent to establish what would otherwise be the best policy in another. The unlimited freedom of exportation, however, would be much less dangerous in great states, in which the growth being much greater, the supply could seldom be much affected by any quantity of corn that was likely to be exported. In a Swiss canton, or in some of the little states of Italy, it may, perhaps, sometimes be necessary to restrain the exportation of corn. In such great countries as France or England it scarce ever can. To hinder, besides,

the farmer from sending his goods at all times to the best market, is evidently to sacrifice the ordinary laws of justice to an idea of public utility, to a sort of reasons of state; an act of legislative authority which ought to be exercised only, which can be pardoned only in cases of the most urgent necessity. The price at which the exportation of corn is prohibited, if it is ever to be prohibited, ought always to be a very high price.

The laws concerning corn may every where be compared to the laws concerning religion. The people feel themselves so much interested in what relates either to their subsistence in this life, or to their happiness in a life to come, that government must yield to their prejudices, and, in order to preserve the public tranquillity, establish that system which they approve of. It is upon this account, perhaps, that we so seldom find a reasonable system established with regard to either of those two capital objects.

About this Quotation:

This passage on the benefits of free trade in agriculture is noteworthy for several reasons. Firstly, it is an early example of Smith's use of the word "liberal" in its more modern sense of economic liberty instead of its more traditional meaning of "liberality" or generosity of spirit. Second, it is interesting to see that he uses it in contrast to another system, that of the "mercantilist system" of trade regulations and restrictions. One tends to associate Smith with strong criticisms of "men of system" who wished to impose their vision of a future society on their fellow citizens. Here he seems to accept the idea that there is another "system" which is not necessarily harmful to the liberty of others but which in fact defends it vigorously. Third, he grounds his defence of free trade in grain firmly on utilitarian arguments not upon any right to liberty or property held by the would-be traders. He states that regulating the grain trade may in fact turn a local shortage of food into a more serious famine. And fourthly, he makes a very interesting argument about the similarities between regulating the grain trade and regulating religion. Since people are passionately interested in the things that concern them most, such as food for the body and food for the soul, they put pressure on governments to regulate these matters. Smith however warns that this is not always wise as experience has shown that "we so seldom find a reasonable system established with regard to either of those two capital objects."

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/119#Smith_0206-02_99

Cobden on the folly of using government force to “protect commerce” (1836) (Jun 16, 2014)



Richard Cobden (1804 – 1865)

The English manufacturer and defender of free trade Ricard Cobden (1804-1865) argued that the very nature of trade would be changed if it were “touched by the hand of violence”:

Enough has been said to prove that even if armaments for the protection of commerce could effect the object for which they are maintained (although we have shown the false pretensions of the plea of defending our trade), still the cost of supporting these safeguards may often be greater than the amount of profit gained. This argument applies more immediately to Turkey and the East, upon which countries a share of public attention has lately been bestowed far beyond the importance of their commerce. It would be difficult to apportion the precise quota of our ships of war, which may be said to be at this moment maintained with a view to support [244] our influence or carry into effect the views of our Foreign Secretary in the affairs of Constantinople. The late augmentation of the navy—the most exceptionable vote which has passed a reformed House of Commons—although accomplished by the Ministry without explanation of its designs, further than the century-old pretence of protecting our commerce, was generally believed to have been aimed at Russia in the Black Sea. Our naval force in the East was considerable previously; but taking only the increase into calculation, it will cost more than three times the amount of the current profits of our trade with Turkey, whilst it can show no prospective benefits, since, even if we possessed Constantinople ourselves, we should only be able to command its trade by selling, as at Gibraltar, cheaper than other people. Our nautical establishments devoted to the (pretended) guardianship of British commercial interests (for we can have no other description of interests a thousand miles off) in Turkey are, the present year, costing the tax-payers of this country, upon the lowest computation, more than three times the amount of the annual profit of our trade with that country. Not content with this state of things, which leaves very little chance of future gain, some writers and speakers [245] would plunge us into a war with Russia, in defence of Turkey, for the purpose of protecting this commerce, the result of which would inevitably be, as in former examples of wars undertaken to defend Spain or Portugal, that

such an accumulation of expenses would ensue as to prevent the possibility of the future profit upon our exports to the Ottoman empire even amounting to so much as should discharge the yearly interest of the debt contracted in its behalf.

We had intended and were prepared to give a summary of the wars, their causes and commercial consequences, in which Great Britain has been during the last century and a half from time to time engaged; but we are admonished that our limited space will not allow us to follow out this design. It must suffice to offer as the moral of the subject, that although the conflicts in which this country has during the last 150 years involved itself have, as Sir Henry Parnell has justly remarked, in almost every instance been undertaken in behalf of our commerce, yet we hesitate not to declare that there is no instance recorded in which a favourable tariff or a beneficial commercial treaty has been extorted from an unwilling enemy at the point of the sword. On the contrary, every restriction that embarrasses the trade of the whole world, all existing commercial jealousies between nations, the debts that oppress the countries of Europe, the incalculable waste owing to the misdirected labour and capital of communities, these and a thousand other evils that are now actively thwarting and oppressing commerce are all the consequences of wars. **How shall a profession which withdraws from productive industry the ablest of the human race, and teaches them systematically the best modes of destroying mankind, which awards honours only in proportion to the number of victims offered at its sanguinary altar, which overturns cities, ravages farms and vineyards, uproots forests, burns the ripened harvest, which, in a word, exists but in the absence of law, order, and security — how can such a profession be favourable to commerce, which increases only with the increase of human life, whose parent is agriculture, and which perishes or flies at the approach of lawless rapine? Besides, they who propose to influence by force the traffic of the world, forget that affairs of trade, like matters of conscience, change their very nature if touched by the hand of violence; for as faith, if forced, would no longer be religion, but hypocrisy, so commerce becomes robbery if coerced by warlike armaments.** If, then, war has in past times in no instance served the just interests of commerce, whilst it has been the sole cause of all its embarrassments; if for the future, when trade and manufactures are brought under the empire of “cheapness,” it can still less protect, whilst its cost will yet more heavily oppress it; and having seen that if war could confer a golden harvest of gain upon us instead of this unmixed catalogue of evils it would still be not profit, but plunder; having demonstrated these truths, surely we may hope to be spared a repetition of the mockery offered to this commercial empire at the hands of its government and legislature in the proposal to protect our commerce by an increase of the Royal navy! On behalf of the trading world an indissoluble alliance is proclaimed with the cause of peace, and if the unnatural union be again attempted of that daughter of Peace, Commerce, whose path has ever been strewn with the choicest gifts of religion, civilisation, and the arts, with the demon of carnage, War, loaded with the maledictions of widows and orphans, reeking with the blood of thousands of millions† of victims, with feet fresh from the smoking ruins of cities, whose [247] ears delight in the groans of the dying, and whose eyes love to gloat upon the dead, if such an unholy union be hereafter proposed, as the humblest of the votaries of that commerce which is destined to regenerate and unite the whole world, we will forbid the banns.

About this Quotation:

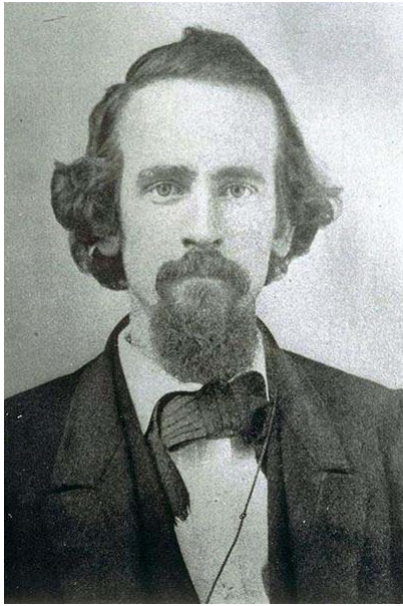
Many English businessmen thought it was the proper function of government to use the power of the

British Navy to “protect British commerce”. By this they mean both the use of naval power to protect the safety of trading vessels at taxpayer expense and to forcibly open foreign ports which denied British ships entry for trading purposes. As a staunch free trader Cobden believed that ship owners and merchants should pay for the defence of their own vessels and not to “socialize” their costs of doing business by placing burdens on the taxpayers. He also found it horrifying to think that trade, which was the peaceful and voluntary exchange of goods and services for mutual benefit, might be corrupted by the use of force “to influence the traffic of the world”. In the hope of appealing to his religious-minded fellow businessmen, Cobden concluded that “affairs of trade, like matters of conscience, change their very nature if touched by the hand of violence; for as faith, if forced, would no longer be religion, but hypocrisy, so commerce becomes robbery if coerced by warlike armaments.”

Source

Richard Cobden, *The Political Writings of Richard Cobden, with a Preface by Lord Welby, Introductions by Sir Louis Mallet, C.B., and William Cullen Bryant, Notes by F.W. Chesson and a Bibliography, vol. 1*, (London: T. Fisher Unwin, 1903). http://oll.libertyfund.org/titles/82#Cobden_0424-01_709

Henry George on how trade sanctions hurt domestic consumers (1886) (Sep 1, 2014)



Henry George (1839 – 1897)

The American free trader Henry George (1839-1897) argued that trade sanctions against “our enemies” hurt domestic domestic consumers just like any other “protectionist” trade restriction:

Trade is not invasion. It does not involve aggression on one side and resistance on the other, but mutual consent and gratification. There cannot be a trade unless the parties to it agree, any more than there can be a quarrel unless the parties to it differ. England, we say, forced trade with the outside world upon China, and the United States upon Japan. But, in both cases, what was done was not to force the people to trade, but to force their governments to let them. If the people had not wanted to trade, the opening of the ports would have been useless.

Civilized nations, however, do not use their armies and fleets to open one another's ports to trade. What they use their armies and fleets for, is, when they quarrel, to close one another's ports. And their effort then is to prevent the carrying in of things even more than the bringing out of things—importing rather than exporting. For a people can be more quickly injured by [51] preventing them from getting things than by preventing them from sending things away. Trade does not require force. **Free trade consists simply in letting people buy and sell as they want to buy and sell. It is protection that requires force, for it consists in preventing people from doing what they want to do. Protective tariffs are as much applications of force as are blockading squadrons, and their object is the same—to prevent trade. The difference between the two is that blockading squadrons are a means whereby nations seek to prevent their enemies from trading; protective tariffs are a means whereby nations attempt to prevent their own people from trading. What protection teaches us, is to do to ourselves in time of peace what enemies seek to do to us in time of war.**

Can there be any greater misuse of language than to apply to commerce terms suggesting strife, and to talk of one nation invading, deluging, overwhelming or inundating another

with goods? Goods! what are they but good things—things we are all glad to get? Is it not preposterous to talk of one nation forcing its good things upon another nation? Who individually would wish to be preserved from such invasion? Who would object to being inundated with all the dress goods his wife and daughters could want; deluged with a horse and buggy; overwhelmed with clothing, with groceries, with good cigars, fine pictures, or anything else that has value? And who would take it kindly if any one should assume to protect him by driving off those who wanted to bring him such things?

About this Quotation:

Henry George wrote one of the best critiques of protectionist trade policies in 1886 at a time when President Grover Cleveland was pushing for tariff reductions from a very high average rate in the US of 47% at a time when free trade Britain had tariff rates of less than 1% and France of 1.5%. Central to his argument was that protectionism was a form of coercion or force which prevented two parties divided by a line drawn on a map from benefitting from mutually beneficial exchanges. Those who did benefit from tariffs and other forms of protection were the powerful lobby groups who controlled the political parties (in this case the Republican Party) and were successful in lobbying congress for favourable legislation. George also pointed out the bellicose nature of protection, noting that it was a domestic form of economic warfare which was usually reserved for times of war to blockade one's enemy's ports in order to harm them economically. The domestic protectionists were in effect "blockading" their own citizens from the benefits of external trade. One could turn the argument on its head by arguing that trade "sanctions" (a euphemism for a blockade) designed to hurt an enemy also harmed one's own domestic consumers who wished to trade with foreigners. Since both parties to a trade benefit from the transaction, by preventing trade from taking place across borders there is an equal or greater harm imposed upon one's own domestic consumers for every harm inflicted upon the enemy. A final observation is that George objects to the use of martial language in describing trade, such as an "invasion" of foreign goods, or language used to describe natural disasters, such as "floods", to an activity which is in essence peaceful, voluntary, and productive. Bastiat also shared George's concern about the misuse of language in "Metaphors", *Economic Sophisms* Series II, no. 22.

Source

Henry George, *Protection or Free Trade, An Examination of the Tariff Question, with especial Regard to the Interests of Free Trade* (New York: Doubleday, Page, and Co., 1905). http://oll.libertyfund.org/titles/1652#George_0448_103

Lord Kames argued that neither the King nor Parliament had the right to grant monopolies because they harmed the interests of the people (1778) (Nov 3, 2014)



Henry Home, Lord Kames (1696 – 1782)

The Scottish judge Lord Kames (1696-1782) thought that the Courts should step in to ban grants of monopoly issued by the King as well as by Parliament because they benefited a few and caused harm to the people:

CHAPTER III: Regulations of commerce, and of other public concerns, rectified where wrong.

It belongs to a court of police to regulate commerce and other public matters. The court of session is not a court of police; but it is a court of review, to take under consideration the proceedings of courts of police, and to rectify such as are against the public interest. This jurisdiction is inherent in the court of session as the supreme court in civil matters, founded on the great principle, That every wrong must have a remedy. ⚖️

In the year 1703 the magistrates and town-council of Stirling made an act confirming a former act of council in favour of the town weavers, and prohibiting all country weavers from buying woollen or linen yarn brought to the town for sale, except in public market after eleven fore-noon, under the pain of confiscation. This act of council was not a little partial: the weavers in the neighbourhood were confined to the market, while the town weavers were left at liberty to make their purchases at large. The former brought a process before the court of session, insisting to have the market at an earlier hour, in order that they might not be prevented by the latter from purchasing; and also, that the prohibition of purchasing yarn privately should be made general to comprehend the town weavers as well as those of the country. The court not only appointed an earlier hour for the market; but put both parties upon an equal footing, by prohibiting yarn to be purchased before the opening of the market.

Regulations that encroach on freedom of commerce, by favouring some to the

prejudice of others, is what renders a monopoly odious in the sight of law. However beneficial a monopoly may be to the privileged, it is a wrong done to the rest of the people, by prohibiting them arbitrarily from the exercise of a lawful employment. Monopolies therefore ought to be discountenanced by courts of justice, not excepting those granted by the crown. And I am persuaded, that the monopolies granted by the crown last century, which were not few in number, would have been rejected by our judges, had their salaries been for life, as they now happily are. I venture a bolder step, which is to maintain, that even the parliament itself cannot legally make such a partial distinction among the subjects. My reason is, that admitting the House of Commons to have the powers of a Roman dictator *ne quid respublica detrimenti capiat* (that no harm comes to the republic), it follows not that such a trust will include a power to do injustice, or to oppress the many for the benefit of a few. How crude must have been our notions of government in the last century, when monopolies granted by the King's sole authority, were generally thought effectual to bind the whole nation! I am acquainted with no monopolies that may be lawfully granted but what are for the public good, such as, to the authors of new books and new machines, limited to a time certain. The profit made in that period is a spur to invention: people are not hurt by such a monopoly, being deprived of no privilege enjoyed by them before the monopoly took place; and after expiry of the time limited, all are benefited without distinction.

About this Quotation:

Lord Kames is an interesting example of how deeply Adam Smith's arguments concerning free trade had penetrated the government in Scotland in the last quarter of the 18th century. Here we have the leading judge in Scotland arguing in a book about *Equity* that an independent judiciary should step in to ban both the Crown and the Parliament from granting monopolies and other economic privileges to favoured individuals or groups because they harmed the interests of the people. Kames denounced protection and monopolies as "odious in the sight of law" and that Parliament had no right under law to "to oppress the many for the benefit of a few". If the parliament refused to recognize its duty to protect the people from harm then the courts had to step in order to defend the interests of the people. Kames denounces the practice of granting political privileges to some groups as a "crude" notion of government which may have been accepted in the previous century but which was no longer tolerable in the new.

Source

Henry Home, Lord Kames, *Principles of Equity. The Third Edition*. Edited and with an Introduction by Michael Lobban (Indianapolis: Liberty Fund, 2014). http://oll.libertyfund.org/titles/2644#Kames_1635_662

6. Freedom Of Speech ↩

1. [John Milton gave a speech before Parliament defending the right of freedom of speech in which he likened the government censors to an "oligarchy" and free speech to a "flowery crop of knowledge" \(1644\) \(Apr 25, 2005\)](#)
2. [John Milton opposed censorship for many reasons but one thought sticks in the mind, that "he who destroys a good book, kills reason itself" \(1644\) \(May 15, 2006\)](#)
3. [Jefferson's preference for "newspapers without government" over "government without](#)

- [newspapers” \(1787\)](#) (Dec 13, 2010)
4. [Benjamin Constant and the Freedom of the Press \(1815\)](#) (Sep 19, 2011)
 5. [John Milton on the tyranny of government licensed printing \(1644\)](#) (Jun 2, 2014)
 6. [Spinoza on being master of one’s own thoughts \(1670\)](#) (Dec 1, 2014)

John Milton gave a speech before Parliament defending the right of freedom of speech in which he likened the government censors to an “oligarchy” and free speech to a “flowery crop of knowledge” (1644) (Apr 25, 2005)



[John Milton](#) (1608 – 1674)

In a speech written for Parliament, the great English poet John Milton gave one of the most stirring defences of freedom of speech ever penned:

What should ye do then, should ye suppress all this flowery crop of knowledge and new light sprung up and yet springing daily in this city? Should ye set an oligarchy of twenty engrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Believe it, lords and commons! they who counsel ye to such a suppressing, do as good as bid ye suppress yourselves; and I will soon show how. If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, and free, and humane government; it is the liberty, lords and commons, which your own valorous and happy counsels have purchased us; liberty which is the nurse of all great wits: this is that which hath rarified and enlightened our spirits like the influence of heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions degrees above themselves. Ye cannot make us now less capable, less knowing, less eagerly pursuing of the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us; ye cannot suppress that, unless ye reinforce an abrogated and merciless law, that fathers may dispatch at will their own children. And who shall then stick closest to ye and excite others? Not he who takes up arms for coat and conduct, and his four nobles of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. **Give me the liberty to know, to utter, and to argue freely according to**

conscience, above all liberties.

About this Quotation:

John Milton was not the only author to run afoul of the government censors. With this book he courageously put his name to the unlicensed work, thus risking a fine or a prison sentence. In 18th century France it was common to have banned books printed in the Netherlands or Switzerland and then have them smuggled across the French border in order to avoid the censors. Another trick was to put a fake title page in the book or to write under a nom de plume. Milton chose to directly challenge the authorities because he so highly valued the freedom of expression and printing.

Source

John Milton, *Areopagitica, with a Commentary by Sir Richard C. Jebb and with Supplementary Material* (Cambridge at the University Press, 1918). <http://oll.libertyfund.org/title/103/187131/3057969>

John Milton opposed censorship for many reasons but one thought sticks in the mind, that “he who destroys a good book, kills reason itself” (1644) (May 15, 2006)



John Milton (1608 – 1674)

When Parliament did not relax the law requiring the prior censorship of books after the English Revolution had broken out but in fact passed an ordinance requiring the licensing of the press in 1643, Milton urged it to reconsider:

I deny not, but that it is of greatest concernment in the church and commonwealth, to have a vigilant eye how books demean themselves, as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors; for **books are not absolutely dead things, but do contain a potency of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous dragon's teeth: and being sown up and down, may chance to spring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were, in the eye.** Many a man lives a burden to the earth; but a good book is the precious life-blood of a master-spirit, embalmed and treasured up on purpose to a life beyond life. It is true, no age can restore a life, whereof, perhaps, there is no great loss; and revolutions of ages do not oft recover the loss of a rejected truth, for the want of which whole nations fare the worse. We should be wary, therefore, what persecution we raise against the living labours of public men, how we spill that seasoned life of man preserved and stored up in books; since we see a kind of homicide may be thus committed, sometimes a martyrdom; and if it extend to the whole impression, a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at that ethereal and fifth essence, the breath of reason itself; slays an immortality rather than a life. But lest I should be condemned of introducing licence, while I oppose licensing, I refuse not the pains to be so much historical, as will serve to shew what hath been done by ancient and famous commonwealths, against this

disorder, till the very time that this project of licensing crept out of the Inquisition, was caught up by our prelates, and hath caught some of our presbyters.

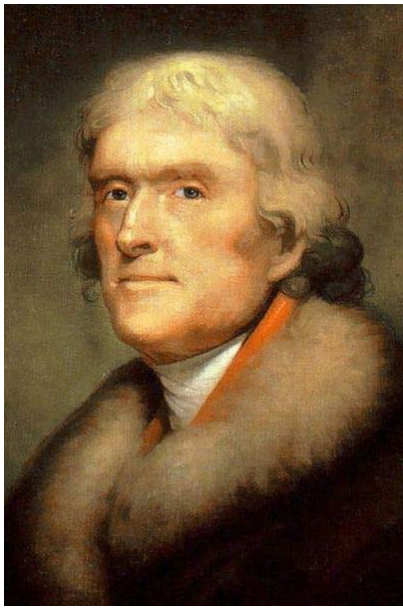
About this Quotation:

Here speaks a true book lover. Milton thinks of bound books as though they were living, breathing creatures and that to censor, restrict, or “license them is like killing a man. Furthermore, they encapsulate the “seasoned life of man” by containing the thoughts and desires of the man who wrote them as well those of the man or woman who reads them. Perhaps he goes too far in his bibliophilia by likening the destruction of a book to killing “the image of God” by poking it “in the eye,” no less. For good measure Milton also inserts a good pun in his tirade by denying that by “introducing license, while I oppose licensing.” As a book lover myself I could only read this passage with some guilt as our task is to convert bound books into a digital form for transmitting via the internet. Is this a form of “book killing”? I hope Milton might have understood and appreciated our reasons for doing so.

Source

John Milton, *Areopagitica, with a Commentary by Sir Richard C. Jebb and with Supplementary Material* (Cambridge at the University Press, 1918). <http://oll.libertyfund.org/title/103/187126/3057918>

Jefferson's preference for "newspapers without government" over "government without newspapers" (1787) (Dec 13, 2010)



Thomas Jefferson (1743 – 1826)

Jefferson writes from Paris to Edward Carrington, whom Jefferson sent as a delegate to the Continental Congress from 1786 to 1788, on the importance of a free press to keep government in check. He concludes that if he had to choose between "a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter":

The tumults in America, I expected would have produced in Europe an unfavorable opinion of our political state. But it has not. On the contrary, the small effect of these tumults seems to have given more confidence in the firmness of our governments. The interposition of the people themselves on the side of government has had a great effect on the opinion here. I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. **The people are the only censors of their governors: and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty. The way to prevent these irregular interpositions of the people is to give them full information of their affairs thro' the channel of the public papers, & to contrive that those papers should penetrate the whole mass of the people. The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers & be capable of reading them.** I am convinced that those societies (as the Indians) which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under the European governments. Among the former, public opinion is in the place of law, & restrains morals as powerfully as laws ever did anywhere. Among the latter, under pretence of governing they have divided their nations into two classes, wolves & sheep. I do not exaggerate. This is a true picture of Europe. Cherish therefore the spirit of our people, and keep alive their attention. Do not

be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs, you & I, & Congress & Assemblies, judges & governors shall all become wolves. It seems to be the law of our general nature, in spite of individual exceptions; and experience declares that man is the only animal which devours his own kind, for I can apply no milder term to the governments of Europe, and to the general prey of the rich on the poor. The want of news has led me into disquisition instead of narration, forgetting you have every day enough of that. I shall be happy to hear from you sometimes, only observing that whatever passes thro' the post is read, & that when you write what should be read by myself only, you must be so good as to confide your letter to some passenger or officer of the packet. I will ask your permission to write to you sometimes, and to assure you of the esteem & respect with which I have honour to be
Dear Sir your most obedient & most humble servt.

About this Quotation:

Jefferson constantly surprises the reader with his radical insights into the nature of government and his remedies to correct its abuses. In this letter written from Paris while he was Minister to France to Edward Carrington, whom he had appointed to represent the state of Virginia at the Continental Congress he makes two such insights: the first is the topic of the quotation, namely that he thinks the role of a free press in keeping government power in check is so important that he would prefer “newspapers without government” to “government without newspapers; the second is his statement about the nature of European governments (remember he is writing on the eve of the outbreak of the French Revolution in 1789), that they have divided the nation into two contending classes where the government were like wolves who devoured the wealth of the people, who were like sheep. Jefferson warns Carrington that all governments, even the new American government of which they themselves were members, unless checked by a knowledgeable citizenry, would inevitably become wolves.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 5. <http://oll.libertyfund.org/title/802/86653/1991444>

Benjamin Constant and the Freedom of the Press (1815) (Sep 19, 2011)



Benjamin Constant (1767 – 1830)

In France one of the leading theorists of the principle of free speech was Benjamin Constant (1767-1830) who had been called upon by Napoleon during his brief return to power between March-July 1815 (The Hundred Days) to draw up a new constitution with more constitutional limits on government power. Constant's ideas were elaborated in a book he wrote at the time *Principles of Politics Applicable to All Governments* (1815) which included chapters on freedom of thought and religion. A typical passage reads:

If you once grant the need to repress the expression of opinion, either the State will have to act judicially or the government will have to arrogate to itself police powers which free it from recourse to judicial means. In the first case the laws will be eluded. Nothing is easier than presenting an opinion in such variegated guises that a precisely defined law cannot touch it. In the second case, by authorizing the government to deal ruthlessly with whatever opinions there may be, you are giving it the right to interpret thought, to make inductions, in a nutshell to reason and to put its reasoning in the place of the facts which ought to be the sole basis for government counteraction. This is to establish despotism with a free hand. Which opinion cannot draw down a punishment on its author? You give the government a free hand for evildoing, provided that it is careful to engage in evil thinking. You will never escape from this circle. The men to whom you entrust the right to judge opinions are quite as susceptible as others to being misled or corrupted, and the arbitrary power which you will have invested in them can be used against the most necessary truths as well as the most fatal errors.

When one considers only one side of moral and political questions, it is easy to draw a terrible picture of the abuse of our rights. But when one looks at these questions from an overall point of view, the picture of the ills which government power occasions by limiting these rights seems to me no less frightening.

What, indeed, is the outcome of all attacks made on freedom of the pen? They embitter against the government all those writers possessed of that spirit of independence inseparable from talent, who are forced to have recourse to indirect and perfidious allusions. They necessitate the circulation of clandestine and therefore all the more dangerous texts. They feed the public greed for anecdotes, personal remarks, and seditious principles. They give calumny the appearance, always an interesting one, of courage. In sum, they attach far too much importance to the works about to be proscribed.

In the absence of government intervention, published sedition, immorality, and calumny would scarcely make more impact at the end of a given period of complete freedom than spoken or handwritten calumny, immorality, or sedition

About this Quotation:

After the strict and heavy handed censorship of the Napoleonic Empire there was a brief period of press freedom during the First Restoration of the Bourbon monarchy under King Louis XVIII (April 1814 – March 1815). The restored Bourbon monarchy declared freedom of the press on 4 June 1814 which led to the creation of a full spectrum of political debate and argument among the 20 new titles which emerged. However, by October 1814 new censorship laws had been passed in order to control political criticism of the new regime. All publications less than 20 pages long (so most papers and journals) had to have their material approved by government officials before they could be published. These laws were made even more restrictive in November 1815. There was another liberalization of the censorship laws in late 1818 under the ministry of Dessoles-Decazes with the Serre press laws but this was short lived as the assassination of the Duke de Berry in February 1820 led to a severe crackdown on press liberties. In the wake of this many journals were forced to close, including the liberal *La Minerve française* for which Benjamin Constant wrote as well as the successor to *Le Censeur* of Comte and Dunoyer, *Le Censeur européen*. During this period classical liberals on both sides of the channel fought for an expansion of press freedom (Constant in France and James Mill in England should be mentioned). Their arguments were that educated people should have the right to know what politicians and government officials were doing with their tax money (so the proceedings of parliament should be openly published in newspapers), that corruption and nepotism by senior figures should be exposed and condemned, and that the interests of the middle and working classes should be expressed and defended in the press and that governments should take these interests into account when passing laws.

Source

Benjamin Constant, *Principles of Politics Applicable to all Governments*, trans. Dennis O’Keeffe, ed. Etienne Hofmann, Introduction by Nicholas Capaldi (Indianapolis: Liberty Fund, 2003).
<http://oll.libertyfund.org/title/861/108939/2279282>

John Milton on the tyranny of government licensed printing (1644) (Jun 2, 2014)



John Milton (1608 – 1674)

The English revolutionary poet and pamphleteer John Milton (1608-1674) wrote one of the greatest defences of the freedom of speech, *Areopagita*, in 1644. Here he compares the censoring of ideas in books to restrictions on the free trade of goods:

And as it is a particular disesteem of every knowing person alive, and most injurious to the written labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole nation. I cannot set so light by all the invention, the art, the wit, the grave and solid judgment which is in England, as that it can be comprehended in any twenty capacities, how good soever; much less that it should not pass except their superintendence be over it, except it be sifted and strained with their strainers, that it should be uncurrent without their manual stamp. **Truth and understanding are not such wares as to be monopolized and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broad-cloth and our woolpacks. What is it but a servitude like that imposed by the Philistines, not to be allowed the sharpening of our own axes and coulters, but we must repair from all quarters to twenty licensing forges?** Had any one written and divulged erroneous things and scandalous to honest life, misusing and forfeiting the esteem had of his reason among men, if after conviction this only censure were adjudged him, that he should never henceforth write, but what were first examined by an appointed officer, whose hand should be annexed to pass his credit for him, that now he might be safely read, it could not be apprehended less than a disgraceful punishment. Whence to include the whole nation, and those that never yet thus offended, under such a diffident and suspectful prohibition, may plainly be understood what a disparagement it is. So much the more whenas debtors and delinquents may walk abroad without a keeper, but unoffensive books must not stir forth without a visible jailor in their title. Nor is it to the common people less than a reproach; for if we be so jealous over them, as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak state of faith

and discretion, as to be able to take nothing down but through the pipe of a licenser? That this is care or love of them, we cannot pretend, whenas in those popish places where the laity are most hated and despised the same strictness is used over them. Wisdom we cannot call it, because it stops but one breach of licence, nor that neither: whenas those corruptions, which it seeks to prevent, break in faster at other doors which cannot be shut.

About this Quotation:

Milton makes many fine points in this classic defence of the freedom of speech and printing which he wrote in 1644 during the English Revolution. One point was to expose the hypocrisy of Parliament which continued the King's policy of requiring prior approval by a panel of bishops and church leaders before any book could be published, even though they had vigorously opposed this when in opposition. Parliament merely wanted to have their own men in a position to censor their opponents, or as Milton put it "to make room for others into their seats under another name." Another important point were the many parallels he drew between the free circulation of books and ideas and the free circulation of goods. Both kinds of "free trade" had great benefits for ordinary people and so should be deregulated from government control. A third very fine point was the idea that books were like living and thinking creatures and that censorship was like killing reason itself: "as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were, in the eye."

Source

John Milton, *Areopagitica, with a Commentary by Sir Richard C. Jebb and with Supplementary Material* (Cambridge at the University Press, 1918). http://oll.libertyfund.org/titles/103#Milton_1224_87

Spinoza on being master of one's own thoughts (1670) (Dec 1, 2014)



[Benedict de Spinoza](#) (1632 – 1677)

The Dutch rationalist philosopher Benedict de Spinoza (1632-1677) thought that the right of the individual to the free expression of his or her ideas was an “indefeasible natural right” much like the right to property:

Since, therefore, no one can abdicate his freedom of judgment and feeling; since every man is by indefeasible natural right the master of his own thoughts, it follows that men thinking in diverse and contradictory fashions, cannot, without disastrous results, be compelled to speak only according to the dictates of the supreme power.

Not even the most experienced, to say nothing of the multitude, know how to keep silence. Men's common failing is to confide their plans to others, though there be need for secrecy, so that a government would be most harsh which deprived the individual of his freedom of saying and teaching what he thought; and would be moderate if such freedom were granted. Still we cannot deny that authority may be as much injured by words as by actions; hence, although the freedom we are discussing cannot be entirely denied to subjects, its unlimited concession would be most baneful; we must, therefore, now inquire, how far such freedom can and ought to be conceded without danger to the peace of the state, or the power of the rulers; and this, as I said at the beginning of Chapter XVI., is my principal object.

It follows, plainly, from the explanation given above, of the foundations of a state, that the ultimate aim of government is not to rule, or restrain, by fear, nor to exact obedience, but contrariwise, to free every man from fear, that he may live in all possible security; in other words, to strengthen his natural right to exist and work without injury to himself or others.

No, the object of government is not to change men from rational beings into beasts or puppets, but to enable them to develop their minds and bodies in security, and to employ their reason unshackled; neither showing hatred, anger, or deceit, nor watched with the eyes of jealousy and injustice. In fact, the true aim of government is liberty.

About this Quotation:

When Spinoza wrote these words (1670) in defense of freedom of expression it was a dangerous thing to do even in a relatively free state like the Netherlands. As was often the practice at that time he offered both theoretical as well as practical reasons for this. The theoretical ground was a strong one, namely that the right to hold thoughts in one's own mind and to express them to others via speech or print was an "indefeasible natural right" much like the "inalienable rights" expressed in the American Declaration of Independence penned 100 years later. Like other natural rights this right was not negotiable – all people had this right from the fact of being a human being with a given nature. Even Kings (or especially Kings) had to respect this right and this is one reason why they thought Spinoza's position was a threat to their power. His weaker argument was a prudential one, that it might be in the interests of those who wielded religious or political power to grant some free exercise of thinking, speaking (or preaching, which is just another form of speaking), and printing, because it prevented speech from being driven underground where it might morph into even more virulent, anti-state and anti-church forms. Furthermore Spinoza argued, censorship did not work for long because men just learned to think one thing and say another, and also figured out ways to get around the oppressive laws. Eventually the Netherlands became a haven for heretical religious and political thinkers in England (e.g. John Locke) and France (Voltaire) who printed books in the Netherlands which were banned in their own countries, thus creating a nice new source of income for the Dutch printing industry. A "good government" soon learned that if it wanted to promote "progress in science and the liberal arts" it might also have to allow some freedom in less savoury matters such as individual criticism of the privileged church or of the Sovereign.

Source

Benedict de Spinoza, *The Chief Works of Benedict de Spinoza*, translated from the Latin, with an Introduction by R.H.M. Elwes, vol. 1 Introduction, Tractatus-Theologico-Politicus, Tractatus Politicus. Revised edition (London: George Bell and Sons, 1891). http://oll.libertyfund.org/titles/17110#Spinoza_1321.01_811

7. Law ↩

1. [Sir Edward Coke defends British Liberties and the Idea of Habeas Corpus in the Petition of Right before Parliament \(1628\)](#) (Aug 16, 2004)
2. [Bruno Leoni on the different Ways in which Needs can be satisfied, either voluntarily through the Market or coercively through the State \(1963\)](#) (Aug 30, 2004)
3. [Cicero urges the Senate to apply the laws equally in order to protect the reputation of Rome and to provide justice for the victims of a corrupt magistrate \(1stC BC\)](#) (Oct 31, 2005)
4. [Adam Smith argues that the Habeas Corpus Act is a great security against the tyranny of the king \(1763\)](#) (Nov 14, 2005)
5. [J.S. Mill in a speech before parliament denounced the suspension of Habeas Corpus and the use of flogging in Ireland, saying that those who ordered this "deserved flogging as much as any of those who were flogged by his orders" \(1866\)](#) (Feb 13, 2006)
6. [John Locke on the idea that "wherever law ends, tyranny begins" \(1689\)](#) (Oct 2, 2006)
7. [The legal historian Hazeltine wrote in an essay commemorating the 700th anniversary of Magna Carta that the American colonists regarded Magna Carta as the "bulwark of their rights as Englishmen" \(1917\)](#) (Oct 23, 2006)
8. [Bruno Leoni notes the strong connection between economic freedom and decentralized legal](#)

- [decision-making \(1961\)](#) (Oct 30, 2006)
9. [John Adams argues that the British Empire is not a “true” empire but a form of a “republic” where the rule of law operates \(1763\)](#) (Jan 29, 2007)
 10. [The IVth Amendment to the American Constitution states that the people shall be secure in their persons against unreasonable searches and seizures and that no warrants shall issue, but upon probable cause \(1788\)](#) (Aug 27, 2007)
 11. [John Adams predicts a glorious future for America under the new constitution and is in “reverence and awe” at its future prospects \(1787\)](#) (Apr 28, 2008)
 12. [Sir William Blackstone provides a strong defence of personal liberty and concludes that to “secretly hurry” a man to prison is a “dangerous engine of arbitrary government” \(1753\)](#) (May 4, 2009)
 13. [Cesare Beccaria says that torture is cruel and barbaric and a violation of the principle that no one should be punished until proven guilty in a court of law; in other words it is the “right of power” \(1764\)](#) (Jun 15, 2009)
 14. [Lysander Spooner on Jury Nullification as the “palladium of liberty” against the tyranny of government \(1852\)](#) (Aug 31, 2009)
 15. [Spooner states the importance of the 9th Amendment to the American Constitution which protects the natural rights of the people not enumerated in the 1st 8 Amendments \(1886\)](#) (May 12, 2010)
 16. [Sir Edward Coke explains one of the key sections of Magna Carta on English liberties \(1642\)](#) (Jan 31, 2011)
 17. [Algernon Sidney on the need for the law to be “deaf, inexorable, inflexible” and not subject to the arbitrary will of the ruler \(1698\)](#) (Mar 1, 2011)
 18. [Pollock on “our lady” the common law and her devoted servants \(1911\)](#) (Jul 11, 2011)
 19. [Tiedeman states that the police powers under the constitution are strictly limited to enforcing the maxim: “use your own property in such a manner as not to injure that of another” \(1886\)](#) (Apr 9, 2012)
 20. [Pascal and the absurd notion that the principles of justice vary across state borders \(1669\)](#) (Jun 5, 2012)
 21. [Algernon Sidney argues that a law that is not just is not a law \(1683\)](#) (Jun 25, 2012)
 22. [Plucknett on the Renaissance state’s “war against the idea of law” \(1956\)](#) (Oct 1, 2012)
 23. [Plucknett contrasts the flexibility and adaptability of customary law with the rigidity and remoteness of state legislation \(1956\)](#) (Oct 29, 2012)
 24. [Jasay on the superiority of “spontaneous conventions” over “legal frameworks” \(2007\)](#) (Dec 10, 2012)
 25. [James Wilson argues that it is the people, not the prince, who is superior in matters of legal sovereignty \(1790\)](#) (May 20, 2013)
 26. [Tiedeman on the victimless crime of vagrancy \(1900\)](#) (Mar 10, 2014)
 27. [Montesquieu and law as a fishing net \(1720\)](#) (Mar 24, 2014)
 28. [Sir Edward Coke declares that your house is your “Castle and Fortress” \(1604\)](#) (Jul 28, 2014)
 29. [Frédéric Bastiat asks what came first, property or law? \(1850\)](#) (Aug 21, 2014)
 30. [Herbert Spencer on the superiority of private enterprise over State activity \(1853\)](#) (Oct 13, 2014)
 31. [James Mackintosh on how constitutions grow and are not made \(1799\)](#) (Oct 27, 2014)

Sir Edward Coke defends British Liberties and the Idea of Habeas Corpus in the Petition of Right before Parliament (1628)

(Aug 16, 2004)



Sir Edward Coke (1552 – 1634)

After a series of debates in parliament in early 1628, Sir Edward Coke wrote and got adopted one of the founding documents securing the liberties of Englishmen:

And where also by the statute called the Great Charter of the Liberties of England, it is declared and enacted that no free man may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land; and in the 28th year of the reign of King Edward the Third it was declared and enacted by authority of parliament that no man, of what state or condition that he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death without being brought to answer by due process of law. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of the realm to that end provided, divers of your subjects have been of late imprisoned without any cause shown, and when for their deliverance they were brought before your justices by your Majesty's writs of habeas corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your Privy Council, and yet were returned back to several prisons without being charged with anything to which they might make answer according to the law....

They do therefore most humbly pray your most excellent Majesty that none hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament. And that none be called to make answer, or to take such oath, or to give attendance, or to be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof. And that no free man, in any such manner as is before mentioned, be imprisoned or detained. And that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in

time to come. And that the aforesaid commissions for proceeding by martial law may be revoked and annulled. And that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed, as aforesaid, lest by color of them any of your Majesty's subjects be destroyed or put to death contrary to the laws and franchises of the land.

About this Quotation:

Liberty Fund has published in 2003 a massive 3 volume collection of Coke's writings including many of his lesser known works. In the contemporary debates about the principle of habeas corpus it is informative to go back to the England of the 1620s to see how lawyers like Coke fought for English liberties against the Stuart monarchy and their claims to absolutist rule.

Source

Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard (Indianapolis: Liberty Fund, 2003). Vol. 3. <http://oll.libertyfund.org/title/913/62278/1382366>

Bruno Leoni on the different Ways in which Needs can be satisfied, either voluntarily through the Market or coercively through the State (1963) (Aug 30, 2004)



[Bruno Leoni](#) (1913 – 1967)

In a lecture given to the Freedom School in Colorado Springs in 1963, the Italian liberal jurist Leoni examines the differences between satisfying needs through voluntary cooperation (i.e. the market) and coercion (i.e. voting):

We have seen in the preceding lecture that notwithstanding many similarities that may exist between voters on the one hand and market operators on the other, the actions of the two are far from actually being similar. No procedural rule seems able to allow voters to act in the same flexible, independent, consistent, and efficient way as operators employing individual choice in the market. While it is true that both voting and operating in the market are individual actions, we are compelled, however, to conclude that voting is a kind of individual action that almost inevitably undergoes a kind of distortion in its use.

Legislation considered as a result of a collective decision by a group – even if consisting of all citizens concerned as in the direct democracies of ancient times or in some small democratic communities in medieval and modern times – appears to be a law-making process that is far from being identifiable with the market process. Only voters ranking in winning majorities (if for instance the voting rule is by majority) are comparable to people who operate on the market. Those people ranking in losing minorities are not comparable with even the weakest operators on the market, who at least under the divisibility of goods (which is the most frequent case) can always find something to choose and to get, provided that they pay its price. Legislation is a result of an all-or-none decision. Either you win and get exactly what you want, or you lose and get exactly nothing. Even worse, you get something that you do not want and you have to pay for it just as if you had wanted it. In this sense winners and losers in voting are like winners and losers in the field. Voting appears to be not so much a reproduction of the market operation as a symbolization of a battle in the field. If we consider it well, there is nothing "rational" in voting that can be compared with rationality in the market. Of course voting

may be preceded by argument and bargaining, which may be rational in the same sense as any operation on the market. But whenever you finally come to vote, you don't argue or bargain any longer. You are on another plane. You accumulate ballots as you would accumulate stones or shells – the implication being that you do not win because you have more reasons than others, but merely because you have more ballots to pile up. In this operation you have neither partners nor interlocutors but only allies and enemies. Of course your own action may still be considered rational as well as that of your allies and enemies, but the final result is not something that can be simply explained as a scrutiny or a combination of your reasons and of those of people who vote against them. The political language reflects quite naturally this aspect of voting: Politicians speak willingly of *campaigns* to be started, of *battles* to be won, of *enemies* to be fought, and so on. This language does not usually occur in the market. There is an obvious reason for that: *While in the market supply and demand are not only compatible but also complementary, in the political field, in which legislation belongs, the choice of winners on the one hand and losers on the other are neither complementary nor even compatible*. It is surprising to see how this simple – and I would say obvious – consideration of the nature of group decisions (and particularly of voting, which is the usual procedural device used to make them) is overlooked by both the theorists and the man in the street. Voting, and particularly voting by majority rule, is often considered a *rational* procedure not only in the sense that it renders it possible to reach decisions when the members of the group are not unanimous, but also in the sense that it seems to be the most logical one under the circumstances.

About this Quotation:

Bruno Leoni played an important role in the revival of classical liberal ideas in the post-war period with his legal writings, his editorship of the journal *Il Politico*, and as President of the Mont Pélérin Society. The Mont Pélérin Society was founded in 1947 by the Austrian economist Friedrich Hayek. Leoni was secretary of the society for many many years before being elected president in 1967 shortly before his tragic death.

Source

Bruno Leoni, *Freedom and the Law*, expanded 3rd edition, foreword by Arthur Kemp (Indianapolis: Liberty Fund 1991). <http://oll.libertyfund.org/title/920/193210/3097344>

Cicero urges the Senate to apply the laws equally in order to protect the reputation of Rome and to provide justice for the victims of a corrupt magistrate (1stC BC) (Oct 31, 2005)



Marcus Tullius Cicero (106 BCE – 43 BCE)

In a speech in favor of the impeachment of a corrupt magistrate, Caius Verres, Cicero urges the Senate to apply the laws equally in order to protect the reputation of Rome and to provide justice for his victims:

XXXII. Will you then spare this man, O judges? whose offences are so great that they whom he injured could neither wait for the legitimate time to take their revenge, nor restrain to a future time the violence of their indignation. You were besieged? By whom? By the citizens of Lampsacus—barbarous men, I suppose, or, at all events, men who despised the name of the Roman people. Say rather men, by nature, by custom, and by education most gentle; moreover, by condition, allies of the Roman people, by fortune our subjects, by inclination our suppliants—so that it is evident to all men, that unless the bitterness of the injury and the enormity of the wickedness had been such that the Lampsacenes thought it better to die than to endure it, they never would have advanced to such a pitch as to be more influenced by hatred of your lust—than by fear of your office as lieutenant. Do not, in the name of the immortal gods, I entreat you—do not compel the allies and foreign nations to have recourse to such a refuge as that; and they must of necessity have recourse to it, unless you chastise such crimes. Nothing would ever have softened the citizens of Lampsacus towards him, except their believing that he would be punished at Rome. Although they had sustained such an injury that they could not sufficiently avenge it by any law in the world, yet they would have preferred to submit their griefs to our laws and tribunals, rather than to give way to their own feelings of indignation. **You, when you have been besieged by so illustrious a city on account of your own wickedness and crime—when you have compelled men, miserable and maddened by calamity, as if in despair of our laws and tribunals, to fly to violence, to combat, and to arms—when you have shown yourself in the towns and cities of our friends, not as a lieutenant of the Roman people, but as a lustful and inhuman tyrant—when among foreign nations you have injured the reputation of our**

dominion and our name by your infamy and your crimes—when you have with difficulty saved yourself from the sword of the friends of the Roman people, and escaped from the fire of its allies, do you think you will find an asylum here? You are mistaken—they allowed you to escape alive that you might fall into our power here, not that you might find rest here.

About this Quotation:

A key feature of the liberal order is the idea of the equality of all citizens before the law, i.e. that no individual or group is above the law, that all must submit to and be punished if they infringe upon the rights of others. Here we see Cicero, the great Roman orator and lawyer, listing the crimes of Caius Verres and stating that he is not immune from impeachment and conviction by the Roman Senate.

Source

Marcus Tullius Cicero, *The Orations of Marcus Tullius Cicero*, trans. C.D. Yonge (London: G. Bell and Sons, 1913-21). Vol. 1. <http://oll.libertyfund.org/title/570/87175/1994752>

Adam Smith argues that the Habeas Corpus Act is a great security against the tyranny of the king (1763) (Nov 14, 2005)



Adam Smith (1723 – 1790)

In his lectures on jurisprudence Smith notes the importance of the law of habeas corpus in protecting the liberty of subjects against oppression by the king:

Liberty thus established has been since confirmed by many Acts of Parliament and clauses of Acts. The system of government now supposes a system of liberty as a foundation. Every one would be shocked at any attempt to alter this system, and such a change would be attended with the greatest difficulties. The chief danger is from the Civill List and the standing army (as above). One security for liberty is that all judges hold their office[r]s for life and are intirely independent of the king. Every one therefore is tried by a free and independent judge, who are als<o> accountable for their conduct. Nothing therefore will influ<en>ce them to act unfairly to the subject, and endang<er> the loss of a profitable office and their reputation also; nothing the king could bestow would be an equivalent. The judge and jury have no dependance on the crown.—The sheriffs indeed in many counties of England as well as in Scotland are appointed by the king, but this office is also for life, and is not attended with great dignity and no profit, so that many pay a fine of 500£ to be excused from it. | The disposall of it can give no influence to the king, nor can he greatly over rule them, or act contrary to law and justice. One who levied any tax which was not authorised by Parliament may be tried of robbery, and that too in the way of appeal, which the king can not pardon, tho he can those on indictment or information. So that no one will readily be influenced by the king, his protection or orders not being able to screen one from justice. Another article which secures the liberty of the subjects is the power which the Commons have of impeaching the kings ministers of mal-administration, and that tho it had not visibly encroached on liberty. This power still remains, tho it has not been exercised since the time of William 3^d. This priviledge as well as many others favourable to liberty we owe to that tyrannical prince, Henry 8th. The ordinary method which they took to get free of any of his ministers of whom he had become jealous was to get him impeached by his servile House of Commons, and from this time they have still retaind it. The king can not pardon an | appeal, that is, a

prosecution at the instance of a private person; he has that power only with regard to indictments, that is, when the grand jury finds the bill to be true, or what we call the relevancie, and afterwards delegates the particular case to the committee or lesser jury. These he can pardon as well as ordinary informations, but not appeals; nor for the same reason can he pardon impeachments, as they are at the interest of another body.—The fear of disgrace and loss of reputation, as well as this of capitall punishment, from which they can not appeal or be pardoned, serves to intimidate the ministers from attempting any <?> against the commonwealth, and secures the liberty of the subjects and establishes those great rights which they have now obtained. **The Habeas Corpus Act is also a great security against oppression, as by it any one can procure triall at Westminster within 40 days who can afford to transport himself thither. Before this Act the Privy Councill could put any one they pleased into prison and detain him at pleasure without bringing him to triall. Now no one can be imprisoned anywhere but in the county gaol or the nearest to it where the crime is said to have been committed; he cant be sent out of Britain to Jersey, l Guernsey, or the plantations, that is, alway<s> within the extent of the Hab. Corp. Act.—This sufficiently secures the liberty of the people; for tho many could not afford the expense, yet it is not such who will be in greatest danger from the king. The rich and powerfull are most obnoxious to his displeasure; tis rich and not poor folk who are sent to the Bastile in France. No judge can oppose the Habeas Corpus Act; infamy and a high penalty are the punishment which attend it. No influence of the king could ever induce them to make any such attem<p>t. And so strict is this Act that in the time of rebellions or other exigencies of the state, when it is necessary to imprison without such speedy triall, it is commonly taken off for 6 months. But it will never be allowed to be repealed, as that would destroy in a great measure the liberty of the subject.**

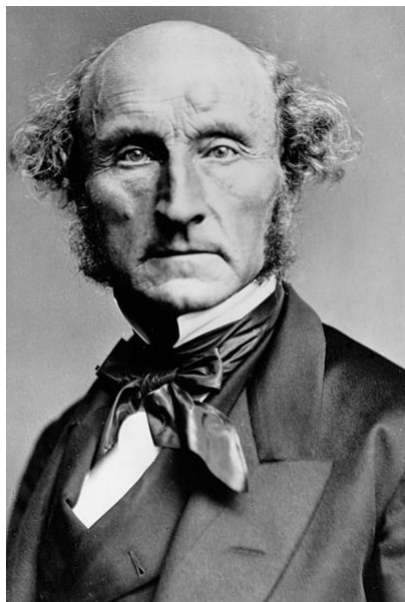
About this Quotation:

On Wednesday, March 9th, 1763 Adam Smith lectured his students at the University of Glasgow on the importance of the Habeas Corpus Act. He argued that the right to appear before a court in person, to have the charges against one read out in a public court, to have legal representation, and the chance to refute the charges, is a key defence against any potential tyranny of the King. He concluded confidently that this legal right “sufficiently secures the liberty of the people.” Smith was not the only classical liberal to ardently support this right. We would also recommend the writings of Coke and Voltaire in this regard.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
<http://oll.libertyfund.org/pages/missing-links>

J.S. Mill in a speech before parliament denounced the suspension of Habeas Corpus and the use of flogging in Ireland, saying that those who ordered this “deserved flogging as much as any of those who were flogged by his orders” (1866) (Feb 13, 2006)



[John Stuart Mill](#) (1806 – 1873)

We continue to explore the great treasures which are hidden away in the 33 volume collection of the Collected Works of John Stuart Mill. The key to unlocking this treasure is of course our powerful search engine. Here is an example of what one can find. In 1866 Mill gave a speech in the House of Commons denouncing the English mode of governing Ireland. The occasion was a bill granting the Chief Governor of Ireland the power to suspend habeas corpus, that is "to Apprehend and Detain ... Such Persons as He or They Shall Suspect of Conspiring against Her Majesty's Person and Government.":

1. Suspension of Habeas Corpus In Ireland

17 FEBRUARY, 1866

PD, 3rd ser., Vol. 181, cols. 705-6. Not reported in *The Times*. Mill's speech was on Sir George Grey's motion for leave to bring in "A Bill to Empower the Lord Lieutenant or Other Chief Governor of Ireland to Apprehend and Detain until the First Day of March 1867, Such Persons as He or They Shall Suspect of Conspiring against Her Majesty's Person and Government," 29 Victoria (16 Feb., 1866), PP. 1866, III, 121-4. Of the speech he says in his *Autobiography*: "In denouncing, on this occasion, the English mode of governing Ireland, I did no more than the general opinion of England now admits to have been just; but the anger against Feminism then in all its freshness; any attack on what Fenians attacked was looked upon as an apology for them; and I was so unfavourably received House, that more than one of my friends advised me (and my own judgment agreed with the advice) to wait, before speaking again, for the favourable opportunity would be given by

the first great debate on the Reform Bill" (CW, I, 277). (For his successful of that opportunity, see No. 16.)

MR. J. STUART MILL SAID, THAT some asperity had been introduced into this discussion which he should not imitate. **The occasion was one for deep grief, not for irritation. He agreed with the honourable Member for Birmingham (Mr. Bright) that this Bill was a cause for shame and humiliation to this country. We were present at the collapsing of a great delusion. England had for a considerable number of years been flattering itself that the Irish people had come to their senses; that they were now sensible that they had got Catholic Emancipation and the Incumbered Estates Bill, which were the only things they could possibly want; and had become aware that a nation could not have anything to complain of when it was under such beneficent rulers as us, who, if we do but little for them, would so gladly do much if we only knew how.** We all knew that in times past England had been unjust to Ireland. Of that national sin this nation had repented; and we were not now conscious of any other feelings towards Ireland than those which were perfectly honest and benevolent, and he did not say this of one party, or of one side of the House only, he said it of all. **But we had fallen into the mistake of thinking that good intentions were enough.** We had been in the habit of saying pleasant things on this subject in the hearing of foreigners, till, from iteration, foreigners were beginning to believe that Ireland was no longer our weak point—England's vulnerable spot—the portion of our territory where we might perhaps be successfully assailed, and which, in any case, by neutralizing a great portion of our available force, disabled us from doing anything to resist any iniquity which it might be sought to perpetrate in Europe. This pleasing delusion was now at an end. Every foreigner, every continental writer, would believe for many years to come that Ireland was a country constantly on the brink of revolution, held down by an alien nationality, and kept in subjection by brute force. (No, no!) He did not mean that he shared that opinion; he disclaimed it. **He hardly knew to what to compare the position of England towards Ireland, but some illustration of his meaning might be drawn from the practice of flogging. Flogging in some few cases was probably a necessary abomination, because there were some men and boys whom long persistence in evil had so brutalized and perverted that no other punishment had any chance of doing them good. But when any man in authority— whether he was the captain of a ship or the commander of a regiment, or the master of a school, needed the instrument of flogging to maintain his authority—that man deserved flogging as much as any of those who were flogged by his orders.** He was not prepared to vote against granting to Her Majesty's Government the powers which, in the state to which Ireland had been brought, they declared to be absolutely necessary. He was not responsible—they were. They did not bring Ireland into its present state—they found it so, through the misgovernment of centuries and the neglect of half a century. He did not agree with his honourable Friend the Member for Birmingham in thinking that Her Majesty's Ministers, if they could not devise some remedy for the evils of Ireland, were bound to leave their seats on the Treasury Bench and devote themselves to learning statesmanship. From whom were they to learn it? From the Gentlemen opposite, who would be their successors, and who, if they were to propose anything which his honourable Friend or himself would consider as remedies for Irish evils, would not allow them to pass it? The Government had to

deal with things as they were, and not with things as they might wish them to be. He did not believe that the power granted to the Government would be strained beyond the necessity of the case. He would not suggest a suspicion that tyranny and oppression would be practised. He knew there would be nothing of the kind, at least with their cognizance or connivance. He was not afraid that they would make a Jamaica in Ireland; and, to say truth, the fountains of his indignation had been so drained by what had taken place in that unfortunate island that he had none left for so comparatively small a matter as arbitrary imprisonment. When, however, the immediate end had been effected, he hoped that we should not again go to sleep for fifty years, and that we should not continue to meet every proposal for the benefit of Ireland with that eternal "non possumus" which, translated into English, meant, "We don't do it in England." If his honourable and learned Friend the Member for Sheffield thought that nothing was now amiss in Ireland except the Irish Church, he would be likely to hear much more on the subject before long, if he would only listen.

[The Bill went through all its stages in one day and was finally approved in the Commons by a vote of 354 to 6 (Mill's name is not listed in either lobby).]

About this Quotation:

Mid-February 2006 was the official launch of the University of Toronto Press edition of the works of J.S. Mill which went live to the public on the OLL website. This is significant for a number of reasons:

1. It is the most authoritative scholarly edition of the works of Mill which is available.
2. An excellent search engine makes it possible to search across the entire 32 volumes for key words or phrases.
3. J.S. Mill is a towering figure in the history of political thought.

Mill stood up in Parliament in February 1866 to denounce the right given to the Chief Governor of Ireland to suspend habeas corpus and to order floggings of the unruly Irish. One might recall Thomas Hodgskin's outrage at the use of flogging in the British Navy during the Napoleonic Wars which led to his own disciplining and the long intellectual journey he began towards laissez-faire individualism. Mill came to the interesting conclusion that people in positions of authority who resorted to flogging needed to be flogged themselves.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXVIII – Public and Parliamentary Speeches Part I November 1850 – November 1868*, ed. John M. Robson and Bruce L. Kinzer (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1988).
<http://oll.libertyfund.org/title/262/52748/838978>

John Locke on the idea that “wherever law ends, tyranny begins” (1689) (Oct 2, 2006)



John Locke (1632 – 1704)

John Locke states in Section 202 of Chap. XVIII "Of Tyranny" in Book II of the *Two Treatises of Government* that even magistrates must abide by the law:

Where-ever law ends, tyranny begins, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command, to compass that upon the subject, which the law allows not, ceases in that to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another. This is acknowledged in subordinate magistrates. He that hath authority to seize my person in the street, may be opposed as a thief and a robber, if he endeavours to break into my house to execute a writ, notwithstanding that I know he has such a warrant, and such a legal authority, as will impower him to arrest me abroad. And why this should not hold in the highest, as well as in the most inferior magistrate, I would gladly be informed. Is it reasonable, that the eldest brother, because he has the greatest part of his father's estate, should thereby have a right to take away any of his younger brothers portions? or that a rich man, who possessed a whole country, should from thence have a right to seize, when he pleased, the cottage and garden of his poor neighbour? The being rightfully possessed of great power and riches, exceedingly beyond the greatest part of the sons of Adam, is so far from being an excuse, much less a reason, for rapine and oppression, which the endamaging another without authority is, that it is a great aggravation of it: for the exceeding the bounds of authority is no more a right in a great, than in a petty officer; no more justifiable in a king than a constable; but is so much the worse in him, in that he has more trust put in him, has already a much greater share than the rest of his brethren, and is supposed, from the advantages of his education, employment, and counsellors, to be more knowing in the measures of right and wrong.

About this Quotation:

“Where-ever law ends, tyranny begins”. The equality of all citizens under the law is a lynch-pin of the modern notion of the rule of law in a democratic state. A revolutionary implication of this idea, well appreciated by Locke in the tumultuous 1680s, is that even rulers and their magistrates were also under the “sovereignty of the law”. Locke concludes that when any member of the state exceeds his legal authority or in any way violates the law, he ceases “to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another.”

Source

John Locke, *Two Treatises of Government*, ed. Thomas Hollis (London: A. Millar et al., 1764).
<http://oll.libertyfund.org/title/222/16456/704737>

The legal historian Hazeltine wrote in an essay commemorating the 700th anniversary of Magna Carta that the American colonists regarded Magna Carta as the “bulwark of their rights as Englishmen” (1917) (Oct 23, 2006)

[Henry Elliot Malden](#) (? – —)

As part of the 700th anniversary of the signing of Magna Carta, the great Scottish legal scholar McKechnie edited a new edition of the document and Malden edited a collection of commemorative essays for the Royal Historical Society. In one of those essays Hazeltine examined "The Influence of Magna Carta on American Constitutional Development" and concluded that:

If, for the moment, we view the whole system of English Common Law as partly public and partly private law, even though English legal thought does not draw a sharp distinction between the two, we may the more easily grasp the early attitude of the colonists towards the law of the home-land. Reinsch has expressed this attitude in these words: “English colonists, in their general ideas of justice and right, brought with them the fruits of the ‘struggle for law’ in England.... Most of the colonies made their earliest appeal to the Common Law in its character as a muniment of English liberty, that is, considering more its public than its private law elements.” Or, in Channing’s phrase: “So far as [the English Common Law] protected them from the English government and from royal officials they looked upon it as their birthright; so far as it interfered with their development it was to be disregarded”. If we bear this fact in mind, we shall see the more clearly that **English constitutional statutes and cases were, as their “birthright,” of fundamental importance to the English colonists of America in their struggles with colonial and imperial authorities. In the earlier Stuart reigns Magna Carta, as the greatest of all English statutes of liberty, was regarded by the colonists as a bulwark of their rights as Englishmen. As the seventeenth century advanced, the great constitutional struggles in England were reflected in the colonies; and the Petition of Right, the Habeas Corpus Act, the Bill of Rights, and the Act of Settlement (1701) took their place beside Magna Carta in the minds of the colonists as statutory guaranties of the rights of Englishmen, both at home and away from home, in respect of life, liberty, and property.** It is for this reason that we must view Magna Carta in its history in the colonies as only part—though a most valuable part—of the whole body of English constitutional law, the Common Law in its character of public rather than private law, the Common Law as it is found in constitutional cases and constitutional statutes.

About this Quotation:

This collection of essays were written to celebrate the 700th anniversary of the signing of Magna Carta in 1215. The author of the essay on the influence of Magna Carta in the American colonies reminds us that there were several legal documents which were regarded by “Englishmen” as central to their understanding of their liberties vis-à-vis the Crown. They were Magna Carta, the Petition of Right, the Habeas Corpus Act, the Bill of Rights, and the Act of Settlement. For many colonists these were living documents and they jealously protected the liberties defined in them.

Source

Henry Elliot Malden, *Magna Carta Commemoration Essays*, edited by Henry Elliot Malden, M.A. with a Preface by the Rt. Hon. Viscount Bryce, O.M., Etc. For the Royal Historical Society, 1917.
<http://oll.libertyfund.org/title/339/106226/2244896>

Bruno Leoni notes the strong connection between economic freedom and decentralized legal decision-making (1961) (Oct 30, 2006)



[Bruno Leoni](#) (1913 – 1967)

In the Introduction to *Freedom and the Law* the great Italian legal scholar and past President of the Mont Pelerin Society, Bruno Leoni, noted the strong connection between economic freedom and decentralized legal decision-making:

If we contrast the position of judges and lawyers with the position of legislators in contemporary society, we can easily realize how much more power the latter have over the citizens and how much less accurate, impartial, and reliable is their attempt, if any, to "interpret" the people's will.

In these respects a legal system centered on legislation resembles in its turn?as we have already noticed?a centralized economy in which all the relevant decisions are made by a handful of directors, whose knowledge of the whole situation is fatally limited and whose respect, if any, for the people's wishes is subject to that limitation.

No solemn titles, no pompous ceremonies, no enthusiasm on the part of applauding masses can conceal the crude fact that both the legislators and the directors of a centralized economy are only particular individuals like you and me, ignorant of 99 percent of what is going on around them as far as the real transactions, agreements, attitudes, feelings, and convictions of people are concerned. One of the paradoxes of our era is the continual retreat of traditional religious faith before the advance of science and technology, under the implied exigency of a cool and matter-of-fact attitude and dispassionate reasoning, accompanied by a *no less continual retreat from the same attitude and reasoning in regard to legal and political questions*. The mythology of our age is not religious, but political, and its chief myths seem to be "representation" of the people, on the one hand, and the charismatic pretension of political leaders to be in possession of the truth and to act accordingly, on the other.

It is also paradoxical that the very economists who support the free market at the present time do not seem to care to consider whether a free market could really last within a legal system centered on legislation. The fact is that economists are very rarely lawyers, and vice versa, and this probably explains why economic systems, on the one hand, and legal systems, on the other, are usually analyzed separately and seldom put into relation to each other. This is probably the reason why the strict relationship between the market economy and a legal system centered on judges and/or lawyers instead of on legislation is much less clearly realized than it should be, although the equally strict relationship between a planned economy and legislation is too obvious to be ignored in its turn by scholars and people at large.

Unless I am wrong, *there is more than an analogy between the market economy and a judiciary or lawyers' law, just as there is much more than an analogy between a planned economy and legislation.* If one considers that the market economy was most successful both in Rome and in the Anglo-Saxon countries within the framework of, respectively, a lawyers' and a judiciary law, the conclusion seems to be reasonable that this was not a mere coincidence.

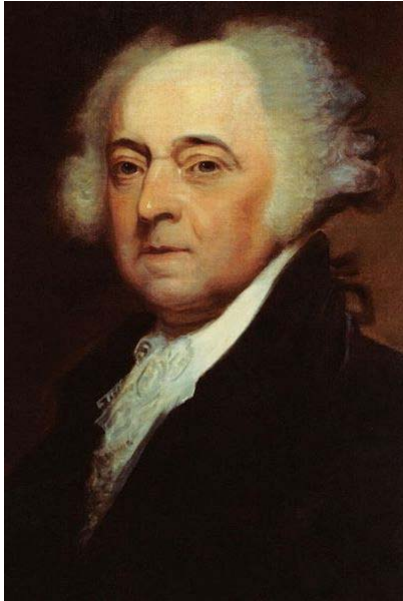
About this Quotation:

Leoni berates economists who, in most cases, can see the benefits of decentralised, rivalrous activity in purely economic activities, but do not see that the same situation exists with legal services which, in the modern world, have been the exclusive preserve of a centralised, national, government monopoly. He slyly suggests that this is a result of the lack of historical knowledge on the part of these economists who not not realise that historically in Ancient Rome, in the free medieval cities, and in the Anglo-Saxon world such legal services have been provided in exactly this manner. A close reading of Adam Smith shows that he was aware of the fact that different courts competed for business and charged different fees for their services in his own day.

Source

Bruno Leoni, *Freedom and the Law*, expanded 3rd edition, foreword by Arthur Kemp (Indianapolis: Liberty Fund 1991). <http://oll.libertyfund.org/title/920/193185/3096748>

John Adams argues that the British Empire is not a “true” empire but a form of a “republic” where the rule of law operates (1763) (Jan 29, 2007)



[John Adams](#) (1735 – 1826)

John Adams, in *Novanglus* No. VII (1763), argues that because the British monarch was limited by the rule of law Britain was more like a republic than an empire. A true empire, he asserted, is a despotism bound by no law or limitation

Here, again, we are to be conjured out of our senses by the magic in the words “British empire,” and “supreme power of the state.” But, however it may sound, I say we are not a part of the British empire; because the British government is not an empire. The governments of France, Spain, &c. are not empires, but monarchies, supposed to be governed by fixed fundamental laws, though not really. The British government is still less entitled to the style of an empire. It is a limited monarchy. If Aristotle, Livy, and Harrington knew what a republic was, **the British constitution is much more like a republic than an empire. They define a republic to be a government of laws, and not of men. If this definition be just, the British constitution is nothing more nor less than a republic, in which the king is first magistrate. This office being hereditary, and being possessed of such ample and splendid prerogatives, is no objection to the government’s being a republic, as long as it is bound by fixed laws, which the people have a voice in making, and a right to defend. An empire is a despotism, and an emperor a despot, bound by no law or limitation but his own will; it is a stretch of tyranny beyond absolute monarchy.** For, although the will of an absolute monarch is law, yet his edicts must be registered by parliaments. Even this formality is not necessary in an empire. There the maxim is *quod principi placuit legis habet rigorem*, even without having that will and pleasure recorded. There are but three empires now in Europe, the German or Holy Roman, the Russian, and the Ottoman.

About this Quotation:

This view of Adams seems to contradict what Adam Smith said about the common disjuncture

between relative liberty in the metropole co-exisiting with “tyranny” in the colonies. It is an intriguing concept to see the monarch described as the first and “hereditary magistrate” in a nation governed by the rule of law. I don’t think jefferson would have agreed with him on this point.

Source

John Adams, *The Revolutionary Writings of John Adams*, Selected and with a Foreword by C. Bradley Thompson (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/592/76848>

The IVth Amendment to the American Constitution states that the people shall be secure in their persons against unreasonable searches and seizures and that no warrants shall issue, but upon probable cause (1788) (Aug 27, 2007)

[James McClellan](#) (1937 – 2005)

James McClellan in *Liberty, Order, and Justice* (2000) comments on each of the Amendments to the U.S. Constitution which make up what is known as the Bill of Rights. Here is the IVth:

[Amendment IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment: Search and Seizure

This is a requirement for search warrants when the public authority decides to search individuals or their houses, or to seize their property in connection with some legal action or investigation. In general, any search without a warrant is unreasonable. Under certain conditions, however, no warrant is necessary—as when the search is incidental to a lawful arrest.

Before engaging in a search, the police must appear before a magistrate and, under oath, prove that they have good cause to believe that a search should be made. The warrant must specify the place to be searched and the property to be seized. This requirement is an American version of the old English principle that “Every man’s house is his castle.” In recent decades, courts have extended the protections of this amendment to require warrants for the search and seizure of intangible property, such as conversations recorded through electronic eavesdropping.

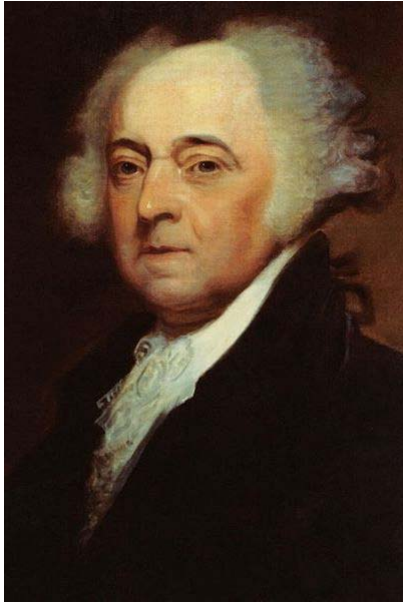
About this Quotation:

The constitutional expert, James McClellan, provides a very useful commentary on the American Bill of Rights. He notes both the original intent of the authors as well as how courts in the modern era have interpreted and extended the laws to take into account technological and other changes. A nice connection here is that one of his academic positions in 1999 was as “James Bryce Visiting Fellow in American Studies” at the Institute of United States Studies of the University of London. James Bryce’s work on *The American Commonwealth* (1995) has been published by Liberty Fund and we have other works by him in the OLL collection.

Source

James McClellan, *Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government* (3rd ed.) (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/679/68522/1660057>

John Adams predicts a glorious future for America under the new constitution and is in “reverence and awe” at its future prospects (1787) (Apr 28, 2008)



[John Adams](#) (1735 – 1826)

In the conclusion to his 3 volume *Defence of the Constitutions of the U.S.* John Adams looks forward to the very great promise the new American republican experiment offers the world:

All nations, from the beginning, have been agitated by the same passions. The principles developed here will go a great way in explaining every phenomenon that occurs in the history of government. The vegetable and animal kingdoms, and those heavenly bodies whose existence and movements we are as yet only permitted faintly to perceive, do not appear to be governed by laws more uniform or certain than those which regulate the moral and political world. Nations move by unalterable rules; and education, discipline, and laws, make the greatest difference in their accomplishments, happiness, and perfection. It is the master artist alone who finishes his building, his picture, or his clock. The present actors on the stage have been too little prepared by their early views, and too much occupied with turbulent scenes, to do more than they have done. Impartial justice will confess that it is astonishing they have been able to do so much. It is for the young to make themselves masters of what their predecessors have been able to comprehend and accomplish but imperfectly.

A prospect into futurity in America, is like contemplating the heavens through the telescopes of Herschell. Objects stupendous in their magnitudes and motions strike us from all quarters, and fill us with amazement! When we recollect that the wisdom or the folly, the virtue or the vice, the liberty or servitude, of those millions now beheld by us, only as Columbus saw these times in vision, are certainly to be influenced, perhaps decided, by the manners, examples, principles, and political institutions of the present generation, that mind must be hardened into stone that is not melted into reverence and awe. With such affecting scenes before his eyes, is there, can there be, a young American indolent and incurious; surrendered up to dissipation and frivolity; vain of imitating the loosest manners of countries, which can never be made

much better or much worse? A profligate American youth must be profligate indeed, and richly merits the scorn of all mankind.

The world has been too long abused with notions, that climate and soil decide the characters and political institutions of nations. The laws of Solon and the despotism of Mahomet have, at different times, prevailed at Athens; consuls, emperors, and pontiffs have ruled at Rome. Can there be desired a stronger proof, that policy and education are able to triumph over every disadvantage of climate? Mankind have been still more injured by insinuations, that a certain celestial virtue, more than human, has been necessary to preserve liberty. Happiness, whether in despotism or democracy, whether in slavery or liberty, can never be found without virtue. The best republics will be virtuous, and have been so; but we may hazard a conjecture, that the virtues have been the effect of the well ordered constitution, rather than the cause. And, perhaps, it would be impossible to prove that a republic cannot exist even among highwaymen, by setting one rogue to watch another; and the knaves themselves may in time be made honest men by the struggle.

It is now in our power to bring this work to a conclusion with unexpected dignity. In the course of the last summer, two authorities have appeared, greater than any that have been before quoted, in which the principles we have attempted to defend have been acknowledged.

The first is, an Ordinance of Congress, of the thirteenth of July, 1787, for the Government of the Territory of the United States, Northwest of the River Ohio.

The second is, the Report of the Convention at Philadelphia, of the seventeenth of September, 1787.

The former confederation of the United States was formed upon the model and example of all the confederacies, ancient and modern, in which the federal council was only a diplomatic body. Even the Lycian, which is thought to have been the best, was no more. The magnitude of territory, the population, the wealth and commerce, and especially the rapid growth of the United States, have shown such a government to be inadequate to their wants; and the new system, which seems admirably calculated to unite their interests and affections, and bring them to an uniformity of principles and sentiments, is equally well combined to unite their wills and forces as a single nation. A result of accommodation cannot be supposed to reach the ideas of perfection of any one; but the conception of such an idea, and the deliberate union of so great and various a people in such a plan, is, without all partiality or prejudice, if not the greatest exertion of human understanding, the greatest single effort of national deliberation that the world has ever seen. That it may be improved is not to be doubted, and provision is made for that purpose in the report itself. A people who could conceive, and can adopt it, we need not fear will be able to amend it, when, by experience, its inconveniences and imperfections shall be seen and felt.

About this Quotation:

John Adams believed that correct “policy and education” would be able to unite all the disparate elements to be found in the territory of the new United States, and that the new constitution was so perfectly designed that it would “unite their interests and affections”. He even went so far as to believe that this “uniformity of principles and sentiments”, of “wills and forces”, would result in “the greatest

exertion of human understanding” and “the greatest single effort of national deliberation that the world has ever seen”. No wonder that his heart had “melted into reverence and awe” at the future he saw unfolding before him.

Source

John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* (Boston: Little, Brown and Co., 1856). 10 volumes. Vol. 6. <http://oll.libertyfund.org/title/2104/159897/2827551>

Sir William Blackstone provides a strong defence of personal liberty and concludes that to “secretly hurry” a man to prison is a “dangerous engine of arbitrary government” (1753) (May 4, 2009)



[Sir William Blackstone](#) (1723 – 1780)

The great English jurist, Sir William Blackstone (1723-1780), argued in his *Commentaries on the Laws of England* (1753) that one of the key "absolute rights of individuals" was the right to the preservation of one's personal liberty. Following from this principle he further argued that it was "a more dangerous engine of arbitrary government" to "secretly hurry" a man to jail where he might suffer unknown or forgotten by the people

II. Next to personal security, the law of England regards, asserts, and preserves the personal liberty of individuals. This personal liberty consists in the power of locomotion, of changing situation, or moving one's person to whatsoever place one's own inclination may direct, without imprisonment or restraint, unless by due course of law. Concerning which we may make the same observations as upon the preceding article, that it is a right strictly natural; that the laws of England have never abridged it without sufficient cause; and that, in this kingdom, it cannot ever be abridged at the mere discretion of the magistrate, without the explicit permission of the laws. Here again the language of the great charter is, that no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land. And many subsequent old statutes expressly direct, that no man shall be taken or imprisoned by suggestion or petition to the king or his council, unless it be by legal indictment, or the process of the common law. By the petition of right, 3 Car. I., it is enacted, that no freeman shall be imprisoned or detained without cause shown, to which he may make answer according to law. By 16 Car. 1. c. 10, if any person be restrained of his liberty by order or decree of any illegal court, or by command of the king's majesty in person, or by warrant of the council board, or of any of the privy council, he shall, upon demand of his counsel, have a writ of habeas corpus, to bring his body before the court of king's bench or common pleas, who shall determine whether the cause of his commitment be just, and thereupon do as to justice shall appertain. And by 31 Car. II. c. 2, commonly called the habeas corpus act, the methods of

obtaining this writ are so plainly pointed out and enforced, that, so long as this statute remains unimpeached, no subject of England can be long detained in prison, except in those cases in which the law requires and justifies such detainer. And, lest this act should be evaded by demanding unreasonable bail or sureties for the prisoner's appearance, it is declared by 1 W. and M. st. 2, c. 2, that excessive bail ought not to be required.

Of great importance to the public is the preservation of this personal liberty; for if once it were left in the power of any the highest magistrate to imprison arbitrarily whomever he or his officers thought proper, (as in France it is daily practised by the crown,) there would soon be an end of all other rights and immunities. Some have thought that unjust attacks, even upon life or property, at the arbitrary will of the magistrate, are less dangerous to the commonwealth than such as are made upon the personal liberty of the subject. To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government. And yet sometimes, when the state is in real danger, even this may be a necessary measure. But the happiness of our constitution is, that it is not left to the executive power to determine when the danger of the state is so great as to render this measure expedient; for it is the parliament only, or legislative power, that, whenever it sees proper, can authorize the crown, by suspending the habeas corpus act for a short and limited time, to imprison suspected persons without giving any reason for so doing; as the senate of Rome was wont to have recourse to a dictator, a magistrate of absolute authority, when they judged the republic in any imminent danger. The decree of the senate, which usually preceded the nomination of this magistrate, “*dent operam consules ne quid respublica detrimenti capiat*,” was called the *senatus consultum ultimæ necessitatis*. In like manner this experiment ought only to be tried in cases of extreme emergency; and in these the nation parts with its liberty for a while, in order to preserve it forever.

About this Quotation:

Blackstone believes that in a dire emergency key liberties like habeas corpus can be suspended temporarily but only by an act of the parliament or the courts, and not by the executive power. The use of arbitrary power to curtail personal liberty would be to him “so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom”. But he left his very considerable wrath for the case of secret imprisonment without trial or charges (“secretly hurrying him to jail”) as the “more dangerous engine of arbitrary government”.

Source

Sir William Blackstone, *Commentaries on the Laws of England in Four Books. Notes selected from the editions of Archibald, Christian, Coleridge, Chitty, Stewart, Kerr, and others, Barron Field's Analysis, and Additional Notes, and a Life of the Author by George Sharswood. In Two Volumes.* (Philadelphia: J.B. Lippincott Co., 1893). Vol. 1 – Books I & II. <http://oll.libertyfund.org/title/2140/198653/3146944>

Cesare Beccaria says that torture is cruel and barbaric and a violation of the principle that no one should be punished until proven guilty in a court of law; in other words it is the “right of power” (1764) (Jun 15, 2009)



[Cesare Bonesana di Beccaria](#) (1738 – 1794)

Chapter XVI of Cesare Beccaria's work on *Crimes and Punishments* (1764) is devoted to the issue of torture. Here he methodically lays out the modern, enlightened case against such practices, calling them cruel and based upon the "right of power" not justice

The torture of a criminal, during the course of his trial, is a cruelty, consecrated by custom in most nations. It is used with an intent either to make him confess his crime, or explain some contradictions, into which he had been led during his examination; or discover his accomplices; or for some kind of metaphysical and incomprehensible purgation of infamy; or, finally, in order to discover other crimes, of which he is not accused, but of which he may be guilty.

No man can be judged a criminal until he be found guilty; nor can society take from him the public protection, until it have been proved that he has violated the conditions on which it was granted. What right, then, but that of power, can authorise the punishment of a citizen, so long as there remains any doubt of his guilt? The dilemma is frequent. Either he is guilty, or not guilty. If guilty, he should only suffer the punishment ordained by the laws, and torture becomes useless, as his confession is unnecessary. If he be not guilty, you torture the innocent; for, in the eye of the law, every man is innocent, whose crime has not been proved. Besides, it is confounding all relations, to expect that a man should be both the accuser and accused; and that pain should be the test of truth, as if truth resided in the muscles and fibres of a wretch in torture. By this method, the robust will escape, and the feeble be condemned. These are the inconveniencies of this pretended test of truth, worthy only of a cannibal; and which the Romans, in many respects barbarous, and whose savage virtue has been too much admired, reserved for the slaves alone.

What is the political intention of punishments? To terrify, and to be an example to others. Is this intention answered, by thus privately torturing the guilty and the innocent? It is doubtless of importance, that no crime should remain unpunished; but it is useless to make a public example of the author of a crime hid in darkness. A crime already committed, and for which there can be no remedy, can only be punished by a political society, with an intention that no hopes of impunity should induce others to commit the same. If it be true, that the number of those, who, from fear or virtue, respect the laws, is greater than of those by whom they are violated, the risk of torturing an innocent person is greater, as there is a greater probability that, *cæteris paribus*, an individual hath observed, than that he hath infringed the laws.

There is another ridiculous motive for torture, namely, to purge a man from infamy. Ought such an abuse to be tolerated in the eighteenth century? Can pain, which is a sensation, have any connection with a moral sentiment, a matter of opinion? Perhaps the rack may be considered as a refiner's furnace.

About this Quotation:

Perhaps it is no coincidence that Beccaria's *An Essay on Crimes and Punishments* appeared in 1764, the same year as Voltaire's *Philosophical Dictionary* appeared in France. Voltaire's work was an attempt to expose the religious intolerance at the heart of the French state, and torture was a common tool used by the church and state to punish or investigate heretics. In this English edition we have Voltaire's introduction as well as the text by Beccaria. A double bonus. Beccaria may well wonder why there is torture in the "enlightened" 18th century; what would he say about torture in the 21st century?

Source

Cesare Bonesana di Beccaria, *An Essay on Crimes and Punishments*. By the Marquis Beccaria of Milan. With a Commentary by M. de Voltaire. A New Edition Corrected. (Albany: W.C. Little & Co., 1872). <http://oll.libertyfund.org/title/2193/202724/3339368>

Lysander Spooner on Jury Nullification as the “palladium of liberty” against the tyranny of government (1852) (Aug 31, 2009)



Lysander Spooner (1808 – 1887)

Lysander Spooner (1808-1887) argued in *Trial by Jury* (1852) that juries had the right and the duty to judge the justice of the law and to thereby act as a "palladium of liberty" against the tyranny of government:

The jury are also to judge whether the laws are rightly expounded to them by the court. Unless they judge on this point, they do nothing to protect their liberties against the oppressions that are capable of being practised under cover of a corrupt exposition of the laws. If the judiciary can authoritatively dictate to a jury any exposition of the law, they can dictate to them the law itself, and such laws as they please; because laws are, in practice, one thing or another, according as they are expounded.

The jury must also judge whether there really be any such law, (be it good or bad,) as the accused is charged with having transgressed. Unless they judge on this point, the people are liable to have their liberties taken from them by brute force, without any law at all.

The jury must also judge of the laws of evidence. If the government can dictate to a jury the laws of evidence, it can not only shut out any evidence it pleases, tending to vindicate the accused, but it can require that any evidence whatever, that it pleases to offer, be held as conclusive proof of any offence whatever which the government chooses to allege.

It is manifest, therefore, that the jury must judge of and try the whole case, and every part and parcel of the case, free of any dictation or authority on the part of the government. They must judge of the existence of the law; of the true exposition of the law; of the justice of the law; and of the admissibility and weight of all the evidence offered; otherwise the government will have everything its own way; the jury will be mere puppets in the hands of the government; and the trial will be, in reality, a trial by the government, and not a “trial by the country.” By such trials the government will determine its own powers over the people, instead of the people’s

determining their own liberties against the government; and it will be an entire delusion to talk, as for centuries we have done, of the trial by jury, as a “palladium of liberty,” or as any protection to the people against the oppression and tyranny of the government.

The question, then, between trial by jury, as thus described, and trial by the government, is simply a question between liberty and despotism. The authority to judge what are the powers of the government, and what the liberties of the people, must necessarily be vested in one or the other of the parties themselves—the government, or the people; because there is no third party to whom it can be entrusted. If the authority be vested in the government, the government is absolute, and the people have no liberties except such as the government sees fit to indulge them with. If, on the other hand, that authority be vested in the people, then the people have all liberties, (as against the government,) except such as substantially the whole people (through a jury) choose to disclaim; and the government can exercise no power except such as substantially the whole people (through a jury) consent that it may exercise.

About this Quotation:

Lysander Spooner was one of the most radical legal theorists of the 19th century. At one stage he argued that the principles of the Declaration of Independence, the U.S. Constitution, and the Amendments to the Constitution (the Bill of Rights) clearly prohibited slavery as a matter of principle and equal rights before nature and the law. When this proved to be a losing proposition in the 1850s he turned to arguing that the U.S. Constitution had no authority over free men and that it should be ignored or undermined. One powerful way to do this was “jury nullification”, i.e. the ancient right of juries going back to Magna Carta to determine the justice of any law which might be applied to a case, to determine the rules of evidence, and to thus act as brake on central government power. He wrote this tract in 1852 arguing along these lines. Needless to say, he was unsuccessful in changing the course of the growth of government power but his arguments linger on.

Source

Lysander Spooner, *An Essay on the Trial by Jury* (Boston: John P. Jewett and Company, 1852).
<http://oll.libertyfund.org/title/2181/202887/3340550>

Spooner states the importance of the 9th Amendment to the American Constitution which protects the natural rights of the people not enumerated in the 1st 8 Amendments (1886) (May 12, 2010)



Lysander Spooner (1808 – 1887)

Lysander Spooner (1808-1887) points out the importance of the 9th Amendment to the American Constitution in protecting the natural rights of the people not enumerated in the first 8 amendments. He laments the fact that this amendment has been ignored by the courts almost since it was enacted:

Section XXV.

But perhaps the most absolute proof that our national lawmakers and judges are as regardless of all constitutional, as they are of all natural, law, and that their statutes and decisions are as destitute of all constitutional, as they are of all natural, authority, is to be found in the fact that these lawmakers and judges have trampled upon, and utterly ignored, certain amendments to the constitution, which had been adopted, and (constitutionally speaking) become authoritative, as early as 1791; only two years after the government went into operation.

If these amendments had been obeyed, they would have compelled all congresses and courts to understand that, if the government had any constitutional powers at all, they were simply powers to protect men's natural rights, and not to destroy any of them.

These amendments have actually forbidden any lawmaking whatever in violation of men's natural rights. And this is equivalent to a prohibition of any lawmaking at all. And if lawmakers and courts had been as desirous of preserving men's natural rights, as they have been of violating them, they would long ago have found out that, since these amendments, the constitution authorized no lawmaking at all.

These amendments were ten in number. They were recommended by the first congress, at its first session, in 1789; two-thirds of both houses concurring. And in 1791, they had

been ratified by all the States: and from that time they imposed the restrictions mentioned upon all the powers of congress.

These amendments were proposed, by the first congress, for the reason that, although the constitution, as originally framed, had been adopted, its adoption had been procured only with great difficulty, and in spite of great objections. These objections were that, as originally framed and adopted, the constitution contained no adequate security for the private rights of the people.

These objections were admitted, by very many, if not all, the friends of the constitution themselves, to be very weighty; and such as ought to be immediately removed by amendments. And it was only because these friends of the constitution pledged themselves to use their influence to secure these amendments, that the adoption of the constitution itself was secured. And it was in fulfilment of these pledges, and to remove these objections, that the amendments were proposed and adopted.

The first eight amendments specified particularly various prohibitions upon the power of congress; such, for example, as those securing to the people the free exercise of religion, the freedom of speech and the press, the right to keep and bear arms, etc., etc. **Then followed the ninth amendment, in these words:**

The enumeration in the constitution, of certain rights, [retained by the people] shall not be construed to deny or disparage others retained by the people.

Here is an authoritative declaration, that “the people” have “other rights” than those specially “enumerated in the constitution”; and that these “other rights” were “retained by the people”; that is, that congress should have no power to infringe them.

What, then, were these “other rights,” that had not been “enumerated”; but which were nevertheless “retained by the people”?

Plainly they were men’s natural “rights”; for these are the only “rights” that “the people” ever had, or, consequently, that they could “retain.”

And as no attempt is made to enumerate all these “other rights,” or any considerable number of them, and as it would be obviously impossible to enumerate all, or any considerable number, of them; and as no exceptions are made of any of them, the necessary, the legal, the inevitable inference is, that they were all “retained”; and that congress should have no power to violate any of them.

Now, if congress and the courts had attempted to obey this amendment, as they were constitutionally bound to do, they would soon have found that they had really no lawmaking power whatever left to them; because they would have found that they could make no law at all, of their own invention, that would not violate men’s natural rights.

All men’s natural rights are co-extensive with natural law, the law of justice; or justice as a science. This law is the exact measure, and the only measure, of any and every man’s

natural rights. No one of these natural rights can be taken from any man, without doing him an injustice; and no more than these rights can be given to any one, unless by taking from the natural rights of one or more others.

In short, every man's natural rights are, first, the right to do, with himself and his property, everything that he pleases to do, and that justice towards others does not forbid him to do; and, secondly, to be free from all compulsion, by others, to do anything whatever, except what justice to others requires him to do.

Such, then, has been the constitutional law of this country since 1791; admitting, for the sake of the argument—what I do not really admit to be a fact—that the constitution, so called, has ever been a law at all.

This amendment, from the remarkable circumstances under which it was proposed and adopted, must have made an impression upon the minds of all the public men of the time; although they may not have fully comprehended, and doubtless did not fully comprehend, its sweeping effects upon all the supposed powers of the government.

But whatever impression it may have made upon the public men of that time, its authority and power were wholly lost upon their successors; and probably, for at least eighty years, it has never been heard of, either in congress or the courts.

About this Quotation:

One wonders how the course of American history might have been radically different if the 19th century individualist legal theorist Lysander Spooner had been appointed to the Supreme Court. One of his favorite amendments to the Constitution was the 9th, which he believed had been largely forgotten by jurists in the 80 or so years since it was enacted, possibly for very good political reasons. Had its defence of the people's natural rights, which were not enumerated specifically in the first 8 amendments, been enforced, very little of what the US government had done in the meantime, or since, would be constitutional. After continuing to be ignored for nearly 160 years the 9th Amendment was "rediscovered" by Bennett Patterson in 1955 and again by Randy Barnett in 2005. Perhaps in another 50 years someone else, possibly a Supreme Court judge, might "rediscover" it again.

Source

Lysander Spooner, *A Letter to Grover Cleveland, on his false Inaugural Address, the Usurpations and Crimes of Lawmakers and Judges, and the consequent Poverty, Ignorance, and Servitude of the People* (Boston: Benjamin R. Tucker Publisher, 1886). <http://oll.libertyfund.org/title/2224/208967/3400811>

Sir Edward Coke explains one of the key sections of Magna Carta on English liberties (1642) (Jan 31, 2011)



Sir Edward Coke (1552 – 1634)

The English judge and Member of Parliament Sir Edward Coke (1552-1634) spelled out the full meaning of what it meant to have “English liberties.” Because he believed that “the liberty of a mans person is more precious to him, then all the rest that follow” he listed the nine “branches” which made up the “tree of liberty” as understood in the mid-17th century:

Chapter 29

No Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor condemn him, but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.

“No Free, &c.”

This extends to Villeins, saving against their Lord, for they are free against all men, saving against their Lord. See the first part of the Institutes, sect. 189.

“No Freeman.”

Albeit homo doth extend to both sexes, men and women, yet by Act of Parliament it is enacted, and declared, that this Chapter should extend to Duchesses, Countesses, and Baronesses, but Marchionesses, and Vicountesses are omitted, but notwithstanding they are also comprehended within this Chapter.

Upon this Chapter, as out of a roote, many fruitfull branches of the Law of England have sprung.

And therefore first the genuine sense hereof is to be seene, and after how the same hath

been declared, and interpreted. For the first, for more perspicuity, it is necessary to divide this Chapter into severall branches, according to the true construction and reference of the words.

This Chapter containeth nine severall branches.

1. That no man be taken or imprisoned, but per legem terrae, that is, by the Common Law, Statute Law, or Custome of England; for these words, Per legem terrae, being towards the end of this Chapter, doe referre to all the precedent matters in this Chapter, and this hath the first place, because the liberty of a mans person is more precious to him, then all the rest that follow, and therefore it is great reason, that he should by Law be relieved therein, if he be wronged, as hereafter shall be shewed.

2. No man shall be disseised, that is, put out of seison, or dispossessed of his free-hold (that is) lands, or livelihood, or of his liberties, or free customes, that is, of such franchises, and freedomes, and free customes, as belong to him by his free birth-right, unlesse it be by the lawfull judgement, that is, verdict of his equals (that is, of men of his own condition) or by the Law of the Land (that is, to speak it once for all) by the due course, and processe of Law.

3. No man shall be out-lawed, made an exlex, put out of the Law, that is, deprived of the benefit of the Law, unlesse he be out-lawed according to the Law of the Land.

4. No man shall be exiled, or banished out of his Country, that is, Nemo perdet patriam, no man shall lose his Country, unlesse he be exiled according to the Law of the Land.

5. No man shall be in any sort destroyed (Destruere. i. quod prius structum, & factum fuit, penitus evertere & diruere) unlesse it be by the verdict of his equals, or according to the Law of the Land.

6. No man shall be condemned at the Kings suite, either before the King in his Bench, where the Pleas are Coram Rege, (and so are the words, Nec super eum ibimus, to be understood) nor before any other Commissioner, or Judge whatsoever, and so are the words, Nec super eum mitemus, to be understood, but by the judgement of his Peers, that is, equals, or according to the Law of the Land.

7. We shall sell to no man Justice or Right.

8. We shall deny to no man Justice or Right.

9. We shall defer to no man Justice or Right.

The genuine sense being distinctly understood, we shall proceed in order to unfold how the same have been declared, and interpreted. 1. By authority of Parliament. 2. By our books. 3. By precedent.

“No Freeman shall be taken, or imprisoned.”

Attached and arrested are comprehended herein.

1. No man shall be taken, (that is) restrained of liberty, by petition, or suggestion to the King, or to his Councell, unlesse it be by indictment, or presentment of good, and lawfull men, where such deeds be done. This branch, and divers other parts of this Act have been notably explained by divers superseded Acts of Parliament, &c. quoted in the margent.

2. No man shall be disseised, &c.

b. Hereby is intended, that lands, tenements, goods, and chattells shall not be seised into the Kings hands, contrary to this great Charter, and the Law of the Land; Nor any man shall be disseised of his lands, or tenements, or dispossessed of his goods, or Chattels, contrary to the Law of the Land.

c. A custome was alledged in the town of C. that if the Tenant cease by two years, that the Lord should enter into the freehold of the Tenant, and hold the same untill he were satisfied of the arrerages, and it was adjudged a custome | against the Law of the Land, to enter into a mans freehold in that case without action or answer.

King H. 6. graunted to the Corporation of Diers within London, power to search, &c., and if they found any cloth died with Logwood, that the cloth should be forfeit: and it was adjudged, that this Charter concerning the forfeiture, was against the Law of the Land, and this Statute: For no forfeiture can grow by Letters Patents.

No man ought to be put from his livelihood without answer.

3. No man outlawed, that is, barred to have the benefit of the Law. Vide for the word, the first part of the Institutes.

Note to this word utlagetur, these words, Nisi per legem terrae, do refer.

About this Quotation:

Sir Edward Coke wrote a voluminous set of glosses on aspects of English law known as *The Institutes*. In this case, *The Second Part of the Institutes*, he glosses the meaning of the Great Charter (Magna Carta) of 1215. It elaborated in considerable detail the foundation upon which “English liberties” rested. It was not published until 1642, some 8 years after his death, but just in time to become part of the intellectual ammunition used by opponents of the Monarchy during the English civil war and revolution during the 1640s and 1650s. This quotation comes from chapter 29 on the section entitled “No Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties ... but by lawful judgment of his Peers, or by the Law of the Land.” To Coke, this was the “root” from which sprang many “branches” of English law regarding individual liberty. One can imagine John Lilburne reading from this passage in his successful defence in his trial for treason in 1649. The jury of his peers acquitted him of all charges.

Source

Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard

Algernon Sidney on the need for the law to be “deaf, inexorable, inflexible” and not subject to the arbitrary will of the ruler (1698) (Mar 1, 2011)



[Algernon Sidney](#) (1622 – 1683)

This passage from Algernon Sidney (1622-1683) encapsulates an important part of the idea of the rule of law (or “written reason”), namely that it must be applied equally and impartially to all individuals and must not be subject to “mitigation or interpretation” by the ruler. It appeared in Sidney’s unpublished book *Discourses Concerning Government* which was used to charge, try, and execute him for treason in 1683:

...Fortescue says plainly, the king cannot change any law: Magna Charta casts all upon the laws of the land and customs of England: but to say that the king can by his will make that to be a custom, or an ancient law, which is not, or that not to be so which is, is most absurd. He must therefore take the laws and customs as he finds them, and can neither detract from, nor add anything to them. The ways are prescribed as well as the end. Judgments are given by equals, per pares. The judges who may be assisting to those, are sworn to proceed according to law, and not to regard the king’s letters or commands. The doubtful cases are reserved, and to be referred to the parliament, as in the statute of 35 Edw. 3d concerning treasons, but never to the king. The law intending that these parliaments should be annual, and leaving to the king a power of calling them more often, if occasion require, takes away all pretence of a necessity that there should be any other power to interpret or mitigate laws. For ’tis not to be imagined that there should be such a pestilent evil in any ancient law, custom, or later act of parliament, which being on the sudden discover’d, may not without any great prejudice continue for forty days, till a parliament may be called; whereas the force and essence of all laws would be subverted, if under colour of mitigating and interpreting, the power of altering were allow’d to kings, who often want the inclination, and for the most part the capacity of doing it rightly. **’Tis not therefore upon the uncertain will or understanding of a prince, that the safety of a nation ought to depend. He is sometimes a child, and sometimes overburden’d with years. Some are weak, negligent, slothful, foolish or vicious: others, who may have something of rectitude in their intentions, and naturally are not incapable of doing**

well, are drawn out of the right way by the subtlety of ill men who gain credit with them. That rule must always be uncertain, and subject to be distorted, which depends upon the fancy of such a man. He always fluctuates, and every passion that arises in his mind, or is infused by others, disorders him. The good of a people ought to be established upon a more solid foundation. For this reason the law is established, which no passion can disturb. 'Tis void of desire and fear, lust and anger. 'Tis mens sine affectu [mind without passion], written reason, retaining some measure of the divine perfection. It does not enjoin that which pleases a weak, frail man, but without any regard to persons commands that which is good, and punishes evil in all, whether rich or poor, high or low. 'Tis deaf, inexorable, inflexible.

By this means every man knows when he is safe or in danger, because he knows whether he has done good or evil. But if all depended upon the will of a man, the worst would be often the most safe, and the best in the greatest hazard: Slaves would be often advanced, the good and the brave scorn'd and neglected. The most generous nations have above all things sought to avoid this evil: and the virtue, wisdom and generosity of each may be discern'd by the right fixing of the rule that must be the guide of every man's life, and so constituting their magistracy that it may be duly observed. Such as have attained to this perfection, have always flourished in virtue and happiness: They are, as Aristotle says, governed by God, rather than by men, whilst those who subjected themselves to the will of a man were governed by a beast.

This being so, our author's next clause, that "tho a king do frame all his actions to be according unto law, yet he is not bound thereunto, but as his good will, and for good example, or so far forth as the general law for the safety of the commonwealth doth naturally bind him," is wholly impertinent. For if the king who governs not according to law, degenerates into a tyrant, he is obliged to frame his actions according to law, or not to be a king; for a tyrant is none, but as contrary to him, as the worst of men is to the best. But if these obligations were untied, we may easily guess what security our author's word can be to us, that the king of his own good will, and for a good example, will frame his actions according to the laws; when experience instructs us, that notwithstanding the strictest laws, and most exquisite constitutions, that men of the best abilities in the world could ever invent to restrain the irregular appetites of those in power, with the dreadful examples of vengeance taken against such as would not be restrained, they have frequently broken out; and the most powerful have for the most part no otherwise distinguished themselves from the rest of men, than by the enormity of their vices, and being the most forward in leading others to all manner of crimes by their example.

About this Quotation:

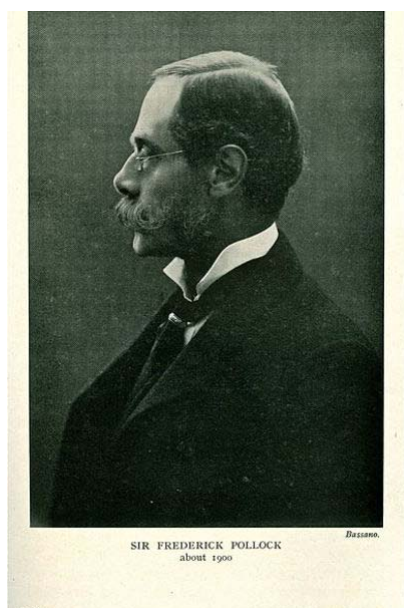
Algernon Sidney wrote his *Discourses concerning Government* (1683) to refute Sir Robert Filmer's (1588-1653) patriarchal theory of the monarchy, *Patriarcha, or the Natural Power of Kings*, which had appeared in 1680. Filmer's work also prompted John Locke to write part of the *Two Treatises of Government* so it should be doubly famous for having prompted into being two classics of the republican commonwealthman tradition which was to so influence the 18th century, especially those in America who were challenging the right of the British king to rule over them. Sidney's criticisms of the arbitrary and despotic powers of the restored Stuart monarchy so inflamed their supporters that Sidney was singled out for persecution and it was with delight that they found in his rooms an unpublished manuscript of his *Discourses* which they used as evidence of treason against him, the judge arguing that "scribere est agere" (to write is to act – i.e. that writing in favour of an act is the

same as carrying out that act). The habit of the Levellers in the 1640s and the republicans in the 1670s and 1680s when faced with legal challenges like this was to argue that several hundred years of English law going back to Magna Carta (1215) limited the arbitrary powers of the king and granted “free born” Englishmen certain rights to liberty which no current king could or should overturn. In Sidney’s case he also argued that since the book had never been published it seemed a little odd to use it as proof of his public treasonous activities. Sidney lost the case and was duly beheaded, but was spared the indignity of having his body drawn and quartered. The *Discourses* were published after his execution from either a second copy or from the copy held by the Crown prosecutors which got into the hands of a sympathetic publisher.

Source

Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund 1996). <http://oll.libertyfund.org/title/223/22352/904905>

Pollock on “our lady” the common law and her devoted servants (1911) (Jul 11, 2011)



Sir Frederick Pollock (1845 – 1937)

The great historian of English law Sir Frederick Pollock (1845–1937) concluded his popular lectures on “the genius of the common law” with the following statement about the need for impartial interpreters of the common law regardless of the outward form which government may take. He calls the common law “Our Lady” and believes that she and her servants will be able to keep the enemy of liberty from coming “within the gate”:

An acuter kind of conflict may arise when obedience is refused to the secular magistrate in the name of a higher spiritual authority. Conscience, right or wrong, can be a very stubborn thing, and has been known to wear out the law in minor matters, as in the case of the Quakers. Not that the Common Law is very tolerant of conscientious pretenders to a special revelation; as witness the anecdote, apocryphal though it may be, concerning Chief Justice Holt and a certain prophet. We speak here, however, of the more serious case where the dissenting conscience appeals to an external and visible authority having a law of its own. Here we have not the State on one side and the individual on the other, but independent powers face to face, with the regular incidents (mostly but not always short of physical combat) of friendly or unfriendly relations, diplomatic discussion, treaties, compromises, and so forth. During the Middle Ages our lady the Common Law was in frequent strife with the more ancient and, at those times, more highly organized empire of the Church and the Canon Law. Now and then the strife might be said to be for independence rather than for any privilege or particular exclusive jurisdiction. Boundary questions, however, must come up whenever two or more jurisdictions exist at the same time and place and are capable of overlapping; and their occurrence, though it may imperil peace, does not involve in itself any state of normal hostility. Far more deliberate, though much less known to posterity, was the attack made on the Common Law in America not by Popes or bishops but by Puritans. The settlers of Massachusetts refused to admit any authority but that of their own enactments, tempered by a general deference to ‘God’s word,’ meaning thereby the text of the Mosaic law: not the system of the great medieval Rabbis, but the letter of the Pentateuch interpreted after their own fashion. Such

was the prevailing temper, down to the eighteenth century, throughout the New England States, and the zeal of Massachusetts was equalled or even exceeded elsewhere (I do not, of course, refer to the spurious 'Blue Laws' of Connecticut; the genuine examples are sufficient). Besides the constant Puritanic or Judaizing bias, these early colonial ordinances exhibit curious reversions to archaic ideas and classification. Outside New England there was not the same downright aversion to English law and procedure, but it would be hard to find even in Virginia or the Carolinas, within the same period, any received presumption in favour of the Common Law being the groundwork of local jurisprudence. It may seem a paradox, but it is a fact which research more and more tends to confirm, that it was none of the Pilgrim Fathers, but the Fathers of the Constitution, who, in the very act of repudiating allegiance to king and parliament, enthroned our lady the Common Law on the western shores of the Atlantic.

There seems to be no ground for affirming that the Common Law is especially attached to any one form of government, or is incompatible with any that makes substantial provision for civic liberty and the representation of the governed. Those fundamental conditions may be satisfied in many ways, perhaps in ways not yet found out. It might be hard to say how much of our lady's house has been rebuilt, but it is sure that the fashion of the furniture has been changed many times. Henry VIII, not to say Edward I, would never have believed a man who prophesied that his successors, after losing most of their direct power and sinking for a short time into political insignificance, would regain a high degree of consideration and no contemptible measure of influence as confidential but impartial advisers of their own Ministers. Yet through all this the Common Law stands where it did. **Our lady does not, in truth, care much by what name the chief magistrate is called, whether his office is elective or hereditary, whether he has as much active discretion of his own as the President of the United States or as little as a modern King of Great Britain. What she does care for is that government, whatever its forms, shall be lawful and not arbitrary; that it shall have the essential attribute for which Chief Justice Fortescue's word was 'political' as far back as the fifteenth century. She looks for trusty servants who will stand by her in the day of need. She demands fearless and independent judges drawn from a fearless and independent Bar, men who will not swerve from the straight path to the right hand for any pleasure of rulers, be they aristocratic or democratic, nor be drawn aside to the left by the more insidious temptation of finding popular favour in opposition. If our lady's servants are not of that spirit, all the learning of all their books will not save them from disgrace or her realm from ruin. If they are, we shall never see the enemy whom she and they will be afraid to speak with in the gate.**

About this Quotation:

Pollock makes an interesting point about the law being "blind". In his view the English common law is indifferent to the outward form a political community may take, whether it is democratic or aristocratic, or based upon "civic liberty" or not. He seems to believe that there is no one path which leads to a society of law and that the future may produce other forms of organizing society which will also satisfy the need for law which have not yet imagined by men. The sole criterion in his mind for the making of good law is that the judges of law in the courts be "fearless and independent" of any outside influence such as the "pleasure of rulers" or seeking "popular favour". In an interesting passage he is not convinced that appeals to a "higher spiritual authority" produces better law than judge-made law. He dismisses the efforts of the Puritans in North America to infuse a religious dimension into the law as "spurious" and accuses them of introducing a "constant Puritanic and

Judaizing bias”. It took the Founding Fathers of the American constitution “who, in the very act of repudiating allegiance to king and parliament, enthroned our lady the Common Law on the western shores of the Atlantic.”

Source

Sir Frederick Pollock, *The Genius of the Common Law* (New York: Columbia University Press, 1912).
<http://oll.libertyfund.org/title/1954/122740/2468478>

Tiedeman states that the police powers under the constitution are strictly limited to enforcing the maxim: “use your own property in such a manner as not to injure that of another” (1886) (Apr 9, 2012)

[Thomas Kingsmill Abbott](#) (1829 – 1913)

The American legal scholar Christopher Tiedeman (1857-1903) believed that the police powers of the government were strictly limited under the constitution to protecting the rights of minorities from control or interference by the majority:

In the days when popular government was unknown, and the maxim *Quod principi placuit, legis habet vigorem*, seemed to be the fundamental theory of all law, it would have been idle to speak of limitations upon the police power of government; for there were none, except those which are imposed by the finite character of all things natural. Absolutism existed in its most repulsive form. The king ruled by divine right, and obtaining his authority from above he acknowledged no natural rights in the individual. If it was his pleasure to give to his people a wide room for individual activity, the subject had no occasion for complaint. But he could not raise any effective opposition to the pleasure of the ruler, if he should see fit to impose numerous restrictions, all tending to oppress the weaker for the benefit of the stronger.

But the divine right of kings began to be questioned, and its hold on the public mind was gradually weakened, until, finally, it was repudiated altogether, and the opposite principle substituted, that all governmental power is derived from the people; and instead of the king being the vicegerent of God, and the people subjects of the king, the king and other officers of the government were the servants of the people, and the people became the real sovereign through the officials. *Vox populi, vox Dei*, became the popular answer to all complaints of the individual against the encroachments of popular government upon his rights and his liberty. Since the memories of the oppressions of the privileged classes under the reign of kings and nobles were still fresh in the minds of individuals for many years after popular government was established in the English-speaking world, content with the enjoyment of their own liberties, there was no marked disposition manifested by the majority to interfere with the like liberties of the minority. On the contrary the sphere of governmental activity was confined within the smallest limits by the popularization of the so-called *laissez-faire* doctrine, which denies to government the power to do more than to provide for the public order and personal security by the prevention and punishment of crimes and trespasses. Under the influence of this doctrine, the encroachments of government upon the rights and liberties of the individual have for the past century been comparatively few. But the political pendulum is again swinging in the opposite direction, and the doctrine of governmental inactivity in economical matters is attacked daily with increasing vehemence. Governmental interference is proclaimed and demanded everywhere as a sufficient panacea for every social evil which threaten the prosperity of society. Socialism, Communism, and Anarchism are rampant throughout the civilized world. The State is called on to protect the weak against the shrewdness of the stronger, to determine what wages a workman shall receive for his labor, and how many hours daily he shall labor. Many trades and occupations are being prohibited because some are damaged incidentally by their prosecution, and many ordinary pursuits are made government monopolies. The demands of the Socialists and Communists vary in degree

and in detail, and the most extreme of them insist upon the assumption by government of the paternal character altogether, abolishing all private property in land, and making the State the sole possessor of the working capital of the nation.

Contemplating these extraordinary demands of the great army of discontents, and their apparent power, with the growth and development of universal suffrage, to enforce their views of civil polity upon the civilized world, the conservative classes stand in constant fear of the advent of an absolutism more tyrannical and more unreasoning than any before experienced by man, the absolutism of a democratic majority.

The principal object of the present work is to demonstrate, by a detailed discussion of the constitutional limitations upon the police power in the United States, that under the written constitutions, Federal and State, democratic absolutism is impossible in this country, as long as the popular reverence for the constitutions, in their restrictions upon governmental activity, is nourished and sustained by a prompt avoidance by the courts of any violations of their provisions, in word or in spirit. The substantial rights of the minority are shown to be free from all lawful control or interference by the majority, except so far as such control or interference may be necessary to prevent injury to others in the enjoyment of their rights. The police power of the government is shown to be confined to the detailed enforcement of the legal maxim, sic utere tuo, ut alienum non lædas.

If the author succeeds in any measure in his attempt to awaken the public mind to a full appreciation of the power of constitutional limitations to protect private rights against the radical experimentations of social reformers, he will feel that he has been amply requited for his labors in the cause of social order and personal liberty.

About this Quotation:

Tiedeman was part of a movement by conservative “laissez-faire” legal scholars in the late 19th century to defend the ideal of strictly limited government from the attacks of “Socialism, Communism, and Anarchism.” The quote comes from the introduction to the 1886 edition of his major work on the “police powers” and is a very impassioned plea for liberty. In what amounts to a battle of the latin phrases, he makes his case as follows: under the rule of absolute monarchs the legal principle was “quod principi placuit legis habet vigorem” or “that which pleases the prince has the strength of law;” when the power of monarchs was being challenged in the 18th century the legal principle changed to that of “vox populi, vox Dei” (“the voice of the people is the voice of God”), in other words that rulers were the servants of the people, not vice versa; but in the late 19th century the rise of democracy had turned this maxim into the extreme position that the “people” could use the law to do anything they wanted. Tiedeman argued in his book that according to the natural law upon which the U.S. Constitution was based, the guiding principle of the government should be confined to enforcing the maxim that “sic utere tuo, ut alienum non lædas” (“use your own property in such a manner as not to injure that of another”).

Source

Christopher G. Tiedeman, *A Treatise on State and Federal Control of Persons and Property in the United States considered from both a Civil and Criminal Standpoint* (St. Louis: The F.H. Thomas Law Book Co., 1900). Vol. 1. <http://oll.libertyfund.org/title/2438/230186/3908895>

Pascal and the absurd notion that the principles of justice vary across state borders (1669) (Jun 5, 2012)

Blaise Pascal (1623 – 1662)

The French philosopher and mathematician Blaise Pascal (1623-1662) points out that artificial lines drawn on a map do not invalidate moral laws which are derived from the nature of man. It is “absurd” to think I have the right to kill a foreigner because my sovereign orders me to do so:

OF JUSTICE CUSTOMS AND PREJUDICES.

ON what shall man found the economy of the world which he would fain govern? If on the caprice of each man, all is confusion. If on justice, man is ignorant of it.

Certainly had he known it, he would not have established the maxim, most general of all current among men, that every one must conform to the manners of his own country; the splendour of true equity would have brought all nations into subjection, and legislators would not have taken as their model the fancies and caprice of Persians and Germans instead of stable justice. We should have seen it established in all the States of the world, in all times, whereas now we see neither justice nor injustice which does not change its quality upon changing its climate. Three degrees of latitude reverse all jurisprudence, a meridian decides what is truth, fundamental laws change after a few years of possession, right has its epochs, the entrance of Saturn into the Lion marks for us the origin of such and such a crime. That is droll justice which is bounded by a stream! Truth on this side of the Pyrenees, error on that.

It is admitted that justice is not in these customs, but that it resides in natural laws common to every country. This would no doubt be maintained with obstinacy if the rash chance which has disseminated human laws had lighted upon even one that is universal, but the singularity of the matter is that owing to the vagaries of human caprice there is not one.

Theft, incest, infanticide, parricide, all have found a place among virtuous actions. Can there be any thing more absurd than that a man should have the right to kill me because he lives across the water, and because his prince has a quarrel with mine, although I have none with him? There are no doubt natural laws, but fair reason once corrupted has corrupted all. Nihil amplius nostrum est; quod nostrum dicimus, artis est. Ex senatus consultis, et plebiscitis crimina exercentur. Ut olim vitiis, sic nunc legibus laboramus.

From this confusion it results that one declares the essence of justice to be the authority of the legislator, another, the convenience of the sovereign, another, existing custom, and this is the most sure; nothing which follows reason alone is just in itself, all shifts and changes with time; custom creates equity, by the simple reason that this is received. It is the mystical foundation of its authority, whoever carries it back to first principles annihilates it. Nothing is so faulty as those laws which correct faults. Whoever obeys them because they are just, obeys an imaginary justice, not law in its essence; it is altogether self-contained, it is law and nothing more. Whoever will examine its motive will find it so feeble and so slight that if he be not used to contemplate the marvels of human

imagination, he will wonder that a single century has gained for it so much pomp and reverence. It is the art of disturbance and of revolution to shake established customs, sounding them to their source, to mark their want of authority and justice. We must, it is said, return to the primitive and fundamental laws of the State, abolished by unjust custom. It is a game wherein we are sure to lose all; in this balance nothing would be true, yet the people easily lends an ear to such talk as this. They shake off the yoke as soon as they recognise it, and the great profit by its ruin, and by the ruin of those who have too curiously examined recognised customs. This is why the wisest of law givers said that it was often necessary to cheat men for their good, and another, a good politician, *Quum veritatemqua liberetur ignoret, expedit quod fallatur*. We ought not to feel the truth that law is but usurpation; it was once introduced without reason, and has become reasonable; it is necessary to cause it to be regarded as eternal and authoritative, and to conceal the beginning if we do not wish it should soon come to an end.

About this Quotation:

Pascal asks some very profound questions in this chapter on Justice and Customs in his collection of *Thoughts* (1669). He laments the fact that too many people are willing to obey the laws of their country unquestioningly even if they do not comport with natural law but are merely the conventions in which they have grown up (“unjust custom”). The example he cites is that of going to war to kill an unknown person across a national border just because one’s sovereign orders one to do so. However, he recoils from the full consequences of this line of thinking by concluding that it is perhaps better not to examine the origin of the state too closely because one might find some very unsavoury and unpleasant things: “it is necessary to cause it (the law) to be regarded as eternal and authoritative, and to conceal the beginning if we do not wish it should soon come to an end.”

Source

Blaise Pascal, *The Thoughts of Blaise Pascal*, translated from the text of M. Auguste Molinier by C. Kegan Paul (London: George Bell and Sons, 1901). <http://oll.libertyfund.org/title/2407/227498/3882182>

Algernon Sidney argues that a law that is not just is not a law (1683) (Jun 25, 2012)



[Algernon Sidney](#) (1622 – 1683)

The radical English republican political theorist Algernon Sidney (1622-1683) asks why subjects of the King should obey the law. He concludes that we should obey not because of threats of punishment or coercion but because the law was based upon the “eternal principle of reason and truth”:

SECTION 11: That which is not just, is not Law; and that which is not Law, ought not to be obeyed.

Our author having for a long time pretended conscience, now pulls off his mask, and plainly tells us, that 'tis not on account of conscience, but for fear of punishment, or hopes of reward, that laws are to be obeyed. That familiar distinction of the Schoolmen, says he, whereby they subject kings to the directive, but not to the coercive power of the law, is a confession, that kings are not bound by the positive laws of any nation, since the compulsory power of laws is that which properly makes laws to be laws. Not troubling myself with this distinction of the Schoolmen, nor acknowledging any truth to be in it, or that they are competent judges of such matters, I say, that if it be true, our author's conclusion is altogether false; for **the directive power of the law, which is certain, and grounded upon the inherent good and rectitude that is in it, is that alone which has a power over the conscience, whereas the coercive is merely contingent; and the most just powers commanding the most just things, have so often fallen under the violence of the most unjust men, commanding the most execrable villainies, that if they were therefore to be obeyed, the consciences of men must be regulated by the success of a battle or conspiracy, than which nothing can be affirmed more impious and absurd.** By this rule David was not to be obeyed, when by the wickedness of his son he was driven from Jerusalem, and deprived of all coercive power; and the conscientious obedience that had been due to him was transferr'd to Absalom who sought his life. And in St. Paul's time it was not from him who was guided only by the spirit of God, and had no manner of coercive power, that Christians were to learn their duty, but from Caligula, Claudius, and Nero, who had that power well established by the mercenary legions. **If this**

were so, the governments of the world might be justly called magna latrocinia; and men laying aside all considerations of reason or justice, ought only to follow those who can inflict the greatest punishments, or give the greatest rewards. But since the reception of such opinions would be the extirpation of all that can be called good, we must look for another rule of our obedience, and shall find that to be the law, which being, as I said before, *sanctio recta*, must be founded upon that eternal principle of reason and truth, from whence the rule of justice which is sacred and pure ought to be deduced, and not from the depraved will of man, which fluctuating according to the different interests, humors and passions that at several times reign in several nations, one day abrogates what had been enacted the other. The sanction therefore that deserves the name of a law, which derives not its excellency from antiquity, or from the dignity of the legislators, but from an intrinsick equity and justice, ought to be made in pursuance of that universal reason to which all nations at all times owe an equal veneration and obedience. By this we may know whether he who has the power does justice or not: Whether he be the minister of God to our good, a protector of good, and a terror to ill men; or the minister of the Devil to our hurt, by encouraging all manner of evil, and endeavouring by vice and corruption to make the people worse, that they may be miserable, and miserable that they may be worse. I dare not say I shall never fear such a man if he be armed with power: But I am sure I shall never esteem him to be the minister of God, and shall think I do ill if I fear him. If he has therefore a coercive power over me, 'tis through my weakness; for he that will suffer himself to be compell'd, knows not how to die. If therefore he who does not follow the directive power of the law, be not the minister of God, he is not a king, at least not such a king as the Apostle commands us to obey: And if that sanction which is not just be not a law, and can have no obligation upon us, by what power soever it be established, it may well fall out, that the magistrate who will not follow the directive power of the law, may fall under the coercive, and then the fear is turned upon him, with this aggravation, that it is not only actual, but just. This was the case of Nero; the coercive power was no longer in him, but against him. He that was forced to fly and to hide himself, that was abandoned by all men, and condemned to die according to ancient custom, did, as I suppose, fear, and was no way to be feared. The like may be said of Amaziah king of Judah, when he fled to Lachish; of Nebuchadnezzar, when he was driven from the society of men; and of many emperors and kings of the greatest nations in the world, who have been so utterly deprived of all power, that they have been imprisoned, deposed, confined to monasteries, kill'd, drawn through the streets, cut in pieces, thrown into rivers, and indeed suffer'd all that could be suffer'd by the vilest slaves.

About this Quotation:

The republican radical Algernon Sidney (1622-1683) wrote his best known work on the eve of his execution for treason so it is not surprising that there appear to be some autobiographical reflections in some passages such as these ones about “the depraved will of man, which fluctuat(es) according to the different interests, humors and passions that at several times reign in several nations” as it was during in the Restoration of the Stuart Monarchy which he strenuously opposed, and in this one “If he has therefore a coercive power over me, 'tis through my weakness; for he that will suffer himself to be compell'd, knows not how to die.” Of course, Sidney refused to be compelled and was willing to die for his beliefs. He wrote the *Discourses* between 1681 and 1683 (the year of his death) in opposition to Filmer's defense of the divine right of monarchs which appeared in 1680. The main grounds for Filmer's belief that we should obey the king were the following: the historical tradition which lay behind the crown, the authority given to him and his family by god, and the fact that the King and his

supporters had the weapons to enforce their decisions. Sidney rejected all three grounds as illegitimate and wrong, being “merely contingent” things, and boldly asserted that “that which is not just, is not Law; and that which is not Law, ought not to be obeyed” since this was based upon “inherent good and rectitude.” It is not therefore surprising that Sidney’s book was a favourite among the American revolutionaries like Thomas Jefferson who had a copy in his library.

Source

Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund 1996). <http://oll.libertyfund.org/title/223/22344/904880>

Plucknett on the Renaissance state's “war against the idea of law” (1956) (Oct 1, 2012)



[Theodore Frank Thomas Plucknett](#) (1897 – 1965)

The English legal historian Theodore Plucknett (1897-1965) argues that a new concept of law emerged during the Renaissance, replacing the medieval notion of a king both enforcing and subject to divine or natural law, with that of “the modern State based upon force and independent of morality”:

Religion had an important rôle in this development and contributed the valuable conception of Jehovah as a law-giver and law-enforcer—a conception derived from Judaism. Out of all the confusion and disaster of the middle ages there arose the unanimous cry for law, which should be divine in its origin, supreme in its authority, rendering justly to every man his due. Of the many intellectual systems devised in the middle ages, there was one which proved to be a practical as well as an intellectual answer to some of the most urgent of life’s problems, and that was law, law which was directly based upon the divine attribute of justice.

It might have been that the idea of law was no more than a despairing refuge in an impossible Utopia, devised by minds frightened by the evils around them. But Utopias belong to modern history; the mediaeval man was above all a man of action, and out of the night of the dark ages he began to build the fabric of law. To him the rule of law was not only a worthy achievement of the spirit, but also a great active crusade, and the greatest of all the crusades, because it alone survived its defeats.

THE RENAISSANCE AND THE STATE

Such is the subject matter of legal history in the middle ages where we can follow the rise and progress of law and the rule of law. **When we come to Machiavelli we reach the spirit of the Renaissance, and begin to find law itself questioned, for his distinction between public and private morality is essentially the same heresy as to divide the substance of the Godhead; a double standard introduces a sort of polytheism utterly repugnant to mediaeval thought. And true enough, there soon came the State, as a**

sort of anti-Christ, to wage war with the idea of law. The issue of this conflict is perhaps still uncertain, but mediaeval thought is to-day fighting hard for the cause of law against the amoral, irresponsible State. It was mediaevalists in England, armed with Bracton and the Year Books, who ended Stuart statecraft, and the Constitution of the United States was written by men who had Magna Carta and Coke upon Littleton before their eyes. Could anything be more mediaeval than the idea of due process, or the insertion in an instrument of government of a contract clause? Pacta sunt servanda [pacts should be kept], it seems to say, with the real mediaeval accent. **It was Machiavelli himself who gave us the word “state” and filled it with the content which we now associate with it. Instead of the mediaeval dominion based upon divine right and subject to law, we have the modern State based upon force and independent of morality.** And so, where many a mediaeval thinker would ultimately identify law with the will of God, in modern times it will be regarded as the will of the State.

About this Quotation:

Plucknett has a key insight into the nature of the modern legislative state which he believed emerged during the Renaissance under the influence of Machiavelli, namely that instead of being the enforcer of a divine or natural law to which he himself was subject, the sovereign was now the creator of the law which applied only to his subjects and not to himself. In very strong and colorful language, Plucknett calls the Renaissance State “a sort of anti-Christ” who is waging war against the very idea of the rule of law by seeking to set himself up as an “amoral and irresponsible” entity outside the law. He sees the medieval tradition of thinking about law as universal justice being taken up by 17th century jurists and political philosophers in England and the American colonies with their ideas of “due process” and a political contract between the ruler and his people articulated by means of a written constitution or charter. John Locke’s theory of a contract between the people and a state with very limited powers is seen by Plucknett as the culmination of this reaction against the Renaissance state’s claims to power.

Source

Theodore Frank Thomas Plucknett, *A Concise History of the Common Law* (Indianapolis: Liberty Fund, 2010). <http://oll.libertyfund.org/title/2458/242671/3932464>

Plucknett contrasts the flexibility and adaptability of customary law with the rigidity and remoteness of state legislation (1956)

(Oct 29, 2012)



[Theodore Frank Thomas Plucknett](#) (1897 – 1965)

In his history of the English common law Theodore Plucknett (1897-1965) stresses how flexible and adaptable customary law was in the middle ages. Unlike modern legislation created by the state, medieval communities were constantly changing their “customs” to suit their changing needs:

The conditions of society, and men’s attitude towards them, are slowly but constantly changing, and the law must do its best to keep in harmony with contemporary life and thought. The law, too, must therefore change, and one of the most instructive aspects of legal history is the study of the various means which have served to bring about the necessary revision of the legal fabric.

THE FLEXIBILITY OF CUSTOM

The modern age of legislation by means of laws deliberately set up and expressed in certain authoritative texts covers but a very small period of legal history. Preceding it the principal element in most legal systems was custom. There were, of course, other factors as well in many cases. In canon law, for example, there were authoritative texts from the Bible and elsewhere, and most systems had at least a few examples to show of deliberate legislation. But the great mass of the law into which these exceptional elements had to be fitted was custom. Our earliest Anglo-Saxon “laws” are modifications of detail and obviously assume that the legal fabric is essentially customary. The communal courts which survived into historical times, especially the hundred and the county, were customary in their origin, and declared customary law whose sanction was derived from custom. But the remarkable feature of custom was its flexibility and adaptability. In modern times we hear a lot too much of the phrase “immemorial custom”. In so far as this phrase implies that custom is or ought to be immemorially old it is historically inaccurate. In an age when custom was an active living factor in the development of society, there was much less insistence upon actual or fictitious antiquity. If we want the view of a

lawyer who knew from experience what custom was, we can turn to Azo (d. 1230), whose works were held in high respect by our own Bracton. “A custom can be called long”, he says, “if it was introduced within ten or twenty years, very long if it dates from thirty years, and ancient if it dates from forty years.”

The middle ages seem to show us bodies of custom of every description, developing and adapting themselves to constantly changing conditions. We can see the first beginnings of a custom and trace its rise and modification; we can even see it deliberately imported from one place to another; it is a common sight to see a group of townspeople examine the customs of more advanced communities, choose the one they like best, and adopt it en bloc as their own. Indeed nothing is more evident than that custom in the middle ages could be made and changed, bought and sold, developing rapidly because it proceeded from the people, expressed their legal thought, and regulated their civil, commercial and family life. The custom of a mediaeval community may well have been much more intimately a product of the work and thought of those who lived by it, than is a modern statute enacted by a legislature whose contact with the public at large is only occasional.

About this Quotation:

The Harvard and LSE legal historian Plucknett delves deep into the English past in order to provide us with a massive survey of the evolution of English common law. What is not well appreciated is how flexible customary law was in the middle ages. The phrase “immemorial custom” suggests that custom, once it was accepted, was fixed for all time. Plucknett argues that this was not the case, that in fact, medieval customary law was flexible and changed quite quickly as it was adapted to the ever changing needs of the communities it served. He quotes the 13th century French maxim that “twice makes a custom.” A point he does not develop at length but which is taken up in detail by E.L. Jones is the idea of “the spread of best practice” as communities borrow legal rules and practices that seem to work well in other communities and adapt them for their own purposes. The chapter ends with a useful discussion of one of the best developed branches of medieval customary law, the law merchant, where the spread of best legal practice turned “what used to be the custom of numerous towns and fairs became the unified custom of a particular class, that of the merchants.” All of this happened without the need for any central control or direction by any state institution.

Source

Theodore Frank Thomas Plucknett, *A Concise History of the Common Law* (Indianapolis: Liberty Fund, 2010). <http://oll.libertyfund.org/title/2458/242962/3933315>

Jasay on the superiority of “spontaneous conventions” over “legal frameworks” (2007) (Dec 10, 2012)



Anthony de Jasay (1925 – —)

The political economist Anthony de Jasay (1925-) concludes that a major reason in explaining differences between nations concerning respect for property and tolerance towards others has less to do with formal “legal frameworks” which may exist than with deeper “spontaneous conventions” or social customs which have evolved over long periods of time:

One of our many lazy mental habits is glibly to take it as read that economic activity is, and indeed must be, carried out “within a legal framework” which largely conditions how people behave. The law says that they must respect each other’s person and property, fulfil their obligations, pay their taxes, and care for their dependents. They will by and large do these things if the law is enforced. The state is there to enforce it. As rivalry in enforcement would lead to a shambles, society entrusts to the state the monopoly of law enforcement and willingly shoulders its cost. Despite occasional causes for grumbling, it is broadly agreed to be money well spent, for where would we be without the law?

The double trouble with this line of soothing tale, which nearly everybody accepts and recites, is that it is not altogether true, and that even if it were, it would fall far short of an explanation of why broadly comparable legal systems are consistent with vastly different economic behavior in different societies. To begin with, it is not even certain that the “legal framework” really acts the way imagined in standard economic and social theory. The state guards its lawmaking and enforcing monopoly with ferocious jealousy. The fact that it is an effective monopoly should lead us to expect that it will maximize some kind of net result, achieving some high degree of compliance with the law, and do so economically. In reality, because it is a monopoly subject to a popular mandate and must not arouse dread, fear, and hatred, it is restricted in what it may and what it must not do. It must produce compliance and serve up justice in white gloves on a silver platter—a demand it is most of the time quite unable to meet. It must be sensitive to shifts in public opinion between novel shades of political correctness and human-rightsism, as well as to pressures from single-issue groups and special interests. As a result, it must become a law

factory, pouring out an ever broader stream of new and complex legislation. Perhaps more important, it is financed from taxes imposed on people according to criteria that have little to do with what these taxpayers, taken individually, obtain from the state by way of law enforcement services. Like any other tax-financed service where contributions are divorced from benefits, the “legal framework” is an open invitation to free-riding. Individuals will unload (or at least have a good try at unloading) onto the state responsibilities that in a well-ordered society they could and would themselves carry on their own behalf or for neighbors, partners, and peers.

Here we reach the nub of the problem of why people in some societies behave mostly well, while in others they so often misbehave. Law even at its best controls only a small part of human behavior. At its worst, it aspires to control a great part, but largely fails. Vastly more important than the legal system is the much older and more deeply rooted set of unwritten rules (technically, spontaneous conventions) barring and sanctioning torts, nuisances, and incivilities that together define what each of us is free to do and by the same token what no one is free to do to us. If these rules are kept, everyone is free, property is safe, and every two-person transaction is mutually beneficial (though third persons may be exposed to negative externalities—for the rules are no bar to competition or the general rough-and-tumble of ordinary life).

How well these rules are kept depends on how well children are brought up, on war or peace, and on other ultimate causes that are not hard to divine. The proximate cause, however, is the effectiveness of sanctions. To mete out punishment for misbehavior always involves some cost to the well behaved who take it upon themselves to administer it. He and those he cares for benefit if misbehavior is punished and hence deterred, but he would benefit even more if the punishing were done and the cost borne by someone else. Rational calculus may tell him that given the likelihood of others undertaking what he would not, his best course is to undertake it himself.

About this Quotation:

In trying to explain why countries with roughly comparable legal systems have such diversity of economic and economic arrangements, where some are prosperous and law-abiding (like many northern European nations) and others (like some Mediterranean countries) are less prosperous, Jasay comes to the conclusion that social theorists have underestimated the importance of what he calls a “much older and more deeply rooted set of unwritten rules” or what might be termed “spontaneous conventions”. These are instilled in children at a very young age by their parents and the social groups immediately around them and have much less to do with the formal legal rules which legislators have concocted in some “law factory” over recent decades. This lesson also can be applied in understanding why countries which have recently emerged from communist rule might have difficulties in adjusting to the demands of a free society, as rule by the communist party wiped out most of these unwritten rules and spontaneous conventions over decades of despotism.

Source

Anthony de Jasay, *Political Economy, Concisely: Essays on Policy that does not work and Markets that do*. Edited and with an Introduction by Hartmut Kliemt (Indianapolis: Liberty Fund, 2009). <http://oll.libertyfund.org/title/2455/231907>

James Wilson argues that it is the people, not the prince, who is superior in matters of legal sovereignty (1790) (May 20, 2013)



James Wilson (1742 – 1798)

In a series of Lectures on Law which James Wilson (1742-1798), one of the first Justices on the Supreme Court, gave in 1790 he dismisses as “absurd and ridiculous” the idea that the monarch is sovereign over the people because he is “superior” in some way:

There is a law, indeed, which flows from the Supreme of being—a law, more distinguished by the goodness, than by the power of its allgracious Author. But there are laws also that are human; and does it follow, that, in these, a character of superiority is inseparably attached to him, who makes them; and that a character of inferiority is, in the same manner, inseparably attached to him, for whom they are made? What is this superiority? Who is this superiour? By whom is he constituted? Whence is his superiority derived? Does it flow from a source that is human? Or does it flow from a source that is divine?

From a human source it cannot flow; for no stream issuing from thence can rise higher than the fountain.

If the prince, who makes laws for a people, is superiour, in the terms of the definition, to the people, who are to obey; how comes he to be vested with the superiority over them?

If I mistake not, this notion of superiority, which is introduced as an essential part in the definition of a law—for we are told that a law always supposes some superiour, who is to make it—this notion of superiority contains the germ of the divine right—a prerogative impiously attempted to be established—of princes, arbitrarily to rule; and of the corresponding obligation—a servitude tyrannically attempted to be imposed—on the people, implicitly to obey.

Despotism, by an artful use of “superiority” in politicks; and scepticism, by an artful use of “ideas” in metaphysicks, have endeavoured—and their endeavours have frequently

been attended with too much success—to destroy all true liberty and sound philosophy. By their baneful effects, the science of man and the science of government have been poisoned to their very fountains. But those destroyers of others have met, or must meet, with their own destruction.

We now see, how necessary it is to lay the foundations of knowledge deep and solid. If we wish to build upon the foundations laid by another, we see how necessary it is cautiously and minutely to examine them. If they are unsound, we see how necessary it is to remove them, however venerable they may have become by reputation; whatever regard may have been diffused over them by those who laid them, by those who built on them, and by those who have supported them.

But was Sir William Blackstone a votary of despotick power? I am far from asserting that he was. I am equally far from believing that Mr. Locke was a friend to infidelity. But yet it is unquestionable, that the writings of Mr. Locke have facilitated the progress, and have given strength to the effects of scepticism.

...

Guided and supported by the sentiments and by the conduct of Grotius and Bacon, let us proceed, with freedom and candour combined, to examine the judgment—though I am very doubtful whether it was the judgment—of Aristotle, that the right of sovereignty is founded on superiour excellence.

To that superiority, which attaches the right to command, there must be a corresponding inferiority, which imposes the obligation to obey. Does this right and this obligation result from every kind and every degree of superiority in one, and from every kind and every degree of inferiority in another? How is excellence to be rated or ascertained?

Let us suppose three persons in three different grades of excellence. Is he in the lowest to receive the law immediately from him in the highest? Is he in the highest to give the law immediately to him in the lowest grade? Or is there to be a gradation of law as well as of excellence? Is the command of the first to the third to be conveyed through the medium of the second? Is the obedience of the third to be paid, through the same medium, to the first? Augment the number of grades, and you multiply the confusion of their intricate and endless consequences.

Is this a foundation sufficient for supporting the solid and durable superstructure of law? Shall this foundation, insufficient as it is, be laid in the contingency—allowed to be improbable, not asserted to be even possible—“if a man can be found, excelling in all virtues?”

Had it been the intention of Providence, that some men should govern the rest, without their consent, we should have seen as indisputable marks distinguishing these superiours from those placed under them, as those which distinguish men from the brutes. The remark of Rumbald, in the nonresistance time of Charles the second, evinced propriety as well as wit. He could not conceive that the Almighty intended, that the greatest part of mankind should come into the world with saddles on their backs and bridles in their mouths, and that a few should come ready booted and

spurred to ride the rest to death.q Still more apposite to our purpose is the saying of him, who declared that he would never subscribe the doctrine of the divine right of princes, till he beheld subjects born with bunches on their backs, like camels, and kings with combs on their heads, like cocks; from which striking marks it might indeed be collected, that the former were designed to labour and to suffer, and the latter, to strut and to crow.

These pretensions to superiority, when viewed from the proper point of sight, appear, indeed, absurd and ridiculous. But these pretensions, absurd and ridiculous as they are, when rounded and gilded by flattery, and swallowed by pride, have become, in the breasts of princes, a deadly poison to their own virtues, and to the happiness of their unfortunate subjects. Those, who have been bred to be kings, have generally, by the prostituted views of their courtiers and instructors, been taught to esteem themselves a distinct and superiour species among men, in the same manner as men are a distinct and superiour species among animals.

Lewis the fourteenth was a strong instance of the effect of that inverted manner of teaching and thinking, which forms kings to be tyrants, without knowing or even suspecting that they are so. That oppression, under which he held his subjects, during the whole course of his long reign, proceeded chiefly from the principles and habits of his erroneous education. By this, he had been accustomed to consider his kingdom as his patrimony, and his power over his subjects as his rightful and undelegated inheritance. These sentiments were so deeply and strongly imprinted on his mind, that when one of his ministers represented to him the miserable condition to which those subjects were reduced, and, in the course of his representation, frequently used the word “l’etat,” the state; the king, though he felt the truth, and approved the substance of all that was said, yet was shocked at the frequent repetition of the word “l’etat,” and complained of it as an indecency offered to his person and character.

And, indeed, that kings should imagine themselves the final causes, for which men were made, and societies were formed, and governments were instituted, will cease to be a matter of wonder or surprise, when we find that lawyers, and statesmen, and philosophers have taught or favoured principles, which necessarily lead to the same conclusions.

About this Quotation:

The image of some men being born with a saddle on their backs and therefore destined to be ridden by others was a common one in the 17th and 18th centuries. Here we have the jurist James Wilson arguing against the Blackstonian notion that law is made by a sovereign who is “superior,” and therefore has a right to command, and that the people are “inferior” and thus obligated to obey these laws. Wilson wants to know what makes the sovereign superior to the people – is it because he wields superior force? has he been endowed with divine sanction? As there is no physical mark, like a camel’s hump or a cock’s comb, which makes it clear beyond any doubt that the one is superior to the other, Wilson concludes that it is the consent of the people which gives the law its legitimacy. Any other conclusion smacks of the principle of divine right and is dismissed as a “pretension to superiority” which is “absurd and ridiculous.” Wilson also notes the important part played by courtiers, lawyers, statesmen, and philosophers who flatter the sovereign and encourage him in the belief that “his power over his subjects (i)s his rightful and undelegated inheritance.”

Source

James Wilson, *Collected Works of James Wilson*, edited by Kermit L. Hall and Mark David Hall, with an Introduction by Kermit L. Hall, and a Bibliographical Essay by Mark David Hall, collected by Maynard Garrison (Indianapolis: Liberty Fund, 2007). Vol. 1. <http://oll.libertyfund.org/title/2072/156457/2774407>

Tiedeman on the victimless crime of vagrancy (1900) (Mar 10, 2014)



[Christopher G. Tiedeman](#) (1857 – 1903)

The American constitutional lawyer Christopher Tiedeman (1857-1903) argued that vagrancy might be a crime under statutory law but it was not an offense against the common law:

The vagrant has been very appropriately described as the chrysalis of every species of criminal. A wanderer through the land, without home ties, idle, and without apparent means of support, what but criminality is to be expected from such a person? If vagrancy could be successfully combated, if every one was engaged in some lawful calling, the infractions of the law would be reduced to a surprisingly small number; and it is not to be wondered at that an effort is so generally made to suppress vagrancy. The remedy is purely statutory, as it was not an offense against the common law. The statutes are usually very explicit as to what constitutes vagrancy, and a summary proceeding for conviction, before a magistrate and without a jury, is usually provided, and the ordinary punishment is imprisonment in the county jail. ...

What is the tortious element in the act of vagrancy? Is it the act of listlessly wandering about the country, in America called “tramping?” Or is it idleness without visible means of support? Or is it both combined? Of course, the language of the particular statute, under which the proceeding for conviction is instituted, will determine the precise offense in that special case, but the offense is usually defined as above. If one does anything which directly produces an injury to the community, it is to be supposed that he can be prevented by appropriate legislation. While an idler running about the country is injurious to the State indirectly, in that such a person is not a producer, still it would not be claimed that he was thus inflicting so direct an injury upon the community as to subject him to the possibility of punishment. A man has a legal right to live a life of absolute idleness, if he chooses, provided he does not, in so living, violate some clear and well defined duty to the State. To produce something is not one of those duties, nor is it to have a fixed permanent home. But it is a duty of the individual so to conduct himself that he will be able to take care of himself, and prevent his becoming a public burden. If, therefore, he has sufficient means of support, a man may spend his whole life in idleness and wandering from place to place.

The gist of the offense, therefore, is the doing of these things, when one has no visible means of support, thus threatening to become a public burden. The statutes generally make use of the words, “without visible means of support.” What is meant by “visible means?” Is it a man’s duty to the public to make his means of support visible, or else subject himself to summary punishment? Is it not rather the duty of the State to show affirmatively that this “tramp” is without means of support, and not simply prove that his means of support are not apparent? Such would be a fair deduction by analogy from the requirements of the law in respect to other offenses. But the very difficulty, in proving affirmatively that a man has no means of support, is, no doubt, an all-sufficient reason for this departure from the general rule in respect to the burden of proof, and for confining the duty of the State to the proof that the person charged with vagrancy is without visible means of support, and throwing upon the individual the burden of proving his ability to provide for his wants.

About this Quotation:

Tiedeman was an American legal scholar who was part of the group known as the “laissez-faire constitutionalists” who defended a natural rights “hands off” approach to interpreting the American constitution. A good example of this is his treatment of the “crime” of vagrancy, or wandering or “tramping” the roads “without visible means of support”. He asks two important questions concerning this. The first was to ask what common law did the vagrant violate just by wandering about the countryside? If he did so without violating the liberty or property of another person, then no crime had been committed and therefore he has nothing to answer for. However, in most countries, merely moving about without any apparent or visible means of support was a crime in the eyes of the state. In Tiedeman’s view this also raised a question of the burden of proof. As he put it “Is it not rather the duty of the State to show affirmatively that this “tramp” is without means of support, and not simply prove that his means of support are not apparent?” The burden of proof should not be placed on the non-violent individual to prove otherwise.

Source

Christopher G. Tiedeman, *A Treatise on State and Federal Control of Persons and Property in the United States considered from both a Civil and Criminal Standpoint* (St. Louis: The F.H. Thomas Law Book Co., 1900). Vol. 1. http://oll.libertyfund.org/titles/tiedeman-a-treatise-on-state-and-federal-control-of-persons-and-property-in-the-united-states-vol-1#Tiedeman_1527-01_178

Montesquieu and law as a fishing net (1720) (Mar 24, 2014)



Charles Louis de Secondat, Baron de Montesquieu (1689 – 1755)

A theme which runs through Montesquieu's collection of *Thoughts* (1720) is that the law is like a fisherman's net. In a free society it is a large net which gives the fish the illusion of liberty. In a despotic state is a very tight net where the fish know immediately that they are trapped:

[434] Admirable idea of the Chinese, who compare God's justice to a net so big that the fish that wander into it think they are free, but actually they are caught. Sinners, likewise, think they will not be punished by God; but they are in the net.

[597] In a well-ordered monarchy, the subjects are like fish in a big net: they think they are free, and yet they are caught.

[828] The men who enjoy the government I have spoken of are like fish who swim in the sea without constraint. Those who live in a prudent and moderate monarchy or aristocracy seem to be in large nets, in which they are caught, though they think themselves free. But those who live in purely despotic States are in such tight nets that they feel themselves to be caught right at the outset.

[874] [A free government can be compared to a big net in which fish move around without thinking they are caught; the nonfree government, on the other hand ...]

[943] Pure liberty is more a philosophical than a civil condition; which does not prevent there being very good and very bad governments, nor does it even prevent a constitution from being more imperfect to the extent that it is further removed from this philosophical idea of liberty that we have. An ancient compared the laws to those cobwebs that, being only strong enough to stop flies, are broken by birds. As for myself, I would compare good laws to those big nets in which fish are caught, while thinking themselves free, and bad ones to those nets in which they are so squeezed that they immediately feel themselves to be caught.

About this Quotation:

A theme which runs through Montesquieu's collection of "Thoughts" is that the law is like a fisherman's net. In a well ordered state the law is like a fishing net which is so large that the "fish" can swim around thinking they are free because they very rarely get caught up in the line. Nevertheless, they are still trapped within an admittedly large net and the purpose of a fishing net is to catch fish for the fishermen. On the other hand, in a despotic state the fishing net is so small that any movement of the fish gets them caught in the mesh. These fish are very conscious of the fact they they have been caught by the fishermen and that they have no liberty. This raises an interesting question for the Montesquieu-ian, namely is liberty feeling that one is free or the fact of actually being free, in this case free to escape the fisherman's net and avoid being hauled in to be eaten? There is also an interesting side-thought in *Pensée* 943 which raises the question of the equal applicability of the law. If the law is like a cobweb it is designed to trap only small creatures like flies for the spider to eat. This kind of law has no applicability to large and powerful creatures like birds who are "above the law" and can burst through it with no consequences. Furthermore, some birds eat insects like spiders. One might also speculate about the possibility that there is another level of nets for the birds – the bird catchers with their nets, and perhaps ad infinitum. Maybe the only way out of this recursive nightmare is not to have any nets at all.

Source

Charles Louis de Secondat, Baron de Montesquieu, *My Thoughts (Mes Pensées)*. Translated, edited, and with an Introduction by Henry C. Clark (Indianapolis: Liberty Fund, 2012).
<http://oll.libertyfund.org/titles/2534#P828>

Sir Edward Coke declares that your house is your “Castle and Fortress” (1604) (Jul 28, 2014)



Sir Edward Coke (1552 – 1634)

The English judge and jurist Sir Edward Coke (pronounced cook) (1552-1634) declared in a ruling known as Semayne's Case that there were strict limits on how Sheriffs may enter a person's house in order to issue writs:

In an Action on the Case by Peter Semayne, Plaintiff, and Richard Gresham, Defendant, the Case was such; The Plaintiff and one George Berisford were Joynt-tenants of a house in Black Friars in London for years. George Berisford acknowledged a Recognizance in the nature of a Statute-Staple to the Plaintiff, and being possessed of divers goods in the said house, died, by which the Defendant was possessed of the house by survivorship, in which the goods continued and remained; The Plaintiff sued process of extent upon the Statute to the Sheriffs of London; The Sheriffs returned the conusor dead, upon which the Plaintiff had another Writ to extend all the lands which he had at the time of the Statute acknowledged, or any time after, and all his goods which he had at the day of his death; which Writ the Plaintiff delivered to the Sheriffs of London, and told them that divers goods which were the said George Berisford's goods at the time of his death were in the said house: And thereupon the Sheriffs by virtue of the said Writ, charged a Jury to make enquiry according to the said writ, and the Sheriff and Jury accesserunt ad domum praedictam ostio domus praedict' aperto existen' et bonis praedictis in praedicta domo tunc existen',¹ and they offered to enter the said house, to extend the [[91 b] said goods according to the said Writ; And the Defendant, praemissorum non ignarus, intending to disturb the execution, ostio proed' domus tunc aperto existen', claudebat [137] contra Vicecom' & jurator' praed,' by which they could not enter, and extend the said goods, nor the Sheriff seize them, by which he lost the benefit and profit of his Writ: And in this Case these points were resolved.

1. That the house of every one is to him as his Castle and Fortress as well for defence against injury and violence, as for his repose; and although the life of man is precious and favoured in law; so that although a man kill another in his defence, or

kill one per infortuntun' (by misfortune), without any intent, yet it is felony, and in such case he shall forfeit his goods and chattels, for the great regard which the law hath of a mans life; But if theeves come to a mans house to rob him, or murder, and the owner or his servants kill any of the theeves in defence of himself and his house, it is no felony, and he shall lose nothing, and therewith agreeth 3 Edw. 3. Coron. 303, & 305. & 26 Ass. pl. 23. So it is holden in 21 Hen. 7. 39. every one may assemble his friends or neighbours to defend his house against violence: But he cannot assemble them to goe with him to the Market or elsewhere to keep him from violence: And the reason of all the same is, because domus sua cuique est tutissimum refugium. [everyone's house is his safest refuge ("Every man's home is his castle.")] ...

5. It was resolved, That the house of any one is not a Castle or privilege [141] but for himself, and shall not extend to protect any person who flieth to his house, or the goods of any other which are brought and conveyed into his house, to prevent a lawful execution, and to escape the ordinary process of Law; for the privilege of his house extends onely to him and his family, and to his own proper goods, or to those which are lawfully and without fraud or covin there; And therefore in such Cases after denial upon request made, the Sheriff may break the house; and that is proved by the Statute of West. 1. c. 17. by which it is declared, That the Sheriff may break a house or Castle to make Replevin, when the goods of another which he hath distrained are by him conveyed to his house or Castle, to prevent the owner to have a Replevin of his goods; which Act is but an affirmance of the Common Law in such points. But it appeareth there, that before the Sheriff in such Case break the house, that he is to require the goods to be delivered to him; for the words of the Statute are, After that the castle shall be solemnly demanded by the Sheriffs &c.

6. It was resolved, admitting that the Sheriff after denial made may break the house, as the Plaintiffs Councel pretend he may, then it followeth that he hath not done his duty, for it doth not appear, that he made any request to open the door of the house. Also the Defendant, as this Case is, hath done that which he may well doe by the Law, scil. to shut the door of his own house.

About this Quotation:

In a famous and much quoted decision from 1604 Coke declared that “the house of every one is to him as his Castle and Fortress as well for defence against injury and violence, as for his repose” which over the years has become simplified to “a man’s home is his castle”. It even became the idea behind an Australian film “The Castle” (1997) directed by Rob Sitch. Coke’s ruling was rather more complex in that did allow for the forcible entry of Sheriffs into a person’s house in order to issue a writ for the return of stolen property or goods that were owed in a debt. However, the Sheriffs had to follow strict procedures in doing this, such as requesting entry first. Also, the house owner could not hide within his house a fugitive or the stolen property of another person. That being said, Coke did make it very clear that the “prime directive” which Sheriffs had to follow was that a house owner had the absolute right to defend him/herself against thieves and murderers and also had the right to “assemble his friends or neighbours to defend his house against violence”. If the Sheriffs did not follow the correct procedure in issuing writs, then the home owner had the right “to shut the door of his own house” in their faces.

Source

Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard (Indianapolis: Liberty Fund, 2003). Vol. 1. http://oll.libertyfund.org/titles/911#Coke_0462-01_528

Frédéric Bastiat asks what came first, property or law? (1850)

(Aug 21, 2014)



Frédéric Bastiat (1801 – 1850)

The French political economist Frédéric Bastiat (1801-1850) argues that it is in order to defend one's already existing person, liberty, and property that laws are made:

Existence, faculties, and assimilation—in other words, personality, freedom, and property—this is man in a nutshell.

It may be said that these three things, leaving aside any demagogical hair-splitting, precede and supersede all human legislation.

It is not because men have enacted laws that personality, freedom, and property exist. On the contrary, it is because personality, freedom, and property are already in existence that men enact laws.

What is the law, then? As I have said elsewhere, it is the collective organization of the individual right of legitimate defense.

Each of us certainly holds from nature and God the right to defend our person, our freedom, and our property, since these are the three elements that constitute or preserve life, elements that are mutually complementary and that cannot be understood independently of one another. For what are our faculties if not an extension of our personality, and what is property if not an extension of our faculties?

If each person has the right to defend, even by force, his person, his freedom, and his property, several people have the right to join together, to form an understanding and organize themselves into a common force in order to provide lawfully for this defense.

Collective right therefore roots its principle, its *raison d'être*, and its legitimacy in

individual right, and common force cannot rationally have any other aim or mission than those of the individual forces for which it is a substitute.

Thus, since force on the individual level cannot legitimately be aimed at the person, freedom, or property of another individual, by the same argument force cannot legitimately be used collectively to destroy the person, freedom, or property of either individuals or classes.

This is because such misuse of force would in either case be a contradiction of our premises. Who would dare to say that we were given such power not to defend our rights, but to reduce the equal rights of our fellows to nothing? And if this is not true for each individual acting in isolation, how can it be true for collective power, which is nothing other than the organized union of the power of individuals?

Therefore, if there is one thing that is clear, it is this: law is the organization of the natural right of legitimate defense. It is the substitution of collective for individual power to facilitate action in the area in which individuals have the right to act, that is to say, to do what they have the right to do. It serves to guarantee the integrity of persons, freedoms, and property; to maintain each person within his right; and to ensure the reign of justice among all.

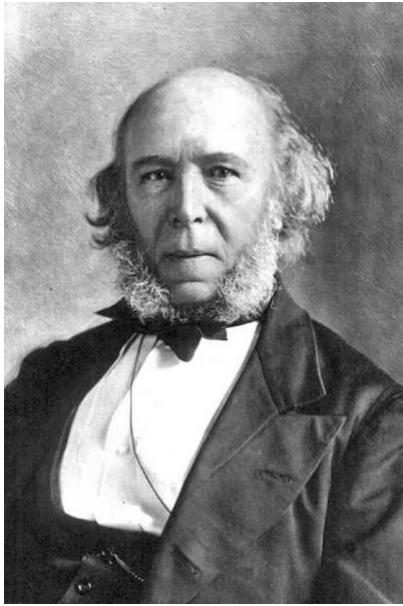
About this Quotation:

Bastiat wrote this powerful defence of property rights and natural law in June 1850, just six months before he would die of a crippling throat disease (possibly cancer) which had made his life as a politician and author so difficult. The essay sums up the ideological battles he had waged over the previous 18 months since the beginning of the February Revolution and formation of the Second Republic against attempts by socialists to create the beginnings of a welfare state with the National Workshops program and the attempt to get a government guaranteed “right to a job” clause inserted into the new constitution. In his typical fashion Bastiat took the debate back to its first principles by asking the question, which came first, the law or individual property? The socialists argued that the law came first, created property rights, and could thus take them away if necessary. Classical liberals like Bastiat argued that life, liberty, and property came first, and that laws were enacted by individuals and voluntary groups of individuals to protect them. It is worth noting here that Bastiat wrote two of his most important works in the summer of 1850 after he withdrew from politics for reasons of health, this essay on *The Law* (June 1850) and *What is Seen and What is Not Seen* (July 1850). They could rightly be seen as fitting epitaphs for his life.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 2: The Law, The State, and Other Political Writings, 1843-1850*, Jacques de Guenin, General Editor. Translated from the French by Jane Willems and Michel Willems, with an introduction by Pascal Salin. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation Editor Dennis O’Keeffe. Academic Editor, David M. Hart (Indianapolis: Liberty Fund, 2012).
http://oll.libertyfund.org/titles/2450#Bastiat_1573-02_771

Herbert Spencer on the superiority of private enterprise over State activity (1853) (Oct 13, 2014)



Herbert Spencer (1820 – 1903)

The English individualist political theorist Herbert Spencer (1820-1903) wonders why, given the never ending stream of news about government incompetence and failure, people still call for it do do more:

There is a great want of this practical humility in our political conduct. Though we have less self-confidence than our ancestors, who did not hesitate to organize in law their judgments on all subjects whatever, we have yet far too much. Though we have ceased to assume the infallibility of our theological beliefs and so ceased to enact them, we have not ceased to enact hosts of other beliefs of an equally doubtful kind. Though we no longer presume to coerce men for their spiritual good, we still think ourselves called upon to coerce them for their material good: not seeing that the one is as useless and as unwarrantable as the other. Innumerable failures seem, so far, powerless to teach this. Take up a daily paper and you will probably find a leader exposing the corruption, negligence, or mismanagement of some State-department. Cast your eye down the next column, and it is not unlikely that you will read proposals for an extension of State-supervision. ...

Did the State fulfil efficiently its unquestionable duties, there would be some excuse for this eagerness to assign it further duties. Were there no complaints of its faulty administration of justice; of its endless delays and untold expenses; of its bringing ruin in place of restitution; of its playing the tyrant where it should have been the protector: did we never hear of its complicated stupidities; its 20,000 statutes, which it assumes all Englishmen to know, and which not one Englishman does know; its multiplied forms, which, in the effort to meet every contingency, open far more loopholes than they provide against: ...

Even though it has bungled in everything else, yet had it in one case done well — had its naval management alone been efficient — the sanguine would have had a colorable excuse for expecting success in a new field. Grant that the reports about bad ships, ships that will

not sail, ships that have to be lengthened, ships with unfit engines, ships that will not carry their guns, ships without stowage, and ships that have to be broken up, are all untrue; assume those to be mere slanderers who say the the Megæra took double the time taken by a commercial steamer to reach the Cape; that during the same voyage the Hydra was three times on fire, and needed the pumps kept going day and night; ...

As it is, however, **they seem to have read backwards the parable of the talents. Not to the agent of proved efficiency do they consign further duties, but to the negligent and blundering agent. Private enterprise has done much, and done it well. Private enterprise has cleared, drained, and fertilized the country, and built the towns; has excavated mines, laid out roads, dug canals, and embanked railways; has invented, and brought to perfection ploughs, looms, steam-engines, printing-presses, and machines innumerable; has built our ships, our vast manufactories, our docks; has established banks, insurance societies, and the newspaper press; has covered the sea with lines of steam-vessels, and the land with electric telegraphs. Private enterprise has brought agriculture, manufactures, and commerce to their present height, and is now developing them with increasing rapidity. Therefore, do not trust private enterprise. On the other hand, the State so fulfils its judicial function as to ruin many, delude others, and frighten away those who most need succor; its national defences are so extravagantly and yet inefficiently administered as to call forth almost daily complaint, expostulation, or ridicule; and as the nation's steward, it obtains from some of our vast public estates a minus revenue. Therefore, trust the State. Slight the good and faithful servant, and promote the unprofitable one from one talent to ten.**

... The facts cannot yet get recognized as facts. As the alchemist attributed his successive disappointments to some disproportion in the ingredients, some impurity, or some too great temperature, and never to the futility of his process or the impossibility of his aim; so, every failure [329] of State-regulations the law-worshipper explains away as being caused by this trifling oversight, or that little mistake: all which oversights and mistakes he assures you will in future be avoided. Eluding the facts as he does after this fashion, volley after volley of them produce no effect.

Indeed this faith in governments is in a certain sense organic; and can diminish only by being outgrown. From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. Doubtless, every increment of evidence furthers it in some degree, though not to the degree that at first appears. Only in so far as it modifies character does it produce a permanent effect. For while the mental type remains the same, the removal of a special error is inevitably followed by the growth of other errors of the same genus. All superstitions die hard; and we fear that this belief in government-omnipotence will form no exception.

About this Quotation:

In this essay Spencer asks one of the perennial questions about the efficiency of state run enterprises. Why do people call for the extension of state run activities in the face of so many examples of, on the one hand, the efficiency, innovations, and falling costs of private enterprise, and ever increasing numbers of examples on the other hand (this was in 1853!), of state inefficiency, carelessness, incompetence, and even criminality? He cites in a sad but also amusing way the failures of the

government in providing justice, provisioning the Army, and building ships for the Navy. In contrast he cites a long list of things private enterprise has provided well – “Private enterprise has cleared, drained, and fertilized the country, and built the towns; has excavated mines, laid out roads, dug canals, and embanked railways; has invented, and brought to perfection ploughs, looms, steam-engines, printing-presses, and machines innumerable” – a list of infrastructure and other goods which modern day critics claim “only the government” could build and run efficiently. Spencer’s answer is a gloomy one. It is partly due to the blunt denial of the facts, that government enterprises fail because they were not implemented correctly, or that the “wrong people” were in charge, rather than because of some deeper, systemic problem with any state-run activity based on coercion. It is also partly due, he thinks, to the lingering belief in “the great political superstition” which so many people have, namely that their leaders are “omnipotent” and can do no wrong, and that all they have to do is pass the right law to fix any problems which may arise. Spencer calls the people who believe in this political superstition “law-worshippers” and thinks that “this faith in governments” is something that only time will eradicate.

Source

Herbert Spencer, *The Man versus the State, with Six Essays on Government, Society and Freedom*, ed. Eric Mack, introduction by Albert Jay Nock (Indianapolis: LibertyClassics, 1981).
http://oll.libertyfund.org/titles/330#Spencer_0020_467

James Mackintosh on how constitutions grow and are not made (1799) (Oct 27, 2014)



[Sir James Mackintosh](#) (1765 – 1832)

The Scottish Whig politician and moral philosopher Sir James Mackintosh (1765-1832), writing during the French Revolution, believed that a free constitution was one that evolved gradually over time and was not created in one piece by men in an act of violence:

It is impossible in such a cursory sketch as the present, even to allude to a very small part of those philosophical principles, political reasonings, and historical facts, which are necessary for the illustration of this momentous subject. In a full discussion of it I shall be obliged to examine the general frame of the most celebrated governments of ancient and modern times, and especially of those which have been most renowned for their freedom. The result of such an examination will be, that no institution so detestable as an absolutely unbalanced government, perhaps ever existed; that the simple governments are mere creatures of the imagination of theorists, who have transformed names used for convenience of arrangement into real politics; that, as constitutions of government approach more nearly to that unmixed and uncontrolled simplicity they become despotic, and as they recede farther from that simplicity they become free.

By the constitution of a state, I mean “the body of those written and unwritten fundamental laws which regulate the most important rights of the higher magistrates, and the most essential privileges of the subjects.” **Such a body of political laws must in all countries arise out of the character and situation of a people; they must grow with its progress, be adapted to its peculiarities, change with its changes, and be incorporated with its habits. Human wisdom cannot form such a constitution by one act, for human wisdom cannot create the materials of which it is composed. The attempt, always ineffectual, to change by violence the ancient habits of men, and the established order of society, so as to fit them for an absolutely new scheme of government, flows from the most presumptuous ignorance, requires the support of the most ferocious tyranny, and leads to consequences which its authors can never foresee,—generally, indeed, to institutions the most opposite to those of which they**

profess to seek the establishment. But human wisdom indefatigably employed in remedying abuses, and in seizing favourable opportunities of improving that order of society which arises from causes over which we have little control, after the reforms and amendments of a series of ages, has sometimes, though very rarely, shown itself capable of building up a free constitution, which is “the growth of time and nature, rather than the work of human invention.” Such a constitution can only be formed by the wise imitation of “the great innovator Time, which, indeed, innovateth greatly, but quietly, and by degrees scarce to be perceived.”† Without descending to the puerile ostentation of panegyric, on that of which all mankind confess the excellence, I may observe, with truth and soberness, that a free government not only establishes a universal security against wrong, but that it also cherishes all the noblest powers of the human mind; that it tends to banish both the mean and the ferocious vices; that it improves the national character to which it is adapted, and out of which it grows; that its whole administration is a practical school of honesty and humanity; and that there the social affections, expanded into public spirit, gain a wider sphere, and a more active spring.

About this Quotation:

Mackintosh’s “Discourse on the Law of Nature and Nations” (1799) poses a dilemma for defenders of the American Constitution since it seems to have been created in one piece by specific men at a specific place after an act of violence. These were the very things which Mackintosh warned would lead to not only unintended consequences but to the creation of “institutions the most opposite to those of which they profess to seek the establishment”. The founders of the American Constitution might counter with the argument that the free constitution Mackintosh extolled, one that “arise(s) out of the character and situation of a people; (which grows) with its progress, (adapts) to its peculiarities, change(s) with its changes” was being denied the colonists by Britain, hence the need to change matters. Mackintosh’s perspective is one which is very much within the Fergusonian and Hayekian traditions which sees societies, law making, and constitutions as the “result of human action but not of human design.” Nevertheless, he does raise the problem of what to do when a constitution evolves in an increasingly despotic direction: can such a society “evolve its way out” of despotism towards liberty, or is some kind of circuit-breaker required like the American Revolution to set it off in a new pro-liberty direction?

Source

Sir James Mackintosh, *Vindiciae Gallicae and Other Writings on the French Revolution*, edited and with an Introduction by Donald Winch (Indianapolis: Liberty Fund, 2006). http://oll.libertyfund.org/titles/1665#Mackintosh_1301_447

8. Liberty ↩

1. [Simeon Howard on liberty as the opposition to “external force and constraint” \(1773\)](#) (Oct 22, 2012)
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10. [Magna Carta guaranteed the freemen of the kingdom their liberties forever \(1215\)](#) (Dec 9, 2013)
11. [Mises on liberalism and the battle of ideas \(1927\)](#) (Feb 24, 2014)
12. [Jacques Maritain on the dynamism of freedom \(1938\)](#) (Mar 17, 2014)
13. [Edmund Burke on liberty as "social" not "individual" liberty \(1789\)](#) (Mar 31, 2014)
14. [Liberty in the French Declaration of the Rights of Man and of the Citizen \(1789\)](#) (Jul 14, 2014)
15. [Guizot on man's unquenchable desire for liberty and free political institutions \(1820-22\)](#) (Sep 8, 2014)
16. [Richard Price on giving thanks for the principles of the Revolution of 1688 \(1789\)](#) (Nov 24, 2014)

Simeon Howard on liberty as the opposition to “external force and constraint” (1773) (Oct 22, 2012)

[Charles S. Hyneman](#) (? – 1984)

In this sermon preached in Massachusetts in 1773 to a company of artillery soldiers Simeon Howard (1733-1804) defines what he means by “liberty” at a time when Americans in the British colonies were increasingly seeing the British as violators of their liberty. He defines this key word in very Lockean terms as the opposition to “external force and constraint” by other men:

A Sermon Preached to the Ancient and Honorable Artillery Company in Boston, Boston, 1773

Though this word is used in various senses, I mean by it here, only that liberty which is opposed to external force and constraint, and to such force and constraint only, as we may suffer from men. Under the term liberty, taken in this sense, may naturally be comprehended all those advantages which are liable to be destroyed by the art or power of men; every thing that is opposed to temporal slavery.

This liberty has always been accounted one of the greatest natural blessings which mankind can enjoy. Accordingly, the benevolent and impartial Father of the human race, has given to all men a right, and to all naturally an equal right to this blessing.

In a state of nature, or where men are under no civil government, God has given to every one liberty to pursue his own happiness in whatever way, and by whatever means he pleases, without asking the consent or consulting the inclination of any other man, provided he keeps within the bounds of the law of nature. Within these bounds, he may govern his actions, and dispose of his property and person, as he thinks proper. Nor has any man, or any number of men, a right to restrain him in the exercise of this liberty, or punish, or call him to account for using it. This however is not a state of licentiousness, for the law of nature which bounds this liberty, forbids all injustice and wickedness, allows no man to injure another in his person or property, or to destroy his own life.

But experience soon taught that, either thro’ ignorance of this law, or the influence of unruly passions, some were disposed to violate it, but encroaching upon the liberty of others; so that the weak were liable to be greatly injured by the superior power of bad men, without any means of security or redress. This gave birth to civil society, and induced a number of individuals to combine together for mutual defence and security; to give up a part of their natural liberty for the sake of enjoying the remainder in greater safety; to agree upon certain laws among themselves to regulate the social conduct of each individual, or to intrust to one or more of their number, in whose wisdom and goodness they could confide, a power of making such laws, and putting them in execution.

In this state, the liberty which men have is all that natural liberty which has been mentioned, excepting what they have expressly given up for the good of the whole society; a liberty of pursuing their own happiness governing their actions, and disposing of their property and persons as they think fit, provided they transgress no law of nature, and keep within those restrictions which they have consented to come under.

This liberty will be different in different communities. In every state, the members will, probably, give up so much of their natural liberty, as they think will be most for the good of the whole. But different states will judge differently upon this point, some will give up more, some less, though still with the same view, the publick good. And every society have doubtless a right to act according to their own judgment and discretion in this matter, this being only an exercise of that natural liberty in which all are bound.

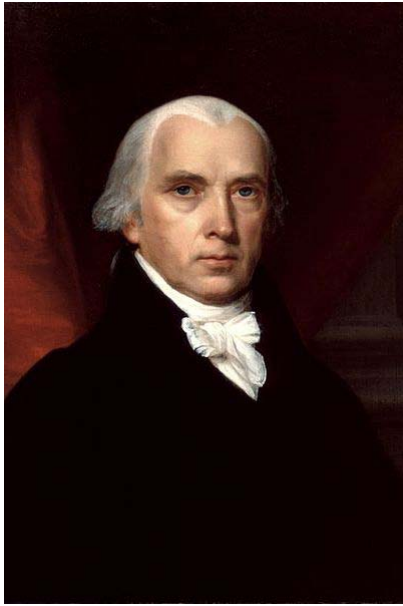
About this Quotation:

The Boston minister Simeon Howard gave this very clear definition of liberty to a company of artillery soldiers in 1773 just before open hostilities broke out between the colonists and the British government. The sermon is interesting because of his combination of ideas drawn from the bible and from the Radical Whig or “Commonwealthman” tradition which existed in 18th century Britain. The latter drew upon 17th century radicals especially the work of John Locke, whose ideas of property rights, individual liberty, and the consent of the government were very influential. Howard provides a strong defence of a “negative” view of liberty, that is that a state of liberty is one where there is an absence of the use of “force and constraint” exercised by some men over others. Furthermore he argues, no other person can “restrain him in the exercise of this liberty” so long as he does not infringe upon the equal right to liberty of the people around him. To do anything else would be to establish of state of “temporal slavery” in the world.

Source

Charles S. Hyneman, *American Political Writing During the Founding Era: 1760-1805*, ed. Charles S. Hyneman and Donald Lutz (Indianapolis: Liberty Fund, 1983). 2 vols. Volume 1.
<http://oll.libertyfund.org/title/2066/188605/3068854>

Madison on “Parchment Barriers” and the defence of liberty I (1788) (Dec 17, 2012)



James Madison (1751 – 1836)

Although in the Federalist Papers (1787-88) James Madison (1751-1836) urged ratification of the U.S. constitution he was also aware of the things it left undone. Here he worries about the weakness of “parchment barriers” such as the constitution in protecting the liberties of the people when the government increasingly “draw(s) all power into its impetuous vortex”:

It is agreed on all sides, that the powers properly belonging to one of the departments, ought not to be directly and completely administered by either of the other departments. It is equally evident, that neither of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied, that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary; the next, and most difficult task, is to provide some practical security for each, against the invasion of the others. What this security ought to be, is the great problem to be solved.

Will it be sufficient to mark, with precision, the boundaries of these departments, in the constitution of the government, and to trust to these parchment barriers against the encroaching spirit of power? This is the security which appears to have been principally relied on by the compilers of most of the American constitutions. But experience assures us, that the efficacy of the provision has been greatly overrated; and that some more adequate defence is indispensably necessary for the more feeble, against the more powerful members of the government. The legislative department is every where extending the sphere of its activity, and drawing all power into its impetuous vortex. ...

In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted

measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favourable emergency, to start up in the same quarter....

The conclusion which I am warranted in drawing from these observations is, that a mere demarkation on parchment of the constitutional limits of the several departments, is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands.

About this Quotation:

Madison's worries about the ineffectiveness of what he called "parchment barriers" to the violation of individual liberties were substantial. He thought that many of his contemporaries were too focused on the threats posed by the executive branch, which he thought understandable given the fact that they had just fought a revolutionary war against an overbearing monarch who headed an empire. He thought a bigger problem lay with the legislative branch because it "alone has access to the pockets of the people" and could be dominated by self-interested factions who could manipulate the chamber. Nevertheless, he also was aware that the executive branch might pose a similar threat to the liberties of the people, especially when "the necessities of the war" demanded action by the executive, but seemed to downplay these fears in his final analysis. Madison seemed to glumly conclude that the effectiveness of parchment barriers were overrated in limiting "the encroaching spirit of power" and that something else was needed to protect individuals from seeing their liberties and property being sucked into the "impetuous vortex" of government. Unfortunately he did not specify here what a "sufficient guard" against this might be.

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader's Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108653/2274434>

Tocqueville on the true love of liberty (1856) (Feb 4, 2013)



[Alexis de Tocqueville](#) (1805 – 1859)

Alexis de Tocqueville (1805-1859) in his unfinished history of the Revolution of 1789 asks where the love of liberty comes from:

At the time the French conceived a desire for political liberty, they were imbued with a number of notions on the subject of government which were not only difficult to reconcile with liberty, but were almost hostile to it.

In their ideal society there was no aristocracy but that of public functionaries, no authority but the government, sole and all-powerful, director of the state, tutor of individuals. They did not wish to depart from this system in the search for liberty; they tried to conciliate the two.

They attempted to combine an unlimited executive with a preponderating legislative body—a bureaucracy to administer, a democracy to govern. Collectively, the nation was sovereign—individually, citizens were confined in the closest dependence; yet from the former were expected the virtues and the experience of a free people, from the latter the qualities of a submissive servant.

It is to this desire of adjusting political liberty to institutions or ideas which are either foreign or hostile to it, but to which we were wedded by habit or attracted by taste, that we owe the many vain experiments of government that have been made during the last sixty years. Hence the fatal revolutions we have undergone. Hence it is that so many Frenchmen, worn out by fruitless efforts and sterile toil, have abandoned their second object and fallen back on their first, declaring that there is, after all, a certain pleasure in enjoying equality under a master. Hence we resemble the economists of 1750 more closely than our fathers of 1789.

I have often asked myself what was the source of that passion for political liberty which has inspired the greatest deeds of which mankind can boast. In what feelings does it take root? From whence does it derive nourishment?

I see clearly enough that when a people is badly governed it desires self-government; but this kind of love for independence grows out of certain particular temporary mischiefs wrought by despotism, and is never durable; it passes away with the accident which gave it birth. What seemed to be love for liberty turns out to be mere hatred of a despot. Nations born to freedom hate the intrinsic evil of dependence.

Nor do I believe that a true love for liberty can ever be inspired by the sight of the material advantages it procures, for they are not always clearly visible. It is very true that, in the long run, liberty always yields to those who know how to preserve it comfort, independence, and often wealth; but there are times when it disturbs these blessings for a while, and there are times when their immediate enjoyment can only be secured by a despotism. Those who only value liberty for their sake have never preserved it long.

It is the intrinsic attractions of freedom, its own peculiar charm—quite independently of its incidental benefits—which have seized so strong a hold on the great champions of liberty throughout history; they loved it because they loved the pleasure of being able to speak, to act, to breathe unrestrained, under the sole government of God and the laws. He who seeks freedom for any thing but freedom’s self is made to be a slave.

Some nations pursue liberty obstinately through all kinds of dangers and sufferings, not for its material benefits; they deem it so precious and essential a boon that nothing could console them for its loss, while its enjoyment would compensate them for all possible afflictions. Others, on the contrary, grow tired of it in the midst of prosperity; they allow it to be torn from them without resistance rather than compromise the comfort it has bestowed on them by making an effort. What do they need in order to remain free? A taste for freedom. Do not ask me to analyze that sublime taste; it can only be felt. It has a place in every great heart which God has prepared to receive it: it fills and inflames it. To try to explain it to those inferior minds who have never felt it is to waste time.

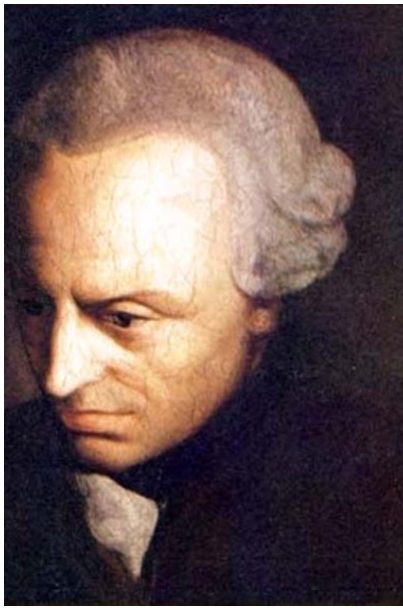
About this Quotation:

In these passages on “the true love of liberty” Tocqueville asks two very profound questions. The first has to do with the conflicting desires of the French people before, during, and after the Revolution of 1789. On the one hand there was the desire for political liberty which was in conflict with another equally strong desire to have a powerful state which would act as the “tutor of individuals.” These conflicting ideals could have no resolution, which Tocqueville believed explained the cycles of revolution, liberty, and despotism in France over the previous 60 years (this book was published in 1856). The second question he poses is more general in nature and has to do with why individuals are attracted to liberty in the first place. He begins by discussing two common justifications people give for wanting to be free: “love for independence” from tyrants and a desire for “the material advantages it procures” but dismisses them as merely the “incidental benefits” of liberty. He believes the “the true love of liberty” comes from a much deeper source, namely the realization by the individual that there are “intrinsic attractions of freedom” which have their “own peculiar charm.” The true lover of liberty, Tocqueville concludes, loves “the pleasure of being able to speak, to act, to breathe unrestrained, under the sole government of God and the laws.”

Source

Alexis de Tocqueville, *The Old Regime and the Revolution*, trans John Bonner (New York: Harper & Brothers, 1856). <http://oll.libertyfund.org/title/2419/229244/3899348>

Kant on the natural right to seek happiness in one's own way (1791) (Mar 18, 2013)



[Immanuel Kant](#) (1724 – 1804)

The German philosopher Immanuel Kant (1724-1804) argued in 1791 that there were three basic principles which should be the foundation of any Civil State: individual liberty, equality under the law, and “self-dependency” for voting rights. In this extract Kant defends the right of every individual to seek or pursue their vision of happiness without interference by the State:

By ‘Reason’ is here meant the pure innate law-giving, Reason which gives no regard to any End that is derived from experience, such as are all comprehended under the general name of Happiness. In respect of any such End or in what any individual may place it, men may think quite differently, so that their wills could not be brought under any common principle, nor, consequently, under any External Laws that would be compatible with the liberty of all.

These Principles are not so much Laws given by the State when it is established, as rather fundamental conditions according to which alone the institution of a State is possible, in conformity with the pure rational Principles of external Human Right generally.

1. The Liberty of every Member of the State as a Man, is the first Principle in the constitution of a rational Commonwealth. I would express this Principle in the following form: — **‘No one has a right to compel me to be happy in the peculiar way in which he may think of the well-being of other men; but everyone is entitled to seek his own happiness in the way that seems to him best, if it does not infringe the liberty of others in striving after a similar end for themselves when their Liberty is capable of consisting with the Right of Liberty in all others according to possible universal laws.’** — A Government founded upon the principle of Benevolence towards the people — after the analogy of a father to his children, and therefore called a paternal Government — would be one in which the Subjects would be regarded as children or minors unable to distinguish what is beneficial or injurious to them. These subjects would be thus compelled to act in a merely passive way; and they would be trained to expect solely from

the Judgment of the Sovereign and just as he might will it, merely out of his goodness, all that ought to make them happy. Such a Government would be the greatest conceivable Despotism; for it would present a Constitution that would abolish all Liberty in the Subjects and leave them no Rights. It is not a paternal Government, but only a patriotic Government that is adapted for men who are capable of Rights, and at the same time fitted to give scope to the good-will of the ruler. By ‘patriotic’ is meant that condition of mind in which everyone in the State—the Head of it not excepted—regards the Commonwealth as the maternal bosom, and the country as the paternal soil out of and on which he himself has sprung into being, and which he also must leave to others as a dear inheritance. Thus, and thus only, can he hold himself entitled to protect the Rights of his fatherland by laws of the common will, but not to subject it to an unconditional purpose of his own at pleasure.—This Right of Liberty thus belongs to him as a man, while he is a Member of the Commonwealth; or, in point of fact, so far as he is a being capable of rights generally.

About this Quotation:

This essay reveals Kant to be a classical liberal of a conservative, anti-revolutionary bent. This may not be surprising given the fact that it appeared shortly after the outbreak of the French Revolution in July 1789. Kant’s intention is to draw up a political theory which would ensure equality of rights under the rule of law, while avoiding the violence and disruption of revolution. Thus we can see here his very strong support for the central role the protection of individual liberty plays in any political system, combined with an absolute equality of all men under the laws (with the notable exception of the Sovereign who is “above” the laws). He extolls what he calls “the universal law of Freedom” and his formulation is very similar to Herbert Spencer’s “law of equal liberty” which he developed in the 1850s. However, Kant breaks with the American and French classical liberal tradition in his equally strong opposition to the right of resistance or rebellion by individuals who believe their rights to life, liberty, and property have been violated by the sovereign power. His fear of revolution is so strong that he believes that individuals must obey unjust laws and only try to right perceived wrongs by appealing to the sovereign by means of “the Liberty of the Press.” The tension between his desire for “obedience to coercive laws” and the need for “a Spirit of Liberty among the people” is one Kant is unable to resolve.

Source

Immanuel Kant, *Kant’s Principles of Politics, including his essay on Perpetual Peace. A Contribution to Political Science*, trans. W. Hastie (Edinburgh: Clark, 1891). <http://oll.libertyfund.org/title/358/56090>

John Millar on liberty as an unintended consequence of a struggle between tyrants (1787) (Jun 16, 2013)



[John Millar](#) (1735 – 1801)

The Scottish historian John Millar (1735-1801) noted that although it was not the intention of the nobles to promote the liberties of ordinary Englishman when they challenged King John in 1215, by defending their own liberties they created both a precedent and a vocabulary for arguing for liberty against the crown:

1. **Whoever enquires into the circumstances in which these great charters were procured, and into the general state of the country at that time, will easily see that the parties concerned in them were not actuated by the most liberal principles; and that it was not so much their intention to secure the liberties of the people at large, as to establish the privileges of a few individuals. A great tyrant on the one side, and a set of petty tyrants on the other, seem to have divided the kingdom; and the great body of the people, disregarded and oppressed on all hands, were beholden for any privileges bestowed upon them, to the jealousy of their masters; who, by limiting the authority of each other over their dependants, produced a reciprocal diminution of their power. But though the freedom of the common people was not intended in those charters, it was eventually secured to them; for when the peasantry, and other persons of low rank, were afterwards enabled, by their industry, and by the progress of arts, to emerge from their inferior and servile condition, and to acquire opulence, they were gradually admitted to the exercise of the same privileges which had been claimed by men of independent fortunes; and found themselves entitled, of course, to the benefit of that free government which was already established.** The limitations of arbitrary power, which had been calculated chiefly to promote the interest of the nobles, were thus, by a change of circumstances, rendered equally advantageous to the whole community as if they had originally proceeded from the most exalted spirit of patriotism.

When the commons, in a later period, were disposed to make farther exertions, for

securing their natural rights, and for extending the blessings of civil liberty, they found it a singular advantage to have an ancient written record, which had received the sanction of past ages, and to which they could appeal for ascertaining the boundaries of the prerogative. This gave weight and authority to their measures; afforded a clue to direct them in the mazes of political speculation; and encouraged them to proceed with boldness in completing a plan, the utility of which had already been put to the test of experience. The regulations, indeed, of this old canon, agreeable to the simplicity of the times, were often too vague and general to answer the purposes of regular government; but, as their aim and tendency were sufficiently apparent, it was not difficult, by a proper commentary, to bestow upon them such expansion and accommodation as might render them applicable to the circumstances of an opulent and polished nation.

About this Quotation:

The Scottish philosopher Adam Ferguson (1723-1816), a contemporary of John Millar, coined the phrase much admired by Friedrich Hayek that social structures of all kinds were “the result of human action, but not the execution of any human design” (1782). This idea encapsulated two related ideas, namely that complex institutions evolved gradually or “spontaneously” over time, and that much of this development was “unintended” or unplanned by any one individual. Millar applies these ideas here to the emergence of the Great Charter (Magna Carta), the embodiment of the “traditional rights of Englishmen.” He notes that it was not the intention of the “petty tyrants” (the nobles) who challenged the authority of the “great tyrant” (King John) in 1215 to create a document which would apply to all adult males whatever their social or economic class. Theirs was an act of self-interest in a power struggle between the aristocracy and the monarchy. The unintended consequence of their action however was to create a powerful precedent which others would follow later. Once a clear statement of rights against arbitrary power had been written down it could serve as a model for future generations such as the struggle between Parliament and the Crown in the 17th century, or the struggle of the North American colonists against the British Empire in the 18th. It is something to keep in mind as we approach the 800th anniversary of the signing of the Great Charter.

Source

John Millar, *An Historical View of the English Government, From the Settlement of the Saxons in Britain to the Revolution in 1688*, in four volumes, edited by Mark Salber Philips and Dale R. Smith, introduction by Mark Salber Philips (Indianapolis: Liberty Fund, 2006). <http://oll.libertyfund.org/title/1886/107914/2267118>

Bastiat's has a utopian dream of drastically reducing the size of the French state (1847) (Aug 28, 2013)



Frédéric Bastiat (1801 – 1850)

In an article he wrote in January 1847 the French free trade advocate Frédéric Bastiat (1801-1850) dreams he is appointed Prime Minister had outlines his plans to the King to drastically reduce taxes and slash government spending by 50 percent:

“I will think about this. So, now we have settled salt, the postal services and customs duties. Is this all?”

“I have scarcely begun.”

“I beg you, let me into your other Utopian plans.”

“I have lost 60 million on salt and the postal services. I have recovered them on Customs duties, which have given me something even more precious.” “And what is that, if you please?”

“International relationships based on justice, and the likelihood of peace, which is almost a certainty. I would disband the army.”

“The entire army?”

“Except for some specialized divisions, which would recruit voluntarily just like any other profession. And as you can see, conscription would be abolished.” ...

“Truly, if I were not on my guard, I would end up by being interested in your fantasies.”

The Utopian becomes excited: **“Thank heavens; my budget has been reduced by 200 million! I will abolish city tolls, I will reform indirect taxes, I ...” “Just a minute Mr. Utopian!”**

The Utopian becomes increasingly excited: “I will proclaim the freedom of religion and freedom of education. New projects: I will purchase the railways, I will reimburse the debt, and I will starve stockjobbing of its profits.”

“Mr. Utopian!”

“Freed from responsibilities which are too numerous to mention, I will concentrate all of the forces of government on repressing fraud and distributing prompt and fair justice to all, I ...”

“Mr. Utopian, you are taking on too much, the nation will not follow you!” “You have given me a majority.”

“I withdraw it.”

“About time, too! So I am no longer a Minister, and my plans remain what they are, just so many UTOPIAS.”

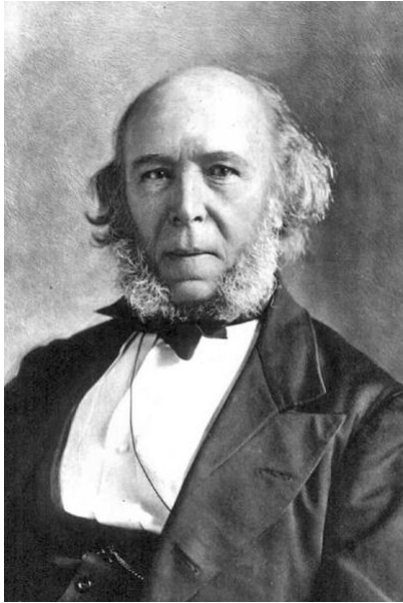
About this Quotation:

August 28 was the 50th anniversary of Dr. Martin Luther King’s famous “I have a Dream” speech. Classical liberals like Mary Wollstonecraft, Richard Cobden, and Frédéric Bastiat also had dreams of liberty which they eloquently discussed. This “I have a dream” speech was written by Bastiat in January 1847 in which he dreams of being appointed Prime Minister (“The Utopian”) of France with full power to implement his classical liberal dream of an ultra-minimal state. He discusses his plans with the King of abolishing some taxes completely (indirect taxes such as the octroi or city tolls), cutting other taxes by 75% or more (on letters and salt), halving the rate of tariffs, abolishing entire sectors of government activity (subsidizing churches and government funded education), and even abolishing conscription and disbanding the army of 400,000 men and replacing it with local militias. His cost cutting would total nearly F700 million out of an annual budget of F1.4 billion of government spending, or roughly 50%. As he increasingly gets carried away with his utopian plans for reform of the state he suddenly realises that his dream would be impossible to put into practice unless the people were convinced of the correctness of his classical liberal ideas of individual liberty and free markets. Since in 1847 they were not, the Utopian accepts the fact that he must resign and that his plans are just so many utopian dreams to be realised at some future date.

Source

Frédéric Bastiat, *Economic Sophisms*, trans. Arthur Goddard, introduction by Henry Hazlitt (Irvington-on-Hudson: Foundation for Economic Education, 1996). <http://oll.libertyfund.org/title/276/23396>

Herbert Spencer on the prospects for liberty (1882) (Sep 9, 2013)



[Herbert Spencer](#) (1820 – 1903)

The English radical individualist Herbert Spencer (1820-1903) thought that the prospects for liberty in late 19th century England and America were not good if people continued to believe that the general welfare could be improved by legislation and “wirepulling politicians”:

The days when “paper constitutions” were believed in have gone by—if not with all, still with instructed people. The general truth that the characters of the units determine the character of the aggregate, though not admitted overtly and fully, is yet admitted to some extent—to the extent that most politically-educated persons do not expect forthwith completely to change the state of a society by this or that kind of legislation. But when fully admitted, this truth carries with it the conclusion that political institutions cannot be effectually modified faster than the characters 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. When, as in France, people undisciplined in freedom are suddenly made politically free, they show by some plébiscite that they willingly deliver over their power to an autocrat, or they work their parliamentary system in such way as to make a popular statesman into a dictator. When, as in the United States, republican institutions, instead of being slowly evolved, are all at once created, there grows up within them an agency of wirepulling politicians, exercising a real rule which overrides the nominal rule of the people at large. When, as at home, an extended franchise, very soon re-extended, vastly augments the mass of those who, having before been controlled are made controllers, they presently fall under the rule of an organized body that chooses their candidates and arranges for them a political programme, which they must either accept or be powerless. So that in the absence of a duly-adapted character, liberty given in one direction is lost in another.

Allied to the normal relation between character and institutions, are the normal relations among institutions themselves; and the evils which arise from disregard of the second relations are allied to those which arise from disregard of the first. Substantially there is produced the same general effect. The slavery mitigated in one direction is intensified in

another. Coercion over the individual, relaxed here is tightened there. For, as we have seen, that change which accompanies development of the industrial type, and is involved by the progress towards those purely equitable relations which the régime of voluntary cooperation brings, implies that the political structures simultaneously become popular in their origin and restricted in their functions. But if they become more popular in their origin without becoming more restricted in their functions, the effect is to foster arrangements which benefit the inferior at the expense of the superior; and by so doing work towards degradation.

About this Quotation:

In this piece, after having developed his theory of the two different forms into which societies could develop, the militant or the industrial types of society (one based primarily on coercion and the other on voluntary transactions), Spencer turns to applying his theory to predict how the society in which he lived would develop in the near future. In the late 1870s and early 1880s when he was writing it seemed that European societies were tending away from war and the coercive “militant” types of political and economic structures which were its product, and were turning increasingly to more voluntary market-based or “industrial” types of societies. If this trend continued, he predicted that more and more activities which had been undertaken by the state would be supplied voluntarily by local communities or by the free market. If this trend were halted by the outbreak of another war or if people chose to align themselves with coercive trade unions or political parties then European societies would be regimented and subject to what he called “State-dictation” with the loss of prosperity and innovation which this entailed. He saw the dangers to liberty coming from a different direction in the United States, where he saw republican institutions increasingly coming under the control of corrupt “wirepulling politicians” would would wield real power in the name of the people. Given the presence of both these forces at work in modern society, the industrial and the militant, Spencer believed that the only thing the advocate of liberty could do was “to facilitate the action of forces tending to cause advance” and attempt to prevent “mis-direction of them” tending to increase the power of the state.

Source

Herbert Spencer, *Political Institutions, being Part V of the Principles of Sociology (The Concluding Portion of Vol. II)* (London: Williams and Norgate, 1882). <http://oll.libertyfund.org/title/1336/54835/1319294>

Guizot on how intellectual and political diversity and competition created a unique European civilization (1828) (Sep 16, 2013)



François Guizot (1787 – 1874)

The French politician and liberal historian François Guizot (1787-1874) argued that what distinguished European civilization from others, and made it superior, was the fact that no one idea or institution was able to become dominant and this left it free to experiment with many alternatives:

When we look at the civilizations which have preceded that of modern Europe, whether in Asia or elsewhere, including even those of Greece and Rome, it is impossible not to be struck with the unity of character which reigns among them. Each appears as though it had emanated from a single fact, from a single idea. One might almost assert that society was under the influence of one single principle, which universally prevailed and determined the character of its institutions, its manners, its opinions—in a word, all its developments. ...

Society here became stationary; simplicity produced monotony; the country was not destroyed; society continued to exist; but there was no progression; it remained torpid and inactive.

To this same cause must be attributed that character of tyranny which prevailed, under various names, and the most opposite forms, in all the civilizations of antiquity. Society belonged to one exclusive power, which could bear with no other. Every principle of a different tendency was proscribed. The governing principle would nowhere suffer by its side the manifestation and influence of a rival principle. ...

How different from all this is the case as respects the civilization of modern Europe! Take ever so rapid a glance at this, and it strikes you at once as diversified, confused, and stormy. All the principles of social organization are found existing together within it; powers temporal, powers spiritual, the theocratic, monarchic, aristocratic, and democratic elements, all classes of society, all the social situations, are jumbled

together, and visible within it; as well as infinite gradations of liberty, of wealth, and of influence. These various powers, too, are found here in a state of continual struggle among themselves, without any one having sufficient force to master the others, and take sole possession of society. Among the ancients, at every great epoch, all communities seem cast in the same mould: it was now pure monarchy, now theocracy or democracy, that became the reigning principle, each in its turn reigning absolutely. But modern Europe contains examples of all these systems, of all the attempts at social organization, pure and mixed monarchies, theocracies, republics more or less aristocratic, all live in common, side by side, at one and the same time; yet, notwithstanding their diversity, they all bear a certain resemblance to each other, a kind of family likeness which it is impossible to mistake, and which shows them to be essentially European. ...

In every part, then, we find this character of variety to prevail in modern civilization. It has undoubtedly brought with it this inconvenience, that when we consider separately any particular development of the human mind in literature, in the arts, in any of the ways in which human intelligence may go forward, we shall generally find it inferior to the corresponding development in the civilization [32] of antiquity; but, as a set-off to this, when we regard it as a whole, European civilization appears incomparably more rich and diversified: if each particular fruit has not attained the same perfection, it has ripened an infinitely greater variety. Again, European civilization has now endured fifteen centuries, and in all that time it has been in a state of progression. It may be true that it has not advanced so rapidly as the Greek; but, catching new impulses at every stop, it is still advancing. An unbounded career is open before it; and from day to day it presses forward to the race with increasing rapidity, because increased freedom attends upon all its movements. While in other civilizations the exclusive domination, or at least the excessive preponderance of a single principle, of a single form, led to tyranny, in modern Europe the diversity of the elements of social order, the incapability of any one to exclude the rest, gave birth to the liberty which now prevails. The inability of the various principles to exterminate one another compelled each to endure the others, made it necessary for them to live in common, for them to enter into a sort of mutual understanding. Each consented to have only that part of civilization which fell to its share. Thus, while everywhere else the predominance of one principle [33] has produced tyranny, the variety of elements of European civilization, and the constant warfare in which they have been engaged, have given birth in Europe to that liberty which we prize so dearly.

It is this which gives to European civilization its real, its immense superiority—it is this which forms its essential, its distinctive character. And if, carrying our views still further, we penetrate beyond the surface into the very nature of things, we shall find that this superiority is legitimate—that it is acknowledged by reason as well as proclaimed by facts. Quitting for a moment European civilization, and taking a glance at the world in general, at the common course of earthly things, what is the character we find it to bear? What do we here perceive? Why just that very same diversity, that very same variety of elements, that very same struggle which is so strikingly evinced in European civilization. It is plain enough that no single principle, no particular organization, no simple idea, no special power has ever been permitted to obtain possession of the world, to mould it into a durable form, and to drive from it every opposing tendency, so as to reign itself supreme. Various powers, principles, and systems here intermingle, modify one another, and struggle incessantly—now subduing, now subdued—never wholly conquered, never

conquering. Such is apparently the general state of the world, while diversity of forms, of ideas, of principles, their struggles and their energies, all tend towards a certain unity, a certain ideal, which, though perhaps it may never be attained, mankind is constantly approaching by dint of liberty and labor. Hence European civilization is the reflected image of the world—like the course of earthly things, it is neither narrowly circumscribed, exclusive, nor stationary. For the first time, civilization appears to have divested itself of its special character: its development presents itself for the first time under as diversified, as abundant, as laborious an aspect as the great theatre of the universe itself.

About this Quotation:

These passages remind one very much of the ideas of the modern economic historian E.L. Jones in his book *The European Miracle* (1987). Jones's thesis was that because Europe escaped coming under the control of a single political empire a multiplicity of political, social, legal, and economic structures were able to evolve and even coexist. This created opportunities for competition between states to attract entrepreneurs and investors and for citizens to exercise their "right of exit" to leave a worse state for a better state. The existence of micro-states and principalities provided the necessary shelter in "interstices" where experiments in things like city charters and constitutions could be undertaken and, if successful, spread to other cities across the continent. The dynamism and creativity of Europe, its "superiority" if you like, stems from the fact that "no single principle, no particular organization, no simple idea, no special power has ever been permitted to obtain possession of the world, to mould it into a durable form, and to drive from it every opposing tendency, so as to reign itself supreme."

Source

François Guizot, *General History of Civilization in Europe* by François Pierre Guillaume Guizot, edited, with critical and supplementary notes, by George Wells Knight (New York: D Appleton and Co., 1896). http://oll.libertyfund.org/titles/2244#Guizot_1509_119

Richard Overton argues that to submit to the unjust rule by another is to violate one's right of self ownership (1646) (Nov 11, 2013)

Richard Overton (1631 – 1664)

The Leveller pamphleteer Richard Overton (16??-1664) defied the House of Lords from Newgate jail where he was incarcerated for refusing to recognize their right to question him without a warrant. To submit to their unjust demands he thought would be an infringement of his right to self-ownership:

And though I be in their (the House of Lords) Prerogative clutches, and by them unjustly cast into the prison of Newgate for standing for my own, and my Countreys rights and freedoms, I care not who lets them know that I acknowledge none other to be the supream Court of Judicature of this Land, but the House of Commons, the Knights and Burgesses assembled in Parliament by the voluntary choice, and free election of the people thereof; with whom, and in whose just defence I'll live and die, maugre the malice of the House of Lords. For I acknowledge that I was not born for my self alone, but for my neighbour as well as for my self; and I am resolv'd to discharge the trust which God hath repos'd in me for the good of others, with all diligence and fidelity, as I will answer it at Gods great Tribunall, though for my pains I forfeit the life and earthly being of this my little thimble full of mortality.

And these are further to let them know, that I bid defiance to their injustice, usurpation and tyranny, and scorn even the least connivance, glimpse, jot, or tittle of their favour: let them do as much against me by the Rule of Equity, Reason, and Justice for my Testimony and Protestation against them in this thing as possibly they can, and I shall be content and rest: for, Nihil quod est contra rationem est licitum; Nothing which is against reason is lawfull, it is a sure maxime in Law, for Reason is the life of the Law. But if they transgresse, and go beyond the bounds of rationality, justice, and equity, I shall to the utmost of my power make opposition and contestation to the last gaspe of vitall breath; and I will not beg their favour, nor lie at their feet for mercy; let me have justice, or let me perish. I'll not sell my birth-right for a mess of pottage, for Justice is my naturall right, my heirdome, my inheritance by lineall descent from the loins of Adam, and so to all the sons of men as their proper right without respect of persons. The crooked course of Favour, greatnesse, or the like, is not the proper channell of Justice; it is pure, and individuall, equally and alike proper unto all, descending and running in that pure line streaming and issuing out unto all, though grievously corrupted, vitiated, and adulterated from generation to generation.

Why therefore shall I crave my own, or beg my right? to turn supplicant in such a case is a disfranchising of my self, and an acknowledgement that the thing is not my own, but at another mans pleasure; so that I forsake and cast off my property, and am inslav'd to his arbitrary pleasure: if the other will, I may have possession, otherwise not. Which indignity to my own, or to my Countreys rights, their Lordships shall never enforce me; for it is no better then a branch of tyranny to force a man to turn supplicant for his own, and of self-robbery to submit thereto. Though this inslaved Nation be most deeply and miserably involved in that intolerable condition, so that indeed we cannot have our own naturall rights and immunities, but we must be either patient sufferers, or actuall Petitioners, as if our

own were not our own of right, but of favour.

What is this other but an utter disfranchisement of the people, and a meer vassalage of this Nation, as if the Nation could have nothing by right, but all by favour, this cannot hold with the rule of Mine and thine, one to have all, and another nothing: one's a gentleman, th'other a begger; so that the birth-rights, freedoms, and properties of this Nation are thereby made these great Mens Alms; and we must come with hat in hand, with good your worships, May it please your Honors my Lords, and with such like terms of vassalage and slavery for our own rights, as if we ought them Villein-Service, and held all the rights and properties we have, but by Tenure in Villonage, and so were their slaves for ever.

About this Quotation:

Richard Overton and his friend John Lilburne must have been quite a handful for their jailors when they were sent to Newgate prison, the King's Bench, or the Tower of London for insisting upon their rights to practice their religion freely, to write what they wished and circulate it freely, to be tried by their peers and not their "betters", for insisting that proper arrest warrants be issued, and for the traditional rights of Englishmen to be respected by the two Houses of Parliament. Stints in jail did not stop the flood of pamphlets they wrote in defence of their liberties. Attempts to silence them or make their lives hard in jail only stimulated them further to expose the corrupt practices of the jailors, such as taking bribes for food and better lodging, and nailing boards to their windows so they could not get fresh air, or to denounce the appalling conditions in the prisons, such as failing to prevent prison rape which seemed to be endemic. Even the absence of their beloved books did not seem to stop them quoting endlessly from their holy texts, which consisted of the Bible, Sir Edward Coke's Institutes of English Law, and the Magna Carta (and other charters of English liberties). They seemed to know them all off by heart. Even when he was eventually dragged before the House of Lords Overton refused to answer any questions and angered the Lords further by refusing to doff his hat appropriately. He argued that it was his right as a freeborn Englishman not to.

Source

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).
http://oll.libertyfund.org/titles/2596#Leveller_1542-03_715

Magna Carta guaranteed the freemen of the kingdom their liberties forever (1215) (Dec 9, 2013)

[Misc \(Magna Carta\)](#) (? – ?)

After losing the Battle of Bouvines in northern France in 1214 King John (1166-1216) was forced by his rebellious nobles to recognise a long list of liberties which the monarchy henceforth had to respect. These became known as the “traditional rights of Englishmen”:

I. In the first place we have granted to God, and by this our present charter confirmed for us and our heirs for ever that the English church shall be free, and shall have her rights entire, and her liberties inviolate; and we will that it be thus observed; which is apparent from this that the freedom of elections, which is reckoned most important and very essential to the English church, we, of our pure and unconstrained will, did grant, and did by our charter confirm and did obtain the ratification of the same from our lord, Pope Innocent III., before the quarrel arose between us and our barons: and this we will observe, and our will is that it be observed in good faith by our heirs for ever. **We have also granted to all freemen of our kingdom, for us and our heirs forever, all the underwritten liberties, to be had and held by them and their heirs, of us and our heirs forever.**

XII. **No scutage (tax) nor aid shall be imposed on our kingdom**, unless by common counsel of our kingdom, except for ransoming our person, for making our eldest son a knight, and for once marrying our eldest daughter; and for these there shall not be levied more than a reasonable aid. In like manner it shall be done concerning aids from the city of London.

XIII. **And the city of London shall have all its ancient liberties and free customs, as well by land as by water**; furthermore, we decree and grant that all other cities, boroughs, towns, and ports shall have all their liberties and free customs.

XXXIX. **No freeman shall be taken or [and] imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or [and] by the law of the land.**

XL. **To no one will we sell, to no one will we refuse or delay, right or justice.**

XLI. **All merchants shall have safe and secure exit from England, and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil tolls**, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

About this Quotation:

The document known as the “Magna Carta” (also known as the Great Charter of Liberties) was a

milestone in the creation of formal limits which were placed on the power of the monarch to do certain things. Magna Carta achieved nearly mythical status among supporters of limited constitutional government in the 17th and 18th centuries and it was used by jurists like Sir Edward Coke and radicals like John Lilburne in their struggles against the crown in the 1620s and 1640s in England, as well as by many colonists in North America when they were drawing up their local charters. The quotation lists some of the more important clauses such as the perpetuity of a freeman's rights, the idea of no taxation without consent, the right to freedom of trade for cities like London, and rights to "due process" of the law such as jury trials and prompt trials. The impact of the great charter is partly myth and partly true. It is true that these concessions were wrung out of the King by a band of disgruntled noblemen who wished to preserve their privileges not to make statements about universal rights; it is true that the language referred to the rights of the "freemen" of the kingdom but this only applied to the small percentage of tenant farmers who had freehold title to their farms (perhaps 10% of the population) not to all the peasants; and so on. However, over time it became a powerful symbol of individual rights which were held by all Englishmen (not women) and these ideas were vital in the establishment of constitutional governments throughout the English speaking world. 2015 will mark the 800th anniversary of the signing of the Great Charter.

Source

Misc (Magna Carta), *Magna Carta: A Commentary on the Great Charter of King John, with an Historical Introduction*, by William Sharp McKechnie (Glasgow: Maclehose, 1914).
http://oll.libertyfund.org/titles/338#McKechnie_0032_469

Mises on liberalism and the battle of ideas (1927) (Feb 24, 2014)



[Ludwig von Mises](#) (1881 – 1973)

Ludwig von Mises (1881-1973) argued that the power of liberal ideas were so great that they would eventually succeed in “conquering the minds of officials and soldiers” everywhere:

When liberal ideas began to spread to central and eastern Europe from their homeland in western Europe, the traditional powers—the monarchy, the nobility, and the clergy—trusting in the instruments of repression that were at their disposal, felt completely safe. They did not consider it necessary to combat liberalism and the mentality of the Enlightenment with intellectual weapons. Suppression, persecution, and imprisonment of the malcontents seemed to them to be more serviceable. They boasted of the violent and coercive machinery of the army and the police. Too late they realized with horror that the new ideology snatched these weapons from their hands by conquering the minds of officials and soldiers. It took the defeat suffered by the old regime in the battle against liberalism to teach its adherents the truth that there is nothing in the world more powerful than ideologies and ideologists and that only with ideas can one fight against ideas. They realized that it is foolish to rely on arms, since one can deploy armed men only if they are prepared to obey, and that the basis of all power and dominion is, in the last analysis, ideological.

The acknowledgment of this sociological truth was one of the fundamental convictions on which the political theory of liberalism was based. From it liberalism had drawn no other conclusion than that, in the long run, truth and righteousness must triumph because their victory in the realm of ideas cannot be doubted. And whatever is victorious in this realm must ultimately succeed in the world of affairs as well, since no persecution is capable of suppressing it. It is therefore superfluous to trouble oneself especially about the spread of liberalism. Its victory is, in any case, certain.

The opponents of liberalism can be understood even in this respect only if one keeps in mind that their actions are nothing but the reverse of what liberalism teaches; that is, they are based on the rejection of and reaction against liberal ideas. They were not in a position to offer a comprehensive and consistent body of social and economic doctrine in

opposition to the liberal ideology, for liberalism is the only possible conclusion that can be validly drawn from such a doctrine. Yet a program that promised something to only one group or a few groups had no chance of winning general support and was doomed from the outset to political failure. Thus, these parties had no other recourse than to hit upon some arrangement that would bring the groups to whom they addressed themselves completely under their sway and to keep them that way. They had to take care that liberal ideas found no adherents among the classes on which they depended.

About this Quotation:

In 1927 when Ludwig von Mises wrote these words it was a courageous thing to do with fascism and bolshevism in power in Italy and Russia and the Nazis about to come to power in Germany. Nevertheless, he argued that the power of liberal ideas were so great that they would eventually succeed in “conquering the minds of officials and soldiers.” This takes place in the middle of a discussion of the nature of political parties which had propelled the fascists and Bolsheviks to power. In spite of their armed thugs and militias Mises believed that ultimately the battle would be won or lost in the realm of ideas not with arms, that the struggle was an ideological one, and that if one could convince the wielders of political and armed force that their cause was an unjust one they would no longer be “prepared to obey” their masters. Mises also has another twist in his argument which is worth pondering, and that is that even those who have a material interest in the use of political force to achieve their ends, come to understand what those “interests” are through a process of thinking about them. Thus, even material interests are ideological in this sense. He also thought therefore that liberal ideas would eventually succeed in “conquering the minds” of the vested interests which benefited, or thought they benefited, from government privileges and subsidies.

Source

Ludwig von Mises, *Liberalism: The Classical Tradition*, trans. Ralph Raico, ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2005). <http://oll.libertyfund.org/title/1463/67461/1652592>

Jacques Maritain on the dynamism of freedom (1938) (Mar 17, 2014)



Jacques Maritain (1882 – 1973)

The French Thomistic philosopher Jacques Maritain (1882–1973) believes that the “dynamism of freedom” consists of using one’s “freedom of choice” in order to gain another kind of freedom, the “freedom of spontaneity or of independence”:

IV: The Dynamism of Freedom

These things being understood, one immediately perceives the consequence they entail from the point of view of what one can call the dynamism of freedom. The first freedom (freedom of choice) exists for the sake of the second freedom (freedom of spontaneity or of independence) toward which the aspirations of personality themselves tend. I have called this second freedom, freedom of spontaneity or of independence. In order now to describe it more clearly in its relation to the aspirations of the person, we can also call it freedom of exultation and, in the Pauline, not the Kantian, sense, freedom of autonomy.

The freedom of choice, the free will, is not its own end. It is ordained to the conquest of freedom in the sense of freedom of exultation or autonomy. And it is in this conquest, demanded by the essential postulates of human personality, that the dynamism of freedom consists.

In this dynamism are involved two essentially distinct forms, which I can only briefly discuss; a social form and a spiritual one. If we remember what has just been said about the two defeats inflicted in us in respect to the claims of personality in its pure formal line,—one by divine transcendence, and the other by the burden of nature,—we can say that the object of the social form of the dynamism of freedom is to remedy the defeat inflicted by nature; while the object of the spiritual form of this dynamism is to remedy the defeat inflicted by the transcendence of God.

In the order of social life, it thus appears that the end of civil life is a common earthly good and a common earthly undertaking, whose highest values consist in aiding the human person so that it may free itself from the servitudes of nature and achieve its autonomy in regard to the latter.

About this Quotation:

On the eve of the Second World War (1938) the French Catholic philosopher Jacques Maritain was visiting the US to give a series of lectures on the Scholastic alternative to the philosophies of totalitarianism, both communist and fascist, which had taken control of Europe. He termed his vision “integral humanism” in which the individual person and their hopes and aspirations were given prominence in contrast to the totalitarian societies which demanded “the total devotion of the person” to the state and promoted “human exaltation in the myths of external greatness”. Naturally, a significant part of the book focused on the nature of human freedom, the role played by the freedom of choice each person had to make their lives according to their own vision of the good, and to achieve the ultimate freedom which he called the “freedom of spontaneity or of independence”. The latter goal required freeing oneself from “the servitudes of nature” in order to become a more autonomous human being – goal which was a very hard thing to do at the best of times, but even more so in the years immediately following his lecture tour.

Source

Jacques Maritain, Jacques Maritain, *Scholasticism and Politics*. Translated and edited by Mortimer J. Adler (Indianapolis: Liberty Fund, 2011). http://oll.libertyfund.org/titles/scholasticism-and-politics#lf1591_label_058

Edmund Burke on liberty as “social” not “individual” liberty (1789) (Mar 31, 2014)



Edmund Burke (1729 – 1797)

A year before he published his full critique of the French Revolution Edmund Burke (1729-1797) wrote to a young Frenchman and offered his definition of liberty. His was not “unconnected, individual, selfish liberty” but a “social freedom” which is “secured by well-constructed institutions”:

You hope, sir, that I think the French deserving of liberty. I certainly do. I certainly think that all men who desire it, deserve it. It is not the reward of our merit, or the acquisition of our industry. It is our inheritance. It is the birthright of our species. We cannot forfeit our right to it, but by what forfeits our title to the privileges of our kind. I mean the abuse, or oblivion, of our rational faculties, and a ferocious indocility which makes us prompt to wrong and violence, destroys our social nature, and transforms us into something little better than the description of wild beasts. To men so degraded, a state of strong constraint is a sort of necessary substitute for freedom; since, bad as it is, it may deliver them in some measure from the worst of all slavery—that is, the despotism of their own blind and brutal passions.

You have kindly said, that you began to love freedom from your intercourse with me. **Permit me then to continue our conversation, and to tell you what the freedom is that I love, and that to which I think all men entitled. This is the more necessary, because, of all the loose terms in the world, liberty is the most indefinite. It is not solitary, unconnected, individual, selfish liberty, as if every man was to regulate the whole of his conduct by his own will. The liberty I mean is social freedom. It is that state of things in which liberty is secured by the equality of restraint. A constitution of things in which the liberty of no one man, and no body of men, and no number of men, can find means to trespass on the liberty of any person, or any description of persons, in the society. This kind of liberty is, indeed, but another name for justice; ascertained by wise laws, and secured by well-constructed institutions.** I am sure that liberty, so incorporated, and in a manner identified with justice, must be infinitely dear to every one who is capable of conceiving what it is. But whenever a separation is made

between liberty and justice, neither is, in my opinion, safe. I do not believe that men ever did submit, certain I am that they never ought to have submitted, to the arbitrary pleasure of one man; but, under circumstances in which the arbitrary pleasure of many persons in the community pressed with an intolerable hardship upon the just and equal rights of their fellows, such a choice might be made, as among evils. The moment will is set above reason and justice, in any community, a great question may arise in sober minds, in what part or portion of the community that dangerous dominion of will may be the least mischievously placed.

If I think all men who cultivate justice, entitled to liberty, and, when joined in states, entitled to a constitution framed to perpetuate and secure it, you may be assured, sir, that I think your countrymen eminently worthy of a blessing which is peculiarly adapted to noble, generous, and humane natures. Such I found the French, when, more than fifteen years ago, I had the happiness, though but for too short a time, of visiting your country; and I trust their character is not altered since that period.

About this Quotation:

In this passage from a letter written to a young Frenchman François Depont in November 1789 only 4 months after the outbreak of the French Revolution, Burke makes a very clear distinction between two theories of liberty. The first is the individualist notion of liberty (described by Burke as “solitary, unconnected, individual, selfish”) which was based upon the natural rights of the individual to the unfettered enjoyment of their life, liberty, and property. This was the notion of liberty accepted by most of the American Revolutionaries and the more moderate constitutional branch of the French Revolutionaries. The second notion, the one he preferred, was “social” in nature, where various institutional and legal “restraints” were in place to prevent any one person from “regulat(ing) the whole of his conduct by his own will”. The strengths and weaknesses of each of these theories was hotly debated in the late 18th century which you can follow in this collection of texts on [The Debate about the French Revolution](#). The issue often came down to the following questions: to what extent do existing institutions make the exercise of liberty possible, to what extent do those same institutions violate the rights of individuals, and how does one resolve that tension?

Source

Edmund Burke, *Further Reflections on the Revolution in France*, ed. Daniel E. Ritchie (Indianapolis: Liberty Fund 1992). http://oll.libertyfund.org/titles/660#Burke_0006_89

Liberty in the French Declaration of the Rights of Man and of the Citizen (1789) (Jul 14, 2014)



[Gilbert du Motier, Marquis de La Fayette](#) (1757 – 1834)

The French Declaration of the Rights of Man and of the Citizen was promulgated in August 1789 and drew heavily upon the American precedents of the Virginia Declaration (May 1776) and the Declaration of Independence (4 July 1776). We quote here the first few articles:

The representatives of the French people, constituted into a National Assembly, considering that ignorance, forgetting or contempt of the rights of man are the sole causes of public misfortunes and of the corruption of governments, are resolved to expose [i.e., expound], in a solemn declaration, the natural, inalienable and sacred rights of man, so that that declaration, constantly present to all members of the social body, points out to them without cease their rights and their duties; so that the acts of the legislative power and those of the executive power, being at every instant able to be compared with the goal of any political institution, are very respectful of it; so that the complaints of the citizens, founded from now on simple and incontestible principles, turn always to the maintenance of the Constitution and to the happiness of all.

In consequence, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and of the citizen:

Article I – Men are born and remain free and equal in rights. Social distinctions can be founded only on the common utility.

Article II – The goal of any political association is the conservation of the natural and imprescriptible [i.e., inviolable] rights of man. These rights are liberty, property, safety and resistance against oppression.

Article III – The principle of any sovereignty resides essentially in the Nation. No body, no individual can exert authority which does not emanate expressly from it.

Article IV – Liberty consists of doing anything which does not harm others: thus, the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights. These borders can be determined only by the law.

About this Quotation:

The French Declaration of 1789 was much influenced by the American precedents of 1776, which is not surprising given the fact that LaFayette was one of the drafters of the document and that Thomas Jefferson was highly regarded by many of the legislators. A detailed comparison of the American and French declarations is provided by Georg Jellinek which we have online. Some of the articles are very libertarian, such as Article II which states that “men” have natural and imprescriptible rights of man which include liberty as well as property (which is not specifically mention in the American Declaration of Independence), and Article IV which states a version of the “law of equal liberty” which was so dear to Herbert Spencer. The sad thing is that this document was in force only for a few years before the Revolution turned increasingly authoritarian and despotic once the Jacobins seized power in 1793-94 and war with the monarchical powers necessitated increased taxation, confiscation of property, and price controls.

Source

Georg Jellinek, *The Declaration of the Rights of Man and of Citizens: A Contribution to Modern Constitutional History*, by Georg Jellinek. Authorized translation from the German by Max Farrand, revised by the Author (New York: Henry Holt and Co., 1901). <http://oll.libertyfund.org/pages/declaration-of-the-rights-of-man-and-of-the-citizen>

Guizot on man's unquenchable desire for liberty and free political institutions (1820-22) (Sep 8, 2014)



François Guizot (1787 – 1874)

The French politician and liberal historian François Guizot (1787-1874) argued in 1822 that no matter what the outward form a government might be “there is an instinctive sense of justice and reason dwelling in every human spirit” which always bubbles to the surface to express the desire for liberty and free institutions such as representative government:

Such, however, is the force of truth, that this error could not reign alone and absolutely. At the very time when men appeared to believe, and did theoretically believe, that the primitive and absolute power of giving law belonged to some one, whether monarch, senate, or people, at the same time they struggled against that principle. **At all times men have endeavoured to limit the power which they regarded as perfectly legitimate. Never has a force, although invested with the right of sovereignty, been allowed to develop that right to its full extent. The janissaries in Turkey sometimes served, sometimes abrogated, the absolute power of the Sultan. In democracies, where the right of sovereignty is vested in popular assemblies, efforts have been continually made to oppose conditions, obstacles, and limits to that sovereignty. Always, in all governments which are absolute in principle, some kind of protest has been made against the principle. Whence comes this universal protest? We might, looking merely at the surface of things, be tempted to say that it is only a struggle of powers. This has existed without doubt, but another and a grander element has existed along with it; there is an instinctive sense of justice and reason dwelling in every human spirit. Tyranny has been opposed, whether it were the tyranny of individuals or of multitudes, not only by a consciousness of power, but by a sentiment of right. It is this consciousness of justice and right, that is to say, of a rule independent of human will—a consciousness often obscure but always powerful—which, sooner [51] or later, rouses and assists men to resist all tyranny, whatever may be its name and form. The voice of humanity, then, has proclaimed that the right of sovereignty vested in men, whether in one, in many, or in all, is an iniquitous lie.**

If, then, the right of sovereignty cannot be vested in any one man, or collection of men, where does it reside, and what is the principle on which it rests?

In his interior life—in his dealings with himself, if I may be allowed the expression, as well as in his exterior life, and in his dealings with his fellows—the man who feels himself free and capable of action, has ever a glimpse of a natural law by which his action is regulated. He recognises a something which is not his own will, and which must regulate his will. He feels himself bound by reason or morality to do certain things; he sees, or he feels that there are certain things which he ought or ought not to do. This something is the law which is superior to man, and made for him—the divine law. The true law of man is not the work of man; he receives, but does not create it; even when he submits to it, it is not his own—it is beyond and above him.

Man does not always submit; in the exercise of his free will and imperfect nature, he does not invariably obey this law. He is influenced by other principles of action than this, and although he perceives that the motives which impel him are vicious, nevertheless he often yields to them. But whether he obey or not, the supreme law for man is always existent—in his wildest dreams he recognises it, as placed above him.

We see, then, the individual always in presence of a law,—one which he did not create, but which asserts its claim over him, and never abandons him. If he enters into society with his fellows, or finds himself thus associated, what other rule than this will he possess? Should human society involve an abdication of human nature? No; man in society must and does remain essentially the same as in his individual capacity; and as society is nothing but a collection of individuals, the supreme law of society must be the same as that which exercises a rightful control over individuals themselves.

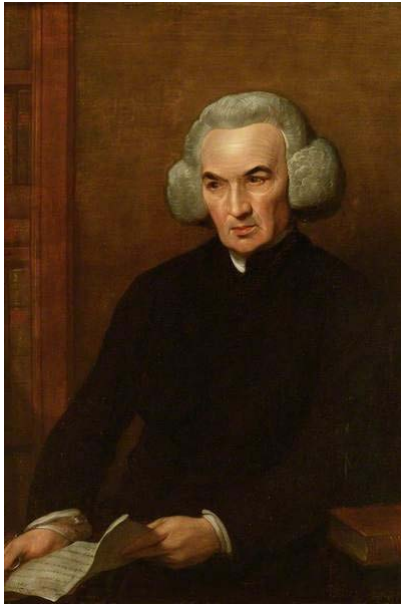
About this Quotation:

The historian Guizot traced the origin of modern representative government to the English and Germanic tribes of the early middle ages. What gives his analysis considerable power and relevance to France in 1822 and now is that at the same time that he is tracing the unique historical forms which these proto-representative institutions took he also wants to show how the love of liberty is something which is universal in all mankind no matter what the contemporary circumstances might be. Within each human's breast there is a desire for independence, autonomy, and freedom which cannot be extinguished for long by tyrants or emperors (he had in mind Napoleon of course). A consequence of his view is that he rejects much of contemporary political theory, which was either concerned with the outward form which political institutions took (monarchy, aristocracy, or democracy), or how the different branches of government might act as checks and balances against each other. Guizot argues that liberty and free institutions arise and are protected from encroachment by tyrants because there is "an instinctive sense of justice and reason dwelling in every human spirit", or "a natural law", which results in the possibility of a "universal protest" against injustice. Hence, in his view, liberty comes from within the individual not without from any given form of government.

Source

François Guizot, *The History of the Origins of Representative Government in Europe*, trans. Andrew R. Scoble, Introduction and notes by Aurelian Craiutu (Indianapolis: Liberty Fund, 2002).
http://oll.libertyfund.org/titles/878#Guizot_0470_166

Richard Price on giving thanks for the principles of the Revolution of 1688 (1789) (Nov 24, 2014)



Richard Price (1723 – 1791)

The Welsh Presbyterian minister Richard Price (1723-1791) argues that it is not enough to be satisfied with giving thanks for the partial liberties we now enjoy but to endeavour “to extend and improve” them:

We are met to thank God for that event in this country to which the name of The Revolution has been given; and which, for more than a century, it has been usual for the friends of freedom, and more especially Protestant Dissenters, under the title of the Revolution Society, to celebrate with expressions of joy and exultation.—My highly valued and excellent friend*, who addressed you on this occasion last year, has given you an interesting account of the principal circumstances that attended this event, and of the reasons we have for rejoicing in it. By a bloodless victory, the fetters which despotism had been long preparing for us were broken; the rights of [[32]] the people were asserted, a tyrant expelled, and a Sovereign of our own choice appointed in his room. Security was given to our property, and our consciences were emancipated. The bounds of free enquiry were enlarged; the volume in which are the words of eternal life, was laid more open to our examination; and that æra of light and liberty was introduced among us, by which we have been made an example to other kingdoms, and became the instructors of the world. Had it not been for this deliverance, the probability is, that, instead of being thus distinguished, we should now have been a base people, groaning under the infamy and misery of popery and slavery. Let us, therefore, offer thanksgivings to God, the author of all our blessings. Had he not been on our side, we should have been swallowed up quick, and the proud waters would have gone over our souls. But our souls are escaped, and the snare has been broken. Blessed then be the name of the Lord, who made heaven and earth. cxxivth Psalm.

It is well known that King James was not far from gaining his purpose; and that probably he would have succeeded, had he been less in a hurry. But he was a fool as well as a bigot. He wanted courage as well as prudence; and, therefore, fled, and left us to settle quietly

for ourselves that constitution of government which is now our boast. We have particular reason, as Protestant Dissenters, to rejoice on this occasion. It was at this time we were rescued from persecution, and obtained the liberty of worshipping God in the manner we think most acceptable to him. It was then our meeting-houses were opened, our worship was taken under the protection of the law, and the principles of toleration gained a triumph. **We have, therefore, on this occasion, peculiar reasons for thanksgiving—But let us remember that we ought not to satisfy ourselves with thanksgivings. Our gratitude, if genuine, will be accompanied with endeavours to give stability to the deliverance our country has obtained, and to extend and improve the [[34]] happiness with which the Revolution has blest us—Let us, in particular, take care not to forget the principles of the Revolution.** This Society has, very properly, in its Reports, held out these principles, as an instruction to the public. I will only take notice of the three following:

First; The right to liberty of conscience in religious matters.

Secondly; The right to resist power when abused. And,

Thirdly; The right to chuse our own governors; to cashier them for misconduct; and to frame a government for ourselves.

On these three principles, and more especially the last, was the Revolution founded. I would farther direct you to remember, that though the Revolution was a great work, it was by no means a perfect work; and that all was not then gained which was necessary to put the kingdom in the secure and complete possession of the blessings of liberty.

I would farther direct you to remember, that though the Revolution was a great work, it was by no means a perfect work; and that all was not then gained which was necessary to put the kingdom in the secure and complete possession of the blessings of liberty. ...

About this Quotation:

Little did Price know when he uttered these words in November 1789 how many of the liberties he held dear and for which he was giving thanks would be destroyed by the British government during the course of the 25 year war against the French Revolution. There was the arrest of supporters of the French Revolution, the censorship of books and newspapers, the imposition of hefty taxes (including a temporary income tax) to fund the war, taking the Bank of England off the gold standard and the inflation of the money supply, not to mention the taking of so many lives. All this was done to stop the spread of Republican ideas and to restore the overthrown Bourbon monarch to the throne of France. Since he died two years later he did not live to see the fulls cope of the British government's destruction of "the blessings of liberty," but a bit further on in the Discourse he does seem to have a premonition about the dangers to liberty of "domestic enemies" who used the threat of war to instill in the people "a blind and slavish submission" to the state.

Source

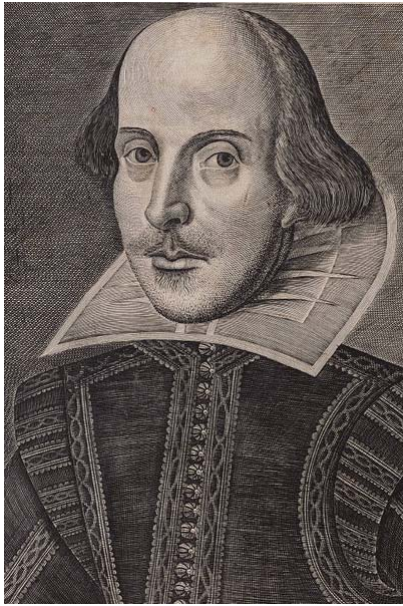
Richard Price, *A Discourse on the Love of Our Country*, delivered on Nov. 4, 1789, at the Meeting-House in the Old Jewry, to the Society for Commemorating the Revolution in Britain. With an

9. Literature & Music↩

1. [Shakespeare farewells his lover in a Sonnet using many mercantile and legal metaphors \(1609\)](#) (Oct 11, 2004)
2. [During the American Revolution Thomas Paine penned a patriotic song called “Hail Great Republic” which is to be sung to the tune of Rule Britannia \(of course!\) \(1776\)](#) (Dec 13, 2004)
3. [In Joseph Addison’s play Cato Cato is asked what it would take for him to be Caesar’s “friend” - his answer is that Caesar would have to first “disband his legions” and then “restore the commonwealth to liberty” \(1713\)](#) (Feb 28, 2005)
4. [With the return of spring the memories of Petrarch’s beloved Laura awaken a new pang in him \(late 14thC\)](#) (May 16, 2005)
5. [John Milton in Paradise Regained has Christ deplore the “false glory” which comes from military conquest and the despoiling of nations in battle \(1671\)](#) (Oct 17, 2005)
6. [Aeschylus has Prometheus denounce the lord of heaven for unjustly punishing him for giving mankind the gift of fire \(5thC BC\)](#) (Oct 24, 2005)
7. [In Shakespeare’s Henry V the soldier Williams confronts the king by saying that “few die well that die in a battle” and that “a heavy reckoning” awaits the king that led them to it \(1598\)](#) (May 22, 2006)
8. [In Shakespeare’s Henry V the king is too easily persuaded by his advisors that the English economy will continue to function smoothly, like obedient little honey-bees in their hive, while he is away with his armies conquering France \(1598\)](#) (May 29, 2006)
9. [In Shakespeare’s The Tempest Caliban complains about the way the European lord Prospero taught him language and science then enslaved him and dispossessed him of the island on which he was born \(1611\)](#) (Jun 12, 2006)
10. [In Percy Shelley’s poem Liberty liberty is compared to a force of nature sweeping the globe, where “tyrants and slaves are like shadows of night” which will disappear in “the van of the morning light” \(1824\)](#) (Jul 17, 2006)
11. [In Measure for Measure Shakespeare has Isabella denounce the Duke’s deputy for being corrupted by power, “it is excellent To have a giant’s strength, but it is tyrannous To use it like a giant” \(1623\)](#) (Oct 16, 2006)
12. [Shakespeare in Pericles on how the rich and powerful are like whales who eat up the harding working “little fish” \(1608\)](#) (Nov 13, 2006)
13. [Percy Bysshe Shelley on the new Constitution of Naples which he hoped would be “as a mirror to make ... blind slaves see” \(1820\)](#) (Oct 8, 2007)
14. [J.S. Bach and Martin Luther on how God \(the “feste Burg”\) helps us gain our freedom \(1730\)](#) (Dec 3, 2007)
15. [Shakespeare has King Henry IV reflect on the reasons for invading the Holy Land, namely to distract people from domestic civil war and to “march all one way” under his banner \(1597\)](#) (Mar 24, 2008)
16. [Confucius edited this collection of poems which contains a poem about “Yellow Birds” who ravenously eat the crops of the local people, thus alienating them completely \(520 BC\)](#) (May 12, 2008)
17. [Augustin Thierry relates the heroic tale of the Kentishmen who defeat William the Conqueror and so are able to keep their ancient laws and liberties \(1856\)](#) (Jun 1, 2009)
18. [Voltaire in Candide says that “tending one’s own garden” is not only a private activity but also](#)

- [productive \(1759\)](#) (Jun 8, 2009)
19. [Beethoven's hero Florestan in the opera Fidelio laments the loss of his liberty for speaking the truth to power \(1805\)](#) (Jul 6, 2009)
 20. [On Achilles' new shield Vulcan depicts the two different types of cities which humans can build on earth; one based on peace and the rule of law; the other based on war, killing, and pillage \(900 BC\)](#) (Feb 11, 2010)
 21. [Thierry on the need for songs about our lost liberties which will act as a barrier to encroaching power \(1845\)](#) (Feb 22, 2010)
 22. [Bach asks God "when will I die"? \(1700\)](#) (Jan 9, 2012)
 23. [Shakespeare on sweet love remembered \(1609\)](#) (Jan 30, 2012)
 24. [Milton on Eve's discovery of the benefits of the division of labor in the Garden of Eden \(1667\)](#) (Jul 2, 2012)
 25. [Gustave de Beaumont and Irish liberty \(1839\)](#) (Feb 11, 2013)

Shakespeare farewells his lover in a Sonnet using many mercantile and legal metaphors (1609) (Oct 11, 2004)



William Shakespeare (1564 – 1616)

This sonnet is striking for its use of mercantile and legal metaphors, perhaps drawing upon Shakespeare's own experience as an entrepreneur:

**Farewell! Thou art too deare for my possessing,
And like enough thou knowst thy estimate,
The charter of thy worth gives thee releasing:
My bonds in thee are all determinate.
For how do I hold thee but by thy granting?
And for that riches where is my deserving?
The cause of this fair gift in me is wanting,
And so my patent back again is swerving.
Thyself thou gav'st, thy own worth then not knowing,
Or me to whom thou gav'st it, else mistaking;
So thy great gift, upon misprision growing,
Comes home again, on better judgement making.
Thus have I had thee as a dream doth flatter,
In sleep a king, but waking no such matter.**

About this Quotation:

In some of his plays and poems William Shakespeare uses metaphors which indicate that he was well aware of some of the political, military, economic, and legal changes which were taking place around him. In this sonnet, the mercantile and legal language is striking.

Source

William Shakespeare, *Twenty-Five Sonnets of Shakespeare* (Stratford-upon-Avon at the Shakespeare Head. Oxford: Basil Blackwell, 1922). <http://oll.libertyfund.org/title/1038>

During the American Revolution Thomas Paine penned a patriotic song called “Hail Great Republic” which is to be sung to the tune of Rule Britannia (of course!) (1776) (Dec 13, 2004)



Thomas Paine (1737 – 1809)

Paine is well known for having penned a number of patriotic songs during the period of the American Revolution such as "The Liberty Tree", "The Boston Patriotic Song", and the one which is our quote of the week – "Hail Great Republic" (which is to be sung to the tune of "Rule Britannia").

HAIL GREAT REPUBLIC.

Tune—Rule Britannia.

**HAIL great Republic of the world,
Which rear'd her empire in the west,
Where fam'd Columbus' flag unfurl'd,
Gave tortured Europe scenes of rest ;
Be thou forever great and free,
The land of Love, and Liberty !...**

Beneath thy spreading, mantling vine,
Beside each flowery grove and spring,
And where thy lofty mountains shine,
May all thy sons and fair ones sing.
Be thou forever, &c.

From thee may hellish Discord prowl,
With all her dark and hateful train ;
And whilst thy mighty waters roll,
May heaven-descended Concord reign.
Be thou forever, &c.

Where'er the Atlantic surges lave,

**Or sea the human eye delights,
There may thy starry standard wave,
The Constellation of thy Rights!
Be thou forever, &c.**

May ages as they rise proclaim
The glories of thy natal day ;
And States from thy exalted name
Learn how to rule, and to obey.
Be thou forever, &c.

Let Laureats make their birthdays known,
Or how war's thunderbolts are hurl'd ;
Tis ours the charter, ours alone,
To sing the birthday of a world!
Be thou forever great and free,
The land of Love and Liberty!

About this Quotation:

After having played a significant role in both the American and French Revolutions, Paine had fallen into almost complete obscurity by the time of his death. William Cobbett tried to repatriate Paine's body to Britain but somehow "lost" it en route. It is in keeping with Paine's efforts to delegitimize the British monarchy by rewriting traditional pro-monarchy and pro-empire songs and putting new republican words to them. This hymn to the republic uses the tune of "Rule Britannia" to new effect.

Source

Thomas Paine, *The Writings of Thomas Paine, Collected and Edited by Moncure Daniel Conway* (New York: G.P. Putnam's Sons, 1894). Vol. 4. <http://oll.libertyfund.org/title/1083/19331/1558874>

In Joseph Addison's play *Cato* Cato is asked what it would take for him to be Caesar's "friend" - his answer is that Caesar would have to first "disband his legions" and then "restore the commonwealth to liberty" (1713) (Feb 28, 2005)

[Joseph Addison](#) (1672 – 1719)

In Act II Scene II of Addison's play, Decius, the Ambassador from Caesar, asks Cato what it would take for Cato to be Caesar's "friend" as Caesar began using his military successes to pave the way to his political conquest of Rome:

Decius: Caesar is well acquainted with your virtues,
And therefore sets this value on your life:
Let him but know the price of Cato's friendship,
And name your terms.

**Cato: Bid him disband his legions,
Restore the commonwealth to liberty,
Submit his actions to the public censure,
And stand the judgment of a Roman senate:
Bid him do this, and Cato is his friend.**

Decius: Cato, the world talks loudly of your wisdom—

Cato: Nay more, though Cato's voice was ne'er employed
To clear the guilty, and to varnish crimes,
Myself will mount the rostrum in his favour,
And strive to gain his pardon from the people.

Decius: A style like this becomes a conqueror.

Cato: Decius, a style like this becomes a Roman.

Decius: What is a Roman, that is Caesar's foe?

Cato: Greater than Caesar: he's a friend to virtue.

About this Quotation:

The image of Caesar as the general and then dictator who turned Rome from a republic into an empire fascinated 18th century intellectuals. There seemed to be two schools of thought on the issue: those who focused on Brutus the assassin who used violence to end Caesar's life in order to save the Republic (an act of tyrannicide); and those who focused on Cato who used political and moral suasion to oppose Caesar. Shakespeare and Voltaire wrote plays in which Brutus played an important role. Trenchard and Gordon in *Cato's Letters* and Addison in this play turned to the figure of Cato. This debate came to mind in early 2005 when Liberty Fund published its edition of Addison's play.

Source

Joseph Addison, *Cato: A Tragedy and Selected Essays*, ed. by Christine Dunn Henderson and Mark E. Yellin, with a Foreword by Forrest McDonald (Indianapolis: Liberty Fund, 2004).
<http://oll.libertyfund.org/title/1229/9110/1501309>

With the return of spring the memories of Petrarch's beloved Laura awaken a new pang in him (late 14thC) (May 16, 2005)



[Francesco Petrarch](#) (1304 – 1374)

With the return of spring the memories of Petrarch's beloved Laura awaken a new pang in him:

**Again with gladsome feet Zephyr returns
Mid grass and flowers, his goodly family
And Procne chatters, Philomela mourns,
While Spring comes forth in all her finery.
The meadows laugh; the skies are bright and fair,
And Aphrodite wins the smile of Jove,
While full of passion is the earth and air
And every creature turns his thoughts to love.
For me, alas! these vernal days are shorn
Of all delight and laden with the sighs
Which from my heart's recesses she hath torn
Who bore its hopes and pangs to Paradise!
Till birds and flowers and woman's graces mild
To me are but a desert, stern and wild.**

About this Quotation:

It is one of the many qualities of Liberty Fund's founder, Pierre F. Goodrich, that his reading interests were so broad that they included medieval Italian poetry. As spring came to Indianapolis it seemed only natural then to turn to Petrarch and his deep love for Laura.

Source

Francesco Petrarch, *Some Love Songs of Petrarch*, translated and annotated with a Biographical Introduction by William Dudley Foulke (Oxford University Press, 1915). <http://oll.libertyfund.org/title/1341/82477/1945736>

John Milton in *Paradise Regained* has Christ deplore the “false glory” which comes from military conquest and the despoiling of nations in battle (1671) (Oct 17, 2005)



John Milton (1608 – 1674)

In Milton's great poem Christ and Satan argue about the nature of greatness and glory. Christ makes the following points about the true nature of glory:

To whom our Saviour calmly thus reply'd.
Thou neither dost perswade me to seek wealth
For Empires sake, nor Empire to affect
For glories sake by all thy argument.
For what is glory but the blaze of fame,
The peoples praise, if always praise unmixt?
And what the people but a herd confus'd,
A miscellaneous rabble, who extol
Things vulgar, & well weigh'd, scarce worth the praise,
They praise and they admire they know not what;
And know not whom, but as one leads the other;
And what delight to be by such extoll'd,
To live upon thir tongues and be thir talk,
Of whom to be disprais'd were no small praise?
His lot who dares be singularly good.
Th' intelligent among them and the wise
Are few, and glory scarce of few is rais'd.
This is true glory and renown, when God
Looking on the Earth, with approbation marks
The just man, and divulges him through Heaven
To all his Angels, who with true applause
Recount his praises; thus he did to *Job*,
When to extend his fame through Heaven & Earth,
As thou to thy reproach mayst well remember,

He ask'd thee, hast thou seen my servant *Job*?
 Famous he was in Heaven, on Earth less known;
 Where glory is false glory, attributed
 To things not glorious, men not worthy of fame.
They err who count it glorious to subdue
By Conquest far and wide, to over-run
Large Countries, and in field great Battels win,
Great Cities by assault: what do these Worthies,
But rob and spoil, burn, slaughter, and enslave
Peaceable Nations, neighbouring, or remote,
Made Captive, yet deserving freedom more
Then those thir Conquerours, who leave behind
Nothing but ruin wheresoe're they rove,
And all the flourishing works of peace destroy,
Then swell with pride, and must be titl'd Gods,
Great Benefactors of mankind, Deliverers,
Worship't with Temple, Priest and Sacrifice;
One is the Son of *Jove*, of *Mars* the other,
Till Conquerour Death discover them scarce men,
Rowling in brutish vices, and deform'd,
Violent or shameful death thir due reward.
But if there be in glory aught of good,
It may be means far different be attain'd
Without ambition, war, or violence;
By deeds of peace, by wisdom eminent,
By patience, temperance; I mention still
 Him whom thy wrongs with Saintly patience born,
 Made famous in a Land and times obscure;
 Who names not now with honour patient *Job*?
 Poor *Socrates* (who next more memorable?)
 By what he taught and suffer'd for so doing,
 For truths sake suffering death unjust, lives now
 Equal in fame to proudest Conquerours.
 Yet if for fame and glory aught be done,
 Aught suffer'd; if young *African* for fame
 His wasted Country freed from *Punic* rage,
 The deed becomes unprais'd, the man at least,
 And loses, though but verbal, his reward.
 Shall I seek glory then, as vain men seek
 Oft not deserv'd? I seek not mine, but his
 Who sent me, and thereby witness whence I am.

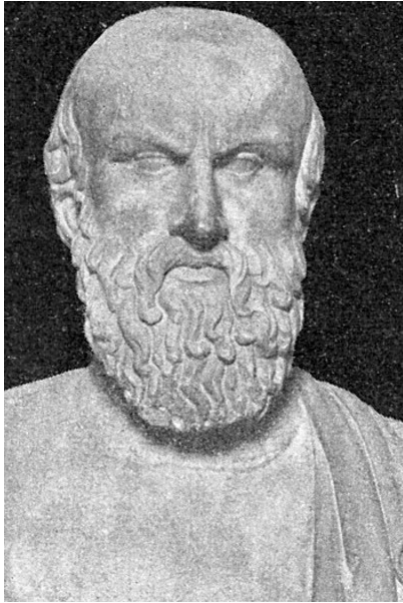
About this Quotation:

We continue our exploration of John Milton's thought, this time turning to one of his great epic poems *Paradise Regained* (1671). After seeing the rise of Cromwell, the defeat of the Republic and the restoration of the monarchy Milton had time and opportunity to reflect on the nature of martial glory and conquest. He concluded rather sadly in this poem that "if there be in glory aught of good, It may be means far different be attain'd Without ambition, war, or violence." Perhaps he had in mind Cromwell's invasion of Ireland.

Source

John Milton, *The Poetical Works of John Milton*, edited after the Original Texts by the Rev. H.C. Beeching M.A. (Oxford: Clarendon Press, 1900). <http://oll.libertyfund.org/title/556/85723/1983651>

Aeschylus has Prometheus denounce the lord of heaven for unjustly punishing him for giving mankind the gift of fire (5thC BC) (Oct 24, 2005)



[Aeschylus](#) (525 BCE – 456 BCE)

Prometheus has become a symbol of resistance to injustice and the deprivation of liberty. In the words of the Greek playwright Aeschylus, Prometheus defies the gods thusly:

STROPHE I.

Chorus.

Fear nothing; for a friendly band approaches;
Fleet rivalry of wings
Oar'd us to this far height, with hard consent
Wrung from our careful sire
The winds swift-sweeping bore me: for I heard
The harsh hammer's note deep deep in ocean caves,
And, throwing virgin shame aside, unshod
The winged car I mounted.

Prom.

Ah! ah!
Daughters of prolific Tethys,
And of ancient father Ocean,
With his sleepless current whirling
Round the firm ball of the globe
Look! with rueful eyes behold me
Nailed by adamantine rivets,
Keeping weary watch unenvied
On this tempest-rifted rock!

ANTISTROPHE I.

Chorus.

I look, Prometheus, and a tearful cloud
My woeful sight bedims,
To see thy goodliest form with insult chained,
In adamantine bonds,
To this bare crag, where pinching airs shall blast thee.
New gods now hold the helm of Heaven; new laws
Mark Jove's unrighteous rule; the giant trace
Of Titan times hath vanished.

Prom.
Deep in death-receiving Hades
Had he bound me, had he whelmed me
In Tartarean pit, unfathomed,
Fettered with unyielding bonds!
Then nor god nor man had feasted
Eyes of triumph on my wrongs,
Nor I, thus swung in middle ether,
Moved the laughter of my foes.

STROPHE II.

Chorus.
Which of the gods hath heart so hard
To mock thy woes? Who will withhold
The fellow-feeling and the tear,
Save only Jove But he doth nurse
Strong wrath within his stubborn breast,
And holds all Heaven in awe.
Nor will he cease till his hot rage is glutted,
Or some new venture shakes his stable throne.

Prom.
By my Titan soul, I swear it!
Though with harsh chains now he mocks me,
Even now the hour is ripening,
When this haughty lord of Heaven
Shall embrace my knees, beseeching
Me to unveil the new-forged counsels
That shall hurl him from his throne.
But no honey-tongued persuasion,
No smooth words of artful charming,
No stout threats shall loose my tongue,
Till he loose these bonds of insult,
And himself make just atonement
For injustice done to me.

About this Quotation:

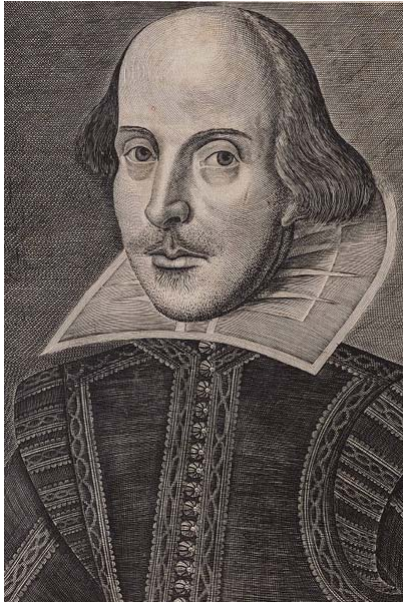
Prometheus' fiery denunciation of kingly injustice has spoken to many generations since it was penned in the 5th century BC. But it spoke most clearly to the generation who lived in the revolutionary decades of the late 18th and early 19th centuries when popular movements toppled kings, new

countries seceded from empires, and popular constituencies created new political arrangements which were more accountable to the people.

Source

Aeschylus, *The Lyrical Dramas of Aeschylus*, translated into English Verse by John Stuart Blackie (London: J.M. Dent, 1906). <http://oll.libertyfund.org/title/1039/107078/2059809>

In Shakespeare's Henry V the soldier Williams confronts the king by saying that "few die well that die in a battle" and that "a heavy reckoning" awaits the king that led them to it (1598)
(May 22, 2006)



William Shakespeare (1564 – 1616)

On the eve of battle King Henry V goes secretly amongst his own soldiers and is challenged by two of them about the morality of going to war:

K. Hen.

By my troth, I will speak my conscience of the king: I think he would not wish himself any where but where he is.

Bates.

Then I would he were here alone; so should he be sure to be ransomed, and a many poor men's lives saved.

K. Hen.

I dare say you love him not so ill to wish him here alone, howsoever you speak this to feel other men's minds. Methinks I could not die any where so contented as in the king's company, his cause being just and his quarrel honourable.

Will.

That's more than we know.

Bates.

Ay, or more than we should seek after; for we know enough if we know we are the

king's subjects. If his cause be wrong, our obedience to the king wipes the crime of it out of us.

Will.

But if the cause be not good, the king himself hath a heavy reckoning to make; when all those legs and arms and heads, chopped off in a battle, shall join together at the latter day, and cry all, 'We died at such a place;' some swearing, some crying for a surgeon, some upon their wives left poor behind them, some upon the debts they owe, some upon their children rawly left. I am afeard there are few die well that die in a battle; for how can they charitably dispose of any thing when blood is their argument? Now, if these men do not die well, it will be a black matter for the king that led them to it, whom to disobey were against all proportion of subjection.

K. Hen.

So, if a son that is by his father sent about merchandise do sinfully miscarry upon the sea, the imputation of his wickedness, by your rule, should be imposed upon his father that sent him: or if a servant, under his master's command transporting a sum of money, be assailed by robbers and die in many irreconciled iniquities, you may call the business of the master the author of the servant's damnation. But this is not so: the king is not bound to answer the particular endings of his soldiers, the father of his son, nor the master of his servant; for they purpose not their death when they purpose their services. Besides, there is no king, be his cause never so spotless, if it come to the arbitrement of swords, can try it out with all unspotted soldiers. Some, peradventure, have on them the guilt of premeditated and contrived murder; some, of beguiling virgins with the broken seals of perjury; some, making the wars their bulwark, that have before gored the gentle bosom of peace with pillage and robbery. Now, if these men have defeated the law and outrun native punishment, though they can outstrip men, they have no wings to fly from God: war is his beadle, war is his vengeance; so that here men are punished for before-breach of the king's laws in now the king's quarrel: where they feared the death they have borne life away, and where they would be safe they perish. Then, if they die unprovided, no more is the king guilty of their damnation than he was before guilty of those impieties for the which they are now visited. Every subject's duty is the king's; but every subject's soul is his own. Therefore should every soldier in the wars do as every sick man in his bed, wash every mote out of his conscience; and dying so, death is to him advantage; or not dying, the time was blessedly lost wherein such preparation was gained: and in him that escapes, it were not sin to think, that making God so free an offer, he let him outlive that day to see his greatness, and to teach others how they should prepare.

Will.

'Tis certain, every man that dies ill, the ill upon his own head: the king is not to answer it.

Bates.

I do not desire he should answer for me; and yet I determine to fight lustily for him.

K. Hen.

I myself heard the king say he would not be ransomed.

Will.

Ay, he said so, to make us fight cheerfully; but when our throats are cut he may be ransomed, and we ne'er the wiser.

K. Hen.

If I live to see it, I will never trust his word after.

Will.

You pay him then. That's a perilous shot out of an elder-gun, that a poor and a private displeasure can do against a monarch. You may as well go about to turn the sun to ice with fanning in his face with a peacock's feather. You'll never trust his word after! come, 'tis a foolish saying.

K. Hen.

Your reproof is something too round; I should be angry with you if the time were convenient.

Will.

Let it be a quarrel between us, if you live.

K. Hen.

I embrace it.

About this Quotation:

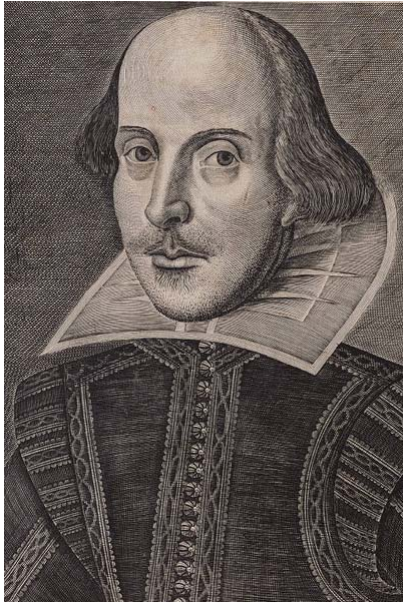
We quote this play because of its timeless importance and because it was only recently added to the OLL collection. We also have online a facsimile edition of the 1623 Folio Edition of the plays for those readers who wish to try reading it in the original. The discussion between two ordinary soldiers and a thinly disguised King Henry raises a most important legal and moral point, namely who is in fact responsible for atrocities and crimes committed in war? The foot soldiers who do the hacking and maiming, or the king and generals who sent them into battle in the first place? With wars going on around us now, this remains a pertinent question. Bates seems to argue that his obedience to the King absolves him of all moral and legal consequences of his actions on the battle field. William however, perhaps taking a more Erasmian perspective on the matter, believes the King has "a heavy reckoning" to make, and that he seems to feel some qualms about what he may do in the fighting. The justification Harry provides to the obedient soldiers under him is tortured and unconvincing at best.

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed.

with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1618/19373/1097356>

In Shakespeare's Henry V the king is too easily persuaded by his advisors that the English economy will continue to function smoothly, like obedient little honey-bees in their hive, while he is away with his armies conquering France (1598) (May 29, 2006)



William Shakespeare (1564 – 1616)

King Henry V is too easily persuaded by his advisors that the English economy will continue to function smoothly, like a well-ordered bee hive, while he is away with his armies conquering France. The Archbishop of Canterbury advises him that:

K. Hen.

We do not mean the coursing snatchers only,
But fear the main intendment of the Scot,
Who hath been still a giddy neighbour to us;
For you shall read that my great-grandfather
Never went with his forces into France
But that the Scot on his unfurnish'd kingdom
Came pouring, like the tide into a breach,
With ample and brim fulness of his force,
Galling the gleaned land with hot essays,
Girding with grievous siege castles and towns;
That England, being empty of defence,
Hath shook and trembled at the ill neighbourhood.

Cant.

She hath been then more fear'd than harm'd, my liege;
For hear her but exempl'd by herself:
When all her chivalry hath been in France
And she a mourning widow of her nobles,
She hath herself not only well defended,
But taken and impounded as a stray
The King of Scots; whom she did send to France,

To fill King Edward's fame with prisoner kings,
And make your chronicle as rich with praise
As is the owse and bottom of the sea
With sunken wrack and sumless treasures.

West.

But there's a saying very old and true;
If that you will France win,
Then with Scotland first begin:
For once the eagle England being in prey,
To her unguarded nest the weasel Scot
Comes sneaking and so sucks her princely eggs,
Playing the mouse in absence of the cat,
To tear and havoc more than she can eat.

Exe.

It follows then the cat must stay at home:
Yet that is but a crush'd necessity;
Since we have locks to safeguard necessities
And pretty traps to catch the petty thieves.
While that the armed hand doth fight abroad
The advised head defends itself at home:
For government, though high and low and lower,
Put into parts, doth keep in one consent,
Congreeing in a full and natural close,
Like music.

Cant.

**Therefore doth heaven divide
The state of man in divers functions,
Setting endeavour in continual motion;
To which is fixed, as an aim or butt,
Obedience: for so work the honey-bees,
Creatures that by a rule in nature teach
The act of order to a peopled kingdom.**
They have a king and officers of sorts;
Where some, like magistrates, correct at home,
Others, like merchants, venture trade abroad,
Others, like soldiers, armed in their stings,
Make boot upon the summer's velvet buds;
Which pillage they with merry march bring home
To the tent-royal of their emperor:
Who, busied in his majesty, surveys
The singing masons building roofs of gold,
The civil citizens kneading up the honey,
The poor mechanic porters crowding in
Their heavy burdens at his narrow gate,
The sad-ey'd justice, with his surly hum,
Delivering o'er to executors pale

The lazy yawning drone. **I this infer,
That many things, having full reference
To one consent, may work contrariously;
As many arrows, loosed several ways,
Fly to one mark; as many ways meet in one town;
As many fresh streams meet in one salt sea;
As many lines close in the dial's centre;
So may a thousand actions, once afoot,
End in one purpose, and be all well borne
Without defeat. Therefore to France, my liege.**

Divide your happy England into four;
Whereof take you one quarter into France,
And you withal shall make all Gallia shake.
If we, with thrice such powers left at home,
Cannot defend our own doors from the dog,
Let us be worried and our nation lose
The name of hardiness and policy.

K. Hen.

Call in the messengers sent from the Dauphin.
[Exit an Attendant.
Now are we well resolv'd; and by God's help,
And yours, the noble sinews of our power,
France being ours, we'll bend it to our awe
Or break it all to pieces: or there we'll sit,
Ruling in large and ample empery
O'er France and all her almost kingly dukedoms,
Or lay these bones in an unworthy urn,
Tombless, with no remembrance over them:
Either our history shall with full mouth
Speak freely of our acts, or else our grave,
Like Turkish mute, shall have a tongueless mouth,
Not worshipp'd with a waxen epitaph.

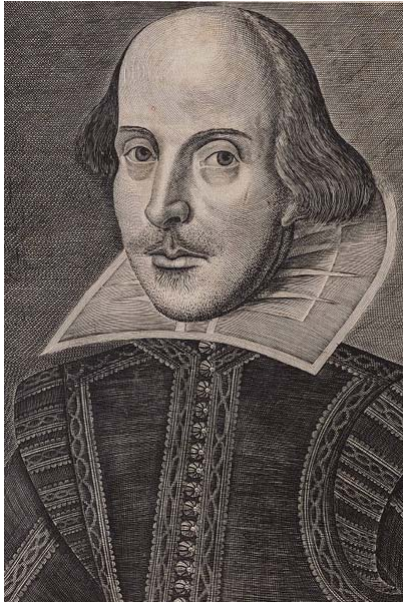
About this Quotation:

We continue our exploration of the newly added Oxford Shakespeare to the OLL collection. Here we find Henry's noble and churchly senior advisors providing him with reasons why he can and should invade France. Do they persuade a fence-sitting King, or has he already made up his mind for war and just wants to hear the kind of arguments they can come up with? When they have finished telling him that the realm will be safe while he is away in France and the productive "honey bees" will continue to produce the taxes to fund his adventure, Henry declares war on France and promises to "bend it to our awe or break it all to pieces."

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1618/19346/1095711>

In Shakespeare's The Tempest Caliban complains about the way the European lord Prospero taught him language and science then enslaved him and dispossessed him of the island on which he was born (1611) (Jun 12, 2006)



[William Shakespeare](#) (1564 – 1616)

In an exchange between Prospero and Caliban (Act I, Scene II, line 320) the latter complains about the way the European lord Prospero taught him language and science but enslaved him and dispossessed him of the island on which he was born:

Prospero

Thou poisonous slave, got by the devil himself
Upon thy wicked dam, come forth!
Enter Caliban.

Caliban

As wicked dew as e'er my mother brush'd
With raven's feather from unwholesome fen
Drop on you both! a south-west blow on ye,
And blister you all o'er!

Prospero

For this, be sure, to-night thou shalt have cramps,
Side-stitches that shall pen thy breath up; urchins
Shall forth at vast of night, that they may work
All exercise on thee: thou shalt be pinch'd
As thick as honeycomb, each pinch more stinging
Than bees that made them.

Caliban

I must eat my dinner.

**This island's mine, by Sycorax my mother,
Which thou tak'st from me. When thou camest first,
Thou strok'dst me, and mad'st much of me; wouldst give me
Water with berries in't; and teach me how
To name the bigger light, and how the less,
That burn by day and night: and then I lov'd thee
And show'd thee all the qualities o' th' isle,
The fresh springs, brine-pits, barren place, and fertile.
Cursed be I that did so! — All the charms
Of Sycorax, toads, beetles, bats, light on you!
For I am all the subjects that you have,
Which first was mine own king; and here you sty me
In this hard rock, whiles you do keep from me
The rest o' th' island.**

Prospero

Thou most lying slave,
Whom stripes may move, not kindness! I have us'd thee,
Filth as thou art, with human care; and lodg'd thee
In mine own cell, till thou didst seek to violate
The honour of my child.

Caliban

Oh ho! Oh ho! — would it had been done!
Thou didst prevent me; I had peopled else
This isle with Calibans.

Prospero

Abhorred slave,
Which any print of goodness will not take,
Being capable of all ill! I pitied thee,
Took pains to make thee speak, taught thee each hour
One thing or other: when thou didst not, savage,
Know thine own meaning, but wouldst gabble like
A thing most brutish, I endow'd thy purposes
With words that made them known: but thy vile race,
Though thou didst learn, had that in't which good natures
Could not abide to be with; therefore wast thou
Deservedly confin'd into this rock,
Who hadst deserv'd more than a prison.

Caliban

You taught me language: and my profit on't
Is, I know how to curse: the red plague rid you,
For learning me your language!

Prospero

Hag-seed, hence!
Fetch us in fuel; and be quick, thou'rt best,
To answer other business. Shrug'st thou, malice?
If thou neglect'st, or dost unwillingly
What I command, I'll rack thee with old cramps,
Fill all thy bones with aches; make thee roar,
That beasts shall tremble at thy din.

Caliban

No, pray thee!—
[*Aside.*] I must obey: his art is of such power,
It would control my dam's god, Setebos,
And make a vassal of him.

About this Quotation:

The Tempest has been the source of science fiction movies and many tedious “post-colonialist” analyses of western literature. Yet what we see here is a master or tyrant with extraordinary power conversing with his slave who resents his treatment (whipping seems to be a common punishment). Caliban asks an apt question, why did his master teach him to use language and all that goes with it such as thought and critical reasoning, if he did not expect him to use it? And then of course, there is the little matter of original ownership of the island. A Lockean analysis would probably not look too favorably on Prospero's claim.

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1610/41008/946254>

In Percy Shelley's poem *Liberty* liberty is compared to a force of nature sweeping the globe, where "tyrants and slaves are like shadows of night" which will disappear in "the van of the morning light" (1824) (Jul 17, 2006)



Percy Bysshe Shelley (1792 – 1822)

In a collection of his posthumously published poems there is this little gem about Liberty which likens it to a force of nature sweeping the globe:

LIBERTY.

**The fiery mountains answer each other;
Their thunderings are echoed from zone to zone;
The empestuous oceans awake one another,
And the ice-rocks are shaken round winter's zone
When the clarion of the Typhoon is blown.**

**From a single cloud the lightning flashes,
Whilst a thousand isles are illumined around,
Earthquake is trampling one city to ashes,
An hundred are shuddering and tottering; the sound
Is bellowing underground.**

**But keener thy gaze than the lightning's glare,
And swifter thy step than the earthquake's tramp;
Thou deafenest the rage of the ocean; thy stare
Makes blind the volcanos; the sun's bright lamp
To thine is a fen-fire damp.**

**From billow and mountain and exhalation
The sunlight is darted through vapour and blast;
From spirit to spirit, from nation to nation,**

**From city to hamlet thy dawning is cast,—
And tyrants and slaves are like shadows of night
In the van of the morning light.**

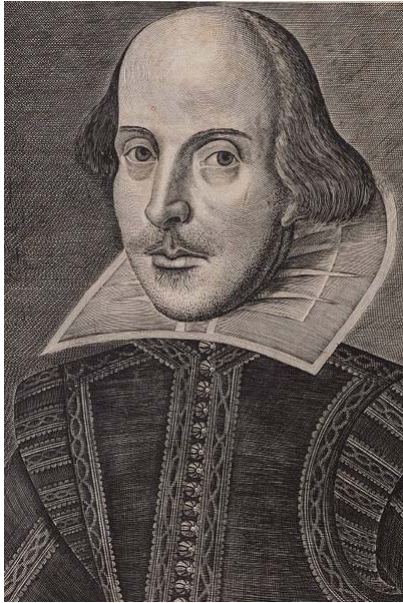
About this Quotation:

In Aeschylus' play *Prometheus Unbound* there is the imagery of fire as enlightenment and industrial progress which the titan steals from the gods in order to make the life of humans more bearable. Here, Shelley contrasts the forces of nature (some like the earthquake are destructive of human civilization) with the sunlight of liberty which, in the optimistic spirit of the early 19th century romantics, he concludes “From billow and mountain and exhalation, The sunlight is darted through vapour and blast; From spirit to spirit, from nation to nation, From city to hamlet thy dawning is cast,— And tyrants and slaves are like shadows of night in the van of the morning light.”

Source

Percy Bysshe Shelley, *Posthumous Poems* (London: John and Henry L. Hunt, 1824).
<http://oll.libertyfund.org/title/268/39207>

In Measure for Measure Shakespeare has Isabella denounce the Duke's deputy for being corrupted by power, "it is excellent To have a giant's strength, but it is tyrannous To use it like a giant" (1623) (Oct 16, 2006)



William Shakespeare (1564 – 1616)

In *Measure for Measure*, Shakespeare shows how those in power can easily become corrupted. The Duke appoints Angelo as his deputy while he is absent. Angelo decides to enforce the letter of the law and condemns Claudio to death for a crime which has not been enforced for a long time. His sister Isabella pleads for his life. Angelo accepts her plea in return for sexual favors but double-crosses her by ordering Claudio's execution anyway. In pleading for her brother's life Isabella accuses Angelo of many things:

Ang.

The law hath not been dead, though it hath slept:
Those many had not dar'd to do that evil,
If that the first that did th' edict infringe
Had answer'd for his deed: now 'tis awake,
Takes note of what is done, and, like a prophet,
Looks in a glass, that shows what future evils,
Either new, or by remissness new-conceiv'd,
And so in progress to be hatch'd and born,
Are now to have no successive degrees,
But, ere they live, to end.

Isab.

Yet show some pity.

Ang.

I show it most of all when I show justice;
For then I pity those I do not know,
Which a dismiss'd offence would after gall,
And do him right, that, answering one foul wrong,
Lives not to act another. Be satisfied:
Your brother dies to-morrow: be content.

Isab.

**So you must be the first that gives this sentence,
And he that suffers. O! it is excellent
To have a giant's strength, but it is tyrannous
To use it like a giant.**

Lucio.

[Aside to Isab.] That's well said.

Isab.

Could great men thunder
As Jove himself does, Jove would ne'er be quiet,
For every pelting, petty officer
Would use his heaven for thunder; nothing but thunder.
Merciful heaven!
Thou rather with thy sharp and sulphurous bolt
Split'st the unwedgeable and gnarled oak
Than the soft myrtle; but man, proud man,
Drest in a little brief authority,
Most ignorant of what he's most assur'd,
His glassy essence, like an angry ape,
Plays such fantastic tricks before high heaven
As make the angels weep; who, with our spleens,
Would all themselves laugh mortal.

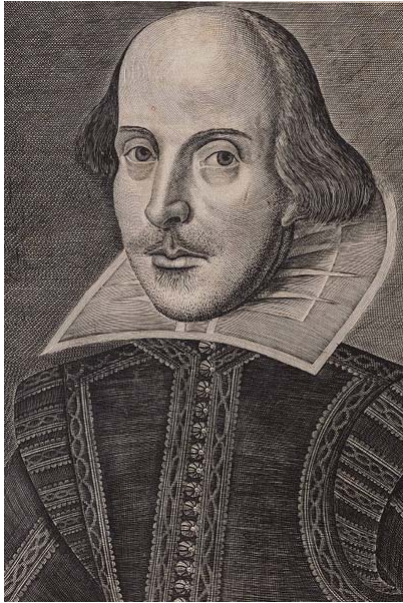
About this Quotation:

The theme of the corrupting influence which power has on those who wield it is a common one in Shakespeare's plays. Shakespeare has a most Actonian sensitivity for the myriad ways in which this corruption can manifest itself. In this passage we see Angelo, a "pelting, petty officer" who enjoys "a little authority" while the true master is away, by enforcing a long unused law to remove a man whom he dislikes. He is justly rebuked by his sister Isabella who denounces the petty tyrant by wittily exclaiming "O! it is excellent To have a giant's strength, but it is tyrannous To use it like a giant."

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1615/39575/1086198>

Shakespeare in *Pericles* on how the rich and powerful are like whales who eat up the hardworking “little fish” (1608) (Nov 13, 2006)



William Shakespeare (1564 – 1616)

In his later plays, William Shakespeare was very much concerned with the issue of good kingship. In this exchange from *Pericles Prince of Tyre* the ship-wrecked Prince Pericles overhears a conversation between some fishermen who discuss how rich and powerful men ("the drones") exploit those who have to work for a living (the "honey bees"):

Scene I.—

Pentapolis. An open Place by the Sea-side.

Enter Pericles, wet.

Per.

Yet cease your ire, you angry stars of heaven!
Wind, rain, and thunder, remember, earthly man
Is but a substance that must yield to you;
And I, as fits my nature, do obey you.
Alas! the sea hath cast me on the rocks,
Wash'd me from shore to shore, and left me breath
Nothing to think on but ensuing death:
Let it suffice the greatness of your powers
To have bereft a prince of all his fortunes;
And having thrown him from your watery grave,
Here to have death in peace is all he'll crave.

Enter three Fishermen.

First Fish. What, ho, Pilch!

Sec. Fish. Ha! come and bring away the nets.

First Fish. What, Patch-breech, I say!

Third Fish. What say you, master?

First Fish. Look how thou stirrest now! come away, or I'll fetch thee with a wannion.

Third Fish. Faith, master, I am thinking of the poor men that were cast away before us even now.

First Fish. Alas! poor souls; it grieved my heart to hear what pitiful cries they made to us to help them, when, well-a-day, we could scarce help ourselves

Third Fish. Nay, master, said not I as much when I saw the porpus how he bounced and tumbled? they say they're half fish half flesh; a plague on them! they ne'er come but I look to be washed. Master, I marvel how the fishes live in the sea.

First Fish. Why, as men do a-land; the great ones eat up the little ones; I can compare our rich misers to nothing so fitly as to a whale; a' plays and tumbles, driving the poor fry before him, and at last devours them all at a mouthful. Such whales have I heard on o' the land, who never leave gaping till they've swallowed the whole parish, church, steeple, bells, and all.

Per. [Aside.] A pretty moral.

Third Fish. But master, if I had been the sexton, I would have been that day in the belfry.

Sec. Fish. Why, man?

Third Fish. Because he should have swallowed me too; and when I had been in his belly, I would have kept such a jangling of the bells, that he should never have left till he cast bells, steeple, church, and parish, up again. But if the good King Simonides were of my mind,—

Per. [Aside.] Simonides!

Third Fish. We would purge the land of these drones, that rob the bee of her honey.

Per.[Aside.]

How from the finny subject of the sea
These fishers tell the infirmities of men;
And from their watery empire recollect
All that may men approve or men detect!
[Aloud.] Peace be at your labour, honest fishermen.

Sec. Fish. Honest! good fellow, what's that? if it be a day fits you, search out of the calendar, and nobody look after it.

Per. Y' may see the sea hath cast me on your coast.

Sec. Fish. What a drunken knave was the sea, to cast thee in our way!

Per.

A man whom both the waters and the wind,
In that vast tennis-court, have made the ball
For them to play upon, entreats you pity him;
He asks of you, that never us'd to beg.

First Fish. No, friend, cannot you beg? here's them in our country of Greece gets more with begging than we can do with working.

Sec. Fish. Canst thou catch any fishes then?

Per. I never practised it.

Sec. Fish. Nay then thou wilt starve, sure; for here's nothing to be got now-a-days unless thou canst fish for 't.

About this Quotation:

Thanksgiving is upon us again and this time we have found a quotation from Shakespeare's *Pericles* on fishing and the eating of fish. Far removed from the eating of turkeys, but eating nevertheless. This is another Erasmian example of a "philosopher of the kitchen" or, perhaps in this case, of a "philosopher of the fish nets". Many of Shakespeare's passages involving lesser or humorous characters read somewhat like parables. In this case, we have a quite serious discussion between "common" fishermen about the nature of survival in a dangerous marine environment and the nature of exploitation where the "big fish" (whales – people in Shakespeare's day thought it was a fish not a mammal) eat up the "little fish". Note that the reference here is to the "sexton" (a lowly official of the established church) who is a "drone" who feeds on the wealth of the labouring classes and who might be "purged" for "robbery" sometime in the future by the honest labouring fishermen; and the reference to the aristocratic pastime of tennis, where "the waters and the wind" turn men into tennis balls to play with (remember Henry's taunting of the Dauphin in *Henry V*).

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1620/39968/1103866>

Percy Bysshe Shelley on the new Constitution of Naples which he hoped would be “as a mirror to make ... blind slaves see” (1820) (Oct 8, 2007)



Percy Bysshe Shelley (1792 – 1822)

Percy Bysshe Shelley wrote "Ode to Naples (1820)" on hearing about the proclamation of a Constitutional Government at Naples:

ODE TO NAPLES.

EPODE I. α.

I stood within the city disinterred;
And heard the autumnal leaves like light footfalls
Of spirits passing through the streets; and heard
The Mountain's slumberous voice at intervals
Thrill through those roofless halls;
The oracular thunder penetrating shook
The listening soul in my suspended blood;
I felt that Earth out of her deep heart spoke—
I felt, but heard not:—through white columns glowed
The isle-sustaining Ocean-flood,
A plane of light between two Heavens of azure:
Around me gleamed many a bright sepulchre
Of whose pure beauty, Time, as if his pleasure
Were to spare Death, had never made erasure;
But every living lineament was clear
As in the sculptor's thought; and there
The wreathes of stony myrtle, ivy and pine,
Like winter leaves o'ergrown by moulded snow,
Seemed only not to move and grow
Because the crystal silence of the air
Weighed on their life; even as the Power divine

Which then lulled all things, brooded upon mine.

EPODE II. α.

Then gentle winds arose
With many a mingled close
Of wild Æolian sound and mountain odour keen;
And where the Baian ocean
Welters with airlike motion,
Within, above, around its bowers of starry green,
Moving the sea flowers in those purple caves
Even as the ever stormless atmosphere
Floats o'er the Elysian realm,
It bore me like an Angel, o'er the waves
Of sunlight, whose swift pinnacle of dewy air
No storm can overwhelm;
I sailed, where ever flows
Under the calm Serene
A spirit of deep emotion
From the unknown graves
Of the dead kings of Melody.
Shadowy Aornos darkened o'er the helm
The horizontal æther; heaven stript bare
Its depths over Elysium, where the prow
Made the invisible water white as snow;
From that Typhæan mount, Inarime
There streamed a sunlike vapour, like the standard
Of some ethereal host;
Whilst from all the coast,
Louder and louder, gathering round, there wandered
Over the oracular woods and divine sea
Prophesyings which grew articulate—
They seize me—I must speak them—be they fate!

STROPHE α. I.

Naples! thou Heart of men which ever pantest
Naked, beneath the lidless eye of heaven!
Elysian City which to calm enchantest
The mutinous air and sea: they round thee, even
As sleep round Love, are driven!
Metropolis of a ruined Paradise
Long lost, late won, and yet but half regained!
Bright Altar of the bloodless sacrifice,
Which armed Victory offers up unstained
To Love, the flower-enchained!
Thou which wert once, and then didst cease to be,
Now art, and henceforth ever shalt be, free,
If Hope, and Truth, and Justice can avail,
Hail, hail, all hail!

STROPHE β. 2.

Thou youngest giant birth
Which from the groaning earth
Leap'st, clothed in armour of impenetrable scale!
Last, of the Intercessors!
Who 'gainst the Crowned Transgressors
Pleaded before God's love! Arrayed in Wisdom's mail,
Wave thy lightning lance in mirth
Nor let thy high heart fail,
Though from their hundred gates the leagued Oppressors,
With hurried legions move!
Hail, hail, all hail!

ANTISTROPHE α.

What though Cimmerian Anarchs dare blaspheme
Freedom and thee? thy shield is as a mirror
To make their blind slaves see, and with fierce gleam
To turn his hungry sword upon the wearer,
A new Acteon's error
Shall their's have been—devoured by their own hounds!
Be thou like the imperial Basilisk
Killing thy foe with unapparent wounds!
Gaze on oppression, till at that dread risk
Aghast she pass from the Earth's disk,
Fear not, but gaze—for freemen mightier grow,
And slaves more feeble, gazing on their foe;
If Hope and Truth and Justice may avail,
Thou shalt be great—All hail!

ANTISTROPHE β. 2.

**From Freedom's form divine,
From Nature's inmost shrine,
Strip every impious gawd, rend Error veil by veil:
O'er Ruin desolate,
O'er Falsehood's fallen state
Sit thou sublime, unawed; be the Destroyer pale!
And equal laws be thine,
And winged words let sail,
Freighted with truth even from the throne of God:
That wealth, surviving fate,
Be thine.—All hail!**

ANTISTROPHE α. γ.

Didst thou not start to hear Spain's thrilling pæan
From land to land re-echoed solemnly,
Till silence became music? From the Æëan
To the cold Alps, eternal Italy
Starts to hear thine! The Sea
Which paves the desert streets of Venice laughs

In light and music; widowed Genoa wan
By moonlight spells ancestral epitaphs,
Murmuring, where is Doria? fair Milan,
Within whose veins long ran
The vipers† palsyng venom, lifts her heel
To bruise his head. The signal and the seal
(If Hope and Truth and Justice can avail)
Art Thou of all these hopes.—O hail!

ANTISTROPHE β. γ.

Florence! beneath the sun,
Of cities fairest one,
Blushes within her bower for Freedom's expectation:
From eyes of quenchless hope
Rome tears the priestly cope,
As fuling once by power, so now by admiration,
An athlete stript to run
From a remoter station
For the high prize lost on Philippi's shore:—
As then Hope, Truth, and Justice did avail,
So now may Fraud and Wrong! O hail!

EPODE I. β.

Hear ye the march as of the Earth-born Forms
Arrayed against the everliving Gods?
The crash and darkness of a thousand storms
Bursting their inaccessible abodes
Of crags and thunder-clouds?
See ye the banners blazoned to the day,
Inwrought with emblems of barbaric pride?
Dissonant threats kill Silence far away,
The serene Heaven which wraps our Eden wide
With iron light is dyed,
The Anarchs of the North lead forth their legions
Like Chaos o'er creation, uncreating;
An hundred tribes nourished on strange religions
And lawless slaveries,—down the aerial regions
Of the white Alps, desolating,
Famished wolves that bide no waiting,
Blotting the glowing footsteps of old glory,
Trampling our columned cities into dust,
Their dull and savage lust
On Beauty's corse to sickness satiating—
They come! The fields they tread look black and hoary
With fire—from their red feet the streams run gory!

EPODE II. β.

Great Spirit, deepest Love!
Which rulest and dost move

All things which live and are, within the Italian shore;
 Who spreadest heaven around it,
 Whose woods, rocks, waves, surround it;
 Who sittest in thy star, o'er Ocean's western floor,
 Spirit of beauty! at whose soft command
 The sunbeams and the showers distil its foison
 From the Earth's bosom chill;
 O bid those beams be each a blinding brand
 Of lightning! bid those showers be dews of poison!
 Bid the Earth's plenty kill!
 Bid thy bright Heaven above,
 Whilst light and darkness bound it,
 Be their tomb who planned
 To make it ours and thine!
 Or, with thine harmonizing ardours fill
 And raise thy sons, as o'er the prone horizon
 Thy lamp feeds every twilight wave with fire—
 Be man's high hope and unextinct desire,
 The instrument to work thy will divine!
 Then clouds from sunbeams, antelopes from leopards,
 And frowns and fears from Thee,
 Would not more swiftly flee
 Than Celtic wolves from the Ausonian shepherds.—
 Whatever, Spirit, from thy starry shrine
 Thou yieldest or withholdest, Oh let be
 This city of thy worship ever free!

About this Quotation:

It's not often that a new constitution stimulates a poet to write a poem about it, but the liberty-loving and Italy-loving English romantic poet Percy Bysshe Shelley was so moved. He and Lord Byron were living in Italy in the late 1810s and early 1820s and together began a short-lived journal called *The Liberal* to promote their political and literary ideas. The early 1820s was a time of reform for liberal and republican ideas, whether it was in Naples, Greece (in its struggle for independence against the Ottoman Empire), or Latin America (Simon Bolivar against the Spanish Empire). This is the longest quotation in this collection because it is so unusual, so little known, and hard to determine what to leave out. Shelley tells us of the physical beauty of the city of Naples, its glorious heritage, its fall and subjection to foreign powers ("The Anarchs of the North lead forth their legions Like Chaos o'er creation, uncreating"), and now its apparent revival in a more liberty-loving time – "Thou which wert once, and then didst cease to be, Now art, and henceforth ever shalt be, free, If Hope, and Truth, and Justice can avail, Hail, hail, all hail!" It was Shelley's great hope that Naples and its new constitution might be a model for the world – "thy shield is as a mirror To make their blind slaves see".

Source

Percy Bysshe Shelley, *Posthumous Poems* (London: John and Henry L. Hunt, 1824).
<http://oll.libertyfund.org/title/268/39159/1585847>

J.S. Bach and Martin Luther on how God (the “feste Burg”) helps us gain our freedom (1730) (Dec 3, 2007)



[Johann Sebastian Bach](#) (1685 – 1750)

A moving hymn by Martin Luther, "Ein' feste Burg ist unser Gott", was put to music by Johann Sebastian Bach. The themes of faith and freedom have spoken powerfully to Protestants ever since:

1. Ein' feste Burg ist unser Gott

I.

**A stronghold sure our God remains,
A shield and hope unfailing;
In need His help our freedom gains,
'er all we fear prevailing.
Our old malignant foe
Would fain work us woe.
With craft and great might
He doth against us fight;
On earth is not one like him.**

II.

Our utmost might is all in vain;
We straight had been rejected,
But for us fights the perfect Man,
By God Himself elected.
Ask then, "Who is He?"
He must Jesus be,
The God by hosts adored,
Our great Incarnate Lord,
Whall His foes shall conquer.

III.

If all the world with fiends were filled,
A host that would devour us,
To fear our hearts need never yield,
For they could not o'er power us.
The prince of this world
From his throne is hurled;
Why should we then fear,
Though grim he may appear?
A single word confounds him.

IV.

That word shall still in strength abide,
Yet they no thanks shall merit;
For He is ever at our side,
Both by His gifts and Spirit.
And should they take our life,
Wealth, name, child, and wife,
Tho' these were all gone,
Yet will they nought have won;
God's kingdom ours remaineth.

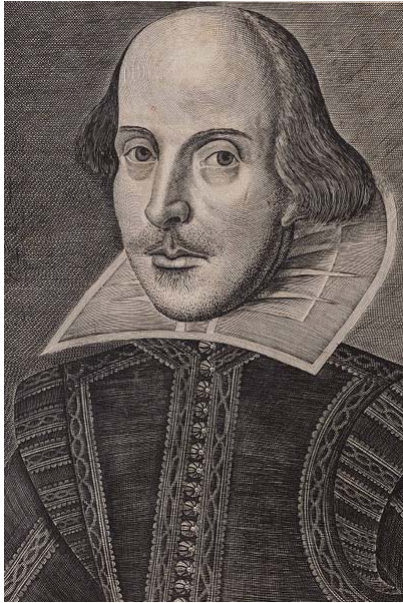
About this Quotation:

As Christmas approaches one's thoughts naturally turn to the composer of some of the best church music which is sung at this time, namely Johann Sebastian Bach. Here we have one of the most popular and moving Protestant hymns with music by Johann Sebastian Bach and words by Martin Luther. Ever since it first appeared in 1730, the sentiment that our freedom is secured by the stronghold (feste Burg) against "our old malignant foe" is a powerful one that speaks to many people. Additional comfort in times of need or danger comes in the 4th verse where it says "And should they take our life, Wealth, name, child, and wife, Tho' these were all gone, Yet will they nought have won; God's kingdom ours remaineth."

Source

Johann Sebastian Bach, *Bach's Chorals. Part I: 2 The Hymns and Hymn Melodies of the Cantatas and Motetts*, by Charles Sanford Terry (Cambridge University Press, 1915-1921). 3 vols. Vol. 2.
<http://oll.libertyfund.org/title/2056/148909/2741956>

Shakespeare has King Henry IV reflect on the reasons for invading the Holy Land, namely to distract people from domestic civil war and to “march all one way” under his banner (1597) (Mar 24, 2008)



William Shakespeare (1564 – 1616)

At the very beginning of Shakespeare’s play, King Henry IV expresses frustration that his plans to invade the Holy Lands on a new crusade will have to wait once again until bloody revolt has been put down within England:

**So shaken as we are, so wan with care,
Find we a time for frightened peace to pant,
And breathe short-winded accents of new broils
To be commenc’d in stronds afar remote.
No more the thirsty entrance of this soil
Shall daub her lips with her own children’s blood;
No more shall trenching war channel her fields,
Nor bruise her flowerets with the armed hoofs
Of hostile paces: those opposed eyes,
Which, like the meteors of a troubled heaven,
All of one nature, of one substance bred,
Did lately meet in the intestine shock
And furious close of civil butchery,
Shall now, in mutual well-beseeming ranks,
March all one way, and be no more oppos’d
Against acquaintance, kindred, and allies:
The edge of war, like an ill-sheathed knife,
No more shall cut his master. Therefore, friends,
As far as to the sepulchre of Christ,—
Whose soldier now, under whose blessed cross
We are impressed and engag’d to fight,—
Forthwith a power of English shall we levy,**

**Whose arms were moulded in their mother's womb
To chase these pagans in those holy fields
Over whose acres walk'd those blessed feet
Which fourteen hundred years ago were nail'd
For our advantage on the bitter cross.**
But this our purpose is a twelvemonth old,
And bootless 'tis to tell you we will go:
Therefore we meet not now. Then let me hear
Of you, my gentle cousin Westmoreland,
What yesternight our council did decree
In forwarding this dear expedience.

About this Quotation:

Shakespeare reminds us that it is a common ploy of rulers to distract their subjects away from domestic problems, whether civil disturbances or a financial crisis, by initiating a foreign war. People then “rally around the flag” to support “their” king, or in Shakespeare’s words “March all one way”. Poor “frighted peace” barely has time “to pant” and catch her breath before the “mutual well-beseeming ranks” are gathered for yet another adventure in the Middle East.

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1634/52305/1151080>

Confucius edited this collection of poems which contains a poem about “Yellow Birds” who ravenously eat the crops of the local people, thus alienating them completely (520 BC) (May 12, 2008)



[Confucius](#) (551 BCE – 479 BCE)

In the ancient Chinese collection of poems known as the *Shih King*, probably edited by Confucius, there is a touching verse which laments the ravenous yellow birds in a foreign land where they are not welcomed:

DISAPPOINTED EMIGRANTS.

**Yellow birds, yellow birds!
Do not crowd the tree-tops;
Come not pecking our crops.—
From the folk of this land
We unwelcoming win;
Up, let us return
To our country and kin.**

Yellow birds, yellow birds!
—Not the mulberry-trees.
Come not pecking our maize.—
With the folk of this land
Understanding is vain;
Up, let us return
To our brethren again.

Yellow birds, yellow birds!
—Nor the thicket of thorn.
Come not pecking our corn.
With the folk of this land
We can never remain;

Up, let us return
To our fathers again.

About this Quotation:

The “yellow birds” who have entered a foreign land and are not welcomed by the local population because they eat the crops, the mulberries, the maize, and the corn. The reason the birds entered this other country so far from their families and kin is not made clear but it could be a reference to foreign troops who invade another country and who live off the land and thus alienate the very people they came to help or to conquer.

Source

Misc (Confucian School), *The Shi King, the Old “Poetry Classic” of the Chinese. A Close Metrical Translation, with Annotations by William Jennings* (London: George Routledge and Sons, 1891).
<http://oll.libertyfund.org/title/2109/162518/2841388>

Augustin Thierry relates the heroic tale of the Kentishmen who defeat William the Conqueror and so are able to keep their ancient laws and liberties (1856) (Jun 1, 2009)



[Augustin Thierry](#) (1795 – 1856)

Augustin Thierry (1795-1856) was an important classical liberal historian who developed a class theory of history based upon the conflict between those who used force (as in conquest and taxation) and those who were the victims of that force (peasants and tax payers). In an Appendix to his *History of the Conquest of England by the Normans* (1856) Thierry includes a poem about William's failure to subdue the "Kentishmen" who refused to bow to his authority and forced William to allow them to keep their traditional laws. In return, the Kentishmen acknowledged William as King of England

The valiant Courage and Policy of the Kentishmen which overcame William the Conqueror, who sought to take from them their Ancient Laws and Customs, which they retain to this day.¹

When as the duke of Normandy
With glistering spear and shield,
Had entered into fair England,
And foil'd his foes in field:

On Christmas-day in solemn sort
Then was he crowned here,
By Albert archbishop of York,
With many a noble peer.

Which being done, he changed quite
The customs of this land,
And punisht such as daily sought
His statutes to withstand:

And many cities he subdu'd,

Fair London with the rest;
But Kent did still withstand his force,
And did his laws detest.

To Dover then he took his way,
The castle down to fling,
Which Arviragus builded there,
The noble British king.

Which when the brave archbishop bold
Of Canterbury knew,
The abbot of saint Augustine's eke,
With all their gallant crew:

They set themselves in armour bright,
These mischiefs to prevent;
With all the yeomen brave and bold
That were in fruitful Kent.

**At Canterbury did they meet,
Upon a certain day,
With sword and spear, with bill and bow,
And stopt the conqueror's way.**

**"Let us not yield, like bond-men poor,
To Frenchmen in their pride,
But keep our ancient liberty,
What chance so e'er betide:**

**"And rather die in bloody field,
With manly courage prest,
Than to endure the servile voke,
Which we so much detest."**

Thus did the Kentish commons cry
Unto their leaders still.
And so march'd forth in warlike sort,
And stand at Swanscomb-hill:

There in the woods they hid themselves
Under the shadow green,
Thereby to get them vantage good,
Of all their foes unseen.

And for the conqueror's coming there
They privily laid wait,
And thereby suddenly appal'd
His lofty high conceit;

For when they spied his approach,

In place as they did stand,
Then marched they to him with speed,
Each one a bough in hand.

So that unto the conqueror's sight,
Amazed as he stood;
They seem'd to be a walking grove,
Or else a moving wood.

The shape of men he could not see,
The boughs did hide them so:
And now his heart with fear did quake,
To see a forest go.

Before, behind, and on each side,
As he did cast his eye,
He spi'd the wood with sober pace
Approach to him full nigh:

But when the Kentishmen had thus
Enclos'd the conqueror round;
Most suddenly they drew their swords,
And threw their boughs to ground;

Their banners they display in sight,
Their trumpets sound a charge,
Their ratling drums strike up alarms,
Their troops stretch out at large.

The conqueror, with all his train,
Were hereat sore aghast,
And most in peril, when they thought
All peril had been past.

Unto the Kentishmen he sent,
The cause to understand;
For what intent, and for what cause
They took this war in hand;

To whom they made this short reply:
"For liberty we fight,
And to enjoy king Edward's laws,
The which we hold our right."

Then said the dreadful conqueror:
"You shall have what you will,
Your ancient customs and your laws,
So that you will be still;

“And each thing else that you will crave
With reason at my hand;
So you will but acknowledge me
Chief king of fair England.”

The Kentishmen agreed thereon,
And laid their arms aside;
And by this means king Edward’s laws
In Kent doth still abide:

And in no place in England else
These customs do remain:
Which they by manly policy
Did of duke William gain.

[1] Evans’s Old Ballads, historical and narrative, vol. i. p. 34.

About this Quotation:

Among Augustin Thierry’s talents as an historian was his diligence in tracking down primary sources. Here is an excellent example concerning the resistance of the Kentishmen to the Norman invaders of England. They are happy with the laws laid down by King Edward and see no reason to accept the new Norman king, his court and tax collectors, and laws. In the classic style of the guerrilla campaign against far superior odds, the Kentishmen use deception – they dress up as “trees” and so frighten the Norman force that they surrender and cut a deal with the Kentishmen. In exchange for recognizing the nominal authority of the Normans, the Kentishmen are “allowed” to keep their ancient laws and liberties. It reminds us of the scene in Shakespeare’s *Macbeth* where soldiers dress up as trees in Birnam Wood to disguise their numbers as they move against Macbeth.

Source

Augustin Thierry, *History of the Conquest of England by the Normans; Its Causes, and its Consequences, in England, Scotland, Ireland, & on the Continent*, translated from the seventh Paris edition, by William Hazlitt (London: H.G. Bohn, 1856). In 2 volumes. Vol. 1. <http://oll.libertyfund.org/title/2215/208136>

Voltaire in *Candide* says that “tending one’s own garden” is not only a private activity but also productive (1759) (Jun 8, 2009)



Voltaire (1694 – 1778)

The enlightened playwright and social critic Voltaire (1694-1778) concluded his satirical tale *Candide* (1759) with the observation that the violence and plunder of kings could not compare with the productive and peaceful life of those who minded their own business, "cultivated their own garden," and traded the surpluses with their neighbors:

During this conversation, news was spread abroad that two viziers of the bench and the mufti had just been strangled at Constantinople, and several of their friends empaled. This catastrophe made a great noise for some hours. Pangloss, Candide, and Martin, as they were returning to the little farm, met with a good-looking old man, who was taking the air at his door, under an alcove formed of the boughs of orange-trees. Pangloss, who was as inquisitive as he was disputative, asked him what was the name of the mufti who was lately strangled. “I cannot tell,” answered the good old man; “I never knew the name of any mufti, or vizier breathing. I am entirely ignorant of the event you speak of; I presume that in general such as are concerned in public affairs sometimes come to a miserable end; and that they deserve it: but I never inquire what is doing at Constantinople; I am contented with sending thither the produce of my garden, which I cultivate with my own hands.” After saying these words, he invited the strangers to come into his house. His two daughters and two sons presented them with divers sorts of sherbet of their own making; besides caymac, heightened with the peels of candied citrons, oranges, lemons, pineapples, pistachio nuts, and Mocha coffee unadulterated with the bad coffee of Batavia or the American islands. After which the two daughters of this good Mussulman perfumed the beards of Candide, Pangloss, and Martin.

“You must certainly have a vast estate,” said Candide to the Turk; who replied, “I have no more than twenty acres of ground, the whole of which I cultivate myself with the help of my children; and our labor keeps off from us three great evils—idleness, vice, and want.”

Candide, as he was returning home, made profound reflections on the Turk’s

discourse. “This good old man,” said he to Pangloss and Martin, “appears to me to have chosen for himself a lot much preferable to that of the six kings with whom we had the honor to sup.” “Human grandeur,” said Pangloss, “is very dangerous, if we believe the testimonies of almost all philosophers; for we find Eglon, king of Moab, was assassinated by Aod; Absalom was hanged by the hair of his head, and run through with three darts; King Nadab, son of Jeroboam, was slain by Baaza; King Ela by Zimri; Okosias by Jehu; Athaliah by Jehoiada; the kings Jehooiakim, Jeconiah, and Zedekiah, were led into captivity: I need not tell you what was the fate of Crœsus, Astyages, Darius, Dionysius of Syracuse, Pyrrhus, Perseus, Hannibal, Jugurtha, Ariovistus, Cæsar, Pompey, Nero, Otho, Vitellius, Domitian, Richard II. of England, Edward II., Henry VI., Richard III., Mary Stuart, Charles I., the three Henrys of France, and the emperor Henry IV.” **“Neither need you tell me,” said Candide, “that we must take care of our garden.” “You are in the right,” said Pangloss; “for when man was put into the garden of Eden, it was with an intent to dress it: and this proves that man was not born to be idle.” “Work then without disputing,” said Martin; “it is the only way to render life supportable.”**

The little society, one and all, entered into this laudable design; and set themselves to exert their different talents. The little piece of ground yielded them a plentiful crop. Cunegund indeed was very ugly, but she became an excellent hand at pastrywork; Pacquette embroidered; the old woman had the care of the linen. There was none, down to Brother Giroflée, but did some service; he was a very good carpenter, and became an honest man. Pangloss used now and then to say to Candide, “There is a concatenation of all events in the best of possible worlds; for, in short, had you not been kicked out of a fine castle for the love of Miss Cunegund; had you not been put into the Inquisition; had you not travelled over America on foot; had you not run the baron through the body; and had you not lost all your sheep, which you brought from the good country of El Dorado, you would not have been here to eat preserved citrons and pistachio nuts.” “Excellently observed,” answered Candide; “but let us take care of our garden.”

About this Quotation:

After his long journey across Europe and Asia Minor, Voltaire has his hero Candide settle down on the outskirts of the Muslim city of Constantinople to “tend his own garden”, in other words “to mind his own business.” After witnessing horrifying episodes of religious intolerance and political oppression Candide decides that the best thing to do in the world is settle down, live peacefully with his neighbours, and produce something of value to others which he can sell in the markets.

Source

Voltaire, *The Works of Voltaire. A Contemporary Version*. A Critique and Biography by John Morley, notes by Tobias Smollett, trans. William F. Fleming (New York: E.R. DuMont, 1901). In 21 vols. Vol. I. <http://oll.libertyfund.org/title/350/53478/1561378>

Beethoven's hero Florestan in the opera *Fidelio* laments the loss of his liberty for speaking the truth to power (1805) (Jul 6, 2009)



[Ludwig van Beethoven](#) (1770 – 1827)

In Beethoven's only opera, *Fidelio* (1805), the hero Florestan is imprisoned and laments the loss of his liberty for speaking truth to power. He awaits his wife Leonora who comes to rescue him

ACT II, SCENE I.—

A dark subterranean Dungeon. To the left a cistern or reservoir, covered with stones and rubbish. In the background, several openings in the wall, guarded with gratings, through which can be seen the steps of a staircase, leading from above. To the right, the door into the Prison. A lamp hanging.

[Florestan, alone. He sits on a stone: round his body is a long chain, the end of which is fastened to the wall.

Recitative.

**Alas! what darkness dense!
What horrid stillness!
Here in this dark tomb, is nothing known
But my deep anguish! Oh, most cruel torture!
Oh, Heavenly Providence, how much longer
Will this my misery last!**

Air.

**In the bright morning of life
My liberty, alas! was lost:
These chains are the reward
Of true and open speaking.
But what avails my lamentations?**

**Hopeless is my condition:
The only solace for my torments
Rests on my conscious innocence.**

[Enthusiastically, but calmly.

[What feeling comes o'er me that warms my cold heart?
Wretched, lone, imprisoned, at my own shade I start.
Oh, vision of brightness! why com'st thou to me? Behold! 'tis an angel from Heaven I see.
T'is thou, my Leonora – Oh, thou comest to shatter my chain: Thou, only canst cheer me
to life.... back again.]

[He sinks, exhausted, upon the stony seat, concealing his face with his hands.

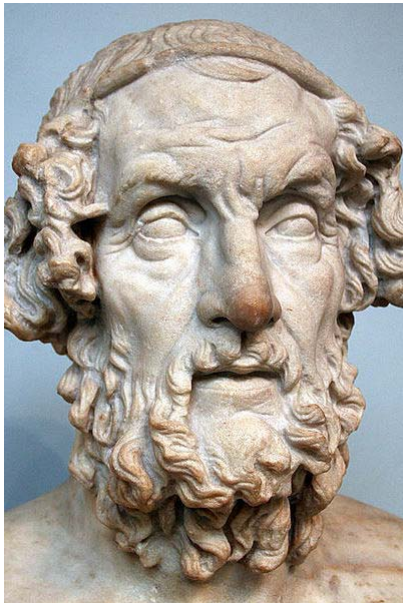
About this Quotation:

Beethoven was a supporter of the ideals of the Enlightenment and the early phase of the French Revolution. He was to begin with a supporter of Napoleon as the embodiment of these ideals and he is reputed to have written the Eroica Symphony with the great man Napoleon in mind. One account has it that when he heard Napoleon had started on one of his many escapades of conquest that Beethoven in a fit of despair and anger scratched out the title “Eroica” as Napoleon was at the gates of Vienna. Another story has it that he had originally wanted to write the 9th Symphony using the radical liberal words of Friedrich Schiller “Freiheit” (freedom) instead of the now used “Freude” (joy) in the choral segment. In a post-1989 fall of the Berlin Wall concert in Berlin, Leonard Bernstein used the words of Schiller in a celebratory concert of the 9th. The sentiments expressed in *Fidelio*, that of conjugal love, loyalty, hatred of despotism, and love of liberty suggest that Beethoven was indeed a true friend of liberty.

Source

Ludwig van Beethoven, *Beethoven's Opera Fidelio. German Text, with an English Translation* (Boston: Oliver Ditson, 1864). <http://oll.libertyfund.org/title/2217/208354/3390212>

On Achilles' new shield Vulcan depicts the two different types of cities which humans can build on earth; one based on peace and the rule of law; the other based on war, killing, and pillage (900 BC) (Feb 11, 2010)



[Homer](#) (900 BCE – 900 BCE)

In his fine translation of Homer's *Iliad*, Alexander Pope (1688-1744) describes the images which Vulcan carves on Achilles' new shield, which his mother Thetis has done to help Achilles recover from the news of his friend Patroclus' death. Vulcan depicts the two different types of cities which humans can build on earth; one based on peace and the rule of law; the other based on war, killing, and pillage:

**Two cities radiant on the shield appear,
The image one of peace, and one of war.
Here sacred pomp and genial feast delight,
And solemn dance, and Hymeneal rite;**
Along the street the new-made brides are led,
With torches flaming, to the nuptial bed:
The youthful dancers in a circle bound
To the soft flute, and cittern's silver sound:
Thro' the fair streets, the matrons in a row
Stand in their porches, and enjoy the show.

**There, in the Forum swarm a numerous train;
The subject of debate, a townsman slain:
One pleads the fine discharged, which one denied,
And bade the public and the laws decide:**
The witness is produced on either hand:
For this, or that, the partial people stand:
Th' appointed heralds still the noisy bands,
And form a ring, with sceptres in their hands;
On seats of stone, within the sacred place,

The rev'rend elders nodded o'er the case;
Alternate, each th' attending sceptre took,
And, rising solemn, each his sentence spoke.
Two golden talents lay amidst, in sight,
The prize of him who best adjudg'd the right.

Another part (a prospect diff'ring far)

Glow'd with refulgent arms, and horrid war.
Two mighty hosts a leaguer'd town embrace,
And one would pillage, one would burn, the place.
Meantime the townsmen, arm'd with silent care,
A secret ambush on the foe prepare:
Their wives, their children, and the watchful band
Of trembling parents, on the turrets stand.
They march, by Pallas and by Mars made bold;
Gold were the Gods, their radiant garments gold,
And gold their armour; these the squadron led,
August, divine, superior by the head!
A place for ambush fit they found, and stood
Cover'd with shields, beside a silver flood.
Two spies at distance lurk, and watchful seem
If sheep or oxen seek the winding stream.
Soon the white flocks proceeded o'er the plains,
And steers slow-moving, and two shepherd swains;
Behind them, piping on their reeds, they go,
Nor fear an ambush, nor suspect a foe.
In arms the glitt'ring squadron rising round,
Rush sudden; hills of slaughter heap the ground:
Whole flocks and herds lie bleeding on the plains,
And, all amidst them, dead, the shepherd swains!
The bell'wing oxen the besiegers hear;
They rise, take horse, approach, and meet the war;
They fight, they fall, beside the silver flood;
The waving silver seem'd to blush with blood.
There tumult, there contention, stood confess'd;
One rear'd a dagger at a captive's breast,
One held a living foe, that freshly bled
With new-made wounds; another dragg'd a dead;
Now here, now there, the carcasses they tore:
Fate stalk'd amidst them, grim with human gore.
And the whole war came out, and met the eye:
And each bold figure seem'd to live, or die.

About this Quotation:

This is rather a strange message to engrave on a warrior's shield. Achilles has chosen to live in the "city of war and death" and has turned his back on the "city of peace and laws". Perhaps his mother is trying to remind him of the life he has left behind; or perhaps Vulcan hopes that the death of his friend Patroclus will make him reassess his original choice. In Alexander Pope's "radiant" translation" the

choice which warriors face is stark and clear.

Source

Alexander Pope, *The Complete Poetical Works of Alexander Pope*. Cambridge Edition, ed. Henry W. Boynton (Boston and New York: Houghton, Mifflin and Co., 1903). <http://oll.libertyfund.org/title/2278/216099>

Thierry on the need for songs about our lost liberties which will act as a barrier to encroaching power (1845) (Feb 22, 2010)



[Augustin Thierry](#) (1795 – 1856)

The French classical liberal Augustin Thierry (1795-1856) admires the habit of the conquered Irish to sing about their lost liberties. Thierry hopes that the French might learn from this, to use “nobler songs” as “a barrier to a power always tempted to encroach”:

Sometimes he (Thomas More) invokes the memory of battles, the fate of which decided liberty: he paints the nocturnal march of the conqueror, and the last vigil of the soldiers of the country, intrenched on the declivity of a hill:—

While mute they watch'd, till morning's beam
Should rise and give them light to die.

Forget not the field where they perish'd,
The truest, the last of the brave,
All gone—and the bright hopes we cherished
Gone with them, and quench'd in their grave!

**Oh! could we from death but recover
Those hearts as they bounded before,
In the face of high heav'n to fight over
That combat for freedom once more.**

**Could the chain for an instant be riven
Which tyranny flung round us then,
No; 'tis not in man, nor in Heaven,
To let Tyranny bind it again!**

But 'tis past—and, tho' blazon'd in story

**The name of our victor may be,
Accurst is the march of that glory
Which treads 'er the hearts of the free.**

**Far dearer the grave or the prison,
Illumed by one patriot name,
Than the trophies of all who have risen
On liberty's ruins to fame.**

It is a great title to the gratitude of a nation to have sung its present or past liberty, its secured or violated rights, in verses capable of becoming popular. He who would do for France what Mr. Moore has done for Ireland, would be more than rewarded by the knowledge of having served the most holy of all causes. In the times of despotism, we had satirical burdens to arrest injustice by the frivolous fear of ridicule; why, in these times of dubious liberty, should we not have nobler songs to express our wills, and to present them as a barrier to a power always tempted to encroach? Why should not the prestige of art be associated with the powers of reason and courage? Why should we not make a fresh poetry, inspired by liberty and consecrated to its defence, poetry not classical, but national, which should not be a vain imitation of geniuses which no longer exist, but a vivid painting of the minds and thoughts of the present day which should protest for us, complain with us, and should speak to us of France and of its destiny, of our ancestors and of our descendants.

We have succeeded in our love elegies, ought we to fear undertaking patriotic elegies, not less touching, not less sweet than the former? What image more worthy of pity and of love, than the land of our fathers, so long the plaything of fortune, so often vanquished by tyranny, so often betrayed by its own supporters, now reviving but still tottering, and in a feeble voice claiming our assistance and our devotion? What more poetical than its long existence, to which our temporary existence is bound by so many ties? We that are called new men, let us prove that we are not so; let us rally round the banners of those watch-words popular to the men who formerly wanted what we now want, to the men who understood as we do the liberty of the French soil. The spirit of generous and peaceful independence far preceded us on that soil; let us not fear to stir it deeply to find that spirit: our researches will not be in vain, but they will be sorrowful; for we shall oftener meet with tortures than with triumphs. Let us not deceive ourselves; it is not to us that the brilliant things of past times belong; it is not for us to sing of chivalry: our heroes have more obscure names. We are the men of the cities, the men of the villages, the men of the soil, the sons of those peasants whom a few knights massacred near Meaux, the sons of those citizens who made Charles the Fifth tremble, the sons of the rebels of the Jacquerie.

About this Quotation:

Thierry was an indefatigable collector of medieval documents which he used to write his histories of the Norman Conquest and the Third Estate. Part of his interest was in the poems and songs of those who resisted the rise of state power. In a previous quote we used the story of the Kentishmen who resisted William the Conqueror. Here we have an Irish song which honours the men who died fighting for their freedom against the English invaders. Thierry argues that in “times of despotism” satire is the most useful tool; but in times like the present (the first half of the 19th century), what he calls “times

of dubious liberty”, the French people needed “nobler songs” which were inspired by liberty and which were dedicated to its defence. He thought the Irish were good models for the French to follow.

Source

Augustin Thierry, *The Historical Essays, published under the Title of “Dix Ans d’Études historiques,” and Narratives of the Merovingian Era; or, Scenes of the Sixth Century, with an Autobiographical Preface* (Philadelphia: Carey and Hart, 1845). <http://oll.libertyfund.org/title/2283/216552/3481673>

Bach asks God “when will I die”? (1700) (Jan 9, 2012)



[Johann Sebastian Bach](#) (1685 – 1750)

J.S. Bach's Cantata No. 8 was based upon a hymn by Caspar Neumann (1700) and a melody by Daniel Vetter (1713) which was sung for the first time at the funeral of Jakob Wilisius, Cantor of St Bernhardin's Church at Breslau. In the Cantata two searing questions are asked, “when will I die” and “what will happen to me afterwards?”:

1. Chorus **Dearest God, when will I die? My time runs away continually, and the old legacy of Adam, which includes me as well, has this as its inheritance; for a little time to be poor and wretched on the earth and then to become earth itself.**
2. Aria T Why should you recoil, my spirit, when my last hour strikes? My body bows itself daily to the earth, and there must my resting-place be, to which so many thousand are borne.
3. Recitative A Indeed my weak heart feels fear, worry, pain: where will my body find rest? Who will yet from its overlaid burden of sin release and free my soul? All that is mine will be destroyed, and what will become of my loved ones, in their grief cut off, exiled?
4. Aria B But hence, you foolish, useless worries! My Jesus calls me: who wouldn't go? Nothing that delights me belongs to the world. Dawn on me, blessed, joyful morning, transfigured and glorious, standing before Jesus.
5. Recitative S Keep then, o world, my possessions! You take indeed my flesh and my bones, so take also these poor belongings; it is enough, that from God's abundance the greatest good must come to me, enough, that I shall be rich and happy there. What else is there to inherit from me, other than the fatherly love of my God? This is renewed every morning and can never die.
6. Chorale **Sovereign over death and life, make my end a good one, teach me to**

resign my spirit with a well-composed courage. Help, that I might have an honorable grave next to righteous Christians and also at last, in the earth, nevermore be dishonored!

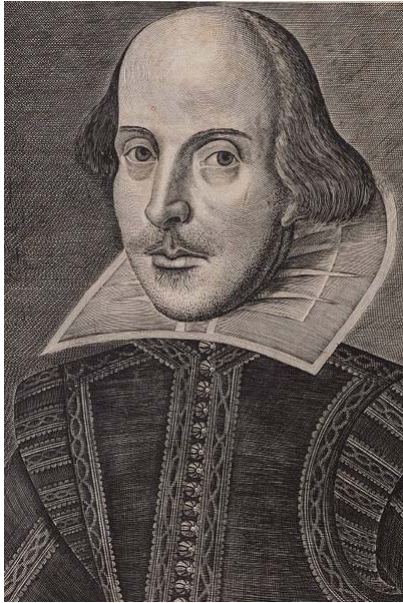
About this Quotation:

The hymn on which this very moving cantata by Bach was based, was written for the funeral of a church cantor in the early 18th century. It asks two of the hardest questions imaginable – when will I die, and what will happen to me afterwards? The Lutheran faith of Bach as his contemporaries gave them the answer to the second question: “the sovereign over life and death” would take the soul where it could “stand before Jesus”. The answer to the first question is not answered. No human being knows “when my last hour strikes.” All we know for certain is that “for a little time (we will) be poor and wretched on the earth and then (we will) become earth itself.”

Source

Johann Sebastian Bach, *Bach's Chorals. Part I: 2 The Hymns and Hymn Melodies of the Cantatas and Motetts*, by Charles Sanford Terry (Cambridge University Press, 1915-1921). 3 vols. Vol. 2.
<http://oll.libertyfund.org/title/2056/196909>

Shakespeare on sweet love remembered (1609) (Jan 30, 2012)



William Shakespeare (1564 – 1616)

In his 29th Sonnet William Shakespeare (1564-1616) describes a young man who is disgraced, outcast, shoeless, friendless, full of envy of others more successful than he, and without hope. Yet, he remembers the “sweet love” he feels for his lover and decides he would not swap his current situation for that of even a king:

WHEN in disgrace with Fortune and men's eyes,
I all alone beweepe my out-cast state,
And trouble deaf heaven with my bootless cries,
And look upon my self and curse my fate,
Wishing me like to one more rich in hope,
Featured like him, like him with friends possessed,
Desiring this mans art, and that mans scope,
With what I most enjoy contented least,
Yet in these thoughts my self almost despising,
Haply I think on thee, and then my state,
(Like to the Lark at break of day arising)
From sullen earth sings hymns at Heaven's gate,
For thy sweet love rememb'ed such wealth brings,

That then I scorn to change my state with kings.

About this Quotation:

This poem was put online on St. Valentine's Day, along with Adam Smith's comment on passion/love and one of Petrarch's love poems to Laura, to show some of the range of thinking on this subject by authors in the Online Library of Liberty. I also chose it because of its several political references to various "states" – the outcast state where men are exiled from their communities, the state of poverty and failure of the young man, the state of heaven (implied not stated explicitly), and the state ruled by Kings. Although this is a poem about how the love of another can raise one's hopes and spirits, it also shows how often Shakespeare resorted to the vocabulary of other occupations and disciplines to make his points. In this case it is the political language of states, hierarchies, and monarchs; in other cases it is the language of law or commerce.

Source

William Shakespeare, *Shakespeare's Sonnets And A Lover's Complaint, with an Introduction by W.H. Hadow* (Oxford: At the Clarendon Press, 1907). <http://oll.libertyfund.org/title/118>

Milton on Eve's discovery of the benefits of the division of labor in the Garden of Eden (1667) (Jul 2, 2012)



John Milton (1608 – 1674)

In his epic poem *Paradise Lost* (1667) John Milton (1608-1674) describes how Eve comes across the idea that by specializing on different tasks in the garden of Eden they could produce more. Adam quashes this idea because he thinks that a women must not be allowed to leave her husband's side for a moment:

Paradise Lost Book IX

[197] ... forth came the human pair And joynd thir vocal Worship to the Quire Of Creatures wanting voice, that done, partake [200] The season, prime for sweetest Sents and Aires: Then commune how that day they best may ply Thir growing work: for much thir work outgrew The hands dispatch of two Gardning so wide. **And Eve first to her Husband thus began. Adam, well may we labour still to dress This Garden, still to tend Plant, Herb and Flour. Our pleasant task enjoyn'd, but till more hands Aid us, the work under our labour grows, Luxurious by restraint; what we by day [210] Lop overgrown, or prune, or prop, or bind, One night or two with wanton growth derides Tending to wilde. Thou therefore now advise Or hear what to my mind first thoughts present, Let us divide our labours, thou where choice Leads thee, or where most needs, whether to wind The Woodbine round this Arbour, or direct The clasping Ivie where to climb, while I In yonder Spring of Roses intermixt With Myrtle, find what to redress till Noon: [220] For while so near each other thus all day Our task we choose, what wonder if so near Looks intervene and smiles, or object new Casual discourse draw on, which intermits Our dayes work brought to little, though begun Early, and th' hour of Supper comes unearn'd.** To whom mild answer Adam thus return'd. Sole Eve, Associate sole, to me beyond Compare above all living Creatures deare, Well hast thou motion'd, wel thy thoughts imployd [230] How we might best fulfill the work which here God hath assign'd us, nor of me shalt pass Unprais'd: for nothing lovelier can be found In woman, then to studie houshold good, And good workes in her Husband to promote. Yet not so strictly hath our Lord impos'd Labour, as to debarr us

when we need Refreshment, whether food, or talk between, Food of the mind, or this sweet intercourse Of looks and smiles, for smiles from Reason flow, [240] To brute deni'd, and are of Love the food, Love not the lowest end of human life. For not to irksome toils, but to delight He made us, and delight to Reason joyn'd. These paths and Bowers doubt not but our joynt hands Will keep from Wilderness with ease, as wide As we need walk, till younger hands ere long Assist us: But if much converse perhaps Thee satiate, to short absence I could yeild. For solitude sometimes is best societie, [250] And short retirement urges sweet returne. But other doubt possesses me, least harm Befall thee sever'd from me; for thou knowst What hath bin warn'd us, what malicious Foe Envyng our happiness, and of his own Despairing, seeks to work us woe and shame By sly assault; and somewhere nigh at hand Watches, no doubt, with greedy hope to find His wish and best advantage, us asunder, Hopeless to circumvent us joynd, where each [260] To other speedie aide might lend at need; Whether his first design be to withdraw Our fealtie from God, or to disturb Conjugal Love, then which perhaps no bliss Enjoy'd by us excites his envie more; Or this, or worse, leave not the faithful side That gave thee being, stil shades thee and protects. The Wife, where danger or dishonour lurks, Safest and seemliest by her Husband staies, Who guards her, or with her the worst endures.

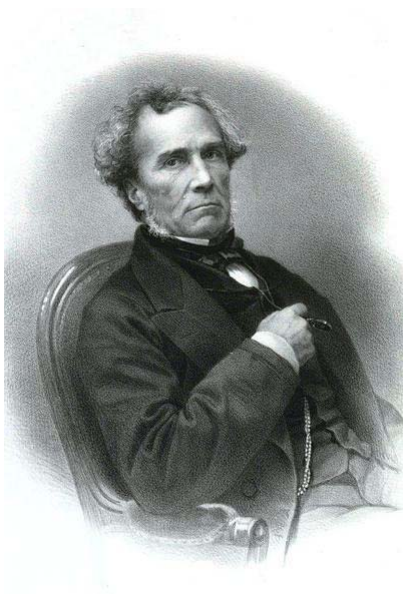
About this Quotation:

Milton describes in some detail the labor which Adam and Eve must undertake in the garden of Eden. He uses words such as “gardning”, “prune,” and “lop” for example. It is interesting that he places in the mouth of the woman Eve the important economic idea that a division of labor between them (“let us divide our labours”) would result in much greater productivity. She recognizes that they could specialize in certain activities in different parts of the garden (she in the rose garden, he in arbour) and that they could spend less time talking to each other and concentrate on doing their work, thus maximizing their output. Equally interesting is the fact that Milton has the male Adam reject this idea after praising her concern in wanting to improve the “houshold” economy. He says that God doesn’t want them to work too hard in the garden, or to be too productive, and that he doesn’t mind that she have short separations from him but he fears for her security and “honour” if she strays too far from his side. Here we seem to have a clash between Eve who thinks economically and Adam who thinks more about obeying the commands of the creator.

Source

John Milton, *The Poetical Works of John Milton*, edited after the Original Texts by the Rev. H.C. Beeching M.A. (Oxford: Clarendon Press, 1900). <http://oll.libertyfund.org/title/556/85716>

Gustave de Beaumont and Irish liberty (1839) (Feb 11, 2013)



Gustave de Beaumont (1802 – 1866)

In his analysis of the Irish problem in the late 1830s Gustave de Beaumont (1802-1866) provides some historical background, especially the belief some Irish radicals had in the principles of the French Revolution. He sympathetically quotes one of the songs of the United Irishmen from 1789:

A SONG OF THE UNITED IRISHMEN.

I. Rouse, Hibernians, from your slumbers! See the moment just arrived, Imperious tyrants for to humble, Our French brethren are at hand. Vive la united heroes, Triumphant always may they be, Vive la our gallant brethren, That have come to set us free.

II. Erin's sons, be not faint-hearted, Welcome, sing, then, Ca ira, From Killala they are marching, To the tune of Vive la. Vive la united heroes, &c.

III. To arms quickly, and be ready, Join the ranks, and never flee. Determined stand by one another, And from tyrants you'll be free. Vive la united heroes, &c.

IV. Cruel tyrants, who oppress you, Now with terror see their fall! Then bless the heroes who caress you, The orange now goes to the wall. Vive la united heroes, &c.

V. Apostate Orange, why so dull now? Self-will'd slaves, why do you frown? Sure you might know how Irish freemen Soon would pull your orange down. Vive la united heroes, &c.

About this Quotation:

Gustave de Beaumont was Tocqueville's traveling companion on his famous trip to America in 1831 which was undertaken in order to observe the American prison system for the French government. Along the way they observed and collected material which would later produce Tocqueville's book *Democracy in America* (1835, 1840) and Beaumont's book *Marie on slavery*. Shortly afterwards

Beaumont married the daughter of General Lafayette and spent his honeymoon in Ireland where he gathered material for yet another book, this time on the problems in Ireland. He attributed the problems of Irish poverty and lack of political representation to the system of aristocratic rule. The first volume deals with the historical origins of aristocratic rule in Ireland, especially land ownership, while the second volume deals with how aristocratic could be liberalized without causing a revolution like the one which broke in France in 1789. This song comes from volume one where Beaumont cites it to show the feeling for liberty held by many Irish radicals at the time of the French revolution. The song calls for the “Self-will’d slaves” to rise up against the “imperious tyrants” with the assistance of their “French brethren.”

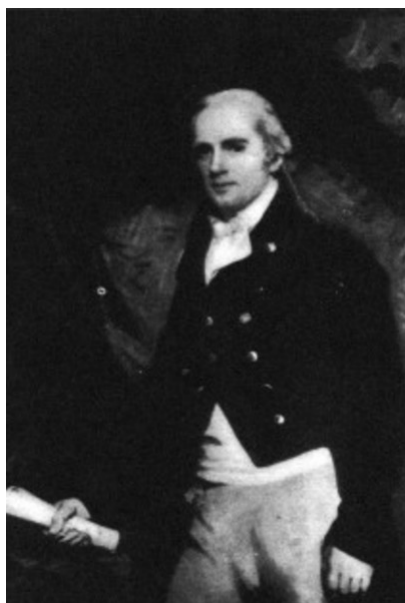
Source

Gustave de Beaumont, *Ireland: Social, Political, and Religious*, ed. W.C. Taylor (London: Richard Bentley, 1839). Vol. 1. <http://oll.libertyfund.org/title/2428/229742/3904073>

10. Money & Banking↩

1. [Friedrich Hayek rediscovers the importance of Henry Thornton’s early 19th century work on “paper credit” and its role in financing the British Empire \(1802\)](#) (Oct 22, 2007)
2. [Henry Vaughan argues that it is the voluntary and “universal concurrence of mankind”, not the laws, which makes money acceptable as a medium of exchange \(1675\)](#) (Jan 21, 2008)
3. [Tom Paine on the “Decline and Fall of the English System of Finance” \(1796\)](#) (Sep 8, 2008)
4. [Ludwig von Mises shows the inevitability of economic slumps after a period of credit expansion \(1951\)](#) (Oct 13, 2008)
5. [Ludwig von Mises identifies the source of the disruption of the world monetary order as the failed policies of governments and their central banks \(1934\)](#) (Oct 27, 2008)
6. [Thomas Jefferson in a letter to John Taylor condemns the system of banking as “a blot” on the constitution, as corrupt, and that long-term government debt was “swindling” future generations \(1816\)](#) (Nov 10, 2008)
7. [Ludwig von Mises lays out five fundamental truths of monetary expansion \(1949\)](#) (Mar 23, 2009)
8. [Ludwig von Mises argues that sound money is an instrument for the protection of civil liberties and a means of limiting government power \(1912\)](#) (Apr 6, 2009)
9. [Mises on the gold standard as the symbol of international peace and prosperity \(1949\)](#) (Nov 22, 2010)
10. [Bagehot on Government, the banking system, and moral hazard \(1873\)](#) (Jan 11, 2011)
11. [Mises on classical liberalism and the gold standard \(1928\)](#) (Oct 17, 2011)
12. [Bagehot on the monopoly central bank \(1873\)](#) (Jan 23, 2012)
13. [David Ricardo on the “mere increase of money” \(1809\)](#) (May 21, 2012)
14. [The 11th Day of Christmas: Mises on the gold standard and peace on earth \(1934\)](#) (Jan 4, 2013)
15. [William Cobbett opposes the government bail-out at taxpayer expense of those who lent money to the state \(1815\)](#) (Jul 22, 2013)
16. [Mises on the State Theory of Money \(1912\)](#) (Dec 15, 2013)
17. [William Leggett on the separation of bank and state \(1837\)](#) (May 26, 2014)

Friedrich Hayek rediscovers the importance of Henry Thornton's early 19th century work on “paper credit” and its role in financing the British Empire (1802) (Oct 22, 2007)



[Henry Thornton](#) (1760 – 1815)

Friedrich Hayek considered Henry Thornton's *Enquiry into the Paper Credit of Great Britain* (1802) to be one of the most important works on money and banking in the 19thC. It was written when Britain suspended cash payments in a financial crisis brought on by the war against France. Hayek observes that:

To most of the contemporaries of Henry Thornton his authorship of the book which is now reprinted after one hundred and thirty-six years would by no means have been regarded as his major title to fame. To them the fact that he was a successful banker and a great expert on finance probably appeared as the indispensable but comparatively uninteresting background which put him in the position to be a great philanthropist and the effective advocate of every good cause; certainly it enabled him to provide at his comfortable Clapham home the meeting place for the active and influential group of Evangelicals, who, quite apart from the great rôle they played in their own time, were probably one of the most profound influences which fashioned the outlook and character that was typical of the English upper middle class of the nineteenth century. It would be an interesting and instructive task to attempt a full-length Life of Henry Thornton, and, considering how many minor figures of the circle of which he and William Wilberforce were the centre have been honoured with biographies, it is surprising that it has never been accomplished. But the men who became the historians of the late eighteenth and early nineteenth century were on the whole not too sympathetic towards that austere view of life, which in many instances must have overshadowed their own youth, and which perhaps found its most perfect embodiment in the person of Henry Thornton. It may well be, however, that a more detached future historian will recognize that in their immediate influence the “party of saints” of which Thornton may be regarded as the prototype, at least rival their better-known contemporaries, the philosophical radicals. But even if such a complete biography of Henry Thornton would, as seems likely, contribute a great deal to our understanding of

the social and economic views, the *Wirtschaftsgesinnung*, that dominated the nineteenth century, it can certainly not be attempted here. In this essay we can do no more than give an outline of those sides of Henry Thornton's life which throw light on the circumstances in which the *Paper Credit of Great Britain* was written, and on the influence which the views of its author exerted on contemporary thought...

With these two speeches Thornton's known contributions to monetary theory come to an end. If, in the remaining three years of his life, he took any active part in the discussion which continued, nothing has been preserved in print. But although in Parliament his views had been defeated, largely for reasons of high policy, he lived long enough to see them widely accepted. And among those of his contemporaries who took an interest in these matters there existed little doubt that the new body of thought was mainly his creation. Even a comparative outsider, like Dr. Miller in his *Philosophy of History*, did justice to his contribution by describing his book, in 1816, as "forming an epoch in the history of the Science to which it belongs." If some of his fellow-economists, and particularly Ricardo, do not appear to have given him full credit and to have mentioned him only to criticize him, we can be sure that this was only due to the fact that among the public for which they wrote they could take a thorough acquaintance with Thornton's work for granted. But the effect was that in the course of time his fame faded before that of men whose contributions covered a much greater part of political economy, and then even the distinct contribution, which was undoubtedly his, began to be credited to his successors. For a long time John Stuart Mill, who in 1848, in his *Principles of Political Economy*, described the *Paper Credit* as even at his time "the clearest exposition that I am acquainted with, in the English language, of the modes in which credit is given and taken in a mercantile community," was the last author to do anything like justice to Henry Thornton. And even Mill does not appear to have been quite aware that in his exposition of the mechanism of international gold movements he followed Thornton more than Ricardo. **It was not until just before, and particularly since, the Great War, that, with the great interest which a number of American economists (particularly Professors Hollander and Viner) have shown in the history of English monetary policy and monetary doctrines, his importance came again to be fully recognized.**

About this Quotation:

In 1939 Friedrich Hayek, the Nobel Prize winning Austrian economist, rediscovered the importance of Henry Thornton's work on the paper credit system of Great Britain published during the Napoleonic Wars in 1802. Hayek was reflecting on the causes of the Great Depression which had devastated the economies of Europe and North America in the 1930s and he could see a number of affinities between current economic and banking policy and the issues that concerned Thornton. Of most interest to us is Thornton's analysis of the suspension of gold specie payments by Britain as a result of its budgetary difficulties brought on by massive expenditure in the war against Napoleon. Also of interest is Hayek's comment about the group of individuals who were organised around Thornton into an intellectual movement known as the "Clapham sect". In Hayek's view they were as important intellectually and politically as the "philosophic radicals", the Bentham-inspired intellectuals around James and John Stuart Mill in the 1820s and 1830s.

Source

Henry Thornton, *An Enquiry into the Nature and Effects of the Paper Credit of Great Britain*, edited

and with an Introduction by F.A. Hayek (London: George Allen and Unwin, 1939).
<http://oll.libertyfund.org/title/2041/145565/2721815>

Henry Vaughan argues that it is the voluntary and “universal concurrence of mankind”, not the laws, which makes money acceptable as a medium of exchange (1675) (Jan 21, 2008)

[Henry Rice Vaughan](#) (1622 – 1695)

The English political economist McCulloch was a pioneer historian of economic thought. In his collection of English tracts on money he includes Vaughan's *Discourse of Coin and Coinage* (1675) which has an interesting discussion of how the "universal concurrence of mankind" is what makes money money:

But you will say, that gold coins, excepting the difference of colour, and of some other properties of the metals, have as much the appearance of money as silver coins: Granted; and so have copper coins too; and so might pewter ones, &c., but this is nothing to the purpose; it is not the mint, but the laws, and the universal concurrence of mankind, that make money. You will say again, that the laws oblige me to take gold, as, or instead of money; whereas, I am at liberty to refuse any other commodity, that may be offered me instead of money. True; and I have before shewed* the propriety and conveniency of ordaining that gold coins, should pass at certain rates, pro tempore, as or instead of money? But still, this doth not make gold money: These rates are not to be fixed arbitrarily, but are to be regulated by the price which gold then bears, in respect to silver as a standard; and these rates are, and always have been, considered as being subject to this rule, and so to be altered again and again, whenever the case may so require. Under this limitation, it is very convenient, that gold coins should pass as or instead of money, but not as being themselves money, or the standard measure of the values of all other things. It is a fundamental characteristic of money, that, as a measure, it continues invariable; that is, that a payment in the standard coins, of any specific sum or quantity of money agreed upon, is, whenever made, a full discharge of that contract; without regarding at all, how silver may have varied in its value with respect to commodities in general, by an increase or decrease of its quantity. But gold coins are to be considered in another view: Payments in them, may not be by quantity for quantity; it is by the rates only, which gold coins bear in respect to silver as a standard, at the time of payment, that contracts are discharged; and not according to the rates, which these coins might have, at the time when the contracts were made. In this view only, gold coins are to be considered; and, in this view, they are upon a footing with any other commodity; though less liable to a sudden and great change in their value, than most other things.

About this Quotation:

John Ramsay McCulloch (1789-1864) was a follower of David Ricardo, the first professor of political economy at the University of London in 1828, and a pioneer in the collection of economic statistics and historical economic tracts. In 1856 he published two valuable collections of documents, one on commerce and the other on money. Henry Vaughan's treatise comes from the latter. In it he makes the excellent point that money (in this case gold coins) emerges from a commonly agreed upon standard of exchange. He debates whether “the mint” (i.e. the government) or the “universal concurrence of mankind” is the more powerful force in inducing people to accept certain coins in order to make their sales and purchases. He seems to come down on the side of voluntary, popular acceptance by the users as the key factor. This is a similar theory to that developed by Ludwig von Mises in his 1912 work *The Theory of Money and Credit*, a cornerstone text in the development of the Austrian school of

economics.

Source

John Ramsay McCulloch, *A Select Collection of Scarce and Valuable Tracts on Money from the Originals of Vaughan, Cotton, Petty, Lowndes, Newton, Prior, Harris, and Others, with a Preface, Notes, and Index* (London: Printed for the Political Economy Club, 1856). <http://oll.libertyfund.org/title/2060/155622/2761128>

Tom Paine on the “Decline and Fall of the English System of Finance” (1796) (Sep 8, 2008)



Thomas Paine (1737 – 1809)

In 1796 Thomas Paine wrote a pamphlet called "The Decline and Fall of the English System of Finance", in which he noticed a pattern of increasing public debt and paper currency in the 100 years and 6 major wars which Britain had fought since 1697:

It is worthy of observation, that every case of failure in finances, since the system of paper began, has produced a revolution in governments, either total or partial. A failure in the finances of France produced the French revolution. A failure in the finance of the assignats broke up the revolutionary government, and produced the present French Constitution. A failure in the finances of the Old Congress of America, and the embarrassments it brought upon commerce, broke up the system of the old confederation, and produced the federal Constitution. If, then, we admit of reasoning by comparison of causes and events, the failure of the English finances will produce some change in the government of that country.

As to Mr. Pitt's project of paying off the national debt by applying a million a-year for that purpose, while he continues adding more than twenty millions a-year to it, it is like setting a man with a wooden leg to run after a hare. The longer he runs the farther he is off.

When I said that the funding system had entered the last twenty years of its existence, I certainly did not mean that it would continue twenty years, and then expire as a lease would do. I meant to describe that age of decrepitude in which death is every day to be expected, and life cannot continue long. But the death of credit, or that state that is called bankruptcy, is not always marked by those progressive stages of visible decline that marked the decline of natural life. In the progression of natural life age cannot counterfeit youth, nor conceal the departure of juvenile abilities. But it is otherwise with respect to the death of credit; for though all the approaches to bankruptcy may actually exist in circumstances, they admit of being concealed by appearances. Nothing is more common

than to see the bankrupt of to-day a man in credit but the day before; yet no sooner is the real state of his affairs known, than every body can see he had been insolvent long before. In London, the greatest theatre of bankruptcy in Europe, this part of the subject will be well and feelingly understood.

About this Quotation:

Paine noticed a long-term cycle in the relationship between war, finance, and changes in government. He studied the previous 100 years and 6 major wars which Britain had fought since 1697 and observed the following connection: wars disrupted the economy and were becoming increasingly expensive to finance, governments sought new financial means to finance their wars and turned to debt and paper money as a short term solution, increasing debt and inflation led to political difficulties which sometimes resulted in revolutionary changes in government. Ludwig von Mises also noted a similar connection in his writings about Germany, Austria, and Russia during and immediately after World War One.

Source

Thomas Paine, *The Writings of Thomas Paine, Collected and Edited by Moncure Daniel Conway* (New York: G.P. Putnam's Sons, 1894). Vol. 3. <http://oll.libertyfund.org/title/1082/17446/1337564>

Ludwig von Mises shows the inevitability of economic slumps after a period of credit expansion (1951) (Oct 13, 2008)



Ludwig von Mises (1881 – 1973)

In the article "Inflation Must End in a Slump," written in 1951, the Austrian economist Ludwig von Mises (1881-1973) noted that all periods of government induced credit expansion must end in an economic crisis

This country, and with it most of the Western world, is presently going through a period of inflation and credit expansion. As the quantity of money in circulation and deposits subject to check increases, there prevails a general tendency for the prices of commodities and services to rise. Business is booming.

Yet such a boom, artificially engineered by monetary and credit expansion, cannot last forever. It must come to an end sooner or later. For paper money and bank deposits are not a proper substitute for nonexistent capital goods.

Economic theory has demonstrated in an irrefutable way that a prosperity created by an expansionist monetary and credit policy is illusory and must end in a slump, an economic crisis. It has happened again and again in the past, and it will happen in the future, too.

If one wants to avoid the recurrence of periods of economic depression, one must start by preventing the emergence of artificial booms. One must prevent the governments from embarking upon a policy of cheap interest rates, deficit spending, and borrowing from the commercial banks.

This is, of course, a very difficult task. Governments are in this regard very obstinate. They long for the popularity that booming business conditions seldom fail to win for the party in power. The unavoidable crash, they think, will appear only later; then the other party will be in power and will have to account to the voters for the evils which their predecessors have sown.

Thus there is no doubt that we shall one day have to face again an economic recession, although it is impossible to determine the date of its outbreak and the degree of its severity. It will be bad indeed. But worse than the crisis itself could prove the psychological and ideological consequences of an erroneous interpretation of its causes.

For the spokesmen of the artificial expansionist policy are busy denying that economic crises are the inevitable effect of the preceding expansionist policy. They are anxious to exonerate the governments. As they see it, inherent shortcomings of the capitalist mode of production cause the periodical recurrence of bad business. There is no other means, they conclude, to avoid a crisis than to put the economic system under the full tutelage of a central planning board.

This is essentially the doctrine of Karl Marx. Those supporting it, those passionately attacking the insight that it is the policy of inflation and credit expansion which produces economic depressions, are—sometimes unwittingly—serving the cause of the Communists. When the slump comes, people indoctrinated by their teachings will argue precisely as Stalin expects them to. They will think: The efforts to preserve capitalism have proved vain; capitalism necessarily results in the recurrence of economic catastrophes; if we want stability, we must turn toward Communism.

In the antagonism between the doctrine of the economists who ascribe the emergence of economic crises to the policy of credit expansion and the official doctrine that ascribes them to alleged inherent defects of capitalism there is much more at stake than a merely doctrinal quarrel. The way in which people will react to the—unfortunately hardly avoidable—letdown of business that will follow the end of the present armament boom may decide the fate of our civilization.

People must learn in time what the inevitable consequences are of the monetary and credit policies adopted by the present administration. They must realize that what the collapse of the artificial boom will establish will not be any insufficiency of capitalism, private enterprise, and the market economy, but the failure of the methods of financing public expenditure as practiced by the New Deal and the Fair Deal.

A comprehension of the nature of the boom will also make people more cautious in their business dealings. They will not fall victim to the deception that the boom will go on forever.

About this Quotation:

A key insight of the Austrian school of economics is that a credit expansion can lead to a boom in one sector of the market. Inevitably, the bad investments made in this sector are shown to be unsustainable and there is a slump or recession. As the U.S. and the rest of world go through a classic boom and economic collapse we turn again to Liberty Fund's "Library of the Works of Ludwig von Mises". Here is an article he wrote in 1951, some two years after his magnum opus *Human Action* appeared, where he lays out his case in a more popular form. The money sentences are "Economic theory has demonstrated in an irrefutable way that a prosperity created by an expansionist monetary and credit policy is illusory and must end in a slump, an economic crisis. It has happened again and again in the past, and it will happen in the future, too."

Source

Ludwig von Mises, *Economic Freedom and Interventionism: An Anthology of Articles and Essays*, selected and edited by Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007).
<http://oll.libertyfund.org/title/1887/109644/2285382>

Ludwig von Mises identifies the source of the disruption of the world monetary order as the failed policies of governments and their central banks (1934) (Oct 27, 2008)



Ludwig von Mises (1881 – 1973)

In 1952, the Austrian economist, Ludwig von Mises (1881-1973) argued that the disruption of the world monetary order was attributable to the policies of governments and their central banks:

Monetary Policy and the Present Trend Toward All-round Planning

The people of all countries agree that the present state of monetary affairs is unsatisfactory and that a change is highly desirable. However, ideas about the kind of reform needed and about the goal to be aimed at differ widely. There is some confused talk about stability and about a standard which is neither inflationary nor deflationary. The vagueness of the terms employed obscures the fact that people are still committed to the spurious and self-contradictory doctrines whose very application has created the present monetary chaos.

The destruction of the monetary order was the result of deliberate actions on the part of various governments. The government-controlled central banks and, in the United States, the government-controlled Federal Reserve System were the instruments applied in this process of disorganization and demolition. Yet without exception all drafts for an improvement of currency systems assign to the governments unrestricted supremacy in matters of currency and design fantastic images of superprivileged superbanks. Even the manifest futility of the International Monetary Fund does not deter authors from indulging in dreams about a world bank fertilizing mankind with floods of cheap credit.

The inanity of all these plans is not accidental. It is the logical outcome of the social philosophy of their authors.

Money is the commonly used medium of exchange. It is a market phenomenon. Its sphere

is that of business transacted by individuals or groups of individuals within a society based on private ownership of the means of production and the division of labor. This mode of economic organization—the market economy or capitalism—is at present unanimously condemned by governments and political parties. Educational institutions, from universities down to kindergartens, the press, the radio, the legitimate theater as well as the screen, and publishing firms are almost completely dominated by people in whose opinion capitalism appears as the most ghastly of all evils. The goal of their policies is to substitute “planning” for the alleged planlessness of the market economy. The term planning as they use it means, of course, central planning by the authorities, enforced by the police power. It implies the nullification of each citizen’s right to plan his own life. It converts the individual citizens into mere pawns in the schemes of the planning board, whether it is called Politburo, Reichswirtschaftsministerium, or some other name. Planning does not differ from the social system that Marx advocated under the names of socialism and communism. It transfers control of all production activities to the government and thus eliminates the market altogether. Where there is no market, there is no money either.

Although the present trend of economic policies leads toward socialism, the United States and some other countries have still preserved the characteristic features of the market economy. Up to now the champions of government control of business have not yet succeeded in attaining their ultimate goal.

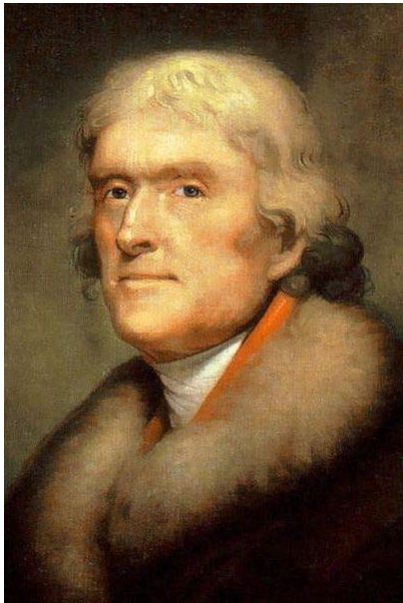
About this Quotation:

We continue our exploration of Liberty Fund’s “Library of the Works of Ludwig von Mises” in the middle of a very serious banking collapse. Mises wrote his great work on money and credit in 1912, its first English translation took place in 1934, and a second edition was published in English in 1952. In the 40 years between editions, Mises had witnessed the First World War and the inflation and economic collapse which followed, the German hyperinflation, the Great Depression, the Second World War, and the Chinese hyperinflation. In the light of these events he unequivocally lays the blame at the door of the government: “The destruction of the monetary order was the result of deliberate actions on the part of various governments. The government-controlled central banks and, in the United States, the government-controlled Federal Reserve System were the instruments applied in this process of disorganization and demolition.” The cause of these failed policies, in his view, is a bad economic theory about how the economy works: “The inanity of all these plans is not accidental. It is the logical outcome of the social philosophy of their authors.” Mises hoped that his life work would provide a new economic theory which would never permit another serious collapse to happen again. 56 years after he wrote those words it did happen again.

Source

Ludwig von Mises, *The Theory of Money and Credit*, trans. H.E. Batson (Indianapolis: Liberty Fund, 1981). <http://oll.libertyfund.org/title/1061/37321/1345738>

Thomas Jefferson in a letter to John Taylor condemns the system of banking as “a blot” on the constitution, as corrupt, and that long-term government debt was “swindling” future generations (1816) (Nov 10, 2008)



Thomas Jefferson (1743 – 1826)

In his retirement to Montecello Thomas Jefferson (1743-1826) complained about the lack of any good bookshops. So he was delighted to receive from John Taylor (1753-1824) a copy of his new book *An Inquiry into the Principles and Policy of the Government of the U.S.* (1814). This prompted a letter to Taylor (May 28, 1816) which reflected upon the nature of republics and of government debt.

TO JOHN TAYLOR
Monticello, May 28, 1816

Dear Sir,

—On my return from a long journey and considerable absence from home, I found here the copy of your Enquiry into the principles of our government, which you had been so kind as to send me; and for which I pray you to accept my thanks. The difficulties of getting new works in our situation, inland and without a single bookstore, are such as had prevented my obtaining a copy before; and letters which had accumulated during my absence, and were calling for answers, have not yet permitted me to give to the whole a thorough reading; yet certain that you and I could not think differently on the fundamentals of rightful government, I was impatient, and availed myself of the intervals of repose from the writing table, to obtain a cursory idea of the body of the work.

I see in it much matter for profound reflection; much which should confirm our adhesion, in practice, to the good principles of our constitution, and fix our attention on what is yet to be made good. The sixth section on the good moral principles of our government, I found so interesting and replete with sound principles, as to postpone my letter-writing yet to its thorough perusal and consideration. Besides much other good matter, it settles unanswerably the right of instructing representatives, and their duty to obey. **The system**

of banking we have both equally and ever reprobated. I contemplate it as a blot left in all our constitutions, which, if not covered, will end in their destruction, which is already hit by the gamblers in corruption, and is sweeping away in its progress the fortunes and morals of our citizens. Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth he made for their subsistence, unincumbered by their predecessors, who, like them, were but tenants for life. You have successfully and completely pulverized Mr. Adams' system of orders, and his opening the mantle of republicanism to every government of laws, whether consistent or not with natural right. Indeed, it must be acknowledged, that the term republic is of very vague application in every language. Witness the self-styled republics of Holland, Switzerland, Genoa, Venice, Poland. Were I to assign to this term a precise and definite idea, I would say, purely and simply, it means a government by its citizens in mass, acting directly and personally, according to rules established by the majority; and that every other government is more or less republican, in proportion as it has in its composition more or less of this ingredient of the direct action of the citizens. Such a government is evidently restrained to very narrow limits of space and population. I doubt if it would be practicable beyond the extent of a New England township. The first shade from this pure element, which, like that of pure vital air, cannot sustain life of itself, would be where the powers of the government, being divided, should be exercised each by representatives chosen either pro hac vice, or for such short terms as should render secure the duty of expressing the will of their constituents. This I should consider as the nearest approach to a pure republic, which is practicable on a large scale of country or population. And we have examples of it in some of our State constitutions, which, if not poisoned by priest-craft, would prove its excellence over all mixtures with other elements; and, with only equal doses of poison, would still be the best. Other shades of republicanism may be found in other forms of government, where the executive, judiciary and legislative functions, and the different branches of the latter, are chosen by the people more or less directly, for longer terms of years or for life, or made hereditary; or where there are mixtures of authorities, some dependent on, and others independent of the people. The further the departure from direct and constant control by the citizens, the less has the government of the ingredient of republicanism; evidently none where the authorities are hereditary, as in France, Venice, &c., or self-chosen, as in Holland; and little, where for life, in proportion as the life continues in being after the act of election.

The purest republican feature in the government of our own State, is the House of Representatives. The Senate is equally so the first year, less the second, and so on. The Executive still less, because not chosen by the people directly. The Judiciary seriously anti-republican, because for life; and the national arm wielded, as you observe, by military leaders, irresponsible but to themselves. Add to this the vicious constitution of our county courts (to whom the justice, the executive administration, the taxation, police, the military appointments of the county, and nearly all our daily concerns are confided), self-appointed, self-continued, holding their authorities for life, and with an impossibility of breaking in on the perpetual succession of any faction once possessed of the bench. They are in truth, the executive, the judiciary, and the military of their respective counties, and the sum of the counties makes the State. And add, also, that one half of our brethren who fight and pay taxes, are excluded, like Helots, from the rights of representation, as if society were instituted for the soil and not for the men inhabiting it; or one half of these

could dispose of the rights and the will of the other half, without their consent.

“What constitutes a State?

Not high-raised battlements, or labor’d mound,

Thick wall, or moated gate;

Not cities proud, with spires and turrets crown’d;

No: men, high minded men;

Men, who their duties know;

But know their rights; and knowing, dare maintain.

These constitute a State.”

In the General Government, the House of Representatives is mainly republican; the Senate scarcely so at all, as not elected by the people directly, and so long secured even against those who do elect them; the Executive more republican than the Senate, from its shorter term, its election by the people, in practice, (for they vote for A only on an assurance that he will vote for B,) and because, in practice also, a principle of rotation seems to be in a course of establishment; the judiciary independent of the nation, their coercion by impeachment being found nugatory.

If, then, the control of the people over the organs of their government be the measure of its republicanism, and I confess I know no other measure, it must be agreed that our governments have much less of republicanism than ought to have been expected; in other words, that the people have less regular control over their agents, than their rights and their interests require. And this I ascribe, not to any want of republican dispositions in those who formed these constitutions, but to a submission of true principle to European authorities, to speculators on government, whose fears of the people have been inspired by the populace of their own great cities, and were unjustly entertained against the independent, the happy, and therefore orderly citizens of the United States. Much I apprehend that the golden moment is past for reforming these heresies. The functionaries of public power rarely strengthen in their dispositions to abridge it, and an unorganized call for timely amendment is not likely to prevail against an organized opposition to it. We are always told that things are going on well; why change them? “Chi sta bene, non si muove,” said the Italian, “let him who stands well, stand still.” This is true; and I verily believe they would go on well with us under an absolute monarch, while our present character remains, of order, industry and love of peace, and restrained, as he would be, by the proper spirit of the people. But it is while it remains such, we should provide against the consequences of its deterioration. And let us rest in the hope that it will yet be done, and spare ourselves the pain of evils which may never happen.

On this view of the import of the term republic, instead of saying, as has been said, “that it may mean anything or nothing,” we may say with truth and meaning, that governments are more or less republican as they have more or less of the element of popular election and control in their composition; and believing, as I do, that the mass of the citizens is the safest depository of their own rights, and especially, that the evils flowing from the duperies of the people, are less injurious than those from the egoism of their agents, I am a friend to that composition of government which has in it the most of this ingredient. **And I sincerely believe, with you, that banking establishments are more dangerous than standing armies; and that the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale.**

I salute you with constant friendship and respect.

About this Quotation:

In this letter to John Taylor Thomas Jefferson has a very interesting and extended discussion about the true nature of republicanism. He defines it quite narrowly as “a government by its citizens in mass, acting and personally, according to rules established by the majority.” He then proceeds to list all the offices and branches of government where the practice falls short of the ideal, in other words where it has “deteriorated” from the founders' hopes and expectations. He blames this deterioration on “submission ... to European authorities”, the existence of “speculators on government”, and to “the duperies of the people.” In the course of this exposition, Jefferson writes an extraordinary attack on the banking system and public finance, calling the former “a blot on the constitution”, corrupt, and destructive of wealth; the latter he describes as “more dangerous than standing armies” and “swindling futurity on a large scale.” This dour essay is lightened up considerably by Jefferson quoting part of a poem by Sir William Jones (1746-1794) on “What constitutes a State?”. His answer is not the physical infrastructure like battlements, moats, ports or church spires; but “high-minded men” who know their duties and their rights and are willing to defend them against tyrants. That is a true state according to Jefferson.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 11. <http://oll.libertyfund.org/title/807/88161/2005262>

Ludwig von Mises lays out five fundamental truths of monetary expansion (1949) (Mar 23, 2009)



Ludwig von Mises (1881 – 1973)

The Austrian economist Ludwig von Mises (1881-1973), in the chapter "The Inflationist View of History" in his masterwork *Human Action* (1949), criticises the popular view that a policy of inflation (or a general rise in prices of all goods and services) is good for economic development

In the conduct of business, reflections concerning the secular trend of prices do not play any role whatever. Entrepreneurs and investors do not bother about secular trends. What guides their actions is their opinion about the movement of prices in the coming weeks, months, or at most years. They do not heed the general movement of all prices. What matters for them is the existence of discrepancies between the prices of the complementary factors of production and the anticipated prices of the products. No businessman embarks upon a definite production project because he believes that the prices, i.e., the prices of all goods and services, will rise. He engages himself if he believes that he can profit from a difference between the prices of goods of various orders. In a world with a secular tendency toward falling prices, such opportunities for earning profit will appear in the same way in which they appear in a world with a secular trend toward rising prices. The expectation of a general progressive upward movement of all prices does not bring about intensified production and improvement in well-being. It results in the "flight to real values," in the crack-up boom and the complete breakdown of the monetary system.

If the opinion that the prices of all commodities will drop becomes general, the short-term market rate of interest is lowered by the amount of the negative price premium. Thus the entrepreneur employing borrowed funds is secured against the consequences of such a drop in prices to the same extent to which, under conditions of rising prices, the lender is secured through the price premium against the consequences of falling purchasing power.

A secular tendency toward a rise in the monetary unit's purchasing power would require rules of thumb on the part of businessmen and investors other than those developed under

the secular tendency toward a fall in its purchasing power. But it would certainly not influence substantially the course of economic affairs. It would not remove the urge of people to improve their material well-being as far as possible by an appropriate arrangement of production. It would not deprive the economic system of the factors making for material improvement, namely, the striving of enterprising promoters after profit and the readiness of the public to buy those commodities which are apt to provide them the greatest satisfaction at the lowest costs.

Such observations are certainly not a plea for a policy of deflation. They imply merely a refutation of the ineradicable inflationist fables. They unmask the illusiveness of Lord Keynes's doctrine that the source of poverty and distress, of depression of trade, and of unemployment is to be seen in a "contractionist pressure." It is not true that "a deflationary pressure ... would have ... prevented the development of modern industry." It is not true that credit expansion brings about the "miracle ... of turning a stone into bread."

Economics recommends neither inflationary nor deflationary policy. It does not urge the governments to tamper with the market's choice of a medium of exchange. It establishes only the following truths:

- 1. By committing itself to an inflationary or deflationary policy a government does not promote the public welfare, the commonweal, or the interests of the whole nation. It merely favors one or several groups of the population at the expense of other groups.**
- 2. It is impossible to know in advance which group will be favored by a definite inflationary or deflationary measure and to what extent. These effects depend on the whole complex of the market data involved. They also depend largely on the speed of the inflationary or deflationary movements and may be completely reversed with the progress of these movements.**
- 3. At any rate, a monetary expansion results in misinvestment of capital and overconsumption. It leaves the nation as a whole poorer, not richer. These problems are dealt with in Chapter 20.**
- 4. Continued inflation must finally end in the crack-up boom, the complete breakdown of the currency system.**
- 5. Deflationary policy is costly for the treasury and unpopular with the masses. But inflationary policy is a boon for the treasury and very popular with the ignorant. Practically, the danger of deflation is but slight and the danger of inflation tremendous.**

About this Quotation:

We continue our exploration of Austrian monetary theory in Liberty Fund's "Library of the Works of Ludwig von Mises". In his magnum opus *Human Action* Mises has a chapter with the puzzling title "The Inflationist View of History". Here he debunks the popular notion that government policy to lower the cost of money has had a beneficial effect on the course of history and economic development. In the process he formulates 5 "truths" concerning inflation and monetary expansion: it favors one group at the expense of all others; it is not possible to predict which group will benefit from a particular period of inflation; it always results in malinvestment of capital which must be liquidated in the following collapse; an economic collapse is inevitable and cannot be avoided; and inflation is a boon to the treasury but very dangerous for ordinary people.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 2. <http://oll.libertyfund.org/title/1894/110487/2299483>

Ludwig von Mises argues that sound money is an instrument for the protection of civil liberties and a means of limiting government power (1912) (Apr 6, 2009)



Ludwig von Mises (1881 – 1973)

The Austrian economist Ludwig von Mises (1881-1973), argues in *The Theory of Money and Credit* (1912) that "sound money" was a crucial part of classical liberal theory because it was the market's choice of a commonly used medium of exchange and also a method for obstructing the government's propensity to meddle with the currency system:

The Classical Idea of Sound Money

The principle of sound money that guided nineteenth-century monetary doctrines and policies was a product of classical political economy. It was an essential part of the liberal program as developed by eighteenth-century social philosophy and propagated in the following century by the most influential political parties of Europe and America.

The liberal doctrine sees in the market economy the best, even the only possible, system of economic organization of society. Private ownership of the means of production tends to shift control of production to the hands of those best fitted for this job and thus to secure for all members of society the fullest possible satisfaction of their needs. It assigns to the consumers the power to choose those purveyors who supply them in the cheapest way with the articles they are most urgently asking for and thus subjects the entrepreneurs and the owners of the means of production, namely, the capitalists and the landowners, to the sovereignty of the buying public. It makes nations and their citizens free and provides ample sustenance for a steadily increasing population.

As a system of peaceful cooperation under the division of labor, the market economy could not work without an institution warranting to its members protection against domestic gangsters and external foes. Violent aggression can be thwarted only by armed resistance and repression. Society needs an apparatus of defense, a state, a government, a

police power. Its undisturbed functioning must be safeguarded by continuous preparedness to repel aggressors. But then a new danger springs up. How keep under control the men entrusted with the handling of the government apparatus lest they turn their weapons against those whom they were expected to serve? The main political problem is how to prevent the rulers from becoming despots and enslaving the citizenry. Defense of the individual's liberty against the encroachment of tyrannical governments is the essential theme of the history of Western civilization. The characteristic feature of the Occident is its peoples' pursuit of liberty, a concern unknown to Orientals. All the marvelous achievements of Western civilization are fruits grown on the tree of liberty.

It is impossible to grasp the meaning of the idea of sound money if one does not realize that it was devised as an instrument for the protection of civil liberties against despotic inroads on the part of governments. Ideologically it belongs in the same class with political constitutions and bills of rights. The demand for constitutional guarantees and for bills of rights was a reaction against arbitrary rule and the nonobservance of old customs by kings. The postulate of sound money was first brought up as a response to the princely practice of debasing the coinage. It was later carefully elaborated and perfected in the age which—through the experience of the American continental currency, the paper money of the French Revolution and the British restriction period—had learned what a government can do to a nation's currency system.

Modern cryptodespotism, which arrogates to itself the name of liberalism, finds fault with the negativity of the concept of freedom. The censure is spurious as it refers merely to the grammatical form of the idea and does not comprehend that all civil rights can be as well defined in affirmative as in negative terms. They are negative as they are designed to obviate an evil, namely omnipotence of the police power, and to prevent the state from becoming totalitarian. They are affirmative as they are designed to preserve the smooth operation of the system of private property, the only social system that has brought about what is called civilization.

Thus the sound-money principle has two aspects. It is affirmative in approving the market's choice of a commonly used medium of exchange. It is negative in obstructing the government's propensity to meddle with the currency system.

About this Quotation:

In the middle of a serious monetary crisis we again turn to Ludwig von Mises for insights. In 1912 he published *The Theory of Money and Credit* in which he discussed the political and social consequences of a policy of "sound money" (by this he meant money which could not be manipulated by governments for their own ends). In an insight not shared by mainstream economists, Mises argues that sound money policies were part of the 18th and 19th century classical liberal agendas to expand individual liberty and to restrict government power. This is an important aspect of history which most people have lost sight of today to their great cost and inconvenience.

Source

Ludwig von Mises, *The Theory of Money and Credit*, trans. H.E. Batson (Indianapolis: Liberty Fund, 1981). <http://oll.libertyfund.org/title/1061/37301/1345654>

Mises on the gold standard as the symbol of international peace and prosperity (1949) (Nov 22, 2010)



Ludwig von Mises (1881 – 1973)

Ludwig von Mises (1881-1973) noted that the gold standard had both practical and symbolic significance. It was a major means which enabled international trade to flourish and the industrial system to increase dramatically the wealth of all people. Yet, it was correctly identified by economic nationalists as a brake on the expansion of government power, especially by credit expansion and debt, and for that reason had to be dismantled:

Men have chosen the precious metals gold and silver for the money service on account of their mineralogical, physical, and chemical features. The use of money in a market economy is a praxeologically necessary fact. That gold—and not something else—is used as money is merely a historical fact and as such cannot be conceived by catallactics. In monetary history too, as in all other branches of history, one must resort to historical understanding. If one takes pleasure in calling the gold standard a “barbarous relic,” one cannot object to the application of the same term to every historically determined institution. Then the fact that the British speak English—and not Danish, German, or French—is a barbarous relic too, and every Briton who opposes the substitution of Esperanto for English is no less dogmatic and orthodox than those who do not wax rapturous about the plans for a managed currency.

The demonetization of silver and the establishment of gold monometallism was the outcome of deliberate government interference with monetary matters. It is pointless to raise the question concerning what would have happened in the absence of these policies. But it must not be forgotten that it was not the intention of the governments to establish the gold standard. What the governments aimed at was the double standard. They wanted to substitute a rigid, government-decreed exchange ratio between gold and silver for the fluctuating market ratios between the independently coexistent gold and silver coins. The monetary doctrines underlying these endeavors misconstrued the market phenomena in that complete way in which only bureaucrats can misconstrue them. The attempts to create a double standard of both metals, gold and silver, failed lamentably. It was this

failure which generated the gold standard. The emergence of the gold standard was the manifestation of a crushing defeat of the governments and their cherished doctrines.

In the seventeenth century the rates at which the English government tarified the coins overvalued the guinea with regard to silver and thus made the silver coins disappear. Only those silver coins which were much worn by usage or in any other way defaced or reduced in weight remained in current use; it did not pay to export and to sell them on the bullion market. Thus England got the gold standard against the intention of its government. Only much later the laws made the de facto [actual] gold standard a de jure [legal] standard. The government abandoned further fruitless attempts to pump silver standard coins into the market and minted silver only as subsidiary coins with a limited legal tender power. These subsidiary coins were not money, but money-substitutes. Their exchange value depended not on their silver content, but on the fact that they could be exchanged at every instant, without delay and without cost, at their full face value against gold. They were de facto silver printed notes, claims against a definite amount of gold.

Later in the course of the nineteenth century the double standard resulted in a similar way in France and in the other countries of the Latin Monetary Union in the emergence of de facto gold monometallism. When the drop in the price of silver in the later 'seventies would automatically have effected the replacement of the de facto gold standard by the de facto silver standard, these governments suspended the coinage of silver in order to preserve the gold standard. In the United States the price structure on the bullion market had already, before the outbreak of the Civil War, transformed the legal bimetallism into de facto gold monometallism. After the greenback period there ensued a struggle between the friends of the gold standard on the one hand and those of silver on the other hand. The result was a victory for the gold standard. Once the economically most advanced nations had adopted the gold standard, all other nations followed suit. After the great inflationary adventures of the first World War most countries hastened to return to the gold standard or the gold exchange standard.

The gold standard was the world standard of the age of capitalism, increasing welfare, liberty, and democracy, both political and economic. In the eyes of the free traders its main eminence was precisely the fact that it was an international standard as required by international trade and the transactions of the international money and capital market. It was the medium of exchange by means of which Western industrialism and Western capital had borne Western civilization into the remotest parts of the earth's surface, everywhere destroying the fetters of age-old prejudices and superstitions, sowing the seeds of new life and new well-being, freeing minds and souls, and creating riches unheard of before. It accompanied the triumphal unprecedented progress of Western liberalism ready to unite all nations into a community of free nations peacefully cooperating with one another.

It is easy to understand why people viewed the gold standard as the symbol of this greatest and most beneficial of all historical changes. All those intent upon sabotaging the evolution toward welfare, peace, freedom, and democracy loathed the gold standard, and not only on account of its economic significance. In their eyes the gold standard was the labarum [(Latin) derived from the Roman, or Imperial, standard or symbol for which men live or die], the symbol, of all those doctrines and policies they wanted to destroy. In the struggle against the gold standard much more

was at stake than commodity prices and foreign exchange rates.

The nationalists are fighting the gold standard because they want to sever their countries from the world market and to establish national autarky as far as possible. Interventionist governments and pressure groups are fighting the gold standard because they consider it the most serious obstacle to their endeavors to manipulate prices and wage rates. But the most fanatical attacks against gold are made by those intent upon credit expansion. With them credit expansion is the panacea for all economic ills. It could lower or even entirely abolish interest rates, raise wages and prices for the benefit of all except the parasitic capitalists and the exploiting employers, free the state from the necessity of balancing its budget—in short, make all decent people prosperous and happy. Only the gold standard, that devilish contrivance of the wicked and stupid “orthodox” economists, prevents mankind from attaining everlasting prosperity.

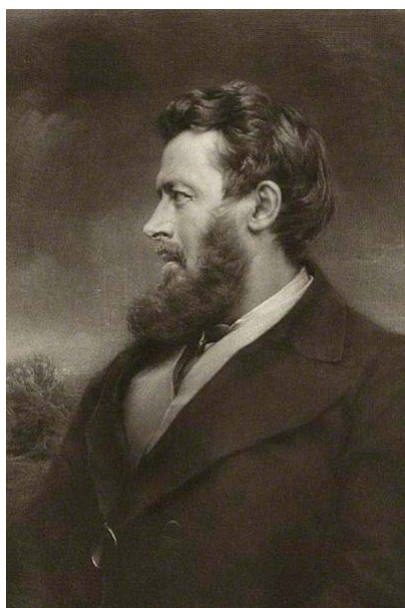
About this Quotation:

Mises agreed that the gold standard, “that barbarous relic”, was “merely” an historically determined institution, the use of which was not mandated by pure economic theory. However, it served such a useful function in promoting trade and productive activity that it had become a key institution in western societies up to the outbreak of the First World War. Having lived through the economic and monetary upheavals of the war and its aftermath Mises was sensitive to the demands of the state that it be “freed” from the restrictions which the gold standard placed on its banking, credit, taxing, and trade policies. By the time he came to write the first edition of his magnum opus, *Human Action* (1949), the gold standard had become the symbol of the old capitalist order which had to be destroyed if states wanted to pursue policies of credit expansion and currency manipulation – which they all did. Mises continued to vigorously defend the gold standard as an essential non-state institution which could be used to defend the ordinary person from ruinous policies of the modern nation state.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 2. <http://oll.libertyfund.org/title/1894/110489/2299491>

Bagehot on Government, the banking system, and moral hazard (1873) (Jan 11, 2011)



Walter Bagehot (1826 – 1877)

The British economic journalist Walter Bagehot (1826-1877) wrote in 1873 a perceptive analysis of the dangers of government meddling in the money market in general and in banking in particular. Without using the exact term he came up with the idea that a “moral hazard” would occur if the government propped up a failing bank leading other banks to assume that the same would happen to them if they were reckless in their handling of money:

Nothing can be truer in theory than the economical principle that banking is a trade and only a trade, and nothing can be more surely established by a larger experience than that a Government which interferes with any trade injures that trade. The best thing undeniably that a Government can do with the Money Market is to let it take care of itself.

But a Government can only carry out this principle universally if it observe one condition: it must keep its own money. The Government is necessarily at times possessed of large sums in cash. It is by far the richest corporation in the country; its annual revenue payable in money far surpasses that of any other body or person. And if it begins to deposit this immense income as it accrues at any bank, at once it becomes interested in the welfare of that bank. It cannot pay the interest on its debt if that bank cannot produce the public deposits when that interest becomes due; it cannot pay its salaries, and defray its miscellaneous expenses, if that bank fail at any time. A modern Government is like a very rich man with very great debts which he cannot well pay; its credit is necessary to its prosperity, almost to its existence, and if its banker fail when one of its debts becomes due its difficulty is intense.

Another banker, it will be said, may take up the Government account. He may advance, as is so often done in other bank failures, what the Government needs for the moment in order to secure the Government account in future. But the imperfection of this remedy is that it fails in the very worst case. In a panic, and at a general collapse of credit, no such banker will probably be found. The old banker who possesses the Government deposit

cannot repay it, and no banker not having that deposit will, at a bad crisis, be able to find the £5,000,000 or £6,000,000 which the quarter day of a Government such as ours requires. If a Finance Minister, having entrusted his money to a bank, begins to act strictly, and say he will in all cases let the Money Market take care of itself, the reply is that in one case the Money Market, will take care of him too, and he will be insolvent.

In the infancy of banking it is probably much better that a Government should as a rule keep its own money. If there are not banks in which it can place secure reliance, it should not seem to rely upon them. **Still less should it give peculiar favour to any one, and by entrusting it with the Government account secure to it a mischievous supremacy above all other banks. The skill of a financier in such an age is to equalise the receipt of taxation, and the outgoing of expenditure; it should be a principal care with him to make sure that more should not be locked up at a particular moment in the Government coffers than is usually locked up there. If the amount of dead capital so buried in the Treasury does not at any time much exceed the common average, the evil so caused is inconsiderable: it is only the loss of interest on a certain sum of money, which would not be much of a burden on the whole nation; the additional taxation it would cause would be inconsiderable. Such an evil is nothing in comparison with that of losing the money necessary for inevitable expense by entrusting it to a bad bank, or that of recovering this money by identifying the national credit with the bad bank and so propping it up and perpetuating it. So long as the security of the Money Market is not entirely to be relied on, the Government of a country had much better leave it to itself and keep its own money. If the banks are bad, they will certainly continue bad and will probably become worse if the Government sustains and encourages them. The cardinal maxim is, that any aid to a present bad bank is the surest mode of preventing the establishment of a future good bank.**

About this Quotation:

Walter Bagehot came to the firm conclusion that banking was a trade like any other, that all government interference in a trade causes injury to that trade, and that therefore the best policy for a government to follow was that of *laissez-faire* ["let it take care of itself"]. If a government did step in to save a failing bank (in this case by depositing government funds in the bank to prop it up) then the rescued bank enjoyed what he called "a mischievous supremacy" over the other banks which were not so favored by the government. The net result was that a bad bank was allowed to continue to function, thus creating what we now call a "moral hazard". Bagehot called his conclusion on this matter "the cardinal maxim", namely "that any aid to a present bad bank is the surest mode of preventing the establishment of a future good bank."

Source

Walter Bagehot, *The Works and Life of Walter Bagehot*, ed. Mrs. Russell Barrington. The Works in Nine Volumes. The Life in One Volume. (London: Longmans, Green, and Co., 1915). Vol. 6.
<http://oll.libertyfund.org/title/2264/213065/3442576>

Mises on classical liberalism and the gold standard (1928) (Oct 17, 2011)



Ludwig von Mises (1881 – 1973)

In an essay written in 1928 the Austrian economist Ludwig von Mises (1881-1973) argued that the major reason why classical liberals in the 19th century favored money based on a gold standard was because it meant that the value of money/gold was “independent of any direct manipulation by governments, political policies, public opinion or parliaments”:

Liberalism and the Gold Standard

Monetary policy of the preliberal era was either crude coin debasement, for the benefit of financial administration (only rarely intended as *Seisachtheia*, i.e., to nullify outstanding debts), or still more crude paper money inflation. However, in addition to, sometimes even instead of, its fiscal goal, the driving motive behind paper money inflation very soon became the desire to favor the debtor at the expense of the creditor.

In opposing the depreciated paper standard, liberalism frequently took the position that after an inflation the value of paper money should be raised, through contraction, to its former parity with metallic money. It was only when men had learned that such a policy could not undo or reverse the “unfair” changes in wealth and income brought about by the previous inflationary period and that an increase in the purchasing power per unit [by contraction or deflation] also brings other unwanted shifts of wealth and income, that the demand for return to a metallic standard at the debased monetary unit’s current parity gradually replaced the demand for restoration at the old parity.

In opposing a single precious metal standard, monetary policy exhausted itself in the fruitless attempt to make bimetallism an actuality. The results which must follow the establishment of a legal exchange ratio between the two precious metals, gold and silver, have long been known, even before Classical economics developed an understanding of the regularity of market phenomena. Again and again Gresham’s Law, which applied the

general theory of price controls to the special case of money, demonstrated its validity. Eventually, efforts were abandoned to reach the ideal of a bimetallic standard. The next goal then became to free international trade, which was growing more and more important, from the effects of fluctuations in the ratio between the prices of the gold standard and the suppression of the alternating [bimetallic] and silver standards. Gold then became the world's money.

With the attainment of gold monometallism, liberals believed the goal of monetary policy had been reached. (The fact that they considered it necessary to supplement monetary policy through banking policy will be examined later in considerable detail.) The value of gold was then independent of any direct manipulation by governments, political policies, public opinion or parliaments. So long as the gold standard was maintained, there was no need to fear severe price disturbances from the side of money. The adherents of the gold standard wanted no more than this, even though it was not clear to them at first that this was all that could be attained.

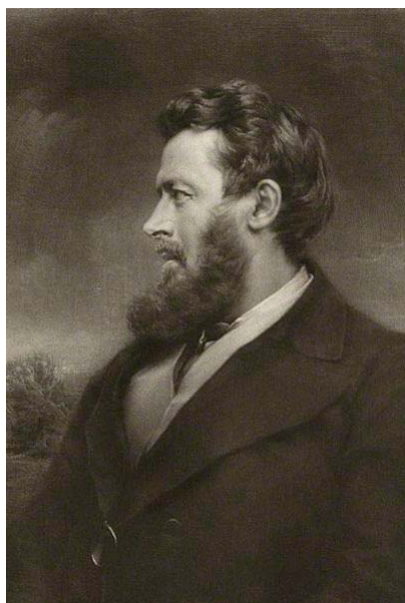
About this Quotation:

Mises had been an adviser to the Austrian government on money and banking matters following the First World War when the full extent of the massive losses, inflation, and national debt incurred during the war began to be realised. He also witnessed the hyperinflation the Weimar Republic suffered in 1923, the doomed attempts by Britain to return to a gold standard based upon pre-war exchange rates which did not take into account the dramatic changes in relative prices which had taken place during the war, and then the stock market collapse of 1929. Out of these momentous events he formulated his theory of money and the business cycle which in summary is a strong defence of the gold standard to prevent governments and their central banks from manipulating currency, and a theory of the business cycle which argued that government manipulation of interest rates for political purposes created malinvestments by businesses which were eventually shown to be unsustainable and needed to be liquidated and reinvested elsewhere, thus causing a “depression.”

Source

Ludwig von Mises, *On the Manipulation of Money and Credit: Three Treatises on Trade-Cycle Theory*. Translated and with a Foreword by Bettina Bien Greaves,. Edited by Percy L. Greaves, Jr. (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2401/226752/3876813>

Bagehot on the monopoly central bank (1873) (Jan 23, 2012)



[Walter Bagehot](#) (1826 – 1877)

The British journalist and editor of *The Economist* magazine Walter Bagehot (1826-1877) points out the “anomalous” and potentially “very dangerous” situation of a government controlled, monopoly central bank but can’t quite bring himself to suggest it be replaced by free competition:

I shall have failed in my purpose if I have not proved that the system of entrusting all our reserve to a single board, like that of the Bank directors, is very anomalous; that it is very dangerous; that its bad consequences, though much felt, have not been fully seen; that they have been obscured by traditional arguments and hidden in the dust of ancient controversies.

But it will be said—What would be better? What other system could there be? We are so accustomed to a system of banking, dependent for its cardinal function on a single bank, that we can hardly conceive of any other. But the natural system—that which would have sprung up if Government had let banking alone—is that of many banks of equal or not altogether unequal size. In all other trades competition brings the traders to a rough approximate equality. In cotton spinning, no single firm far and permanently outstrips the others. There is no tendency to a monarchy in the cotton world; nor, where banking has been left free, is there any tendency to a monarchy in banking either. In Manchester, in Liverpool, and all through England, we have a great number of banks, each with a business more or less good, but we have no single bank with any sort of predominance; nor is there any such bank in Scotland. In the new world of joint stock banks outside the Bank of England, we see much the same phenomenon. One or more get for a time a better business than the others, but no single bank permanently obtains an unquestioned predominance. None of them gets so much before the others that the others voluntarily place their reserves in its keeping. A republic with many competitors of a size or sizes suitable to the business, is the constitution of every trade if left to itself, and of banking as much as any other. A monarchy in any trade is a sign of some anomalous advantage, and of some intervention from without.

I shall be at once asked—Do you propose a revolution? Do you propose to abandon the

one-reserve system, and create anew a many-reserve system? My plain answer is that I do not propose it. I know it would be childish. Credit in business is like loyalty in Government. You must take what you can find of it, and work with it if possible. A theorist may easily map out a scheme of Government in which Queen Victoria could be dispensed with. He may make a theory that, since we admit and we know that the House of Commons is the real sovereign, any other sovereign is superfluous; but for practical purposes, it is not even worth while to examine these arguments. Queen Victoria is loyally obeyed—without doubt, and without reasoning—by millions of human beings. If those millions began to argue, it would not be easy to persuade them to obey Queen Victoria, or anything else. Effectual arguments to convince the people who need convincing are wanting. Just so, an immense system of credit, founded on the Bank of England as its pivot and its basis, now exists. The English people, and foreigners too, trust it implicitly. Every banker knows that if he has to prove that he is worthy of credit, however good may be his arguments, in fact his credit is gone: but what we have requires no proof. The whole rests on an instinctive confidence generated by use and years. Nothing would persuade the English people to abolish the Bank of England; and if some calamity swept it away, generations must elapse before at all the same trust would be placed in any other equivalent. A many-reserve system, if some miracle should put it down in Lombard Street, would seem monstrous there. Nobody would understand it, or confide in it. Credit is a power which may grow, but cannot be constructed. Those who live under a great and firm system of credit must consider that if they break up that one they will never see another, for it will take years upon years to make a successor to it.

About this Quotation:

Bagehot comes to the reluctant conclusion that a monopoly in a national central bank is both dangerous and counter to the natural operation of the free market. He did not go as far as his friend and colleague James Wilson of *The Economist* did in advocating competition in the provision of money and banking services (“free banking”) for a variety of reasons. One was that he likened a monopoly central bank to the position of the monarch (like Queen Victoria) and free banking to that of a republican form of government. A monopoly central bank currently existed in Britain and had done so for centuries, as did the monarchy, and to change either would be tantamount to a “revolution” which a sober Victorian gentleman like himself could never contemplate. It would be better in his mind to “(obey)—without doubt, and without reasoning” and not delve too deeply into the legitimacy of either institution.

Source

Walter Bagehot, *The Works and Life of Walter Bagehot*, ed. Mrs. Russell Barrington. The Works in Nine Volumes. The Life in One Volume. (London: Longmans, Green, and Co., 1915). Vol. 6.
<http://oll.libertyfund.org/title/2264/213057/3442530>

David Ricardo on the “mere increase of money” (1809) (May 21, 2012)



David Ricardo (1772 – 1823)

After Britain went off the gold standard so it could increase funding the war against Napoleon, the English economist David Ricardo (1772-1823) argued that the general increase in prices was a direct result of this policy and, in a series of articles which appeared in 1809, asked “Why should the mere increase of money have any other effect than to lower its value?”:

3. Why should the mere increase of money have any other effect than to lower its value? How would it cause any increase in the production of commodities?

4. This is true taking all commodities together, —but fashion or other causes may create an increased demand for one article and consequently the demand for some one or more of others must diminish. Will not this operate on prices?

The author evidently means all commodities together or the mass of prices.

5. Is not this assuming that what is not spent is hoarded. The revenue is in all cases spent, but in one case the objects on which it is expended are consumed, and nothing reproduced in the other those objects form a new capital tending to increased production.

6. If any rise in the price of commodities is caused in the way here supposed it must be by diminishing the amount of commodities, which will make the money which circulates them more relatively abundant. If the commodities remained the same and their price was increased, more money would be absolutely necessary to circulate them. But if it is the mass of prices of which the author speaks, he is mistaken because what one commodity rose in price another would fall.

7. These arguments are all founded on the supposition of the country to which they are applied being insulated from all others. If not it is evident that the rapidity of the circulation would cause an exportation of money, and would not therefore raise prices at

home.

8. If by increase of capital he could increase his productions the price of them or of some other commodities² must fall unless the money of the country has been also increased.

9. In this conclusion I perfectly agree³ if the author means the mass of prices, but a hundred articles might have risen, whilst another hundred might have fallen in consequence of increased or decreased demand, increased or decreased knowledge in the best means of producing them. Nay the mass of prices might remain the same tho' each individual article had risen in consequence of taxation.

[9½.] Money cannot call forth goods,—but goods can call forth money.

The revenue of nations divided in two portions that expended on consumable commodities, and that saved for future capital a source of great error as their effects on prices the same.

10. Here again it is supposed that the augmentation of money precedes the augmentation of goods. I am of opinion however that it would seldom cause any augmentation of goods, and if it did it would be before prices had found their new level. It would be effected by turning a part of that fund destined for the wages of labour for a short time into capital.

About this Quotation:

The English stockbroker and economist David Ricardo (1772-1823) got involved in an important debate in 1809-10 known as the Bullion Controversy. The British government went off the gold standard in order to increase funding for the war against Napoleon which inevitably led to an expansion in the money supply and a general increase in prices (inflation). Economists were divided as to why prices in general were rising but Ricardo was a supporter of gold backed currency and saw inflation as a direct result of the change in the government's money and banking policy. After his initial essay on "The Price of Gold" was published in August 1809 a number of critics wrote letters to the magazine to which Ricardo responded. This quotation comes from one of those replies which were written between September and November. In it Ricardo writes like an "anti-Keynesian" in arguing that greater output can only come about as a result of greater savings not as a result of a greater quantity of money being put into circulation: "Money cannot call forth goods, —but goods can call forth money."

Source

David Ricardo, *The Works and Correspondence of David Ricardo*, ed. Piero Sraffa with the Collaboration of M.H. Dobb (Indianapolis: Liberty Fund, 2005). Vol. 3 *Pamphlets and Papers 1809-1811*. <http://oll.libertyfund.org/title/204/38576/883529>

The 11th Day of Christmas: Mises on the gold standard and peace on earth (1934) (Jan 4, 2013)



Ludwig von Mises (1881 – 1973)

In 1934 in the midst of the great depression the Austrian economist Ludwig von Mises (1881-1973) contrasted the economic policies of Fascist Europe and New Deal America with those of the liberal 19th century. The latter was one of the international division of labor, free trade, and the gold standard. The former advocated national autarky, severe trade restrictions, and government fiat currency. Mises believed that only the latter would permit prosperity and peace on earth to prevail:

The dislocation of the monetary and credit system that is nowadays going on everywhere is not due—the fact cannot be repeated too often—to any inadequacy of the gold standard. The thing for which the monetary system of our time is chiefly blamed, the fall in prices during the last five years, is not the fault of the gold standard, but the inevitable and ineluctable consequence of the expansion of credit, which was bound to lead eventually to a collapse. And the thing which is chiefly advocated as a remedy is nothing but another expansion of credit, such as certainly might lead to a transitory boom, but would be bound to end in a correspondingly severer crisis.

The difficulties of the monetary and credit system are only a part of the great economic difficulties under which the world is at present suffering. **It is not only the monetary and credit system that is out of gear, but the whole economic system. For years past, the economic policy of all countries has been in conflict with the principles on which the nineteenth century built up the welfare of the nations. International division of labor is now regarded as an evil, and there is a demand for a return to the autarky of remote antiquity. Every importation of foreign goods is heralded as a misfortune, to be averted at all costs. With prodigious ardour, mighty political parties proclaim the gospel that peace on earth is undesirable and that war alone means progress. They do not content themselves with describing war as a reasonable form of international intercourse, but recommend the employment of force of arms for the suppression of opponents even in the solution of questions of domestic politics. Whereas liberal economic policy took pains to avoid putting obstacles in the way of developments**

that allotted every branch of production to the locality in which it secured the greatest productivity to labor, nowadays the endeavor to establish enterprises in places where the conditions of production are unfavorable is regarded as a patriotic action that deserves government support. To demand of the monetary and credit system that it should do away with the consequences of such perverse economic policy, is to demand something that is a little unfair.

All proposals that aim to do away with the consequences of perverse economic and financial policy, merely by reforming the monetary and banking system, are fundamentally misconceived. Money is nothing but a medium of exchange and it completely fulfills its function when the exchange of goods and services is carried on more easily with its help than would be possible by means of barter. Attempts to carry out economic reforms from the monetary side can never amount to anything but an artificial stimulation of economic activity by an expansion of the circulation, and this, as must constantly be emphasized, must necessarily lead to crisis and depression. Recurring economic crises are nothing but the consequence of attempts, despite all the teachings of experience and all the warnings of the economists, to stimulate economic activity by means of additional credit.

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

Mises' great work on monetary theory was first published in 1912. In an introduction to the English translation which appeared in 1934 he provides a brilliant summary of his ideas as well as an analysis of the policies which resulted in the Great Depression. All countries, including Great Britain, the fascist states of Europe, and New Deal America under Roosevelt, refused for political reasons to allow relative prices to adjust to the new economic circumstances which existed after the economic destruction and distortion caused by the First World War. Without this readjustment of prices there could be no “purging process of the crisis” which was essential he believed before economic prosperity could return. Governments sought to manipulate their currencies and interest rates in order to prevent this necessary purging from taking place. In the concluding paragraphs of the introduction he contrasts the peace and prosperity of the 19th century, when policies of the international division of labor, free trade, and the gold standard were pursued, with the disastrous policies of the 1920s and 1930s which promoted national autarky, severe trade restrictions, and government fiat currency. The latter Mises thought would lead to war and economic catastrophe, while only strict adherence to free trade and a gold standard would allow prosperity and “peace on earth” to flourish once again.

Source

Ludwig von Mises, *The Theory of Money and Credit*, trans. H.E. Batson (Indianapolis: Liberty Fund, 1981). <http://oll.libertyfund.org/title/1061/37025/1344602>

William Cobbett opposes the government bail-out at taxpayer expanse of those who lent money to the state (1815) (Jul 22, 2013)



[William Cobbett](#) (1763 – 1835)

The English radical William Cobbett (1763-1835) did not believe that the British taxpayer should bail out those who had lent money to the British government which had been so profligate in its spending during the wars against Napoleon:

These conferences will not, I trust, as some persons appear to suppose, lead to any application of the public money, that is to say, of the taxes, to the assisting, as it is called, of these Loan-holders. The Loan-holders, or Loan-makers, have never been known to return to the people any part of the immense profits, which they, from time to time, have made upon their loaning transactions. We see, from one of the above-quoted passages, that Sir Francis Baring has gained enough to lay out half a million of money in freehold estates. Great part of this was, it is reasonable to suppose, gained by the many loans to government, in which he has been at different times concerned. Well, then, if these profits, these immense gains, be considered as fairly belonging to him, or his heirs and successors; and, if we view the not less immense gains of Goldsmidt in the same light; if the gains be theirs, ought not the loss to be theirs also? Upon any other principle, what a sort of bargain would a government loan be? A bargain where all the chance of gain would be on one side, and all the chance of loss on the other. If the loan-maker gained, well; but, if he lost, the people must make good his loss. Is this the way that dealings take place between man and man? Is there any one of you, Gentlemen, who would sell a load of wheat to a miller, leaving him the chance of gaining by it, and, if he happened to lose by it, would give him back again the amount of his loss? Oh, no! You would keep the whole of the price of your wheat, and leave the miller to console himself in counting his gains upon other occasions.

But, if contrary to my wish and expectation, “relief,” as it is called, were to be given to these persons, in what way could it be done? The loan is made and ratified in virtue of an Act of Parliament. There can be no alteration made in the bargain; there can be no change in the terms of payment; there can be no abatement in the demands of the government,

without another Act of Parliament, previously passed. Those who made the loan must pay the 14 millions into the King's Exchequer, let what will be their loss upon the transaction, unless indeed, the whole of their property, real and personal, be insufficient for the purpose; and, in that case, the people have a right to expect, that the government will take care to hold back from the loan-makers, or to recover from them, so much of the new Stock as will not leave the loan-makers a farthing in the people's debt.

Loyalty Loan. During Pitt's Anti-jacobin War, which, as you will bear in mind, was to succeed by producing the destruction of the paper-money in France; during that war, which was to diminish the power of France, and to restore the Bourbons by the means of ruin to the French finances; during that famous war, which was to plunge, and which, as Pitt told us, did plunge, France "into the very gulph of Bankruptcy;" during that renowned war, there was what was called a "LOYALTY LOAN." People were invited in the name of loyalty, to come forward and lend their money to the government, for the purpose of carrying on the Anti-jacobin war with vigour; and, at the same time, no very unintelligible hints were given, in some of the public prints, that those who had it in their power to lend, and did not lend, upon this occasion, were deficient in point of loyalty, an imputation not very pleasant at any time, and, at the time to which we are referring, singularly inconvenient. The Loyalty Loan was accomplished; but, owing to some cause or other, it did not prove to be a profitable concern for the lenders; and, as in the case of the present loan, as far as it has gone, the loan fell to a discount, and a loss was sustained upon it. Such loss, one might have expected, would have been not only contentedly, but gladly, sustained, as a sacrifice upon the altar of loyalty; and this, it was said by Pitt, would have been the case, but that he and his associates in the ministry, did not think it wise to suffer loyalty so disinterested to experience any loss. An act, therefore, was passed for making good to the lenders whatever they would otherwise have lost by their ardent affection for their king and country, and loyalty was thus prevented from costing them any thing.

About this Quotation:

Cobbett was a vehement critic of the British government's costly war against Napoleon because it introduced what he called a "Paper-Money System" to fund the war. The Bank of England suspended payment of specie (gold) in 1797 and replaced it with a paper currency which depreciated in value. Cobbett realised that this depreciation harmed the ordinary working people of England who saw their wages steadily lose purchasing power. This caused greatest hardship among the labouring poor whom he championed in his writings. In this quotation he discusses the problem of repaying those who lent money to the government. The Loan-holders did not want to be paid back in paper money which had depreciated in value but wanted the government, that is the taxpayers, to repay the loans at the higher pre-devalued rate. Cobbett argued that only those who were forced to lend money to the state should be recompensed. All others should accept the risk that lending money to a profligate government entails. For further information see David Ricardo on the Bullion Controversy and James Gillray's cartoons on war and taxes.

Source

William Cobbett, *Paper against Gold and Glory against Prosperity. Or, An Account of the Rise, Progress, Extent, and Present State of the Funds and of the Paper-Money of Great Britain; and also of the Situation of that Country as to its Debt and other Expenses; its Taxes, Population, and Paupers; drawn from authentic Documents, and brought down to the end of the Year 1814. In two vols.*

Mises on the State Theory of Money (1912) (Dec 15, 2013)



[Ludwig von Mises](#) (1881 – 1973)

In his path-breaking book *The Theory of Money and Credit* (1912) the Austrian economist Ludwig von Mises (1881-1973) contrasts two very different ways by which money gets its value – either by “the command of the state”, or “on the estimation of commerce”:

According to the naivest and most primitive of the acatallactic doctrines, the value of money coincides with the value of the monetary material. But to attempt to go farther and begin to inquire into the grounds of the value of the precious metals, is already to have arrived at the construction of a catallactic system. The explanation of the value of goods is sought either in their utility or in the difficulty of obtaining them. In either case, the starting point has been discovered for a theory of the value of money also. Thus this naive approach, logically developed, conducts us automatically to the real problems. It is acatallactic, but it leads to catallactics.

Another acatallactic doctrine seeks to explain the value of money by the command of the state. According to this theory the value of money rests on the authority of the highest civil power, not on the estimation of commerce. The law commands, the subject obeys. This doctrine can in no way be fitted into a theory of exchange; for apparently it would have a meaning only if the state fixed the actual level of the money prices of all economic goods and services as by means of general price regulation. Since this cannot be asserted to be the case, the state theory of money is obliged to limit itself to the thesis that the state command establishes only the Geltung or validity of the money in nominal units, but not the validity of these nominal units in commerce. But this limitation amounts to abandonment of the attempt to explain the problem of money. By stressing the contrast between *valor impositus* and *bonitas intrinseca*, the canonists did indeed make it possible for scholastic sophistry to reconcile the Roman-canonist legal system with the facts of economic life. But at the same time they revealed the intrinsic futility of the doctrine of *valor impositus*; they demonstrated the impossibility of explaining the processes of the market with its assistance.

Nevertheless the nominalistic doctrine did not disappear from monetary literature. The princes of the time, who saw in the debasement of money an important means of improving their financial position, needed the justification of this theory. If, in its endeavors to construct a complete theory of the human economy, the struggling science of economics kept itself free from nominalism, there were nevertheless always enough nominalists for fiscal needs. At the beginning of the nineteenth century, nominalism still had representatives in Gentz and Adam Müller, writing in support of the Austrian monetary policy of the Bankozettel period. And nominalism was used as a foundation for the demands of the inflationists. But it was to experience its full renaissance in the German “realistic” economics of the twentieth century.

About this Quotation:

Mises path-breaking book *The Theory of Money and Credit* was first published in German 100 years ago in 1912. It became a foundation stone in the emerging “Austrian” theory of money and later to the Austrian Theory of the Trade Cycle which was developed by Mises, Friedrich Hayek and others. Mises’ innovation in “Money and Credit” was to apply the subjectivist theory of value and price to money and banking which led to a number of important insights such as the fact that money emerges spontaneously out of economic activity without any need for intervention by the state. In an Appendix to the book Mises devotes a short essay to the historical view which he opposed, namely “The State Theory of Money”, from which this quotation comes. Much of what Mises wrote in 1912 was prescient in a way he could not have conceived of at the time. He was about to live through one of the greatest inflationary periods in history brought about by the massive debts and expenditures caused by the demands of fighting the World War and the crude attempts to pay off these debts after the conflict ended by dramatically expanding the supply of money, especially in Weimar Germany in 1923. Mises played an important policy role in Austria during this period thus adding practical experience to his deep theoretical insights.

Source

Ludwig von Mises, *The Theory of Money and Credit*, trans. H.E. Batson (Indianapolis: Liberty Fund, 1981). http://oll.libertyfund.org/titles/mises-the-theory-of-money-and-credit#lf0070_label_733

William Leggett on the separation of bank and state (1837) (May 26, 2014)



William Leggett (1801 – 1839)

The Jacksonian era journalist William Leggett (1801-1839) was the intellectual leader of the laissez-faire wing of Jacksonian democrats. He believed that the “separation of bank and state” was an essential part of “democratic” economic policy:

Plaindealer, July 22, 1837

The *Evening Post* a day or two since remarked that, “there never was a more popular catch word than the separation of bank and state. It is a phrase full of democratick meaning; it is musick to the ears of the people. It is a phrase which will never be laid aside till all that it imports is fully realized. On this feeling in the people the administration may confidently rely, sure that if they trust to it they will be triumphantly sustained.” Whatever merit there may be in having originated this phrase, we believe may be justly claimed by this journal. And not the phrase only, but the important measure which it implies, has been urged on the attention of our readers with a frequency which we might fear would weary them, were it not for the vast importance of the subject. The separation of bank and state, and the emancipation of credit from legislative fetters are the two great objects for which the real democracy are contending. “Divorce of bank and state,” and “freedom to trade,” are phrases which deserve conspicuous and continual insertion in every democratick newspaper. They should constitute our “watchword and reply” in the coming contest.

In the complete separation of government from the bank and credit system consists the chief hope of renovating our prosperity, and restoring to the people those equal rights, which have so long been exposed to the grossest violations. Leave credit to its own laws. It is an affair between man and man, which does not need special government protection and regulation. Leave banking to be conducted on the same footing with any other private business, and leave the banker to be trusted or not, precisely as he shall have means to satisfy those who deal with him of his

responsibility and integrity. All this is a matter for men to manage with each other in the transaction of private affairs. But the part which the government shall act in regard to banking and credit is a political matter, to be decided by the voice of communities through the constituted channels of suffrage. There are two principles at war on the subject. One of these is the principle of aristocracy, the other the principle of democracy. The first boasts of the vast benefits of a regulated paper currency, and asks the federal government to institute a national bank “to regulate the currency and exchanges,” or, in other words, to regulate the price of the labourer’s toil, and enable the rich to grow richer by impoverishing the poor. The principle of democracy, on the other hand, asks only for equal rights. It asks only that the government shall confine itself to the fewest possible objects compatible with public order, leaving all other things to be regulated by unfettered enterprise and competition. It asks, in short, for free trade, and the divorce of bank and state.

About this Quotation:

If Alice in Wonderland were to fall down a rabbit hole and appear in America in 1837 she would have seen another good example of a place where big is small and words can mean whatever you want them to mean. In this case she would have come across a nearly unimaginable Democratic Party which advocated laissez-faire economic policies. Leggett makes a distinction between two types of government, one which is based upon “the principle of aristocracy” and the other based upon “the principle of democracy”. The “aristocrats” want a national bank which issues paper money which will benefit the wealthy and a government which will manipulate prices which will harm the average worker. Economic policies based up the principle of democracy would treat everybody equally and “leav(e) all other things to be regulated by unfettered enterprise and competition.” Thus, in Leggett’s mind there was an intimate connection between “free trade” and the “separation of bank and state”.

Source

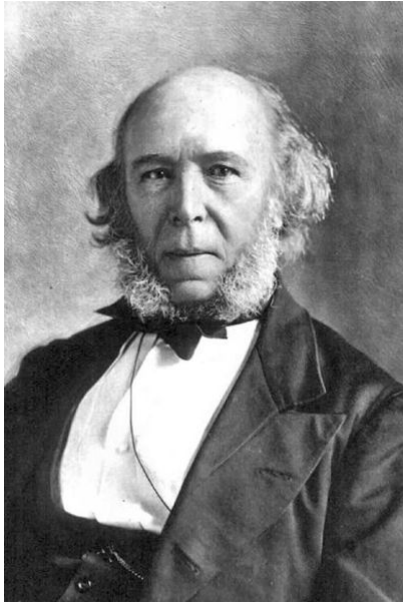
William Leggett, *Democratic Editorials: Essays in Jacksonian Political Economy*, Foreword by Lawrence H. White (Indianapolis: Liberty Fund, 1984). http://oll.libertyfund.org/titles/682#lf0012_head_057

11. Natural Rights ↩

1. [Herbert Spencer concludes from his principle of equal freedom that individuals have the Right to Ignore the State \(1851\)](#) (Feb 17, 2007)
2. [Sir William Blackstone differentiates between “absolute rights” of individuals \(natural rights which exist prior to the state\) and social rights \(contractual rights which evolve later\) \(1753\)](#) (May 5, 2009)
3. [Richard Overton shoots An Arrow against all Tyrants from the prison of Newgate into the prerogative bowels of the arbitrary House of Lords and all other usurpers and tyrants whatsoever \(1646\):](#) (Aug 13, 2009)
4. [John Locke on “perfect freedom” in the state of nature \(1689\)](#) (Jul 26, 2011)
5. [Heineccius argues that no man should be deprived of anything which he has received by nature, or has justly acquired \(1738\)](#) (Aug 12, 2013)
6. [John Lilburne on one’s duty to respect “the Right, Due, and Propriety of all the Sons of Adam, as men” \(1646\)](#) (Nov 25, 2013)

7. [James Mackintosh on the relationship between justice and utility \(1791\)](#) (Apr 14, 2014)
8. [James Wilson asks if man exists for the sake of government, or is government instituted for the sake of man? \(1791\)](#) (Aug 4, 2014)
9. [John Locke on the rights to life, liberty, and property of ourselves and others \(1689\)](#) (Aug 29, 2014)

Herbert Spencer concludes from his principle of equal freedom that individuals have the Right to Ignore the State (1851) (Feb 17, 2007)



Herbert Spencer (1820 – 1903)

Spencer concludes from his law of equal freedom that a person can decide to assume a condition of “voluntary outlawry” and chose to “ignore the sate” entirely without infringing on anybody else’s rights

§ 1. As a corollary to the proposition that all institutions must be subordinated to the law of equal freedom, we cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry. If every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man, then he is free to drop connection with the state—to relinquish its protection, and to refuse paying towards its support. It is self-evident that in so behaving he in no way trenches upon the liberty of others; for his position is a passive one; and whilst passive he cannot become an aggressor. It is equally selfevident that he cannot be compelled to continue one of a political corporation, without a breach of the moral law, seeing that citizenship involves payment of taxes; and the taking away of a man’s property against his will, is an infringement of his rights (p. 134). Government being simply an agent employed in common by a number of individuals to secure to them certain advantages, the very nature of the connection implies that it is for each to say whether he will employ such an agent or not. If any one of them determines to ignore this mutual-safety confederation, nothing can be said except that he loses all claim to its good offices, and exposes himself to the danger of maltreatment—a thing he is quite at liberty to do if he likes. He cannot be coerced into political combination without a breach of the law of equal freedom; he can withdraw from it without committing any such breach; and he has therefore a right so to withdraw.

About this Quotation:

After working as an editor for free trade journal *The Economist* Spencer wrote one of the first

all-encompassing defences of individual liberty. It included a chapter in which he explored the furthest reaches of anti-statist liberal thought. In later editions this chapter on “The Right to Ignore the State” was omitted, probably because he came to regret certain aspects of his youthful radicalism.

Source

Herbert Spencer, *Social Statics: or, The Conditions essential to Happiness specified, and the First of them Developed*, (London: John Chapman, 1851). <http://oll.libertyfund.org/title/273/6325>

Sir William Blackstone differentiates between “absolute rights” of individuals (natural rights which exist prior to the state) and social rights (contractual rights which evolve later) (1753) (May 5, 2009)



[Sir William Blackstone](#) (1723 – 1780)

Blackstone argues that government exists principally to protect and enforce the absolute or natural rights of individuals which exist prior to the formation of the state:

For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate these absolute rights of individuals. Such rights as are social and relative result from, and are posterior to, the formation of states and societies: so that to maintain and regulate these is clearly a subsequent consideration. And, therefore, the principal view of human laws is, or ought always to be, to explain, protect, and enforce such rights as are absolute, which in themselves are few and simple: and then such rights as are relative, which, arising from a variety of connections, will be far more numerous and more complicated. These will take up a greater space in any code of laws, and hence may appear to be more attended to—though in reality they are not—than the rights of the former kind. Let us therefore proceed to examine how far all laws ought, and how far the laws of England actually do, take notice of these absolute rights, and provide for their lasting security.

The absolute rights of man, considered as a free agent, endowed with discernment to know good from evil, and with power of choosing those measures which appear to him to be most desirable, are usually summed up in one general appellation, and denominated the natural liberty of mankind. This natural liberty consists properly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endued

him with the faculty of free will. But every man, when he enters into society, gives up a part of his natural liberty, as the price of so valuable a purchase; and, in consideration of receiving the advantages of mutual commerce, obliges himself to conform to those laws, which the community has thought proper to establish. And this species of legal obedience and conformity is infinitely more desirable than that wild and savage liberty which is sacrificed to obtain it. For no man that considers a moment would wish to retain the absolute and uncontrolled power of doing whatever he pleases: the consequence of which is, that every other man would also have the same power, and then there would be no security to individuals in any of the enjoyments of life. Political, therefore, or civil liberty, which is that of a member of society, is no other than natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public.© Hence we may collect that the law, which restrains a man from doing mischief to his fellow-citizens, though it diminishes the natural, increases the civil liberty of mankind; but that every wanton and causeless restraint of the will of the subject, whether practised by a monarch, a nobility, or a popular assembly, is a degree of tyranny: nay, that even laws themselves, whether made with or without our consent, if they regulate and constrain our conduct in matters of more indifference, without any good end in view, are regulations destructive of liberty: whereas, if any public advantage can arise from observing such precepts, the control of our private inclinations, in one or two particular points, will conduce to preserve our general freedom in others of more importance; by supporting that state of society, which alone can secure our independence. Thus the statute of king Edward IV.,(d) which forbade the fine gentlemen of those times (under the degree of a lord) to wear pikes upon their shoes or boots of more than two inches in length, was a law that savoured of oppression; because, however ridiculous the fashion then in use might appear, the restraining it by pecuniary penalties could serve no purpose of common utility. But the statute of king Charles II.,(e) which prescribes a thing seemingly as indifferent, (a dress for the dead, who are all ordered to be buried in woollen,) is a law consistent with public liberty; for it encourages the staple trade, on which in great measure depends the universal good of the nation. So that laws, when prudently framed, are by no means subversive, but rather introductive, of liberty; for, as Mr. Locke has well observed,(f) where there is no law there is no freedom. But then, on the other hand, that constitution or frame of government, that system of laws, is alone calculated to maintain civil liberty, which leaves the subject entire master of his own conduct, except in those points wherein the public good requires some direction or restraint.

The idea and practice of this political or civil liberty flourish in their highest vigour in these kingdoms, where it falls little short of perfection, and can only be lost or destroyed by the folly or demerits of its owner: the legislature, and of course the laws of England, being peculiarly adapted to the preservation of this inestimable blessing even in the meanest subject. Very different from the modern constitutions of other states, on the continent of Europe, and from the genius of the imperial law; which in general are calculated to vest an arbitrary and despotic power, of controlling the actions of the subject, in the prince, or in a few grandees. And this spirit of liberty is so deeply implanted in our constitution, and rooted even in our very soil, that a slave or a negro, the moment he lands in England, falls under the protection of the laws, and so far becomes a freeman;(g) though the master's right to his service may possibly still continue.

The absolute rights of every Englishman, (which, taken in a political and extensive sense,

are usually called their liberties,) as they are founded on nature and reason, so they are coeval with our form of government; though subject at times to fluctuate and change: their establishment (excellent as it is) being still human. At some times we have seen them depressed by overbearing and tyrannical princes; at others so luxuriant as even to tend to anarchy, a worse state than tyranny itself, as any government is better than none at all. But the vigour of our free constitution has always delivered the nation from these embarrassments: and, as soon as the convulsions consequent on the struggle have been over, the balance of our rights and liberties has settled to its proper level; and their fundamental articles have been from time to time asserted in parliament, as often as they were thought to be in danger.

About this Quotation:

Because Blackstone distinguishes between the “absolute” or natural rights of individuals and their “social” or contractual rights he has a dual function of the state in mind. The absolute or natural rights are small in number, exist prior to the state, and take precedence over any social or contractual rights when it comes to enforcement. The social or contractual rights by contrast derive from individuals' absolute rights and are thus “relative”, more numerous, and proliferate as society becomes more complex and developed. The aim of the state is to ensure that it “leaves the subject entire master of his own conduct”.

Source

Sir William Blackstone, *Commentaries on the Laws of England in Four Books. Notes selected from the editions of Archibald, Christian, Coleridge, Chitty, Stewart, Kerr, and others, Barron Field's Analysis, and Additional Notes, and a Life of the Author by George Sharswood. In Two Volumes.* (Philadelphia: J.B. Lippincott Co., 1893). Vol. 1 – Books I & II. <http://oll.libertyfund.org/title/2140/198653/3146944>

Richard Overton shoots An Arrow against all Tyrants from the prison of Newgate into the prerogative bowels of the arbitrary House of Lords and all other usurpers and tyrants whatsoever (1646): (Aug 13, 2009)

[Richard Overton](#) (1631 – 1664)

While in prison the Leveller Richard Overton “shoots an arrow” (ideological not literal) at the arbitrary government which imprisoned him. He begins with a solid defense of individual property rights and goes from there:

To every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself; and of this no second may presume to deprive any of without manifest violation and affront to the very principles of nature and of the rules of equity and justice between man and man. Mine and thine cannot be, except this be. No man has power over my rights and liberties, and I over no man's. I may be but an individual, enjoy my self and my self-propriety and may right myself no more than my self, or presume any further; if I do, I am an encroacher and an invader upon another man's right — to which I have no right. For by natural birth all men are equally and alike born to like propriety, liberty and freedom; and as we are delivered of God by the hand of nature into this world, every one with a natural, innate freedom and propriety — as it were writ in the table of every man's heart, never to be obliterated — even so are we to live, everyone equally and alike to enjoy his birthright and privilege; even all whereof God by nature has made him free.

And this by nature everyone's desire aims at and requires; for no man naturally would be befooled of his liberty by his neighbour's craft or enslaved by his neighbour's might. For it is nature's instinct to preserve itself from all things hurtful and obnoxious; and this in nature is granted of all to be most reasonable, equal and just: not to be rooted out of the kind, even of equal duration with the creature. And from this fountain or root all just human powers take their original — not immediately from God (as kings usually plead their prerogative) but mediately by the hand of nature, as from the represented to the representers. For originally God has implanted them in the creature, and from the creature those powers immediately proceed and no further. And no more may be communicated than stands for the better being, weal, or safety thereof. And this is man's prerogative and no further; so much and no more may be given or received thereof: even so much as is conducent to a better being, more safety and freedom, and no more. He that gives more, sins against his own flesh; and he that takes more is thief and robber to his kind — every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is.

And thus sir and no otherwise are you instated into your sovereign capacity for the free people of this nation. For their better being, discipline, government, propriety and safety have each of them communicated so much unto you (their chosen ones) of their natural rights and powers, that you might thereby become their absolute commissioners and lawful deputies. But no more: that by contraction of those their several individual communications conferred upon and united in you, you alone might become their own

natural, proper, sovereign power, therewith singly and only empowered for their several weals, safeties and freedoms, and no otherwise. For as by nature no man may abuse, beat, torment, or afflict himself, so by nature no man may give that power to another, seeing he may not do it himself; for no more can be communicated from the general than is included in the particulars whereof the general is compounded.

About this Quotation:

The Levellers were the radical individualist wing of the republican movement which unseated Charles I and helped institute a republic in England. Belying the name they were given by their enemies, the Levellers believed strongly in individual property rights as the foundation of individual liberty. Overton's pamphlet is an excellent example of this. In many ways Overton sounds like a precursor to Lysander Spooner with his uncompromising and consistent logic from first principles, his stress on "mine and thine", and his strict notion of consent theory.

Source

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).
http://oll.libertyfund.org/titles/2596#Leveller_1542-03_811

John Locke on “perfect freedom” in the state of nature (1689)

(Jul 26, 2011)



John Locke (1632 – 1704)

John Locke (1632-1704) wrote one of the most powerful defences of individual liberty in his Second Treatise of Government. According to Locke, in the state of nature (i.e. before the appearance of political institutions) human beings enjoyed what he called “perfect freedom” to enjoy their persons and properties “as they think fit”:

Of the State of Nature.

§. 4. TO understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.

§. 5. This equality of men by nature, the judicious Hooker looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men, on which he builds the duties they owe one another, and from whence he derives the great maxims of justice and charity. His words are,

The like natural inducement hath brought men to know that it is no less their duty, to love others than themselves; for seeing those things which are equal, must needs all have one

measure; if I cannot but wish to receive good, even as much at every man's hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men, being of one and the same nature? To have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me; so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me shewed unto them: my desire therefore to be loved of my equals in nature, as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn, for direction of life, no man is ignorant. Eccl. Pol. Lib. 1.

§. 6. But though this be a state of liberty, yet it is not a state of licence: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's. Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

§. 7. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation: for the law of nature would, as all other laws that concern men in this world, be in vain, if there were no body that in the state of nature had a power to execute that law, and thereby preserve the innocent and restrain offenders. And if any one in the state of nature may punish another for any evil he has done, every one may do so: for in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

About this Quotation:

These several passages in Locke's Second Treatise of Government contain in summary form the essence of the classical liberal notion of individual liberty and private property. He states in unequivocal language that human beings have "perfect freedom" to act and use their property "as they think fit"; that this right to freedom is equal for all "without subordination or subjection"; and that "all men" should be restrained from violating the rights of others and that every person has the right to

defend their life and property from such invasion. By the same token, Locke also introduces a couple of ideas which are troubling to modern classical liberals, such as the idea that the law of equal liberty among men might be suspended by “the lord and master of them all” (presumably God) who has the right to “set one above another” and make him the sovereign power; that the right of self ownership of each person is limited by the fact that “one omnipotent, and infinitely wise maker” owns all mankind thus preventing one from “quit(ting) his station wilfully.”

Source

John Locke, *Two Treatises of Government*, ed. Thomas Hollis (London: A. Millar et al., 1764).
<http://oll.libertyfund.org/title/222/16245/704306>

Heineccius argues that no man should be deprived of anything which he has received by nature, or has justly acquired (1738)
(Aug 12, 2013)



Johann Gottlieb Heineccius (1681 – 1741)

The 18th century German jurist Johann Gottlieb Heineccius (1681–1741) argues that because all “men” are by nature equal we should treat others as equally human and refrain from causing them any injury to the things they have have by nature or have acquired justly:

SECTION CLXXVII. First of all, it ought to be laid down as a maxim, that men are by nature equal, being composed of the same essential parts; and because tho’ one man may share perfections, as it were by his good lot, above others, yet different degrees of perfection do not alter the essence of man, but all men are equally men: whence it follows, that every one ought to treat every other as equally a man with himself, and not to arrogate to himself any privilege in things belonging to many by perfect right, without a just cause; and therefore not to do to any other what he would not have done to himself.

SECTION CLXXVIII. Since therefore we ought not to do to any one what we would not have done to ourselves; but none of us would like to be deprived by any other of our perfection and happiness which we have by nature, or have justly acquired; i.e. to be injured or hurt; the consequence is, that we ought not to render any one more imperfect or unhappy, i.e. injure any one. And because to what constitutes our felicity and perfection, belongs not only our body, but more especially our mind, this precept must extend to both these parts, and an injury to our mind must be as much greater than an injury to our bodily part, as the mind is more excellent than the body.

SECTION CLXXIX. The perfection and happiness of man consists in life, i.e. in the union of his soul and body (§143), which is of all he hath received from nature the most excellent gift, and is indeed the basis or foundation of all the rest: since therefore it is unlawful to deprive any one of the perfection and happiness he hath received from nature, and we would not choose to have our life taken away by another, it is self-evident, that it

is our duty not to kill any person; not to do the least detriment to his health; not to give any occasion to his sickness, pain, or death, or not to expose him to any danger, without having a right to do it, or with an intention to have him killed.

SECTION CLXXX. Yet since none is obliged to love another more than himself, and it may often happen that either one's self or another must perish; the consequence is, that in case any one attack us, in this doubtful state of danger, every way of saving one's self is lawful; and therefore we may even kill an aggressor, provided we do not exceed the limits of just self-defence.

About this Quotation:

Heineccius was an important transitional figure between the 17th century natural law theorists like Grotius and those of the late Enlightenment like Immanuel Kant. What is striking in this passage is the Kantian notion that we must treat others as an end in themselves and not as some means (or tool) which we can use to further our own selfish ends. Although "men" were obviously not equal in some physical sense they were all equally "men" in that they had rights which should be respected by others, the most important of which was the right to life. Heineccius is most particular that since "the perfection and happiness of man consists in life" and is the foundation upon which all other rights are based, anything which tends to injure this right, such as theft, violence, or death, must be avoided. To do otherwise would be to deprive us of "our perfection and happiness which we have by nature, or have justly acquired." His conclusion is that "it is self-evident, that it is our duty not to kill any person; not to do the least detriment to his health; not to give any occasion to his sickness, pain, or death, or not to expose him to any danger, without having a right to do it." And the right to do THIS is very strictly limited in Heineccius' view.

Source

Johann Gottlieb Heineccius, *A Methodical System of Universal Law: Or, the Laws of Nature and Nations, with Supplements and a Discourse* by George Turnbull. Translated from the Latin by George Turnbull, edited with an Introduction by Thomas Albert and Peter Schröder (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2305/217752/3489324>

John Lilburne on one's duty to respect “the Right, Due, and Propriety of all the Sons of Adam, as men” (1646) (Nov 25, 2013)



John Lilburne (1615 – 1657)

The Leveller John Lilburne (1615-1657) wrote some of his best material while he was in prison, such as this appeal to his fellow Christians to recognize the right to liberty and property held by “all the Sons of Adam”:

And therefore the same Apostle layeth down his exhortation at large, and declareth, it is not only the duty of the Saints, to doe good each unto other, but as much as in them lyes, to doe good unto all the Sons of Adam; saying, Gal. 6. 10. as we have therefore opportunity, let us do good unto all men; especially, unto them, who are of the Houshold of Faith. But **the greatest good that I know of, that any man can do unto the Sons of Men besides the discovery of the knowledge of Christ, and the benefits and priviledges that are to be injoyed by him; is, rationally to discover the privilege, that is, the Right, Due, and Propriety of all the Sons of Adam, as men: that so they may not live in beastlinesse, by devouring one another: and not onely so, but also to stand for, and maintain those Rights and Priviledges in any Kingdome, or Nation, wheresoever they are in any measure established: that so the trusted, made great and potent, by a power conferred upon them; may not there-with (as is too commonly seene) Lord it, domineer over, and destroy by their Prerogative-will and pleasure, the Betrusters: yea, and also to maintain the liberties and priviledges established in a Land, by Law, against the incroaching usurpations of some great and mighty Nimrods of the world, made so by wayes and meanes; more immediatly and properly flowing from the Divell, then God: and by their false-assumed incroaching power, tyrant-like tread under their feet, all just, and innocent persons: and protect, defend, and countenance none but those, that will comply, applaud, and assist them, in their brutish, woolvish, and tyrant-like proceedings: which practises are contrary to the very end of Government; and Magistracy;** as is largely declared by the Apostle, Rom. 13. 3, 4. where he plainly saith, Rulers are not (no nor ought not to be) a terrour to good workes, but to the evill: wilt thou [3-299] then not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the

Minister of God to thee for good: But if thou do that Which is evill, be afraid, for he beareth not the sword in vain; for he is the Minister of God, a Revenger to execute wrath upon him that doth evill, but not upon him that doth good. The knowledge of which, in some measure, in my own soule, hath been the true ground, that conscienciously made me out of duty to my selfe, and neighbours, and obedience to God; stand against, and oppose my self against the Bishops, and with resolution so often since, in the midst of many deaths; hazard my life for my liberties, and the lawes, liberties, and rights of all the people of this Land, which is the only principle that now carryes me on in opposition against the Lords ...

About this Quotation:

John Lilburne, along with Richard Overton and William Walwyn, were the most prolific of the Levellers with their outpouring of tracts denouncing the abuses of liberty by the Crown, often written while they were in prison for various offences. This one was written in October 1646 and is an interesting mixture of Lilburne's typical appeal to the ancient charters of cities like London and Magna Carta which in his view clearly limited the power of the Crown, and a more general defense of liberty based upon idea of natural law and natural rights. In this passage Lilburne appeals to his Christian readers to recognize the god-given "right, due, and property" that every man has to be left free to go about their own business without interference from those who would "domineer" over them and "devour" their property. The great mental jump he was making here was to go beyond "the liberties of Englishmen" and to see that these principles of liberty and property applied to all men "in any Kingdome, or Nation, wheresoever". In other words, that they had universal applicability to "all the Sons of Adam, as men."

Source

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).
http://oll.libertyfund.org/titles/2596#Leveller_1542-03_993

James Mackintosh on the relationship between justice and utility (1791) (Apr 14, 2014)



Sir James Mackintosh (1765 – 1832)

The Scottish philosopher and historian James Mackintosh (1765-1832) replied to Edmund Burke's criticism of the French Revolution and the idea of natural rights in *Vindiciae Gallicae* (A Vindication of France) (1791). In this passage he rejects the idea that one should abandon "general maxims" about what it is right to do for the sake of expediency:

But it may urged, that though all appeals to the natural rights of men be not precluded [218] by the social compact, though their integrity and perfection in the civil state may theoretically be admitted, yet as men unquestionably may refrain from the exercise of their rights, if they think their exertion unwise: and as Government is not a scientific subtlety, but a practical expedient for general good, all recourse to these elaborate abstractions is frivolous and futile, and the grand question in Government is not its source, but its tendency; not a question of right, but a consideration of expediency. Political forms, it may be added, are only the means of ensuring a certain portion of public felicity. If the end be confessedly obtained, all discussion of the theoretical aptitude of the means to produce it is nugatory and redundant.

To this I answer, first, that such reasoning will prove too much, and that, taken in its proper extent, it impeaches the great system of morals, of which political principles form [219] only a part. All morality is, no doubt, founded on a broad and general expediency — "Ipsa utilitas justi prope mater equi," [And so does Expedience herself, the mother, we may say, of justice and right."] may be safely adopted, without the reserve dictated by the timid and inconstant philosophy of the Poet. **Justice is expediency, but it is expediency, speaking by general maxims, into which reason has concentrated the experience of mankind. Every general principle of justice is demonstrably expedient, and it is this utility alone that confers on it a moral obligation. But it would be fatal to the existence of morality, if the utility of every particular act were to be the subject of deliberation in the mind of every moral agent. A general moral maxim is to be obeyed, even if the inutility is evident, because the precedent of deviating more than**

balances any utility that may exist in the particular deviation. Political first principles are of this description. They are only moral principles adapted to the civil union of men. When I assert that a man has a right [220] to life, liberty, c. I only mean to enunciate a moral maxim founded on general interest, which prohibits any attack on these possessions. In this primary and radical [97] sense, all rights, natural as well as civil, arise from expediency. But the moment the moral edifice is reared, its basis is hid from the eye for ever. The moment these maxims, which are founded on an utility that is paramount and perpetual, are embodied and consecrated, they cease to yield to partial and subordinate expediency. It then becomes the perfection of virtue to consider, not whether an action be useful, but whether it be right.

The same necessity for the substitution of general maxims exists in politics as in morals. These precise and inflexible principles, which yield neither to the seductions of passion, nor the suggestion of interest, ought to be the guide of Public as well as private morals. — Acting according to the natural rights of men, [221] is only another expression for acting according to those general maxims of social morals which prescribe what is right and fit in human intercourse. We have proved that the social compact does not alter these maxims, or destroy these rights, and it incontestibly follows, from the same principles which guide all morality, that no expediency can justify their infraction.

About this Quotation:

The outbreak of the French Revolution caused much discussion in Britain between radicals who generally supported it because they saw it as a defensive act by ordinary people against an unjust regime which regulated their activity and imposed heavy taxes upon them without their consent, and conservatives who condemned it because it was an act of violence against the established order and an illegitimate challenge to the authority of those classes who controlled the French state and church. We have numerous works in the OLL collection which take various sides in this fascinating debate (see the [Debate about the French Revolution](#)). Here we see Mackintosh's quick response to Burke's book *Reflections* (1790) where he takes up Burke's laying the blame for the revolution on the fact that the revolutionaries had a theory of individual liberty based upon natural rights which they used to examine existing institutions critically in order to see whether or not they violated or supported those rights. Burke's view was that this was a dangerous thing to do as existing institutions were based upon ideas and practices which had emerged over centuries. To change them suddenly or radically would disrupt society at such a fundamental level that much of this acquired wisdom would be lost in the chaos of revolutionary violence. Mackintosh's reply was that, while it might appear to be "expedient" to follow traditional and customary practices, "justice" sometimes demanded that "infractions" of the natural law needed to be rectified.

Source

Sir James Mackintosh, *Vindiciae Gallicae and Other Writings on the French Revolution*, edited and with an Introduction by Donald Winch (Indianapolis: Liberty Fund, 2006). http://oll.libertyfund.org/titles/1665#Mackintosh_1301_210

James Wilson asks if man exists for the sake of government, or is government instituted for the sake of man? (1791) (Aug 4, 2014)



James Wilson (1742 – 1798)

James Wilson (1742-1798), one of the signers of the Declaration of Independence and one of the original justices appointed by George Washington to the United States Supreme Court, delivered some Lectures on Law in 1790-91 in which he argued that the function of government was to protect and enlarge an individual's existing natural rights, not to subvert or restrain them:

Does man exist for the sake of government? Or is government instituted for the sake of man? ...

What was the primary and the principal object in the institution of government? Was it—I speak of the primary and principal object—was it to acquire new rights by a human establishment? Or was it, by a human establishment, to acquire a new security for the possession or the recovery of [1054] those rights, to the enjoyment or acquisition of which we were previously entitled by the immediate gift, or by the unerring law, of our all-wise and all-beneficent Creator?

The latter, I presume, was the case: and yet we are told, that, in order to acquire the latter, we must surrender the former; in other words, in order to acquire the security, we must surrender the great objects to be secured. That man “may secure some liberty, he makes a surrender in trust of the whole of it.”—These expressions are copied literally from the late publication of Mr. Burke (Refl. on Fr. Rev. 47.). ...

And must we surrender to government the whole of those absolute rights? But we are to surrender them only—in trust:—another brat of dishonest parentage is now attempted to be imposed upon us: but for what purpose? Has government provided for us a superintending court of equity to compel a faithful performance of the trust? If it had; why should we part with the legal title to our rights?

After all; what is the mighty boon, which is to allure us into this surrender? We are to

surrender all that we may secure “some:” and this “some,” both as to its quantity and its certainty, is to depend on the pleasure of that power, to which the surrender is made. Is this a bargain to be proposed to those, who are both intelligent and free? No. Freeman, who know and love their rights, will not exchange their armour of pure and massy gold, for one of a baser and lighter metal, however finely it may be blazoned with tinsel: but they will not refuse to make an exchange upon terms, which are honest and honourable —terms, which may be advantageous to all, and injurious to none.

The opinion has been very general, that, in order to obtain the blessings of a good government, a sacrifice must be made of a part of our natural liberty. I am much inclined to believe, that, upon examination, this opinion will prove to be fallacious. It will, I think, be found, that wise and good government—I speak, at present, of no other—instead of contracting, enlarges as well as secures the exercise of the natural liberty of man: and what I say of his natural liberty, I mean to extend, and wish to be understood, through all this argument, as extended, to all his other natural rights. ...

I here close my examination into those natural rights, which, in my humble opinion, it is the business of civil government to protect, and not to subvert, and the exercise of which it is the duty of civil government to enlarge, and not to restrain. I go farther; and now proceed to show, that in peculiar instances, in which those rights can receive neither protection nor reparation from civil government, they are, notwithstanding its institution, entitled still to that defence, and to those methods of recovery, which are justified and demanded in a state of nature.

The defence of one’s self, justly called the primary law of nature, is not, nor can it be abrogated by any regulation of municipal law. This principle of defence is not confined merely to the person; it extends to the liberty and the property of a man: it is not confined merely to his own person; it extends to the persons of all those, to whom he bears a peculiar relation—of his wife, of his parent, of his child, of his master, of his servant: nay, it extends to the person of every one, who is in danger; perhaps, to the liberty of every one, whose liberty is unjustly and forcibly attacked. It becomes humanity as well as justice.

About this Quotation:

In a chapter in his *Lectures on Law*, “Of the Natural Rights of Individuals,” Wilson provides what is in effect an extended critique of Edmund Burke’s widely held view (one that Wilson regarded as “feudal”) that it is government, or rather tradition, which created the rights which individuals enjoy in society. He also rejects the idea that one must surrender some or all of one’s pre-existing natural rights when one enters society. Wilson dismisses this idea as “another brat of dishonest parentage (which) is now attempted to be imposed upon us”. Instead, he believed that it was the prime duty of a good government to provide security so individuals could enjoy the natural rights to “which we were previously entitled”. A further duty of government was to “enlarge” or “extend ” this protection to “all his other rights” relating to his person or property which had been acquired in the meantime. Far from creating rights the real danger of government according to Wilson was the tendency of governments to “subvert” or “restrain” an individuals' natural rights.

Source

James Wilson, *Collected Works of James Wilson*, edited by Kermit L. Hall and Mark David Hall, with an Introduction by Kermit L. Hall, and a Bibliographical Essay by Mark David Hall, collected by Maynard Garrison (Indianapolis: Liberty Fund, 2007). Vol. 2. http://oll.libertyfund.org/titles/2074#Wilson_4141_1231

John Locke on the rights to life, liberty, and property of ourselves and others (1689) (Aug 29, 2014)



John Locke (1632 – 1704)

John Locke (1632-1704) argued that the law of nature obliged all human beings not to harm “the life, the liberty, health, limb, or goods of another”:

§. 6. But though this be a state of liberty, yet it is not a state of licence: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. **The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions:** for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's. Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, **when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.**

§. 7. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation: for the law of nature would, as all other laws that concern men in this world, be in vain, if there were no body that in the state of nature

had a power to execute that law, and thereby preserve the innocent and restrain offenders. And if any one in the state of nature may punish another for any evil he has [199] done, every one may do so: for in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

About this Quotation:

This passage from Locke is one of the foundation stones of the classical liberal notion of private property as a natural right which all individuals have. What is often overlooked by critics is the importance Locke places on the corresponding duty of the individual to respect the equal rights of others, and to thus refrain from “tak(ing) away, or impair(ing) the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another”. Less convincingly, he argues that we are all “the property” and “the servants” of his god who are duty bound not “to quit (our) station wilfully” as this would be an act of disobedience to our “sovereign master”. However, once one goes beyond this feudal and monarchical view of the relationship between men and god, between men themselves there can be no “subordination” of one to another, no using another person as one’s own servant or property, and “no superiority or jurisdiction of one over another.” These were the liberal sentiments which lay behind the idea of a limited, constitutional government which was accountable to the people.

Source

John Locke, *Two Treatises of Government*, ed. Thomas Hollis (London: A. Millar et al., 1764).
http://oll.libertyfund.org/titles/222#Locke_0057_222

12. Odds & Ends↩

1. [Frederick Millar is upset that especially at Christmas time the bad effects of the letter-carrying monopoly of the Post Office are felt by the public \(1891\)](#) (Dec 20, 2004)
2. [Ambroise Clément draws the distinction between two different kinds of charity: true voluntary charity and coerced government “charity” which is really a tax \(1852\)](#) (Jan 10, 2005)
3. [Edward Gibbon reveals the reasons why he wrote on the decline of the Roman Empire, “the greatest, perhaps, and most awful scene in the history of mankind” \(1776\)](#) (Aug 8, 2005)
4. [The Earl of Shaftesbury states that civility and politeness is a consequence of liberty by which “we polish one another, and rub off our Corners and rough Sides” \(1709\)](#) (Dec 5, 2005)
5. [Edward Robertson points out the bureaucratic blundering and inefficiency of the Postal Monopoly during the Christmas rush period \(1891\)](#) (Dec 15, 2008)
6. [Emerson on selecting the right gift to give at Christmas and New Year \(1844\)](#) (Jan 1, 2011)
7. [Adam Smith on the ridiculousness of romantic love \(1759\)](#) (Feb 14, 2012)

Frederick Millar is upset that especially at Christmas time the bad effects of the letter-carrying monopoly of the Post Office are felt by the public (1891) (Dec 20, 2004)

[Frederick Millar](#) (? – ?)

In a collection of essays edited by Thomas Mackay over 100 years ago there is this interesting attack on the evils of the government monopoly Post Office at Christmas-time:

Notwithstanding the very profitable nature of the letter-carrying monopoly, it cannot be said that, at times of great press of business, the public is served with that absence of fuss and effort which ought to characterise a great and wealthy corporation. At Christmas-time the Post Office is completely disorganised. Its customers are pitifully implored not to pay exclusive regard to their own convenience, and to despatch their packages and letters according to a timetable drawn up by the Post Office to suit its own convenience. But despite these precautions, the deliveries turn out irregular or break down altogether; and although the same disorganisation reappears each succeeding year, just as if the stress of business which causes the breakdown had never occurred before and was quite outside the field of human prevision. This disorganisation and breakdown commences a week or ten days in advance of Christmas, and even on the 25th of December the block and muddle have been so well developed that it has taken a letter two days to travel between the S.W. and E.C. districts; a book posted in London for Paris has occupied four days in transit; and within the metropolitan district telegrams have laboured along at the rate of one mile in twenty minutes. For a few days previous to Christmas the first delivery of letters falls two hours in arrear, and by the 24th it has been known to break down altogether. It may be said that private trading companies sometimes break down under a foreseen stress of business, and that the railway companies at Christmas allow their train-system to get disorganised. This, no doubt, is true; but we are searching (in vain it may be) for some point in which the State monopoly shows its superiority. **It may, however, be pointed out that private carriers do not cry to be let off, but rise to the requirements of the occasion, provide additional facilities, and all the time by prodigal advertisement solicit rather than deprecate the patronage of the public.** It should, moreover, be borne in mind that the services most liable to break down at times of pressure partake more or less of the nature of monopolies. The Post Office and the railway system are liable to break down, but the ordinary services which are bought and sold in the open market do not break down. The moral is obvious. Let us have no more monopolies than are absolutely necessary. Let human ingenuity do its best to make free exchange of service everywhere the rule. It is difficult to see why this rule should not apply to the Post Office.

About this Quotation:

This book is the first salvo (of two) fired by the Liberty and Property Defence League in their war against the Fabian socialists led by George Bernard Shaw in 1890. As Christmas was approaching and the U.S. and other nationalised postal services were coming under the strain of the heavy seasonal burden, this seemed like an appropriate quotation.

Source

Thomas Mackay, *A Plea for Liberty: An Argument against Socialism and Socialistic Legislation, consisting of an Introduction by Herbert Spencer and Essays by Various Writers*, edited by Thomas Mackay (Indianapolis: Liberty Fund, 1981). Foreword by Jeffrey Paul. <http://oll.libertyfund.org/title/313/209079/3401973>

Ambroise Clément draws the distinction between two different kinds of charity: true voluntary charity and coerced government “charity” which is really a tax (1852) (Jan 10, 2005)

In the wake of the tsunamis which destroyed so many lives in south Asia both governments and private individuals have donated funds to help in the relief work. A French classical liberal from the mid-19thC ponders the difference between the two types of charitable giving:

What is society? If it be the collection of members composing the nation, it is clear that this collection will unite in themselves the total of all the virtues possessed by each one of the individuals composing it. If it is wished to personify the collection, and to make of it that creature of the mind called society or the state, it is absurd to attribute to this being which has no existence, an action independent of that of all the members composing the nation. **If, however, we understand by society or the state the government, the question is changed altogether; and we must no longer ask whether charity being a virtue in the individual, is not equally a virtue in society, but whether it is proper, moral and advantageous to have charity practiced by the government, or whether it is even possible for the government to practice charity at all. We say not. It is very evident that Charity and fraternity are virtues only when they are free and spontaneous. State and, therefore, forced, charity is not a virtue, it is a tax.** Now, the sacrifice imposed on some in favor of others clearly loses the character of charity. The legislator has no merit in the case, for all he has to do is to cast his vote in its favor. The executive power or the tax collector has still less, for, instead of giving, he retains a part of the gift as pay for his services. Neither has the tax payer, since he contributes only in spite of himself. Where can we find here the conditions of charity: *a benevolent inspiration followed by a voluntary sacrifice on the part of him who feels it*? Is not that a strange kind of charity whose acts are performed by the tax gatherer and policeman?

About this Quotation:

Here we again explore the consequences of the South East Asian tsunami of December 2004. There was an immediate world-wide outburst of private charitable giving, especially in the developed world. Clément in the quote explores the difference between private charitable giving and state funds taken from the tax payers and given to others.

Source

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 1 Abdication-Duty. <http://oll.libertyfund.org/title/1679/2803>

Edward Gibbon reveals the reasons why he wrote on the decline of the Roman Empire, “the greatest, perhaps, and most awful scene in the history of mankind” (1776) (Aug 8, 2005)



[Edward Gibbon](#) (1737 – 1794)

After 20 years of work, Gibbon finally completed his history of the *Decline and Fall of the Roman Empire* in 1776. The final paragraph of that monumental work reads as follows:

The map, the description, the monuments of ancient Rome have been elucidated by the diligence of the antiquarian and the student; and the footsteps of heroes, the relics, not of superstition, but of empire, are devoutly visited by a new race of pilgrims from the remote, and once savage, countries of the North.

Of these pilgrims, and of every reader, the attention will be excited by an History of the Decline and Fall of the Roman Empire: the greatest, perhaps, and most awful scene in the history of mankind. The various causes and progressive effects are connected with many of the events most interesting in human annals: the artful policy of the Cæsars, who long maintained the name and image of a free republic; the disorder of military despotism; the rise, establishment, and sects of Christianity; the foundation of Constantinople; the division of the monarchy; the invasion and settlements of the Barbarians of Germany and Scythia; the institutions of the civil law; the character and religion of Mahomet; the temporal sovereignty of the popes; the restoration and decay of the Western empire of Charlemagne; the crusades of the Latins in the East; the conquests of the Saracens and Turks; the ruin of the Greek empire; the state and revolutions of Rome in the middle age. The historian may applaud the importance and variety of his subject; but, while he is conscious of his own imperfections, he must often accuse the deficiency of his materials. It was among the ruins of the Capitol that I first conceived the idea of a work which has amused and exercised near twenty years of my life, and which, however inadequate to my own wishes, I finally deliver to the curiosity and candour of the public.

About this Quotation:

It is interesting to occasionally come across the innermost thoughts of an author, revealed in some stray paragraph which may not get the attention it deserves. Here is one by Edward Gibbon in the very last paragraph of the last and 12th volume of his massive work. He confesses to the reader how he, 20 years previously, like so many “pilgrims” from the “remote and savage countries of the North”, stood in awe of the Roman ruins they saw around them and thought about who had lived among them and why they had disappeared.

Source

Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J.B. Bury with an Introduction by W.E.H. Lecky (New York: Fred de Fau and Co., 1906), in 12 vols. Vol. 12.
<http://oll.libertyfund.org/title/1403/90490/2048411>

The Earl of Shaftesbury states that civility and politeness is a consequence of liberty by which “we polish one another, and rub off our Corners and rough Sides” (1709) (Dec 5, 2005)



[Anthony Ashley Cooper, Earl of Shaftesbury](#) (1671 – 1713)

Central to Shaftesbury’s idea of liberty is the notion of the free interchange of ideas, even if some of those ideas grate against those of others (p. 42, last paragraph of Section I):

We have seen in our own time the Decline and Ruin of a false sort of Wit, which so much delighted our Ancestors, that their Poems and Plays, as well as Sermons, were full of it. All Humour had something of *the Quibble*. The very Language of the Court was *Punning*. But ’tis now banish’d the Town, and all good Company: There are only some few Footsteps of it in the Country; and it seems at last confin’d to the Nurserys of Youth, as the chief Entertainment of Pedants and their Pupils. **And thus in other respects Wit will mend upon our hands, and Humour will refine it-self; if we take care not to tamper with it, and bring it under Constraint, by severe Usage and rigorous Prescriptions. All Politeness is owing to Liberty. We polish one another, and rub off our Corners and rough Sides by a sort of *amicable Collision*. To restrain this, is inevitably to bring a Rust upon Mens Understandings. ’Tis a destroying of Civility, Good Breeding, and even Charity it-self, under pretence of maintaining it.**

About this Quotation:

This is a clever lapidary analogy concerning the improvement of politeness and manners through the free intercourse of human beings, an “amicable collision” between individuals as Shaftesbury puts it. To use force or coercion to improve civility, good breeding, and charity will create its very opposite, as any good free market economist will tell you regarding economic regulations. One wonders however about his condemnation of punning as the language of the court. Perhaps we have been court out as a closet monarchists?

Source

Anthony Ashley Cooper, Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, ed. Douglas den Uyl (Indianapolis: Liberty Fund, 2001). 3 vols. Vol. 1. <http://oll.libertyfund.org/title/811/194812/3117394>

Edward Robertson points out the bureaucratic blundering and inefficiency of the Postal Monopoly during the Christmas rush period (1891) (Dec 15, 2008)

[Edward Stanley Robertson](#) (? – ?)

Thomas Mackay in 1891 edited a collection of essays attacking the Fabian Socialist ideas of George Bernard Shaw. In one essay Edward Robertson complained about the inefficiencies of the government postal monopoly at Christmas time

In the first place, the Post Office has always been a monopoly. There never was a time when any private agency was permitted to compete with the State in the work of distributing letters. There has therefore been no opportunity of comparing State work in that department with private work. In the second place, the work of distributing letters is, after all, comparatively simple. We are accustomed, it is true, to hear and read of feats of great ingenuity in discovering obscure addresses; but these are the exceptions. It is in the department of letter-carrying, at all events, that the principal successes—it might almost be said the only successes—have been achieved. The telegraphic department is not a success either financially or administratively. The letter department largely supplements the cost of the telegraph department. In other words, people who write many letters, but send few telegrams, are made to pay for the accommodation afforded to the senders of many telegrams. Even in the letter-carrying department, there is plenty of room for improvement. It is very well managed, on the whole, in country places; but in London, and in large towns generally, the delivery of letters within the town leaves much to be desired. In this connexion **I cannot refrain from noticing the breakdown of letter-delivery arrangements which has taken place at Christmas every year since the Christmas card came into fashion.** The breakdown under the weight of exceptional complimentary correspondence is not even of our own day; for Charles Lamb, in his essay on Valentine's Day, writes of 'the weary and all-for-spent twopenny postman.' But, of course, in the vast proportions of the Christmas crush, it is necessarily modern, and the creation of the penny and halfpenny postage. **One would think that if, by the mere fact of belonging to a department of Government, a preternatural faculty of dealing with statistics were conferred upon officials, the officials of the Post Office ought, after a brief experience, to have been able to foresee and provide for this recurring difficulty. Yet no sooner does Christmas come within measurable distance, than every Post Office is placarded and every newspaper filled, with plaintive appeals from the Postmaster-General to the Christmas card dispatching public, to 'post early, so as to ensure the punctual delivery of letters!'**

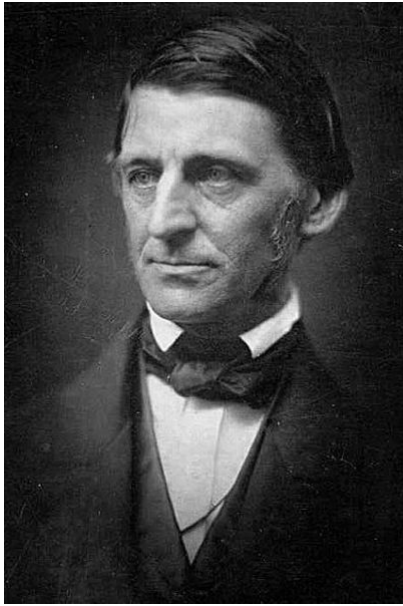
About this Quotation:

As Christmas approaches the Scrooges amongst us like to point out that criticising the state monopoly postal system at this time of the year has a distinguished history. Here we have another essay by a member of the radical laissez-faire and individualist organization The Liberty and Property Defence League railing against some defect in state run enterprises. The problem emerges because entrepreneurs in the free market develop new products such as sending cards on St. Valentine's Day or encouraging gift giving at Christmas time which puts a huge load on the government monopoly postal service. If it were a private business (or businesses) they would leap at the opportunity of new customers. Robertson mocks the post office for its inability to cope with changing market conditions.

Source

Thomas Mackay, *A Plea for Liberty: An Argument against Socialism and Socialistic Legislation, consisting of an Introduction by Herbert Spencer and Essays by Various Writers*, edited by Thomas Mackay (Indianapolis: Liberty Fund, 1981). Foreword by Jeffrey Paul. <http://oll.libertyfund.org/title/313/209063/3401497>

Emerson on selecting the right gift to give at Christmas and New Year (1844) (Jan 1, 2011)



[Ralph Waldo Emerson](#) (1803 – 1882)

In his second series of essays which the individualist philosopher and abolitionist Ralph Waldo Emerson (1803-1882) published in 1844 he ponders the correct gift to give at this time of the year. He concludes that two types of gifts are best: flowers because they are “a ray of beauty (which) outvalues all the utilities of the world”, and things which convey something of “a man’s biography”:

It is said that the world is in a state of bankruptcy; that the world owes the world more than the world can pay, and ought to go into chancery and be sold. I do not think this general insolvency, which involves in some sort all the population, to be the reason of the difficulty experienced at Christmas and New Year and other times, in bestowing gifts; since it is always so pleasant to be generous, though very vexatious to pay debts. But the impediment lies in the choosing. **If at any time it comes into my head that a present is due from me to somebody, I am puzzled what to give, until the opportunity is gone. Flowers and fruits are always fit presents; flowers, because they are a proud assertion that a ray of beauty outvalues all the utilities of the world. These gay natures contrast with the somewhat stern countenance of ordinary nature: they are like music heard out of a work-house. Nature does not cocker us; we are children, not pets; she is not fond; everything is dealt to us without fear or favor, after severe universal laws. Yet these delicate flowers look like the frolic and interference of love and beauty. Men use to tell us that we love flattery even though we are not deceived by it, because it shows that we are of importance enough to be courted. Something like that pleasure, the flowers give us: what am I to whom these sweet hints are addressed?** Fruits are acceptable gifts, because they are the flower of commodities, and admit of fantastic values being attached to them. If a man should send to me to come a hundred miles to visit him and should set before me a basket of fine summer-fruit, I should think there was some proportion between the labor and the reward.

For common gifts, necessity makes pertinences and beauty every day, and one is glad when an imperative leaves him no option; since if the man at the door have no shoes, you

have not to consider whether you could procure him a paint-box. And as it is always pleasing to see a man eat bread, or drink water, in the house or out of doors, so it is always a great satisfaction to supply these first wants. Necessity does everything well. In our condition of universal dependence it seems heroic to let the petitioner be the judge of his necessity, and to give all that is asked, though at great inconvenience. If it be a fantastic desire, it is better to leave to others the office of punishing him. I can think of many parts I should prefer playing to that of the Furies. **Next to things of necessity, the rule for a gift, which one of my friends prescribed, is that we might convey to some person that which properly belonged to his character, and was easily associated with him in thought. But our tokens of compliment and love are for the most part barbarous. Rings and other jewels are not gifts, but apologies for gifts. The only gift is a portion of thyself. Thou must bleed for me. Therefore the poet brings his poem; the shepherd, his lamb; the farmer, corn; the miner, a gem; the sailor, coral and shells; the painter, his picture; the girl, a handkerchief of her own sewing. This is right and pleasing, for it restores society in so far to the primary basis, when a man's biography is conveyed in his gift, and every man's wealth is an index of his merit.** But it is a cold lifeless business when you go to the shops to buy me something which does not represent your life and talent, but a gold-smith's. This is fit for kings, and rich men who represent kings, and a false state of property, to make presents of gold and silver stuffs, as a kind of symbolical sin-offering, or payment of black-mail.

About this Quotation:

The American radical individualist philosopher and abolitionist Ralph Waldo Emerson (1803-1882) in his essay on "Gifts" which he published in 1844 asks himself what is the best gift to give during the Christmas and New Year period. He begins by asking what is the most appropriate gift to give in a time of high public and private indebtedness when the "world is in a state of bankruptcy". His answer is twofold. His first recommendation is not surprising given his views on nature: the gift should be a simple one such as flowers because "they are a proud assertion that a ray of beauty outvalues all the utilities of the world" or fruits because "they are the flower of commodities, and admit of fantastic values being attached to them." The second recommendation reflects his individualist philosophy of transcendentalism, that is one should give something that reveals an aspect of the giver as a person, or as he phrased it "when a man's biography is conveyed in his gift." So a poet gives a poem, a shepherd a lamb, and so on. We at the Online Library of Liberty therefore give you all another book, another idea, another quotation for the New Year. May it be a year of peace and liberty.

Source

The Works of Ralph Waldo Emerson, in 12 vols. Fireside Edition (Boston and New York, 1909). Vol. 3 *Essays. Second Series.*

Adam Smith on the ridiculousness of romantic love (1759) (Feb 14, 2012)



Adam Smith (1723 – 1790)

Adam Smith (1723-1790) may have been a great economist and moral philosopher but when one reads his analysis of the nature of romantic love one wonders what his own love life must have been like. He seems to be genuinely puzzled why one person would feel romantic love for another, calling it “ridiculous”:

Chap. II. Of those Passions which take their origin from a particular turn or habit of the Imagination

Even of the passions derived from the imagination, those which take their origin from a peculiar turn or habit it has acquired, though they may be acknowledged to be perfectly natural, are, however, but little sympathized with. The imaginations of mankind, not having acquired that particular turn, cannot enter into them; and such passions, though they may be allowed to be almost unavoidable in some part of life, are always, in some measure, ridiculous. This is the case with that strong attachment which naturally grows up between two persons of different sexes, who have long fixed their thoughts upon one another. Our imagination not having run in the same channel with that of the lover, we cannot enter into the eagerness of his emotions. If our friend has been injured, we readily sympathize with his resentment, and grow angry with the very person with whom he is angry. If he has received a benefit, we readily enter into his gratitude, and have a very high sense of the merit of his benefactor. But if he is in love, though we may think his passion just as reasonable as any of the kind, yet we never think ourselves bound to conceive a passion of the same kind, and for the same person for whom he has conceived it. The passion appears to every body, but the man who feels it, entirely disproportioned to the value of the object; and love, though it is pardoned in a certain age because we know it is natural, is always laughed at, because we cannot enter into it. All serious and strong expressions of it appear ridiculous to a third person; and though a lover may be good company to his mistress, he is so to nobody else. He himself is sensible of this;

and as long as he continues in his sober senses, endeavours to treat his own passion with raillery and ridicule. It is the only style in which we care to hear of it; because it is the only style in which we ourselves are disposed to talk of it. We grow weary of the grave, pedantic, and long-sentenced love of Cowley and Petrarca, who never have done with exaggerating the violence of their attachments; but the gaiety of Ovid, and the gallantry of Horace, are always agreeable.

But though we feel no proper sympathy with an attachment of this kind, though we never approach even in imagination towards conceiving a passion for that particular person, yet as we either have conceived, or may be disposed to conceive, passions of the same kind, we readily enter into those high hopes of happiness which are proposed from its gratification, as well as into that exquisite distress which is feared from its disappointment. It interests us not as a passion, but as a situation that gives occasion to other passions which interest us; to hope, to fear, and to distress of every kind: in the same manner as in a description of a sea voyage, it is not the hunger which interests us, but the distress which that hunger occasions. Though we do not properly enter into the attachment of the lover, we readily go along with those expectations of romantic happiness which he derives from it. We feel how natural it is for the mind, in a certain situation, relaxed with indolence, and fatigued with the violence of desire, to long for serenity and quiet, to hope to find them in the gratification of that passion which distracts it, and to frame to itself the idea of that life of pastoral tranquillity and retirement which the elegant, the tender, and the passionate Tibullus takes so much pleasure in describing; a life like what the poets describe in the Fortunate Islands, a life of friendship, liberty, and repose; free from labour, and from care, and from all the turbulent passions which attend them. Even scenes of this kind interest us most, when they are painted rather as what is hoped, than as what is enjoyed. The grossness of that passion, which mixes with, and is, perhaps, the foundation of love, disappears when its gratification is far off and at a distance; but renders the whole offensive, when described as what is immediately possessed. The happy passion, upon this account, interests us much less than the fearful and the melancholy. We tremble for whatever can disappoint such natural and agreeable hopes: and thus enter into all the anxiety, and concern, and distress of the lover...

Of all the passions, however, which are so extravagantly disproportioned to the value of their objects, love is the only one that appears, even to the weakest minds, to have any thing in it that is either graceful or agreeable. In itself, first of all, though it may be ridiculous, it is not naturally odious; and though its consequences are often fatal and dreadful, its intentions are seldom mischievous. And then, though there is little propriety in the passion itself, there is a good deal in some of those which always accompany it. There is in love a strong mixture of humanity, generosity, kindness, friendship, esteem; passions with which, of all others, for reasons which shall be explained immediately, we have the greatest propensity to sympathize, even notwithstanding we are sensible that they are, in some measure, excessive. The sympathy which we feel with them, renders the passion which they accompany less disagreeable, and supports it in our imagination, notwithstanding all the vices which commonly go along with it; though in the one sex it necessarily leads to the last ruin and infamy; and though in the other, where it is apprehended to be least fatal, it is almost always attended with an incapacity for labour, a neglect of duty, a contempt of fame, and even of common reputation. Notwithstanding all this, the degree of sensibility and generosity with which it is supposed to be accompanied, renders it to many the object of vanity; and they are fond of appearing capable of feeling

what would do them no honour if they had really felt it.

About this Quotation:

On this Saint Valentine's Day I thought it would be enlightening to see what some moral philosophers have had to say on the topic of romantic love. This quotation from Adam Smith's *Theory of Moral Sentiments* (1759) is more amusing than enlightening as Smith seems to be genuinely unable to "sympathize" with one person's romantic love for another. He says that a third party can understand another person feeling pain or hunger because we have had those same feelings ourselves, but when it comes to understanding why an individual feels love for a SPECIFIC other person then this same third party (namely himself) is mystified. Smith calls the feeling "disproportioned to the value of the object", "ridiculous", and to be "laughed at" as something rather immature. He concludes, rather uncharitably, "though a lover may be good company to his mistress, he is so to nobody else." Perhaps we would be better off reading some of Petrarch's or Shakespeare's poetry.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/2620#Smith_1648_220

13. Origin Of Government↩

1. [David Hume argued that Individual Liberty emerged slowly out of the "violent system of government" which had earlier prevailed in Europe \(1778\)](#) (Nov 8, 2004)
2. [David Hume ponders why the many can be governed so easily by the few and concludes that both force and opinion play a role \(1777\)](#) (Mar 28, 2005)
3. [Herbert Spencer makes a distinction between the "militant type of society" based upon violence and the "industrial type of society" based upon peaceful economic activity \(1882\)](#) (Jun 13, 2005)
4. [Frédéric Bastiat, while pondering the nature of war, concluded that society had always been divided into two classes - those who engaged in productive work and those who lived off their backs \(1850\)](#) (Jan 16, 2006)
5. [Tom Paine asks how it is that established governments came into being, his answer, is "banditti of ruffians" seized control and turned themselves into monarchs \(1792\)](#) (Jan 1, 2007)
6. [Franz Oppenheimer argues that there are two fundamentally opposed ways of acquiring wealth: the "political means" through coercion, and the "economic means" through peaceful trade \(1922\)](#) (Feb 18, 2007)
7. [David Hume on the origin of government in warfare, and the "perpetual struggle" between Liberty and Power \(1777\)](#) (Aug 7, 2007)
8. [Étienne de la Boétie provides one of the earliest and clearest explanations of why the suffering majority obeys the minority who rule over them; it is an example of voluntary servitude \(1576\)](#) (Jul 7, 2009)
9. [John Stuart Mill discusses the origins of the state whereby the "productive class" seeks protection from one "member of the predatory class" in order to gain some security of property \(1848\)](#) (Aug 10, 2009)
10. [Sidney argues that a People's liberty is a gift of nature and exists prior to any government \(1683\)](#) (Nov 15, 2010)

David Hume argued that Individual Liberty emerged slowly out of the “violent system of government” which had earlier prevailed in Europe (1778) (Nov 8, 2004)



David Hume (1711 – 1776)

In one of the last sections he wrote in the multi-volume *History of England*, Hume steps back to survey the entire sweep of English constitutional development. One of the key factors in leading to the creation of English liberty was the ending of serfdom:

One chief advantage, which resulted from the introduction and progress of the arts, was the introduction and progress of freedom; and this consequence affected men both in their *personal* and *civil* capacities.

If we consider the ancient state of Europe, we shall find, that the far greater part of the society were every where bereaved of their *personal* liberty, and lived entirely at the will of their masters. Every one, that was not noble, was a slave: The peasants were sold along with the land: The few inhabitants of cities were not in a better condition: Even the gentry themselves were subjected to a long train of subordination under the greater barons or chief vassals of the crown; who, though seemingly placed in a high state of splendor, yet, having but a slender protection from law, were exposed to every tempest of the state, and by the precarious condition in which they lived, paid dearly for the power of oppressing and tyrannizing over their inferiors. The first incident, which broke in upon this violent system of government, was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect. The relaxation of the feudal tenures, and an execution somewhat stricter, of the public law, bestowed an independance of vassals, which was unknown to their forefathers. And even the peasants themselves, though later than other orders of the state, made their escape from those bonds of villenage or slavery, in which they had formerly been retained.

It may appear strange, that the progress of the arts, which seems, among the Greeks and Romans, to have daily encreased the number of slaves, should, in later times, have proved so general a source of liberty; but this difference in the events proceeded from a great difference in the circumstances, which attended those institutions. The ancient barons, obliged to maintain themselves continually in a military posture, and little emulous of elegance or splendor, employed not their villains as domestic servants, much less as manufacturers; but composed their retinue of free-men, whose military spirit rendered the chieftain formidable to his neighbours, and who were ready to attend him in every warlike enterprize. The villains were entirely occupied in the cultivation of their master's land, and paid their rents either in corn and cattle and other produce of the farm, or in servile offices, which they performed about the baron's family, and upon the farms which he retained in his own possession. In proportion as agriculture improved, and money encreased, it was found, that these services, though extremely burdensome to the villain, were of little advantage to the master; and that the produce of a large estate could be much more conveniently disposed of by the peasants themselves, who raised it, than by the landlord or his bailiff, who were formerly accustomed to receive it. A commutation was therefore made of rents for services, and of money-rents for those in kind; and as men, in a subsequent age, discovered, that farms were better cultivated where the farmer enjoyed a security in his possession, the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of servitude, already much relaxed from the former practices. After this manner, villenage went gradually into disuse throughout the more civilized parts of Europe: The interest of the master, as well as that of the slave, concurred in this alteration. The latest laws which we find in England for enforcing or regulating this species of servitude, were enacted in the reign of Henry VII. And though the ancient statutes on this subject remain still unrepealed by parliament, it appears, that, before the end of Elizabeth, the distinction of villain and freeman was totally, though insensibly abolished, and that no person remained in the state, to whom the former laws could be applied.

Thus *personal* freedom became almost general in Europe; an advantage which paved the way for the encrease of *political* or *civil* liberty, and which, even where it was not attended with this salutary effect, served to give the members of the community some of the most considerable advantages of it.

About this Quotation:

This section of Hume's *History of England* is not titled "The Progress of English Liberty" in the book. The importance of this essay was brought to our attention by the Hume scholar Eugene Miller who believes that it was written at a late stage in the writing of the book in order to summarize Hume's views on the rise of liberty in England over the centuries. It does appear to be a stand alone piece and we published it online as one of our "Fogotten Gems" </index.php?option=com_content&task=view&id=463&Itemid=262>.

Source

David Hume, *The History of England from the Invasion of Julius Caesar to the Revolution in 1688*, Foreword by William B. Todd, 6 vols. (Indianapolis: Liberty Fund 1983). Vol. 2.

David Hume ponders why the many can be governed so easily by the few and concludes that both force and opinion play a role (1777) (Mar 28, 2005)



David Hume (1711 – 1776)

In a collection of brilliant essays ranging over a number of disciplines, Hume reflects on the key aspect of the state – why people obey:

Nothing appears more surprising to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that, as Force is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular. The soldan of Egypt, or the emperor of Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclination: But he must, at least, have led his *mamalukes*, or *prætorian bands*, like men, by their opinion.

Opinion is of two kinds, to wit, opinion of interest, and opinion of right. By opinion of interest, I chiefly understand the sense of the general advantage which is reaped from government; together with the persuasion, that the particular government, which is established, is equally advantageous with any other that could easily be settled. When this opinion prevails among the generality of a state, or among those who have the force in their hands, it gives great security to any government.

Right is of two kinds, right to Power and right to Property. What prevalence opinion of the first kind has over mankind, may easily be understood, by observing the attachment which all nations have to their ancient government, and even to those names, which have had the sanction of antiquity. Antiquity always begets the opinion of right; and whatever disadvantageous sentiments we may entertain of mankind, they are always found to be

prodigal both of blood and treasure in the maintenance of public justice. There is, indeed, no particular, in which, at first sight, there may appear a greater contradiction in the frame of the human mind than the present. When men act in a faction, they are apt, without shame or remorse, to neglect all the ties of honour and morality, in order to serve their party; and yet, when a faction is formed upon a point of right or principle, there is no occasion, where men discover a greater obstinacy, and a more determined sense of justice and equity. The same social disposition of mankind is the cause of these contradictory appearances.

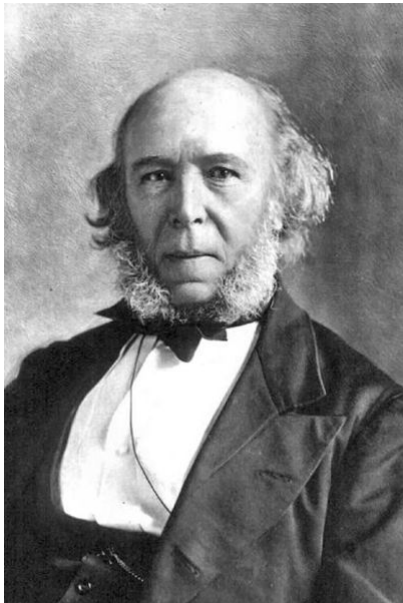
About this Quotation:

If Edmund Burke pondered over one of the key questions of political theory, “who guards us from the guardians?”, David Hume was pondering an equally difficult problem: “why is it so easy for the few in power to govern the many?” His answer was that “opinion”, or the beliefs the many hold about the legitimacy of those who rule, keeps the many from throwing off their rulers. This means that minimal force is required by the rulers to keep the many in line.

Source

David Hume, *Essays Moral, Political, Literary*, edited and with a Foreword, Notes, and Glossary by Eugene F. Miller, with an appendix of variant readings from the 1889 edition by T.H. Green and T.H. Grose, revised edition (Indianapolis: Liberty Fund 1987). <http://oll.libertyfund.org/title/704/137484/2621101>

Herbert Spencer makes a distinction between the “militant type of society” based upon violence and the “industrial type of society” based upon peaceful economic activity (1882) (Jun 13, 2005)



Herbert Spencer (1820 – 1903)

Central to Spencer’s sociology of the state was the distinction between what he called “militant” types of society and “industrial” types of society. In the former type of society he observed a close link between militant activities and economic protectionism as the following quote shows:

§ 557. A remaining fact to be set down is that a society of the militant type tends to evolve a self-sufficient sustaining organization. With its political autonomy there goes what we may call an economic autonomy. Evidently if it carries on frequent wars against surrounding societies, its commercial intercourse with them must be hindered or prevented: exchange of commodities can go on to but a small extent between those who are continually fighting. A militant society must, therefore, to the greatest degree practicable, provide internally the supplies of all articles needful for carrying on the lives of its members. Such an economic state as that which existed during early feudal times, when, as in France, "the castles made almost all the articles used in them," is a state evidently entailed on groups, small or large, which are in constant antagonism with surrounding groups. If there does not already exist within any group so circumstanced, an agency for producing some necessary article, inability to obtain it from without will lead to the establishment of an agency for obtaining it within.

Whence it follows that the desire "not to be dependent on foreigners" is one appropriate to the militant type of society. So long as there is constant danger that the supplies of needful things derived from other countries will be cut off by the breaking out of hostilities, it is imperative that there shall be maintained a power of producing these supplies at home, and that to this end the required structures shall be maintained. Hence there is a manifest direct relation between militant activities and a protectionist policy.

About this Quotation:

The distinction which Spencer makes between “militant” types of society and “industrial” types of society was one shared by a number of classical liberal writers who emerged during and after the Napoleonic Wars. These included Benjamin Constant, Jean-Baptiste Say, Charles Comte, Charles Dunoyer, and Frédéric Bastiat. Herbert Spencer made this idea a central part of his sociology and it would also play an important role in the thinking of economists such as Ludwig von Mises and many in the Austrian school.

Source

Herbert Spencer, *Political Institutions, being Part V of the Principles of Sociology (The Concluding Portion of Vol. II)* (London: Williams and Norgate, 1882). <http://oll.libertyfund.org/title/1336/54831/1319166>

Frédéric Bastiat, while pondering the nature of war, concluded that society had always been divided into two classes - those who engaged in productive work and those who lived off their backs (1850) (Jan 16, 2006)



Frédéric Bastiat (1801 – 1850)

In chapter 19 of the last work he ever completed, Bastiat pondered on the nature of war and who benefits from it. He concluded that society is divided into two groups: those who live off the productive activity of others and the vast bulk of the people who engage in productive activities:

I cannot help thinking that among the Greeks, as among the Romans and in the Middle Ages, men were just as they are today, that is, subject to wants so strong, so recurrent, that it was necessary to provide for them on pain of death. Therefore, I cannot help concluding, that then, as now, these wants were the chief and most absorbing preoccupation of the great majority of the human race.

What does appear certain is that **a very small number of men managed to live without working, supported by the labor of the oppressed masses. This small leisured group made their slaves construct sumptuous palaces, vast castles, or somber fortresses. They loved to surround themselves with all the sensuous pleasures of life and with all the monuments of art. They delighted in discoursing on philosophy and cosmogony; and, above all, they carefully cultivated the two sciences to which they owed their supremacy and their enjoyments: the science of force and the science of fraud.**

For beneath this aristocracy were the countless multitudes occupied in creating, for themselves, the means of sustaining life and, for their oppressors, the means of surfeiting them with pleasures. Since the historians never make the slightest mention of these multitudes, we forget their existence; they do not count for us at all. We have eyes only for the aristocracy. It is this class that we call ancient society or feudal society. We imagine that such societies were self-sustaining, that they never had recourse to anything so mundane as commerce, industry, or labor; we admire their unselfishness, their generosity, their love of the arts, their spiritual qualities, their disdain for servile

occupations, their lofty thoughts and sentiments; we declare, with a certain quaver in the voice, that at one time the nations cared only for glory, at another only for the arts, at another only for philosophy, at another only for religion, at another only for virtue; we very sincerely weep over our own sorry state; we speak of our age with sarcasm because, unable to rise to the sublime heights attained by such paragons, we are reduced to according to labor and to all the prosaic virtues associated with it so important a place in our modern life.

Let us console ourselves with the thought that it played a no less important role in ancient life. **The only difference was that the labor that a few men had managed to escape fell crushingly on the oppressed masses, to the great detriment of justice, liberty, property, wealth, equality, and progress;** and this is the first of the disturbing factors to which I must call the reader's attention.

About this Quotation:

Bastiat had a scathing attitude towards the study of classical languages and the ancient world because he had a very low regard for the morals of the slave owning and conquering Romans. Like Milton he thought that military glory was a “false glory” and Like Calhoun he thought that society was divided into classes of people – those who worked and traded peacefully and who paid the taxes, and those who lived off those taxes and often served in the military to boot. When this quotation was chosen in January 2005 Liberty Fund was preparing to translate the complete works of Bastiat (the mid-19th century French edition runs to 7 volumes). Soon there will be a cornucopia of the writings in English of this great defender of liberty.

Source

Frédéric Bastiat, *Economic Harmonies*, trans by W. Hayden Boyers, ed. George B. de Huszar, introduction by Dean Russell (Irvington-on-Hudson: Foundation for Economic Education, 1996).
<http://oll.libertyfund.org/title/79/35558/669808>

Tom Paine asks how it is that established governments came into being, his answer, is "banditti of ruffians" seized control and turned themselves into monarchs (1792) (Jan 1, 2007)



Thomas Paine (1737 – 1809)

In Part II of his *Rights of Man* Tom Paine asks how it is that established governments came into being. In the second chapter "Of the Origins of the Present Old Governments" he has his answer, "banditti of ruffians" seized control and turned themselves into monarchs:

It is impossible that such governments as have hitherto existed in the world, could have commenced by any other means than a total violation of every principle sacred and moral. The obscurity in which the origin of all the present old governments is buried, implies the iniquity and disgrace with which they began. The origin of the present government of America and France will ever be remembered, because it is honourable to record it; but with respect to the rest. even Flattery has consigned them to the tomb of time, without an inscription.

It could have been no difficult thing in the early and solitary ages of the world, while the chief employment of men was that of attending flocks and herds, for a banditti of ruffians to overrun a country, and lay it under contributions. Their power being thus established, the chief of the band contrived to lose the name of Robber in that of Monarch; and hence the origin of Monarchy and Kings.

The origin of the Government of England, so far as relates to what is called its line of monarchy, being one of the latest, is perhaps the best recorded. The hatred which the Norman invasion and tyranny begat, must have been deeply rooted in the nation, to have outlived the contrivance to obliterate it. Though not a courtier will talk of the curfeubell, not a village in England has forgotten it.

Those bands of robbers having parcelled out the world, and divided it into dominions, began, as is naturally the case, to quarrel with each other. What at first was obtained by violence was considered by others as lawful to be taken, and a second plunderer

succeeded the first. They alternately invaded the dominions which each had assigned to himself, and the brutality with which they treated each other explains the original character of monarchy. It was ruffian torturing ruffian. The conqueror considered the conquered, not as his prisoner, but his property. He led him in triumph rattling in chains, and doomed him, at pleasure, to slavery or death. As time obliterated the history of their beginning, their successors assumed new appearances, to cut off the entail of their disgrace, but their principles and objects remained the same. What at first was plunder, assumed the softer name of revenue; and the power originally usurped, they affected to inherit.

From such beginning of governments, what could be expected but a continued system of war and extortion? It has established itself into a trade. The vice is not peculiar to one more than to another, but is the common principle of all. There does not exist within such governments sufficient stamina whereon to engraft reformation; and the shortest and most effectual remedy is to begin anew on the ground of the nation.

What scenes of horror, what perfection of iniquity, present themselves in contemplating the character and reviewing the history of such governments! If we would delineate human nature with a baseness of heart and hypocrisy of countenance that reflexion would shudder at and humanity disown, it is kings, courts and cabinets that must sit for the portrait. Man, naturally as he is, with all his faults about him, is not up to the character.

Can we possibly suppose that if governments had originated in a right principle, and had not an interest in pursuing a wrong one, the world could have been in the wretched and quarrelsome condition we have seen it? What inducement has the farmer, while following the plough, to lay aside his peaceful pursuit, and go to war with the farmer of another country? or what inducement has the manufacturer? What is dominion to them, or to any class of men in a nation? Does it add an acre to any man's estate, or raise its value? Are not conquest and defeat each of the same price, and taxes the never-failing consequence? — Though this reasoning may be good to a nation, it is not so to a government. War is the Pharo-table of governments, and nations the dupes of the game.

If there is anything to wonder at in this miserable scene of governments more than might be expected, it is the progress which the peaceful arts of agriculture, manufacture and commerce have made beneath such a long accumulating load of discouragement and oppression. It serves to shew that instinct in animals does not act with stronger impulse than the principles of society and civilisation operate in man. Under all discouragements, he pursues his object, and yields to nothing but impossibilities.

About this Quotation:

In a much blunter version than David Hume, thus befitting a popular pamphlet rather than a scholarly essay, Thomas Paine asks the same question: where do governments come from originally? Hume thought it was “implicit submission” to the dominant ruling elite. Paine expressed himself more directly but along the same lines – it was the rise to power of local dominant “banditti of ruffians” who over time became the polished and effete ruling classes of old regime Europe. It is the ancestors of these down to which we “bend the knee.”

Source

Franz Oppenheimer argues that there are two fundamentally opposed ways of acquiring wealth: the “political means” through coercion, and the “economic means” through peaceful trade (1922) (Feb 18, 2007)



[Franz Oppenheimer](#) (1864 – 1943)

Franz Oppenheimer, in his analysis of the origin of the state, argues that there are two fundamentally opposed ways of acquiring wealth: the “political means” through coercion, and the “economic means” through peaceful trade:

(a) Political and Economic Means

There are two fundamentally opposed means whereby man, requiring sustenance, is impelled to obtain the necessary means for satisfying his desires. These are work and robbery, one’s own labor and the forcible appropriation of the labor of others.

Robbery! Forcible appropriation! These words convey to us ideas of crime and the penitentiary, since we are the contemporaries of a developed civilization, specifically based on the inviolability of property. And this tang is not lost when we are convinced that land and sea robbery is the primitive relation of life, just as the warriors’ trade—which also for a long time is only organized mass robbery—constitutes the most respected of occupations. Both because of this, and also on account of the need of having, in the further development of this study, terse, clear, sharply opposing terms for these very important contrasts, I propose in the following discussion to call one’s own labor and the equivalent exchange of one’s own labor for the labor of others, the “economic means” for the satisfaction of needs, while the unrequited appropriation of the labor of others will be called the “political means.”

The idea is not altogether new; philosophers of history have at all times found this contradiction and have tried to formulate it. But no one of these formulæ has carried the premise to its complete logical end. At no place is it clearly shown that the contradiction consists only in the means by which the identical purpose, the acquisition of economic objects of consumption, is to be obtained. Yet this is the critical point of the reasoning. In

the case of a thinker of the rank of Karl Marx, one may observe what confusion is brought about when economic purpose and economic means are not strictly differentiated. All those errors, which in the end led Marx's splendid theory so far away from truth, were grounded in the lack of clear differentiation between the means of economic satisfaction of needs and its end. This led him to designate slavery as an "economic category," and force as an "economic force"—half truths which are far more dangerous than total untruths, since their discovery is more difficult, and false conclusions from them are inevitable.

About this Quotation:

Oppenheimer picks up a theory of the state which was common among early 19th century French liberals such as Jean-Baptiste Say, Charles Comte, Charles Dunoyer, Frédéric Bastiat, and Augustin Thierry. As Oppenheimer correctly notes, Karl Marx got himself horribly confused on this matter, seeing slavery as an economic category and seeing economics as driven by "force". We have been paying the price for this confusion every since.

Source

Franz Oppenheimer, *The State: Its History and Development viewed Sociologically*, authorized translation by John M. Gitterman (New York: B.W. Huebsch, 1922). <http://oll.libertyfund.org/title/1662/36961>

David Hume on the origin of government in warfare, and the “perpetual struggle” between Liberty and Power (1777) (Aug 7, 2007)



David Hume (1711 – 1776)

David Hume has two important insights into the origin of government; that it is often born out of warfare, and that once established there is a “perpetual struggle” within it between Liberty and Power (1777):

But though this progress of human affairs may appear certain and inevitable, and though the support which allegiance brings to justice, be founded on obvious principles of human nature, it cannot be expected that men should beforehand be able to discover them, or foresee their operation. Government commences more casually and more imperfectly. **It is probable, that the first ascendant of one man over multitudes begun during a state of war; where the superiority of courage and of genius discovers itself most visibly, where unanimity and concert are most requisite, and where the pernicious effects of disorder are most sensibly felt. The long continuance of that state, an incident common among savage tribes, enured the people to submission; and if the chieftain possessed as much equity as prudence and valour, he became, even during peace, the arbiter of all differences, and could gradually, by a mixture of force and consent, establish his authority.** The benefit sensibly felt from his influence, made it be cherished by the people, at least by the peaceable and well disposed among them; and if his son enjoyed the same good qualities, government advanced the sooner to maturity and perfection; but was still in a feeble state, till the farther progress of improvement procured the magistrate a revenue, and enabled him to bestow rewards on the several instruments of his administration, and to inflict punishments on the refractory and disobedient. Before that period, each exertion of his influence must have been particular, and founded on the peculiar circumstances of the case. After it, submission was no longer a matter of choice in the bulk of the community, but was rigorously exacted by the authority of the supreme magistrate.

In all governments, there is a perpetual intestine struggle, open or secret, between

Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontroulable. The sultan is master of the life and fortune of any individual; but will not be permitted to impose new taxes on his subjects: a French monarch can impose taxes at pleasure; but would find it dangerous to attempt the lives and fortunes of individuals. Religion also, in most countries, is commonly found to be a very intractable principle; and other principles or prejudices frequently resist all the authority of the civil magistrate; whose power, being founded on opinion, can never subvert other opinions, equally rooted with that of his title to dominion. The government, which, in common appellation, receives the appellation of free, is that which admits of a partition of power among several members, whose united authority is no less, or is commonly greater than that of any monarch; but who, in the usual course of administration, must act by general and equal laws, that are previously known to all the members and to all their subjects. In this sense, it must be owned, that liberty is the perfection of civil society; but still authority must be acknowledged essential to its very existence: and in those contests, which so often take place between the one and the other, the latter may, on that account, challenge the preference. Unless perhaps one may say (and it may be said with some reason) that a circumstance, which is essential to the existence of civil society, must always support itself, and needs be guarded with less jealousy, than one that contributes only to its perfection, which the indolence of men is so apt to neglect, or their ignorance to overlook.

About this Quotation:

Although the later Hume has a reputation for supporting the British monarchy (this was Jefferson's view) in some of his early essays we see a more radical view of the nature of government emerge. In a previously cited quotation Hume tells us that a combination of force and public opinion is required to keep a regime in power. In this essay Hume adds two more crucial insights into the origin and operation of governments: the first is that the earliest governments probably came about as a result of war with the victorious strongman seizing power and gradually making it permanent; secondly, that once governments were established there began a "perpetual intestine struggle, open or secret, between Authority and Liberty." Perhaps this passage should be the foundational text for the present collection of quotations entitled *Reflections on Liberty and Power*.

Source

David Hume, *Essays Moral, Political, Literary*, edited and with a Foreword, Notes, and Glossary by Eugene F. Miller, with an appendix of variant readings from the 1889 edition by T.H. Green and T.H. Grose, revised edition (Indianapolis: Liberty Fund 1987). <http://oll.libertyfund.org/title/704/137486/2621116>

Étienne de la Boétie provides one of the earliest and clearest explanations of why the suffering majority obeys the minority who rule over them; it is an example of voluntary servitude (1576) (Jul 7, 2009)



[Etienne de la Boétie](#) (1530 – 1563)

La Boétie poses one of the thorniest problems in political philosophy: why the suffering majority obey the orders of the ruling few:

For the present I should like merely to understand how it happens that so many men, so many villages, so many cities, so many nations, sometimes suffer under a single tyrant who has no other power than the power they give him; who is able to harm them only to the extent to which they have the willingness to bear with him; who could do them absolutely no injury unless they preferred to put up with him rather than contradict him.[3] Surely a striking situation! Yet it is so common that one must grieve the more and wonder the less at the spectacle of a million men serving in wretchedness, their necks under the yoke, not constrained by a greater multitude than they, but simply, it would seem, delighted and charmed by the name of one man alone whose power they need not fear, for he is evidently the one person whose qualities they cannot admire because of his inhumanity and brutality toward them. A weakness characteristic of human kind is that we often have to obey force; we have to make concessions; we ourselves cannot always be the stronger. Therefore, when a nation is constrained by the fortune of war to serve a single clique, as happened when the city of Athens served the thirty Tyrants, one should not be amazed that the nation obeys, but simply be grieved by the situation; or rather, instead of being amazed or saddened, consider patiently the evil and look forward hopefully toward a happier future. ...

There are three kinds of tyrants; some receive their proud position through elections by the people, others by force of arms, others by inheritance. Those who have acquired power by means of war act in such wise that it is evident they rule over a conquered country. Those who are born to kingship are scarcely any better, because they are

nourished on the breast of tyranny, suck in with their milk the instincts of the tyrant, and consider the people under them as their inherited serfs; and according to their individual disposition, miserly or prodigal, they treat their kingdom as their property. He who has received the state from the people, however, ought to be, it seems to me, more bearable and would be so, I think, were it not for the fact that as soon as he sees himself higher than the others, flattered by that quality which we call grandeur, he plans never to relinquish his position. Such a man usually determines to pass on to his children the authority that the people have conferred upon him; and once his heirs have taken this attitude, strange it is how far they surpass other tyrants in all sorts of vices, and especially in cruelty, because they find no other means to impose this new tyranny than by tightening control and removing their subjects so far from any notion of liberty that even if the memory of it is fresh it will soon be eradicated. Yet, to speak accurately, I do perceive that there is some difference among these three types of tyranny, but as for stating a preference, I cannot grant there is any. For although the means of coming into power differ, still the method of ruling is practically the same; those who are elected act as if they were breaking in bullocks; those who are conquerors make the people their prey; those who are heirs plan to treat them as if they were their natural slaves. ...

Let us therefore admit that all those things to which he is trained and accustomed seem natural to man and that only that is truly native to him which he receives with his primitive, untrained individuality. Thus custom becomes the first reason for voluntary servitude. Men are like handsome race horses who first bite the bit and later like it, and rearing under the saddle a while soon learn to enjoy displaying their harness and prance proudly beneath their trappings. Similarly men will grow accustomed to the idea that they have always been in subjection, that their fathers lived in the same way; they will think they are obliged to suffer this evil, and will persuade themselves by example and imitation of others, finally investing those who order them around with proprietary rights, based on the idea that it has always been that way.

There are always a few, better endowed than others, who feel the weight of the yoke and cannot restrain themselves from attempting to shake it off: these are the men who never become tamed under subjection and who always, like Ulysses on land and sea constantly seeking the smoke of his chimney, cannot prevent themselves from peering about for their natural privileges and from remembering their ancestors and their former ways. These are in fact the men who, possessed of clear minds and far-sighted spirit, are not satisfied, like the brutish mass, to see only what is at their feet, but rather look about them, behind and before, and even recall the things of the past in order to judge those of the future, and compare both with their present condition. These are the ones who, having good minds of their own, have further trained them by study and learning. Even if liberty had entirely perished from the earth, such men would invent it. For them slavery has no satisfactions, no matter how well disguised. ...

But to come back to the thread of our discourse, which I have practically lost: the essential reason why men take orders willingly is that they are born serfs and are reared as such. From this cause there follows another result, namely that people easily become cowardly and submissive under tyrants. For this observation I am deeply grateful to Hippocrates, the renowned father of medicine, who noted and reported it in a treatise of his entitled Concerning Diseases. This famous man was certainly endowed with a great heart and proved it clearly by his reply to the Great King, who wanted to attach him to his

person by means of special privileges and large gifts. Hippocrates answered frankly that it would be a weight on his conscience to make use of his science for the cure of barbarians who wished to slay his fellow Greeks, or to serve faithfully by his skill anyone who undertook to enslave Greece. The letter he sent the king can still be read among his other works and will forever testify to his great heart and noble character.

By this time it should be evident that liberty once lost, valor also perishes. A subject people shows neither gladness nor eagerness in combat: its men march sullenly to danger almost as if in bonds, and stultified; they do not feel throbbing within them that eagerness for liberty which engenders scorn of peril and imparts readiness to acquire honor and glory by a brave death amidst one's comrades. Among free men there is competition as to who will do most, each for the common good, each by himself, all expecting to share in the misfortunes of defeat, or in the benefits of victory; but an enslaved people loses in addition to this warlike courage, all signs of enthusiasm, for their hearts are degraded, submissive, and incapable of any great deed. Tyrants are well aware of this, and, in order to degrade their subjects further, encourage them to assume this attitude and make it instinctive. ...

But to return to our subject, the thread of which I have unwittingly lost in this discussion: it has always happened that tyrants, in order to strengthen their power, have made every effort to train their people not only in obedience and servility toward themselves, but also in adoration. Therefore all that I have said up to the present concerning the means by which a more willing submission has been obtained applies to dictators in their relationship with the inferior and common classes. ...

I come now to a point which is, in my opinion, the mainspring and the secret of domination, the support and foundation of tyranny. Whoever thinks that halberds, sentries, the placing of the watch, serve to protect and shield tyrants is, in my judgment, completely mistaken. These are used, it seems to me, more for ceremony and a show of force than for any reliance placed in them. The archers forbid the entrance to the palace to the poorly dressed who have no weapons, not to the well armed who can carry out some plot. Certainly it is easy to say of the Roman emperors that fewer escaped from danger by the aid of their guards than were killed by their own archers. It is not the troops on horseback, it is not the companies afoot, it is not arms that defend the tyrant. This does not seem credible on first thought, but it is nevertheless true that there are only four or five who maintain the dictator, four or five who keep the country in bondage to him. Five or six have always had access to his ear, and have either gone to him of their own accord, or else have been summoned by him, to be accomplices in his cruelties, companions in his pleasures, panders to his lusts, and sharers in his plunders. These six manage their chief so successfully that he comes to be held accountable not only for his own misdeeds but even for theirs. The six have six hundred who profit under them, and with the six hundred they do what they have accomplished with their tyrant. The six hundred maintain under them six thousand, whom they promote in rank, upon whom they confer the government of provinces or the direction of finances, in order that they may serve as instruments of avarice and cruelty, executing orders at the proper time and working such havoc all around that they could not last except under the shadow of the six hundred, nor be exempt from law and punishment except through their influence. ...

Thus the despot subdues his subjects, some of them by means of others, and thus is he

protected by those from whom, if they were decent men, he would have to guard himself; just as, in order to split wood, one has to use a wedge of the wood itself. Such are his archers, his guards, his halberdiers; not that they themselves do not suffer occasionally at his hands, but this riff-raff, abandoned alike by God and man, can be led to endure evil if permitted to commit it, not against him who exploits them, but against those who like themselves submit, but are helpless. Nevertheless, observing those men who painfully serve the tyrant in order to win some profit from his tyranny and from the subjection of the populace, I am often overcome with amazement at their wickedness and sometimes by pity for their folly. For, in all honesty, can it be in any way except in folly that you approach a tyrant, withdrawing further from your liberty and, so to speak, embracing with both hands your servitude? Let such men lay aside briefly their ambition, or let them forget for a moment their avarice, and look at themselves as they really are. Then they will realize clearly that the townspeople, the peasants whom they trample under foot and treat worse than convicts or slaves, they will realize, I say, that these people, mistreated as they may be, are nevertheless, in comparison with themselves, better off and fairly free. The tiller of the soil and the artisan, no matter how enslaved, discharge their obligation when they do what they are told to do; but the dictator sees men about him wooing and begging his favor, and doing much more than he tells them to do. Such men must not only obey orders; they must anticipate his wishes; to satisfy him they must foresee his desires; they must wear themselves out, torment themselves, kill themselves with work in his interest, and accept his pleasure as their own, neglecting their preferences for his, distorting their character and corrupting their nature; they must pay heed to his words, to his intonation, to his gestures, and to his glance. Let them have no eye, nor foot, nor hand that is not alert to respond to his wishes or to seek out his thoughts. ...

Still men accept servility in order to acquire wealth; as if they could acquire anything of their own when they cannot even assert that they belong to themselves, or as if anyone could possess under a tyrant a single thing in his own name. Yet they act as if their wealth really belonged to them, and forget that it is they themselves who give the ruler the power to deprive everybody of everything, leaving nothing that anyone can identify as belonging to somebody. They notice that nothing makes men so subservient to a tyrant's cruelty as property; that the possession of wealth is the worst of crimes against him, punishable even by death; that he loves nothing quite so much as money and ruins only the rich, who come before him as before a butcher, offering themselves so stuffed and bulging that they make his mouth water. These favorites should not recall so much the memory of those who have won great wealth from tyrants as of those who, after they had for some time amassed it, have lost to him their property as well as their lives; they should consider not how many others have gained a fortune, but rather how few of them have kept it. Whether we examine ancient history or simply the times in which we live, we shall see clearly how great is the number of those who, having by shameful means won the ear of princes — who either profit from their villainies or take advantage of their naïveté — were in the end reduced to nothing by these very princes; and although at first such servitors were met by a ready willingness to promote their interests, they later found an equally obvious inconstancy which brought them to ruin. Certainly among so large a number of people who have at one time or another had some relationship with bad rulers, there have been few or practically none at all who have not felt applied to themselves the tyrant's animosity, which they had formerly stirred up against others. Most often, after becoming rich by despoiling others, under the favor of his protection, they find themselves at last enriching him with their own spoils. ...

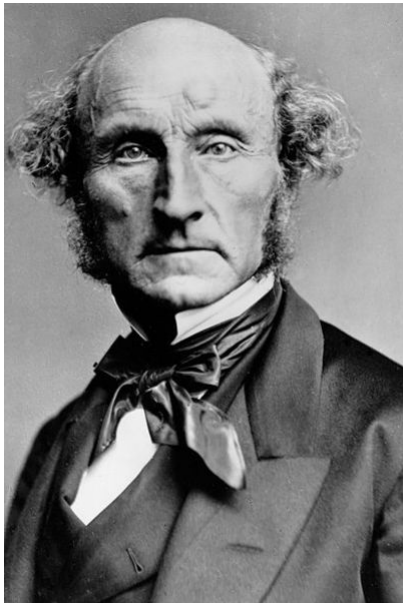
About this Quotation:

Boétie's answer to this question is thoughtful and detailed. The country and system one is born under is accepted without question as normal; only a very few are born with the faculty to question the justice and necessity of the rule of the few; most are content to remain cowardly and submissive under tyranny; ordinary people are trained to adore their leaders; a select few who cooperate with the ruler are rewarded well for their services; others accept their servility because they wish to acquire wealth under the tyrant's rule. In 1549 Boétie was content to "consider patiently the evil and look forward hopefully toward a happier future" when this would no longer be the case.

Source

The Discourse of Voluntary Servitude, trans. Harry Kurz (Indianapolis: 1942).

John Stuart Mill discusses the origins of the state whereby the “productive class” seeks protection from one “member of the predatory class” in order to gain some security of property (1848) (Aug 10, 2009)



[John Stuart Mill](#) (1806 – 1873)

In a chapter on the function of government in *The Principles of Political Economy* (1848) John Stuart Mill observed how the state (or the predatory class) forces the productive classes into a condition of uncertainty, insecurity, and dependence:

§ 1. [Effects of imperfect security of person and property] Before we discuss the line of demarcation between the things with which government should, and those with which they should not, directly interfere, it is necessary to consider the economical effects, whether of a bad or of a good complexion, arising from the manner in which they acquit themselves of the duties which devolve on them in all societies, and which no one denies to be incumbent on them.

The first of these is the protection of person and property. **There is no need to expatiate on the influence exercised over the economical interests of society by the degree of completeness with which this duty of government is performed. Insecurity of person and property, is as much as to say, uncertainty of the connexion between all human exertions or sacrifice, and the attainment of the ends for the sake of which they are undergone. It means, uncertainty whether they who sow shall reap, whether they who produce shall consume, and they who spare to-day shall enjoy to-morrow. It means, not only that labour and frugality are not the road to acquisition, but that violence is. When person and property are to a certain degree insecure, all the possessions of the weak are at the mercy of the strong. No one can keep what he has produced, unless he is more capable of defending it, than others who give no part of their time and exertions to useful industry are of taking it from him. The productive classes, therefore, when the insecurity surpasses a certain point, being unequal to their own protection against the predatory population, are obliged to place themselves individually in a state of dependence on some member of the predatory**

class, that it may be his interest to shield them from all depredation except his own. In this manner, in the Middle Ages, allodial property generally became feudal, and numbers of the poorer freemen voluntarily made themselves and their posterity serfs of some military lord.

Nevertheless, in attaching to this great requisite, security of person and property, the importance which is justly due to it, we must not forget that even for economical purposes there are other things quite as indispensable, the presence of which will often make up for a very considerable degree of imperfection in the protective arrangements of government. As was observed in a previous chapter, the free cities of Italy, Flanders, and the Hanseatic league, were habitually in a state of such internal turbulence, varied by such destructive external wars, that person and property enjoyed very imperfect protection; yet during several centuries they increased rapidly in wealth and prosperity, brought many of the industrial arts to a high degree of advancement, carried on distant and dangerous voyages of exploration and commerce with extraordinary success, became an overmatch in power for the greatest feudal lords, and could defend themselves even against the sovereigns of Europe: because in the midst of turmoil and violence, the citizens of those towns enjoyed a certain rude freedom, under conditions of union and co-operation, which, taken together, made them a brave, energetic, and high-spirited people, and fostered a great amount of public spirit and patriotism. The prosperity of these and other free states in a lawless age, shows that a certain degree of insecurity, in some combinations of circumstances, has good as well as bad effects, by making energy and practical ability the conditions of safety. Insecurity paralyzes, only when it is such in nature and in degree, that no energy of which mankind in general are capable, affords any tolerable means of self-protection. And this is a main reason why oppression by the government, whose power is generally irresistible by any efforts that can be made by individuals, has so much more baneful an effect on the springs of national prosperity, than almost any degree of lawlessness and turbulence under free institutions. Nations have acquired some wealth, and made some progress in improvement, in states of social union so imperfect as to border on anarchy: but no countries in which the people were exposed without limit to arbitrary exactions from the officers of government, ever yet continued to have industry or wealth. A few generations of such a government never fail to extinguish both. Some of the fairest, and once the most prosperous, regions of the earth, have, under the Roman and afterwards under the Turkish dominion, been reduced to a desert, solely by that cause. I say solely, because they would have recovered with the utmost rapidity, as countries always do, from the devastations of war, or any other temporary calamities. Difficulties and hardships are often but an incentive to exertion: what is fatal to it, is the belief that it will not be suffered to produce its fruits.

About this Quotation:

In an analysis of the history of the formation of the state which is quite similar to that of Franz Oppenheimer (1864-1943) [[/person/3806](#)] John Stuart Mill begins by discussing the deleterious effects on production caused by the “incomplete security of person and property”. One should recall his discussion of the “vultures” and their “harpies” which drive the productive classes to seek some security from the strongest “vulture” against the myriad other “vultures” who prey on them. In exchange for continuing to pay the strongest “vulture” his protection money, the productive class is spared from having to pay off all the others. Thus begins the state in the medieval period according to Mill. In another interesting passage Mill discusses the impact that established governments have on national prosperity: “oppression by the government, whose power is generally irresistible by any

efforts that can be made by individuals, has so much more baneful an effect on the springs of national prosperity, than almost any degree of lawlessness and turbulence under free institutions.”

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume III – The Principles of Political Economy with Some of Their Applications to Social Philosophy (Books III-V and Appendices)*, ed. John M. Robson, Introduction by V.W. Bladen (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1965). <http://oll.libertyfund.org/title/243/7245/726151>

Sidney argues that a People's liberty is a gift of nature and exists prior to any government (1683) (Nov 15, 2010)



[Algernon Sidney](#) (1622 – 1683)

The English republican Algernon Sidney (1622-1683) distinguished between the “right of dominion” and the “right of liberty” and argued that the people’s liberty is prior to and takes precedence over the dominion of a king or prince:

SECTION 33: The Liberty of a People is the gift of God and Nature.

If any man ask how nations come to have the power of doing these things, I answer, that liberty being only an exemption from the dominion of another, the question ought not to be, how a nation can come to be free, but how a man comes to have a dominion over it; for **till the right of dominion be proved and justified, liberty subsists as arising from the nature and being of a man.** Tertullian speaking of the emperors says, *ab eo imperium a quo spiritus* [Dominion comes from the same source as one’s spirit]; and we taking man in his first condition may justly say, *ab eo libertas a quo spiritus* [Liberty comes from the same source as one’s spirit]; for no man can owe more than he has received. The creature having nothing, and being nothing but what the creator makes him, must owe all to him, and nothing to anyone from whom he has received nothing. Man therefore must be naturally free, unless he be created by another power than we have yet heard of. The obedience due to parents arises from hence, in that they are the instruments of our generation; and we are instructed by the light of reason, that we ought to make great returns to those from whom under God we have received all. When they die we are their heirs, we enjoy the same rights, and devolve the same to our posterity. God only who confers this right upon us, can deprive us of it: and we can no way understand that he does so, unless he had so declared by express revelation, or had set some distinguishing marks of dominion and subjection upon men; and, as an ingenious person not long since said, caused some to be born with crowns upon their heads, and all others with saddles upon their backs. This liberty therefore must continue, till it be either forfeited or willingly resigned. The forfeiture is hardly comprehensible in a multitude that is not entered into any society; for as they are all

equal, and equals can have no right over each other, no man can forfeit anything to one who can justly demand nothing, unless it may be by a personal injury, which is nothing to this case; because where there is no society, one man is not bound by the actions of another. All cannot join in the same act, because they are joined in none; or if they should, no man could recover, much less transmit the forfeiture; and not being transmitted, it perishes as if it had never been, and no man can claim anything from it.

'Twill be no less difficult to bring resignation to be subservient to our author's purpose; for men could not resign their liberty, unless they naturally had it in themselves. Resignation is a publick declaration of their assent to be governed by the person to whom they resign; that is, they do by that act constitute him to be their governor. This necessarily puts us upon the inquiry, why they do resign, how they will be governed, and proves the governor to be their creature; and the right of disposing the government must be in them, or they who receive it can have none. This is so evident to common sense, that it were impertinent to ask who made Carthage, Athens, Rome or Venice to be free cities. Their charters were not from men, but from God and nature...

About this Quotation:

In these passages Algernon Sidney goes to the heart of the matter of the social contract justification of the state. In his view, each individual has a "right of liberty" which comes directly from God or Nature. The "right of dominion" say (of a king over a people), if it exists at all, is a derivative of the first which comes about by means of "forfeiture" or "willing resignation". By "forfeiture" he means the unanimous agreement of people in a state of nature to hand over or surrender their rights to a sovereign power, which he rejects as "hardly comprehensible" among people with equal rights. By "willing resignation" he means the creation of an express contract or charter between the individual and his "governor" for expressly designed and limited purposes. In the absence of such a charter he mocks those who claim a broad "right of dominion" over others (like 17th century monarchs) because God has not clearly revealed his intention for some to rule over others by "set[ting] some distinguishing marks of dominion and subjection upon men [by] caus[ing] some to be born with crowns upon their heads, and all others with saddles upon their backs." Thomas Jefferson was to make this same point in a letter he wrote to Roger Weightman in June 1826 shortly before he died.

Source

Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund 1996). <http://oll.libertyfund.org/title/223/22388/905095>

14. Parties & Elections ↩

1. [Auberon Herbert discusses the "essence of government" when the veneer of elections are stripped away \(1894\)](#) (Jan 31, 2005)
2. [James Bryce tries to explain to a European audience why "great men" are no longer elected to America's highest public office \(1888\)](#) (Feb 21, 2005)
3. [Lance Banning argues that within a decade of the creation of the US Constitution the nation was engaged in a bitter battle over the soul of the American Republic \(2004\)](#) (Feb 6, 2006)
4. [Herbert Spencer takes "philosophical politicians" to task for claiming that government promotes the "public good" when in fact they are seeking "party aggrandisement" \(1843\)](#) (Feb 25, 2007)

5. [Bruno Leoni argues that expressing one's economic choice as a consumer in a free market is quite different from making a political choice by means of voting \(1961\)](#) (Feb 11, 2008)
6. [Bruno Leoni points out that elections are seriously flawed because majority rule is incompatible with individual freedom of choice \(1961\)](#) (Nov 3, 2008)
7. [James Madison on the dangers of elections resulting in overbearing majorities who respect neither justice nor individual rights, Federalist 10 \(1788\)](#) (Nov 4, 2008)
8. [Gustave de Molinari argues that political parties are like "actual armies" who are trained to seize power and reward their supporters with jobs and special privileges \(1904\)](#) (Jan 12, 2009)
9. [Captain John Clarke asserts the right of all men to vote in the formation of a new constitution by right of the property they have in themselves \(1647\)](#) (Aug 17, 2009)
10. [Spencer on voting in elections as a screen behind which the wirepullers turn the sovereign people into a puppet \(1882\)](#) (Aug 16, 2010)
11. [Bruce Smith on the misconceived and harmful legislation produced by voting as an inevitable though temporary case of "measles" \(1887\)](#) (Aug 23, 2010)
12. [Spencer on voting as a poor instrument for protecting our rights to life, liberty, and property \(1879\)](#) (Oct 31, 2010)
13. [Thomas Gordon on how the "Spirit of Party" substitutes party principles for moral principles, thus making it possible for the worst to get on top \(1744\)](#) (Dec 6, 2010)
14. [Bastiat on the scramble for political office \(1848\)](#) (Mar 7, 2011)
15. [Cobden reminds the Liberals in Parliament that the motto of their party is "Economy, Retrenchment, and Reform!" \(1862\)](#) (Aug 15, 2011)
16. [Bentham on how "the ins" and "the outs" lie to the people in order to get into power \(1843\)](#) (Feb 6, 2012)
17. [James Bryce on the Party Primaries and Conventions in the American political system \(1888\)](#) (Aug 27, 2012)
18. [John Trenchard on the real nature of political parties \(1721\)](#) (Feb 17, 2014)
19. [James Mill on Who are to watch the watchmen? \(1835\)](#) (Aug 25, 2014)

Auberon Herbert discusses the “essence of government” when the veneer of elections are stripped away (1894) (Jan 31, 2005)



[Auberon Herbert](#) (1838 – 1906)

Herbert argues in this essay written in 1894 that the true nature of government is the exercise of coercion and, once the veneer of elections and parliamentary oratory is stripped away, its purer essence is revealed:

I hasten to reassure Mrs. Grundy as regards all her anxieties. I am happy to say, even at the cost of a dull article, that I am wholly orthodox on this question of villainous dynamite. I detest dynamite, my dear madam, for your own excellent reasons, because it is most treacherous, cruel—I should write scatterbrained, but some ingenuous person might accuse me of trifling with the English language—and altogether abominable; and I also detest it for other special reasons. I detest it, because I look upon it as a nineteenth-century development in the art of governing, and of that worthy art the world has had quite sufficient developments already. There is no occasion for adding one more experience to the long list. Perhaps I ought at once, for the benefit of some of my friends who are inclined a little incautiously to glorify this word "governing" without thinking of all that is contained in it, to translate the term, which is so often on our lips, into what I hold to be its true meaning: forcing your own will and pleasure, whatever they may be, if you happen to be the stronger, on other persons. Now, many worthy people are apt to look on dynamite as the archenemy of government; but remembering this definition, remembering that undeniably the great purpose of government is the compulsion of A by B and C to do what he does not want to do, it is plain that such a view fails to distinguish essence from accident, and to appreciate the most characteristic qualities that inhere in this new political agent. Dynamite is not opposed to government; it is, on the contrary, government in its most intensified and concentrated form. Whatever are the sins of everyday governmentalism, however brutal in their working some of the great force machines with which we love to administer each other may tend to be, however reckless we may be as regards each other's rights in our effort to place the yoke of our own opinions upon the neck of others, dynamite "administers" with a far ruder, rougher hand than ever the worst of the continental bureaucracies...

We live in an age of active evolution, and the art of government is evolving like everything else round us. Dynamite is its latest and least comfortable development. It is a purer essence of government, more concentrated and intensified, than has ever yet been employed. It is government in a nutshell, government stripped, as some of us aver, of all its dearly beloved fictions, ballot boxes, political parties, House of Commons oratory, and all the rest of it. How, indeed, is it possible to govern more effectively, or in more abbreviated form, than to say: "Do this—or don't do this—unless you desire that a pound of dynamite should be placed tomorrow evening in your ground-floor study." It is the perfection, the *ne plus ultra*, of government. Indeed, if we poor liberty folk, we voluntaryists, who are at such intellectual discount just at present, and at whom none is too mean to fling his stone—if we, who detest the root idea at the bottom of all governing—the compelling of people to do what they don't want to do, the compelling of them to accept the views and become the tools of other persons—wished to find an object lesson to set before those governments of today which have not yet learned to doubt about their property in human material, where could we find anything more impressive than the dynamiter, with his tin canister and his supply of horseshoe nails? "Here is your own child. This is what your doctrine of deified force, this is what your contempt of human rights, this is what your property in men and women leads to."

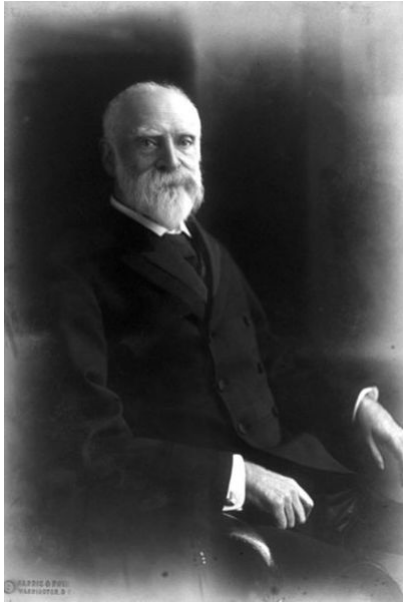
About this Quotation:

Auberon Herbert was one of the leading radical individualists in 19th century Britain. As a radical he was most concerned to rebut the charge that he advocated violence in any form. In this quote he asserts strongly that he “detests dynamite” in all its forms and in fact turns the criticism on its head by arguing that “dynamite” (i.e. force and violence) is rather “the essence of government” itself.

Source

Auberon Herbert, *The Right and Wrong of Compulsion by the State, and Other Essays*, ed. Eric Mack (Indianapolis: Liberty Fund, 1978). <http://oll.libertyfund.org/title/591/66555/1626603>

James Bryce tries to explain to a European audience why “great men” are no longer elected to America’s highest public office (1888) (Feb 21, 2005)



[Viscount James Bryce](#) (1838 – 1922)

In a chapter entitled "Why Great Men Are Not Chosen Presidents" in his book *The American Commonwealth* Viscount Bryce explores this question at some length:

Why Great Men Are Not Chosen Presidents

Europeans often ask, and Americans do not always explain, how it happens that this great office, the greatest in the world, unless we except the papacy, to which anyone can rise by his own merits, is not more frequently filled by great and striking men. In America, which is beyond all other countries the country of a “career open to talents,” a country, moreover, in which political life is unusually keen and political ambition widely diffused, it might be expected that the highest place would always be won by a man of brilliant gifts. But from the time when the heroes of the Revolution died out with Jefferson and Adams and Madison, no person except General Grant, had, down till the end of last century, reached the chair whose name would have been remembered had he not been president, and no president except Abraham Lincoln had displayed rare or striking qualities in the chair. Who now knows or cares to know anything about the personality of James K. Polk or Franklin Pierce? The only thing remarkable about them is that being so commonplace they should have climbed so high.

Several reasons may be suggested for the fact, which Americans are themselves the first to admit.

One is that the proportion of first-rate ability drawn into politics is smaller in America than in most European countries. This is a phenomenon whose causes must be elucidated later: in the meantime it is enough to say that in France, where the half-revolutionary conditions that lasted for some time after 1870, made public life exciting and accessible;

in Germany, where an admirably organized civil service cultivates and develops statecraft with unusual success; in England, where many persons of wealth and leisure seek to enter the political arena, while burning questions touch the interests of all classes and make men eager observers of the combatants, the total quantity of talent devoted to parliamentary or administrative work has been larger, relatively to the population, than in America, where much of the best ability, both for thought and for action, for planning and for executing, rushes into a field which is comparatively narrow in Europe, the business of developing the material resources of the country.

Another is that the methods and habits of Congress, and indeed of political life generally, seem to give fewer opportunities for personal distinction, fewer modes in which a man may commend himself to his countrymen by eminent capacity in thought, in speech, or in administration, than is the case in the free countries of Europe. This is a point to be explained in later chapters. I merely note here in passing what will there be dwelt on.

A third reason is that eminent men make more enemies, and give those enemies more assailable points, than obscure men do. They are therefore in so far less desirable candidates. It is true that the eminent man has also made more friends, that his name is more widely known, and may be greeted with louder cheers. Other things being equal, the famous man is preferable. But other things never are equal. The famous man has probably attacked some leaders in his own party, has supplanted others, has expressed his dislike to the crotchet of some active section, has perhaps committed errors which are capable of being magnified into offences. No man stands long before the public and bears a part in great affairs without giving openings to censorious criticism. Fiercer far than the light which beats upon a throne is the light which beats upon a presidential candidate, searching out all the recesses of his past life. Hence, when the choice lies between a brilliant man and a safe man, the safe man is preferred. Party feeling, strong enough to carry in on its back a man without conspicuous positive merits, is not always strong enough to procure forgiveness for a man with positive faults.

A European finds that this phenomenon needs in its turn to be explained, for in the free countries of Europe brilliancy, be it eloquence in speech, or some striking achievement in war or administration, or the power through whatever means of somehow impressing the popular imagination, is what makes a leader triumphant. Why should it be otherwise in America? Because in America party loyalty and party organization have been hitherto so perfect that anyone put forward by the party will get the full party vote if his character is good and his "record," as they call it, unstained. The safe candidate may not draw in quite so many votes from the moderate men of the other side as the brilliant one would, but he will not lose nearly so many from his own ranks. Even those who admit his mediocrity will vote straight when the moment for voting comes. Besides, the ordinary American voter does not object to mediocrity. He has a lower conception of the qualities requisite to make a statesman than those who direct public opinion in Europe have. He likes his candidate to be sensible, vigorous, and, above all, what he calls "magnetic," and does not value, because he sees no need for, originality or profundity, a fine culture or a wide knowledge. Candidates are selected to be run for nomination by knots of persons who, however expert as party tacticians, are usually commonplace men; and the choice between those selected for nomination is made by a very large body, an assembly of nearly a thousand delegates from the local party organizations over the country, who are certainly no better than ordinary citizens. How this process works will be seen more fully when I

come to speak of those nominating conventions which are so notable a feature in American politics.

About this Quotation:

In this quotation James Bryce asks a question which others have also asked, in particular the Nobel Prize winning Austrian economist Friedrich Hayek: namely, “Why the Worst Get on Top”, in his book *The Road to Serfdom* (1944). Here Bryce, writing some 64 years before Hayek, reflects on the quality of the men who rise to the top position in American politics.

Source

Viscount James Bryce, *The American Commonwealth*, with an Introduction by Gary L. McDowell, 2 vols (Indianapolis: Liberty Fund, 1995). <http://oll.libertyfund.org/title/809/187909/3060687>

Lance Banning argues that within a decade of the creation of the US Constitution the nation was engaged in a bitter battle over the soul of the American Republic (2004) (Feb 6, 2006)

[Lance Banning](#) (1942 – 2006)

In the Preface to his anthology of writings by the Federalists (the "friends of order") and the Jeffersonian Republicans (the "friends of liberty") the late Lance Banning noted that it was a struggle over concepts that are at the core of the American political tradition: popular self-governance, federalism, constitutionalism, and liberty:

Within three years of the inauguration of the new federal Constitution, America's revolutionary leaders divided bitterly over the policies most appropriate for the infant nation. Within five years, two clashing groups were winning thousands of ordinary voters to their side. Within a decade, the collision had resulted in a full-blown party war.

There has never been another struggle like it. These were the first true parties in the history of the world—the first, that is, to mobilize and organize a large proportion of a mass electorate for a national competition. More than that, these parties argued at a depth and fought with a ferocity that has never been repeated. The Federalists and the Jeffersonian Republicans—the friends of order and the friends of liberty as they sometimes called themselves— were both convinced that more than office, more than clashing interests, and more, indeed, than even national policy in the ordinary sense were fundamentally at stake in their quarrel. Their struggle, they believed, was over nothing less profound than the sort of future the United States would have, the sort of nation America was to be. Each regarded the other as a serious threat to what was not yet called the American way. And from their own perspectives, both were right.

This first great party battle is, of course, completely fascinating for its own sake. Between the framing of the Constitution and the War of 1812, the generation that had made the world's first democratic revolution set about to put its revolutionary vision into practice on a national stage. This generation was a set of public men whose like has never been seen again. Without significant exception, they believed that the American experiment might well determine whether liberty would spread throughout the world or prove that men were too imperfect to be trusted with a government based wholly on elections. In an age of monarchies and aristocracies, they were experimenting with a governmental system—both republican and federal—unprecedented in the world. They had a never-tested and, in several respects, a quite unfinished Constitution to complete. They represented vastly different regions, and they had profoundly different visions of the nature of a sound republic. To understand why they divided and how they created the first modern parties is a captivating object in itself. It is the more worthwhile because not even in the years preceding Independence or during the debate about adoption of the Constitution have better democratic statesmen argued more profoundly over concepts that are at the core of the American political tradition: popular self-governance, federalism, constitutionalism, liberty, and the rest. Perhaps they still have much to teach about the system they bequeathed us, along with entertaining stories of our roots.

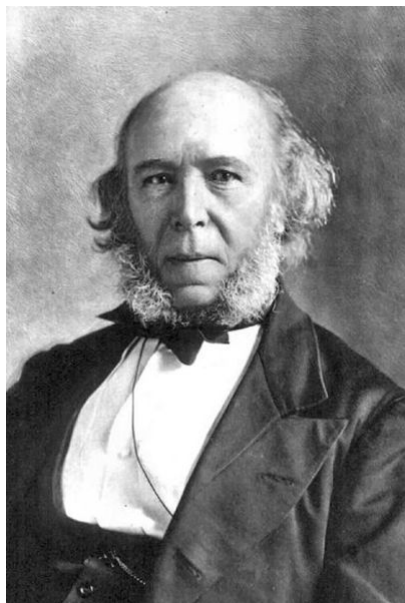
About this Quotation:

When we hear people complaining about the “gridlock” which afflicts congressional politics in Washington, D.C. it is good to remind them of what Lance Banning had to say about the early rise of political “collision” and “full-blown party war” between 1788 and 1812. There seems to have been little “consensus” between the Federalists and Anti-Federalists, or between the Jeffersonians and the Hamiltonians. Each group had a very different vision of what kind of politics and economics they wanted for the new nation. He suggests that their bitter conflicts may “still have much to teach about the system they bequeathed us, along with entertaining stories of our roots.”

Source

Lance Banning, *Liberty and Order: The First American Party Struggle*, ed. and with a Preface by Lance Banning (Indianapolis: Liberty Fund, 2004). <http://oll.libertyfund.org/title/875/63761/1329276>

Herbert Spencer takes “philosophical politicians” to task for claiming that government promotes the “public good” when in fact they are seeking “party aggrandisement” (1843) (Feb 25, 2007)



Herbert Spencer (1820 – 1903)

Spencer demolishes the arguments often put forth by what he dismissively calls, “philosophical politicians”, to be acting in the interests of the “public good” when they enact legislation:

Letter II.

Philosophical politicians usually define government, as a body whose province it is, to provide for the “general good.” But this practically amounts to no definition at all, if by a definition is meant a description, in which the limits of the thing described are pointed out. It is necessary to the very nature of a definition, that the words in which it is expressed should have some determinate meaning; but the expression “general good,” is of such uncertain character, a thing so entirely a matter of opinion, that there is not an action that a government could perform, which might not be contended to be a fulfilment of its duties. Have not all our laws, whether really enacted for the public benefit or for party aggrandisement, been passed under the plea of promoting the “general good?” And is it probable that any government, however selfish, however tyrannical, would be so barefaced as to pass laws avowedly for any other purpose? If, then, the very term “definition,” implies a something intended to mark out the boundaries of the thing defined, that cannot be a definition of the duty of a government, which will allow it to do anything and everything.

It was contended in the preceding letter, that “the administration of justice” was the sole duty of the state. Probably it will be immediately objected, that this definition is no more stringent than the other—that the word “justice” is nearly as uncertain in its signification as the expression “general good” —that one man thinks it but “justice” towards the landowner, that he should be protected from the competition of the foreign corn grower; another maintains that “justice” demands that the labourer’s wages should be fixed by legislation, and that since such varied interpretations may be given to the term, the

definition falls to the ground. The reply is very simple. The word is not used in its legitimate sense. “Justice” comprehends only the preservation of man’s natural rights. Injustice implies a violation of those rights. No man ever thinks of demanding “justice” unless he is prepared to prove that violation; and no body of men can pretend that “justice” requires the enactment of any law, unless they can show that their natural rights would otherwise be infringed. If it be conceded that this is the proper meaning of the word, the objection is invalid, seeing that in the cases above cited, and in all similar ones, it is not applicable in this sense.

About this Quotation:

In this series of letters from 1843 Spencer defines what he means by the “proper sphere of government”. Needless to say it is not very much, just defending the natural rights of man, or the administration of justice. In each letter Spencer takes a common function of government (the poor laws, an established church, war and foreign policy, national education, and so on) and demolishes it as a sound rationale for government intervention. This essay by the young Spencer (he was 23) is a forgotten gem written by a man who would become one of the leading liberal lights in the second half of the 19th century.

Source

Herbert Spencer, *The Man versus the State, with Six Essays on Government, Society and Freedom*, ed. Eric Mack, introduction by Albert Jay Nock (Indianapolis: LibertyClassics, 1981).
<http://oll.libertyfund.org/title/330/119749/2419979>

Bruno Leoni argues that expressing one's economic choice as a consumer in a free market is quite different from making a political choice by means of voting (1961) (Feb 11, 2008)



[Bruno Leoni](#) (1913 – 1967)

The Italian legal philosopher Bruno Leoni in a lecture entitled "Voting versus the Market" noticed a key difference between the choices made by individuals in the free market and choices made by those same individuals in voting for candidates for political office:

We have seen in the preceding lecture that notwithstanding many similarities that may exist between voters on the one hand and market operators on the other, the actions of the two are far from actually being similar. No procedural rule seems able to allow voters to act in the same flexible, independent, consistent, and efficient way as operators employing individual choice in the market. While it is true that both voting and operating in the market are individual actions, we are compelled, however, to conclude that voting is a kind of individual action that almost inevitably undergoes a kind of distortion in its use...

Political competition appears to be much more restricted by its very nature than economic competition, particularly if the rules of the political game tend to create and maintain disequilibria rather than work in the opposite direction.

We must conclude that there is little sense in praising the simple majority rule as the best possible rule for the political game. There is much more sense in adopting several kinds of rules according to the ends we want to reach, e.g., adopting qualified majority rules when the issues at stake are rather important for each member of the community, or adopting the unanimity rule when the issue is absolutely vital for each of them. I believe almost all of these points have been brilliantly stressed in the recent analyses based on the economic approach.

But we must bear in mind that none of the rules adopted or adoptable in political decisions can produce a situation which is really similar to that of the market under

conditions of competition. No vote trading could be sufficient to put each individual in the same situation as the operators who freely buy and sell goods and services in a competitive market.

When we consider law as legislation it can be clearly shown that the law and the market can in no way be considered similar from the point of view of the individual and his decisions.

In fact, the market process and the legislative process are inescapably at variance. While the market allows individuals to make free choices provided only that they are prepared to pay for them, legislation does not allow this.

About this Quotation:

Bruno Leoni criticizes the common comparison which is made between “voting” in the market place for brand “X” over brand “Y” and voting in the political arena for candidate “Tweedle Dee” over candidate “Tweedle Dum”. In the market place, choice is considerable, flexible, efficient, and one can usually get one’s money back if one is not satisfied. Political voting on the other hand, is a distorted form of “consumer choice”. It is also quite hard to “get one’s money back” if a candidate does not live up to his election promises.

Source

Bruno Leoni, *Freedom and the Law*, expanded 3rd edition, foreword by Arthur Kemp (Indianapolis: Liberty Fund 1991). <http://oll.libertyfund.org/title/920/193210/3097343>

Bruno Leoni points out that elections are seriously flawed because majority rule is incompatible with individual freedom of choice (1961) (Nov 3, 2008)



[Bruno Leoni](#) (1913 – 1967)

Bruno Leoni, in *Freedom and the Law* (1961), noted two serious problems with political voting, namely that it often violated individual freedom and resulted in rule by a minority:

But voting itself seems to increase the difficulties relating both to the meaning of “representation” and to the “freedom” of the individuals in making their choice. All the difficulties relating to decision groups and group decisions remain when we consider the process of voting in present-day political systems. **Election is the result of a group decision where all the electors are to be considered as the members of a group, for instance, of their constituencies or of the electorate as a whole. We have seen that group decisions imply procedures like majority rule which are not compatible with individual freedom of choice of the type that any individual buyer or seller in the market enjoys as well as in any other choice he makes in his private life. The effects of coercion in the machinery of voting have been repeatedly pointed out by politicians, by sociologists, by political scientists, and especially by mathematicians.** Certain paradoxical aspects of this coercion have been especially emphasized by the critics of such classical methods of representation as the so-called single-member system which still is in effect in the English-speaking countries. I wish to draw your attention to the fact that these criticisms are chiefly based on the alleged fact that the system is not in accordance with the principle of “representation,” namely, when, as **John Stuart Mill said, political issues are decided “by a majority of the majority who may be, and often are, but a minority of the whole.”** Let me quote the passage of Mill’s essay on this subject:

Suppose then that, in a country governed by equal and universal suffrage, there is a contested election in every constituency, and every election is carried by a small majority. The parliament thus brought together represents little more than a bare majority of the people. This parliament proceeds to legislate and adopts important measures by a bare

majority of itself. What guarantee is there that these measures accord with the wishes of a majority of the people” Nearly half the electors, having been outvoted at the hustings, have had no influence at all in the decision, and the whole of these may be—a majority of them probably are—hostile to the measures; having voted against those by whom they have been carried. Of the remaining electors nearly half have chosen representatives who, by supposition, have voted against the measures. It is possible, therefore, and not at all improbable, that the opinion which has prevailed was agreeable only to a minority of the nation.

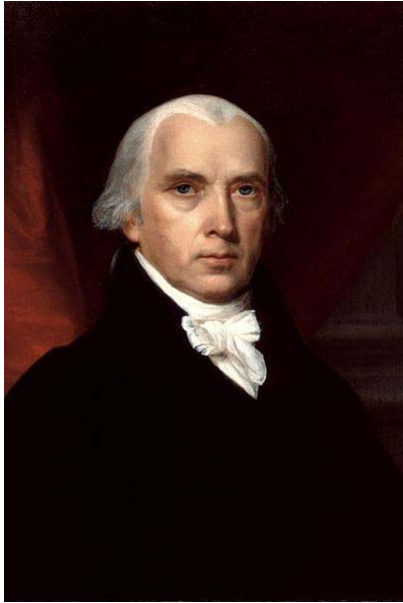
About this Quotation:

As another presidential and congressional election is upon us, we turn to one of the great legal and political analyses of the electoral process by the Italian jurist Bruno Leoni. In this quote from his 1961 lectures Leoni observes that fundamentally elections are a result of group decisions which produce decisions which are not compatible with individual freedom of choice. Furthermore, he suggest that coercion is frequently involved in the “machinery of voting”. The much touted benefits of “majority rule” in fact produce outcomes which are desired by only a “majority of the majority”, which in reality are that of a minority of the people.

Source

Bruno Leoni, *Freedom and the Law*, expanded 3rd edition, foreword by Arthur Kemp (Indianapolis: Liberty Fund 1991). <http://oll.libertyfund.org/title/920/193196/3097011>

James Madison on the dangers of elections resulting in overbearing majorities who respect neither justice nor individual rights, *Federalist* 10 (1788) (Nov 4, 2008)



James Madison (1751 – 1836)

James Madison (1751-1836) wrote in the *Federalist* no. 10 that the "overbearing majority" or factions use their "superior force" to violate the "rules of justice" and the "rights of minor parties"

Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed, than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have every where perished; as they continue to be the favourite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. **Complaints are every where heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority.** However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and

increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

About this Quotation:

We continue our exploration of the thought of James Madison. Here we turn to *The Federalist* 10 during our own contemporary presidential campaign, where Madison voices concern about “party” domination of the Congress. In his day there were no organised political parties, that was to come later as Lance Banning shows in his anthology of documents *Liberty and Order: The First American Party Struggle* (2004). Madison was more concerned about what he called “faction”, what we today would probably call “vested interests”. When the state becomes dominated by “factions” which work through either or both of the duopoly of the two main official “parties” then the “rules of justice” are commonly violated.

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader’s Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108577/2273710>

Gustave de Molinari argues that political parties are like “actual armies” who are trained to seize power and reward their supporters with jobs and special privileges (1904) (Jan 12, 2009)



[Gustave de Molinari](#) (1819 – 1912)

The French economist Gustave de Molinari (1819-1912) compared political parties to "armies" whose sole aim is to win office, distribute spoils and jobs, all at the expense of taxpayers

This method of dividing the sovereign power among various executive agencies was capable of many variations. In a constitutional monarchy the chief office in the State remained subject to hereditary transmission, but its occupant was declared irresponsible and his action was limited to the sole function of nominating, as responsible minister, the man chosen by the majority of the national representatives. These representatives are nominally chosen by the nation, by those members of the nation who possess political rights, but in point of fact they are no more than the nominees of associations, or parties, who contend for the position of "State-conductors" on account of the material and moral benefits which accompany the position.

These associations, or political parties, are actual armies which have been trained to pursue power; their immediate objective is to so increase the number of their adherents as to control an electoral majority. Influential electors are for this purpose promised such or such share in the profits which will follow success, but such promises—generally place or privilege—are redeemable only by a multiplication of "places," which involves a corresponding increase of national enterprises, whether of war or of peace. It is nothing to a politician that the result is increased charges and heavier drains on the vital energy of the people. The unceasing competition under which they labour, first in their efforts to secure office, and next to maintain their position, compels them to make party interest their sole care, and they are in no position to consider whether this personal and immediate interest is in harmony with the general and permanent good of the nation. Thus the theorists of the new order, by substituting temporary for permanent attribution of the sovereign power, aggravated the

opposition of interests which it was their pretended purpose to co-ordinate. They also weakened, if they did not actually destroy, the sole agency which has any real power to restrain governments, in their capacity of producers of public services, from an abuse of the sovereign power to the detriment of those who consume those services.

The constitutions were, nevertheless, lavish in their promise of guarantees against this possibility, the most notable of which has, perhaps, been the power of censure vested in the press—a right which has too often proved quite barren of result. For the press has found it more profitable to place its voice at the disposal of class or party interests and to echo the passions of the moment rather than to sound the voice of reason. Nowhere has it been known to act as a curb on the governmental tendency to increase national expenditure.

About this Quotation:

As a new year begins with a new political party seizing control of Congress and a new President taking office, one naturally asks about the true nature of political parties and the interest groups they represent. Gustave de Molinari, the laissez-faire Belgian economist, provides a succinct answer: they are like armies which train to take office, seize the “spoils” of office (a term actually and unashamedly used in American politics), and distribute them to their friends and supporters. According to Molinari, there is enormous pressure on any ruling party to increase the number of government jobs in order to increase the spoils which they have to distribute to their favoured friends and supporters. As the system grows in size and power there is in turn a heightening of the competition between different parties to win office and win this prize.

Source

Gustave de Molinari, *The Society of Tomorrow: A Forecast of its Political and Economic Organization*, ed. Hodgson Pratt and Frederic Passy, trans. P.H. Lee Warner (New York: G.P. Putnam's Sons, 1904). <http://oll.libertyfund.org/title/228/36908/1585395>

Captain John Clarke asserts the right of all men to vote in the formation of a new constitution by right of the property they have in themselves (1647) (Aug 17, 2009)

[John Clarke](#) (? – 1660)

Captain John Clarke was one of the officers of the New Model Army who met in general council at Putney in October 1647 to debate the constitutional settlement. Cromwell argued that the franchise should be strictly limited to men of property. He was challenged by Rainborough, Sexby, and Clarke who were representatives of the radical Leveller movement within the army. Clarke argued for a much broader franchise in elections based upon his notion of natural law and individual property rights

Cromwell:

I confess I was most dissatisfied with that I heard Mr. Sexby speak, of any man here, because it did savour so much of will. But I desire that all of us may decline that, and if we meet here really to agree to that which is for the safety of the kingdom, let us not spend so much time in such debates as these are, but let us apply ourselves to such things as are conclusive, and that shall be this. Everybody here would be willing that the Representative might be mended, that is, [that] it might be [made] better than it is. Perhaps it may be offered in that [other] paper too lamely. If the thing [there] insisted upon be too limited, why perhaps there are a very considerable part of copyholders by inheritance that ought to have a voice; and there may be somewhat [in that paper] too [that] reflects upon the generality of the people [in denying them a voice]. I know our debates are endless if we think to bring it to an issue this way. If we may but resolve upon a committee, [things may be done]. If I cannot be satisfied to go so far as these gentlemen that bring this paper, I say it again [and] I profess it, I shall freely and willingly withdraw myself, and I hope to do it in such a manner that the Army shall see that I shall by my withdrawing satisfy the interest of the Army, the public interest of the kingdom, and those ends these men aim at. And I think if you do bring this to a result it were well.

Rainborough:

If these men must be advanced, and other men set under foot, I am not satisfied. If their rules must be observed, and other men, that are [not] in authority, [be silenced, I] do not know how this can stand together [with the idea of a free debate]. I wonder how that should be thought wilfulness in one man that is reason in another; for I confess I have not heard anything that doth satisfy me, and though I have not so much wisdom, or [so many] notions in my head, I have so many [apprehensions] that I could tell an hundred [such] of the ruin of the people. I am not at all against a committee's meeting; and as you say—and I think every Christian ought to do the same—for my part I shall be ready, if I see the way that I am going, and the thing that I would insist on, will destroy the kingdom, I shall withdraw [from] it as soon as any. And therefore, till I see that, I shall use all the means [I can], and I think it is no fault in any man [to refuse] to sell that which is his birthright.

Sexby:

I desire to speak a few words. I am sorry that my zeal to what I apprehend is good should be so ill resented. I am not sorry to see that which I apprehend is truth [disputed], but I am

sorry the Lord hath darkened some so much as not to see it, and that is in short [this]. Do you [not] think it were a sad and miserable condition, that we have fought all this time for nothing? All here, both great and small, do think that we fought for something. I confess, many of us fought for those ends which, we since saw, were not those which caused us to go through difficulties and straits [and] to venture all in the ship with you. It had been good in you to have advertised us of it, and I believe you would have [had] fewer under your command to have commanded. But if this be the business, that an estate doth make men capable—it is no matter which way they get it, they are capable—to choose those that shall represent them, I think there are many that have not estates that in honesty have as much right in the freedom [of] their choicee as any that have great estates. Truly, sir, [as for] your putting off this question and coming to some other, I dare say, and I dare appeal to all of them, that they cannot settle upon any other until this be done. It was the ground that we took up arms [on], and it is the ground which we shall maintain. Concerning my making rents and divisions in this way. As a particular, if I were but so, I could lie down and be trodden there; [but] truly I am sent by a regiment, [and] if I should not speak, guilt shall lie upon me, and I [should] think I were a covenant-breaker. I do not know how we have [been] answered in our arguments, and [as for our engagements], I conceive we shall not accomplish them to the kingdom when we deny them to ourselves. I shall be loath to make a rent and division, but, for my own part, unless I see this put to a question, I despair of an issue.

Clarke:

The first thing that I should desire was, and is, this: that there might be a temperature and moderation of spirit within us; that we should speak with moderation, not with such reflection as was boulded one from another, but so speak and so hear as that which [is said] may be the droppings of love from one to another's hearts. Another word I have to say is [that] **the grand question of all is, whether or no it be the property of every individual person in the kingdom to have a vote in election[s]; and the ground [on which it is claimed] is the Law of Nature, which, for my part, I think to be that law which is the ground of all constitutions. Yet really properties are the foundation of constitutions, [and not constitutions of property]. For if so be there were no constitutions, yet the Law of Nature does give a principle [for every man] to have a property of what he has, or may have, which is not another man's. This [natural right to] property is the ground of meum and tuum. Now there may be inconveniencies on both hands, but not so great freedom [on either as is supposed—not] the greater freedom, as I conceive, that all may have whatsoever [they have a mind to]. And if it come to pass that there be a difference, and that the one [claimant] doth oppose the other, then nothing can decide it but the sword, which is the wrath of God.**

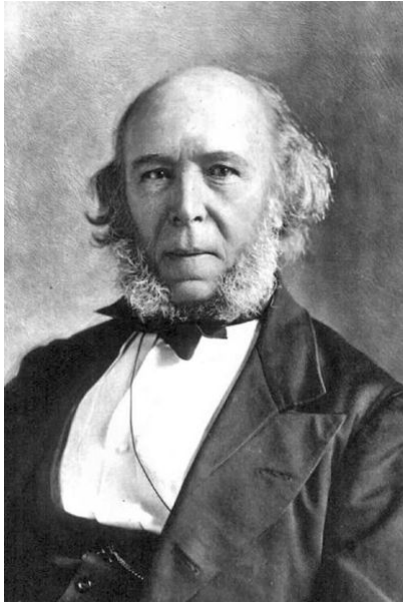
About this Quotation:

The Putney Debates of October 1647 are one of those few revolutionary moments when the direction a nation might go in is being determined. Here is the vigorous discussion with the New Model Army over what kind of constitution they want the New Britain to have. Cromwell and others want to severely restrict the vote to the “better part” of property owners. He is courageously challenged by Captain John Clarke who states that constitutions are based on the natural right of property which all men have, and all men at least have a property in themselves and this entitles them to vote in any election.

Source

Arthur Sutherland Pigott Woodhouse, *Puritanism and Liberty, being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, selected and edited with an Introduction A.S.P. Woodhouse, foreword by A.D. Lindsay (University of Chicago Press, 1951).
<http://oll.libertyfund.org/title/2183/201031/3315768>

Spencer on voting in elections as a screen behind which the wirepullers turn the sovereign people into a puppet (1882) (Aug 16, 2010)



[Herbert Spencer](#) (1820 – 1903)

During his tour of the United States in 1882 the English political philosopher Herbert Spencer (1820-1903) was interviewed about his thoughts on American liberty and democracy. Among his very positive thoughts were some negative ones about the manipulation of the people by party bosses during elections:

Spencer: If along with your material progress there went equal progress of a higher kind, there would remain nothing to be wished.

Interviewer: That is an ambiguous qualification. What do you mean by it?

Spencer: You will understand me when I tell you what I was thinking the other day. After pondering over what I have seen of your vast manufacturing and trading establishments, the rush of traffic in your street-cars and elevated railways, your gigantic hotels and Fifth Avenue palaces, I was suddenly reminded of the Italian Republics of the Middle Ages; and recalled the fact that while there was growing up in them great commercial activity, a development of the arts, which made them the envy of Europe, and a building of princely mansions which continue to be the admiration of travellers, their people were gradually losing their freedom.

Interviewer: Do you mean this as a suggestion that we are doing the like?

Spencer: It seems to me that you are. **You retain the forms of freedom; but, so far as I can gather, there has been a considerable loss of the substance. It is true that those who rule you do not do it by means of retainers armed with swords; but they do it through regiments of men armed with voting papers, who obey the word of command as loyally as did the dependants of the old feudal nobles, and who thus enable their leaders to override the general will, and make the community submit to**

their exactions as effectually as their prototypes of old. It is doubtless true that each of your citizens votes for the candidate he chooses for this or that office, from President downwards; but his hand is guided by an agency behind which leaves him scarcely any choice. "Use your political power as we tell you, or else throw it away," is the alternative offered to the citizen. The political machinery as it is now worked, has little resemblance to that contemplated at the outset of your political life. Manifestly, those who framed your Constitution never dreamed that twenty thousand citizens would go to the poll led by a "boss." America exemplifies at the other end of the social scale, a change analogous to that which has taken place under sundry despotisms. You know that in Japan, before the recent Revolution, the divine ruler, the Mikado, nominally supreme, was practically a puppet in the hands of his chief minister, the Shogun. Here it seems to me that "the sovereign people" is fast becoming a puppet which moves and speaks as wirepullers determine.

Interviewer: Then you think that Republican institutions are a failure?

Spencer: By no means: I imply no such conclusion. Thirty years ago, when often discussing politics with an English friend, and defending Republican institutions, as I always have done and do still, and when he urged against me the ill-working of such institutions over here, I habitually replied that the Americans got their form of government by a happy accident, not by normal progress, and that they would have to go back before they could go forward. What has since happened seems to me to have justified that view; and what I see now, confirms me in it. America is showing, on a larger scale than ever before, that "paper Constitutions" will not work as they are intended to work. The truth, first recognized by Mackintosh, that Constitutions are not made but grow, which is part of the larger truth that societies, throughout their whole organizations, are not made but grow, at once, when accepted, disposes of the notion that you can work as you hope any artificially-devised system of government. It becomes an inference that if your political structure has been manufactured and not grown, it will forthwith begin to grow into something different from that intended—something in harmony with the natures of the citizens, and the conditions under which the society exists. And it evidently has been so with you. Within the forms of your Constitution there has grown up this organization of professional politicians altogether un contemplated at the outset, which has become in large measure the ruling power.

About this Quotation:

In this October 1882 interview which Spencer gave during his successful speaking tour of the United States he spoke about the very great positives which he saw coming out of the American experiment: he was impressed with the purposeful and entrepreneurial way in which its vast resources were being put to use, the inventiveness of the American people, and the excellent prospects in the future of American civilization. Nevertheless, he was very concerned about the gradual way in which the American people were losing their freedom (this in 1882!). Among these were the open manipulation of elections for private gain, the way in which the "paper constitution" was being undermined, and the propensity of Americans to put up with gradual violations of their liberties without much complaint.

Source

Herbert Spencer, *Essays: Scientific, Political, and Speculative. Library Edition, containing Seven*

Essays not before republished, and various other Additions (London: Williams and Norgate, 1891).
Vol. 3. <http://oll.libertyfund.org/title/337/12310/600109>

Bruce Smith on the misconceived and harmful legislation produced by voting as an inevitable though temporary case of “measles” (1887) (Aug 23, 2010)



Bruce Smith (1851 – 1937)

The Australian barrister and radical individualist thinker Bruce Smith (1851-1937) warned that the new form of democracy sweeping the English-speaking world would introduce a new form of “class privilege” via the ballot box:

If there is any truth in these reflections, then the masses, having deprived kings of their despotic power, and the aristocracy and wealthy classes of any privileges they may have enjoyed, seem to be inclining now towards the creation of privileges for themselves, as against the propertied classes. To demand such advantages, or, if obtained, to persist in holding them, is simply to turn round on their own principles; for the author of “The Radical Programme” says that the “preservation of class privileges” is “the fundamental doctrine and uniform aim of Conservatism.”

In the last chapter I explained my reasons for believing that English-speaking communities will have yet to pass through a long period of well-meant but misconceived and abortive legislation—the inevitable “measles,” as it were, of democratic or popular government. I see no escape from the conclusion that, quite apart from the popular ignorance of the political science, so long as the masses pin their faith to the belief I have just mentioned, or to the bald principle of “majority” voting as a test of wisdom, the chances of legislation, beneficial to society as a whole, are well-nigh hopeless. That conclusion I think unavoidable, even as an abstract deduction; but we are not dependent upon conclusions so obtained, for already the air is full (and the statute-books are fast becoming so) of legislative schemes from which their authors vainly anticipate results of the most truly Utopian character.

These alone are sufficient to show the direction which legislation will take in the future. On the one hand we have schemes for artificially creating a peasant proprietary, by which “smiling homesteads” are to be scattered over a land, in which the condition of the

agricultural industry is at present too depressed to render such holdings even self-supporting. Yet all of this is to be done by the magic influence of an act of parliament, compelling landowners to sell their property at such a valuation as will constitute what Mr. Joseph Chamberlain has lately spoken of as a “ransom” from the propertied classes. Another visionary would—again by act of parliament—put an end to private ownership in land by “nationalising” the proprietary. The advocates of this scheme would convert the country into an immense public estate, and burden the people with an enormous “Lands Department,” which would cost an endless amount of money to manage or mismanage, as the case might be; and, by this means, it is vainly hoped that the poor would be made better off. A third dreamer would found a national system of insurance, by which every citizen would be compelled to make provision for those about him; unmindful of the contingency that he might be lacking the means to provide for himself. Others, equally unpractical, would compel society, by act of parliament, to confine itself to eight hours' work per day, from which it might soon follow (if applied to domestic servants) that fires and lights would have to be extinguished at about the old Curfew Bell hour. Another class of enthusiasts would pass an act of parliament to prohibit the use of all spirits and fermented liquors; while a further section of extremists would return to the old law which enforced strict Sunday observance.

It is truly appalling to contemplate what life would become if each of these, and the hundred and one other wild and immature theories which are now in the air, were allowed to be carried into practice. Life would indeed be unbearable. Yet reflection will show that we are fast tending in that direction; for if we turn our eyes towards impending legislation, whether regarding commercial or social matters, we find that our individual liberty is being slowly but surely curtailed in a manner which will not for a moment stand the test of criticism, by the light of true principles.

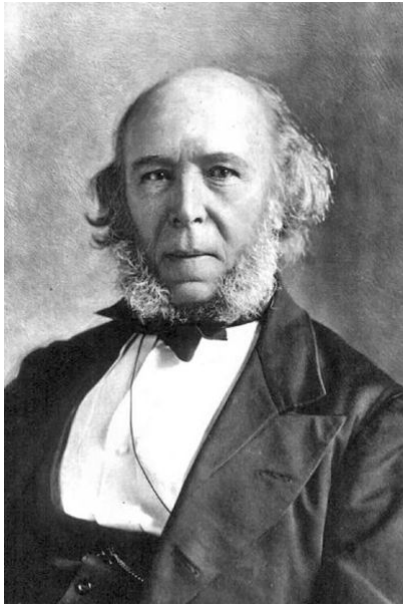
About this Quotation:

Bruce Smith was being rather optimistic when he predicted that the new form of democracy which was being introduced into Britain and some of its colonies such as Australia in the late 19th century would introduce only a temporary but inevitable case of political “measles” as voters demanded legislation to solve their problems. He singled out the call for land redistribution via forced sales, land nationalization, a national system of insurance, the introduction by Parliament of the 8 hour working day, the prohibition of the sale of alcohol, and enforced church attendance on Sundays. He thought that this legislation enacted on the principle of majority voting would create a new system of “class privilege” which he described as “appalling”, “unbearable”, and an unjust curtailment of our liberty. Smith thought society would have to go through a long period of “misconceived and abortive legislation” or what he wittily called the inevitable political bout of “measles”, until the people realised their mistake. But I think even he would say that 123 years is rather a long bout of this affliction.

Source

Bruce Smith, *Liberty and Liberalism: A Protest against the Growing Tendency toward undue Interference by the State, with Individual Liberty, Private Enterprise and the Rights of Property* (London: Longmans, Green, and Co, 1888). <http://oll.libertyfund.org/title/296/35851/907417>

Spencer on voting as a poor instrument for protecting our rights to life, liberty, and property (1879) (Oct 31, 2010)



Herbert Spencer (1820 – 1903)

The English radical individualist philosopher Herbert Spencer (1820-1903) distinguished between “rights properly so-called” (such as the rights to life, liberty and property) and “political rights so-called” (such as the right to vote). In his mind the latter were merely an “appliance” or an “instrument” for achieving the former. By 1879 Spencer was convinced that voting was not a very good way to preserve our rights but rather a means to put ourselves “in bondage” to the state:

But because of this tendency to occupation of the mind by the means and proportionate exclusion of the ends, it results that those governmental arrangements which conduce to maintenance of rights come to be regarded as themselves rights—nay, come to be thought of as occupying a foremost place in this category. Those shares of political power which in the more advanced nations citizens have come to possess, and which experience has shown to be good guarantees for the maintenance of life, liberty, and property, are spoken of as though the claims to them were of the same nature as the claims to life, liberty, and property themselves. Yet there is no kinship between the two. The giving of a vote, considered in itself, in no way furthers the voter’s life, as does the exercise of those various liberties we properly call rights. All we can say is that the possession of the franchise by each citizen gives the citizens in general powers of checking trespasses upon their rights: powers which they may or may not use to good purpose...

How true this is we shall learn on observing that where so-called political rights are possessed by all, rights properly so-called are often unscrupulously trampled upon. In France bureaucratic despotism under the Republic, is as great as it was under the Empire. Exactions and compulsions are no less numerous and peremptory; and, as was declared by English trade-union delegates to a congress in Paris, the invasion of citizens' liberties in France goes to an extent which “is a disgrace to, and an anomaly in, a Republican nation.” Similarly in the United States. Universal suffrage does not prevent the corruptions of municipal governments, which impose heavy local taxes and do very inefficient work; does not prevent the growth of general and local organizations by which each individual

is compelled to surrender his powers to wire-pullers and bosses; does not prevent citizens from being coerced in their private lives by dictating what they shall not drink; does not prevent an enormous majority of consumers from being heavily taxed by a protective tariff for the benefit of a small minority of manufacturers and artisans; nay, does not even effectually preserve men from violent deaths, but, in sundry states, allows of frequent murders, checked only by law officers who are themselves liable to be shot in the performance of their duties. Nor, indeed, are the results altogether different here. Far from having effected better maintenance of men's rights properly so-called, the recent extensions of the franchise have been followed by increased trespasses on them—more numerous orders to do this and not to do that, and greater abstractions from their purses.

Thus both at home and abroad the disproof is clear. From the extreme case in which men use their so-called political rights to surrender their power of preserving their rights properly so called, as by the plebiscite which elected Napoleon III, to the cases in which men let themselves be coerced into sending their children to receive lessons in grammar and gossip about kings, often at the cost of underfeeding and weak bodies, we find none of the supposed identity. Though the so-called political rights may be used for the maintenance of liberties, they may fail to be so used, and may even be used for the establishment of tyrannies.

...But, as above shown, this is by no means the case. Men may use their equal freedom to put themselves in bondage; failing as they do to understand that the demand for equality taken by itself is fulfilled if the equality is in degrees of oppression borne and amounts of pain suffered. They overlook the truth that **the acquirement of so-called political rights is by no means equivalent to the acquirement of rights properly so-called. The one is but an instrumentality for the obtainment and maintenance of the other; and it may or may not be used to achieve those ends. The essential question is—How are rights, properly so-called, to be preserved—defended against aggressors, foreign and domestic? This or that system of government is but a system of appliances. Government by representation is one of these systems of appliances; and the choosing of representatives by the votes of all citizens is one of various ways in which a representative government may be formed. Hence voting being simply a method of creating an appliance for the preservation of rights, the question is whether universal possession of votes conduces to creation of the best appliance for preservation of rights. We have seen above that it does not effectually secure this end; and we shall hereafter see that under existing conditions it is not likely to secure it.**

About this Quotation:

In his major work on political philosophy, *The Principles of Ethics* (1879), Herbert Spencer makes a clear distinction between our fundamental rights (or rights properly understood) to such things as life, liberty, and property, and other derivative or instrumental “rights” (or “so-called rights”) which were used to create political structures or “appliances” designed to protect and guarantee those fundamental rights. Voting and representative governments were thus in his view such rights protecting “appliances.” Unfortunately, the way in which voting and representative governments had evolved in Britain, France, and the United States by 1880 had shown that they were fast losing their original purpose of protecting rights and were becoming new forms of statism designed to violate the rights of the many for the benefit of a ruling few. Spencer particularly mentioned the U.S. in this regard with its corruption of local government by “wirepullers” and political “bosses,” the enacting of “blue laws”,

and the imposition of tariffs.

Source

Herbert Spencer, *The Principles of Ethics*, introduction by Tibor R. Machan (Indianapolis: LibertyClassics, 1978). Vol. 2. <http://oll.libertyfund.org/title/334/40750/594570>

Thomas Gordon on how the “Spirit of Party” substitutes party principles for moral principles, thus making it possible for the worst to get on top (1744) (Dec 6, 2010)

Thomas Gordon (1692 – 1750)

Thomas Gordon (1692-1750) used his translation of the Roman historian Sallust (84-36 BC) as an opportunity to comment on how the spirit of party had undermined Roman liberties. Seeing many parallels with his own day he observed how politicians are judged, not by the justice or morality of what they do, but whether or not they are faithful supporters of a party line:

SECT. II. How apt Parties are to err in the Choice of their Leaders. How little they regard Truth and Morality, when in Competition with Party. The terrible Consequences of all this; worthy Men decried and persecuted; worthless and wicked Men popular and preferred; Liberty oppressed and expiring.

IN most Countries, they who blind and enslave the People, are popular, and revered; they who would enlighten and free them, hated and persecuted. For an Attempt to relieve the Spaniards from the horrid Dungeons, Flames, and Tortures of the Inquisition, the Spaniards would, with Zeal and Indignation, surrender you to those very Dungeons, Flames, and Tortures. Is this Encouragement for serving, or striving to save Societies? It must be confessed, that the People, were they otherwise instructed, would act otherwise. They should therefore hear with Patience such as would shew them the Truth, and their own Interest, and never be afraid to enquire and examine, and not run after Names and Notions, which serve only to inflame and divide them, and therefore first mislead and deceive them.

It is with Measures as with Men; they are praised, or condemned, not because they are Right or Wrong, Beneficial or Hurtful, but because they come from this Party, or the other. Evil is turned into Good, and Good into Evil: Truth passes for Falshood; Falshood is dressed up in the Guise of Truth: The best Actions are decried as the worst, if they arise from one Quarter; the worst Actions adored as the best, if from the other. The Resisting of lawless Tyrants, is, at one time, Rebellion and Damnation: To rebel against the most lawful Authority, is, at another time, Duty and Glory. One Year, a Prince, who openly defies Oaths and Law, and violates every Obligation, Sacred and Civil, is still the Lord's Anointed, still not to be opposed; a wanton Usurper has a Right to all things, the Subject, the most unoffending Subject, a Security for nothing; nor is Law and Right any Defence against Violence and Plunder. Another Year, and for a Course of Years the most solemn Oaths taken to a Government, which, in all things, acts by the Measure of Right, are not binding; and that Government is called Usurpation, though it usurp nothing, but is founded wholly upon Law, and from the Laws only derives its whole Force.

To support such Extremes, to reconcile such wild Contradictions, the Divine Word is boldly called in and misapplied, the Divine Aid promised and invoked. One Scripture is made to justify one extravagant Proposition to Day: To-morrow the same Scripture, or another Scripture, is forced to defend an opposite Proposition, and to destroy the former; and the Supreme Being is always supposed angry or pleased, just as Factions are, adopting the foolish Passions and Partialities of Parties, and shifting his Passions, as

Parties shift theirs.

Party, as I have already said, always implies Anger, which is never a fair Reasoner, nor a sure Guide. When Fierceness and Ill-will possess a Man, or Body of Men, Reason has little Power left over them; Complaints grow into Invectives, Representations become Aggravations; and I doubt it is too true, that as under such a Spirit we are very ready to spy Faults, so we are glad to find them; at least prone to aggravate them, and, I fear, even to make them. When we think Men our Enemies, it is too natural to wish them every Quality proper to hate, and to find their Actions as bad as our own Resentment is severe. If, for a Shew of Impartiality, we at any time praise them, it is often either Affectation, or to make them the more guilty and inexcusable.

When we have taken a Fancy to a Man, and chuse or consider him as our Chief and Leader, we are disposed to see all Excellency and no Fault in him, to think him every way able to serve and support us, and quite incapable of betraying or hurting us, or of ill serving us. We represent him to ourselves, just like ourselves, full of warm Zeal for Us and our Cause, without any Views to himself, or any Motives that are personal; though it is possible, that from such Motives only he became very zealous for us, and very angry at others. Thus we court, thus paint, and trust, and admire the Man who joins with us, and who espouses our Resentments and Disgusts, or seems to espouse them.

To the Man, on the contrary, who is not of our Party, but of the opposite Party, we hardly allow one good Quality, but are ready to impute every ill one. Every thing that he does, is bad and malicious, and all his Intentions are wicked; and though he be charged with doing a World of Mischief, it is odds but he is reckoned void of Parts, and a very silly Fellow. For those who follow, or are supposed to follow him, we have just the same want of common Charity and Complaisance. As all our own Friends and Champions are virtuous, and able, and amiable; all on the other Side are guilty, weak, and hateful. And, just in the same Style, those of the other Side speak and judge of us, from the same Prejudices.

Now, where are the Hopes of Union or Reconciliation, when the Rent is thus wide, and the Rancour thus implacable? Each Party think themselves innocent as Angels, and the other Party as black as Devils. Will Angels ever condescend to treat with Devils, or confederate cordially with them even for a Day? The Breach therefore, instead of healing, widens; mutual Fury and Fierceness are increased by mutual Lyes and Invectives; Reason is lost in Rage; Justice is swallowed up in Revenge, a High-way is raised to Blood and Massacre; and, neither Side expecting from the other fair Usage or Humanity, both betake themselves to Frauds and Cruelty: Both pretend the public Good, both obstruct it, and rend the Public between them. Nay, one Party will risque all, sacrifice the State, and themselves with it, rather than miss Revenge upon the other; and, to this bloody End, call in the inveterate Enemies of their common Country, Savages and Barbarians. This has often happened; and We, even We of this Generation, had like to have seen it happen.

Men, therefore, had need beware of their own Hearts, and to watch over them, as in all Pursuits, so particularly in those of Party; I speak of all Parties: For, in none yet did I ever see Justice and Candour practised between the Individuals of opposite Parties. One is charged as insatiable in his Ambition, another in his Revenge; when, perhaps, better Passions animate both, or at least the former Passions, if they have them, are not near so intense. But, on these Occasions, Men extol or condemn by the Lump, and when they are

resolved to hate, must find no Reasons to extenuate their Hatred; no more than their Admiration, when bent upon admiring.

Thus I have seen Wretches the most abject, vicious and silly, idolized; and Men of the most elevated Capacity, virtuous and accomplished, exposed to the Detestation and Reproach of Fools; seen a Fellow, hardly rational, canonized by the Populace for being their Enemy, and an Incendiary; seen one of the greatest Lights of the Age, venerable for his Piety, admired for his Knowledge and Charity, threatened with the Justice of a mad Mob, or with Fire and Faggot; seen a Friend and an Ornament to human Kind, unpopular, in Disgrace and Danger; and a common Disturber, whose Zeal was Lunacy, caressed and adored. Was Mr. Locke, that great Master of Reason, that Light shining amongst Men, that Friend to Conscience and civil Liberty, ever half so popular as many little dirty Dabblers in Party, who had no other Merit than that of promoting Ignorance, Strife, and Disorder? Or, would the ablest and worthiest Man in England carry an Election, by the Strength of his Character, against a popular Fool?

This is terrible and discouraging, a huge Obstruction to all Virtue, to Truth, and Morality. Party Zeal acquires Reputation, even where common Honesty, and common Sense, are wanting; and Attachment to Party is Honesty, and all things. Strange Perversion of Order and Truth, that Men should be deemed Honest without Morality! To be Honest is, with Party, to be of it; and nothing more is required. Thus, very contemptible and very wicked Men make a Figure in Party, and are esteemed by it; since Sense and Honesty are not required, nor any thing else but Zeal; and such Zeal being generally blind, the less Sense, the more Zeal; and Zeal is an Atonement for the want of Morality, and every good Quality.

Party Principles are therefore substituted for moral Principles; the sure way to destroy all Morality, and to confound the Characters of Men, and even those of Good and Evil. In truth, Morality, with Sense, is the only true Standard of Popularity, and the only just Recommendation to it. A virtuous Man can never endanger Liberty, nor hurt Society; nor is a wicked Man ever to be trusted with the Support of either. Yet from this Spirit, this baneful and pestilent Spirit of Party, the ablest and best Men are often precluded from the Service of their Country; the weakest, the worst, and most contemptible, employed in its Service; and the best Men often forced from that Service, to make room for the worst.

About this Quotation:

As a journalist Thomas Gordon was not able to develop his political ideas in a lengthy and methodical manner. This was left to his very lengthy “commentaries” and “discourses” on two Roman historians whose work he translated: Tacitus and Sallust. For each he devoted nearly half the entire volume to developing his ideas on the nature of political corruption, how tyrants are able to come to power (and stay in power), and the connection between war, state debt, and empire. In this quotation from his discourses on Sallust, Gordon ponders on the nature of the “spirit of party” and, in an early formulation of one of Friedrich Hayek's insights, “why the worst get on top” (in *The Road to Serfdom* (1944) concludes that “the ablest and best Men are often precluded from the Service of their Country; the weakest, the worst, and most contemptible, employed in its Service”. So he despairs at the condition of British politics in the 1740s when a great defender of liberty such as John Locke (1632-1704) could never be elected to office. The party machine men would rather put forward what he calls “dirty Dabblers in Party” and “popular Fool(s)” and the people would duly elect them.

Source

Gaius Sallustius Crispus (Sallust), *The Works of Sallust, translated into English with Political Discourses upon that Author. To which is added, a translation of Cicero's Four Orations against Catiline* (London: R. Ware, 1744). <http://oll.libertyfund.org/title/2357/221398/3548863>

Bastiat on the scramble for political office (1848) (Mar 7, 2011)



Frédéric Bastiat (1801 – 1850)

The French classical liberal economist Frédéric Bastiat (1801-1850) observed in the early days of the French Revolution of February 1848 the unseemly scramble for political office which was taking place around him. The only solution he thought was to drastically reduce the number of government jobs and government spending:

“The Scramble for Office”, *La République française*, 5 March 1848.

All the newspapers, without exception, are speaking out against the scramble for office of which the Town Hall is given a sad example. Nobody could be more indignant about, or more disgusted by, this frenzied greed than we.

But at the end of the day we have to find the cause of the evil, and it would be puerile to expect the human heart to be other than it has pleased nature to make it.

In a country in which, since time immemorial, the labor of free men has everywhere been demeaned, in which education offers as a model to all youth the mores of Greece and Rome, in which trade and industry are constantly exposed by the press to the scorn of citizens under the label profiteering, industrialism, or individualism, in which success in office alone leads to wealth, prestige, or power, and in which the state does everything and interferes in everything through its innumerable agents, it is natural enough for public office to be avidly sought after.

How can we turn ambition away from this disastrous direction and redirect the activity of the enlightened classes toward productive careers?

Obviously by eliminating a great many public posts, limiting government action, leaving a wider, freer, and more prestigious role to private activities and reducing the salaries for high public office.

What should our attitude be then to those theories, so fashionable currently, which

propose the transfer into the world of paid public service, of activities still in the realm of private industry? La Démocratie pacifique wants the state to provide insurance, public transport, and haulage, and also to handle the trading of wheat, etc., etc., etc.

Do these ideas not provide fresh fuel for this disastrous mania which so offends honest citizens?

We do not want to discuss the other disadvantages of these proposals here. Examine one after the other all the industries managed by the state and see if these are not, indeed, the ones through which citizens are the most badly and most expensively served.

Take education, obstinately limited to the study of two languages dead these two thousand years.

See what kind of tobacco is provided to you and at what price.

Compare in terms of regular supply and proper market price the distribution of printed matter by the public authority in the rue Jean-Jacques Rousseau with that by individual enterprises in the rue de la Jussienne.

However, setting aside these considerations, is it not evident that the scramble for office is and will always be proportional to the enticement to it?

Is it not evident that having industry run by the state is to remove work from honest activity in order to deliver it to lazy and indolent intrigue?

Finally, is it not clear that it will make the disorder which the Town Hall exemplifies, a disarray which saddens the members of the provisional government, permanent and progressive?

About this Quotation:

Bastiat wrote this short essay when the February Revolution of 1848 was only in its second week. Already he noticed that there was an unhealthy “scramble for office” as people who had been excluded under the July Monarchy of King Louis Philippe now saw political opportunities for position and power under the Provisional Government. He wonders why more people are not satisfied with the opportunities that peaceful trade and production offer. However, he answers his own question with two responses: the benefits or “enticements” are so large that more people are drawn to political than market activities, and that the French people have been indoctrinated by the study of ancient Greek and Latin literature and their recently overthrown aristocratic culture where “the labor of free men has everywhere been demeaned.”

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226068/3709019>

Cobden reminds the Liberals in Parliament that the motto of their party is “Economy, Retrenchment, and Reform!” (1862) (Aug 15, 2011)



Richard Cobden (1804 – 1865)

The free trader and anti-war advocate Richard Cobden (1804-1865) told his Liberal Party (founded 1859) colleagues in the British Parliament in a speech in August, 1862 that their party motto was ‘Economy, Retrenchment, and Reform!’:

... It is not my intention on this occasion to speak as a Member of any party, or as representing other Members in this House. But I may say, that I know in what I have to state, that I am the exponent of the opinions of many Members of this House, both present and absent; and, though I do not wish to assume the character of a political leader in any form, still, if I had yielded to some of the representations made to me, I should have made some such statement as I am about to make very much earlier in the Session. I repeat, that I do not profess here to be a party leader, and have never in this House cared much for party politics, for I have generally had something to do outside of party; but I am of opinion, that in a free representative community the affairs of public life must be conducted by party. A party is a necessary organisation of public opinion. If a party represents a large amount of public opinion, then the party fills an honourable post, and commands the confidence of its fellow-countrymen; but if a party has no principles, it has been called a faction;—I would call it a nuisance. If a party violates its professed principles, then I think that party should be called an imposture. These are hard words, yet they are precisely the measures which, sooner or later, will be meted out to parties by public opinion; and, late as it now is, it may be well if we, who represent both the majority and minority in this House, should view our position, in order to see how we shall be able to bear the inquest when the day comes, as it will come, for our conduct and our character to be brought into judgment.

Now, with regard to the majority, which I suppose we on this side of the House may call ourselves, **I shall take the liberty of reminding the House what have in former times been our professed principles. My hon. Friend evidently is in a doleful key, and does**

not seem to anticipate much gratification or renown from this investigation. In his case, however, I would make an exception; for, if I were called upon to make such a selection, he is the man I would fix upon as having been at all times, in season and out of season, true and faithful to his principles. What have been the professed principles of the so-called Liberal party? Economy, Non-intervention, Reform. Now, I ask my hon. Friend—and it is almost a pity we cannot talk this matter over in private—if we were to show ourselves on some great fête-day, as ancient guilds and companies used to show themselves, with their banners and insignia floating in the air, and if we were to parade ourselves, with our chief at our head, with a flag bearing the motto, ‘Economy, Retrenchment, and Reform!’ whether we should not cause considerable hilarity? Of these three ancient mottoes of our party, I am inclined to attach the first consideration to the principle of Economy, because the other two may be said to have for their object to attain that end.

Now, how has our party fulfilled its pledges on the principle of Economy? Do my hon. Friends know to what extent they have sinned against the true faith in this respect? Are they aware that this so-called Liberal party, the representatives of Economy, are supporting by far the most extravagant Government which has ever been known in time of peace; that we have signalised ourselves as a party in power by a higher rate of expenditure than has ever been known, except in time of war? I don’t mean merely that we have spent more money, because it might have happened that we had grown so much more numerous, and so much richer by lapse of years, that the proportionate amount of the burden on each individual was not greater; but not only have we as a party spent more money absolutely, but we have been more extravagant relatively to the means and numbers of the people...

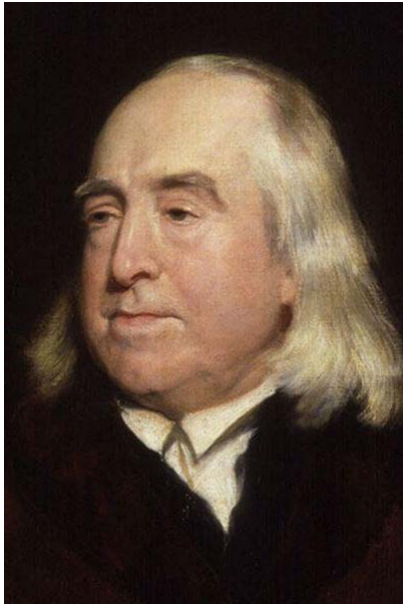
About this Quotation:

Cobden used the word “retrenchment” in a number of contexts to summarize his beliefs in free trade, cheap limited government, and a non-interventionist foreign policy. In his political theory “retrenchment” could mean cuts in the size of the government bureaucracy, cuts in the size of the military establishment, or cuts to government expenditure in general made possible by each of these two policies. For example, in 1835 he talked about the need for “an unflinching economy and retrenchment” even if it meant a threat to monarchical and aristocratic institutions; in 1836 he referred to the need for “retrenchment, and a reduction of the duties and taxes upon the ingredients of our manufactures and the food of our artisans” if the government truly wished to “protect and extend our commerce”; in 1850 Cobden argued that “peace, non-intervention, and retrenchment, should be the watchwords of the Whig party” (the forerunner of the Liberal Party which was formed in 1859) and they he supported a policy of “economy, entrenchment, or possibility of reducing our establishments for ever”; in 1851 he stated that he was “the advocate of education, peace, and retrenchment”. In the speech from 1862 in the House of Commons which is our quote here Cobden reminds his colleagues that “the professed principles of the so-called Liberal party” were “Economy, Non-intervention, Reform” and that if they were to march in a local fête along with the guilds and artisanal companies the flag they would fly as they marched should have sown on it “the motto, ‘Economy, Retrenchment, and Reform!’”. If one were to draw up a composite motto for Cobden’s faction within the Liberal party it might well be just “Peace, Retrenchment, and Reform.”

Source

Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. by John Bright and J.E. Thorold Rogers with a Preface and Appreciation by J.E. Thorold Rogers and an Appreciation by Goldwin Smith (London: T.Fisher Unwin, 1908). 2 volumes in 1. Vol. 2 War, Peace, and Reform.
<http://oll.libertyfund.org/title/931/104909/2228678>

Bentham on how “the ins” and “the outs” lie to the people in order to get into power (1843) (Feb 6, 2012)



Jeremy Bentham (1748 – 1832)

Jeremy Bentham (1748-1832) created a *Handbook of Political Fallacies* in which he painstakingly categorized the different types of “fallacies” politicians used to deceive the public. He did this in order to show how those in government deceived the people in order to win office or get favours from those in office:

By the name of fallacy, it is common to designate any argument employed, or topic suggested, for the purpose, or with a probability, of producing the effect of deception,—of causing some erroneous opinion to be entertained by any person to whose mind such argument may have been presented....

First, fallacies of authority (including laudatory personalities;) the subject-matter of which is authority in various shapes—and the immediate object, to repress, on the ground of the weight of such authority, all exercise of the reasoning faculty.

Secondly, fallacies of danger (including vituperative personalities;) the subject-matter of which is the suggestion of danger in various shapes—and the object, to repress altogether, on the ground of such danger, the discussion proposed to be entered on.

Thirdly, fallacies of delay; the subject-matter of which is an assigning of reasons for delay in various shapes—and the object, to postpone such discussion, with a view of eluding it altogether.

Fourthly, fallacies of confusion; the subject-matter of which consists chiefly of vague and indefinite generalities—while the object is to produce, when discussion can no longer be avoided, such confusion in the minds of the hearers as to incapacitate them for forming a correct judgment on the question proposed for deliberation....

Parliament (is) a sort of gaming-house; members on the two sides of each house the

players; the property of the people—such portion of it as on any pretence may be found capable of being extracted from them—the stakes played for. Insincerity in all its shapes, disingenuousness, lying, hypocrisy, fallacy, the instruments employed by the players on both sides for obtaining advantages in the game: on each occasion—in respect of the side on which he ranks himself—what course will be most for the advantage of the universal interest, a question never looked at, never taken into account: on which side is the prospect of personal advantage in its several shapes—this the only question really taken into consideration: according to the answer given to this question in his own mind, a man takes the one or the other of the two sides—the side of those in office, if there be room or near prospect of room for him: the side of those by whom office is but in expectancy, if the future contingent presents a more encouraging prospect than the immediately present....

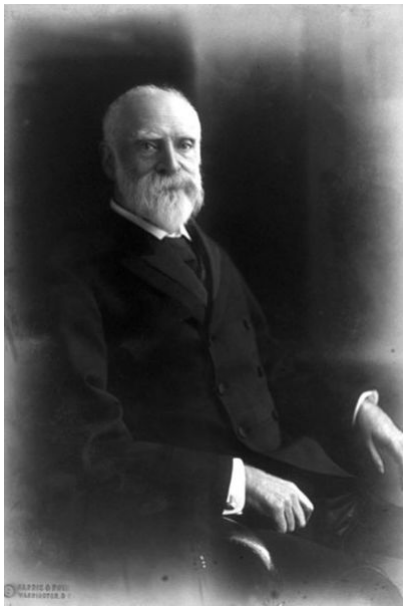
About this Quotation:

The first version of Bentham's *Handbook of Political Fallacies* appeared in French early in the 19th century and it had a important impact on the thinking of Frédéric Bastiat who produced his own examination of "economic fallacies" in the mid and late 1840s (mainly to do with tariffs and government subsidies). Bentham thought that the British Parliament was so corrupt that he could fill an entire book with carefully articulated definitions and categories of lying, deception, intimidation, and obfuscation used by politicians and bureaucrats to hoodwink the public into accepting taxes, regulations, and payments to favoured groups. In this marvelous passage he compares the Parliament to a casino, where the politicians were the gamblers, and the property of the citizens was the stakes being played for. "Disingenuousness, lying, hypocrisy, (and) fallacy" were the tactics used by the players in order to win each round of the game. Those who were "the ins" (in office) had a temporary advantage in the game; those who were "the outs" (those aspiring to be in office next) could only hope their turn would soon come. In Bentham's cynical though realistic view, "the universal interest (was) a question never looked at, never taken into account" by the players.

Source

Jeremy Bentham, *The Works of Jeremy Bentham*, published under the Superintendence of his Executor, John Bowring (Edinburgh: William Tait, 1838-1843). 11 vols. Vol. 2.
<http://oll.libertyfund.org/title/1921/114049>

James Bryce on the Party Primaries and Conventions in the American political system (1888) (Aug 27, 2012)



[Viscount James Bryce](#) (1838 – 1922)

The British jurist and statesman Viscount James Bryce (1838-1922) tries to explain to a European audience how “voluntary and extra-legal associations of citizens,” i.e. American political parties, were nationalized by the state and turned into “public political institution(s)” regulated by statutory law:

None of the conditions which theory postulated had been in fact fulfilled. Comparatively few members attended, while some who would have attended were excluded because too independent. Thus the Primaries did not truly represent the party. When the Primary met, opposition, if any, to the names put forward by the Committee was over-borne by its henchmen, and often outwitted by a partisan Chairman who ruled questions of order against them. Accordingly in the cities and wherever there was a pretty dense population dominated by a Ring, the choice of candidates, delegates, and Committee men was dictated by the Ring. The reform needed, therefore, was to eliminate fraud in making up the party roll, and force as well as fraud in the conduct of business at the Primary. **This was sought by the novel and drastic method of turning what had been a (private) party Meeting into a (public) Election (by polling) at which the citizens should be entitled to vote (a) for the selection of party candidates, (b) for the selection of delegates to a party Convention, © for the members of the local party Committee.** All this has now been done in practically every State, though with an endless variety of details in the provisions of the various State laws. Rules are laid down for the making up of the roll of members of a party, for the conduct and modes of voting at the Direct Primary election (as it is now called), for the prevention of bribery, fraud, and violence, in fact for all the matters that have to be prescribed as respects the regular public elections to a legislature or any public office. **This legal recognition of Party as a public political institution, this application of statutory regulation to what had theretofore been purely voluntary and extra-legal associations of citizens, strikes Europeans as a surprising new departure in politics.** American reformers, however, had been so long accustomed to regard their parties as great political forces, national institutions which for good or for ill ruled the course of politics, that they jumped at any

method of overthrowing a corrupt system, and were not in the mood to be arrested by anything savouring of constitutional pedantry. Nothing weaker than the arm of the law seemed to them capable of democratizing that nominating machinery which had been worked by a selfish oligarchy.

About this Quotation:

The British jurist and statesman Viscount James Bryce (1838-1922) tries to explain to a European audience how the American Party Primaries and Conventions worked. He argues that the previous system of “voluntary and extra-legal associations of citizens,” i.e. political parties, had become so corrupt that the nominating process had to be taken over by the state which now wielded statutory power over these new “public political institution(s).” Under the old system narrow and “selfish oligarchies” (the “Ring”) controlled the nomination process and manipulated the outcomes in order to guarantee the election of “their man.” This virtual “nationalization of political parties” by the state, it was hoped, would allow for free and open nominating procedures which would make bribery, fraud, violence, and manipulation a thing of the past.

Source

Viscount James Bryce, *Modern Democracies*, (New York: Macmillan, 1921). 2 vols. Vol. 2.
<http://oll.libertyfund.org/title/2090/159255/2814056>

John Trenchard on the real nature of political parties (1721) (Feb 17, 2014)

[John Trenchard](#) (1662 – 1723)

The English Radical Whig journalist John Trenchard (1662-1723) warned that the true nature of political parties was to offer its members an opportunity to plunder the ordinary taxpayer by seeking plush jobs for themselves and kick-backs for their friends:

The wise Sancho Pancha desired that his subjects, in the promised island, might be all blacks, because he would sell them. And this seems to be the first modest, and, as I think, the only reasonable desire of the leaders of all parties; for no man will be at the expence and fatigue of body and conscience, which is necessary to lead a faction, only to be disturbed and annoyed by them.

A very great authority has told us, that “‘Tis worth no man’s time to serve a party, unless he can now and then get good jobs by it.” This, I can safely say, has been the constant principle and practice of every leading patriot, ever since I have been capable of observing publick transactions; the primum mobile, the alpha and omega of all their actions: They all professed to have in view only the publick good; yet every one shewed he only meant his own; and all the while the great as well as little mob, the procerum turba mobilium, contended as fiercely for their leaders, as if their happiness or misery depended upon the face, the clothes, or title of the persons who robbed and betrayed them. Thus the highwayman said to the traveller, “Pray, Sir, leave your watch and money in my hands; or else, by G —, you will be robbed.”

Pound a fool in a mortar, and he comes out never the wiser; no experience will make the bulk of mankind so, or put them upon their guard; they will be caught over and over again by the same baits and stale stratagems: No sooner is a party betrayed by one head, but they rail at him, and set up another; and when this has served them in the same manner, they choose a third; and put full confidence in every one of them successively, though they all make the same use of their credulity; that is, put a price upon their calves’ heads, and sell them; which, however, they have the less reason to complain of, because they would have all done the same.

About this Quotation:

We are publishing this quote on February 11 some 293 years after it first appeared in February 1721. It seems that some truths are timeless in nature, especially those concerning the way political parties and their members operate. Trenchard was part of a duo of radical whig journalists (which included Thomas Gordon (1692-1750)) who were thorns in the side of the British government during the 1720s criticising the rampant corruption within British politics and the policies of mercantilism and empire outside the country. In this letter from *Cato’s Letters* Trenchard makes a number of observation which are very “public choice” in nature, such as the claim that people seek political office in order to get themselves good jobs, that they trade favours with each other in order to better their positions, that both sides in politics share a common interest in the spoils of office, that members of a party will defend even more corrupt members for the sake of party unity, and so on. Trenchard wishes to expose these practices for what they are and to warn the ordinary taxpayer that they are being duped when the various parties attempt to enroll them in their battles and that they have been betrayed too often in the

past to trust anybody again in the present. He concludes with the warning that “Let us not therefore, for the time to come, suffer ourselves to be engaged in empty and pernicious contentions; which can only tend to make us the property and harvest of pickpockets (i.e. party politicians).”

Source

John Trenchard, *Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*. Four volumes in Two, edited and annotated by Ronald Hamowy (Indianapolis: Liberty Fund, 1995). Vol. 1. http://oll.libertyfund.org/titles/trenchard-catos-letters-vol-1-november-5-1720-to-june-17-1721-lf-ed#Trenchard_0226-01_377

James Mill on Who are to watch the watchmen? (1835) (Aug 25, 2014)



James Mill (1773 – 1836)

The Philosophic Radical James Mill (1773-1836) believed that the answer to the age old problem of “who is to guard us from the guardians” lay in regular elections and a free press:

As an instance of our differences of opinion about abuses, we may point to what we consider the master abuse, the want of sufficient power in the people to choose their representatives. We say, that the means exist, even under the Reform Act, of taking away the power of choice from the people, to the extent of a majority of the whole number. Our opponents say that this is no abuse, but an advantage. They have talked loudly about the Reform Act as a final measure. Sir Robert Peel has lately grounded his accession to it on his belief, a declaration which gives the measure of the man, that it was an arrangement for ever,—a new ‘original compact,’ of everlasting and indefeasible obligation.

We can state, in narrow compass, the reasons on which we consider any defalcation in the power of the people to choose their representatives, as a master evil.

We go upon the postulate, that the power, by which the class qui pillent succeed in carrying on their vocation, is an evil; and ought to be abated. This postulate, indeed, has been refused, and with cries of great indignation; but we have not time at present to examine them.

We assume, then, that this power ought to be taken away; and we say, that we know but one way of accomplishing our object, which is, to grant to the people the entire and complete choice of their representatives.

This has ever been the great problem of Government. The powers of Government are of necessity placed in some hands; they who are intrusted with them have infinite temptations to abuse them, and will never cease abusing them, if they are not prevented. How are they to be prevented? The people must appoint watchmen. But

quis custodiet ipsos custodes? Who are to watch the watchmen? — The people themselves. There is no other resource; and without this ultimate safeguard, the ruling Few will be for ever the scourge and oppression of the subject Many.

‘All free governments must consist of a Senate and People. The People, as Harrington observes, would want wisdom without the Senate; the Senate without the People would want honesty.’ — Hume’s Idea of a Perfect Commonwealth.

The representatives are the watchmen of the people; and two things only are wanting to make the people very perfect watchmen of the representatives; First, the perfect power of choice, which implies the power of speedy removal; Secondly, the full benefit of the press, which gives them the necessary knowledge of the behaviour of the representative. So circumstanced, the representatives will have a paramount interest in consulting the interest of the people, and in resisting every exercise of power which would trench upon it. And we reformers, till we have brought the state of the representation to this state of perfection, will not cease to have a grievance, which our best exertions will be strenuously and incessantly employed to remove.

About this Quotation:

When James Mill, the father of John Stuart, wrote these words he was hard at work defending and lobbying to extend electoral reform following the passage of the first Reform Act in 1832. This had enabled the better off tax-payers in the middle class to vote for the first time but it still excluded the poor and of course women. Mill and his fellow Philosophic Radicals believed that democracy was a crucial weapon in the struggle against the powerful and wealthy aristocratic elites, land owners, the established Church, and financiers who controlled the British state. In this essay he sums up the “state of the nation” in 1835 and in doing so expresses some of his key ideas about “the ruling Few” and “the subject Many”, the processes by which the ruling Few use their control of the state (especially Parliament) to “pillage” the subject Many, and how the latter can defend themselves by having access to the vote, participating in frequent elections, and using the freedom of the press to expose the corruption and privileges of the elite. His answer to “the great problem of Government”, namely “quis custodiet ipsos custodes?” or, as he translated it, “Who are to watch the watchmen?” was to give ultimate oversight to “the people themselves”. He does not address the problem here of what happens if democracy itself becomes corrupt, when “the ruling Few” turns into a “ruling Many.” He no doubt thought that with a free press and a more broadly based system of education this would be impossible.

Source

James Mill, *The Political Writings of James Mill: Essays and Reviews on Politics and Society, 1815-1836*, ed. David M. Hart (Liberty Fund, 2013). http://oll.libertyfund.org/titles/2520#Mill_1624_2985

15. Philosophy ↩

1. [Jean Barbeyrac on the Virtues which all free Men should have \(1718\)](#) (Jul 26, 2004)
2. [Voltaire lampooned the excessively optimistic Leibnitzian philosophers in his philosophic tale Candide by exposing his characters to one disaster after another, like a tsunami in Lisbon, to show that this was not “the best of all possible worlds”](#) (Jan 3, 2005)

3. [Thomas Hobbes sings a hymn of praise for Reason as “the pace”, scientific knowledge is “the way”, and the benefit of mankind is “the end” \(1651\)](#) (Feb 7, 2005)
4. [Wilhelm von Humboldt argued that freedom was the “Grand and Indispensable Condition” for individual flourishing \(1792\)](#) (Jul 25, 2005)
5. [Aristotle insists that man is either a political animal \(the natural state\) or an outcast like a “bird which flies alone” \(4thC BC\)](#) (Mar 17, 2008)
6. [Plato believed that great souls and creative talents produce “offspring” which can be enjoyed by others: wisdom, virtue, poetry, art, temperance, justice, and the law \(340s BC\)](#) (Apr 7, 2008)
7. [Marcus Aurelius on using reason to live one’s life “straight and right” \(170\)](#) (Jun 11, 2012)
8. [Francis Hutcheson’s early formulation of the principle of “the greatest Happiness for the greatest Numbers” \(1726\)](#) (Feb 25, 2013)
9. [Cicero on being true to one’s own nature while respecting the common nature of others \(c. 50 BCE\)](#) (Dec 8, 2014)

Jean Barbeyrac on the Virtues which all free Men should have (1718) (Jul 26, 2004)

[Jean Barbeyrac](#) (1674 – 1744)

In his translation of Samuel Pufendorf's treatise on natural law, *The Whole Duty of Man* (1691, 1718), Jean Barbeyrac included a number of essays and commentaries. In one, a "Discourse on the Benefits Conferred by the Laws", he made the following observation:

If men are men, if they act as reasonable creatures, if they wish to conform to what their nature demands, if they are of a mind to show themselves worthy members of that universal society of which God is the author and protector, it is absolutely necessary that they be religious observers of justice, but not of justice alone. **There are other virtues which, while free from all constraint, nonetheless carry a clear and imperative obligation. Conversely, this obligation is all the stronger for being free of coercion, since the man who imposes it thereby relies more on one's willingness to fulfil the obligation. Yes, humanity, compassion, charity, beneficence, liberality, generosity, patience, gentleness, love of peace, these are not empty names, nor are they indifferent things; they are not even new commandments contained in the Gospel. Rather, they are sentiments which all reasonable persons in all times have counted among their duties;** they are dispositions that one cannot but admire and praise in others, even in an enemy, though one may not feel them in one's own heart nor wish to make the effort to install them there. Human laws, far from exempting us from such virtues, furnish a thousand occasions for their practice. Let us indicate some of these.

About this Quotation:

Jean Barbeyrac is important not only for making available to 18th century readers translations of important 17th century thinkers such as Grotius and Pufendorf, but also for providing extensive notes to these translation in which he expanded the ideas of the men he was translating. The quotation above is a good example of this.

Source

Samuel von Pufendorf, *The Whole Duty of Man According to the Law of Nature*, trans. Andrew Tooke, ed. Ian Hunter and David Saunders, with Two Discourses and a Commentary by Jean Barbeyrac, trans. David Saunders (Indianapolis: Liberty Fund, 2003). <http://oll.libertyfund.org/title/888/66145/1610532>

Voltaire lampooned the excessively optimistic Leibnitzian philosophers in his philosophic tale *Candide* by exposing his characters to one disaster after another, like a tsunami in Lisbon, to show that this was not “the best of all possible worlds” (Jan 3, 2005)



Voltaire (1694 – 1778)

In 1755 an earthquake and tsunami hit the city of Lisbon, at that time the 4th largest city in Europe. Voltaire used the event in his philosophic tale *Candide* to argue that this is not the best of all possible worlds:

As soon as they had recovered from their surprise and fatigue they walked towards Lisbon; with what little money they had left they thought to save themselves from starving after having escaped drowning.

Scarcely had they ceased to lament the loss of their benefactor and set foot in the city, when they perceived that the earth trembled under their feet, and the sea, swelling and foaming in the harbor, was dashing in pieces the vessels that were riding at anchor. Large sheets of flames and cinders covered the streets and public places; the houses tottered, and were tumbled topsy-turvy even to their foundations, which were themselves destroyed, and thirty thousand inhabitants of both sexes, young and old, were buried beneath the ruins...

The next day, in searching among the ruins, they found some eatables with which they repaired their exhausted strength. After this they assisted the inhabitants in relieving the distressed and wounded. Some, whom they had humanely assisted, gave them as good a dinner as could be expected under such terrible circumstances. The repast, indeed, was mournful, and the company moistened their bread with their tears...

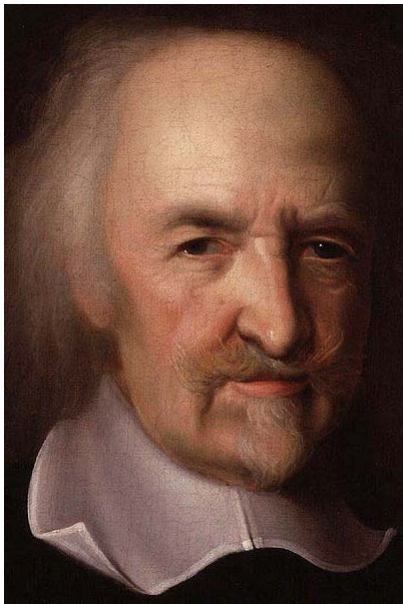
About this Quotation:

On December 26, 2004 an earthquake off the coast of Sumatra caused a tsunami which wrecked havoc across South East Asia. We immediately thought of the 1755 earthquake and tsunami which hit Lisbon and Voltaire's reaction to it. The quote above comes from his "philosophic tale" *Candide* which was published soon after in 1759. Furthermore, 2009 is the 150th anniversary of the first publication of this book.

Source

Voltaire, *The Works of Voltaire. A Contemporary Version. A Critique and Biography* by John Morley, notes by Tobias Smollett, trans. William F. Fleming (New York: E.R. DuMont, 1901). In 21 vols. Vol. I. <http://oll.libertyfund.org/title/350/53428/1561021>

Thomas Hobbes sings a hymn of praise for Reason as “the pace”, scientific knowledge is “the way”, and the benefit of mankind is “the end” (1651) (Feb 7, 2005)



Thomas Hobbes (1588 – 1679)

In the first part called "Of Man" in his great work of political philosophy *Leviathan*, Thomas Hobbes explores the nature of speech and imagination, reason and science, virtue and manners, in an effort to establish the foundation of his theory of the laws of nature. Concerning science and reason he concludes:

Science.

By this it appears that Reason is not as Sense, and Memory, borne with us; nor gotten by Experience onely, as Prudence is; but attained by Industry; first in apt imposing of Names; and secondly by getting a good and orderly Method in proceeding from the Elements, which are Names, to Assertions made by Connexion of one of them to another; and so to Syllogismes, which are the Connexions of one Assertion to another, till we come to a knowledge of all the Consequences of names appertaining to the subject in hand; and that is it, men call SCIENCE. And whereas Sense and Memory are but knowledge of Fact, which is a thing past, and irrevocable; *Science* is the knowledge of Consequences, and dependance of one fact upon another: by which, out of that we can presently do, we know how to do something else when we will, or the like, another time: Because when we see how any thing comes about, upon what causes, and by what manner; when the like causes come into our power, wee see how to make it produce the like effects.

Children therefore are not endued with Reason at all, till they have attained the use of Speech: but are called Reasonable Creatures, for the possibility apparent of having the use of Reason in time to come. And the most part of men, though they have the use of Reasoning a little way, as in numbring to some degree; yet it serves them to little use in common life; in which they govern themselves, some better, some worse, according to their differences of experience, quicknesse of memory, and inclinations to severall ends; but specially according to good or evill fortune, and the errors of one another. For as for

Science, or certain rules of their actions, they are so farre from it, that they know not what it is. Geometry they have thought Conjuring: But for other Sciences, they who have not been taught the beginnings, and some progresse in them, that they may see how they be acquired and generated, are in this point like children, that having no thought of generation, are made believe by the women, that their brothers and sisters are not born, but found in the garden.

But yet they that have no *Science*, are in better, and nobler condition with their naturall Prudence; than men, that by mis-reasoning, or by trusting them that reason wrong, fall upon false and absurd generall rules. For ignorance of causes, and of rules, does not set men so farre out of their way, as relying on false rules, and taking for causes of what they aspire to, those that are not so, but rather causes of the contrary.

To conclude, **The Light of humane minds is Perspicuous Words, but by exact definitions first snuffed, and purged from ambiguity; Reason is the *pace*; Encrease of Science, the *way*; and the Benefit of man-kind, the *end*. And on the contrary, Metaphors, and senslesse and ambiguous words, are like *ignes fatui*; and reasoning upon them, is wandering amongst innumerable absurdities; and their end, contention, and sedition, or contempt.**

About this Quotation:

We have a number of works by Thomas Hobbes online: his translations from the Greek of Homer's *Iliad* and *Odyssey* and Thucydides' *The Peloponnesian Wars*, and the classic 1909 edition of his great work on political philosophy written during the upheavals of the English Revolution. So, having written on and having lived through so much war and chaos it is remarkable in this quote to see him extolling so highly the virtues of reason, and science, and calm reflection.

Source

Thomas Hobbes, *Hobbes's Leviathan reprinted from the edition of 1651 with an Essay by the Late W.G. Pogson Smith* (Oxford: Clarendon Press, 1909). <http://oll.libertyfund.org/title/869/208749/3397180>

Wilhelm von Humboldt argued that freedom was the “Grand and Indispensable Condition” for individual flourishing (1792) (Jul 25, 2005)



Wilhelm von Humboldt (1767 – 1835)

In Chapter II “Of the Individual Man, and the Highest Ends of his Existence” Humboldt explains the connection between liberty and a variety of situations, and their connection to the flourishing of the individual:

The true end of Man, or that which is prescribed by the eternal and immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole. Freedom is the grand and indispensable condition which the possibility of such a development presupposes; but there is besides another essential,—intimately connected with freedom, it is true,—a variety of situations. Even the most free and self-reliant of men is thwarted and hindered in his development by uniformity of position. But as it is evident, on the one hand, that such a diversity is a constant result of freedom, and on the other, that there is a species of oppression which, without imposing restrictions on man himself, gives a peculiar impress of its own to surrounding circumstances; these two conditions, of freedom and variety of situation, may be regarded, in a certain sense, as one and the same. Still, it may contribute to perspicuity to point out the distinction between them.

Every human being, then, can act with but one force at the same time: or rather, our whole nature disposes us at any given time to some single form of spontaneous activity. It would therefore seem to follow from this, that man is inevitably destined to a partial cultivation, since he only enfeebles his energies by directing them to a multiplicity of objects. But we see the fallacy of such a conclusion when we reflect, that man has it in his power to avoid this one-sidedness, by striving to unite the separate faculties of his nature, often singly exercised; by bringing into spontaneous co-operation, at each period of his life, the gleams of activity about to expire, and those which the future alone will kindle into living effulgence; and endeavouring to increase and diversify the powers with which he works,

by harmoniously combining them, instead of looking for a mere variety of objects for their separate exercise. That which is effected, in the case of the individual, by the union of the past and future with the present, is produced in society by the mutual co-operation of its different single members; for, in all the stages of his existence, each individual can exhibit but one of those perfections only, which represent the possible features of human character. It is through such social union, therefore, as is based on the internal wants and capacities of its members, that each is enabled to participate in the rich collective resources of all the others. The experience of all, even the rudest, nations, furnishes us an example of a union thus formative of individual character, in the union of the sexes. And, although in this case the expression, as well of the difference as of the longing for union, appears more marked and striking, it is still no less active in other kinds of association where there is actually no difference of sex; it is only more difficult to discover in these, and may perhaps be more powerful for that very reason. If we were to follow out this idea, it might perhaps conduct us to a clearer insight into the phenomena of those unions so much in vogue among the ancients, and more especially the Greeks, among whom we find them countenanced even by the legislators themselves: I mean those so frequently, but unworthily, classed under the general appellation of ordinary love, and sometimes, but always erroneously, designated as mere friendship. The efficiency of all such unions as instruments of cultivation, wholly depends on the degree in which the component members can succeed in combining their personal independence with the intimacy of the common bond; for whilst, without this intimacy, one individual cannot sufficiently possess himself, as it were, of the nature of the others, independence is no less essential, in order that the perceived be assimilated into the being of the perceiver. Now, it is clear (to apply these conclusions to the respective conditions for culture,—freedom, and a variety of situations), that, on the one hand, individual energy is essential to the perceived and perceiver, into which social unions may be resolved; and, on the other, a difference between them, neither so great as to prevent the one from comprehending the other, nor so inconsiderable as to exclude admiration for that which the other possesses, and the desire of assimilating it into the perceiver's character...

I therefore deduce, as the natural inference from what has been argued, that reason cannot desire for man any other condition than that in which each individual not only enjoys the most absolute freedom of developing himself by his own energies, in his perfect individuality, but in which external nature even is left unfashioned by any human agency, but only receives the impress given to it by each individual of himself and his own free will, according to the measure of his wants and instincts, and restricted only by the limits of his powers and his rights.

From this principle it seems to me, that Reason must never yield aught save what is absolutely required to preserve it. It must therefore be the basis of every political system, and must especially constitute the starting-point of the inquiry which at present claims our attention.

About this Quotation:

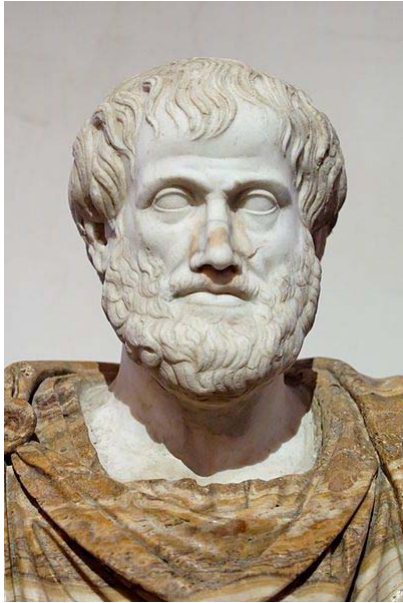
This book is a celebration of the fact that liberty is an essential precondition for human flourishing to take place. This is an idea which so inspired John Stuart Mill in *On Liberty* (1859) that he dedicated his book to Humboldt. It is a reminder that liberty not only makes economic development possible but creates the society in which all manner of human activities can best blossom and bloom.

Source

Wilhelm von Humboldt, *The Sphere and Duties of Government*. Translated from the German of Baron Wilhelm von Humboldt, by Joseph Coulthard, Jun. (London: John Chapman, 1854).
<http://oll.libertyfund.org/title/589/45490/1363447>

Aristotle insists that man is either a political animal (the natural state) or an outcast like a “bird which flies alone” (4thC BC)

(Mar 17, 2008)



Aristotle (384 BCE – 322 BCE)

In his *Politics*, Aristotle believed man was a "political animal" because he is a social creature with the power of speech and moral reasoning:

Hence it is evident that the state is a creation of nature, and that man is by nature a political animal. And he who by nature and not by mere accident is without a state, is either above humanity, or below it; he is the ‘Tribeless, lawless, hearthless one,’ whom Homera denounces—the outcast who is a lover of war; he may be compared to a bird which flies alone.

Now the reason why man is more of a political animal than bees or any other gregarious animals is evident. Nature, as we often say, makes nothing in vain, and man is the only animal whom she has endowed with the gift of speech. And whereas mere sound is but an indication of pleasure or pain, and is therefore found in other animals (for their nature attains to the perception of pleasure and pain and the intimation of them to one another, and no further), the power of speech is intended to set forth the expedient and inexpedient, and likewise the just and the unjust. And it is a characteristic of man that he alone has any sense of good and evil, of just and unjust, and the association of living beings who have this sense makes a family and a state.

About this Quotation:

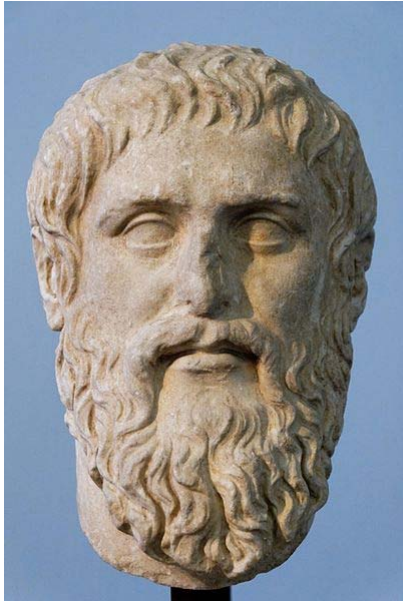
Aristotle’s statement that man is a “political animal” can be taken in a number of ways. One reading is to say that man is naturally sociable (the Pufendorf-Grotius line) and that they are naturally drawn to various political associations in order to satisfy their social needs. Another reading, which sees the word “political” in a less charitable light, might state that, since politics is based upon violence and threats of violence, the phrase emphasises the “animal” side of human nature rather than its rational and cooperative side. Those who turn their back on the violence inherent in politics, in Aristotle’s

view, also turn their back on society – they declare themselves to be outlaws, without a “tribe”, and without a heart. His likening them to a “bird which flies alone” reminds me of the Rudyard Kipling story in *The Just So Stories* (1902) about “The Cat who walked by Himself”, because he of all the wild animals refused to be domesticated by human beings. Of course, there is also Robert Frost’s poem “The Road not Taken” (1920) with the line about choosing “the one less traveled by”. Is this such a bad thing?

Source

Aristotle, *The Politics of Aristotle*, trans. into English with introduction, marginal analysis, essays, notes and indices by B. Jowett. Oxford, Clarendon Press, 1885. 2 vols. Vol. 1. <http://oll.libertyfund.org/title/579/75395/1828367>

Plato believed that great souls and creative talents produce “offspring” which can be enjoyed by others: wisdom, virtue, poetry, art, temperance, justice, and the law (340s BC) (Apr 7, 2008)



Plato (429 BCE – 347 BCE)

In the *Symposium*, Plato argues that ideas such as wisdom and virtue and temperance and justice have their own offspring and that the great poets like Homer or legislators like Solon have "children" which are worthy of admiration and emulation:

‘Those who are pregnant in the body only, betake themselves to women and beget children—this is the character of their love; their offspring, as they hope, will preserve their memory and give them the blessedness and immortality which they desire in the future. **But souls which are pregnant—for there certainly are men who are more creative in their souls than in their bodies—conceive that which is proper for the soul to conceive or contain. And what are these conceptions?—wisdom and virtue in general. And such creators are poets and all artists who are deserving of the name inventor. But the greatest and fairest sort of wisdom by far is that which is concerned with the ordering of states and families, and which is called temperance and justice. And he who in youth has the seed of these implanted in him and is himself inspired, when he comes to maturity desires to beget and generate. He wanders about seeking beauty that he may beget offspring—for in deformity he will beget nothing—and naturally embraces the beautiful rather than the deformed body; above all when he finds a fair and noble and well-nurtured soul, he embraces the two in one person, and to such an one he is full of speech about virtue and the nature and pursuits of a good man; and he tries to educate him; and at the touch of the beautiful which is ever present to his memory, even when absent, he brings forth that which he had conceived long before, and in company with him tends that which he brings forth; and they are married by a far nearer tie and have a closer friendship than those who beget mortal children, for the children who are their common offspring are fairer and more immortal. Who, when he thinks of Homer and Hesiod and other great poets, would not rather have their children than**

ordinary human ones? Who would not emulate them in the creation of children such as theirs, which have preserved their memory and given them everlasting glory? Or who would not have such children as Lycurgus left behind him to be the saviours, not only of Lacedaemon, but of Hellas, as one may say? There is Solon, too, who is the revered father of Athenian laws; and many others there are in many other places, both among Hellenes and barbarians, who have given to the world many noble works, and have been the parents of virtue of every kind; and many temples have been raised in their honour for the sake of children such as theirs; which were never raised in honour of any one, for the sake of his mortal children.

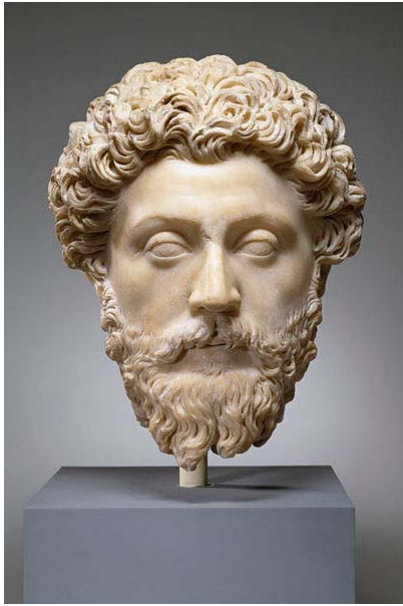
About this Quotation:

In this passage Plato asks us to compare a soul or mind which is “pregnant” with new and creative ideas with a women who is pregnant with her child. Both “offspring” are dearly loved and both will preserve the memory and thus create a kind of immortality for the parent. Plato also uses this idea to suggest that a similar motivation drives teachers to impart their knowledge and wisdom to their students. The ideas they impart are like little “offspring” which take root in the minds of their pupils.

Source

Plato, *The Dialogues of Plato, vol. 1, translated into English with Analyses and Introductions by B. Jowett, M.A. in Five Volumes*. 3rd edition revised and corrected (Oxford University Press, 1892).
<http://oll.libertyfund.org/title/111/39489/878106>

Marcus Aurelius on using reason to live one's life “straight and right” (170) (Jun 11, 2012)



[Marcus Aurelius Antoninus](#) (121 CE – 180 CE)

The Emperor Marcus Aurelius Antoninus (121-180) was also a Stoic philosopher whose *Meditations* (written while on a military campaign during the 170s) were highly influential during the Scottish Enlightenment. He exhorted each person to find peace within themselves by discovering the natural laws which governed the universe and living one's life in accordance with them. His advice was to live one's life “always straight and right, and not as amended or rectified” by others:

Book III.

5. Do nothing with reluctance, or forgetting the kind social bond, or without full inquiry, or hurried into it by any passion. Seek not to set off your thoughts with studied elegance. Be neither a great talker, nor undertaker of many things. And let the God within thee find he rules a man of courage, an aged man, a good citizen, a Roman, who regulates his life, as waiting for the signal to retreat out of it, without reluctance at his dissolution; who needs not for a bond of obedience, either the tie of an oath, or the observation of others. Join also a cheerful countenance, an independence on the services of others, a mind which needs not retirement from the world, to obtain tranquillity; but can maintain it without the assistance of others. One should rather appear to have been always straight and right, and not as amended or rectified....

6. If you can find any thing in human life better than justice, truth, temperance, fortitude; or, to sum up all, than to have your mind perfectly satisfied with what actions you are engaged in by right reason, and what providence orders independently of your choice: if you find any thing better, I say, turn to it with all your soul, and enjoy the noble discovery. But if nothing appears more excellent than the divinity seated within you, when it hath subjected to its self all its passions, examined all appearances which may excite them, and, as Socrates expresses it, has torn itself off from the attachments to sense; has subjected it self to the Gods, and has an affectionate care of mankind: If you find all

things mean and despicable in comparison with this, give place to nothing else: for, if you once give way, and lean towards any thing else, you will not be able, without distraction of mind, to preserve the preference of esteem and honour to your own proper and true good. For it is against the law of justice, that any thing of a different kind withstand the proper good of the rational and social nature; such as the views of popular applause, power, riches, or sensual enjoyments. All these things, if we allow them even for a little to appear suitable to our nature, immediately become our masters and hurry us away. But do you I say, with liberty, and simplicity of heart, chuse what is most excellent, and hold to it resolutely. What is most excellent is most advantageous. If so to the rational nature, retain it; but if only to the animal, renounce it. And preserve the judging power unbiassed by external appearances, that it may make a just and impartial inquiry...

16. The body, the animal soul, the intellectual. To the body belong the senses: to the animal soul, the appetites and passions: to the intellectual, the maxims of life. To have sensible impressions exciting imaginations, is common to us with the cattle. To be moved, like puppets, by appetites and passions, is common to us with the wild beasts, with the most effeminate wretches, Phalaris, and Nero, with atheists, and with traitors to their country. If these things, then, are common to the lowest and most odious characters, this must remain as peculiar to the good man; to have the intellectual part governing and directing him in all the occurring offices of life; to love and embrace all which happens to him by order of providence; to preserve the divinity placed in his breast, pure, undisturbed by a croud of imaginations, and ever calm and well-pleased, and to follow with a graceful reverence the dictates of it as of a God; never speaking against truth, or acting against justice. And, tho' no man believe he thus lived, with simplicity, modesty, and tranquillity; he neither takes this amiss from any one; nor quits the road which leads to the true end of life; at which he ought to arrive pure, calm, ready to part with life, and accommodated to his lot without reluctance.

About this Quotation:

It is extraordinary to think that Marcus Aurelius wrote these meditations while he was planning to fight or actually waging war near the Danube river. They are deep reflections on human nature, the natural laws which govern the world, the dangers of being swept away by one's passions or emotions, and the need to live one's one life in a self-critical and calm manner under the guidance of reason. These are not the kind of thoughts one usually associates with military leaders in the heat of battle. However, Marcus Aurelius does hint at the passions which might have been flooding his mind at this time when he warns against the dangers of the "animal soul" overwhelming "the intellectual" soul. Without the distance and calm which he believed reason provides us men can "be moved, like puppets, by appetites and passions, (which) is common to us with the wild beasts." The Scottish enlightened thinker Francis Hutcheson (1694-1746) was drawn to the *Meditations* which he helped translate from the Greek in 1742, thus making this book one of the more influential texts of the Scottish Enlightenment.

Source

Marcus Aurelius Antoninus, *The Meditations of the Emperor Marcus Aurelius Antoninus*, trans. Francis Hutcheson and James Moor, edited and with an Introduction by James Moore and Michael Silverthorne (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2133/193239/3097928>

Francis Hutcheson's early formulation of the principle of "the greatest Happiness for the greatest Numbers" (1726) (Feb 25, 2013)



[Francis Hutcheson](#) (1694 – 1746)

The Scottish moral philosopher Francis Hutcheson (1694-1746) developed an early version of the utilitarian principle of "the greatest Happiness for the greatest Numbers" as a way of calculating the best action to take when faced with alternatives:

VIII. In comparing the moral Qualities of Actions, in order to regulate our Election among various Actions propos'd, or to find which of them has the greatest moral Excellency, we are led by our moral Sense of Virtue to judge thus; that in equal Degrees of Happiness, expected to proceed from the Action, the Virtue is in proportion to the Number of Persons to whom the Happiness shall extend; (and here the Dignity, or moral Importance of Persons, may compensate Numbers) and in equal Numbers, the Virtue is as the Quantity of the Happiness, or natural Good; or that the Virtue is in a compound Ratio of the Quantity of Good, and Number of Enjoyers. In the same manner, the moral Evil, or Vice, is as the Degree of Misery, and Number of Sufferers; so that, that Action is best, which procures the greatest Happiness for the greatest Numbers; and that, worst, which, in like manner, occasions Misery.

IX. Again, when the Consequences of Actions are of a mix'd Nature, partly Advantageous, and partly Pernicious; that Action is good, whose good Effects preponderate the evil, by being useful to many, and pernicious to few; and that, evil, which is otherwise. Here also the moral Importance of Characters, or Dignity of Persons may compensate Numbers; as may also the Degrees of Happiness or Misery: for to procure an inconsiderable Good to many, but an immense Evil to few, may be Evil; and an immense Good to few, may preponderate a small Evil to many.

But the Consequences which affect the Morality of Actions, are not only the direct and natural Effects of the Actions themselves; but also all those Events which otherwise would not have happen'd. For many Actions which have no immediate or natural evil

Effects, nay which actually produce good Effects, may be evil; if a man foresees that the evil Consequences, which will probably flow from the Folly of others, upon his doing of such Actions, are so great as to overballance all the Good produc'd by those Actions, or all the Evils which would flow from the Omission of them: And in such Cases the Probability is to be computed on both sides. Thus if an Action of mine will probably, thro the Mistakes or Corruption of others, be made a Precedent in unlike Cases, to very evil Actions; or when my Action, tho good in it self, will probably provoke Men to very evil Actions, upon some mistaken Notion of their Right; any of these Considerations foreseen by me, may make such an Action of mine evil, whenever the Evils which will probably be occasion'd by the Action, are greater than the Evils occasion'd by the Omission.

And this is the Reason that many Laws prohibit Actions in general, even when some particular Instances of those Actions would be very useful; because an universal Allowance of them, considering the Mistakes Men would probably fall into, would be more pernicious than an universal Prohibition; nor could there be any more special Boundaries fix'd between the right and wrong Cases. In such Cases, it is the Duty of Persons to comply with the generally useful Constitution; or if in some very important Instances, the Violation of the Law would be of less evil Consequence than Obedience to it, they must patiently resolve to undergo those Penalties, which the State has, for valuable Ends to the Whole, appointed: and this Disobedience will have nothing criminal in it.

About this Quotation:

One normally associates the principle of “the greatest happiness of the greatest number” with the 19th century utilitarian philosophers Jeremy Bentham, James Mill, and John Stuart Mill. Here we have a much earlier formulation by Hutcheson from the 1720s. He was an important figure in the development of the Scottish Enlightenment since, as professor of Moral Philosophy at the University of Glasgow to which he was appointed in 1729, he was able to influence an entire generation of students including Adam Smith (1738-39). According to Hutcheson, every person has an innate “moral sense of virtue” which guides them in making moral choices. When faced with having to choose between alternative courses of action (or what Hutcheson calls “regulating our Election among various Actions”) we have to “compute” which action will lead to the highest virtue which “is in proportion to the Number of Persons to whom the Happiness shall extend.” Interestingly, Hutcheson concludes this passage with the application of his “moral computing” to evaluating the virtue of obeying government laws and regulations and asks what one should do “if in some very important Instances, the Violation of the Law would be of less evil Consequence than Obedience to it?”

Source

Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue in Two Treatises*, ed. Wolfgang Leidhold (Indianapolis: Liberty Fund, 2004). <http://oll.libertyfund.org/title/2462/244474/3960082>

Cicero on being true to one's own nature while respecting the common nature of others (c. 50 BCE) (Dec 8, 2014)



Marcus Tullius Cicero (106 BCE – 43 BCE)

The Roman lawyer and Stoic philosopher Marcus Tullius Cicero (106-43 BCE) advises that the task of living requires that we respect the common nature which all humans have while at the same time following our own individual nature in the best way we can:

Every one ought to hold fast, not his faults, but his peculiarities, so as to retain more easily the becomingness (propriety) which is the subject of our inquiry. We ought, indeed, to act in such a way as shall be in no respect repugnant to our common human nature; yet, holding this sacred, let us follow our individual nature, so that, if there are other pursuits in themselves more important and excellent, we yet may measure our own pursuits by the standard of our own nature. For it is of no avail to resist nature, or to pursue anything which we cannot reach. It is the more apparent of what quality is the becomingness under discussion, when we consider that nothing is becoming that is done, as the phrase is, without Minerva's sanction, that is, with the opposition and repugnancy of nature. In truth, if anything is becoming, nothing surely is more so than uniform consistency in the whole course of life and in each separate action, which you cannot preserve if, imitating the nature of others, you abandon your own. For as we ought to use our native tongue, and not, like some who are perpetually foisting in Greek words, incur well-deserved ridicule, so we ought not to introduce any discordance into our conduct and our general way of living. This difference of natures, indeed, has so much force that sometimes one person ought, and another under the same circumstances ought not, to commit suicide. For was the case of Marcus Cato different from that of the others who surrendered to Caesar in Africa? Yet had they killed themselves, they might perhaps have been worthy of censure, because their mode of life was less severe, and their characters were more pliant; while, since Nature had given Cato an incredible massiveness of character, and he himself had strengthened it by undeviating self-consistency, and had always been steadfast in the purpose once conceived and the design once undertaken, it seemed fit for him to die rather than to look upon the face of a tyrant. How many things did Ulysses endure in his long wandering, while he submitted to

the service of women, — if Circe and Calypso are to be called women, — and while he strove to be affable and pleasant to all in his whole social intercourse! At home, also, he bore the jeers of slaves and maidservants, that he might attain the object of his desire. But Ajax, with the temper which he is said to have had, would have faced death a thousand times rather than have borne such insults. In view of these things, it will be each man's duty to weigh well what are his own peculiar traits of character, and to keep them in serviceable condition, and not to desire to try how far another man's peculiarities may be becoming to him; for that is most becoming to each man which is most peculiarly his own. Let each of us, then, know his own capacities and proclivities, and show himself a discriminating judge of his own excellences and defects, lest performers on the stage may evince more discretion than we do. For they choose, not the best plays, but those the best adapted to their respective abilities, — those who rely on voice, the Epigoni and Medus; those who depend on action, Menalippa or Clytaemnestra; Rutilius, whom I remember, Antiopa always; Aesopus, not often Ajax. An actor, then, will look to this fitness on the stage; shall not the wise man have equal regard to it in life? **Let us therefore bestow our diligence chiefly on those concerns for which we are the best fitted. But if at any time necessity shall have forced us to undertake things outside of our specialty, we must employ all possible care, thought, and diligence, that we may be able to dispose of them, if not becomingly, yet with the least degree of unbecomingness; nor ought we in that case to endeavor to attain capacities not our own, so much as to avoid mistake or failure.**

About this Quotation:

Cicero recognises that one of the great difficulties of living in a society is how individuals can balance their desire to pursue their own selfish and personal interests against the equal desire of others to pursue their own, possibly very different, goals and interests. The first step in his view is to determine what one's own nature is, what are one's own "peculiarities" as he put it, and to endeavour to live one's own life accordingly. The second step is to recognize that everyone else also has their own peculiar nature which they wish to live by. Peaceful co-existence is only possible when each person acknowledges and respects "our common human nature". The third step in Cicero's plan for good living, is that we step back now and again to reassess whether the goals we have chosen to pursue are in fact consistent with our own nature, to see what other people have chosen for their goals and whether or not they might suit us better, and to adjust our behaviour accordingly. He concludes with the sound advice, "Let us therefore bestow our diligence chiefly on those concerns for which we are the best fitted."

Source

Marcus Tullius Cicero, *Cicero De Officiis*, translated with an Introduction and Notes by Andrew P. Peabody (Boston: Little, Brown, and Co., 1887). http://oll.libertyfund.org/oll.libertyfund.org/titles/542#1f0041-01_label_128

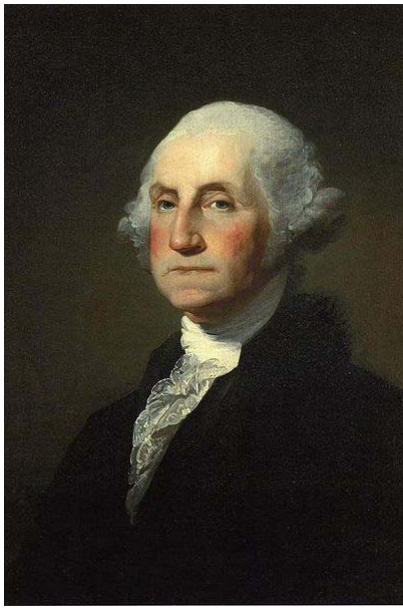
16. Politics & Liberty ↩

1. [George Washington on the Difference between Commercial and Political Relations with other Countries \(1796\)](#) (May 10, 2004)
2. [Richard Price on the true Nature of Love of One's Country \(1789\)](#) (May 24, 2004)

3. [Adam Smith on the Dangers of sacrificing one's Liberty for the supposed benefits of the "lordly servitude of a court" \(1759\) \(Jun 7, 2004\)](#)
4. [Bernhard Knollenberg on the Belief of many colonial Americans that Liberty was lost because the Leaders of the People had failed in their Duty \(2003\) \(Aug 2, 2004\)](#)
5. [Andrew Fletcher believed that too many people were deceived by the "ancient terms and outwards forms" of their government but had in fact lost their ancient liberties \(1698\) \(Feb 14, 2005\)](#)
6. [William Emerson, in his oration to commemorate the Declaration of Independence, reminded his listeners of the "unconquerable sense of liberty" which Americans had \(1802\) \(Mar 14, 2005\)](#)
7. [The Australian radical liberal Bruce Smith lays down some very strict rules which should govern the actions of any legislator \(1887\) \(Aug 15, 2005\)](#)
8. [J.S. Mill was convinced he was living in a time when he would experience an explosion of classical liberal reform because "the spirit of the age" had dramatically changed \(1831\) \(Feb 27, 2006\)](#)
9. [Edward Gibbon wonders if Europe will avoid the same fate as the Roman Empire, collapse brought on as a result of prosperity, corruption, and military conquest \(1776\) \(Mar 27, 2006\)](#)
10. [Montesquieu was fascinated by the liberty which was enjoyed in England, which he attributed to security of person and the rule of law \(1748\) \(May 1, 2006\)](#)
11. [Catharine Macaulay supported the French Revolution because there were sound "public choice" reasons for not vesting supreme power in the hands of one's social or economic "betters" \(1790\) \(Aug 21, 2006\)](#)
12. [Condorcet writes about the inevitability of the spread of liberty and prosperity while he was in prison awaiting execution by the Jacobins \(1796\) \(Aug 28, 2006\)](#)
13. [Augustin Thierry laments that the steady growth of liberty in France had been disrupted by the cataclysm of the French Revolution \(1859\) \(Jul 30, 2007\)](#)
14. [Viscount Bryce reflects on how modern nation states which achieved their own freedom through struggle are not sympathetic to the similar struggles of other repressed peoples \(1901\) \(Aug 20, 2007\)](#)
15. [James Madison on the mischievous effects of mutable government in The Federalist no. 62 \(1788\) \(Sep 1, 2008\)](#)
16. [James Madison on the need for the "separation of powers" because "men are not angels." Federalist 51 \(1788\) \(Sep 22, 2008\)](#)
17. [Mercy Otis Warren asks why people are so willing to obey the government and answers that it is supineness, fear of resisting, and the long habit of obedience \(1805\) \(Mar 16, 2009\)](#)
18. [John Stuart Mill on the need for limited government and political rights to prevent the "king of the vultures" and his "minor harpies" in the government from preying on the people \(1859\) \(Apr 20, 2009\)](#)
19. [Edward Gibbon called the loss of independence and excessive obedience the "secret poison" which corrupted the Roman Empire \(1776\) \(Aug 3, 2009\)](#)
20. [Benjamin Constant distinguished between the Liberty of the Ancients \("the complete subjection of the individual to the authority of the community"\) and that of the Moderns \("where individual rights and commerce are respected"\) \(1816\) \(Aug 12, 2009\)](#)
21. [John Adams thought he could see arbitrary power emerging in the American colonies and urged his countrymen to "nip it in the bud" before they lost all their liberties \(1774\) \(Aug 23, 2009\)](#)
22. [Samuel Smiles on how an idle, thriftless, or drunken man can, and should, improve himself through self-help and not by means of the state \(1859\). \(Sep 14, 2009\)](#)
23. [The Abbé de Mably argues with John Adams about the dangers of a "commercial elite" seizing control of the new Republic and using it to their own advantage \(1785\) \(Oct 5, 2009\)](#)

24. [Lord Acton on the destruction of the liberal Girondin group and the suicide of Condorcet during the French Revolution \(1910\)](#) (Apr 26, 2010)
25. [Georg Jellinek argues that Lafayette was one of the driving forces behind the French Declaration of the Rights of Man and of the Citizen \(1789\)](#) (Jul 12, 2010)
26. [The State of New York declares that the people may “reassume” their delegated powers at any time they choose \(1788\)](#) (Sep 20, 2010)
27. [Shaftesbury on the need for liberty to promote the liberal arts \(1712\)](#) (Nov 29, 2010)
28. [Bastiat on the fact that even in revolution there is an indestructible principle of order in the human heart \(1848\)](#) (Feb 14, 2011)
29. [Bastiat on the need for urgent political and economic reform \(1848\)](#) (Feb 28, 2011)
30. [Bastiat on the many freedoms that make up liberty \(1848\)](#) (Jun 13, 2011)
31. [Tocqueville on the spirit of association \(1835\)](#) (Jun 27, 2011)
32. [Jefferson on the right to change one’s government \(1776\)](#) (Jul 4, 2011)
33. [Spooner on the “knaves,” the “dupes,” and “do-nothings” among government supporters \(1870\)](#) (Oct 3, 2011)
34. [Ferguson on the flourishing of man’s intellectual powers in a commercial society \(1767\)](#) (Nov 21, 2011)
35. [Socrates as the “gadfly” of the state \(4thC BC\)](#) (Dec 5, 2011)
36. [Leggett on the tendency of the government to become “the universal dispenser of good and evil” \(1834\)](#) (Dec 14, 2011)
37. [Benjamin Constant on why the oppressed often prefer their chains to liberty \(1815\)](#) (Apr 16, 2012)
38. [Germaine de Staël on the indestructible love of liberty \(1818\)](#) (Jul 14, 2012)
39. [David Hume believes we should assume all men are self-interested knaves when it comes to politics \(1777\)](#) (Mar 11, 2013)
40. [Tocqueville on centralization as the natural form of government for democracies \(1835\)](#) (Nov 4, 2013)
41. [Gouverneur Morris on the proper balance between commerce, private property, and political liberty \(1776\)](#) (Jul 21, 2014)

George Washington on the Difference between Commercial and Political Relations with other Countries (1796) (May 10, 2004)



[George Washington](#) (1732 – 1799)

This passage comes from George Washington's "Farewell Address" given on September 19, 1796:

Observe good faith and justice towards all Nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great Nation, to give to mankind the magnanimous and too novel example of a People always guided by an exalted justice and benevolence... In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular Nations and passionate attachments for others should be excluded; and that in place of them just and amicable feelings towards all should be cultivated. The Nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave... So likewise, a passionate attachment of one Nation for another produces a variety of evils. Sympathy for the favourite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and Wars of the latter, without adequate inducement or justification... **The Great rule of conduct for us, in regard to foreign Nations is in extending our commercial relations to have with them as little political connection as possible.** So far as we have already formed engagements let them be fulfilled, with perfect good faith. Here let us stop.

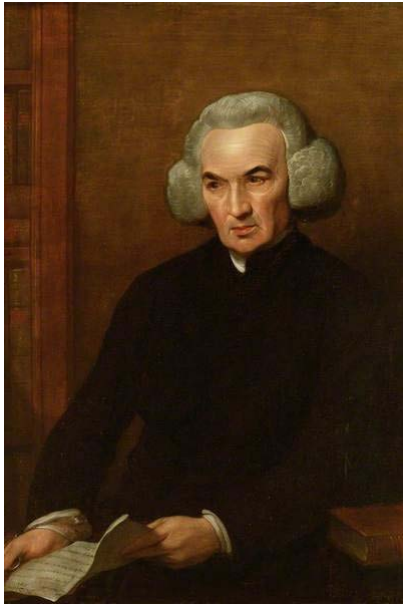
About this Quotation:

As the military leader of the American Revolution and the country's first president, Washington is a highly revered figure. His *Farewell Address* from the office of the President is a timely reminder of a tradition of a non-interventionist American foreign policy which was potent in the early years of the new Republic.

Source

George Washington, *George Washington: A Collection*, compiled and edited by W.B. Allen (Indianapolis: Liberty Fund, 1988). <http://oll.libertyfund.org/title/848/102077/2200461>

Richard Price on the true Nature of Love of One's Country (1789) (May 24, 2004)



Richard Price (1723 – 1791)

In a sermon given in 1789 Richard Price distinguished between “true” and “false” patriotism, namely between love of one's country and the “spirit of rivalry”:

The love of our country has, in all times, been a subject of warm commendations; and it is certainly a noble passion; but, like all other passions, it requires regulation and direction. There are mistakes and prejudices by which, in this instance, we are in particular danger of being misled. I will briefly mention some of these to you, and observe,

First, That by our country is meant, in this case, not the soil, or the spot of earth on which we happen to have been born; not the forests and fields, but that community of which we are members; or that body of companions and friends and kindred who are associated with us under the same constitution of government, protected by the same laws, and bound together by the same civil polity.

Secondly, It is proper to observe, that even in this sense of our country, that love of it which is our duty, does not imply any conviction of the superior value of it to other countries, or any particular preference of its laws and constitution of government. Were this implied, the love of their country would be the duty of only a very small part of mankind; for there are few countries that enjoy the advantage of laws and governments which deserve to be preferred. To found, therefore, this duty on such a preference, would be to found it on error and delusion. It is however a common delusion. There is the same partiality in countries, to themselves, that there is in individuals. All our attachments should be accompanied, as far as possible, with right opinions. We are too apt to confine wisdom and virtue within the circle of our own acquaintance and party. Our friends, our country, and, in short, every thing related to us, we are disposed to overvalue. A wise man will guard himself against this delusion. He will study to think of all things as they are, and not suffer any partial affections to blind his understanding. In other families there may be as much worth as in our own. In other circles of friends there may be as much

wisdom; and in other countries as much of all that deserves esteem; but, notwithstanding this, our obligation to love our own families, friends, and country, and to seek, in the first place, their good, will remain the same.

Thirdly, **It is proper I should desire you particularly to distinguish between the love of our country and that spirit of rivalry and ambition which has been common among nations. What has the love of their country hitherto been among mankind? What has it been but a love of domination; a desire of conquest, and a thirst for grandeur and glory, by extending territory, and enslaving surrounding countries?** What has it been but a blind and narrow principle, producing in every country a contempt of other countries, and forming men into combinations and factions against their common rights and liberties? This is the principle that has been too often cried up as a virtue of the first rank: a principle of the same kind with that which governs clans of Indians, or tribes of Arabs, and leads them out to plunder and massacre. As most of the evils which have taken place in private life, and among individuals, have been occasioned by the desire of private interest overcoming the public affections; so most of the evils which have taken place among bodies of men have been occasioned by the desire of their own interest overcoming the principle of universal benevolence: and leading them to attack one another's territories, to encroach on one another's rights, and to endeavour to build their own advancement on the degradation of all within the reach of their power? what was the love of their country among the Jews, but a wretched partiality to themselves, and a proud contempt of all other nations? What was the love of their country among the old Romans? We have heard much of it; but I cannot hesitate in saying that, however great it appeared in some of its exertions, it was, in general, no better than a principle holding together a band of robbers in their attempts to crush all liberty but their own. What is now the love of his country in a Spaniard, a Turk, or a Russian? Can it be considered as any thing better than a passion for slavery, or a blind attachment to a spot where he enjoys no rights, and is disposed of as if he was a beast?

About this Quotation:

In the post-9/11 world the issue of the nature of patriotism has raised its head many times. Richard Price's sermon on patriotism, published in a collection of sermons in the Revolutionary Period by Liberty Fund, was given to provide support to the early constitutional phase of the French Revolution which some patriotic Englishman saw as a threat. Price distinguished between the natural love of one's birthplace and community, and the sense of superiority and triumphalism which many "false" patriots had. Interestingly, Price's sermon prompted Edmund Burke to write his very critical work on the French Revolution thus sparking an important intellectual debate on the topic.

Source

Richard Price, *A Discourse on the Love of Our Country, delivered on Nov. 4, 1789, at the Meeting-House in the Old Jewry, to the Society for Commemorating the Revolution in Britain. With an Appendix*. Second edition (London: T. Cadell, 1789). <http://oll.libertyfund.org/title/368/95623/2140761>

Adam Smith on the Dangers of sacrificing one's Liberty for the supposed benefits of the "lordly servitude of a court" (1759) (Jun 7, 2004)



[Adam Smith](#) (1723 – 1790)

This passage comes from a chapter entitled "Of the Origin of Ambition and of the Distinction of Ranks" in Adam Smith, *The Theory of Moral Sentiments* (1759):

'Love,' says my Lord Rochfaucault, 'is commonly succeeded by ambition; but ambition is hardly ever succeeded by love.' That passion, when once it has got entire possession of the breast, will admit neither a rival nor a successor. To those who have been accustomed to the possession, or even to the hope of public admiration, all other pleasures sicken and decay. Of all the discarded statesmen who for their own ease have studied to get the better of ambition, and to despise those honours which they could no longer arrive at, how few have been able to succeed? The greater part have spent their time in the most listless and insipid indolence, chagrined at the thoughts of their own insignificancy, incapable of being interested in the occupations of private life, without enjoyment, except when they talked of their former greatness, and without satisfaction, except when they were employed in some vain project to recover it. **Are you in earnest resolved never to barter your liberty for the lordly servitude of a court, but to live free, fearless, and independent? There seems to be one way to continue in that virtuous resolution; and perhaps but one. Never enter the place from whence so few have been able to return; never come within the circle of ambition; nor ever bring yourself into comparison with those masters of the earth who have already engrossed the attention of half mankind before you.**

Of such mighty importance does it appear to be, in the imaginations of men, to stand in that situation which sets them most in the view of general sympathy and attention. And thus, place, that great object which divides the wives of aldermen, is the end of half the labours of human life; and is the cause of all the tumult and bustle, all the rapine and injustice, which avarice and ambition have introduced into this world. People of sense, it is said, indeed despise place; that is, they despise sitting at the head of the table, and are

indifferent who it is that is pointed out to the company by that frivolous circumstance, which the smallest advantage is capable of overbalancing. But rank, distinction pre-eminence, no man despises, unless he is either raised very much above, or sunk very much below, the ordinary standard of human nature; unless he is either so confirmed in wisdom and real philosophy, as to be satisfied that, while the propriety of his conduct renders him the just object of approbation, it is of little consequence though he be neither attended to, nor approved of; or so habituated to the idea of his own meanness, so sunk in slothful and sottish indifference, as entirely to have forgot the desire, and almost the very wish, for superiority.

About this Quotation:

2009 is the 250th anniversary of the publication of Smith's *Theory of Moral Sentiments*. It is a landmark work for several reasons. Firstly, it reveals that Smith was not just one of the founding fathers of modern political economy but a moral philosopher of the first order. One of his strengths is that he melds the two disciplines into a coherent theory of human interaction. Another fact to note is that this volume is the best seller among all the books published by Liberty Fund.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/2620#Smith_1648_262

Bernhard Knollenberg on the Belief of many colonial Americans that Liberty was lost because the Leaders of the People had failed in their Duty (2003) (Aug 2, 2004)

[Bernhard Knollenberg](#) (1892 – 1973)

In his magisterial history of the American Revolution, Bernhard Knollenberg remarks upon the problems facing the Continental Congress in September 1774:

As brought out in the admirable studies of Clinton Rossiter, Caroline Robbins, H. Trevor Colbourn, Bernard Bailyn, and others, one of the powerful forces in unifying colonial sentiment was invocation of the writings of classical authors and earlier English writers in praise or defense of liberty. These were known to the reading public throughout the colonies at first hand or through the heavy borrowing from them in current pamphlets, newspapers, sermons, and almanacs. (The meager colonial stage apparently did not contribute significantly toward arousing and unifying the colonists in opposing the British threat to colonial liberty. But Addison's popular play, *Cato*, evidently did. Patriotic songs also were a contributing influence.)

One of the points particularly stressed in the writings in defense of liberty was that liberty, once enjoyed but lost, had commonly been lost because leaders of the people, who ought to have taken timely action to preserve it, had failed in their duty. Would not the history of lost liberties repeat itself if the Congress, to whom the people of America now looked for the preservation of their liberty, failed to unite in taking effective action to this end?

But what should this action be? Here was the rub.

About this Quotation:

Unfortunately this book is no longer available online at the OLL website for reasons of copyright. Nevertheless, Knollenberg's 2 volume history of the American Revolution is a classic which is still available in book form from Liberty Fund.

Andrew Fletcher believed that too many people were deceived by the “ancient terms and outwards forms” of their government but had in fact lost their ancient liberties (1698) (Feb 14, 2005)



[Andrew Fletcher](#) (1655 – 1716)

In a discourse about the dangers to liberty of standing armies Fletcher makes an interesting point about how easily deluded people can become about the gradual loss of traditional liberties:

There is not perhaps in human affairs anything so unaccountable as the indignity and cruelty with which the far greater part of mankind suffer themselves to be used under pretence of government. For some men falsely persuading themselves that bad governments are advantageous to them, as most conducing to gratify their ambition, avarice, and luxury, set themselves with the utmost art and violence to procure their establishment: and by such men almost the whole world has been trampled underfoot, and subjected to tyranny, for want of understanding by what means and methods they were enslaved. For though mankind take great care and pains to instruct themselves in other arts and sciences, yet very few apply themselves to consider the nature of government, an enquiry so useful and necessary both to magistrate and people. Nay, in most countries the arts of state being altogether directed either to enslave the people, or to keep them under slavery; it is become almost everywhere a crime to reason about matters of government. But if men would bestow a small part of the time and application which they throw away upon curious but useless studies, or endless gaming, in perusing those excellent rules and examples of government which the ancients have left us, they would soon be enabled to discover all such abuses and corruptions as tend to the ruin of public societies. It is therefore very strange that they should think study and knowledge necessary in everything they go about, except in the noblest and most useful of all applications, the art of government.

Now if any man in compassion to the miseries of a people should endeavour to disabuse them in anything relating to government, he will certainly incur the displeasure, and perhaps be pursued by the rage of those, who think they find their account in the oppression of the world; but will hardly succeed in his endeavours to

undecieve the multitude. For the generality of all ranks of men are cheated by words and names; and provided the ancient terms and outward forms of any government be retained, let the nature of it be never so much altered, they continue to dream that they shall still enjoy their former liberty, and are not to be awakened till it prove too late. Of this there are many remarkable examples in history; but that particular instance which I have chosen to insist on, as most suitable to my purpose, is the alteration of government which happened in most countries of Europe about the year 1500. And it is worth observation, that though this change was fatal to their liberty, yet it was not introduced by the contrivance of ill-designing men; nor were the mischievous consequences perceived, unless perhaps by a few wise men, who, if they saw it, wanted power to prevent it.

About this Quotation:

As the second anniversary of the invasion of Iraq approached it seemed appropriate to reflect on the concern many 18th century Americans had about standing armies and their preference for citizen militias. It had been an issue which many in the Commonwealthmen tradition discussed, seeing standing armies as an enormous cost for taxpayers as well as a weapon which could be used against them by the ruling monarch. Trenchard and Gordon discussed the problem repeatedly in their *Cato's Letters*. One of the leading theorists on the issue was the Scotsman Andrew Fletcher as this quotation from his 1698 tract shows.

Source

Selected Discourses and Speeches: A Discourse of Government with Relation to Militias (Edinburgh, 1698); *Two Discourses concerning the Affairs of Scotland* (Edinburgh, 1698); *Speeches by a Member of the Parlaiment* (Edinburgh, 1703); *A Conversation concerning a Right Regulation of Government* (Edinburgh, 1704).

William Emerson, in his oration to commemorate the Declaration of Independence, reminded his listeners of the “unconquerable sense of liberty” which Americans had (1802)

(Mar 14, 2005)

[William Emerson](#) (1769 – 1811)

On the first anniversary of the public launch of the Online Library of Liberty it is appropriate to look back at another anniversary, in this case an oration given in Boston 1802 by William Emerson (the father of Ralph Waldo Emerson) on the anniversary of the American Declaration of Independence:

The *feelings* of Americans were always the feelings of freemen. Those venerable men, from whom you boast your descent, brought with them to these shores an unconquerable sense of liberty. They felt, that mankind were universally entitled to be free; that this freedom, though modified by the restrictions of social compact, could yet never be annulled; and that slavery, in any of its forms, is an execrable monster, whose breath is poison, and whose grasp is death.

Concerning this liberty, however, they entertained no romantick notions. They neither sought nor wished the freedom of an irrational, but that of a rational being; not the freedom of savages, not the freedom of anchorites, but that of civilized and social man. Their doctrine of equality was admitted by sober understandings. It was an equality not of wisdom, but of right; not a parity of power, but of obligation. They felt and advocated a right to personal security; to the fruits of their ingenuity and toil; to reputation; to choice of mode in the worship of God; and to such a liberty of action, as consists with the safety of others, and the integrity of the laws.

Of rights like these, your ancestors cherished a love bordering on reverence. They had inhaled it with their natal air: it formed the bias and the boast of their minds, and indelibly stamped the features of their character. In their eyes honour had no allurements, wealth no value, and existence itself no charms, unless liberty crowned the possession of these blessings. It was for the enjoyment of this ecclesiastick and political liberty, that they encountered the greatest dangers, and suffered the sharpest calamities. For this they had rived the enchanting bonds, which unite the heart to its native country; braved the terror of unknown seas; exchanged the sympathies and intercourse of fondest friendships, for the hatred and wiles of the barbarian; and all the elegancies and joys of polished life, for a miserable sustenance in an horrible desert.

About this Quotation:

On the first anniversary of the public launch of the Online Library of Liberty it is appropriate to look back at another anniversary, in this case an oration given in Boston 1802 by William Emerson (the father of Ralph Waldo Emerson) on the anniversary of the American Declaration of Independence. In this quotation Emerson celebrates the “unconquerable sense of liberty” brought to the American shores by the founding settlers from Britain and elsewhere, and their hatred of slavery as “an execrable monster”. We believe the OLL shares much in common with the men and women Emerson was celebrating in his sermon.

Source

Ellis Sandoz, *Political Sermons of the American Founding Era: 1730-1805*, 2 vols, Foreword by Ellis Sandoz (2nd ed. Indianapolis: Liberty Fund, 1998). Vol. 2. <http://oll.libertyfund.org/title/817/69467>

The Australian radical liberal Bruce Smith lays down some very strict rules which should govern the actions of any legislator (1887) (Aug 15, 2005)



Bruce Smith (1851 – 1937)

Even in 1887 there were classical liberals, like the Australian barrister Bruce Smith, who lamented the fact that state intervention was on the increase and that legislators had little regard for individual liberty. Here is his list of principles which all legislators should keep in mind:

The broad principles, then, which I should venture to lay down as guides for any one assuming the responsible position of a legislator are three in number.

- 1. The state should not *impose taxes*, or *use the public revenue* for any purpose other than that of *securing equal freedom to all citizens*.**
- 2. The state should not interfere with the *legally acquired property* of any section of its citizens for any other purpose than that of *securing equal freedom to all citizens*; and in the event of any such justifiable interference amounting to appropriation; then, only conditional upon the lawful owner being *fully compensated*.**
- 3. The state should not in any way restrict *the personal liberty* of citizens for any other purpose than that of *securing equal freedom to all citizens*.**

I repeat that I do not offer these as *conclusive tests* of the wisdom of any proposed legislation. I claim for them this use, however, that they should, in every case, be applied to any such proposal; and if, on such application, the new rights sought to be conferred, and the restrictions on liberty which they must necessarily involve, do not conflict with either of the three principles, there can be little objection to its legislative sanction. If, however, any such proposal *is* found to come into conflict with either of those principles; then, I contend, a great responsibility is cast upon him or them who demand the interference of the legislature; and he or they should be forced to prove, conclusively, that the necessity for the proposal is *so urgent* that it overrides the consideration of its transgressing one of the fundamental principles upon which our social system has been

built up. He should be compelled, too, to show a strong probability that the proposed means *will effect the desired end*, without producing an *equally or more injurious* result to society, in *some other direction*, or at *some other time*. The effect of the regular application of these principles to proposed measures would be, in the first place, to determine on which side the burden of proof lay; and then it would rest with those who have cast upon them the responsibility of giving the legislative sanction, to determine (1) whether the *necessity* has been proved; (2) whether, under all the circumstances of the case, that necessity is *sufficiently urgent* to justify the subversion of a principle which is immemorial, and which has for centuries served as one of the pillars of our social fabric; (3) whether it has been shown that the proposed measure will effect the purpose aimed at, without, at the same time, producing injurious results to society in *some other*, perhaps unsuspected, *direction*, or at *some other time*.

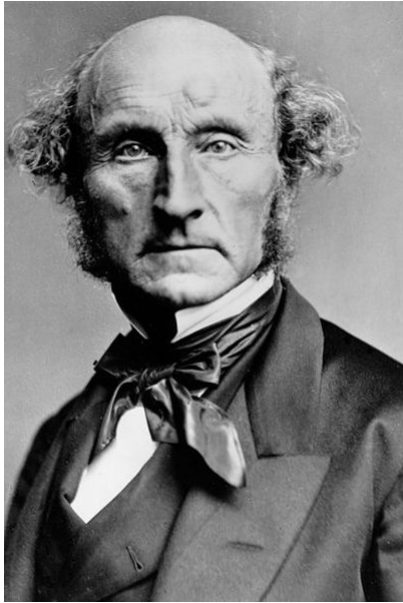
About this Quotation:

As an Australian and an admirer of late 19th century radicals such as Herbert Spencer, Auberon Herbert, and Thomas Mackay I was very surprised to come across one of their kind in Australia. This work did not deserve the obscurity into which it had sunk and it was a pleasure to put it online on the OLL.

Source

Bruce Smith, *Liberty and Liberalism: A Protest against the Growing Tendency toward undue Interference by the State, with Individual Liberty, Private Enterprise and the Rights of Property* (London: Longmans, Green, and Co, 1888). <http://oll.libertyfund.org/title/296/35852/907600>

J.S. Mill was convinced he was living in a time when he would experience an explosion of classical liberal reform because “the spirit of the age” had dramatically changed (1831) (Feb 27, 2006)



John Stuart Mill (1806 – 1873)

In an essay which Mill wrote in 1831 at the age of 26 he confidently announces that “the spirit of the age” in which he lived would bring about revolutionary changes because men had suddenly “insisted on being governed in a new way”:

The present times possess this character. **A change has taken place in the human mind; a change which, being effected by insensible gradations, and without noise, had already proceeded far before it was generally perceived. When the fact disclosed itself, thousands awoke as from a dream. They knew not what processes had been going on in the minds of others, or even in their own, until the change began to invade outward objects; and it became clear that those were indeed new men, who insisted upon being governed in a new way.**

But mankind are now conscious of their new position. The conviction is already not far from being universal, that the times are pregnant with change; and that the nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society. Even the religious world teems with new interpretations of the Prophecies, foreboding mighty changes near at hand. It is felt that men are henceforth to be held together by new ties, and separated by new barriers; for the ancient bonds will now no longer unite, nor the ancient boundaries confine. Those men who carry their eyes in the back of their heads and can see no other portion of the destined track of humanity than that which it has already travelled, imagine that because the old ties are severed mankind henceforth are not to be connected by any ties at all; and hence their affliction, and their awful warnings. For proof of this assertion, I may refer to the gloomiest book ever written by a cheerful man—Southey’s *Colloquies on the Progress and Prospects of Society*; a very curious and not uninteresting exhibition of one of the points of view from which the spirit of the age may be contemplated. They who

prefer the ravings of a party politician to the musings of a recluse, may consult a late article in *Blackwood's Magazine*, under the same title which I have prefixed to this paper. For the reverse of the picture, we have only to look into any popular newspaper or review.

Amidst all this indiscriminate eulogy and abuse, these undistinguishing hopes and fears, it seems to be a very fit subject for philosophical inquiry, what the spirit of the age really is; and how or wherein it differs from the spirit of any other age. The subject is deeply important: for, whatever we may think or affect to think of the present age, we cannot get out of it; we must suffer with its sufferings, and enjoy with its enjoyments; we must share in its lot, and, to be either useful or at ease, we must even partake its character. No man whose good qualities were mainly those of another age, ever had much influence on his own. And since every age contains in itself the germ of all future ages as surely as the acorn contains the future forest, a knowledge of our own age is the fountain of prophecy—the only key to the history of posterity. It is only in the present that we can know the future; it is only through the present that it is in our power to influence that which is to come.

About this Quotation:

The young John Stuart Mill could sense that he was living in a revolutionary age when liberal reforms were in the air (he was writing one year before the First Reform Act of 1832 granted the middle class in England the right to vote). He quite rightly thought these changes would be revolutionary in nature, such as the Anti-Corn Law League's success in 1846 in repealing the corn laws and ushering in a period of virtual free trade. Richard Cobden was the leader of the free trade movement in England, and his counter part in France was Frédéric Bastiat. Mill himself became of Member of Parliament, the leading philosopher of the classical liberal tradition in the 19th century, and a staunch defender of women's rights.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXII – Newspaper Writings December 1822 – July 1831 Part I*, ed. Ann P. Robson and John M. Robson, Introduction by Ann P. Robson and John M. Robson (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1986). <http://oll.libertyfund.org/title/256/50800/813828>

Edward Gibbon wonders if Europe will avoid the same fate as the Roman Empire, collapse brought on as a result of prosperity, corruption, and military conquest (1776) (Mar 27, 2006)



[Edward Gibbon](#) (1737 – 1794)

In an aside in Chapter XXXVIII of Volume VI of his massive work on the fall of Rome Gibbon summarized his thoughts and drew lessons for the present:

The rise of a city, which swelled into an empire, may deserve, as a singular prodigy, the reflection of a philosophic mind. But the decline of Rome was the natural and inevitable effect of immoderate greatness. Prosperity ripened the principle of decay; the causes of destruction multiplied with the extent of conquest; and, as soon as time or accident had removed the artificial supports, the stupendous fabric yielded to the pressure of its own weight. The story of its ruin is simple and obvious; and, instead of inquiring why the Roman empire was destroyed, we should rather be surprised that it had subsisted so long. The victorious legions, who, in distant wars, acquired the vices of strangers and mercenaries, first oppressed the freedom of the republic, and afterwards violated the majesty of the purple. The emperors, anxious for their personal safety and the public peace, were reduced to the base expedient of corrupting the discipline which rendered them alike formidable to their sovereign and to the enemy; the vigour of the military government was relaxed, and finally dissolved, by the partial institutions of Constantine; and the Roman world was overwhelmed by a deluge of Barbarians.

The decay of Rome has been frequently ascribed to the translation of the seat of empire; but this history has already shewn that the powers of government were *divided* rather than *removed*. The throne of Constantinople was erected in the East; while the West was still possessed by a series of emperors who held their residence in Italy and claimed their equal inheritance of the legions and provinces. This dangerous novelty impaired the strength, and fomented the vices, of a double reign; the instruments of an oppressive and arbitrary system were multiplied; and a vain emulation of luxury, not of merit, was introduced and supported between the degenerate successors of Theodosius. Extreme

distress, which unites the virtue of a free people, embitters the factions of a declining monarchy. The hostile favourites of Arcadius and Honorius betrayed the republic to its common enemies; and the Byzantine court beheld with indifference, perhaps with pleasure, the disgrace of Rome, the misfortunes of Italy, and the loss of the West. Under the succeeding reigns, the alliance of the two empires was restored; but the aid of the Oriental Romans was tardy, doubtful, and ineffectual; and the national schism of the Greeks and Latins was enlarged by the perpetual difference of language and manners, of interest, and even of religion. Yet the salutary event approved in some measure the judgment of Constantine. During a long period of decay, his impregnable city repelled the victorious armies of Barbarians, protected the wealth of Asia, and commanded, both in peace and war, the important straits which connect the Euxine and Mediterranean seas. The foundation of Constantinople more essentially contributed to the preservation of the East than to the ruin of the West.

As the happiness of a *future* life is the great object of religion, we may hear, without surprise or scandal, that the introduction, or at least the abuse, of Christianity had some influence on the decline and fall of the Roman empire. The clergy successfully preached the doctrines of patience and pusillanimity; the active virtues of society were discouraged; and the last remains of the military spirit were buried in the cloister; a large portion of public and private wealth was consecrated to the specious demands of charity and devotion; and the soldiers' pay was lavished on the useless multitudes of both sexes, who could only plead the merits of abstinence and chastity. Faith, zeal, curiosity, and the more earthly passions of malice and ambition kindled the flame of theological discord; the church, and even the state, were distracted by religious factions, whose conflicts were sometimes bloody, and always implacable; the attention of the emperors was diverted from camps to synods; the Roman world was oppressed by a new species of tyranny; and the persecuted sects became the secret enemies of their country. Yet party-spirit, however pernicious or absurd, is a principle of union as well as of dissension. The bishops, from eighteen hundred pulpits, inculcated the duty of passive obedience to a lawful and orthodox sovereign; their frequent assemblies, and perpetual correspondence, maintained the communion of distant churches: and the benevolent temper of the gospel was strengthened, though confined, by the spiritual alliance of the Catholics. The sacred indolence of the monks was devoutly embraced by a servile and effeminate age; but, if superstition had not afforded a decent retreat, the same vices would have tempted the unworthy Romans to desert, from baser motives, the standard of the republic. Religious precepts are easily obeyed, which indulge and sanctify the natural inclinations of their votaries; but the pure and genuine influence of Christianity may be traced in its beneficial, though imperfect, effects on the Barbarian proselytes of the North. If the decline of the Roman empire was hastened by the conversion of Constantine, his victorious religion broke the violence of the fall, and mollified the ferocious temper of the conquerors.

This awful revolution may be usefully applied to the instruction of the present age. It is the duty of a patriot to prefer and promote the exclusive interest and glory of his native country; but a philosopher may be permitted to enlarge his views, and to consider Europe as one great republic, whose various inhabitants have attained almost the same level of politeness and cultivation. The balance of power will continue to fluctuate, and the prosperity of our own or the neighbouring kingdoms may be alternately exalted or depressed; but these partial events cannot essentially injure our general state of happiness, the system of arts, and laws, and manners,

which so advantageously distinguish, above the rest of mankind, the Europeans and their colonies. The savage nations of the globe are the common enemies of civilised society; and we may inquire with anxious curiosity, whether Europe is still threatened with a repetition of those calamities which formerly oppressed the arms and institutions of Rome. Perhaps the same reflections will illustrate the fall of that mighty empire, and explain the probable causes of our actual security.

About this Quotation:

Edward Gibbon talks about the Roman Empire as if it had become a large, over-ripe piece of fruit which had reached the point of natural decay. Yet when one looks at these passages more closely one sees that there is a strong linkage between “immoderate greatness”, imperial over-reach, oppressive acts by the legions, the relative weakness of the emperors, and “dissolution”. What is additionally interesting is his concluding section where he postulates that “Europe” might be seen as “one great republic,” along with its colonies, and that it might suffer the same “awful revolution” that befell the Roman Empire.

Source

Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J.B. Bury with an Introduction by W.E.H. Lecky (New York: Fred de Fau and Co., 1906), in 12 vols. Vol. 6.
<http://oll.libertyfund.org/title/1373/90181/2040347>

Montesquieu was fascinated by the liberty which was enjoyed in England, which he attributed to security of person and the rule of law (1748) (May 1, 2006)



Charles Louis de Secondat, Baron de Montesquieu (1689 – 1755)

Montesquieu was fascinated by the liberty which was enjoyed in England, which he attributed to the sharp separation of political powers:

CHAP. VI.

Of the Constitution of England.

IN every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law.

By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other, simply, the executive power of the state.

The political liberty of the subject is a tranquillity of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

There would be an end of every thing, were the same man, or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

About this Quotation:

For many 18th century Europeans there were two end points on the spectrum concerning liberty. On the far end was Turkey which embodied all that was bad about “oriental despotism”. Voltaire’s *Philosophical Dictionary* is full of references to the evils of the Turkish model. At the other end of the spectrum was the English constitution which was seen as the embodiment of measured and balanced government under which individuals could flourish. Things began to change after the American Revolution. European classical liberals were now torn between the American “republican” model of liberty and the British “constitutional monarchist” model.

Source

Charles Louis de Secondat, Baron de Montesquieu, *The Complete Works of M. de Montesquieu* (London: T. Evans, 1777), 4 vols. Vol. 1. <http://oll.libertyfund.org/title/837/71392/1688992>

Catharine Macaulay supported the French Revolution because there were sound "public choice" reasons for not vesting supreme power in the hands of one's social or economic "betters" (1790) (Aug 21, 2006)



[Catharine Macaulay](#) (1731 – 1791)

Catharine Macaulay, the English republican historian, was one of the first to criticize Burke's opposition to the French Revolution. She argued that there were sound "public choice" reasons for not vesting supreme power in the hands of one's social or economic "betters":

To this very ingenious reasoning, and these refined distinctions between natural and social rights, the people may possibly object, that in delivering themselves passively over to the unrestrained rule of others on the plea of controlling their inordinate inclinations and passions, they deliver themselves over to men, who, as men, and partaking of the same nature as themselves, are as liable to be governed by the same principles and errors; and to men who, by the great superiority of their station, having no common interest with themselves which might lead them to preserve a salutary check over their vices, must be inclined to abuse in the grossest manner their trust. To proceed with Mr. Burke's argument—should the rich and opulent in the nation plead their right to the predominant sway in society, from its being a necessary circumstance to guard their wealth from the gripe of poverty, the men in an inferior state of fortune might argue, that should they give way to this plea in all its extent, their moderate possessions would be exposed to the burden of unequal taxes; for the rich, when possessed of the whole authority of the state, would be sure to take the first care of themselves, if they should not be tempted to secure an exoneration of all burthens, by dividing the spoils of the public; and that the abuse of such high trusts must necessarily arise, because to act by selfish considerations, is in the very constitution of our nature.

To such pleas, so plausibly urged on all sides, I know of no rational objection; nor can I think of any expedient to remove the well grounded apprehensions of the different interests which compose a commonwealth, than a fair and equal representation of the whole people;—a circumstance which appears very peculiarly necessary in a mixed form

of government, where the democratic part of the constitution will ever be in danger of being overborne by the energy attending on its higher constituent parts.

About this Quotation:

The outbreak of the French Revolution stimulated a huge “pamphlet war” on its merits and dangers. The OLL website has a “Debate” page which lists the works of the major participants in this debate: Richard Price, Edmund Burke, Joseph Priestley, James Mackintosh, Thomas Paine, Mary Wollstonecraft, William Godwin, and Catharine Macaulay. Macaulay’s contribution is noteworthy for being by a woman (along with Wollstonecraft) and for raising one of the perennial questions of political philosophy “quis custodiet ipsos custodes?” (how is one to be defended against the very guardians who have been appointed to guard us?). The irony here is that this is the very question Burke posed in 1756 in an early work but which he seems to have forgotten in 1790. There is also more than a hint of public choice theory in the way she refers to the private interests of those in power.

Source

Catharine Macaulay, *Observations on the Reflections of the Right Hon. Edmund Burke, on the Revolution in France, in a Letter to the Right Hon. the Earl of Stanhope* (London: C. Dilly, 1790).
<http://oll.libertyfund.org/title/1664/52348/1346321>

Condorcet writes about the inevitability of the spread of liberty and prosperity while he was in prison awaiting execution by the Jacobins (1796) (Aug 28, 2006)



Marie-Jean-Antoine-Nicolas Caritat, Marquis de Condorcet (1743 – 1794)

Condorcet wrote this extraordinarily optimistic prediction about the inevitability of the spread of liberty and prosperity across the globe while he was in prison awaiting execution by the Jacobins during the Terror. This passage begins the section of the book on the tenth future epoch of man:

If man can predict, almost with certainty, those appearances of which he understands the laws; if, even when the laws are unknown to him, experience or the past enables him to foresee, with considerable probability, future appearances; why should we suppose it a chimerical undertaking to delineate, with some degree of truth, the picture of the future destiny of mankind from the results of its history? The only foundation of faith in the natural sciences is the principle, that the general laws, known or unknown, which regulate the phenomena of the universe, are regular and constant; and why should this principle, applicable to the other operations of nature, be less true when applied to the development of the intellectual and moral faculties of man? In short, as opinions formed from experience, relative to the same class of objects, are the only rule by which men of soundest understanding are governed in their conduct, why should the philosopher be proscribed from supporting his conjectures upon a similar basis, provided he attribute to them no greater certainty than the number, the consistency, and the accuracy of actual observations shall authorise?

Our hopes, as to the future condition of the human species, may be reduced to three points: the destruction of inequality between different nations; the progress of equality in one and the same nation; and lastly, the real improvement of man.

Will not every nation one day arrive at the state of civilization attained by those people who are most enlightened, most free, most exempt from prejudices, as the French, for instance, and the Anglo-Americans? Will not the slavery of countries subjected to kings, the barbarity of African tribes, and the ignorance of savages

gradually vanish? Is there upon the face of the globe a single spot the inhabitants of which are condemned by nature never to enjoy liberty, never to exercise their reason?

Does the difference of knowledge, of means, and of wealth, observable hitherto in all civilized nations, between the classes into which the people constituting those nations are divided; does that inequality, which the earliest progress of society has augmented, or, to speak more properly, produced, belong to civilization itself, or to the imperfections of the social order? Must it not continually weaken, in order to give place to that actual equality, the chief end of the social art, which diminishing even the effects of the natural difference of the faculties, leaves no other inequality subsisting but what is useful to the interest of all, because it will favour civilization, instruction, and industry, without drawing after it either dependence, humiliation or poverty? In a word, will not men be continually verging towards that state, in which all will possess the requisite knowledge for conducting themselves in the common affairs of life by their own reason, and of maintaining that reason uncontaminated by prejudices; in which they will understand their rights, and exercise them according to their opinion and their conscience; in which all will be able, by the developement of their faculties, to procure the certain means of providing for their wants; lastly, in which folly and wretchedness will be accidents, happening only now and then, and not the habitual lot of a considerable portion of society?

In fine, may it not be expected that the human race will be meliorated by new discoveries in the sciences and the arts, and, as an unavoidable consequence, in the means of individual and general prosperity; by farther progress in the principles of conduct, and in moral practice; and lastly, by the real improvement of our faculties, moral, intellectual and physical, which may be the result either of the improvement of the instruments which increase the power and direct the exercise of those faculties, or of the improvement of our natural organization itself?

In examining the three questions we have enumerated, we shall find the strongest reasons to believe, from past experience, from observation of the progress which the sciences and civilization have hitherto made, and from the analysis of the march of the human understanding, and the developement of its faculties, that nature has fixed no limits to our hopes.

About this Quotation:

Like Algernon Sidney (1622-1683) Condorcet died in defence of his classical liberal beliefs. Sidney died at the hands of the Stuart monarchy for continuing to advocate a Republic in 1683. Condorcet died in prison at the hands of Jacobins for his liberal republican beliefs. It should also be noted that Condorcet was a very early advocate of the right of women to vote and participate in politics. Again like Sidney, Condorcet's last manuscript was somehow saved from his captors and published posthumously, much to our benefit.

Source

Outlines of an historical view of the progress of the human mind, being a posthumous work of the late M. de Condorcet. (Translated from the French.) (Philadelphia, 1796).

Augustin Thierry laments that the steady growth of liberty in France had been disrupted by the cataclysm of the French Revolution (1859) (Jul 30, 2007)



[Augustin Thierry](#) (1795 – 1856)

The 19th century French liberal historian Augustin Thierry, in his *History of the Third Estate*, saw the French Revolution as a rupture in French history which interrupted the steady growth of liberty:

In this respect the order of persons, which was the instrument of the revolution of 1789, and the history of which I endeavour to trace by ascending to its sources, is nothing else than the whole nation with the exception of the nobility and clergy. This definition marks at once the extent and the exact limits of my subject, it shows what I ought to touch upon and what to omit. The history of the Tiers Etat commences by its indispensable preliminaries long previous to the epoch when the name of Tiers Etat appeared in the history of the country; its startingpoint is the subversion produced in Gaul by the fall of the Roman government, and the German conquest. It is there that history must first look for the forefathers or the representatives of that mass of persons of various conditions and professions, which was designated, in the language of society in the feudal times, by the common name of la roture. From the sixth to the twelfth century, it follows the destiny of this mass, declining in one part, and progressing in another, under the general transformations of society; next, it finds a wider field, a place which is peculiar to it, in the grand period of the revival of the free municipalities and the reconstitution of the royal power. Thence it continues its course, now become simple and regular, through the period of the monarchy of the States, and that of the absolute monarchy, up to the States-General of 1789. It has its termination at the meeting of the three orders in one single and equal assembly, when the division which separated the majority of the nobility and the minority of the clergy from the Tiers Etat ceases, when the illustrious and unfortunate Bailly, president of that first congress of the national sovereignty, was able to say, "The family is complete;" an affecting expression, which seemed to augur well for our new destinies, but which was too soon disappointed.

Such is the outline which I proposed to myself to fill up in the composition of this work.

One circumstance, which especially struck me, is, that during the space of six centuries, from the twelfth to the eighteenth, the history of the Tiers Etat and that of the royal power are indissolubly bound together in such a manner that, in the eyes of him who really understands them, one is, to use the expression, the counterpart of the other. From the accession of Louis le Gros to the death of Louis XIV., each decisive epoch in the progress of the different classes of the roture in liberty, prosperity, enlightenment, and social importance, corresponds, in the series of the reigns, to the name of some great king or of some great minister. The eighteenth century alone shows an exception to this law of our national development; it introduced distrust, and prepared a fatal divorce between the Tiers Etat and the Crown. At the point at which a last step, the guarantee and crowning point of all the others, would naturally have completed civil, and founded political liberty by the establishment of a new constitution, the necessary agreement was wanting in the conditions of a Government at once free and monarchical. The work of the Constituent Assembly of 1791, badly put together, crumbled to pieces almost immediately, and the monarchy was destroyed.

Twenty-two years elapsed, during which an admirable compensation succeeded to enormous calamities, and it seemed then that every tie was broken between new France and the royalty of former days. But the result of the Constitutional Governments of 1814 and of 1830 was to join anew the chain of time and ideas, to resume under fresh forms the attempt of 1789—the alliance of the national tradition and of the principles of liberty. It was at this point of view, presented to me by the very course of the events themselves, that I took my position, fixing my attention on that which seemed to be the path traced out towards the future, and believing that I had before my eyes the providential termination of the labour of the centuries which had elapsed since the twelfth.

Entirely devoted to my task, which I was slowly pursuing as far as my abilities enabled me, I dispassionately approached the much controverted period of the eighteenth century, when the catastrophe of February, 1848, burst suddenly upon us. I have felt the result of it in two ways, both as a citizen and also as an historian. By this new revolution, full of the same spirit and the same threatening appearances as the worst times of the first, the history of France appeared to be thrown into as much disorder as France herself. I suspended my work from a feeling of despondency easy to be understood; and the history, which I had carried down to the end of the reign of Louis XIV., stops at that point. I had before me the alternative of delaying the publication of my work till it had reached its termination, or of forthwith publishing that portion of it, by far the largest, to which I had given five years' labour;* the shortness of life, its chances more uncertain for me than for any other, and some flattering invitations, have decided me upon taking this last course.

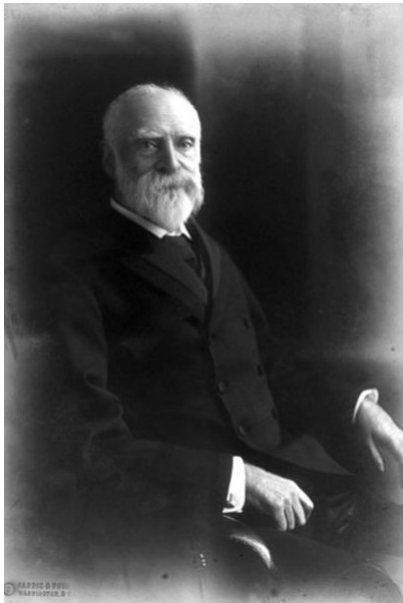
About this Quotation:

Augustin Thierry wrote the preface to his pioneering work on French medieval history in the immediate aftermath of the 1848 Revolution in France. In the book he had laboriously shown how free institutions had emerged slowly but progressively in Europe around the free cities and the Third Estate in France. He felt he couldn't finish his book now that France had gone through yet another revolutionary upheaval which seemed to push liberty even further away than ever. Thankfully for us, he decided not to continue his research much further but would publish what he had accomplished after 5 year's hard work. For another example of Thierry's labours in the archives, see his appendix where he relates the feisty Kentishmen who refuse to submit to William the Conqueror.

Source

Augustin Thierry, *The Formation and Progress of the Tiers État, or Third Estate in France*, translated from the French by the Rev. Francis B. Wells, Two volumes in One (London: Henry G. Bohn, 1859).
<http://oll.libertyfund.org/title/1957/122956/2474715>

Viscount Bryce reflects on how modern nation states which achieved their own freedom through struggle are not sympathetic to the similar struggles of other repressed peoples (1901) (Aug 20, 2007)



[Viscount James Bryce](#) (1838 – 1922)

Viscount James Bryce in an essay on "Obedience" which appeared in 1901 notes that countries which have already achieved their national freedom no longer respect the struggles of others to maintain theirs:

There is less love of liberty — so our pessimist pursues — than there used to be, perhaps less value set upon the right of a man to express unpopular opinions. There is less sympathy in each country for the struggles which are maintained for freedom in other countries. National antagonisms are as strong as ever they were, and nations seem quite as willing as in the old days of tyranny to forgo domestic progress for the sake of strengthening their militant force against their rivals. There is less faith in, less regard for, that which used to be called the principle of nationality. **Peoples which have achieved their own national freedom show no more disposition than did the tyrants of old time to respect the struggles of other peoples to maintain theirs. The sympathy which Germans and Frenchmen used to feel for the oppressed races of the East has disappeared. France has ceased to care about the Cretans or the Poles. England, whose heart went out forty years ago to all who strove for freedom and independence, feels no compunction in blotting out two little republics whose citizens have fought with a valour and constancy never surpassed. The United States ignore the principles of their Declaration of Independence when they proceed to subjugate by force the Philippine Islanders. The modern ideal is no longer liberty, but military strength and commercial development.**

About this Quotation:

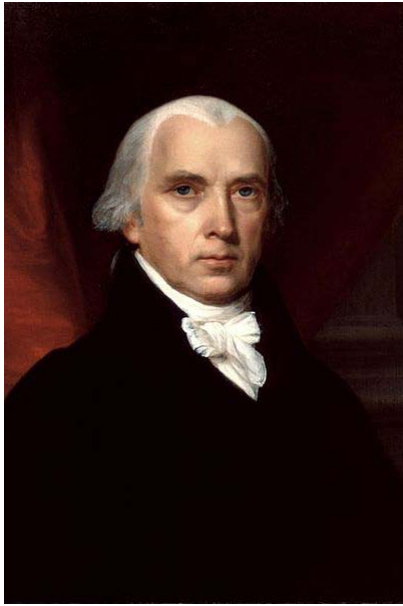
Viscount Bryce, an acute observer of American and European affairs, notes that nations like the U.S., Germany, and France, which achieved their national independence via war or revolution, are much

less sympathetic in 1901 to the plight of other oppressed peoples who also wish to achieve national freedom and independence, often from European or American domination. The specific case he cites is the United States and its actions in the Philippines between 1898-1901 and wonders how this squares with the principles of the Declaration of Independence.

Source

Viscount James Bryce, *Studies in History and Jurisprudence* (New York: Oxford University Press, 1901). 2 vols. <http://oll.libertyfund.org/title/2004/138376/2631095>

James Madison on the mischievous effects of mutable government in *The Federalist* no. 62 (1788) (Sep 1, 2008)



James Madison (1751 – 1836)

James Madison (1751-1836) in *The Federalist* (1788) Essay 62 outlines some of the "mischievous effects of a mutable government" which constantly changes the law to suit its own needs or the needs of its supporters

To trace the mischievous effects of a mutable government, would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumerable others.

In the first place, it forfeits the respect and confidence of other nations, and all the advantages connected with national character. An individual who is observed to be inconstant to his plans, or perhaps to carry on his affairs without any plan at all, is marked at once by all prudent people, as a speedy victim to his own unsteadiness and folly. His more friendly neighbours may pity him, but all will decline to connect their fortunes with his: and not a few will seize the opportunity of making their fortunes out of his. One nation is to another, what one individual is to another; with this melancholy distinction perhaps, that the former, with fewer of the benevolent emotions than the latter, are under fewer restraints also from taking undue advantage of the indiscretions of each other. Every nation, consequently, whose affairs betray a want of wisdom and stability, may calculate on every loss which can be sustained from the more systematic policy of its wiser neighbours. But the best instruction on this subject is unhappily conveyed to America by the example of her own situation. She finds that she is held in no respect by her friends; that she is the derision of her enemies; and that she is a prey to every nation which has an interest in speculating on her fluctuating councils and embarrassed affairs.

The internal effects of a mutable policy are still more calamitous. It poisons the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood: if they be repealed or revised before they are promulg[at]ed, or undergo such incessant changes, that no man who knows

what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known and less fixed.

Another effect of public instability, is the unreasonable advantage it gives to the sagacious, the enterprising, and the monied few, over the industrious and uninformed mass of the people. Every new regulation concerning commerce or revenue, or in any manner affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow citizens. This is a state of things in which it may be said, with some truth, that laws are made for the few, not for the many.

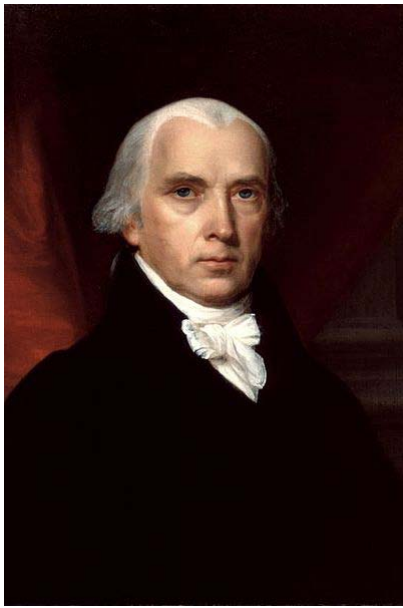
About this Quotation:

Liberty Fund has an excellent edition of *The Federalist* with several aides for the reader to better understand the arguments in the text. In essay no. 62 James Madison raises the very interesting point that citizens will find it very difficult to obey the law if it is constantly changing (“mutable government”), either by growing enormously in size to be beyond the grasp ordinary people, or by being incoherent, or being repealed or revised before they are promulgated. We even have the situation where massive and complicated laws are passed without having been read or debated by the legislators themselves, let alone discussed in the press and by the people. When this sad state has been reached, the law itself, as Madison eloquently says, “poisons the blessings of liberty.”

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader’s Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108681/2274670>

James Madison on the need for the “separation of powers” because “men are not angels,” *Federalist 51* (1788) (Sep 22, 2008)



James Madison (1751 – 1836)

In *Federalist Paper* no. 51 James Madison (1751-1836) worries about how to create institutions which would check personal ambition and the "encroachment" of one branch of government by the other

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man, must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power; where the constant aim is, to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a centinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

About this Quotation:

We continue our exploration of the thought of James Madison with this quotation again from *The Federalist* (1788). The greatness of the American Revolution in the 18th century was to attempt to solve two of the most significant problems in political theory: how to guard against the very people who were created to guard us (previously discussed by David Hume and others); and the problem of keeping a government with limited powers, limited to those powers over the course of time. The solution the Founding Fathers came up with was one taken from the thought of the French theorist Montesquieu – namely, “separating the powers” of the state into different “branches” with the intention that each different branch, jealous of its own powers, would keep the other branches limited in their powers. The question is, has the 20th and early 21st centuries proven or disproven Madison’s great hope?

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader’s Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108659/2274485>

Mercy Otis Warren asks why people are so willing to obey the government and answers that it is supineness, fear of resisting, and the long habit of obedience (1805) (Mar 16, 2009)



Mercy Otis Warren (1728 – 1814)

In her pioneering *History of the American Revolution* (1805) Mercy Otis Warren (1728-1814) reflected upon the propensity of human beings to obey authority out of old habits of obedience until they have been pushed to the limits by despotic masters

However injudicious the appointments to American departments might be, the darling [39] point of an American revenue was an object too consequential to be relinquished, either by the court at St. James's, the plantation governors, or their mercenary adherents dispersed through the continent. Besides these, there were several classes in America, who were at first exceedingly opposed to measures that militated with the designs of administration;—some impressed by long connexion, were intimidated by her power, and attached by affection to Britain. Others, the true disciples of passive obedience, had real scruples of conscience with regard to any resistance to the powers that be; these, whether actuated by affection or fear, by principle or interest, formed a close combination with the colonial governors, custom-house officers, and all in subordinate departments, who hung on the court for subsistence. By the tenor of the writings of some of these, and the insolent behaviour of others, they became equally obnoxious in the eyes of the people, with the officers of the crown, and the dangles for place; who, disappointed of their prey by the repeal of the stamp-act, and restless for some new project that might enable them to rise into importance, on the spoils of America, were continually whispering malicious insinuations into the ears of the financiers and ministers of colonial departments.

They represented the mercantile body in America as a set of smugglers, forever breaking over the laws of trade and of society; the [40] people in general as factious, turbulent, and aiming at independence; the legislatures in the several provinces, as marked with the same spirit, and government every where in so lax a state, that the civil authority was insufficient to prevent the fatal effects of popular discontent.

It is indeed true, that resentment had in several instances arisen to outrage, and that the most unwarrantable excesses had been committed on some occasions, which gave grounds for unfavorable representations. Yet it must be acknowledged, that the voice of the people seldom breathes universal murmur, but when the insolence or the oppression of their rulers extorts the bitter complaint. On the contrary, **there is a certain supineness which generally overspreads the multitude, and disposes mankind to submit quietly to any form of government, rather than to be at the expense and hazard of resistance. They become attached to ancient modes by habits of obedience, though the reins of authority are sometimes held by the most rigorous hand. Thus we have seen in all ages the many become the slaves of the few; preferring the wretched tranquillity of inglorious ease, they patiently yield to despotic masters, until awakened by multiplied wrongs to the feelings of human nature; which when once aroused to a consciousness of the native freedom and equal rights of man, ever revolts at the idea of servitude.**

[41] Perhaps the story of political revolution never exhibited a more general enthusiasm in the cause of liberty, than that which for several years pervaded all ranks in America, and brought forward events little expected by the most sanguine spirits in the beginning of the controversy. A contest now pushed with so much vigour, that the intelligent yeomanry of the country, as well as those educated in the higher walks, became convinced that nothing less than a systematical plan of slavery was designed against them. They viewed the chains as already forged to manacle the unborn millions; and though every one seemed to dread any new interruption of public tranquillity, the impetuosity of some led them into excesses which could not be restrained by those of more cool and discreet deportment. To the most moderate and judicious it soon became apparent, that unless a timely and bold resistance prevented, the colonists must in a few years sink into the same wretched thralldom, that marks the miserable Asiatic.

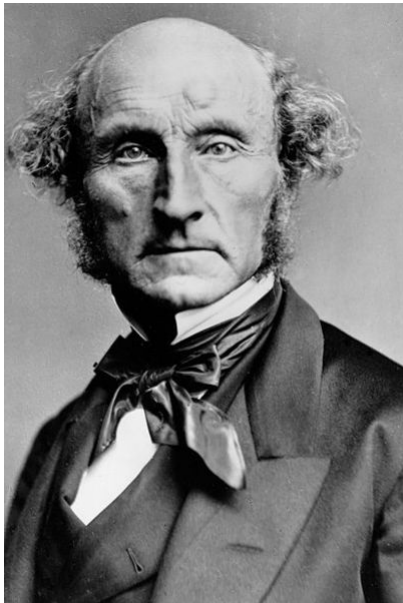
About this Quotation:

Like many authors Warren asks a key question: why do people so readily obey the government? David Hume believed that it was a combination of physical force on the part of the government as well as an ideological belief in the legitimacy of the rulers. Warren seems to think it is perhaps inherent in human nature (“supiness”) but she does admit that resistance does sometime occur (like the American Revolution) and it is again as a result of something in human nature which “ever revolts at the idea of servitude”. She does however admit of some economic reasons for obedience such as old habits of thought which are hard to shake off, and fear of retribution or punishment by the state.

Source

Mercy Otis Warren, *History of the Rise, Progress, and Termination of the American Revolution interspersed with Biographical, Political and Moral Observations*, in Two Volumes, Foreword by Lester H. Cohen (Indianapolis: Liberty Fund 1994). Vol. 1. <http://oll.libertyfund.org/titles/815/107005/2253740>

John Stuart Mill on the need for limited government and political rights to prevent the “king of the vultures” and his “minor harpies” in the government from preying on the people (1859) (Apr 20, 2009)



[John Stuart Mill](#) (1806 – 1873)

This year is the 150th anniversary of the publication of John Stuart Mill's *On Liberty* (1859), one of the key texts in 19th century classical liberal thought. In the second paragraph of this work, Mill states that societies need a system of legal and political rights and constitutional checks and balances in order to prevent the stronger, the "innumerable vultures" and their allied "minor harpies", from oppressing ordinary people in a perpetual struggle between "Liberty and Authority":

The struggle between Liberty and Authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome, and England. But in old times this contest was between subjects, or some classes of subjects, and the aGovernmenta . By liberty, was meant protection against the tyranny of the political rulers. The rulers were conceived (except in some of the popular governments of Greece) as in a necessarily antagonistic position to the people whom they ruled. They consisted of a governing One, or a governing tribe or caste, who derived their authority from inheritance or conquest, who, at all events, did not hold it at the pleasure of the governed, and whose supremacy men did not venture, perhaps did not desire, to contest, whatever precautions might be taken against its oppressive exercise. Their power was regarded as necessary, but also as highly dangerous; as a weapon which they would attempt to use against their subjects, no less than against external enemies. **To prevent the weaker members of the community from being preyed upon by innumerable vultures, it was needful that there should be an animal of prey stronger than the rest, commissioned to keep them down. But as the king of the vultures would be no less bent upon preying on the flock than any of the minor harpies, it was indispensable to be in a perpetual attitude of defence against his beak and claws. The aim, therefore, of patriots was to set limits to the power which the ruler should be suffered to exercise over the community; and this limitation was what they meant by liberty. It was attempted in two ways. First, by obtaining a recognition of certain immunities,**

called political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe, and which, if he did infringe, specific resistance, or general rebellion, was held to be justifiable. A second, and generally a later expedient, was the establishment of constitutional checks, by which the consent of the community, or of a body of some sort, supposed to represent its interests, was made a necessary condition to some of the more important acts of the governing power. To the first of these modes of limitation, the ruling power, in most European countries, was compelled, more or less, to submit. It was not so with the second; and, to attain this, or when already in some degree possessed, to attain it more completely, became everywhere the principal object of the lovers of liberty. And so long as mankind were content to combat one enemy by another, and to be ruled by a master, on condition of being guaranteed more or less efficaciously against his tyranny, they did not carry their aspirations beyond this point.

About this Quotation:

Once again we have a classical liberal warning us about the problem of “who will guard against the guardians.” In this case it is John Stuart Mill in *On Liberty* and he uses some very colorful language to describe those who use the government for their own benefit (“vultures”) at the expense of the ordinary people. The vultures have their followers and accomplices, which he calls “harpies” (named after the mythical Greek winged spirits who stole food by snatching it away). The people supposedly set up government in the first place in order to protect themselves from the “vultures” and their “harpies” but inevitably the government is seized by “the king of the harpies” and the cycle of struggle begins again. Mill thought that only constitutional limits on government power, a system of checks and balances, and a vigorous legal and political protection of basic rights could keep the “vultures” at bay. The passage is also significant for his broad perspective on history as an ongoing struggle between “Liberty and Authority” (or “Power” as we call it in this collection of quotations).

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XVIII – Essays on Politics and Society Part I*, ed. John M. Robson, Introduction by Alexander Brady (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1977). <http://oll.libertyfund.org/title/233/16552/799741>

Edward Gibbon called the loss of independence and excessive obedience the “secret poison” which corrupted the Roman Empire (1776) (Aug 3, 2009)



[Edward Gibbon](#) (1737 – 1794)

Edward Gibbon (1737-1794) called the loss of independence and excessive obedience to the Emperor the "secret poison" which corrupted the Roman Empire:

It was scarcely possible that the eyes of contemporaries should discover in the public felicity the latent causes of decay and corruption. This long peace, and the uniform government of the Romans, introduced a slow and secret poison into the vitals of the empire. The minds of men were gradually reduced to the same level, the fire of genius was extinguished, and even the military spirit evaporated. The natives of Europe were brave and robust. Spain, Gaul, Britain, and Illyricum supplied the legions with excellent soldiers, and constituted the real strength of the monarchy. **Their personal valour remained, but they no longer possessed that public courage which is nourished by the love of independence, the sense of national honour, the presence of danger, and the habit of command. They received laws and governors from the will of their sovereign, and trusted for their defence to a mercenary army. The posterity of their boldest leaders was contented with the rank of citizens and subjects.** The most aspiring spirits resorted to the court or standard of the emperors; and the deserted provinces, deprived of political strength or union, insensibly sunk into the languid indifference of private life.

About this Quotation:

We have turned to Gibbon many times for a consoling or warning quotation about the dangers of empire, the weakening of the spirit of liberty, and the expansion of national debt. So as we settle into a new regime it seems appropriate to turn yet again to the master chronicler of imperial decline (but not to forget Tacitus). In this quotation, written at the beginning of his vast history which took some 20 years to complete, Gibbon forewarns of “a slow and secret poison” which seeped into “the vitals of the empire”. This was a combination of a uniformity of spirit, the diminution of the love of independence,

the habit of command, the willingness to accept the commands of the central authority, and the growth of indifference to the political issues which concerned their liberty. Plus ça change.

Source

Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J.B. Bury with an Introduction by W.E.H. Lecky (New York: Fred de Fau and Co., 1906), in 12 vols. Vol. 1.
<http://oll.libertyfund.org/title/1365/50990/1472849>

Benjamin Constant distinguished between the Liberty of the Ancients (“the complete subjection of the individual to the authority of the community”) and that of the Moderns (“where individual rights and commerce are respected”) (1816) (Aug 12, 2009)



[Benjamin Constant](#) (1767 – 1830)

In this section of his essay Constant argues that the right to engage in commerce and the protection of property rights which makes this possible is one of the key factors which distinguished modern liberty from ancient liberty:

This reserve on the part of authority, which is one of its strictest duties, equally represents its well-conceived interest; since, if the liberty that suits the moderns is different from that which suited the ancients, the despotism which was possible amongst the ancients is no longer possible amongst the moderns. Because we are often less concerned with political liberty than they could be, and in ordinary circumstances less passionate about it, it may follow that we neglect, sometimes too much and always wrongly, the guarantees which this assures us. But at the same time, as we are much more preoccupied with individual liberty than the ancients, we shall defend it, if it is attacked, with much more skill and persistence; and we have means to defend it which the ancients did not.

Commerce makes the action of arbitrary power over our existence more oppressive than in the past, because, as our speculations are more varied, arbitrary power must multiply itself to reach them. But commerce also makes the action of arbitrary power easier to elude, because it changes the nature of property, which becomes, in virtue of this change, almost impossible to seize.

Commerce confers a new quality on property, circulation. Without circulation, property is merely a usufruct; political authority can always affect usufruct, because it can prevent its enjoyment; but circulation creates an invisible and invincible obstacle to the actions of social power.

The effects of commerce extend even further: not only does it emancipate individuals, but, by creating credit, it places authority itself in a position of dependence. Money, says a French writer, ‘is the most dangerous weapon of despotism; yet it is at the same time its most powerful restraint; credit is subject to opinion; force is useless; money hides itself or flees; all the operations of the state are suspended’. Credit did not have the same influence amongst the ancients; their governments were stronger than individuals, while in our time individuals are stronger than the political powers. Wealth is a power which is more readily available in all circumstances, more readily applicable to all interests, and consequently more real and better obeyed. Power threatens; wealth rewards: one eludes power by deceiving it; to obtain the favors of wealth one must serve it: the latter is therefore bound to win.

As a result, individual existence is less absorbed in political existence. Individuals carry their treasures far away; they take with them all the enjoyments of private life. Commerce has brought nations closer, it has given them customs and habits which are almost identical; the heads of states may be enemies: the peoples are compatriots. Let power therefore resign itself: we must have liberty and we shall have it. But since the liberty we need is different from that of the ancients, it needs a different organization from the one which would suit ancient liberty. In the latter, the more time and energy man dedicated to the exercise of his political rights, the freer he thought himself; on the other hand, in the kind of liberty of which we are capable, the more the exercise of political rights leaves us the time for our private interests, the more precious will liberty be to us.

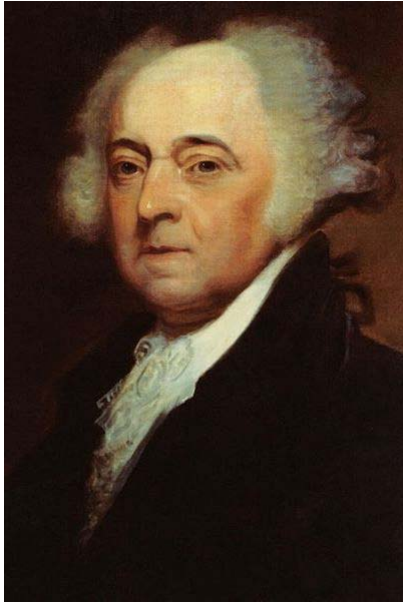
About this Quotation:

It is interesting to reflect on the context in which this essay was written. In 1816 Napoleon had been defeated for the second time, the economies of Europe had been wasted by 25 years of war, international commerce had been severely disrupted, millions of men had been under arms, hundreds of thousands had been killed or wounded, the French republican experiment had been brought to a close, and the monarchs were re-established in their thrones. In this climate Constant writes this important essay drawing a clear distinction between the liberty of the ancients (formal political liberties for some so long as all other freedoms were under the control of the state) and the liberty of the moderns (representative government, respect of individual rights, the rule of law, and the right to engage in commerce). The right to engage in commerce is central to this essay as Constant and other French liberals of the time believed that Europe had turned an historical corner and that it was entering a new “era of commerce and industry” and leaving behind it the “era of war and despotism” which had come to an ignominious end under Napoleon.

Source

Benjamin Constant, *The Liberty of Ancients Compared with that of Moderns* (Unknown, 1819).

John Adams thought he could see arbitrary power emerging in the American colonies and urged his countrymen to “nip it in the bud” before they lost all their liberties (1774) (Aug 23, 2009)



John Adams (1735 – 1826)

In 1774 John Adams (1735-1826) replied to a series of essays by Daniel Leonard who defended the authority of the British Parliament over the American colonies. His *Novanglus* letters had a powerful impact in the colonies, especially his arguments about the limits of British imperial authority which Adams wanted to "nip in the bud":

I ought to apologize for the immoderate length of this paper; but general assertions are only to be confuted by an examination of particulars, which necessarily fills up much space. I will trespass on the reader's patience only while I make one observation more upon the art, I had almost said chicanery, of this writer.

He affirms that we are not united in this province, and that associations are forming in several parts of the province. The association he means has been laid before the public, and a very curious piece of legerdemain it is. Is there any article acknowledging the authority of parliament, the unlimited authority of parliament? Brigadier Ruggles himself, Massachusettensis himself, could not have signed it if there had been, consistent with their known declared opinions. They associate to stand by the king's laws, and this every whig will subscribe. But, after all, what a wretched fortune has this association made in the world! The numbers who have signed it would appear so inconsiderable, that I dare say the Brigadier will never publish to the world their numbers or names. But, "has not Great Britain been a nursing-mother to us?" Yes, and we have behaved as nurse-children commonly do,—been very fond of her, and rewarded her all along tenfold for all her care and expense in our nurture.

But "is not our distraction owing to parliament's taking off a shilling-duty on tea and imposing threepence, and is not this a more unaccountable frenzy, more disgraceful to the annals of America, than the witchcraft?"

Is the threepence upon tea our only grievance? Are we not in this province deprived of the privilege of paying our governors, judges, &c.? Are not trials by jury taken from us? Are we not sent to England for trial? Is not a military government put over us? Is not our constitution demolished to the foundation? Have not the ministry shown, by the Quebec bill, that we have no security against them for our religion, any more than our property, if we once submit to the unlimited claims of parliament? This is so gross an attempt to impose on the most ignorant of the people, that it is a shame to answer it.

Obsta principiis, nip the shoots of arbitrary power in the bud, is the only maxim which can ever preserve the liberties of any people. When the people give way, their deceivers, betrayers, and destroyers press upon them so fast, that there is no resisting afterwards. The nature of the encroachment upon the American constitution is such, as to grow every day more and more encroaching. Like a cancer, it eats faster and faster every hour. The revenue creates pensioners, and the pensioners urge for more revenue. The people grow less steady, spirited, and virtuous, the seekers more numerous and more corrupt, and every day increases the circles of their dependents and expectants, until virtue, integrity, public spirit, simplicity, and frugality, become the objects of ridicule and scorn, and vanity, luxury, foppery, selfishness, meanness, and downright venality swallow up the whole society.

About this Quotation:

John Adams uses a Latin phrase in order to warn his fellow colonists to put an end to the growing arbitrary power of the British crown: “obsta principiis” (or “nip it in the bud”). In 1774 they were close to taking the final step and seeking a separation from the Crown in an act of independence and revolt. One of the most dangerous aspects of arbitrary government, in Adams' view, was that it created swarms of “pensioners” who lived off the tax revenues. These “pensioners” of the state revenue urge the government to increase the taxes in order to expand their own incomes as well as those of their “dependents and expectants” until they “swallow up the whole society”.

Source

John Adams, *The Revolutionary Writings of John Adams*, Selected and with a Foreword by C. Bradley Thompson (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/592/76844/1856885>

Samuel Smiles on how an idle, thriftless, or drunken man can, and should, improve himself through self-help and not by means of the state (1859). (Sep 14, 2009)



[Samuel Smiles](#) (1812 – 1904)

The Scot, Samuel Smiles (1812-1904), argued that individuals could and should improve themselves through hard work, thrift, self-discipline, education, and moral improvement and not seek the help of government:

Even the best institutions can give a man no active aid. Perhaps the utmost they can do is, to leave him free to develop himself and improve his individual condition. But in all times men have been prone to believe that their happiness and well-being were to be secured by means of institutions rather than by their own conduct. Hence the value of legislation as an agent in human advancement has always been greatly over-estimated. To constitute the millionth part of a legislature, by voting for one or two men once in three or five years, however conscientiously this duty may be performed, can exercise but little active influence upon any man's life and character. Moreover, it is every day becoming more clearly understood, that the function of government is negative and restrictive, rather than positive and active; being resolvable principally into protection,—protection of life, liberty, and property. Hence the chief “reforms” of the last fifty years have consisted mainly in abolitions and disenactments. But **there is no power of law that can make the idle man industrious, the thriftless provident, or the drunken sober; though every individual can be each and all of these if he will, by the exercise of his own free powers of action and self-denial. Indeed, all experience serves to prove that the worth and strength of a state depend far less upon the form of its institutions than upon the character of its men. For the nation is only the aggregate of individual conditions, and civilization itself is but a question of personal improvement.**

About this Quotation:

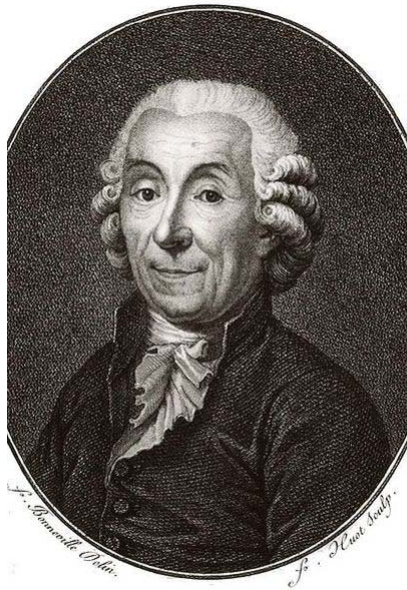
Samuel Smiles is one of several writers of the Victorian period who advocated what are now called “Victorian values”, i.e. the value of hard work, thrift, self-discipline, education, and moral

improvement. He used a number of historical examples of successful and self-made men, such as Josiah Wedgwood, to urge ordinary working men and women to follow these examples. In a passage just before the quote shown above, Smiles makes the following point which shows his radical liberal perspective: “it is every day becoming more clearly understood, that the function of government is negative and restrictive, rather than positive and active; being resolvable principally into protection, —protection of life, liberty, and property. Hence the chief “reforms” of the last fifty years have consisted mainly in abolitions and disenactments.”

Source

Samuel Smiles, *Self Help; with Illustrations of Character and Conduct* (Boston: Ticknor and Fields, 1863). <http://oll.libertyfund.org/title/297/36621/906085>

The Abbé de Mably argues with John Adams about the dangers of a “commercial elite” seizing control of the new Republic and using it to their own advantage (1785) (Oct 5, 2009)



[Gabriel Bonnot Abbé de Mably](#) (1709 – 1785)

The Abbé de Mably has an interesting debate with John Adams about the dangers of a “commercial elite” seizing control of the new Republic and using it to their own advantage:

But, I expatiate too much upon the subject; and **shall rest satisfied with observing that our European manners which, probably, are, at this period, too common in America, will enable money (or, in other words, the rich) to usurp and to maintain an absolute dominion throughout the several states. To prevent it from striking root, some weak and feeble efforts will arise; and, perhaps, it may not prove impossible, by a multitude of precautions, to prevent this empire from becoming actually tyrannical. If feeble laws have not the power to hinder the commercial bodies from seizing upon all authority; if the public morals present no succors to the people; but, strive, in vain, to set some limits to the rage of avarice, I must tremble at the prospect of the final rupture of all the bonds of your confederation.** Trading magistrates will fix the impression of their own characters upon the republic: all the United States will follow commerce; and these occurrences will sow the seeds of your divisions and of the ruin of the continental Congress. Tainted by our vices, you, shortly, will receive a similar infection from our politics. Each of your states will imagine that every wound given to the commerce of the rest must prove the augmentation of the prosperity of its own. Thus domineering and ridiculously foolish is the passion of avarice! It will persuade you to wage hostilities in order to increase your opulence. You will become a kind of Carthage, at once warlike and commercial; and your ambition, grafted upon covetousness, will strive to play the tyrant over all the neighboring states; to treat them as subjects; perhaps, even as slaves. A rival power will start up in order to resist it. You will adopt our delusive political balance. Your treaties will sink beneath infringements; your alliances become precarious and wavering; and all your states forget their interests, to mingle in the chace of wild chimeras.

This is too much: and I should tire you by heaping proofs on proofs in favor of the justice of my fears. You know (too well for me to make the observation) that all history would come to my support. I might describe in what manner our vices are inseparably connected with each other; yet I should not submit the slightest novelty to your attention. To truths like these are you familiarised: the consequence of a profound investigation of the human heart! No person can interest himself more than I do in the prosperity of your infant freedom, and the glory of your legislators; who may defy the language of reproach, should they convince the world that they have discovered all the rocks on which republics might be dashed away, and struggled to oppose a full resistance to that fatality which seems to have drawn out the limits which the affairs of human life can never pass. I offer up to Heaven my most ardent prayers for your prosperity! And, Sir! let me intreat you never to forget the protestations which I make you of my zeal for your interests, of my respect and my attachment?

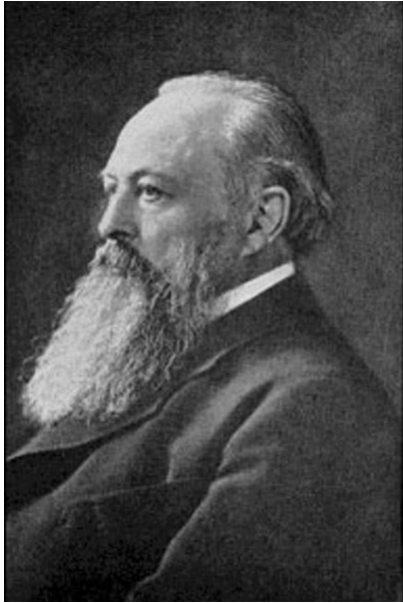
About this Quotation:

A number of European writers (Mably, Turgot, and others) were concerned that the new American Republic did not have sufficient checks and balances to prevent a new elite (commercial in Mably's fear) from coming to power and turning the U.S. government into a new form of tyranny. John Adams replied to their criticisms in his *Defence of the Constitutions* (1787) which we also have online.

Source

Gabriel Bonnot Abbé de Mably, *Remarks concerning the Government and Laws of the United States of America: in Four Letters addressed to Mr. Adams*, with Notes by the Translator (Dublin: Moncrieffe, 1785). <http://oll.libertyfund.org/title/2134/194642/3116049>

Lord Acton on the destruction of the liberal Girondin group and the suicide of Condorcet during the French Revolution (1910) (Apr 26, 2010)



[John Emerich Edward Dalberg, Lord Acton](#) (1834 – 1902)

2010 is the 100th anniversary of the publication of Lord Acton's *Lectures on the French Revolution* in which he describes the suppression of the liberal Girondin group as a necessary step for creating the dictatorship of Robespierre. One of the sad victims of this process was the mathematician and social theorist Condorcet who went into hiding and wrote an optimistic vision of what a free society would look like, before taking his own life to avoid being arrested and executed. Acton concludes that "at their fall liberty perished":

During the agony of his party, Condorcet found shelter in a lodging-house at Paris. There, under the Reign of Terror, he wrote the little book on Human Progress, which contains his legacy to mankind. He derived the leading idea from his friend Turgot, and transmitted it to Comte. There may be, perhaps, a score or two dozen decisive and characteristic views that govern the world, and that every man should master in order to understand his age, and this is one of them. When the book was finished, the author's part was played, and he had nothing more to live for. As his retreat was known to one, at least, of the Montagnards, he feared to compromise those who had taken him in at the risk of their life. Condorcet assumed a disguise, and crept out of the house with a Horace in one pocket and a dose of poison in the other. When it was dark, he came to a friend's door in the country. What passed there has never been known, but the fugitive philosopher did not remain. A few miles outside Paris he was arrested on suspicion and lodged in the gaol. In the morning they found him lying dead. Cabanis, who afterwards supplied Napoleon in like manner, had given him the means of escape.

This was the miserable end of the Girondin party. They were easily beaten and mercilessly destroyed, and no man stirred to save them. At their fall liberty perished; but it had become a feeble remnant in their hands, and a spark almost extinguished. Although they were not only weak but bad, no nation ever suffered a greater misfortune than that

which befell France in their defeat and destruction. They had been the last obstacle to the Reign of Terror, and to the despotism which then by successive steps centred in Robespierre.

About this Quotation:

This is another quote in our series commemorating a significant anniversary in the life of an author or the publication of a classic work on liberty. The great English historian Lord Acton, who never finished his projected *History of Liberty*, did however write a history of the French Revolution. In this quotation he focuses on the extraordinary work of a leading member of the liberal Girondin faction, members of which were arrested, persecuted, exiled, and even killed by their Robespierriest opponents. While in hiding from Robespierre's thugs, Condorcet wrote a wonderful paean to the human possibilities of liberty, enlightenment, and economic growth. He concluded his work with this stirring vision of a man about to die: "Such are the questions with which we shall terminate the last division of our work. And how admirably calculated is this view of the human race, emancipated from its chains, released alike from the dominion of chance, as well as from that of the enemies of its progress, and advancing with a firm and indeviat step in the paths of truth, to console the philosopher lamenting the errors, the flagrant acts of injustice, the crimes with which the earth is still polluted? It is the contemplation of this prospect that rewards him for all his efforts to assist the progress of reason and the establishment of liberty. He dares to regard these efforts as a part of the eternal chain of the destiny of mankind; and in this persuasion he finds the true delight of virtue, the pleasure of having performed a durable service, which no vicissitude will ever destroy in a fatal operation calculated to restore the reign of prejudice and slavery. This sentiment is the asylum into which he retires, and to which the memory of his persecutors cannot follow him: he unites himself in imagination with man restored to his rights, delivered from oppression, and proceeding with rapid strides in the path of happiness; he forgets his own misfortunes while his thoughts are thus employed; he lives no longer to adversity, calumny and malice, but becomes the associate of these wiser and more fortunate beings whose enviable condition he so earnestly contributed to produce."

Source

John Emerich Edward Dalberg, Lord Acton, *Lectures on the French Revolution*, ed. John Neville Figgis and Reginald Vere Laurence, with a foreword by Steven J. Tonsor (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/74/45420/1206721>

Georg Jellinek argues that Lafayette was one of the driving forces behind the French Declaration of the Rights of Man and of the Citizen (1789) (Jul 12, 2010)



Georg Jellinek (1851 – 1911)

The symbolic beginning of the French Revolution was the storming of the Bastille prison on July 14, 1789. Soon after, the Constituent Assembly promulgated the Declaration of the Rights of Man and of Citizen on August 26, 1789. But as the historian Georg Jellinek notes, the Marquis de Lafayette had on July 11 already pointed out the need for such a declaration of rights. His model was not the American Declaration of Independence (proclaimed on July 4, 1776) but rather the declarations of rights which preceded the constitutions of many of the colonial states such as Virginia (June 12, 1776):

THE BILLS OF RIGHTS OF THE INDIVIDUAL STATES OF THE NORTH AMERICAN UNION WERE ITS MODELS.

The conception of a declaration of rights had found expression in France even before the assembling of the States General. It had already appeared in a number of cahiers. The cahier of the Bailliage of Nemours is well worth noting, as it contained a chapter entitled “On the Necessity of a Declaration of the Rights of Man and of Citizens”, and sketched a plan of such a declaration with thirty articles. Among other plans that in the cahier des tiers état of the city of Paris has some interest.

In the National Assembly, however, it was Lafayette who on July 11, 1789, made the motion to enact a declaration of rights in connection with the constitution, and he therewith laid before the assembly a plan of such a declaration.

It is the prevailing opinion that Lafayette was inspired to make this motion by the North American Declaration of Independence. And this instrument is further declared to have been the model that the Constituent Assembly had in mind in framing its declaration. The sharp, pointed style and the practical character of the American document are cited by many as in praiseworthy contrast to the confusing verbosity and dogmatic theory of the French Declaration. Others bring forward, as a more fitting object of comparison, the first

amendments to the constitution of the United States, and even imagine that the latter exerted some influence upon the French Declaration, in spite of the fact that they did not come into existence until after August 26, 1789. This error has arisen from the French Declaration of 1789 having been embodied word for word in the Constitution of September 3, 1791, and so to one not familiar with French constitutional history, and before whom only the texts of the constitutions themselves are lying, it seems to bear a later date.

By practically all those, however, who look further back than the French Declaration it is asserted that the Declaration of Independence of the United States on July 4, 1776, contains the first exposition of a series of rights of man.

Yet the American Declaration of Independence contains only a single paragraph that resembles a declaration of rights. It reads as follows:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness; That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

This sentence is so general in its content that it is difficult to read into it, or deduct from it, a whole system of rights. It is therefore, at the very start, improbable that it served as the model for the French Declaration.

This conjecture becomes a certainty through Lafayette's own statement. **In a place in his Memoirs, that has as yet been completely overlooked, Lafayette mentions the model that he had in mind when making his motion in the Constituent Assembly. He very pertinently points out that the Congress of the newly formed Confederation of North American free states was then in no position to set up, for the separate colonies, which had already become sovereign states, rules of right which would have binding force. He brings out the fact that in the Declaration of Independence there are asserted only the principles of the sovereignty of the people and the right to change the form of government. Other rights are included solely by implication from the enumeration of the violations of right, which justified the separation from the mother country.**

The constitutions of the separate states, however, were preceded by declarations of rights, which were binding upon the people's representatives. The first state to set forth a declaration of rights properly so called was Virginia.

The declarations of Virginia and of the other individual American states were the sources of Lafayette's proposition. They influenced not only Lafayette, but all who sought to bring about a declaration of rights. Even the above-mentioned cahiers were affected by them.

About this Quotation:

The ties which bound 18th and 19th century America and France were deep and rich, so it is fitting to reflect upon this connection as we celebrate America's "July 4" (Independence Day) and France's "July 14" (Bastille Day). To mention only half a dozen or very significant connections one could mention the following: Montesquieu (his study of the British constitution led to his book *The Spirit of Laws* which in turn had a profound impact on the framers of the American constitution; Thomas Jefferson (who read many French theoretical works, served as a diplomat in Paris, and translated the writings of Destutt de Tracy into English); Thomas Paine (an Englishman who wrote the bestselling *Common Sense* which galvanized the American colonists in favor of independence and who became an elected representative in Paris during their revolution); Jean-Baptiste Say (the leading French political economist of his day whose treatise on political economy became the standard economics textbook in 19th century America); the marquis de Lafayette (an aristocratic general who actively participated in at least three revolutions the American, the French, and then the French again (1830)); Alexis de Tocqueville (the scholar whose observations on democracy in America in the 1830s have fascinated American readers ever since). Then of course there is the Statue of Liberty in New York harbor which was given to the people of America by the French to celebrate the 100th anniversary of independence. Its design is modeled on the image of "Marianne", the symbol of Liberty during the French Revolution. So happy birthdays America and France!

Source

Georg Jellinek, *The Declaration of the Rights of Man and of Citizens: A Contribution to Modern Constitutional History*, by Georg Jellinek. Authorized translation from the German by Max Farrand, revised by the Author (New York: Henry Holt and Co., 1901). <http://oll.libertyfund.org/title/1176/104817>

The State of New York declares that the people may “reassume” their delegated powers at any time they choose (1788) (Sep 20, 2010)

[Jonathan Elliot](#) (1784 – 1846)

September 17 is Constitution Day in the United States and to celebrate this fact we have chosen a passage from the Ratification of the Constitution made by the State of New York on July 26, 1788. First, there is the opening statement and then clause 3. The full quote contains the first 12 clauses:

We, the delegates of the people of the state of New York, duly elected and met in Convention, having maturely considered the Constitution for the United States of America, agreed to on the 17th day of September, in the year 1787, by the Convention then assembled at Philadelphia, in the commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of the United States, — Do declare and make known, —

That all power is originally vested in, and consequently derived from, the people, and that government is instituted by them for their common interest, protection, and security.

That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every government ought to respect and preserve.

That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States, or the departments of the government thereof, remains to the people of the several states, or to their respective state governments, to whom they may have granted the same; and that those clauses in the said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

That the people have an equal, natural, and unalienable right freely and peaceably to exercise their religion, according to the dictates of conscience; and that no religious sect or society ought to be favored or established by law in preference to others.

That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free state.

That the militia should not be subject to martial law, except in time of war, rebellion, or insurrection.

That standing armies, in time of peace, are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power.

That, in time of peace, no soldier ought to be quartered in any house without the consent of the owner, and in time of war only by the civil magistrate, in such manner as the laws may direct.

That no person ought to be taken, imprisoned, or disseized of his freehold, or be exiled, or deprived of his privileges, franchises, life, liberty, or property, but by due process of law.

That no person ought to be put twice in jeopardy of life or limb, for one and the same offence; nor, unless in case of impeachment, be punished more than once for the same offence.

That every person restrained of his liberty is entitled to an inquiry into the lawfulness of such restraint, and to a removal thereof if unlawful; and that such inquiry or removal ought not to be denied or delayed, except when, on account of public danger, the Congress shall suspend the privilege of the writ of habeas corpus.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

About this Quotation:

Before the United States Constitution came into effect it had to be ratified individually by the states which made up the new federation. This was a long drawn out process that continued from 1788 to 1791. A number of the states ratified the new constitution on condition that certain amendments and clarifications be introduced. For example, both New York and Rhode Island wanted to clarify the voluntary and rescindable nature of the agreement to delegate certain powers to the national government, so in one of the early clauses (the 3rd) it is most clearly stated in the New York Ratification document that the powers delegated by the people to the Federal government could be “reassumed” at any any time, that is to say, that the agreement to join the federation could be rescinded at any time if the people thought that their “happiness” was no longer being furthered by such a political union.

Source

The debates in the several state conventions on the adoption of the federal Constitution, as recommended by the general convention at Philadelphia, in 1787. Together with the Journal of the federal convention, Luther Martin's letter, Yates's minutes, Congressional opinions, Virginia and Kentucky resolutions of '98-'99, and other illustrations of the Constitution ... 2d ed., with considerable additions. Collected and rev. from contemporary publications, by Jonathan Elliot. Pub. under the sanction of Congress. (1836), 5 vols.

Shaftesbury on the need for liberty to promote the liberal arts (1712) (Nov 29, 2010)



[Anthony Ashley Cooper, Earl of Shaftesbury](#) (1671 – 1713)

Anthony Ashley Cooper, the Third Earl of Shaftesbury (1671-1713) believed that liberty played the key role in fostering the development of the liberal arts and sciences and that the government should leave things alone and not disturb the “Genius of Liberty”:

In reality the People are no small Partys in this Cause. Nothing moves successfully without 'em. There can be no Publick, but where they are included. And **without a Publick Voice, knowingly guided and directed, there is nothing which can raise a true Ambition in the Artist; nothing which can exalt the Genius of the Workman, or make him emulous of after-Fame, and of the approbation of his Country, and of Posterity. For with these he naturally, as a Freeman, must take part: in these he has a passionate Concern, and Interest, rais'd in him by the same Genius of Liberty, the same Laws and Government, by which his Property, and the Rewards of his Pains and Industry are secur'd to him, and to his Generation after him.**

Every thing co-operates, in such a State, towards the Improvement of Art and Science. And for the designing Arts in particular, such as Architecture, Painting, and Statuary, they are in a manner link'd together. The Taste of one kind brings necessarily that of the others along with it. When the free Spirit of a Nation turns it-self this way, Judgments are form'd; Criticks arise; the publick Eye and Ear improve; a right Taste prevails, and in a manner forces its way. Nothing is so improving, nothing so natural, so con-genial to the liberal Arts, as that reigning Liberty and high Spirit of a People, which from the Habit of judging in the highest Matters for themselves, makes 'em freely judg of other Subjects, and enter thorowly into the Characters as well of Men and Manners, as of the Products or Works of Men, in Art and Science. So much, my Lord, do we owe to the Excellence of our National Constitution, and Legal Monarchy; happily fitted for Us, and which alone cou'd hold together so mighty a People; all sharers (tho at so far a distance from each other) in the Government of themselves; and meeting under one Head in one vast Metropolis;

whose enormous Growth, however censurable in other respects, is actually a Cause that Workmanship and Arts of so many kinds arise to such perfection.

What Encouragement our higher Powers may think fit to give these growing Arts, I will not pretend to guess. This I know, that 'tis so much for their advantage and Interest to make themselves the chief Partys in the Cause, that I wish no Court or Ministry, besides a truly virtuous and wise one, may ever concern themselves in the Affair. For shou'd they do so, they wou'd in reality do more harm than good; since 'tis not the Nature of a Court (such as Courts generally are) to improve, but rather corrupt a Taste. And what is in the beginning set wrong by their Example, is hardly ever afterwards recoverable in the Genius of a Nation.

About this Quotation:

Shaftesbury was an important figure who linked the liberals and republicans of the late 17th century with the rising groups of Whigs and Commonwealthmen in the 18th century. His wealth and social contacts played an important part in spreading classical liberal ideas in this period. His own work on moral philosophy was very influential and Liberty Fund has reprinted his *Characteristicks of Men, Manners, and Opinions* (1737) along with the extraordinary etchings he had made for the original edition. In this quotation on the connection between liberty and the liberal arts and sciences he makes the point that free men and the free circulation of ideas stimulate innovation and creativity. He concludes by saying the best thing the government can do is to stand back and watch what happens when the “Genius of Liberty” gets to work. If the government does intervene, it will only corrupt taste rather than improve it. Perhaps this is another example of Mises' law of the unintended consequences of government intervention.

Source

Anthony Ashley Cooper, Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, ed. Douglas den Uyl (Indianapolis: Liberty Fund, 2001). 3 vols. Vol. 3. <http://oll.libertyfund.org/title/813/195135/3121023>

Bastiat on the fact that even in revolution there is an indestructible principle of order in the human heart (1848) (Feb 14, 2011)



Frédéric Bastiat (1801 – 1850)

The French classical liberal economist Frédéric Bastiat (1801-1850) was impressed by the relative order which prevailed in the early days of the February Revolution in Paris in 1848. After having lived under an oppressive regime for more than half a century, the French people seemed to have an “indestructible principle of order” in their hearts:

La République française, 26 February 1848

When we go through the streets of Paris, which are scarcely wide enough to contain the throngs of people, and remember that in this immense metropolis at this moment there is no king, no court, no municipal guard, no troops, and no civil administration other than that exercised by the citizens over themselves, when we reflect that a few men, only yesterday emerged from our ranks, are taking care of public affairs on their own, then, judging by the joy, the sense of security, and the confidence shown on every face, our initial feelings are admiration and pride.

We soon return to the past, however, and say to ourselves, “So popular self-government is not as difficult as certain people tried to persuade us it was, and economy in government is not utopian.”

There is no getting round the fact that in France we have become accustomed to excessive and grossly intrusive government. We have ended up believing that we would tear each other to pieces if we had the slightest liberty and if the state did not regulate all our movements.

This great experiment reveals indestructible principles of order within the hearts of men. Order is a need and the first of the needs, if not of all, at least of the vast majority. Let us be confident therefore and draw from this the lesson that the great

and extravagant government machine which those involved called indispensable can and should be simplified.

About this Quotation:

Twice during the revolutionary year of 1848 Frédéric Bastiat and some younger friends took to the streets of Paris in an attempt to persuade the rioters not to be seduced by the superficial appeal of socialism. In February he helped edit and distribute *La République française*. In June he did the same with *Jacques Bonhomme*. The articles were short and written to appeal to the average worker. Some were designed to be made into wall posters which could be glued to the walls of the streets of Paris to attract the attention of passers-by. In this unnamed article from 26 February Bastiat observes with some surprise how order seemed to emerge from within the chaos of revolution. After having been ruled for decades with the heavy hand of monarchical or imperial rule, the people of France took matters into their own hands and created a new order which suggested to him that “principles of order” were an inherent part of human nature, and hence indestructible.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226082/3709135>

Bastiat on the need for urgent political and economic reform (1848) (Feb 28, 2011)



Frédéric Bastiat (1801 – 1850)

The French classical liberal economist and member of parliament Frédéric Bastiat (1801-1850) started a small magazine after revolution broke out on 22 February in Paris. In one article he argued that there were two avenues for reform – politically directed reform via redistribution or leaving people alone to enjoy their liberty and property:

La République française, 29 February 1848.

So, as we have said, two systems (of reform) , discussed at length by polemicists, now confront one another.

One aspires to create the happiness of the people through direct measures. It says: “If someone suffers in any way, the state will be responsible for relieving him. It will give bread, clothing, work, care, and instruction to all those who need it.” If this system were possible, one would need to be a monster not to embrace it. If somewhere, on the moon perhaps, the state had an always accessible and inexhaustible source of food, clothing, and remedies, who could blame it for drawing on it with both hands for the benefit of those who are poor and destitute?”

But if the state does not have in its possession and does not produce any of these things, if they can be created only by human labor, if all the state can do is to take them by way of taxation from the workers who have created them in order to hand them over to those who have not created them, if the natural result of this operation must be, far from increasing the mass of these things, to discourage their production, if from this reduced mass the state is obliged to keep a part for its agents, if these agents who are responsible for the operation are themselves withdrawn from useful work, and if, finally, this system which appears so attractive at first sight, generates more misery than it cures, then it is proper to have doubts and seek to ascertain whether the welfare of the masses might not be generated by another process.

The one we have just described can obviously be put into practice only by an indefinite extension of taxes. Unless we resemble children who sulk when they are not given the moon when they first ask for it, we have to acknowledge that, if we make the state responsible for spreading abundance everywhere, we have to allow it to spread taxes everywhere, since it cannot give what it has not taken.

However, major taxes always imply major restrictions. If it were only a question of asking France to provide five or six hundred million, you might conceive an extremely simple financial mechanism for gathering it. But if we need to extract 1.5 to 1.8 billion, we need to use all the ruses imaginable in the operation of the tax laws. We need the town taxes, the salt tax, the tax on drink, and the exorbitant tax on sugar; we need to restrict traffic, burden industry, and limit consumers. An army of tax collectors is needed, as is an endless bureaucracy. The liberty of the citizens must be encroached upon, and all this leads to abuse, a desire for civil service posts, corruption, etc., etc.

It can be seen that, if the system of abundance drawn by the state from the people in order to be spread over the people by it, has its attractive side, it is also a medal that has its reverse side.

We, for our part, are convinced that this (latter) system is bad, and that there is another for achieving the good of the people, or rather for the people to achieve their own good; this consists in our giving the state all it needs to accomplish its essential mission, which is to guarantee internal and external security, respect people and property, the free exercise of faculties, and the repression of crime, misdemeanors, and fraud, and, after having given this liberally to the state, in keeping the rest for ourselves.

About this Quotation:

Twice during the revolutionary year of 1848 Frédéric Bastiat and some younger friends took to the streets of Paris in an attempt to persuade the rioters not to be seduced by the superficial appeal of socialism. In February he helped edit and distribute *La République française*. In June he did the same with *Jacques Bonhomme*. The articles were short and written to appeal to the average worker. Some were designed to be made into wall posters which could be glued to the walls of the streets of Paris to attract the attention of passers-by. This one appeared only a week after the revolution began on 22 February 1848. In it Bastiat agrees that urgent political and economic reforms are needed in France but distinguished state-directed reforms and market-directed reforms. He prefers the latter where individuals are left free to enjoy their liberty and property, that is to pay the barest minimum for essential state functions and to keep “the rest for themselves”.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226082/3709159>

Bastiat on the many freedoms that make up liberty (1848) (Jun 13, 2011)



Frédéric Bastiat (1801 – 1850)

At the height of the French Revolution of 1848 the French classical liberal economist and member of parliament Frédéric Bastiat (1801-1850) started a small magazine which he and some friends handed out on the streets of Paris. He wanted to persuade Parisians not to be seduced by the superficial appeal of socialism:

“Freedom” [Jacques Bonhomme, 11-15 June 1848.]I have lived a long time, seen a great deal, observed much, compared and examined many things, and I have reached the following conclusion:

Our fathers were right to wish to be free, and we should also wish this.

It is not that freedom has no disadvantages, since everything has these. To use these disadvantages in argument against it is to say to a man trapped in the mire: Do not get out, as you cannot do this without some effort.

Thus, it is to be wished that there be just one faith in the world, provided that it is the true one. However, where is the infallible authority which will impose it on us? While waiting for it to manifest itself, let us maintain the freedom of discussion and conscience.

It would be fortunate if the best method of teaching were to be universally adopted. But who has it and on what authority? Let us therefore demand freedom of teaching.

We may be distressed to see writers delight in stirring up all forms of evil passion. However, to hobble the press is also to hobble truth as well as lies. Let us, therefore, take care never to allow the freedom of the press to die.

It is distressing that man should be reduced to earning his bread by the sweat of his brow. It would be better for the state to feed everyone, but this is impossible. Let us

at least have the freedom to work.

By associating with one another, men can gain greater advantage from their strength. However, the forms of association are infinite; which is best? Let us not run the risk that the state imposes the worst of these on us; let us seek the right one by trial and error, and demand the freedom of association.

A people has two ways of procuring something. The first is to make it; the second is to make something else and trade it.

It is certainly better to have the option than not to have it. Let us therefore demand the freedom to trade it.

I am throwing myself into public debate; I am trying to get through to the crowd to preach all the freedoms, the total of which make up liberty.

About this Quotation:

Twice during the revolutionary year of 1848 Frédéric Bastiat and some younger friends took to the streets of Paris in an attempt to persuade the rioters not to be seduced by the superficial appeal of socialism. In February he helped edit and distribute *La République française*. In June he did the same with *Jacques Bonhomme*. The articles were short and written to appeal to the average worker. Some were designed to be made into wall posters which could be glued to the walls of the streets of Paris to attract the attention of passers-by. This one simply called “Freedom” appeared in June and in it Bastiat lists a number of important freedoms, such as the freedoms of conscience, education, the press, to work, of association, and to trade. His radical conclusion was that only with classical liberalism are all these separate freedoms combined into one totality of “liberty”.

Source

Frédéric Bastiat, *The Collected Works of Frédéric Bastiat. Vol. 1: The Man and the Statesman: The Correspondence and Articles on Politics*, translated from the French by Jane and Michel Willems, with an introduction by Jacques de Guenin and Jean-Claude Paul-Dejean. Annotations and Glossaries by Jacques de Guenin, Jean-Claude Paul-Dejean, and David M. Hart. Translation editor Dennis O’Keeffe (Indianapolis: Liberty Fund, 2011). <http://oll.libertyfund.org/title/2393/226072>

Tocqueville on the spirit of association (1835) (Jun 27, 2011)



Alexis de Tocqueville (1805 – 1859)

The French aristocrat and liberal politician Alexis de Tocqueville (1805-1859) was intrigued by “the spirit of association” which he saw everywhere in North America and came to the conclusion that there would be considerable benefits if men and women were “to associate freely in everything”:

When citizens can associate only in certain cases, they regard association as a rare and singular process, and they hardly think of it.

When you allow them to associate freely in everything, they end up seeing in association the universal and, so to speak, unique means that men can use to attain the various ends that they propose. Each new need immediately awakens the idea of association. The art of association then becomes, as I said above, the mother science; everyone studies it and applies it.

When certain associations are forbidden and others allowed, it is difficult in advance to distinguish the first from the second. In case of doubt, you refrain from all, and a sort of public opinion becomes established that tends to make you consider any association like a daring and almost illicit enterprise.¹

So it is a chimera to believe that the spirit of association, repressed at one point, will allow itself to develop with the same vigor at all the others, and that it will be enough to permit men to carry out certain enterprises together, for them to hurry to try it. When citizens have the ability and the habit of associating for all things, they will associate as readily for small ones as for great ones. But if they can associate only for small ones, they will not even find the desire and the capacity to do so. In vain will you allow them complete liberty to take charge of their business together; they will only nonchalantly use the rights that you grant them; and after you have exhausted yourself with efforts to turn them away from the forbidden associations, you will be surprised at your inability to persuade them to form the permitted ones.

I am not saying that there can be no civil associations in a country where political

association is forbidden; for men can never live in society without giving themselves to some common enterprise. But I maintain that in such a country civil associations will always be very few in number, weakly conceived, ineptly led, and that they will never embrace vast designs, or will fail while wanting to carry them out.

This leads me naturally to think that liberty of association in political matters is not as dangerous for public tranquillity as is supposed, and that it could happen that after disturbing the State for a time, liberty of association strengthens it.

In democratic countries, political associations form, so to speak, the only powerful individuals who aspire to rule the State. Consequently the governments [v. princes] of today consider these types of associations in the same way that the kings of the Middle Ages saw the great vassals of the crown: they feel a kind of instinctive horror for them and combat them at every occasion.

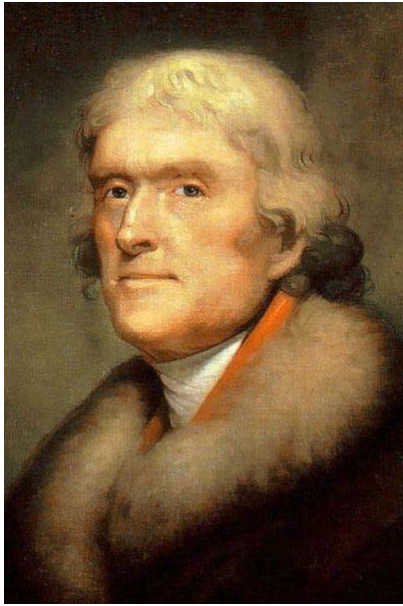
About this Quotation:

After his and Beaumont's visit to the United States in 1835 Tocqueville identified quite quickly one of the unique aspects of American society of that time, namely the part played by voluntary private associations in the organization of social, political, and economic affairs. He thought that people had the right to "associate freely in everything" and that the "art of association" was the "mother science" which could be used to explain both how American society functioned as well as how complex social and economic problems might be solved. However Tocqueville felt obliged to reassure his conservative readers that free "political associations" were not dangerous to the state (as they were in France since the Revolution) in the long term. He admitted that that "after disturbing the State for a time, liberty of association strengthens it."

Source

Alexis de Tocqueville, *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*, ed. Eduardo Nolla, translated from the French by James T. Schleifer. A Bilingual French-English editions, (Indianapolis: Liberty Fund, 2010). Vol. 3. <http://oll.libertyfund.org/title/2287/219001/3502401>

Jefferson on the right to change one's government (1776) (Jul 4, 2011)



Thomas Jefferson (1743 – 1826)

The most famous and perhaps most eloquent expression of a people's right to "dissolve the political bands" which tie them together was penned by Thomas Jefferson (1743-1826) in the Declaration of Independence:

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. — That whenever any Form of Government becomes destructive of these ends, it is the right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government,** and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment

of an absolute Tyranny over these States. To prove this let Facts be submitted to a candid world.

About this Quotation:

Jefferson took pains to argue that the right of revolution was a limited one, in the sense that one could not do this for weak or frivolous reasons (or “light and transient causes”). It was for this reason that he and his colleagues provided such a long list of grievances against the British monarch in order to prove to the world that their reasons for revolt were serious, longstanding, and many. In essence the grounds for revolution were two: the offending government had to have moved away from the very reason for its being, namely the protection of each individual’s life, liberty, and property (unfortunately too vaguely expressed here as “the pursuit of happiness”); and that there is a clear pattern of behaviour which proves that there is a “design” to create a despotic government over the people. In spite of these restrictions Jefferson obviously thought both conditions had been satisfied by July 1776 and that this therefore established the right to revolution on the part of the American colonists.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 2. <http://oll.libertyfund.org/title/755/86071/1987334>

Spooner on the “knaves,” the “dupes,” and “do-nothings” among government supporters (1870) (Oct 3, 2011)



Lysander Spooner (1808 – 1887)

The American abolitionist and legal theorist Lysander Spooner (1808-1887) argued that supporters of the government are divided into three groups – the “knaves” who stand to benefit from the government, the “dupes” who think they are free because they can vote, and those who can see the true situation but can’t or won’t do anything to change it:

As all voting is secret, (by secret ballot,) and as all secret governments are necessarily only secret bands of robbers, tyrants, and murderers, the general fact that our government is practically carried on by means of such voting, only proves that there is among us a secret band of robbers, tyrants and murderers, whose purpose is to rob, enslave, and, so far as necessary to accomplish their purposes, murder, the rest of the people. The simple fact of the existence of such a band does nothing towards proving that “the people of the United States,” or any one of them, voluntarily supports the Constitution.

For all the reasons that have now been given, voting furnishes no legal evidence as to who the particular individuals are (if there are any), who voluntarily support the Constitution. It therefore furnishes no legal evidence that any body supports it voluntarily.

So far, therefore, as voting is concerned, the Constitution, legally speaking, has no supporters at all.

And, as matter of fact, there is not the slightest probability that the Constitution has a single bona fide supporter in the country. That is to say, there is not the slightest probability that there is a single man in the country, who both understands what the Constitution really is, and sincerely supports it for what it really is.

The ostensible supporters of the Constitution, like the ostensible supporters of most other governments, are made up of three classes, viz.: 1. Knaves, a numerous and active class, who see in the government an instrument which they can use for their

own aggrandizement or wealth. 2. Dupes—a large class, no doubt—each of whom, because he is allowed one voice out of millions in deciding what he may do with his own person and his own property, and because he is permitted to have the same voice in robbing, enslaving, and murdering others, that others have in robbing, enslaving, and murdering himself, is stupid enough to imagine that he is a “free man,” a “sovereign”; that this is “a free government”; “a government of equal rights,” “the best government on earth,” and such like absurdities. 3. A class who have some appreciation of the evils of government, but either do not see how to get rid of them, or do not choose to so far sacrifice their private interests as to give themselves seriously and earnestly to the work of making a change.

About this Quotation:

Spooner liked to use blunt language and this makes reading his works entertaining. The use of the word “knave” is a good example of the colorful language he sometimes used against his opponents. He often uses it in combination with other words such as “knaves and blockheads” who believe in victimless crimes; “knaves and liars” when discussing the miracles of Jesus; and “fools and knaves” when talking about who would ever agree to sign the constitution. In this quote he uses the word “knave” in a more complex, tripartite “class analysis” of American society in which the “knaves” are clearly an exploitative group who plan to benefit from the actions of the government. He contrasts this group with the “dupes” who think they live in a free society just because they are allowed to vote, and the “do-nothings” (my term, not Spooner’s) who know what is going on but can’t or won’t do anything to change the current situation.

Source

Lysander Spooner, *No Treason. No. VI. The Constitution of No Authority* (Boston: Published by the Author, 1870). <http://oll.libertyfund.org/title/2194/202956/3341381>

Ferguson on the flourishing of man's intellectual powers in a commercial society (1767) (Nov 21, 2011)



[Adam Ferguson](#) (1723 – 1816)

The Scottish enlightened thinker Adam Ferguson (1723-1816) believed that in a commercial society where the division of labor operated mankind's intellectual powers would develop and flourish best:

To act in the view of his fellow-creatures, to produce his mind in public, to give it all the exercise of sentiment and thought, which pertain to man as a member of society, as a friend, or an enemy, seems to be the principal calling and occupation of his nature. If he must labour, that he may subsist, he can subsist for no better purpose than the good of mankind; nor can he have better talents than those which qualify him to act with men. Here, indeed, the understanding appears to borrow very much from the passions; and there is a felicity of conduct in human affairs, in which it is difficult to distinguish the promptitude of the head from the ardour and sensibility of the heart. Where both are united, they constitute that superiority of mind, the frequency of which among men, in particular ages and nations, much more than the progress they have made in speculation, or in the practice of mechanic and liberal arts, should determine the rate of their genius, and assign the palm of distinction and honour.

When nations succeed one another in the career of discoveries and inquiries, the last is always the most knowing. Systems of science are gradually formed. The globe itself is traversed by degrees, and the history of every age, when past, is an accession of knowledge to those who succeed. The Romans were more knowing than the Greeks; and every scholar of modern Europe is, in this sense, more learned than the most accomplished person that ever bore either of those celebrated names. But is he on that account their superior?

Men are to be estimated, not from what they know, but from what they are able to perform; from their skill in adapting materials to the several purposes of life; from their vigour and conduct in pursuing the objects of policy, and in finding the expedients of war

and national defence. Even in literature, they are to be estimated from the works of their genius, not from the extent of their knowledge. The scene of mere observation was extremely limited in a Grecian republic; and the bustle of an active life appeared inconsistent with study: But there the human mind, notwithstanding, collected its greatest abilities, and received its best informations, in the midst of sweat and of dust.

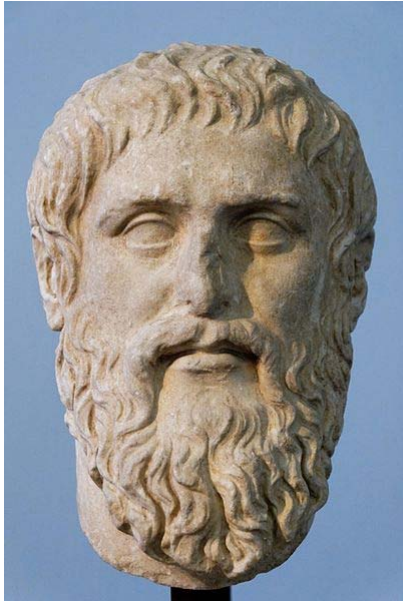
About this Quotation:

Ferguson is grappling with a couple of ideas in this chapter on “Intellectual Powers”. The first is the commonly held view that the ancient world was superior to the modern world in intellectual and other accomplishments. The second was the idea that commercial society produced narrow and selfish individuals who placed greater emphasis on cold economic accounting than other aspects of human culture and achievement. Ferguson rejected both these viewpoints in his *History of Civil Society* in which he argued that “there is a felicity of conduct in human affairs, in which it is difficult to distinguish the promptitude of the head from the ardour and sensibility of the heart.”

Source

Adam Ferguson, *An Essay on the History of Civil Society*, 5th ed. (London: T. Cadell, 1782).
<http://oll.libertyfund.org/title/1428/19712/1565867>

Socrates as the “gadfly” of the state (4thC BC) (Dec 5, 2011)



Plato (429 BCE – 347 BCE)

Plato in his *Apology* for the life of Socrates reminds us that all societies need a “gadfly” to sting the “steed” of state into acknowledging its proper duties and obligations:

Men of Athens, do not interrupt, but hear me; there was an understanding between us that you should hear me to the end: I have something more to say, at which you may be inclined to cry out; but I believe that to hear me will be good for you, and therefore I beg that you will not cry out. I would have you know, that if you kill such an one as I am, you will injure yourselves more than you will injure me. Nothing will injure me, not Meletus nor yet Anytus—they cannot, for a bad man is not permitted to injure a better than himself. I do not deny that Anytus may, perhaps, kill him, or drive him into exile, or deprive him of civil rights; and he may imagine, and others may imagine, that he is inflicting a great injury upon him: but there I do not agree. For the evil of doing as he is doing—the evil of unjustly taking away the life of another—is greater far.

I am the gadfly of the Athenian people, given to them by God, and they will never have another, if they kill me. And now, Athenians, I am not going to argue for my own sake, as you may think, but for yours, that you may not sin against the God by condemning me, who am his gift to you. For if you kill me you will not easily find a successor to me, who, if I may use such a ludicrous figure of speech, am a sort of gadfly, given to the state by God; and the state is a great and noble steed who is tardy in his motions owing to his very size, and requires to be stirred into life. I am that gadfly which God has attached to the state, and all day long I and in all places am always fastening upon you, arousing and persuading and reproaching you. You will not easily find another like me, and therefore I would advise you to spare me. I dare say that you may feel out of temper (like a person who is suddenly awakened from sleep), and you think that you might easily strike me dead as Anytus advises, and then you would sleep on for the remainder of your lives, unless God in his care of you sent you another gadfly. When I say that I am given to you by God, the proof of my mission is this:—if I had been like other men, I should not have neglected all my own concerns or patiently seen the neglect of them during all these years, and have been doing yours, coming to you

individually like a father or elder brother, exhorting you to regard virtue; such conduct, I say, would be unlike human nature. If I had gained anything, or if my exhortations had been paid, there would have been some sense in my doing so; but now, as you will perceive, not even the impudence of my accusers dares to say that I have ever exacted or sought pay of any one; of that they have no witness. And I have a sufficient witness to the truth of what I say—my poverty.

About this Quotation:

According to the words put into his mouth by Plato, Socrates believed that he had been sent by the gods to act as a “gadfly” to the Athenian state. He saw the state as “a great and noble steed” which had to be reminded of its proper duties. Socrates believed he did this by stinging the steed of state “all day long and in all places”. No wonder it wanted to get rid of him by forcing him to commit suicide!

Source

Plato, *The Dialogues of Plato translated into English with Analyses and Introductions by B. Jowett, M.A. in Five Volumes*. 3rd edition revised and corrected (Oxford University Press, 1892).
<http://oll.libertyfund.org/title/766/93694/2093154>

Leggett on the tendency of the government to become “the universal dispenser of good and evil” (1834) (Dec 14, 2011)



William Leggett (1801 – 1839)

The Jacksonian era journalist William Leggett (1801-1839) argued against government intervention in the economy on moral grounds as well as because its policies favored one group or class over another:

TRUE FUNCTIONS OF GOVERNMENT [*Evening Post*, November 21, 1834.]

The fundamental principle of all governments is the protection of person and property from domestic and foreign enemies; in other words, to defend the weak against the strong. By establishing the social feeling in a community, it was intended to counteract that selfish feeling, which, in its proper exercise, is the parent of all worldly good, and, in its excesses, the root of all evil. The functions of Government, when confined to their proper sphere of action, are therefore restricted to the making of general laws, uniform and universal in their operation, for these purposes, and for no other.

Governments have no right to interfere with the pursuits of individuals, as guaranteed by those general laws, by offering encouragements and granting privileges to any particular class of industry, or any select bodies of men, inasmuch as all classes of industry and all men are equally important to the general welfare, and equally entitled to protection.

Whenever a Government assumes the power of discriminating between the different classes of the community, it becomes, in effect, the arbiter of their prosperity, and exercises a power not contemplated by any intelligent people in delegating their sovereignty to their rulers. It then becomes the great regulator of the profits of every species of industry, and reduces men from a dependence on their own exertions, to a dependence on the caprices of their Government. Governments possess no delegated right to tamper with individual industry a single hair's-breadth beyond what is essential to protect the rights of person and property.

In the exercise of this power of intermeddling with the private pursuits and

individual occupations of the citizen, a Government may at pleasure elevate one class and depress another; it may one day legislate exclusively for the farmer, the next for the mechanic, and the third for the manufacturer, who all thus become the mere puppets of legislative cobbling and tinkering, instead of independent citizens, relying on their own resources for their prosperity. It assumes the functions which belong alone to an overruling Providence, and affects to become the universal dispenser of good and evil.

This power of regulating—of increasing or diminishing the profits of labour and the value of property of all kinds and degrees, by direct legislation, in a great measure destroys the essential object of all civil compacts, which, as we said before, is to make the social a counterpoise to the selfish feeling. By thus operating directly on the latter, by offering one class a bounty and another a discouragement, they involve the selfish feeling in every struggle of party for the ascendancy, and give to the force of political rivalry all the bitterest excitement of personal interests conflicting with each other. Why is it that parties now exhibit excitement aggravated to a degree dangerous to the existence of the Union and to the peace of society? Is it not that by frequent exercises of partial legislation, almost every man's personal interests have become deeply involved in the result of the contest? In common times, the strife of parties is the mere struggle of ambitious leaders for power; now they are deadly contests of the whole mass of the people, whose pecuniary interests are implicated in the event, because the Government has usurped and exercised the power of legislating on their private affairs. The selfish feeling has been so strongly called into action by this abuse of authority as almost to overpower the social feeling, which it should be the object of a good Government to foster by every means in its power.

No nation, knowingly and voluntarily, with its eyes open, ever delegated to its Government this enormous power, which places at its disposal the property, the industry, and the fruits of the industry, of the whole people. As a general rule, the prosperity of rational men depends on themselves. Their talents and their virtues shape their fortunes. They are therefore the best judges of their own affairs, and should be permitted to seek their own happiness in their own way, untrammelled by the capricious interference of legislative bungling, so long as they do not violate the equal rights of others, nor transgress the general laws for the security of person and property.

About this Quotation:

In this article written in 1834 William Leggett provides one of the most concise and clear defenses of the principle of limited government ever penned. He holds that the sole function of government should be strictly limited to “the protection of person and property from domestic and foreign enemies”. When the state moved beyond these limited functions it inevitably favored one group or “class” of individuals at the expense of another group or “class” of people. Here Leggett had in mind the farmer, the mechanic, and the manufacturer. By introducing legislation that benefited one group at the expense of another Leggett believed that the social compact which binds all men and women was destroyed and was replaced by “the strife of parties” in which each party struggled to defend its political interests.

Source

William Leggett, *Democratic Editorials: Essays in Jacksonian Political Economy*, Foreword by Lawrence H. White (Indianapolis: Liberty Fund, 1984). <http://oll.libertyfund.org/title/682/81754/1935558>

Benjamin Constant on why the oppressed often prefer their chains to liberty (1815) (Apr 16, 2012)



Benjamin Constant (1767 – 1830)

Towards the end of Napoleon's régime the French political philosopher Benjamin Constant (1767–1830) wrote his major work on political theory, *Principles of Politics* (1810-1815), in which he asks why it sometimes appears that the oppressed prefer their chains to liberty:

In the countries where these oppressive laws continue in undiminished rigor, it has been claimed, as always in such cases, that the classes they oppress recognize the advantages therein. It has been said that serfdom, a natural consequence of this system of property, was felicitous for the peasants and examples were given. Nobles one could suspect of hypocrisy and who should at least be accused of lack of foresight, have offered their vassals freedom. This is to say that they proposed to men brutalized by ignorance, without energy or capability or ideas, that they leave their fields and cabins, to go freely with their infirm parents and children of tender years, in search of a subsistence they had no means of procuring. These vassals preferred their chains, from which it was concluded that serfdom was agreeable. What, however, does such experience show? What we knew, that for men to be given freedom, they must not have been degraded to a subhuman condition by slavery. Then, freedom is doubtless only an illusory and deadly gift, just as the daylight becomes sorrowful for him whose view is enfeebled by the shadows of a dungeon. This truth holds for all types of servitude. Men who have never known freedom's advantages may well enthusiastically submit to the yoke: reject their sheepish and deceptive witness. They have no right to make depositions in so holy a cause. As to freedom, listen to those ennobled by its blessings. Only they should be heard, only they consulted.

About this Quotation:

Many classical liberals have asked themselves the question which is probably the most troubling to them, what if people prefer something else, such as security or equality, to that of individual, political, and economic liberty? The answer given by many tyrants is that “their people” are like children who

need the guiding hand of a “political father” who can look after them. One such “political father” figure was Emperor Napoleon and it was during the last years of his régime that the French liberal political philosopher Benjamin Constant (1767–1830) pondered the awful question, what if the French people had come to like the strong hand of the state controlling every aspect of their lives, and when given the chance of political freedom would turn their back on it? His answer was that this often occurred when people had become so brutalized by their political “serfdom” that they had become afraid of freedom. They, he thought, were not the ones to ask about the benefits of freedom. The value of liberty was most appreciated by those who had fought and won their battle to be free.

Source

Benjamin Constant, *Principles of Politics Applicable to all Governments*, trans. Dennis O’Keeffe, ed. Etienne Hofmann, Introduction by Nicholas Capaldi (Indianapolis: Liberty Fund, 2003).
<http://oll.libertyfund.org/title/861/109011/2279581>

Germaine de Staël on the indestructible love of liberty (1818)

(Jul 14, 2012)



Germaine de Staël (1766 – 1817)

In one of the first histories of the French Revolution Germaine de Staël (1766-1817) decries what had been done in the name of “liberty” during the French Revolution. In spite of these deeds, she believes that love of liberty is deeply embedded in the human soul and that it cannot be extinguished by tyrant:

It is time that twenty-five years, of which fifteen belong to military despotism, should no longer place themselves as a phantom between history and us, and should no longer deprive us of all the lessons and of all the examples which it offers us. Is Aristides to be forgotten, and Phocion, and Epaminondas in Greece; Regulus, Cato, and Brutus at Rome; Tell in Switzerland; Egmont and Nassau in Holland; Sidney and Russell in England; because a country that had long been governed by arbitrary power was delivered, during a revolution, to men whom arbitrary power had corrupted? What is there so extraordinary in such an event as to change the course of the stars, that is, to give a retrograde motion to truth, which was before advancing with history to enlighten the human race? By what public sentiment shall we be moved henceforth if we are to reject the love of liberty? Old prejudices have now no influence upon men except from calculation; they are defended only by those who have a personal interest in defending them. What man in France desires absolute power from pure love or for its own sake? Inform yourself of the personal situation of its partisans, and you will soon know the motives of their doctrine. On what then would the fraternal tie of human associations be founded if no enthusiasm were to be developed in the heart? Who would be proud of being a Frenchman after having seen liberty destroyed by tyranny, tyranny broken to pieces by foreigners, unless the laurels of war were at least rendered honorable by the conquest of liberty? We should have to contemplate a mere struggle between the selfishness of those who were privileged by birth and the selfishness of those who are privileged by events. But where would then be France? Who could boast of having served her, since nothing would remain in the heart, either of past times or of the new reform?

Liberty! Let us repeat her name with so much the more energy that the men who

should pronounce it, at least as an apology, keep it at a distance through flattery: let us repeat it without fear of wounding any power that deserves respect; for all that we love, all that we honor is included in it. Nothing but liberty can arouse the soul to the interests of social order. The assemblies of men would be nothing but associations for commerce or agriculture if the life of patriotism did not excite individuals to sacrifice themselves for their fellows. Chivalry was a warlike brotherhood which satisfied that thirst for self-devotion which is felt by every generous heart. The nobles were companions in arms, bound together by duty and honor; but since the progress of the human mind has created nations, in other words, since all men share in some degree in the same advantages, what would become of the human species were it not for the sentiment of liberty? Why should the patriotism of a Frenchman begin at this frontier and cease at that, if there were not within this compass hopes, enjoyments, an emulation, a security which make him love his native land as much through the genuine feelings of the soul as through habit? Why should the name of France awaken so invincible an emotion if there were no other ties among the inhabitants of this fine country than the privileges of some and the subjection of the rest?...

It is indeed a remarkable circumstance that throughout the world, wherever a certain depth of thought exists, there is not to be found an enemy of freedom. As the celebrated Humboldt has traced upon the mountains of the New World the different degrees of height which permit the development of this or that plant, so might we predict what extent, what elevation of spirit is requisite to enable a man to conceive the great interests of mankind in their full connection and in all their truth. The evidence of these opinions is such that they who have once admitted them can never renounce them, and that from one end of the world to the other, the friends of freedom maintain communication by knowledge, as religious men by sentiments; or rather knowledge and sentiment unite in the love of freedom as in that of the Supreme Being. Is the question the abolition of the slave trade, or the liberty of the press, or religious toleration? Jefferson thinks as La Fayette; La Fayette, as Wilberforce; and even they who are now no more are reckoned in the holy league. Is it then from the calculations of interest, is it from bad motives that men so superior, in situations and countries so different, should be in such harmony in their political opinions? Without doubt knowledge is requisite to enable us to soar above prejudices: but it is in the soul also that the principles of liberty are founded; they make the heart palpitate like love and friendship, they come from nature, they ennoble the character. One connected series of virtues and ideas seems to form that golden chain described by Homer, which in binding man to Heaven delivers him from all the fetters of tyranny.

About this Quotation:

Germaine de Staël, like many French liberals of the time, was tarred by the same brush as the defenders of “Jacobinism.” Conservatives argued that advocacy of individual liberty would lead to Jacobinism, the Terror, and the dictatorship of Napoleon. Staël of course denied this was the case and as her own actions showed, true defenders of liberty were also enemies of Jacobinism and Napoleon. In her last work before she died she declared that during the revolution men had become corrupted by power and that liberty had been destroyed by tyranny. In spite of this, the love of liberty was universal and was the basis of the “fraternal tie of human associations.” She concluded that “it is in the soul also that the principles of liberty are founded; they make the heart palpitate like love and friendship, they come from nature.” Hence, they are indestructible and would always re-emerge.

Source

Germaine de Staël, *Considerations on the Principal Events of the French Revolution*, newly revised translation of the 1818 English edition, edited, with an introduction and notes by Aurelian Craiutu (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2212/208078/3381383>

David Hume believes we should assume all men are self-interested knaves when it comes to politics (1777) (Mar 11, 2013)



David Hume (1711 – 1776)

The Scottish philosopher and historian David Hume (1711-1776) believed that when thinking about politics we should assume that every man and every institution pursues their own self-interest often at the expense of the public good:

ESSAY VI. OF THE INDEPENDENCY OF PARLIAMENT

Political writers have established it as a maxim, that, in contriving any system of government, and fixing the several checks and controuls of the constitution, every man ought to be supposed a knave, and to have no other end, in all his actions, than private interest. By this interest we must govern him, and, by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good. Without this, say they, we shall in vain boast of the advantages of any constitution, and shall find, in the end, that we have no security for our liberties or possessions, except the good-will of our rulers; that is, we shall have no security at all.

It is, therefore, a just political maxim, that every man must be supposed a knave: Though at the same time, it appears somewhat strange, that a maxim should be true in politics, which is false in fact. But to satisfy us on this head, we may consider, that men are generally more honest in their private than in their public capacity, and will go greater lengths to serve a party, than when their own private interest is alone concerned. Honour is a great check upon mankind: But where a considerable body of men act together, this check is, in a great measure, removed; since a man is sure to be approved of by his own party, for what promotes the common interest; and he soon learns to despise the clamours of adversaries. To which we may add, that every court or senate is determined by the greater number of voices; so that, if self-interest influences only the majority, (as it will always do) the whole senate follows the allurements of this separate interest, and acts as if it contained not one member, who had any regard to public interest and liberty.

When there offers, therefore, to our censure and examination, any plan of government, real or imaginary, where the power is distributed among several courts, and several orders of men, we should always consider the separate interest of each court, and each order; and, if we find that, by the skilful division of power, this interest must necessarily, in its operation, concur with public, we may pronounce that government to be wise and happy. If, on the contrary, separate interest be not checked, and be not directed to the public, we ought to look for nothing but faction, disorder, and tyranny from such a government. In this opinion I am justified by experience, as well as by the authority of all philosophers and politicians, both antient and modern.

About this Quotation:

Two hundred years before the Public Choice School of Economics founded by James Buchanan and Gordon Tullock David Hume was thinking similar thoughts about the self-interested behaviour of politicians in Parliament. In his quite realistic and sometimes cynical understanding of politics Hume argued that, when designing constitutional rules to govern the behaviour of politicians and bureaucrats, we must assume the “worst”, namely that these people will act like “knaves” unless prevented from doing so. Hume’s solution was that a division of powers might check one branch of government by putting it into competition with and oversight by the other branches. Perhaps his cynicism didn’t go far enough as a tripartite division of government, instead of checking state power, might in fact create three bodies of knaves pursuing their own interest at the expence of taxpayers.

Source

David Hume, *Essays Moral, Political, Literary*, edited and with a Foreword, Notes, and Glossary by Eugene F. Miller, with an appendix of variant readings from the 1889 edition by T.H. Green and T.H. Grose, revised edition (Indianapolis: Liberty Fund 1987). <http://oll.libertyfund.org/title/704/137488/2621120>

Tocqueville on centralization as the natural form of government for democracies (1835) (Nov 4, 2013)



Alexis de Tocqueville (1805 – 1859)

Alexis de Tocqueville (1805-1859) believed that the natural form of government for a democratic people was one which was centralized, uniform and strong:

Every central power that follows these natural instincts loves equality and favors it; for equality [(of conditions)] singularly facilitates the action of such a power, extends it and assures it.

You can say equally that every central government adores [legislative] uniformity; uniformity spares it from the examination of an infinity of details with which it would have to be concerned, if the rule had to be made for men, rather than making all men indiscriminately come under the same rule. Thus, the government loves what the citizens love, and it naturally hates what they hate. This community of sentiments, which, among democratic nations, continually unites in the same thought each individual and the sovereign power, establishes between them a secret and permanent sympathy. You pardon the government its faults in favor of its tastes; public confidence abandons the government only with difficulty amid its excesses and its errors, and returns as soon as it is called back. Democratic peoples often hate the agents of the central power; but they always love this power itself. [Because they consider it as the most powerful instrument that they could use as needed to help them make everyone who escapes from the common rule come back to it.

I said that in times of equality the idea of intermediary powers set between simple individuals and the government did not naturally present itself to the human mind. I add that men who live in these centuries envisage such powers only with distrust and submit to them only with difficulty.]

Thus, I have come by two different roads to the same end. **I have shown that equality suggested to men the thought of a unique, uniform and strong government. I have**

just shown that it gives them the taste for it; so today nations are tending toward a government of this type. The natural inclination of their mind and heart leads them to it, and it is enough for them not to hold themselves back in order to reach it.

I think that, in the democratic centuries that are going to open up, individual independence and local liberties will always be a product of art. Centralization will be the natural government.

About this Quotation:

It is significant that Tocqueville did not call his book “Liberty in America” but “Democracy in America”. [The economist Michel Chevalier did however write a short book called just this in 1849.] He believed that centralized government with uniformity of legislation was the “natural” form of government for a democracy. To protect liberty, whether individual or local, required a careful separation and balancing of political powers which was a difficult task to achieve and which had to be learned. He called it “a product of art” as it did not come naturally to a democratic people. Tocqueville also noted that a democratic people were also very forgiving of the leaders they elected to office because there is “a secret and permanent sympathy” between them. They may end up “hat(ing) the agents of the central power; but they always love this power itself” because ultimately they believe it comes from them.

Source

Alexis de Tocqueville, *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*, ed. Eduardo Nolla, translated from the French by James T. Schleifer. A Bilingual French-English editions, (Indianapolis: Liberty Fund, 2010). Vol. 1. http://oll.libertyfund.org/titles/2288#Tocqueville_1532-04_EN_914

Gouverneur Morris on the proper balance between commerce, private property, and political liberty (1776) (Jul 21, 2014)



Gouverneur Morris (1752 – 1816)

In his *Political Enquiries* (1776) Gouverneur Morris (1752-1816) was ruminating on key political questions on the eve of American independence. In this section “Of Commerce” he worries about the tension between private property rights and commerce on the one hand, and the exercise of political liberty which might be used to violate property rights:

Of Commerce

The most rapid Advances in the State of Society are produced by Commerce. Is it a Blessing or a Curse? Before this Question be decided let the present and former State of commercial Countries be compared. Commerce once begun is from its own Nature progressive. It may be impeded or destroyed not fixed. It requires not only the perfect Security of Property but perfect good faith. Hence its Effects are to encrease civil and diminish political Liberty. If the public be in Debt to an Individual political Liberty enables a Majority to cancel the Obligation but the spirit of Commerce exacts punctual Payment. In a Despotism everything must bend to the Prince. He can seize the Property of his Subject but the Spirit of Commerce requires that Property be secured. It requires also that every Citizen have the Right freely to use his Property.

Now as Society is in itself Progressive as Commerce gives a mighty Spring to that progressive force as the effects both joint and Separate are to diminish political Liberty. And as Commerce cannot be stationary the society without it may. It follows that political Liberty must be restrained or Commerce prohibited. If a Medium be sought it will occasion a Contest between the spirit of Commerce and that of the Government till Commerce is ruined or Liberty destroyed. Perhaps both. These Reflections are justified by the different Italian Republics.

About this Quotation:

In this collection of musings about the object of government, the nature of human happiness, public virtue, and the tension between political and commercial liberty Morris believes that there exists a possible contradiction between the “natural rights” as espoused in the “Declaration of Independence” and the “social rights” which men enjoy when they live in communities. Morris dismisses natural rights as suitable only for individuals who live in a state of nature, perhaps alone on an island, where the rule of the strongest holds sway. Since men are naturally sociable the only rights they hold are those that make societies function. Once societies have been established, this automatically extinguishes “natural liberty”, or the right of every man to do what he pleases. He makes similar arguments in his “Remarks upon the Principles and Views of the London Corresponding Society” (1795) in which he rejects their ideas about “equal rights” for all men. He concludes that “that same state of Nature is not the natural state of Man. He is a social animal. His rights, therefore, and his duties, are social. Consequently, to talk of his natural rights, in contradistinction to the social, seems about as proper as to talk of his angelic rights, or his bestial rights ... Man, therefore, being a social Creature, can have no rights inconsistent with the social state.” This way of thinking seems to place Morris on the conservative side of the political spectrum when compared to Thomas Jefferson.

Source

Gouverneur Morris, *To Secure the Blessings of Liberty: Selected Writings of Gouverneur Morris*. Edited and with an Introduction by J. Jackson Barlow (Indianapolis: Liberty Fund, 2012).
http://oll.libertyfund.org/titles/2623#lf1611_head_021

17. Presidents, Kings, Tyrants, & Despots ↩

1. [Thomas Gordon compares the Greatness of Spartacus with that of Julius Caesar \(1721\)](#) (Apr 7, 2004)
2. [Algernon Sidney's Motto was that his Hand \(i.e. his pen\) was an Enemy to all Tyrants \(1660\)](#) (Aug 9, 2004)
3. [Thomas Gordon believes that bigoted Princes are subject to the “blind control” of other “Directors and Masters” who work behind the scenes \(1737\)](#) (Oct 18, 2004)
4. [James Bryce believed that the Founders intended that the American President would be “a reduced and improved copy of the English king” \(1885\)](#) (Nov 2, 2004)
5. [Vicesimus Knox tries to persuade an English nobleman that some did not come into the world with “saddles on their backs and bridles in their mouths” and some others like him came “ready booted and spurred to ride the rest to death” \(1793\)](#) (Jan 17, 2005)
6. [John Milton believes men live under a “double tyranny” within \(the tyranny of custom and passions\) which makes them blind to the tyranny of government without \(1649\)](#) (Apr 18, 2005)
7. [Montesquieu states that the Roman Empire fell because the costs of its military expansion introduced corruption and the loyalty of its soldiers was transferred from the City to its generals \(1734\)](#) (May 2, 2005)
8. [Edward Gibbon believed that unless public liberty was defended by “intrepid and vigilant guardians” any constitution would degenerate into despotism \(1776\)](#) (Jul 18, 2005)
9. [Adam Ferguson notes that “implicit submission to any leader, or the uncontroled exercise of any power” leads to a form of military government and ultimately despotism \(1767\)](#) (Sep 26, 2005)
10. [John Milton laments the case of a people who won their liberty “in the field” but who then foolishly “ran their necks again into the yoke” of tyranny \(1660\)](#) (Oct 3, 2005)
11. [Thomas Jefferson opposed vehemently the Alien and Sedition Laws of 1798 which granted the](#)

- [President enormous powers showing that the government had become a tyranny which desired to govern with "a rod of iron" \(1798\) \(Dec 19, 2005\)](#)
12. [Benjamin Constant argued that mediocre men, when they acquired power, became "more envious, more obstinate, more immoderate, and more convulsive" than men with talent \(1815\) \(Jan 23, 2006\)](#)
 13. [After the restoration of the monarchy in 1660 John Milton was concerned with both how the triumphalist monarchists would treat the English people and how the disheartened English people would face their descendants \(1660\) \(Aug 7, 2006\)](#)
 14. [George Washington warns the nation in his Farewell Address, that love of power will tend to create a real despotism in America unless proper checks and balances are maintained to limit government power \(1796\) \(Feb 21, 2007\)](#)
 15. [Plato warns of the people's protector who, once having tasted blood, turns into a wolf and a tyrant \(340s BC\) \(Feb 3, 2008\)](#)
 16. [George Washington warns that the knee jerk reaction of citizens to problems is to seek a solution in the creation of a "new monarch"\(1786\) \(Feb 25, 2008\)](#)
 17. [Thucydides on political intrigue in the divided city of Corcyra caused by the "desire to rule" \(5thC BC\) \(Mar 3, 2008\)](#)
 18. [Thomas Hodgskin wonders how despotism comes to a country and concludes that the "first step" taken towards despotism gives it the power to take a second and a third - hence it must be stopped in its tracks at the very first sign \(1813\) \(Aug 4, 2008\)](#)
 19. [Edward Gibbon gloomily observed that in a unified empire like the Roman there was nowhere to escape, whereas with a multiplicity of states there were always gaps and interstices to hide in \(1776\) \(Aug 18, 2008\)](#)
 20. [Lord Acton writes to Bishop Creighton that the same moral standards should be applied to all men, political and religious leaders included, especially since "Power tends to corrupt and absolute power corrupts absolutely" \(1887\) \(Sep 3, 2008\)](#)
 21. [Althusius argues that a political leader is bound by his oath of office which, if violated, requires his removal \(1614\) \(Oct 26, 2009\)](#)
 22. [Macaulay argues that politicians are less interested in the economic value of public works to the citizens than they are in their own reputation, embezzlement and "jobs for the boys" \(1830\) \(Nov 2, 2009\)](#)
 23. [Lao Tzu discusses how "the great sages" \(or wise advisors\) protect the interests of the prince and thus "prove to be but guardians in the interest of the great thieves" \(600 BC\) \(Nov 16, 2009\)](#)
 24. [Jefferson feared that it would only be a matter of time before the American system of government degenerated into a form of "elective despotism" \(1785\) \(Dec 7, 2009\)](#)
 25. [Livy on the irrecoverable loss of liberty under the Roman Empire \(10 AD\) \(Jan 4, 2010\)](#)
 26. [Jefferson on how Congress misuses the inter-state commerce and general welfare clauses to promote the centralization of power \(1825\) \(Mar 15, 2010\)](#)
 27. [Madame de Staël argues that Napoleon was able to create a tyrannical government by pandering to men's interests, corrupting public opinion, and waging constant war \(1817\) \(Mar 23, 2010\)](#)
 28. [Cicero on the need for politicians to place the interests of those they represent ahead of their own private interests \(1st century BC\) \(May 9, 2010\)](#)
 29. [Cato denounces generals like Julius Caesar who use success on the battlefield as a stepping stone to political power \(1710\) \(May 19, 2010\)](#)
 30. [Milton argues that a Monarchy wants the people to be prosperous only so it can better fleece them \(1660\) \(Jun 8, 2010\)](#)
 31. [Tocqueville on the form of despotism the government would assume in democratic America \(1840\) \(Jun 14, 2010\)](#)
 32. [Jefferson's list of objections to the British Empire in his first draft of the Declaration of](#)

- [Independence \(1776\)](#) (Jul 4, 2010)
33. [Milton on the ease with which tyrants find their academic defenders \(1651\)](#) (Sep 6, 2010)
 34. [Paine on the idea that the law is king \(1776\)](#) (Feb 20, 2011)
 35. [Thomas Paine on the absurdity of an hereditary monarchy \(1791\)](#) (Apr 25, 2011)
 36. [John Adams on how absolute power intoxicates those who exercise that power \(1814\)](#) (Oct 31, 2011)
 37. [Madame de Staël on the tyrant Napoleon \(1818\)](#) (Nov 7, 2011)
 38. [Tocqueville on the “New Despotism” \(1837\)](#) (Jan 2, 2012)
 39. [Viscount Bryce on how the President in wartime becomes “a sort of dictator” \(1888\)](#) (Feb 19, 2012)
 40. [James Mill on the “sinister interests” of those who wield political power \(1825\)](#) (Mar 12, 2012)
 41. [Madison on “Parchment Barriers” and the defence of liberty II \(1788\)](#) (Dec 18, 2012)
 42. [Shaftesbury opposes the nonresisting test bill before the House of Lords as a step towards “absolute and arbitrary” government \(1675\)](#) (Apr 29, 2013)
 43. [James Mill on the ruling Few and the subject Many \(1835\)](#) (Jun 10, 2013)
 44. [Rousseau on the natural tendency of governments to degenerate into tyranny \(1762\)](#) (Jul 1, 2013)
 45. [Erasmus on the “Folly” of upsetting conventional opinion by pointing out the sins of kings and princes \(1511\)](#) (Jul 12, 2013)
 46. [Montaigne argues that is right and proper for a people to speak ill of a “faulty prince” after his death \(1580\)](#) (Aug 5, 2013)
 47. [Thomas Gordon asks whether tyranny is worse than anarchy \(1728\)](#) (Jan 6, 2014)
 48. [Leonard Read on Ludwig von Mises as the economic dictator of the U.S. \(1971\)](#) (Jan 20, 2014)
 49. [Pufendorf on the danger of rulers confusing their own self-interest with that of the State \(1695\)](#) (Apr 28, 2014)
 50. [Michel Chevalier on two kinds of political power in America, the Caesars and the Commissioners \(1835\)](#) (May 12, 2014)
 51. [La Boétie argues that tyranny will collapse if enough people refuse to cooperate and withdraw their moral support to it \(1576\)](#) (Dec 29, 2014)

Thomas Gordon compares the Greatness of Spartacus with that of Julius Caesar (1721) (Apr 7, 2004)

Thomas Gordon (1692 – 1750)

The USA cable channel recently showed a remake (first done brilliantly by Stanley Kubrick over 40 years ago) of the story of “Spartacus” who led a slave revolt against the Roman Empire. Here is what one of our authors (Thomas Gordon from *Cato’s Letters* 1721) has to say about Spartacus, in comparison with Julius Caesar:

But if the killing Caesar were so great a crime, how comes Catiline to be still so universally detested, for only intending what Caesar accomplished! It is true, Caesar did not burn Rome; nor did he save it out of any tenderness to it, but saved it for himself: He spared fire, only because the sword was sufficient. I would here ask another question: If Oliver Cromwell had died by any of the numerous conspiracies formed to take away his life; would posterity have condemned the action for this reason alone, that it was done the only way that it could be done?

But there is an instance in the Roman history, that will set this matter yet in a fuller light; it is the story of Spartacus, a Thracian slave and gladiator, who bid fair for being lord of the Roman world. He seems to me to have had personal qualifications and abilities, as great as those of Caesar, without Caesar’s birth and education, and without the measure of Caesar’s guilt. For I hope all mankind will allow it a less crime in any man to attempt to recover his own liberty, than wantonly and cruelly to destroy the liberty of his country.

It is astonishing to consider, how a poor slave, from the whip and the chain, followed only by about seventy fugitive gladiators, should begin a revolt from the most powerful state that ever the world saw; should gather and form, by his courage and dexterity, a formidable army; should inspire resolution and fidelity into the very dregs of mankind; should qualify his sudden soldiers, composed of thieves and vagabonds, to face and defeat the Roman legions, that were a terror to the world, and had conquered it; should keep together, without pay or authority, a raw and lawless rabble, till he had vanquished two Roman armies, and one of them a Praetorian army: And even when Crixius, his fellow-commander, envying his glory and success, had withdrawn from him, and carried with him a great number of his forces, and was cut to pieces with twenty thousand of his men, by Q. Arrius the praetor, yet he still continued to conquer. He beat that very Arrius that had killed Crixius; he defeated Lentulus the consul; he overcame L. Gellius, another consul; and in all likelihood, had he not been weakened by the above defection of Crixius, he had beat Crassus too, and seen himself lord of Rome.

Now I would ask the advocates of lawless power, the friends to the life and name of Caesar, whether Spartacus, if he had succeeded in his last battle against Crassus, had been lawful and irresistible King of Rome? And whether the Senate and people of Rome, with the greatest part of the known world, would have owed him duty and allegiance? Or, would he not have continued still a thief and a robber? And if he had continued so, then, by all the laws of nature and self-preservation, as well as by the municipal laws of every country in the world, every man was at liberty to seize him how he could, and to kill him if he resisted, or ran away.

Tell me, O ye unlimited slaves, ye beasts of lawless power, ye loyal levellers of right and wrong! how came Caesar by a better title to dominion than Spartacus had, whose sword was as good, though not quite so prosperous and destructive, as Caesar's? Tell me where lay the difference between them, unless in their different success; and that Spartacus was as great a man, but Caesar a greater traitor and tyrant?

Indeed, had Sir Robert Filmer, or any other of the honest and sage discoverers of Adam's right heir, lived in those days (as they have done since, and plainly pointed him out) and complimented Caesar, as doubtless they would, with a lineal and hereditary title from Aeneas, wandering prince of Troy; he might have been called the Lord's Anointed, as well as others, and his assassination been accounted rebellion, and worse than the sin of witchcraft. But as I do not find that Caesar, though he valued himself upon his descent from the pious Trojan hero, did yet claim any dictatorial right by virtue of his illustrious parentage; I have therefore taken liberty to treat him as a mere traitor, an usurper, and a tyrant.

G I am, &c.

About this Quotation:

The idea of having a quote of the month or quote of the week was to highlight some recently added text which had something particularly apt to say about mankind's struggle for Liberty and against the intrusions on that liberty by Power – hence the title of this collection “Quotations about Liberty and Power”. It was also hoped that the quote would inspire readers to delve more deeply into the online collection, to follow the links provided to other books by the author or related subject matter, and to generally explore the website and its resources.

What should be the first Quote for a project of the scope of the Online Library of Liberty? The OLL website went live to the public in March 2004 with nearly 300 titles so the possibilities for selection were quite large. It was decided to choose *Cato's Letters* by Trenchard and Gordon because it was a book published by Liberty Fund and because the two authors had had a profound effect on bringing to the attention of the American colonists the threat posed to their liberties by the British Empire and its corrupt government. A secondary factor was the recent showing on cable television of a movie about the Roman slave Spartacus who led one of the more significant slave revolts against the Roman Empire in 73 BC. Not surprisingly, this symbolic event was discussed by Trenchard and Gordon in their attacks on the British Empire in the 1720s. In fact, Trenchard and Gordon were not alone in using the example of “Cato” to symbolise the struggle for liberty against power. For many people in the 18th century Shakespeare's play about *Julius Caesar* still carried a powerful message. A good example of this is Joseph Addison's play *Cato: A Tragedy* (1710), which was published by Liberty Fund in 2004.

Source

John Trenchard, *Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*. Four volumes in Two, edited and annotated by Ronald Hamowy (Indianapolis: Liberty Fund, 1995). Vol. 2. <http://oll.libertyfund.org/title/1238/64477/1597919>

Algernon Sidney's Motto was that his Hand (i.e. his pen) was an Enemy to all Tyrants (1660) (Aug 9, 2004)



[Algernon Sidney](#) (1622 – 1683)

In the Foreword to the Liberty Fund edition of Sidney's *Discourses* Thomas G. West discusses the importance of Sidney's work to the American Founding Fathers:

Thomas Jefferson regarded John Locke and Algernon Sidney as the two leading sources for the American understanding of the principles of political liberty and the rights of humanity. Locke's *Second Treatise* is readily available, but since 1805 only one major reprint of Sidney's *Discourses Concerning Government* has appeared until now. This neglect is as undeserved today as it was when John Adams wrote to Jefferson in 1823:

I have lately undertaken to read Algernon Sidney on government. ... As often as I have read it, and fumbled it over, it now excites fresh admiration [i.e., wonder] that this work has excited so little interest in the literary world. As splendid an edition of it as the art of printing can produce—as well for the intrinsic merit of the work, as for the proof it brings of the bitter sufferings of the advocates of liberty from that time to this, and to show the slow progress of moral, philosophical, and political illumination in the world—ought to be now published in America.

Sidney (or Sydney, as it was sometimes spelled) was once a popular hero. Like Socrates, he was famous for his controversial doctrines on government and for a nobility of character displayed during a dramatic trial and execution that was widely regarded as judicial murder. Unlike Socrates, Sidney was emphatically a political man and a partisan of republicanism. For a century and more he was celebrated as a martyr to free government, as Socrates is still celebrated as a martyr to the philosophic way of life. Socrates died the defiant inquirer, who knew only that he did not know the most important things. Sidney, in contrast, the defiant republican, kept getting into trouble for his democratic political views and projects. Asked to sign an inscription in the visitor's book at the University of Copenhagen, Sidney wrote, with typical spirit,

**Manus haec inimica tyrannis
Einse petit placidam cum libertate quietem.**

(This hand, enemy to tyrants,
By the sword seeks calm peacefulness with liberty.)

Eighteenth-century editors of Sidney's *Discourses* printed this beneath the frontispiece, and it remains the official motto of the state of Massachusetts to this day.

Sidney fell out of fashion during the nineteenth century. The educated began to favor statesmen like Cromwell and Napoleon, who relished the exercise of unrestrained power for grand projects in the service of mankind. Scholars have recently shown renewed interest in Sidney as an object of research. But in spite of twentieth-century tyrannies more terrible than any Sidney experienced or read about, he still fails to satisfy the taste of most contemporary intellectuals. This new edition of *Discourses Concerning Government* may provide an occasion for students of political liberty to reassess Sidney's eclipse.

About this Quotation:

Sidney was executed in 1683 by the restored Stuart monarchy because of his staunch republicanism which harkened back to the revolutionary period of the 1640s. It should be noted that Sidney's motto was adopted as the official seal of the Commonwealth of the State of Massachusetts in 1775.

Source

Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund 1996). <http://oll.libertyfund.org/title/223/22200/904025>

Thomas Gordon believes that bigoted Princes are subject to the “blind control” of other “Directors and Masters” who work behind the scenes (1737) (Oct 18, 2004)

Thomas Gordon (1692 – 1750)

Thomas Gordon, one of the co-authors of *Cato's Letters*, introduced his multi-volume translation of the works of Tacitus with a number of Discourses supposedly on Tacitus but which he also used to criticize the behavior of the contemporary British government:

Bigotry in a weak Prince, or in any Prince, is always one of his worst and most dangerous weaknesses, generally ruinous to his People, often to himself; as it subjects him to the blind controul of narrow-spirited and designing Guides (for all Bigots must have Directors and Masters) who in managing his conscience seldom forget their own interest, and to that interest often sacrifice the Public and all things.

Bigotry has a kindness for nothing but itself, and to all the rest of the world bears at best perfect unconcern, generally perfect malice. Hence wild wars and persecutions, Countries oppressed and exhausted, Communities enslaved and butchered, all perhaps for names and garments, for postures and grimaces, for sounds, and distinctions, and nonsense. Corresponding to the design is the result; numbers are made miserable or destroyed, that a few may flourish and domineer. For, that dominion is founded in Grace, and that the holy ought to inherit the Earth, is a position as old and extensive as roguery and enthusiasm. From this spirit Princes who are guided by it, instead of public Fathers and Protectors, often become public Pests and Destroyers; Nations are animated against Nations, and those of the same Nation plague and devour one another.

What human wisdom can restrain men actuated by divine fury? And when they think that the Deity commands them to spoil and kill, what avails any counsel or exhortation to protect and to save? Sheck Eidar a Prince and Enthusiast of Persia, having made a Reform of the Mahometan Religion there, declared it impossible to be saved without adhering to his system: And upon such as are to be damned in the next world, it is always deemed lawful, nay, necessary and meritorious, to inflict penalties and death in this.

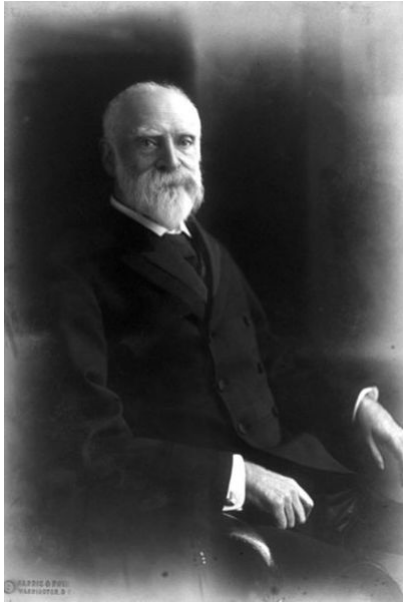
About this Quotation:

Thomas Gordon was one of the authors of the very popular *Cato's Letters* (1723) which circulated widely in the American colonies before the revolution. He was also well known for his commentaries on Tacitus who chronicled the corruption and tyranny of the Roman Empire. It was obvious to the colonists that he was also indirectly taking about the British Empire. His point here is that behind every “bigoted prince” there lies a “director” or “master” who really controls what is going on.

Source

Publius Cornelius Tacitus, *The Works of Tacitus. In Four Volumes*. To which are prefixed, Political Discourses upon that Author by Thomas Gordon. The Second Edition, corrected. (London: T. Woodward and J. Peele, 1737). Vol. 3. <http://oll.libertyfund.org/title/786/79212/1899930>

James Bryce believed that the Founders intended that the American President would be “a reduced and improved copy of the English king” (1885) (Nov 2, 2004)



[Viscount James Bryce](#) (1838 – 1922)

Bryce discusses the office of President and the manner of his election in a Chapter on "The President":

Assuming that there was to be such a magistrate [the office of President], the statesmen of the Convention, like the solid practical men they were, did not try to construct him out of their own brains, but looked to some existing models. They therefore made an enlarged copy of the state governor, or to put the same thing differently, a reduced and improved copy of the English king. He is George III shorn of a part of his prerogative by the intervention of the Senate in treaties and appointments, of another part by the restriction of his action to federal affairs, while his dignity as well as his influence are diminished by his holding office for four years instead of for life. His salary is too small to permit him either to maintain a court or to corrupt the legislature; nor can he seduce the virtue of the citizens by the gift of titles of nobility, for such titles are altogether forbidden. Subject to these precautions, he was meant by the Constitution-framers to resemble the state governor and the British king, not only in being the head of the executive, but in standing apart from and above political parties. He was to represent the nation as a whole, as the governor represented the state commonwealth. The independence of his position, with nothing either to gain or to fear from Congress, would, it was hoped, leave him free to think only of the welfare of the people.

This idea appears in the method provided for the election of a president. To have left the choice of the chief magistrate to a direct popular vote over the whole country would have raised a dangerous excitement, and would have given too much encouragement to candidates of merely popular gifts. To have entrusted it to Congress would have not only subjected the executive to the legislature in violation of the principle which requires these departments to be kept distinct, but have tended to make him the creature of one particular faction instead of the choice of the nation. Hence the device of a double election was

adopted, perhaps with a faint reminiscence of the methods by which the doge was then still chosen at Venice and the emperor in Germany. The Constitution directs each state to choose a number of presidential electors equal to the number of its representatives in both houses of Congress. Some weeks later, these electors meet in each state on a day fixed by law, and give their votes in writing for the president and vice-president. The votes are transmitted, sealed up, to the capital and there opened by the president of the Senate in the presence of both houses and counted. To preserve the electors from the influence of faction, it is provided that they shall not be members of Congress, nor holders of any federal office. This plan was expected to secure the choice by the best citizens of each state, in a tranquil and deliberate way, of the man whom they in their unfettered discretion should deem fittest to be chief magistrate of the Union. Being themselves chosen electors on account of their personal merits, they would be better qualified than the masses to select an able and honourable man for president. Moreover, as the votes are counted promiscuously, and not by states, each elector's voice would have its weight. He might be in a minority in his own state, but his vote would nevertheless tell because it would be added to those given by electors in other states for the same candidate.

No part of their scheme seems to have been regarded by the Constitution-makers of 1787 with more complacency than this, although no part had caused them so much perplexity. No part has so utterly belied their expectations. The presidential electors have become a mere cog-wheel in the machine; a mere contrivance for giving effect to the decision of the people. Their personal qualifications are a matter of indifference. They have no discretion, but are chosen under a pledge – a pledge of honour merely, but a pledge which has never (since 1796) been violated – to vote for a particular candidate. In choosing them the people virtually choose the president, and thus the very thing which the men of 1787 sought to prevent has happened – the president is chosen by a popular vote. Let us see how this has come to pass.

About this Quotation:

There are three points to make concerning Bryce. The first is that it is always stimulating to see America through the eyes of a foreigner, like Alexis de Tocqueville or Harriet Martineau. Secondly, that this quote was posted while an election was taking place in the U.S.. And thirdly, that like other Victorian gentlemen such as Herbert Spencer or Lysander Spooner, he sported a luxuriant beard which one can see in the photograph.

Source

Viscount James Bryce, *The American Commonwealth*, with an Introduction by Gary L. McDowell, 2 vols (Indianapolis: Liberty Fund, 1995). <http://oll.libertyfund.org/title/809/187903/3060627>

Vicesimus Knox tries to persuade an English nobleman that some did not come into the world with “saddles on their backs and bridles in their mouths” and some others like him came “ready booted and spurred to ride the rest to death” (1793) (Jan 17, 2005)



[Vicesimus Knox](#) (1752 – 1821)

In the preface to a series of letters written to a young English nobleman in 1793, Vicesimus Knox declares his own love of liberty and explains how the next generation of English aristocrats might reconcile true liberty and peace with their social station, and so avoid what was happening to the aristocracy in France:

If I lean to liberty, I glory in it. I lean to that which every independent mind must love. He who is cordially attached to letters, will probably be attached, with peculiar affection, to liberty; for liberty is the friend of literature, as well as of every thing beautiful and honourable. Tyranny hates it. Tyranny has commonly been ignorant. Tyrants over men, and slaves to their own passions and caprice, have usually been brought up in illiterate voluptuousness; and seem, like the poor savages of some desert isle, to hate letters and sciences, merely because they are strangers to them. Weak eyes shrink from a strong light. But as light is indisputably to be preferred to darkness, so is even democracy to despotism. Ignorant despotism presiding over an enlightened people, is no less ridiculous than detestable; but ignorant it has usually been, and supported merely by brute force, by an ignorant and mercenary army...

Peace is the chief good of a commercial, and indeed of every people. European nations, with all their improvements in civilisation, are still too near the savage state, while they terminate their contests by war. Nothing but self-defence can justify it. And if those who decree that it shall take place, under any circumstances but the necessity of selfdefence, were compelled to go into the field in person, it is probable that national disputes would be settled by the arbitration of neutral powers, and the sword converted into the ploughshare. To avoid war, the sorest calamity of human nature, should be the chief object

of every humane man, and wise minister. If war at all times is to be shunned, it is more particularly at this time, when ill success may probably cause that anarchy and confusion, which has yet existed among us in idea only. When taxes shall be enormously increased, (as they must be in a war of this character,) many, it is to be feared, will desert the standard to which they have lately crept with blind servility, and rally round the torch of discord...

If zeal in a good cause has led to any ardour of expression, I trust I shall need no pardon. I have no sordid interest to serve in what I have done. I have not been obsequious to power. I have nothing to ask of it, nothing to expect from it, and from the candid judgment of the public I have nothing to fear. I have employed my literary leisure in a way that I thought might be useful; and if one idea only is serviceable to the country, it will be acknowledged as meritorious, when the temporary prejudices of party shall be lost in the radiance of eternal truth.

I am attached to the king and to the lords; but I am more attached to the commons; and I will adopt the saying of Rumbald in the reign of Charles the Second, as recorded by Burnet: "I do not imagine the Almighty intended, that the greatest part of mankind should come into the world with saddles on their backs and bridles in their mouths, and a few ready booted and spurred to ride the rest to death."

About this Quotation:

Like Adam Smith, his near contemporary, Knox tutored young members of the nobility, trying to instill in them some love of liberty and respect for the rights of others. In this quotation Knox uses an old adage of freedom lovers, that some privileged men are not born to ride on saddles placed on the backs of the poor and weak.

Source

Vicesimus Knox, *The Works of Vicesimus Knox, D.D. with a Biographical Preface*. In Seven Volumes (London: J. Mawman, 1824). Vol. 5. <http://oll.libertyfund.org/title/630/82226/1940734>

John Milton believes men live under a “double tyranny” within (the tyranny of custom and passions) which makes them blind to the tyranny of government without (1649) (Apr 18, 2005)



John Milton (1608 – 1674)

Milton draws upon classical authorities and Christian writers to support his argument that the people have the right and duty to rise up in rebellion and overthrow a tyrant:

THE TENURE OF KINGS AND MAGISTRATES:

PROVING THAT IT IS LAWFUL, AND HATH BEEN HELD SO THROUGH ALL AGES, FOR ANY, WHO HAVE THE POWER, TO CALL TO ACCOUNT A TYRANT, OR WICKED KING; AND, AFTER DUE CONVICTION, TO DEPOSE, AND PUT HIM TO DEATH; IF THE ORDINARY MAGISTRATE HAVE NEGLECTED, OR DENIED TO DO IT. AND THAT THEY, WHO OF LATE SO MUCH BLAME DEPOSING, ARE THE MEN THAT DID IT THEMSELVES.

If men within themselves would be governed by reason, and not generally give up their understanding to a double tyranny, of custom from without, and blind affections within; they would discern better what it is to favour and uphold the tyrant of a nation. But being slaves within doors, no wonder that they strive so much to have the public state conformably governed to the inward vicious rule, by which they govern themselves. For indeed none can love freedom heartily, but good men: the rest love not freedom, but license: which never hath more scope, or more indulgence than under tyrants. Hence is it, that tyrants are not oft offended, not stand much in doubt of bad men, as being all naturally servile; but in whom virtue and true worth most is eminent, them they fear in earnest, as by right their masters; against them lies all their hatred and suspicion. Consequently neither do bad men hate tyrants, but have been always readiest, with the falsified names of Loyalty and Obedience, to colour over their base compliances. And although sometimes for shame, and when it comes to their own grievances, of purse especially, they would seem good patriots, and side with the better cause, yet when others for the deliverance of their country endued with fortitude and heroic virtue, to fear nothing but the curse written against those “that do the work of the Lord negligently,” would go on to remove, not only the calamities and thraldoms of a people, but the roots and causes whence they spring; straight these men, and sure helpers at need, as if they hated only the miseries, but not the mischiefs, after they have juggled and paltered with the world, bandied and borne arms against their king, divested him, disanointed him, nay, cursed him all over in their pulpits, and their pamphlets, to the engaging of sincere and real men beyond what is possible or honest to retreat from, not only turn revoltors from those principles, which only could at first move them, but lay the strain of disloyalty, and worse, on those proceedings, which are the necessary consequences of their own former actions; nor disliked by themselves, were they managed to the entire advantages of their own faction; not considering the while that he, toward whom they boasted their new fidelity, counted them accessory; and by those statutes and laws, which they so impotently brandish against others, would have doomed them to a traitor’s death for what they have done already. It is true, that most men are apt enough to civil wars and commotions as a novelty, and for a flash hot and active; but through sloth or inconstancy, and weakness of spirit, either fainting ere their own pretences, though never so just, be half attained, or, through an inbred falsehood and wickedness, betray oftentimes to destruction with themselves men of noblest temper joined with them for causes, whereof they in their rash undertakings were not capable. If God and a good cause give them victory, the prosecution whereof for the most part inevitably draws after it the alteration of laws, change of government, downfall of princes with their families; then comes the task to those worthies, which are the soul of that enterprise, to be sweat and laboured out amidst the throng and noses of vulgar and irrational men. Some contesting for privileges, customs, forms, and that old entanglement of iniquity, their gibberish laws, though the badge of their ancient slavery. Others, who have been fiercest against their

prince, under the notion of a tyrant, and no mean incendiaries of the war against them, when God, out of his providence and high disposal hath delivered him into the hand of their brethren, on a sudden and in a new garb of allegiance, which their doings have long since cancelled, they plead for him, pity him, extol him, protest against those that talk of bringing him to the trial of justice, which is the sword of God, superior to all mortal things, in whose hand soever by apparent signs his testified will is to put it. But certainly, if we consider, who and what they are, on a sudden grown so pitiful, we may conclude their pity can be no true and Christian commiseration, but either levity and shallowness of mind, or else a carnal admiring of that worldly pomp and greatness, from whence they see him fallen; or rather, lastly, a dissembled and seditious pity, feigned of industry to beget new discord. As for mercy, if it be to a tyrant, under which name they themselves have cited him so oft in the hearing of God, of angels, and the holy church assembled, and there charged him with the spilling of more innocent blood by far, than ever Nero did, undoubtedly the mercy which they pretend is the mercy of wicked men, and “their mercies,” we read, “are cruelties;” hazarding the welfare of a whole nation, to have saved one whom they so oft have termed Agag, and vilifying the blood of many Jonathans that have saved Israel; insisting with much niceness on the unnecessariest clause of their covenant wrested, wherein the fear of change and the absurd contradiction of a flattering hostility had hampered them, but not scrupling to give away for compliments, to an implacable revenge, the heads of many thousand Christians more.

About this Quotation:

We have turned to the writings of John Milton many times in the selection of these quotations. It is not just because 2008 is the 400th anniversary of his birth, or that he is one of the greatest poets in the English language, or that he was a participant in the English Revolution of the 1640s which saw the overthrow of the Stuart monarchy, the execution of a king, the installation of a republic which turned into a new form of tyranny under Cromwell. It is all these facts which make him a fascinating figure. In this long passage Milton is keen to demonstrate the justice of overthrowing a tyrant king, something which the American colonists were to do in their own way 150 years after Milton wrote these words. What is interesting in this passage is the exploration of what happens to men who live under a corrupt and tyrannical regime.

Source

John Milton, *The Tenure of Kings and Magistrates*, edited with Introduction and Notes by William Talbot Allison (New York: Henry Holt and Co., 1911). <http://oll.libertyfund.org/title/271/43714/853491>

Montesquieu states that the Roman Empire fell because the costs of its military expansion introduced corruption and the loyalty of its soldiers was transferred from the City to its generals (1734) (May 2, 2005)



[Charles Louis de Secondat, Baron de Montesquieu](#) (1689 – 1755)

Montesquieu argues that the military expansion of Rome led to its inevitable decline by introducing corruption and the transferring of the loyalty of its citizen soldiers from the city of Rome to their generals:

Chap. IX. Two Causes which destroyed Rome.

WHILST the sovereignty of Rome was confined to Italy, it was easy for the commonwealth to subsist: every soldier was at the same time a citizen; every consul raised an army, and other citizens marched into the field under his successor: as their forces were not very numerous, such persons only were received among the troops, as had possessions considerable enough to make them interested in the preservation of the city; the senate kept a watchful eye over the conduct of the generals, and did not give them an opportunity of machinating any thing to the prejudice of their country.

But after the legions had passed the Alps and crossed the sea, the soldiers, whom the Romans had been obliged to leave during several campaigns in the countries they were subduing, lost insensibly that genius and turn of mind which characterized a Roman citizen; and the generals, having armies and kingdoms at their disposal, were sensible of their own strength, and could no longer obey.

The soldiers therefore began to acknowledge no superior but their general; to found their hopes on him only, and to view the city as from a great distance: they were no longer the soldiers of the republic, but of Sylla, of Marius, of Pompey, and of Cæsar. The Romans could no longer tell, whether the person who headed an army in a province was their general or their enemy.

So long as the people of Rome were corrupted by their tribunes only, on whom they could bestow nothing but their power, the senate could easily defend themselves, because they acted consistently and with one regular tenor; whereas the common people were continually shifting from the extremes of fury to the extremes of cowardice; but when they were enabled to invest their favourites with a formidable exterior authority, the whole wisdom of the senate was baffled, and the commonwealth was undone.

The reason why free states are not so permanent as other forms of government, is, because the misfortunes and successes which happen to them, generally occasion the loss of liberty; whereas the successes and misfortunes of an arbitrary government, contribute equally to the enslaving of the people. A wise republic ought not to run any hazard which may expose it to good or ill fortune; the only happiness the several individuals of it should aspire after, is, to give perpetuity to their state.

If the unbounded extent of the Roman empire proved the ruin of the republic, the vast compass of the city was no less fatal to it.

About this Quotation:

Many 18th century authors were drawn to the historical example of the fall of the Roman Empire: Montesquieu, Gibbon, Gordon, and others. They saw in the high taxes, standing army, military conquest, and political corruption a strong parallel with the present. Many of the American Founding Fathers were avid readers of Roman history, especially Tacitus, and hoped to design a new republic's constitution in order avoid Rome's fate.

Source

Charles Louis de Secondat, Baron de Montesquieu, *The Complete Works of M. de Montesquieu* (London: T. Evans, 1777), 4 vols. Vol. 3. <http://oll.libertyfund.org/title/1338/74592/1825292>

Edward Gibbon believed that unless public liberty was defended by “intrepid and vigilant guardians” any constitution would degenerate into despotism (1776) (Jul 18, 2005)



Edward Gibbon (1737 – 1794)

In Chapter III of the first volume of his magisterial history of the decline of Rome, Gibbon reflects upon the Constitution of the Roman Empire in the Age of the Antonines:

The obvious definition of a monarchy seems to be that of a state, in which a single person, by whatsoever name he may be distinguished, is entrusted with the execution of the laws, the management of the revenue, and the command of the army. But unless public liberty is protected by intrepid and vigilant guardians, the authority of so formidable a magistrate will soon degenerate into despotism. The influence of the clergy, in an age of superstition, might be usefully employed to assert the rights of mankind; but so intimate is the connection between the throne and the altar, that the banner of the church has very seldom been seen on the side of the people. A martial nobility and stubborn commons, possessed of arms, tenacious of property, and collected into constitutional assemblies, form the only balance capable of preserving a free constitution against enterprises of an aspiring prince.

Every barrier of the Roman constitution had been levelled by the vast ambition of the dictator; every fence had been extirpated by the cruel hand of the triumvir. After the victory of Actium, the fate of the Roman world depended on the will of Octavianus, surnamed Cæsar by his uncle's adoption, and afterwards Augustus, by the flattery of the senate. The conqueror was at the head of forty-four veteran legions, conscious of their own strength and of the weakness of the constitution, habituated during twenty years' civil war to every act of blood and violence, and passionately devoted to the house of Cæsar, from whence alone they had received and expected the most lavish rewards. The provinces, long oppressed by the ministers of the republic, sighed for the government of a single person, who would be the master, not the accomplice, of those petty tyrants. The people of Rome, viewing with a secret pleasure the humiliation of the aristocracy, demanded only bread and public shows, and were supplied with both by the liberal hand

of Augustus. The rich and polite Italians, who had almost universally embraced the philosophy of Epicurus, enjoyed the present blessings of ease and tranquillity, and suffered not the pleasing dream to be interrupted by the memory of their old tumultuous freedom. With its power, the senate had lost its dignity; many of the most noble families were extinct. The republicans of spirit and ability had perished in the field of battle, or in the proscription. The door of the assembly had been designedly left open for a mixed multitude of more than a thousand persons, who reflected disgrace upon their rank, instead of deriving honour from it.

The reformation of the senate was one of the first steps in which Augustus laid aside the tyrant and professed himself the father of his country. He was elected censor; and, in concert with his faithful Agrippa, he examined the list of the senators, expelled a few members, whose vices or whose obstinacy required a public example, persuaded near two hundred to prevent the shame of an expulsion by a voluntary retreat, raised the qualification of a senator to about ten thousand pounds, created a sufficient number of patrician families, and accepted for himself the honourable title of Prince of the Senate, which had always been bestowed by the censors on the citizen the most eminent for his honours and services. But, whilst he thus restored the dignity, he destroyed the independence of the senate. The principles of a free constitution are irrecoverably lost, when the legislative power is nominated by the executive.

About this Quotation:

1776, the year Gibbon's great work on the decline of the Roman Empire was first published, was also the year in which Adam Smith published *The Wealth of Nations* as well as the year in which the American Declaration of Independence was signed, thus beginning the revolution and war against Great Britain.

Source

Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J.B. Bury with an Introduction by W.E.H. Lecky (New York: Fred de Fau and Co., 1906), in 12 vols. Vol. 1.
<http://oll.libertyfund.org/title/1365/50991/1472854>

Adam Ferguson notes that “implicit submission to any leader, or the uncontrolled exercise of any power” leads to a form of military government and ultimately despotism (1767) (Sep 26, 2005)



[Adam Ferguson](#) (1723 – 1816)

In SECTION VI. "Of the Progress and Termination of Despotism" of his pioneering work of "philosophical history," Adam Ferguson reflects on how free and prosperous nations might step-by-step degenerate into despotism:

SECTION VI. Of the Progress and Termination of Despotism.

MANKIND, when they degenerate, and tend to their ruin, as well as when they improve, and gain real advantages, frequently proceed by slow, and almost insensible steps. If, during ages of activity and vigour, they fill up the measure of national greatness to a height which no human wisdom could at a distance foresee; they actually incur, in ages of relaxation and weakness, many evils which their fears did not suggest, and which, perhaps, they had thought far removed by the tide of success and prosperity.

We have already observed, that where men are remiss or corrupted, the virtue of their leaders, or the good intention of their magistrates, will not always secure them in the possession of political freedom. Implicit submission to any leader, or the uncontrolled exercise of any power, even when it is intended to operate for the good of mankind, may frequently end in the subversion of legal establishments. This fatal revolution, by whatever means it is accomplished, terminates in military government; and this, though the simplest of all governments, is rendered complete by degrees. In the first period of its exercise over men who have acted as members of a free community, it can have only laid the foundation, not completed the fabric, of a despotical policy. The usurper who has possessed, with an army, the centre of a great empire, sees around him, perhaps, the shattered remains of a former constitution ; he may hear the murmurs of a reluctant and unwilling submission ; he may even see danger in the aspect of many, from whose hands he may have wrested the sword, but whose minds he has not subdued, nor reconciled to his power.

About this Quotation:

A common theme in many 18th century authors was that of decline, corruption, and the descent into despotism. This can be clearly seen in Edward Gibbon's *Decline and Fall of the Roman Empire* (1776) and here in Adam Ferguson's book. The image Ferguson uses, of decline and loss of liberty by "slow, and almost imperceptible steps" reminds one of the story of the frog in the pot of boiling water. It does not know when to jump out of the pot until it is too late.

Source

Adam Ferguson, *An Essay on the History of Civil Society*, 5th ed. (London: T. Cadell, 1782).
<http://oll.libertyfund.org/title/1428/19784/1566659>

John Milton laments the case of a people who won their liberty “in the field” but who then foolishly “ran their necks again into the yoke” of tyranny (1660) (Oct 3, 2005)



John Milton (1608 – 1674)

After having fought for individual liberty in the English Revolution, the English poet John Milton was appalled that oppressive monarchy would be returned in 1660:

The happiness of a nation must needs be firmest and certainest in full and free council of their own electing, where no single person, but reason only, sways. And what madness is it for them who might manage nobly their own affairs themselves, sluggishly and weakly to devolve all on a single person; and more like boys under age than men, to commit all to his patronage and disposal, who neither can perform what he undertakes, and yet for undertaking it, though royally paid, will not be their servant, but their lord! How unmanly must it needs be, to count such a one the breath of our nostrils, to hang all our felicity on him, all our safety, our well-being, for which if we were aught else but sluggards or babies, we need depend on none but God and our own counsels, our own active virtue and industry! “Go to the ant, thou sluggard,” saith Solomon; “consider her ways, and be wise; which having no prince, ruler, or lord, provides her meat in the summer, and gathers her food in the harvest:” which evidently shows us, that they who think the nation undone without a king, though they look grave or haughty, have not so much true spirit and understanding in them as a pismire: neither are these diligent creatures hence concluded to live in lawless anarchy, or that commended, but are set the examples to imprudent and ungoverned men, of a frugal and self-governing democracy or commonwealth; safer and more thriving in the joint providence and counsel of many industrious equals, than under the single domination of one imperious lord. It may be well wondered that any nation, styling themselves free, can suffer any man to pretend hereditary right over them as their lord; whenas by acknowledging that right, they conclude themselves his servants and his vassals, and so renounce their own freedom. Which how a people and their leaders especially can do, who have fought so gloriously for liberty; how they can change their noble words and actions, heretofore so becoming the majesty of a free people, into the base necessity of court-flatteries and prostrations, is not only strange and admirable, but

lamentable to think on. **That a nation should be so valorous and courageous to win their liberty in the field, and when they have won it, should be so heartless and unwise in their counsels, as not to know how to use it, value it, what to do with it, or with themselves; but after ten or twelve years' prosperous war and contestation with tyranny, basely and besottedly to run their necks again into the yoke which they have broken, and prostrate all the fruits of their victory for nought at the feet of the vanquished,** besides our loss of glory, and such an example as kings or tyrants never yet had the like to boast of, will be an ignominy if it befall us, that never yet befell any nation possessed of their liberty; worthy indeed themselves, whatsoever they be, to be for ever slaves, but that part of the nation which consents not with them, as I persuade me of a great number, far worthier than by their means to be brought into the same bondage. Considering these things so plain, so rational, I cannot but yet further admire on the other side, how any man, who hath the true principles of justice and religion in him, can presume or take upon him to be a king and lord over his brethren, whom he cannot but know, whether as men or Christians, to be for the most part every way equal or superior to himself: how he can display with such vanity and ostentation his regal splendor, so supereminently above other mortal men; or being a Christian, can assume such extraordinary honour and worship to himself, while the kingdom of Christ, our common king and lord, is hid to this world, and such Gentilish imitation forbid in express words by himself to all his disciples. All protestants hold that Christ in his church hath left no vicegerent of his power; but himself, without deputy, is the only head thereof, governing it from heaven: how then can any Christian man derive his kingship from Christ, but with worse usurpation than the pope his headship over the church, since Christ not only hath not left the least shadow of a command for any such vicegerence from him in the state, as the pope pretends for his in the church, but hath expressly declared, that such regal dominion is from the Gentiles, not from him, and hath strictly charged us not to imitate them therein?

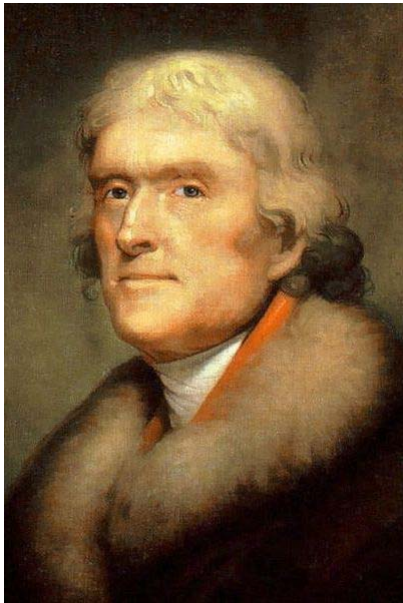
About this Quotation:

It must be heartbreaking for a man with the intellectual gifts and liberal sentiments Milton had, as a poet and political theorist and defender of free speech, to see the Republic and the revolution he had fought so hard for, turn into a dictatorship under Cromwell and then face the ignominy of a restoration of the oppressive Stuarts monarchy. It did mean however that Milton was forced to return to writing poetry. For that at least, we must be grateful.

Source

John Milton, *The Ready and Easy Way to Establish a Free Commonwealth*, edited with Introduction, Notes, and Glossary by Evert Mordecai Clark (New Haven: Yale University Press, 1915).
<http://oll.libertyfund.org/title/272/41738/860953>

Thomas Jefferson opposed vehemently the Alien and Sedition Laws of 1798 which granted the President enormous powers showing that the government had become a tyranny which desired to govern with "a rod of iron" (1798) (Dec 19, 2005)



Thomas Jefferson (1743 – 1826)

Jefferson opposed vehemently the Alien and Sedition Laws of 1798 which granted the President enormous powers to restrict the activities of supporters of the French Revolution in the United States. Jefferson kept his authorship of the opposing Kentucky Resolutions a secret until 1821. In the 8th resolution Jefferson asserts that the US government had become a tyranny which desired to govern with "a rod of iron":

1. *Resolved*, That the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral part, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth, on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by said act intituled “An Act concerning aliens” is contrary to the Constitution, one amendment to which has

provided that “no person shall be deprived of liberty without due progress of law”; and that another having provided that “in all criminal prosecutions the accused shall enjoy the right to public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;” the same act, undertaking to authorize the President to remove a person out of the United States, who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defense, without counsel, is contrary to the provision also of the Constitution, is therefore not law, but utterly void, and of no force: that transferring the power of judging any person, who is under the protection of the laws from the courts, to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that “the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior”; and that the said act is void for that reason also. And it is further to be noted, that this transfer of judiciary power is to that magistrate of the general government who already possesses all the Executive, and a negative on all Legislative powers.

8th. ... that if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes and punish it themselves whether enumerated or not enumerated by the constitution as cognizable by them: that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of the inhabitants of these States being, by this precedent, reduced, as outlaws, to the absolute dominion of one man, and the barrier of the Constitution thus swept away from us all, no ramparts now remains against the passions and the powers of a majority in Congress to protect from a like exportation, or other more grievous punishment, the minority of the same body, the legislatures, judges, governors and counsellors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the President, or be thought dangerous to his or their election, or other interests, public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a sedition act marked him as its prey: **that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood and will furnish new calumnies against republican government, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron: that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism — free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power:**

that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits, Let him say what the government is, if it be not a tyranny, which the men of our choice have con erred on our President, and the President of our choice has assented to, and accepted over the friendly stranger to whom the mild spirit of our country and its law have pledged hospitality and protection: that the men of our choice have more respected the bare suspicion of the President, than the solid right of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of powers, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. That this commonwealth does therefore call on its co-States for an expression of their sentiments on the acts concerning aliens and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment unaltered to limited government, weather general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own. That they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely as the cases made federal, casus fœderis but), in all cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.

About this Quotation:

We thought it might be interesting to end 2005 with another quotation from Thomas Jefferson. This one was penned anonymously by Jefferson in 1798 as part of the campaign to oppose president John Adam's "Alien and Sedition Acts" which Jefferson believed allowed the government to act in an arbitrary and despotic manner and turned the government into a "rod of iron". Jefferson's advised that citizens should never have confidence that their government will remained limited in its powers, but rather they should always be jealous and suspicious of its actions – "free government is founded in jealousy" as he put it.

Source

Bruce Frohnen, *The American Republic: Primary Sources*, ed. Bruce Frohnen (Indianapolis: Liberty

Fund, 2002). <http://oll.libertyfund.org/title/669/206263/3363946>

Benjamin Constant argued that mediocre men, when they acquired power, became “more envious, more obstinate, more immoderate, and more convulsive” than men with talent (1815) (Jan 23, 2006)



[Benjamin Constant](#) (1767 – 1830)

In a lengthy discussion of the composition and behavior of representative assemblies Constant has this to say about mediocrity (pp. 329-30):

When the election depends on an electoral college, another route is mapped out. It is certainly not toward the countryman's dwelling but toward the palace of the electoral college that the candidates direct their steps. They are dependent not on the people but on the government, and if dependence on inferiors makes citizens, dependence on superiors makes slaves. It is a sad education for the people's mandatories which imposes on them an apprenticeship in dissimulation and hypocrisy, condemning them to humiliating supplication, to obsequious salutation, to adroitness, genuflection, and flattery, doubtless to prepare them for the unbending courage which has to check despotism and plead the cause of the weak against the strong. There are eras when anything at all resembling energy is feared, when gentleness, flexibility, and hidden gifts and private virtues are vaunted. Then are dreamed up modes of election best suited to reward these precious gifts. These, however, are eras of degradation. Let sweetness and flexibility find favor with courts, and let hidden talents declare themselves; let private virtues find their reward in domestic happiness. **The choice of the people belongs to men who command attention, who attract respect, who have acquired the right to esteem, confidence, and popular recognition. And these more energetic men will also be moderate. People always take mediocrity as peaceful. It is peaceful only when it is locked up. When chance invests it with power, it is a thousand times more incalculable in its motion, more envious, more obstinate, more immoderate, and more convulsive than talent, even when emotions lead the latter astray.** Education calms the emotions, softens egotism, and soothes vanity.

About this Quotation:

Benjamin Constant is concerned here that “mediocre men” when they get elected to power, often do dangerous or foolish things. Viscount Bryce later in the century had similar concerns about the kind of men who were elected to the office of president in the United States. Friedrich Hayek just dismissed the lot when he wrote a chapter in *The Road to Serfdom* (1944) entitled “Why the Worst get on Top.”

Source

Benjamin Constant, *Principles of Politics Applicable to all Governments*, trans. Dennis O’Keeffe, ed. Etienne Hofmann, Introduction by Nicholas Capaldi (Indianapolis: Liberty Fund, 2003).
<http://oll.libertyfund.org/title/861/109099/2280024>

After the restoration of the monarchy in 1660 John Milton was concerned with both how the triumphalist monarchists would treat the English people and how the disheartened English people would face their descendants (1660) (Aug 7, 2006)



John Milton (1608 – 1674)

In 1660, with the Restoration of the English monarchy and the end of the experiment in Republican government, Milton was concerned with both how the triumphalist monarchists would treat the English people and how the English people would face their descendants:

But admitt, that monarchy of it self may be convenient to som nations, yet to us who have thrown it out, received back again, it cannot but prove pernicious. For [the] kings to com, never forgetting thir former ejection, will be sure to fortifie and arme themselves sufficiently for the future against all such attempts heerafter from the people: who shall be then so narrowly watch'd and kept so low, [as that besides the loss of all thir blood, and treasure spent to no purpose,], that though they would never so fain and at the same rate of thir blood and treasure, they never shall be able to regain what they now have purchasd and may enjoy, or to free themselves from any yoke impos'd upon them. nor will they dare to go about it; utterly disheartn'd for the future, if these thir highest attempts prove unsuccesfull; which will be the triumph of all tyrants heerafter over any people that shall resist oppression; and thir song will then be, to others, how sped the rebellious English? to our posteritie, how sped the rebells your fathers? This is not my conjecture, but drawn from God's known denouncement against the gentilizing Israelites; who though they were governd in a Commonwealth of God's own ordaining, he only thir king, they his peculiar people, yet affecting rather to resemble heathen, but pretending the misgovernment of Samuel's sons, no more a reason to dislike thir Commonwealth, then the violence of Eli's sons was imputable to that priesthood or religion, clamour'd for a king. They had thir longing; but with this testimonie of God's wrath; ye shall cry out in that day because of your king whom ye shall have chosen, and the Lord will not hear you in that day. Us if he shall hear now, how much less will he hear when we cry hereafter, who once deliverd by him from a king, and not without wondrous acts of his providence, insensible and unworthie of those

high mercies, are returning precipitantly, if he withhold us not, back to the captivitie from whence he freed us. Yet neither shall we obtain or buy at an easie rate this new guilded yoke which thus transports us: [Besides this,] a new royal-revenue must be found; a new episcopal; for those are individual: both which being wholly dissipated or bought by private persons, or assing'd for service don, and especially to the Armie, cannot be recovered without a general detriment and confusion to men's estates, or a heavy imposition on all men's purses. benefit to none, but to the worst and ignoblest sort of men, whose hope is to be either the ministers of court riot and excess, or the gainers by it: But not to speak more of losses and extraordinarie levies on our estates, what will then be the [Not to speak of] revenges and offences [that will be] rememberd and returnd, not only by the chief person, but by all his adherents; accounts and reparations that will be requir'd, suites [and] inditements, inquiries, discoveries, complaints, informations, who knows against whom, or how many, though perhaps neuters, if not to utmost infliction, yet to imprisonment, fines, banishment; or molestation; [or] if not these, yet disfavour, discountenance, disregard and contempt on all but the known royalist, or whom he favours, will be plentious; nor let the new royaliz'd presbyterians perswade themselves that thir old doings, though now recanted, will be forgotten; whatever conditions be contriv'd or trusted on.

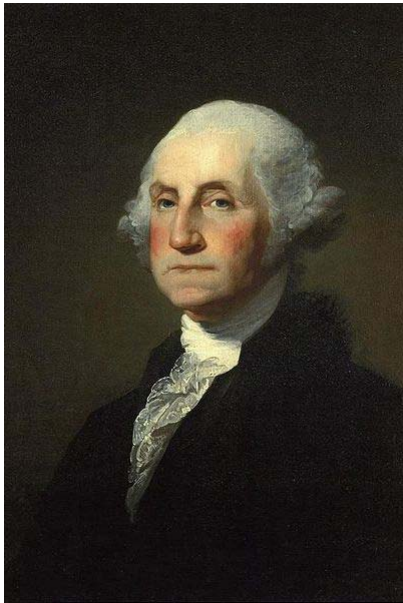
About this Quotation:

John Milton was devastated by two events in his life: the gradual loss of his sight and the defeat of the republic and restoration of the Stuart monarchy. In this quotation he worries about the immediate problem of a vengeful monarchy and the powerful groups that supported it, and how generations to come would view the failure of the republican movement to create a stable alternative to monarchical government. He did not live long enough to see how true his fears of retribution were, with the execution of Algernon Sidney in 1683. We would have to wait another 100 years to see the beginning of another experiment with the American republic to answer some of Milton's fears.

Source

John Milton, *The Ready and Easy Way to Establish a Free Commonwealth*, edited with Introduction, Notes, and Glossary by Evert Mordecai Clark (New Haven: Yale University Press, 1915).
<http://oll.libertyfund.org/title/272/41738/860954>

George Washington warns the nation in his Farewell Address, that love of power will tend to create a real despotism in America unless proper checks and balances are maintained to limit government power (1796) (Feb 21, 2007)



[George Washington](#) (1732 – 1799)

The first President, George Washington, warns the nation in his Farewell Address, that love of power will tend to create a real despotism in America unless proper checks and balances are maintained to limit government power:

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional spheres; avoiding in the exercise of the Powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the People, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

About this Quotation:

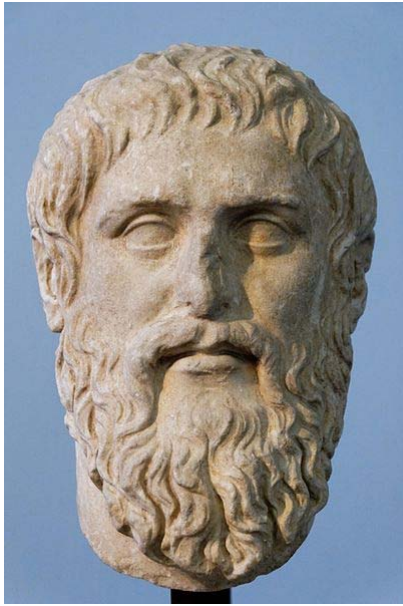
What does the first president of a new nation, spawned by violent revolutionary war against the

world's mightiest imperial power, say upon his departure? George Washington in 1796 warns his fellow countrymen (blacks and women could not vote at this time) "the habits of thinking in a free Country" should prevail and that the division of powers between the different "spheres of government" (i.e. branches) should be jealously guarded. But he suspected that this would not be the case over time and that one branch of government would prevail over the others (a new monarch?) and that this would be "the customary weapon by which free governments are destroyed." Another unheeded warning like Eisenhower's.

Source

George Washington, *George Washington: A Collection*, compiled and edited by W.B. Allen (Indianapolis: Liberty Fund, 1988). <http://oll.libertyfund.org/title/848/102077/2200451>

Plato warns of the people's protector who, once having tasted blood, turns into a wolf and a tyrant (340s BC) (Feb 3, 2008)



Plato (429 BCE – 347 BCE)

In Book VIII of *The Republic*, in a dialogue with Glaucon, there is a discussion of how democracy turns into tyranny. In one section there is this exchange concerning the way the protector of the people changes into a tyrant wolf by using the courts to destroy his enemies:

The people have a protector who, when once he tastes blood, is converted into a tyrant. The people have always some champion whom they set over them and nurse into greatness.

Yes, that is their way.

This and no other is the root from which a tyrant springs; when he first appears above ground he is a protector.

Yes, that is quite clear.

How then does a protector begin to change into a tyrant? Clearly when he does what the man is said to do in the tale of the Arcadian temple of Lycaean Zeus.

What tale?

The tale is that he who has tasted the entrails of a single human victim minced up with the entrails of other victims is destined to become a wolf. Did you never hear it?

O yes.

And the protector of the people is like him; having a mob entirely at his disposal, he is not restrained from shedding the blood of kinsmen; by the favourite method of false accusation he brings them into court and murders them, making the life of man

to disappear, and with unholy tongue and lips tasting the blood of his fellow citizens; some he kills and others he banishes, at the same time hinting at the abolition of debts and partition of lands: and after this, what will be his destiny? Must he not either perish at the hands of his enemies, or from being a man become a wolf—that is, a tyrant?

Inevitably.

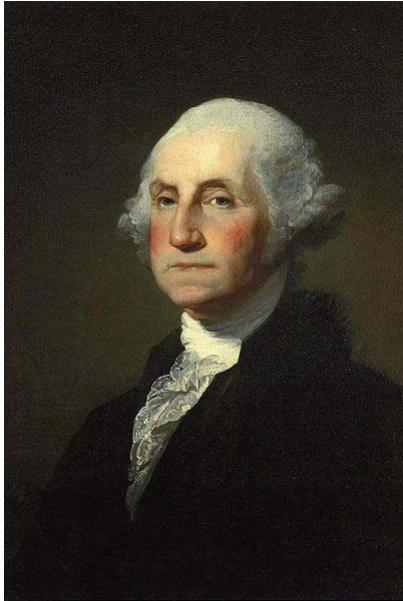
About this Quotation:

Here is yet another warning about the problem of “who guards the guardians who guard us?” This time Plato in *The Republic* cloaks the story in the graphic imagery of a man who tasted the entrails of one of his victims and is turned into a wolf. Plato argues that the same thing happens to the “protector” of the people. Once he has “tasted blood”, often by means of making false accusations against his opponents and then using the court system to have them unjustly eliminated, he turns into a wolf or a tyrant. Compare Plato’s wolf analogy with that used by John Stuart Mill, who called the protector-turned-tyrant a “vulture”.

Source

Plato, *The Dialogues of Plato translated into English with Analyses and Introductions by B. Jowett, M.A. in Five Volumes*. 3rd edition revised and corrected (Oxford University Press, 1892).
<http://oll.libertyfund.org/title/767/93814/2104295>

George Washington warns that the knee jerk reaction of citizens to problems is to seek a solution in the creation of a “new monarch”(1786) (Feb 25, 2008)



[George Washington](#) (1732 – 1799)

In a letter to John Jay written on August 15, 1786, George Washington worries that, because the states will not grant the central government sufficient "coercive power", they will swing to the other extreme of seeking a new monarch to solve their problems:

TO JOHN JAY

Mount Vernon, August 15, 1786

Dear Sir:

I have to thank you very sincerely for your interesting letter of the 27th of June, as well as for the other communications you had the goodness to make at the same time.

I'm sorry to be assured, of what indeed I had little doubt before, that we have been guilty of violating the treaty in some instances. What a misfortune it is the British should have so well grounded a pretext for their palpable infractions? And what a disgraceful part, out of the choice of difficulties before us, are we to act?

Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be is also beyond the reach of my foresight. We have errors to correct. We have probably had too good an opinion of human nature in forming our confederation. Experience has taught us, that men will not adopt & carry into execution, measures the best calculated for their own good without the intervention of a coercive power. I do not conceive we can exist long as a nation, without having lodged somewhere a power which will persuade the whole Union in as energetic a manner, as the authority of the different state governments extend over the several States. To be fearful of vesting Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness. Could Congress exert them for the

detriment of the public without injuring themselves in as equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment must they not mingle frequently with the mass of citizens? Is it not rather to be apprehended, if they were possessed of the power before described, that the individual members would be induced to use them, on many occasions, very timidly & inefficaciously for fear of losing their popularity & future election? We must take human nature as we find it. Perfection falls not to the share of mortals. Many are of opinion that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to the States, when they had a right to assume their imperial dignity and command obedience. Be that as it may, requisitions are a perfect nihility, where thirteen sovereign, independent, disunited States are in the habit of discussing & refusing compliance with them at their option. Requisitions are actually little better than a jest and a bye word throughout the Land. If you tell the Legislatures they have violated the treaty of peace and invaded the prerogatives of the confederacy they will laugh in your face. What then is to be done? Things cannot go on in the same manner forever. It is much to be feared, as you observe, that the better kind of people being disgusted with the circumstances will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate & prevent disastrous contingencies would be the part of wisdom & patriotism.

What astonishing changes a few years are capable of producing! I am told that even respectable characters speak of a monarchical form of government without horror. From thinking proceeds speaking, thence to acting is often but a single step. But how irrevocable and tremendous! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious! Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend.

Retired as I am from the world, I frankly acknowledge I cannot feel myself an unconcerned spectator. Yet having happily assisted in bringing the ship into port & having been fairly discharged; it is not my business to embark again on the sea of troubles. Nor could it be expected that my sentiments and opinions would have much weight on the minds of my countrymen they have been neglected, tho' given as a last legacy in the most solemn manner. I had then perhaps some claims to public attention. I consider myself as having none at present. With sentiments of sincere esteem & friendship

I am, my dear Sir,

Yr. Most Obed. & Affect.

Hble Servant

G. Washington

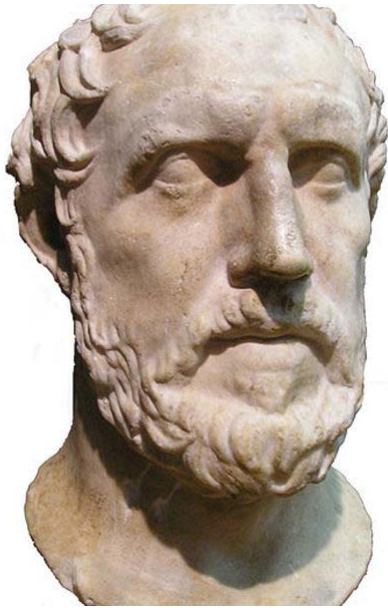
About this Quotation:

In a letter to John Jay in 1786 George Washington expresses dismay that the people are all too ready to call for the return of a "new monarch" (i.e. a "leader") when difficult times arrive. It seems they clamor for an individual with "coercive powers" to solve their problems and that all the talk of equal liberty is "merely ideal and fallacious".

Source

George Washington, *George Washington: A Collection*, compiled and edited by W.B. Allen (Indianapolis: Liberty Fund, 1988). <http://oll.libertyfund.org/title/848/101945>

Thucydides on political intrigue in the divided city of Corcyra caused by the “desire to rule” (5thC BC) (Mar 3, 2008)



[Thucydides](#) (460 BCE – 400 BCE)

In his Third Book of his *History of the Peloponnesian Wars* (section 82), Thucydides (Hobbes translation) describes the behavior of the different political factions during the revolt in Corcyra in 405 BC:

The cities therefore being now in sedition, and those that fell into it later having heard what had been done in the former, they far exceeded the same in newness of conceit, both for the art of assailing and for the strangeness of their revenges. The received value of names imposed for signification of things, was changed into arbitrary. For inconsiderate boldness, was counted true-hearted⁵ manliness: provident deliberation, a handsome fear: modesty, the cloak of cowardice: to be wise in every thing, to be lazy in every thing. A furious suddenness was reputed a point of valour. To re-advise for the better security, was held for a fair pretext of tergiversation. He that was fierce, was always trusty; and he that contraried such a one, was suspected. He that did insidiate, if it took, was a wise man; but he that could smell out a trap laid, a more dangerous man than he. But he that had been so provident as not to need to do the one or the other, was said to be a dissolver of society, and one that stood in fear of his adversary. In brief, he that could outstrip another in the doing of an evil act, or that could persuade another thereto that never meant it, was commended. To be kin to another, was not to be so near as to be of his society: because these were ready to undertake any thing, and not to dispute it. For these societies were not made upon prescribed laws of profit, but for rapine, contrary to the laws established. And as for mutual trust amongst them, it was confirmed not so much by divine law, as by the communication of guilt. And what was well advised of their adversaries, they received with an eye to their actions, to see whether they were too strong for them or not, and not ingenuously. To be revenged was in more request than never to have received injury. And for oaths (when any were) of reconciliation, being administered in the present for necessity, were of force to such as had otherwise no power; but upon opportunity, he that first durst thought his revenge sweeter by the trust, than if he had taken the open way. For they did not only put to account the safeness of that course, but having circumvented their

adversary by fraud, assumed to themselves withal a mastery in point of wit. And dishonest men for the most part are sooner called able, than simple men honest: and men are ashamed of this title, but take a pride in the other.

The cause of all this is desire of rule, out of avarice and ambition; and the zeal of contention from those two proceeding. For such as were of authority in the cities, both of the one and the other faction, preferring under decent titles, one the political equality of the multitude, the other the moderate aristocracy; though in words they seemed to be servants of the public, they made it in effect but the prize of their contention: and striving by whatsoever means to overcome, both ventured on most horrible outrages, and prosecuted their revenges still farther, without any regard of justice or the public good, but limiting them, each faction, by their own appetite: and stood ready, whether by unjust sentence, or with their own hands, when they should get power, to satisfy their present spite. So that neither side made account to have any thing the sooner done for religion [of an oath], but he was most commended, that could pass a business against the hair with a fair oration. The neutrals of the city were destroyed by both factions; partly because they would not side with them, and partly for envy that they should so escape.

About this Quotation:

Thomas Hobbes lived through the English Revolution (or Civil War) during the 1640s and 1650s so it is not hard to see his translation of civil revolt in Greece in the 5th century BC in light of his own experiences. In this quotation we read of the motives of the various factions in the divided city of Corcyra, all motivated by the “desire to rule” at all costs, revenge and “rapine”.

Source

Thucydides, *The English Works of Thomas Hobbes of Malmesbury; Now First Collected and Edited by Sir William Molesworth, Bart.*, (London: Bohn, 1839-45). 11 vols. Vol. 8. <http://oll.libertyfund.org/title/771/90128/2035759>

Thomas Hodgskin wonders how despotism comes to a country and concludes that the “first step” taken towards despotism gives it the power to take a second and a third - hence it must be stopped in its tracks at the very first sign (1813) (Aug 4, 2008)

[Thomas Hodgskin](#) (1787 – 1869)

In his protest against impressment (conscription) and flogging in the Royal Navy, *An Essay on Naval Discipline* (1813) the ex-naval officer Thomas Hodgskin (1787-1869) argues that the brutal behavior of the officers has a corrupting influence which leads to outright despotism:

To display to the public the abuses existing in the navy, has lately, to me, become an imperative duty: for, the absurdity of its laws and customs has deeply injured myself. My opinion of these is so irretrievably bad, that, in common with many others, I feel no shame at having fallen under their lash,—and but that they have deprived me of the good opinion of society, which is too generally built upon success; but that they have partially deprived me of the esteem of my friends; and, but that they have completely excluded me from that road to fame and fortune, the navy, in which my whole life has been past, I should not have felt punishment an injury. Having received so deep an injury from these laws, it has become a positive duty in me to attempt to alter them through the medium of public opinion; a duty equally strong with that which every man thinks it right to practice to relieve himself from a physical pain, by every possible means. **When I look around me in society, and see the nations of the earth most celebrated for the rigour and despotism of their government, groaning under the most grievous calamities, while ours from her freedom has had safety ensured to her; can these calamities be possibly traced to any other cause than this despotism, which has destroyed every manly feeling; which, by unnerving the arm of the poor man (the legitimate defender of his country), has opened every pass to its enemies. Can the rise of despotism in any society be ever so well resisted as at first.—The first step it takes gives it additional power to take a second. It goes on thus increasing, till men’s opinions are bound up in its sanctity, and then it is irresistible.**

About this Quotation:

After experiencing “despotism” first hand in the British Navy during the Napoleonic Wars, Thomas Hodgskin began thinking how despotism came to take over entire countries. He came to the conclusion that despotic power first intimidates or “unnerv(es) the arm of the poor man” who would be the “legitimate defender of his country”. It then is able to take the first step to despotism unopposed, which “gives it additional power to take a second”, and then a third, and so on until full despotism has been achieved. This is quite similar to the thought of the Austrian economist Ludwig von Mises who wrote in 1950 that a “middle-of-the-road policy leads to socialism”. By this Mises meant that each government intervention in the economy inevitably fails thus leading to a decision to either repeal it or add an additional intervention to correct the failure of the first. The latter step is usually taken leading to full socialism. Hodgskin argues along similar lines concerning the “road to despotism”. His solution is like that proposed by John Adams – “Obsta principiis, nip the shoots of arbitrary power in the bud”.

Source

Thomas Hodgskin, *An Essay on Naval Discipline, Shewing Part of its evil Effects on the Minds of the Officers, on the Minds of the Men, and on the Community; with an Amended System, by which Pressing may be immediately abolished*, by Lieut. Thomas Hodgskin, R.N. (London: Printed for the Author, by C. Squire, Furnival's-Inn-Court, sold by Sherwood, Neely & Jones, Paternoster-Row 1813). <http://oll.libertyfund.org/title/322/37793/693944>

Edward Gibbon gloomily observed that in a unified empire like the Roman there was nowhere to escape, whereas with a multiplicity of states there were always gaps and interstices to hide in (1776) (Aug 18, 2008)



[Edward Gibbon](#) (1737 – 1794)

Edward Gibbon, in the *Decline and Fall of the Roman Empire* (1776), describes the dangers of a unified Empire, in comparison to a Europe divided into a number of independent states, where the opponent of tyranny has nowhere to escape:

The division of Europe into a number of independent states, connected, however, with each other, by the general resemblance of religion, language, and manners, is productive of the most beneficial consequences to the liberty of mankind. A modern tyrant, who should find no resistance either in his own breast or in his people, would soon experience a gentle restraint from the example of his equals, the dread of present censure, the advice of his allies, and the apprehension of his enemies. The object of his displeasure, escaping from the narrow limits of his dominions, would easily obtain, in a happier climate, a secure refuge, a new fortune adequate to his merit, the freedom of complaint, and perhaps the means of revenge. But the empire of the Romans filled the world, and, when that empire fell into the hands of a single person, the world became a safe and dreary prison for his enemies. **The slave of Imperial despotism, whether he was condemned to drag his gilded chain in Rome and the senate, or to wear out a life of exile on the barren rock of Seriphus, or the frozen banks of the Danube, expected his fate in silent despair. To resist was fatal, and it was impossible to fly. On every side he was encompassed with a vast extent of sea and land, which he could never hope to traverse without being discovered, seized, and restored to his irritated master.** Beyond the frontiers, his anxious view could discover nothing, except the ocean, inhospitable deserts, hostile tribes of barbarians, of fierce manners and unknown language, or dependent kings, who would gladly purchase the emperor's protection by the sacrifice of an obnoxious fugitive. "Wherever you are," said Cicero to the exiled Marcellus, "remember that you are equally within the power of the conqueror."

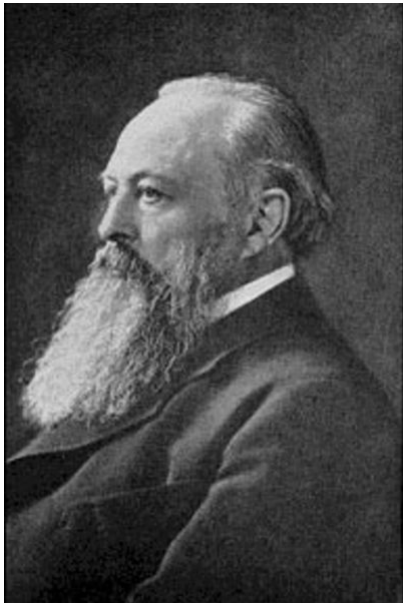
About this Quotation:

When reading this passage one is struck by its similarities to E.L. Jones, *The European Miracle* (1981, 1987) in which he states that free institutions emerged in Europe precisely because there was no universal empire but rather a multiplicity of rivalrous states which had to compete to get or retain labour and capital. When a state did introduce despotic legislation the citizens could and did move elsewhere. Gibbon understands this and feels for the “slave of imperial despotism” in a unified state, with his “gilded chain” but nowhere to hide from his “irritated master”. He sadly concludes that in such a society “to resist was fatal, and it was impossible to fly”.

Source

Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J.B. Bury with an Introduction by W.E.H. Lecky (New York: Fred de Fau and Co., 1906), in 12 vols. Vol. 1.
<http://oll.libertyfund.org/title/1365/50991/1472892>

Lord Acton writes to Bishop Creighton that the same moral standards should be applied to all men, political and religious leaders included, especially since “Power tends to corrupt and absolute power corrupts absolutely” (1887) (Sep 3, 2008)



[John Emerich Edward Dalberg, Lord Acton](#) (1834 – 1902)

Lord Acton writes to Bishop Creighton in a series of letters concerning the moral problem of writing history about the Inquisition. Acton believes that the same moral standards should be applied to all men, political and religious leaders included, especially since, in his famous phrase, “power tends to corrupt and absolute power corrupts absolutely”:

Here, again, what I said is not in any way mysterious or esoteric. It appeals to no hidden code. It aims at no secret moral. It supposes nothing and implies nothing but what is universally current and familiar. It is the common, even the vulgar, code I appeal to.

Upon these two points we differ widely; still more widely with regard to the principle by which you undertake to judge men. You say that people in authority are not [to] be snubbed or sneezed at from our pinnacle of conscious rectitude. I really don't know whether you exempt them because of their rank, or of their success and power, or of their date. The chronological plea may have some little value in a limited sphere of instances. It does not allow of our saying that such a man did not know right from wrong, unless we are able to say that he lived before Columbus, before Copernicus, and could not know right from wrong. It can scarcely apply to the centre of Christendom, 1500 after the birth of our Lord. That would imply that Christianity is a mere system of metaphysics, which borrowed some ethics from elsewhere. It is rather a system of ethics which borrowed its metaphysics elsewhere. Progress in ethics means a constant turning of white into black and burning what one has adored. There is little of that between St. John and the Victorian era.

But if we might discuss this point until we found that we nearly agreed, and if we do argue thoroughly about the impropriety of Carlylese denunciations, and Pharisaism in history, **I cannot accept your canon that we are to judge Pope and King unlike other**

men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it. That is the point at which the negation of Catholicism and the negation of Liberalism meet and keep high festival, and the end learns to justify the means. You would hang a man of no position, like Ravallac; but if what one hears is true, then Elizabeth asked the gaoler to murder Mary, and William III ordered his Scots minister to extirpate a clan. Here are the greater names coupled with the greater crimes. You would spare these criminals, for some mysterious reason. I would hang them, higher than Haman, for reasons of quite obvious justice; still more, still higher, for the sake of historical science.

The standard having been lowered in consideration of date, is to be still further lowered out of deference to station. Whilst the heroes of history become examples of morality, the historians who praise them, Froude, Macaulay, Carlyle, become teachers of morality and honest men. Quite frankly, I think there is no greater error. The inflexible integrity of the moral code is, to me, the secret of the authority, the dignity, the utility of history. If we may debase the currency for the sake of genius, or success, or rank, or reputation, we may debase it for the sake of a man's influence, of his religion, of his party, of the good cause which prospers by his credit and suffers by his disgrace. Then history ceases to be a science, an arbiter of controversy, a guide of the wanderer, the upholder of that moral standard which the powers of earth, and religion itself, tend constantly to depress. It serves where it ought to reign; and it serves the worst better than the purest.

About this Quotation:

There is much more to these letters than just the occurrence of Acton's most famous phrase that "power tends to corrupt and absolute power corrupts absolutely." The context is the question of how religious historians should handle the corrupt and even criminal behaviour of many Popes, and the appalling treatment of dissidents and heretics during the Inquisition. This leads Acton to talk about the universal nature of moral principles, the requirement for historians to use such principles in the assessment of historical figures, the tendency of these powerful historical figures to be "bad men", and that it was the function of historians to "hang them" (whether he meant this literally or metaphorically is not clear). In the third letter to Creighton, Acton quotes with some approval a conversation he had with John Bright, one of the leaders of the Anti-Corn Law League, who stated to him that "If the people knew what sort of men statesmen were, they would rise and hang the whole lot of them."

Source

Acton-Creighton Correspondence (1887)

Althusius argues that a political leader is bound by his oath of office which, if violated, requires his removal (1614) (Oct 26, 2009)



Johannes Althusius (1557 – 1638)

Johannes Althusius (1557-1638) believed that all political leaders were bound by their oath of office to protect the liberties of the people. If he failed in this duty the people were free to replace him with another who would:

The promise of obedience and compliance that follows the election and inauguration is the event in which the members of the realm—or the people through its ephors, and the ephors in its name—promise their trust, obedience, compliance, and whatever else may be necessary for the administration of the realm. This promise, which pertains to things that do not conflict with the law of God and the right of the realm, is made to the magistrate who receives the entrusted administration of the commonwealth, and is about to undertake his office and to rule the commonwealth piously and justly. ...

The oath that the magistrate first swears to the subjects, and the subjects then offer to the magistrate, is properly called a homage (homagium) from $\tau\mu\omicron$, which means “at the same time” (simul), and $\tau\gamma\iota\omicron\nu$, which means “sacred” (sacrum), so that, as it were, what is common, or a common oath, should be sacred. Those subjects who have upheld this oath are called faithful.

Because of this trust, compliance, service, aid, and counsel that the people promises and furnishes to its supreme magistrate, he is said to have innumerable eyes and ears, large arms, and swift feet, as if the whole people lent him its eyes, ears, strength, and faculties for the use of the commonwealth. Whence the magistrate is called mighty, strong, rich, wise, and aware of many things, and is said to represent the entire people. ...

Such service and aid consist above all in works of occupational skill and in works of allegiance. Works of occupational skill consist in material services extended and performed for the welfare and utility of the realm and magistrate according to the function, trade, and office that each is able to perform. ... Works of allegiance consist in

obedience and reverence. Obedience is the compliance that is shown to the just commands of the magistrate, and is required even if he should be an impious or wicked man. For the life of the magistrate does not take away his office, and whoever disparages the magistrate scorns God. ... However, obedience is not to be extended to impious commands of the magistrate. For obedience to God is more important than obedience to men. ... Reverence is that honor, veneration, and adoration that the subject with fear and trembling owes to the magistrate because of the lofty position to which the magistrate is elevated by God, and because of the many and great benefits that God dispenses to us through the hand of the magistrate. Whence the deeds of the whole realm are attributed wisely and happily to the virtue and administration of the prince, and we honor no one in preference to him. ...

If the people does not manifest obedience, and fails to fulfill the service and obligations promised in the election and inauguration—in the constituting—of the supreme magistrate, then he is the punisher, even by arms and war, of this perfidy and violation of trust, indeed, of this contumacy, rebellion, and sedition. But **if the supreme magistrate does not keep his pledged word, and fails to administer the realm according to his promise, then the realm, or the ephors and the leading men in its name, is the punisher of this violation and broken trust. It is then conceded to the people to change and annul the earlier form of its polity and commonwealth, and to constitute a new one.** In both cases, because a proper condition of the agreement and compact is not fulfilled, the contract is dissolved by right itself. In the first case, the prince will no longer treat such rebels and perfidious persons as his subjects, and is no longer required to perform toward them what he has promised. In the other case, likewise, the people, or members of the realm, will not recognize such a perfidious perjurous, and compact-breaking person as their magistrate, but treat him as a private person and a tyrant to whom it is no longer required to extend obedience and other duties it promised. The magistrate loses the right to exact them justly. And it can and ought to remove him from office. Thus Bartolus says that a legitimate magistrate is a living law, and if he is condemned by law he is condemned by his own voice. But a tyrant is anything but a living law. ...

About this Quotation:

The idea that “the people” have the right to remove a bad ruler has a very long history before the American Revolution enshrined the principle in the modern era. Of course, the problem is to know what constitutes a sufficient degree of “badness” to merit such a drastic act, who exactly has this right of deposition (all “the people” or their delegates or “ephors” as Althusius phrased it); and when might this deposition occur (at any time as in the Westminster system, or only at election time as in the American system). In this instance, Althusius argues that there is quite a low level of “badness” before it is justified in throwing a bad ruler out, namely “not keeping his word”. If we held all elected officers to this standard there would probably only be the cleaning staff left in the chambers of Congress or Parliament.

Source

Johannes Althusius, *Politica*. An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples, ed. and Trans. Frederick S. Carney. Foreword by Daniel J. Elazar (Indianapolis: 1995 Liberty Fund). <http://oll.libertyfund.org/title/692/194570/3114371>

Macaulay argues that politicians are less interested in the economic value of public works to the citizens than they are in their own reputation, embezzlement and “jobs for the boys” (1830) (Nov 2, 2009)



Thomas Babington, Lord Macaulay (1800 – 1859)

Lord Macaulay (1800-1859) takes on the witless Southey again, this time on the supposed benefits of public works undertaken by the government:

We fully admit that a state cannot have at its command more wealth than may be employed for the general good. But neither can individuals, or bodies of individuals, have at their command more wealth than may be employed for the general good. If there be no limit to the sum which may be usefully laid out in public works and national improvement, then wealth, whether in the hands of private men or of the government, may always, if the possessors choose to spend it usefully, be usefully spent. The only ground, therefore, on which Mr. Southey can possibly maintain that a government cannot be too rich, but that a people may be too rich, must be this, that governments are more likely to spend their money on good objects than private individuals.

But what is useful expenditure? “A liberal expenditure in national works,” says Mr. Southey, “is one of the surest means for promoting national prosperity.” What does he mean by national prosperity? Does he mean the wealth of the state? If so, his reasoning runs thus: The more wealth a state has the better; for the more wealth a state has the more wealth it will have. This is surely something like that fallacy, which is ungallantly termed a lady’s reason. If by national prosperity he means the wealth of the people, of how gross a contradiction is Mr. Southey guilty. A people, he tells us, may be too rich: a government cannot: for a government can employ its riches in making the people richer. The wealth of the people is to be taken from them, because they have too much, and laid out in works, which will yield them more.

We are really at a loss to determine whether Mr. Southey’s reason for recommending large taxation is that it will make the people rich, or that it will make them poor. But we are

sure that, if his object is to make them rich, he takes the wrong course. There are two or three principles respecting public works, which, as an experience of vast extent proves, may be trusted in almost every case.

It scarcely ever happens that any private man or body of men will invest property in a canal, a tunnel, or a bridge, but from an expectation that the outlay will be profitable to them. No work of this sort can be profitable to private speculators, unless the public be willing to pay for the use of it. The public will not pay of their own accord for what yields no profit or convenience to them. There is thus a direct and obvious connexion between the motive which induces individuals to undertake such a work, and the utility of the work.

Can we find any such connexion in the case of a public work executed by a government? If it is useful, are the individuals who rule the country richer? If it is useless, are they poorer? A public man may be solicitous for his credit. But is not he likely to gain more credit by an useless display of ostentatious architecture in a great town than by the best road or the best canal in some remote province? The fame of public works is a much less certain test of their utility than the amount of toll collected at them. In a corrupt age, there will be direct embezzlement. In the purest age, there will be abundance of jobbing. Never were the statesmen of any country more sensitive to public opinion, and more spotless in pecuniary transactions, than those who have of late governed England. Yet we have only to look at the buildings recently erected in London for a proof of our rule. In a bad age, the fate of the public is to be robbed outright. In a good age, it is merely to have the dearest and the worst of every thing.

Buildings for state purposes the state must erect. And here we think that, in general, the state ought to stop. We firmly believe that five hundred thousand pounds subscribed by individuals for rail-roads or canals would produce more advantage to the public than five millions voted by Parliament for the same purpose. There are certain old saws about the master's eye and about every body's business, in which we place very great faith.

About this Quotation:

Lord Macaulay was a very witty reviewer and didn't hesitate to bring out the knives when he thought an author was foolish or witless. One of the best examples of his reviewing style was his review of the poet Southey's *Colloquies* in 1830. Macaulay took him to task for his poor understanding of economics and history. In a previous quote we saw how he ridiculed Southey's claims that the working class was worse off in the 19th century than they had been in the middle ages. In this quote he skewers Southey for thinking that government public works increase the welfare of the ordinary citizen and taxpayers, when in reality all they do is increase the prestige of the politicians who organise them and fill the pocket books of the politicians themselves and their crony contractors.

Source

Thomas Babington, Lord Macaulay, *Critical and Historical Essays contributed to the Edinburgh Review*, 5th ed. in 3 vols. (London: Longman, Brown, Green, and Longmans, 1848). Vol. 1.
<http://oll.libertyfund.org/title/362/50384/834553>

Lao Tzu discusses how “the great sages” (or wise advisors) protect the interests of the prince and thus “prove to be but guardians in the interest of the great thieves” (600 BC) (Nov 16, 2009)



[Lao Tzu](#) (600 BCE – ?)

The founder of the Taoist tradition of thought, Lao Tzu (600 BC), compares the actions of a petty thief who steals a satchel with those of the great thieves who steal entire kingdoms following the advice of their intellectual advisors, or “sages”:

Khü Khieh, or ‘Cutting open Satchels.’

1. In taking precautions against thieves who cut open satchels, search bags, and break open boxes, people are sure to cord and fasten them well, and to employ strong bonds and clasps; and in this they are ordinarily said to show their wisdom. When a great thief comes, however, he shoulders the box, lifts up the satchel, carries off the bag, and runs away with them, afraid only that the cords, bonds, and clasps may not be secure; and in this case what was called the wisdom (of the owners) proves to be nothing but a collecting of the things for the great thief. Let me try and set this matter forth. Do not those who are vulgarly called wise prove to be collectors for the great thieves? And do not those who are called sages prove to be but guardians in the interest of the great thieves?

How do I know that the case is so? Formerly, in the state of Khî, the neighbouring towns could see one another; their cocks and dogs never ceased to answer the crowing and barking of other cocks and dogs (between them). The nets were set (in the water and on the land); and the ploughs and hoes were employed over more than a space of two thousand lî square. All within its four boundaries, the establishment of the ancestral temples and of the altars of the land and grain, and the ordering of the hamlets and houses, and of every corner in the districts, large, medium, and small, were in all particulars according to the rules of the sages. So it was; but yet one morning, Thien Kh?ng-?ze killed the ruler of Khî, and stole his state. And was it only the state that he stole? Along with it he stole also the regulations of the sages and wise men (observed in it). And so,

though he got the name of being a thief and a robber, yet he himself continued to live as securely as Yáo and Shun had done. Small states did not dare to find fault with him; great states did not dare to take him off; for twelve generations (his descendants) have possessed the state of Khî. Thus do we not have a case in which not only did (the party) steal the state of Khî, but at the same time the regulations of its sages and wise men, which thereby served to guard the person of him, thief and robber as he was?

2. Let me try to set forth this subject (still further). Have not there been among those vulgarly styled the wisest, such as have collected (their wealth) for the great chief? and among those styled the most sage such as have guarded it for him? How do I know that it has been so? Formerly, Lung-f'ng was beheaded; Pî-kan had his heart torn out; Khang Hung was ripped open; and 'ze-hsü was reduced to pulp (in the Kiang). Worthy as those four men were, they did not escape such dreadful deaths. The followers of the robber Kih asked him, saying, 'Has the robber also any method or principle (in his proceedings)?' He replied, 'What profession is there which has not its principles? That the robber in his recklessness comes to the conclusion that there are valuable deposits in an apartment shows his sageness; that he is the first to enter it shows his bravery; that he is the last to quit it shows his righteousness; that he knows whether (the robbery) may be attempted or not shows his wisdom; and that he makes an equal division of the plunder shows his benevolence. Without all these five qualities no one in the world has ever attained to become a great robber.' Looking at the subject in this way, we see that good men do not arise without having the principles of the sages, and that Kih could not have pursued his course without the same principles. But the good men in the world are few, and those who are not good are many;—it follows that the sages benefit the world in a few instances and injure it in many. Hence it is that we have the sayings, 'When the lips are gone the teeth are cold ;' 'The poor wine of Lû gave occasion to the siege of Han-tan ;' 'When sages are born great robbers arise .' When the stream is dried, the valley is empty; when the mound is levelled, the deep pool (beside it) is filled up. When the sages have died, the great robbers will not arise; the world would be at peace, and there would be no more troubles. While the sagely men have not died, great robbers will not cease to appear. The more right that is attached to (the views of) the sagely men for the government of the world, the more advantage will accrue to (such men as) the robber Kih. If we make for men pecks and bushels to measure (their wares), even by means of those pecks and bushels should we be teaching them to steal ; if we make for them weights and steelyards to weigh (their wares), even by means of those weights and steelyards shall we be teaching them to steal. If we make for them tallies and seals to secure their good faith, even by means of those tallies and seals shall we be teaching them to steal. If we make for them benevolence and righteousness to make their doings correct, even by means of benevolence and righteousness shall we be teaching them to steal. How do I know that it is so? **Here is one who steals a hook (for his girdle);—he is put to death for it: here is another who steals a state;—he becomes its prince. But it is at the gates of the princes that we find benevolence and righteousness (most strongly) professed;—is not this stealing benevolence and righteousness, sageness and wisdom? Thus they hasten to become great robbers, carry off principedoms, and steal benevolence and righteousness, with all the gains springing from the use of pecks and bushels, weights and steelyards, tallies and seals:—even the rewards of carriages and coronets have no power to influence (to a different course), and the terrors of the axe have no power to restrain in such cases. The giving of so great gain to robbers (like) Kih, and making it impossible to restrain them;—this is the error committed by the sages.**

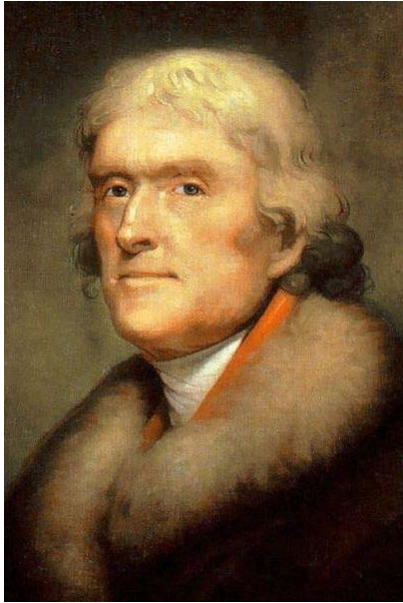
About this Quotation:

The role of intellectuals (or “advisors” or ‘sages”) in the creation and maintenance of state power is a considerable one as Lao Tzu notes. It was also a common notion that there is a fine line which separates what a petty thief does from what a “great thief” does. Saint Augustine makes a similar point about pirates in an amusing confrontation between the emperor Alexander the Great and a captive petty pirate. The latter says that “scale” alone is what separates the two.

Source

Lao Tzu, *The Sacred Books of China. The Texts of Taoism. Part I: The Tao Teh King. The Writings of Kwang Ze Books I-XVII*, trans. James Legge (Oxford University Press, 1891). <http://oll.libertyfund.org/title/2272/213762/3455623>

Jefferson feared that it would only be a matter of time before the American system of government degenerated into a form of “elective despotism” (1785) (Dec 7, 2009)



Thomas Jefferson (1743 – 1826)

Because Thomas Jefferson (1743-1826) thought it would be only a matter of time before the American system of government degenerated into an “elective despotism,” he warned that citizens should act now in order to make sure that “the wolf [was kept] out of the fold”:

1. All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government [215] laid its foundation on this basis, that the legislative, executive and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and executive members were left dependent on the legislative, for their subsistence in office, and some of them for their continuance in it. If therefore the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can it be effectual; because in that case they may put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly in many instances, decided rights which should have been left to judiciary controversy: and the direction of the executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention.

The views of the present members are perfectly upright. When they are led out of their regular province, it is by art in others, and inadvertence in themselves. And this will probably be the case for some [216] time to come. But it will not be a very long time. **Mankind soon learn to make interested uses of every right and power which they possess, or may assume. The public money and public liberty, intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them;** distinguished, too, by this tempting circumstance, that they are the instrument, as well as the object, of acquisition. With money we will get men, said Cæsar, and with men we will get money. Nor should our assembly be deluded by the integrity of their own purposes, and conclude that these unlimited powers will never be abused, because themselves are not disposed to abuse them. **They [the assembly] should look forward to a time, and that not a distant one, when a corruption in this, as in the country from which we derive our origin, will have seized the heads of government, and be spread by them through the body of the people; when they will purchase the voices of the people, and make them pay the price. Human nature is the same on every side of the Atlantic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold of us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered.** To render these considerations the more cogent, we must observe in addition:

About this Quotation:

1785 seems rather early for Jefferson to be making such dire predictions about the unhappy fate of the new American government, yet his worry that democracy might turn into a form of despotism has proven to be correct if some 200 years later and “not a distant” time as he originally thought. What is interesting about this quote is also the use of animal imagery, this time seeing government as a “wolf” whose teeth and claws would need to be pulled if liberty were to survive.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 4. <http://oll.libertyfund.org/title/756/86247/1988355>

Livy on the irrecoverable loss of liberty under the Roman Empire (10 AD) (Jan 4, 2010)



[Titus Livius \(Livy\)](#) (59 BCE – 17 CE)

The Roman historian Livy (59 BC – 17 AD) wrote his *History of Rome* (10) as the Roman Republic was being turned into a despotic empire. He argued that true liberty consisted of regular elections and the rule of law, and that its loss was irrecoverable and marked a return to slavery:

XXXVIII. The ides of May came. The offices of the state not having been filled up by election, men, invested with no public character, made their appearance as decemvirs, retaining still the same spirit to enforce their authority, and the same emblems to support the splendor of their station. This was held the height of arbitrary government, and the loss of liberty was deplored as irrecoverable. No one champion stood forth in its cause, nor was there a prospect of any such appearing: so that the people not only sunk into despondence, but began to be despised by the neighbouring nations, who thought it would reflect shame on themselves, if a state which had forfeited its own liberty, should be allowed to retain its dominion over others The Sabines, with a numerous army, made an irruption into the Roman territories; and, having spread devastation through a great part of the country, and collected, without loss, a great booty of men and cattle, they recalled their forces from the various parts in which they were dispersed, and pitched their camp at Eretum, grounding their hopes on the dissensions at Rome, which they trusted would prevent the raising of troops. Besides the couriers that arrived, the country people, flying into the city, caused a general alarm. The decemvirs held a consultation on the measures necessary to be taken; and, while they were left destitute of support on every side, being equally detested by the patricians and the commons, another circumstance occurred which aggravated their fears by presenting an additional danger to their view: the Æquans on the opposite side had encamped in the district of Algidum, and ambassadors, who came from Tusculum to request assistance, brought accounts, that their lands were ravaged by detachments from thence. The decemvirs were so thoroughly frightened, on finding the city surrounded by two enemies at once, that they determined to have recourse to the advice of the senate; accordingly they ordered the senators to be summoned to a meeting, though they well knew what a

storm of public resentment threatened to break upon themselves; that all men would heap on their heads, the blame of the devastations of the country, and of all the dangers by which they were encompassed; and that, on these grounds, attempts would be made to deprive them of their office, if they did not firmly unite in the support of their cause; and, by enforcing their authority with severity, on a few of the most intractable tempers, repress the forwardness of others. When the voice of the crier was heard in the Forum, summoning the senators to attend the decemvirs in the senate-house, it excited no less wonder than if it were a matter entirely new; “what could have happened now,” the people said, “that those who had, for a long time past, laid aside the custom of consulting the senate, should now revive it? But they might, no doubt, thank the war, and their enemies, for any thing being done that was formerly usual with them as a free state.” They looked about the Forum for senators, yet could hardly discover one. They then turned their eyes to the senate-house, remarking the solitude which appeared round the decemvirs, who, on their part, attributed the non-attendance of the summoned to the general detestation of their government; while the commons found a reason for it, in the want of authority in private persons to convene them, observing at the same time, that a head was now formed for those who wished for the recovery of liberty, if the people generally would let their endeavours accompany those of the senate; and if, as the fathers refused to attend in senate, they should in like manner refuse to enlist. Such were the general topics of discourse among the commons; while of the senators, there was scarcely one in the Forum, and very few in the city. Disgusted with the times, they had retired to their country-seats; and, being deprived of their share in the administration of the public business, attended solely to their private affairs; thinking, that, by removing to a distance from the meeting and converse of their tyrannic masters, they were out of the reach of ill-treatment. Not meeting according to summons, apparitors were despatched to all their houses, to levy the penalties, and at the same time to discover whether their non-attendance was owing to design; and these brought back an account that the members of the senate were in the country. This gave less pain to the decemvirs, than if they had heard that they were in town, and refused to obey their commands. They then gave orders, that every one of them should be summoned, and proclaimed a meeting of the senate on the day following, when the members assembled in much greater numbers than the decemvirs themselves had hoped. This raised a suspicion in the minds of the commons, that the senators had deserted the cause of liberty, since they had paid obedience, as to a legal summons, to the order of men whose office had expired, and who, except so far as force prevailed, were nothing more than private citizens.

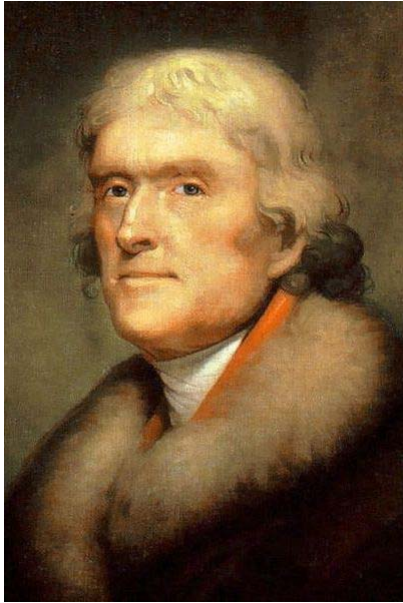
About this Quotation:

Livy’s idea that the freedom enjoyed by Rome was undermined and eventually destroyed by rising emperors like Augustus spoke to many authors in the Renaissance and early modern period. Machiavelli, Harrington, and Milton all heeded Livy’s warnings and passed them onto a later generation of thinkers who helped prepare the ground for the American Revolution. It is no surprise that Livy was one of the most read authors in 18th century America.

Source

Titus Livius (Livy), *The History of Rome by Titus Livius. Translated from the Original with Notes and Illustrations by George Baker, A.M.. First American, from the Last London Edition, in Six Volumes* (New York: Peter A. Mesier et al., 1823). Vol. 1. <http://oll.libertyfund.org/title/1754/92573/2071275>

Jefferson on how Congress misuses the inter-state commerce and general welfare clauses to promote the centralization of power (1825) (Mar 15, 2010)



Thomas Jefferson (1743 – 1826)

Barely 8 months before he died, Thomas Jefferson (1743-1826) wrote to the Virginia politician William Giles about the threat posed by the usurpation of states rights by a growing federal power. He identifies inter-state commerce and the “general welfare” clause as especially dangerous:

TO WILLIAM B. GILES, Monticello, December 26, 1825

Dear Sir,

—I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye. **I see, as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the federal branch, and it is but too evident, that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words “general welfare,” a right to do, not**

only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think, or pretend will be for the general welfare. And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to out-number the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. Are we then to stand to our arms, with the hot-headed Georgian? No. That must be the last resource, not to be thought of until much longer and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once, as a dissolution of it, none can ever be formed which would last one year. We must have patience and longer endurance than with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left, are the dissolution of our Union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation. But in the meanwhile, the States should be watchful to note every material usurpation on their rights; to denounce them as they occur in the most peremptory terms; to protest against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall outweigh that of separation. I would go still further, and give to the federal member, by a regular amendment of the constitution, a right to make roads and canals of intercommunication between the States, providing sufficiently against corrupt practices in Congress, (log-rolling, &c.) by declaring that the federal proportion of each State of the moneys so employed, shall be in works within the State, or elsewhere with its consent, and with a due salvo of jurisdiction. This is the course which I think safest and best as yet.

You ask my opinion of the propriety of giving publicity to what is stated in your letter, as having passed between Mr. John Q. Adams and yourself. Of this no one can judge but yourself. It is one of those questions which belong to the forum of feeling. This alone can decide on the degree of confidence implied in the disclosure; whether under no circumstances it was to be communicated to others? It does not seem to be of that character, or at all to wear that aspect. They are historical facts which belong to the present, as well as future times. I doubt whether a single fact, known to the world, will carry as clear conviction to it, of the correctness of our knowledge of the treasonable views of the federal party of that day, as that disclosed by this, the most nefarious and daring attempt to dissever the Union, of which the Hartford convention was a subsequent chapter; and both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the feelings or principles of '76, now look to a single and splendid government of an aristocracy, founded on banking institutions, and moneyed incorporations under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the plundered ploughman and beggared yeomanry. This will be to them a next best blessing to the monarchy of their first aim, and perhaps the surest stepping-stone to it.

About this Quotation:

Even by 1825 Jefferson was fearful that the growing central powers of the federal government were encroaching upon those of the states. In this insightful letter to his colleague and friend William Giles, Jefferson notes that Congress was twisting the intent of federal law regarding inter-state commerce to regulate all economic activity and to subsidize one group at the expense of another; and to expand the notion of promoting the “general welfare” to allow corrupt politicians to engage in costly “internal improvements”. His sad conclusion was that the net result would be the creation of “a single and splendid government of an aristocracy, founded on banking institutions, and moneyed incorporations under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the plundered ploughman and beggared yeomanry.”

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 12. <http://oll.libertyfund.org/title/808/88503/2010344>

Madame de Staël argues that Napoleon was able to create a tyrannical government by pandering to men's interests, corrupting public opinion, and waging constant war (1817) (Mar 23, 2010)



[Germaine de Staël](#) (1766 – 1817)

One of Napoleon's most persistent critics was Germaine de Staël (1766-1817) who sheltered many liberal opponents of the regime in her salon at Coppet in Switzerland. In one of the first histories of the French Revolution she identifies the ways in which Napoleon manipulated power to establish his tyranny:

The first symptoms of tyranny cannot be watched too carefully: for when once it has matured to a certain point, it can no longer be stopped. A single man enchains the will of a multitude of individuals, the greater part of whom, taken separately, would wish to be free, but who nevertheless submit because they dread one another and dare not communicate their thoughts freely. A minority not very numerous is often sufficient to resist in succession every portion of the majority which is unacquainted with its own strength. < br />

In spite of the differences of time and place, there are points of resemblance in the history of all nations who have fallen under the yoke. **It is generally after long civil troubles that tyranny is established, because it offers the hope of shelter to all the exhausted and timorous factions. Bonaparte said of himself with reason that he could play admirably upon the instrument of power. In truth, as he is attached to no principles, nor restrained by any obstacles, he presents himself in the arena of circumstances like a wrestler, no less supple than vigorous, and discovers at the first glance the points in every man or association of men which may promote his private designs. His scheme for arriving at the dominion of France rested upon three principal bases—to satisfy men's interests at the expense of their virtues, to deprave public opinion by sophisms, and to give the nation war for an object instead of liberty.** We shall see him follow these different paths with uncommon ability. The French, alas! seconded him only too well; yet it is his fatal genius which should be chiefly blamed; for as an arbitrary government had at all times prevented the nation from acquiring fixed

ideas upon any subject, Bonaparte set its passions in motion without having to struggle against its principles. He had it in his power to do honor to France and to establish himself firmly by respectable institutions; but his contempt of the human race had quite dried up his soul, and he believed that there was no depth but in the region of evil. < br />

We have already seen him decree a constitution in which there existed no guarantees. Besides, he took great care to leave the laws that had been published during the Revolution unrepealed, that he might at his pleasure select from this accursed arsenal the weapon which suited him. The extraordinary commissions, the transportations, the banishments, the slavery of the press, measures unfortunately introduced in the name of liberty, were extremely useful to tyranny. When he employed them, he alleged as a pretext sometimes reasons of state, sometimes the urgency of the conjuncture, sometimes the activity of his adversaries, sometimes the necessity of maintaining tranquillity. Such is the artillery of the phrases by which absolute power is defended, for circumstances never have an end; and in proportion as restraint by illegal measures is increased, the disaffected become more numerous, which serves to justify the necessity of new acts of injustice. The establishment of the sovereignty of law is always deferred till tomorrow, a vicious circle of reasoning from which it is impossible to escape; for the public spirit that is expected to produce liberty can be the outcome only of that very liberty itself.

About this Quotation:

Germaine de Stael knew something about tyranny. As the daughter of the last minister of finance under the old regime, Jacques Necker, and a committed liberal throughout the Revolution and Napoleon's empire, she was persecuted and forced to flee to Switzerland. Her revenge was to sponsor a famous liberal salon in her family chateau at Coppet in Switzerland where she gave shelter and support to many liberal critics of the regime. She also wrote one of the first histories of the French Revolution in which she was able to savagely critique Napoleon's tyrannical rule. This quotation is an excellent example of her thinking.

Source

Germaine de Staël, *Considerations on the Principal Events of the French Revolution, newly revised translation of the 1818 English edition*, edited, with an introduction and notes by Aurelian Craiutu (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2212/207990/3380781>

Cicero on the need for politicians to place the interests of those they represent ahead of their own private interests (1st century BC) (May 9, 2010)



Marcus Tullius Cicero (106 BCE – 43 BCE)

For 2,000 years, ever since the roman lawyer Cicero (106-43 BC) warned politicians in “On Moral Duties” to serve the interests of those they represent ahead of their own private interests, politicians have done the very opposite. We had to wait until the development of the Public Choice school of economics in the late 20th century to explain why this would be the case:

1. In fine, **let those who are to preside over the state obey two precepts of Plato, — one, that they so watch for the well-being of their fellow-citizens that they have reference to it in whatever they do, forgetting their own private interests; the other, that they care for the whole body politic, and not, while they watch over a portion of it, neglect other portions. For, as the guardianship of a minor, so the administration of the state is to be conducted for the benefit, not of those to whom it is intrusted, but of those who are intrusted to their care.** But those who take counsel for a part of the citizens, and neglect a part, bring into the state an element of the greatest mischief, and stir up sedition and discord, some siding with the people, some with the aristocracy, and few being equally the friends of all. From this cause arose great dissensions among the Athenians, and in our republic it has led not only to seditions, but also to destructive civil wars. Partiality of this kind, a citizen who is substantial and brave, and worthy of a chief place in the state, will shun and abhor, and will give himself wholly up to the state, pursuing neither wealth nor power; and he will so watch over the entire state as to consult the well-being of all its citizens. Nor will he expose any one to hatred or envy by false accusation, and he will in every respect so adhere to justice and right as in their behalf to submit to any loss however severe, and to face death itself rather than surrender the principles which I have indicated. Most pitiful in every aspect is the canvassing and scrambling for preferment, of which it is well said by the same Plato, that those who strive among themselves which shall be foremost in the administration of the state, act like sailors who should quarrel for a place at the

helm. The same writer exhorts us to regard as enemies those who bear arms against us, not those who desire to care for the interests of the state in accordance with their own judgment, as in the case of the disagreement without bitterness between Publius Africanus and Quintus Metellus.

About this Quotation:

For a couple of thousand years it was clear to those who observed the behavior of politicians that they acted quite differently from the promises they made to their supporters or those they represented. They might mouth the pious sentiments all politicians do of “serving the public interest” or putting “the needs of the people first” or “sacrificing their own interests” in order to promote “the common good”. It was obvious to the roman lawyer and politician Cicero that the endemic political corruption he saw around him in the late Roman Republic violated the precepts of moral duty which philosophers like Plato had advocated. He reminded his contemporaries of these precepts but to no avail. We had to wait until the 1960s before the American economists Gordon Tullock and James Buchanan explored the institutional and motivational reasons why all politicians and bureaucrats would tend to behave this way.

Source

Marcus Tullius Cicero, *Cicero De Officiis*, translated with an Introduction and Notes by Andrew P. Peabody (Boston: Little, Brown, and Co., 1887). <http://oll.libertyfund.org/title/542/83345/1959732>

Cato denounces generals like Julius Caesar who use success on the battlefield as a stepping stone to political power (1710) (May 19, 2010)

[Joseph Addison](#) (1672 – 1719)

Marcus Porcius Cato (95–46 B.C.) was a Stoic philosopher and politician who opposed the actions of the Roman general Julius Caesar who used his successes on the battlefield to make himself dictator of Rome. In this passage “Marcus” denounces the would be tyrant for seeking political greatness by means of slaughter and the ruin of his country:

SCENE I

Portius, Marcus.

Portius

The dawn is overcast, the morning lowers, And heavily in clouds brings on the day, The great, the important day, big with the fate Of Cato and of Rome.—Our father’s death Would fill up all the guilt of civil war,

And close the scene of blood. Already Caesar Has ravaged more than half the globe, and sees Mankind grown thin by his destructive sword: Should he go further, numbers would be wanting To form new battles, and support his crimes.

Ye gods, what havoc does ambition make Among your works!

Marcu

Thy steady temper, Portius, Can look on guilt, rebellion, fraud, and Caesar, In the calm lights of mild philosophy; I’m tortured ev’n to madness, when I think

On the proud victor: every time he’s named Pharsalia rises to my view!—I see The insulting tyrant, prancing o’er the field Strowed with Rome’s citizens, and drenched in slaughter, His horse’s hoofs wet with Patrician blood!

Oh, Portius! is there not some chosen curse, Some hidden thunder in the stores of heaven, Red with uncommon wrath, to blast the man Who owes his greatness to his country’s ruin?

Portius

Believe me, Marcus, ’tis an impious greatness,

And mixt with too much horror to be envied. How does the lustre of our father’s actions, Through the dark cloud of ills that cover him, Break out, and burn with more triumphant brightness! His sufferings shine, and spread a glory round him;

Greatly unfortunate, he fights the cause Of honour, virtue, liberty, and Rome. His sword

ne'er fell but on the guilty head; Oppression, tyranny, and power usurped, Draw all the vengeance of his arm upon 'em.

Marcus

Who knows not this? but what can Cato do Against a world, a base, degenerate world, That courts the yoke, and bows the neck to Caesar? Pent up in Utica he vainly forms A poor epitome of Roman greatness,

And, covered with Numidian guards, directs A feeble army, and an empty senate, Remnants of mighty battles fought in vain. By heavens, such virtues, joined with such success, Distract my very soul: our father's fortune

Would almost tempt us to renounce his precepts.

About this Quotation:

Joseph Addison's play *Cato: A Tragedy* (1710) is another one in our series commemorating a significant anniversary in 2010. It is 300 years since the play was first written and 297 years since it was first performed. The play became very popular in the American colonies in the years prior to the Revolution because of its strong stand against tyrants like Julius Caesar and the destruction of the Republic and the consequent emergence of the Empire (the parallel with Great Britain was obvious to 18th century American readers). Ten years after the play was written John Trenchard and Thomas Gordon began writing their very popular and influential newspaper articles under the pen name of "Cato" in which they denounced tyranny, empire, corruption, and the destruction of liberty in very similar terms to those used by Addison (*Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects* (1720-1723)). One might also mention that Shakespeare used the assassination of Caesar as the basis of one of his plays, and Voltaire set his play *Brutus* (finished in 1730 but which he started to write while in England during the 1720s) some 500 years earlier in which Brutus defends republican liberty against kingly tyranny. Voltaire's play was very popular during the French Revolution until another successful general rose to power and created yet another Empire.

Source

Joseph Addison, *Cato: A Tragedy and Selected Essays*, ed. by Christine Dunn Henderson and Mark E. Yellin, with a Foreword by Forrest McDonald (Indianapolis: Liberty Fund, 2004).
<http://oll.libertyfund.org/title/1229/9102/1501182>

Milton argues that a Monarchy wants the people to be prosperous only so it can better fleece them (1660) (Jun 8, 2010)



John Milton (1608 – 1674)

In the year that the English Commonwealth was replaced by the restored monarchy of the Stuarts (1660), the poet and revolutionary politician John Milton (1608-1674) contrasts a Commonwealth, which wants its people to flourish for their own sakes, with a Monarchy, which wants them to be prosperous so it can fleece them:

The other part of our freedom consists in the civil rights and advanc'ments of every person according to his merit: the enjoiment of those never more certain, and the access to these never more open, then in a free Commonwealth. ¶ And both | Both which ¶ in my opinion may be best and soonest obtaind, if every county in the land were made a ¶ little commonwealth , | kinde of subordinate Commonaltie or Commonwealth, ¶ and ¶ thir chief town a city , if it | one chief town or more, according as the shire is in circuit, made cities, if they ¶ be not so call'd already; where the nobilitie and chief gentry from a proportionable compas of territorie annexd to each citie, may build, houses or palaces, befitting their qualitie, may bear part in the government, make their own judicial lawes , or use these that are, and execute them by their own elected judicatures, and judges without appeal, in all things of civil government between man and man. So they shall have justice in thir own hands, law executed fully and finally in thir own counties and precincts, long wishd, and spoken of, but never yet obtaind; ¶ and none | they shall have none then ¶ to blame but themselves, if it be not well administerd. and fewer laws to expect or fear from the supreme autoritie; or to those that shall be made, of any great concernment to public libertie, they may without much trouble in these commonalties or in more general assemblies call'd to thir cities from the whole territorie on such occasion, declare and publish thir assent or dissent by deputies within a time limited sent to the Grand Councel : yet so as this thir judgment declar'd shal submitt to the greater number of other counties or commonalties, and not avail them to any exemption of themselves, or refusal of agreement with the rest, as it may in any of the United Provinces, being sovrain within it self, oft times to the great disadvantage of that union. In these employments they may much better then they do now exercise and fit themselves till their lot fall to be

chosen into the Grand Council, according as their worth and merit shall be taken notice of by the people. As for controversies that shall happen between men of several counties, they may repair, as they do now, to the capital citie. or any other more commodious, indifferent place and equal judges . And this I finde to have bin practisd in the old Athenian Commonwealth, reputed the first and ancientest place of civilitie in all Greece; that they had in thir several cities, a peculiar; in Athens, a common government; and thir right, as it befell them, to the administration of both. They should have heer also schools and academies at thir own choice, wherein their children may be bred up in thir own sight to all learning and noble education, not in grammar only , but in all liberal arts and exercises. This would soon spread much more knowledge and civilitie, yea religion, through all parts of the land: by communicating the natural heat of government and culture more distributively to all extreme parts, which now lie numm and neglected, [this] would soon make the whole nation more industrious, more ingenuous at home, more potent, more honourable abroad. To this a free Commonwealth will easily assent; (nay the Parlament hath had alreadie som such thing in designe) **for of all governments a Commonwealth aims most to make the people flourishing, vertuous, noble and high spirited. Monarchs will never permitt: whose aim is to make the people, wealthy indeed perhaps and wel-fleec't for thir own shearing , and [for] the supply of regal prodigalitie; but otherwise softest, basest, vitioussest, servilest, easiest to be kept under; and not only in fleece, but in minde also sheepishest;** and will have all the benches of judicature annexd to the throne , as a gift of royal grace that we have justice don us; whenas nothing can be more essential to the freedom of a people, then to have the administration of justice and all publick ornaments in thir own election and within thir own bounds, without long traveling or depending on remote places to obtain thir right or any civil accomplishment; so it be not supream, but subordinate to the general power and union of the whole Republick. In which happie firmness as in the particular above mentioned, we shall also far exceed the United Provinces , by having, not as they (to the retarding and distracting oft times of thir counsels or urgentest occasions), [so] many sovranties united in one Commonwealth, but many Commonwealths under one united and entrusted sovrantie. And when we have our forces by sea and land, either of a faithful Armie or a settl'd Militia, in our own hands to the firm establishing of a free Commonwealth, publick accounts under our own inspection , general laws and taxes with thir causes in our own domestic suffrages, judicial laws, offices and ornaments at home in our own ordering and administration, all distinction of lords and commoners, that may any way divide or sever the publick interest, remov'd, what can a perpetual senat have then wherein to grow corrupt, wherein to encroach upon us or usurp; or if they do, wherein to be formidable? Yet if all this avail not to remove the fear or envie of a perpetual sitting, it may be easilie provided, to change a third part of them yearly, or every two or three years, as was above mentiond; or that it be at those times in the peoples choice, whether they will change them, or renew thir power, as they shall finde cause.

About this Quotation:

This is another quotation celebrating authors or books which enjoy a significant anniversary this year. John Milton wrote this defence of a free Commonwealth just as the English Commonwealth was being replaced by the return of the Stuart monarchy in 1660 after nearly two decades of political upheaval known as the English Revolution. Milton makes the point that a Commonwealth is based upon the merit principle in which anybody with talent can rise to the top of their profession, and that the lack of centralised political power means that local communities can exercise control over things like the law and education. What is striking in this piece is the language he uses to liken the powers of the monarch

to those of a rapacious shepherd, whose only interest in the well-being of his people is so he can fleece them all the better. The analogy probably comes from Plato's *Republic*. Milton takes it one step further by saying that there is also a psychological aspect to this submissive behavior by the people in a monarchy, namely that the king wants a political system where it was "easiest [for the people] to be kept under; and not only in fleece, but in minde also sheepishest." Milton feared that in a monarchy the people would be shorn not only of their fleece but also of their independent thinking.

Source

John Milton, *The Ready and Easy Way to Establish a Free Commonwealth*, edited with Introduction, Notes, and Glossary by Evert Mordecai Clark (New Haven: Yale University Press, 1915).
<http://oll.libertyfund.org/title/272/41738/860957>

Tocqueville on the form of despotism the government would assume in democratic America (1840) (Jun 14, 2010)



Alexis de Tocqueville (1805 – 1859)

The French political philosopher Alexis de Tocqueville (1805-1859) describes what form of tyranny or despotism would come to America: it would be relatively mild, retain some of the “external forms of liberty”, but the people would behave like timid “animals” and the government would act like their shepherd:

Democratic governments will be able to become violent and even cruel in certain moments of great agitation and great dangers; but these crises will be rare and passing.

When I think about the petty passions of the men of our times, about the softness of their mores, about the extent of their enlightenment, about the purity of their religion, about the mildness of their morality, about their painstaking and steady habits, about the restraint that they nearly all maintain in vice as in virtue, I am not afraid that they will find in their leaders tyrants, but rather tutors.

So I think that the type of oppression by which democratic peoples are threatened will resemble nothing of what preceded it in the world; our contemporaries cannot find the image of it in their memories. I seek in vain myself for an expression that exactly reproduces the idea that I am forming of it and includes it; the old words of despotism and of tyranny do not work. The thing is new, so I must try to define it, since I cannot name it.

I want to imagine under what new features despotism could present itself to the world; I see an innumerable crowd of similar and equal men who spin around restlessly, in order to gain small and vulgar pleasures with which they fill their souls. Each one of them, withdrawn apart, is like a stranger to the destiny of all the others; his children and his particular friends form for him the entire human species;g as for the remainder of his fellow citizens, he is next to them, but he does not see them; he touches them without feeling them; he exists only in himself and for himself alone, and if he still has a family, you can say that at least he no longer has a country.

Above those men arises an immense and tutelary power that alone takes charge of assuring their enjoyment and of looking after their fate. It is absolute, detailed, regular, far-sighted and mild. It would resemble paternal power if, like it, it had as a goal to prepare men for manhood; but on the contrary it seeks only to fix them irrevocably in childhood; it likes the citizens to enjoy themselves, provided that they think only about enjoying themselves. It works willingly for their happiness; but it wants to be the unique agent for it and the sole arbiter; it attends to their security, provides for their needs, facilitates their pleasures, conducts their principal affairs, directs their industry, settles their estates, divides their inheritances; how can it not remove entirely from them the trouble to think and the difficulty of living?

This is how it makes the use of free will less useful and rarer every day; how it encloses the action of the will within a smaller space and little by little steals from each citizen even the use of himself. Equality has prepared men for all these things; it has disposed men to bear them and often even to regard them as a benefit.

After having thus taken each individual one by one into its powerful hands, and having molded him as it pleases, the sovereign power extends its arms over the entire society; it covers the surface of society with a network of small, complicated, minute, and uniform rules, which the most original minds and the most vigorous souls cannot break through to go beyond the crowd; it does not break wills, but it softens them, bends them and directs them; it rarely forces action, but it constantly opposes your acting; it does not destroy, it prevents birth; it does not tyrannize, it hinders, it represses, it enervates, it extinguishes, it stupifies, and finally it reduces each nation to being nothing more than a flock of timid and industrious animals, of which the government is the shepherd.

I have always believed that this sort of servitude, regulated, mild and peaceful, of which I have just done the portrait, could be combined better than we imagine with some of the external forms of liberty, and that it would not be impossible for it to be established in the very shadow of the sovereignty of the people.

About this Quotation:

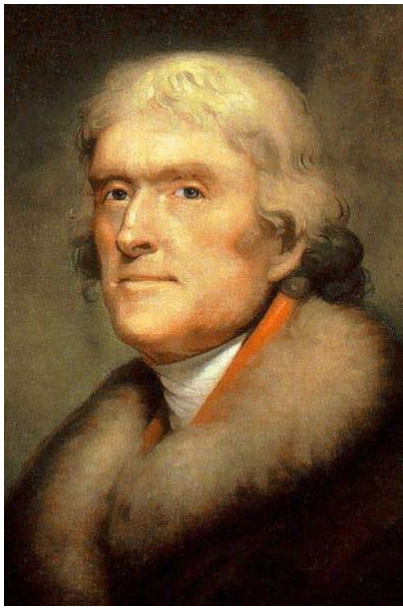
In a number of quotations we have looked at writers who have likened the people to sheep who are protected by the shepherd or “state” in order to better shear them of their fleece or slaughter them for meat. John Milton was quite clear on this analogy and stressed the importance for the state of creating “sheep-like minds” in the heads of the people. Alexis de Tocqueville can be added to this list. In the longer version of the quotation he talks about the importance of “agitation” and “crisis” in creating the precondition for the expansion of state power; that in democratic America the state will create a new form of tyranny, being part despotism, part “tutorship”, and part “paternalism” of the people; that various external forms of liberty will remain but the sheer number of “uniform rules” will reduce the people to a timid and sheep-like status with the state acting like the national shepherd.

Source

Alexis de Tocqueville, *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*, ed. Eduardo Nolla, translated from the French by James T. Schleifer. A Bilingual French-

English editions, (Indianapolis: Liberty Fund, 2010). Vol. 4. <http://oll.libertyfund.org/title/2288/219094/3504127>

Jefferson's list of objections to the British Empire in his first draft of the Declaration of Independence (1776) (Jul 4, 2010)



Thomas Jefferson (1743 – 1826)

We reproduce here a selection of the objections to acts of the British Empire which enraged the colonists in 1776. This comes from the first draft written by Thomas Jefferson before it was amended by his colleagues. Most notable for its exclusion from the final version are Jefferson's remarks about slavery, "this war against human nature itself":

First Draft

A Declaration by the Representatives of the United States of America in general Congress assembled.

When in the Course of human Events it becomes necessary for a People to advance from that Subordination, in which they have hitherto remained and to assume among the Powers of the Earth, the equal and independent Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the opinions of Mankind requires that they should declare the Causes, which impell them to the Change. We hold these Truths to be self evident; that all Men are created equal and independent; that from that equal Creation they derive Rights inherent and unalienable; among which are the Preservation of Life, and Liberty, and the Pursuit of Happiness; that to secure these Ends, Governments are instituted among Men, deriving their just Powers from the Consent of the governed; that whenever, any form of Government, shall become destructive of these ends, it is the Right of the People to alter, or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall Seem most likely to effect their Safety and Happiness. Prudence indeed will dictate that Governments long established should not change for light and transient Causes; and accordingly all Experience hath shown, that Mankind are more disposed to Suffer, while Evils are Sufferable, than to right themselves, by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, begun at a distinguish'd Period, and pursuing invariably, the same object, evinces a Design to reduce them under

absolute Power, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity, which constrains them to expunge their former Systems of Government. The History of his present Majesty, is a History of unremitting Injuries and Usurpations, among which no one Fact stands Single or Solitary to contradict the uniform Tenor of the rest, all of which have in direct object, the Establishment of an absolute Tyranny over these States. To prove this, let Facts be Submitted to a candid World, for the Truth of which We pledge a Faith, as yet unsullied by falsehood.

He has refused his Assent to Laws the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their operation, till his Assent should be obtained; and when so suspended he has neglected utterly to attend to them.

He has refused to pass other Laws for the accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them and formidable to Tyrants only.

He has dissolved Representative Houses, repeatedly, and continually, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused, for a long Space of Time after such Dissolutions, to cause others to be elected, whereby the legislative Powers, incapable of annihilation, have returned to the People at large for their Exercise, the state remaining in the mean Time, exposed to all the Dangers of Invasion, from without, and Convulsions within —

He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for naturalization of foreigners; refusing to pass others to encourage their Migrations hither; and raising the Conditions of new Appropriations of Lands.

He has suffered the Administration of Justice totally to cease in some of these Colonies, refusing his Assent to Laws for establishing Judiciary Powers.

He has made our Judges dependent on his Will alone, for the Tenure of their offices, and amount of their Salaries:

He has created a Multitude of new offices by a Self-assumed Power, and sent hither swarms of officers to harrass our People and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies and Ships of War.

He has affected to render the military, independent of, and Superiour to, the civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution and unacknowledged by our Laws; giving his Assent to their pretended Acts of legislation; for quartering large Bodies of armed Troops among us; for protecting them by a Mock Tryal from Punishment for any Murders they should commit on the Inhabitants of these States;

for cutting off our Trade with all Parts of the World; for imposing Taxes on us without our Consent; for depriving Us of the Benefits of Trial by Jury; for transporting us beyond Seas to be tried for pretended offenses, for taking away our Charters, and altering fundamentally the Forms of our Government; for suspending our own Legislatures and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, withdrawing his Governors, and declaring us, out of his Allegiance and Protection.

He has plundered our Seas, ravaged our Coasts, burnt our towns, and destroyed the Lives of our People.

He is at this Time transporting large Armies of foreign Mercenaries to complete the Works of death, Desolation, and Tyranny, already begun with Circumstances of Cruelty and Perfidy unworthy the Head of a civilized Nation.

He has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare is an undistinguished Destruction of all Ages, Sexes, and Conditions of existence.

He has incited treasonable Insurrections of our Fellow Citizens, with the allurements of Forfeiture and Confiscation of our Property.

He has waged cruel War against human Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither. This piratical Warfare, the opprobrium of infidel Powers, is the Warfare of the Christian King of Great Britain.

He has prostituted his Negative for Suppressing every legislative Attempt to prohibit or to restrain an execrable Commerce, determined to keep open a Market where Men should be bought and sold, and that this assemblage of Horrors might want no Fact of distinguished Die

He is now exciting those very People to rise in Arms among us, and to purchase their Liberty of which he has deprived them, by murdering the People upon whom he also obtruded them: thus paying off, former Crimes committed against the Liberties of one People, with Crimes which he urges them to commit against the Lives of another.

In every stage of these oppressions we have petitioned for redress, in the most humble Terms; our repeated Petitions have been answered by repeated Injury. A Prince, whose Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a People who mean to be free.—future ages will scarce believe, that the Hardiness of one Man, adventured, within the Short Compass of twelve years only, on so many Acts of Tyranny, without a Mask, over a People, fostered and fixed in the Principles of Liberty.

Nor have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of attempts of their Legislature to extend a Jurisdiction over these our States. We have reminded them of the Circumstances of our Emigration and Settlement here, no one of which could warrant so strange a Pretension. That these were effected at

the expense of our own Blood and Treasure, unassisted by the Wealth or the Strength of Great Britain; that in constituting indeed, our Several Forms of Government, we had adopted one common King, thereby laying a Foundation for Perpetual League and Amity with them; but that Submission to their Parliament, was no Part of our Constitution, nor ever in Idea, if History may be credited; and we appealed to their Nature, Justice and Magnanimity, as well as to the Ties of our common Kindred to disavow these usurpations, which were likely to interrupt our Correspondence and Connection. They too have been deaf to the Voice of Justice and of Consanguinity, and when occasions have been given them by the regular Course of their Laws of removing from their Councils, the Disturbers of our Harmony, they have by their free Election, re-established them in Power. At this very Time too, they are permitting their Chief Magistrate to send over not only soldiers of our common Blood, but Scotch and foreign Mercenaries, to invade and deluge us in Blood. These Facts have given the last Stab to agonizing affection, and manly Spirit bids us to renounce forever these unfeeling Brethren. We must endeavour to forget our former Love for them, and to hold them, as we hold the rest of Mankind, enemies in War, in Peace Friends. We might have been a free and a great People together but a Communication of Grandeur and of Freedom it seems is below their Dignity. Be it so, since they will have it: The Road to Happiness and to Glory is open to us too; we will climb it, apart from them, and acquiesce in the Necessity which denounces our eternal Separation.

We therefore the Representatives of the United States of America, in General Congress assembled, do, in the Name, and by the Authority of the good People of these States, reject and renounce all Allegiance and Subjection to the Kings of Great Britain, and all others, who may hereafter claim by, through, or under them; We utterly dissolve and break off, all political Connection which may have heretofore subsisted between us and the People or Parliament of Great Britain, and finally we do assert and declare these Colonies to be free and independent States, and that as free and independent States they shall hereafter have Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which independent States may of Right do. And for the Support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our Sacred Honour.

About this Quotation:

One wonders what Thomas Jefferson would think if he were to come back to life and see the modern world for himself. What list of new objections to the use of power by the state would he draw up in 2010? We have returned to his original draft of the Declaration of Independence before it was amended by his colleagues in the effort to reach consensus for a common declaration which would express the concerns of all of the colonists. It no doubt reflects more closely his own thinking on the subject before all the compromises were made. The articles we have selected appear to have some contemporary relevance. We have also included the two articles criticizing slavery. Unfortunately, in order to get southern slave holders to support the Declaration they had to be removed.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 2. <http://oll.libertyfund.org/title/755/86069>

Milton on the ease with which tyrants find their academic defenders (1651) (Sep 6, 2010)



John Milton (1608 – 1674)

A few months after the execution of Charles I in January 1649 the French protestant classicist Salmasius leapt to the defence of absolutist monarchy. In February 1651 John Milton (1608-1674) penned a witty and devastating chapter by chapter refutation of Salmasius's views and defended the right of the people to overthrow a tyrannical king. He lamented the fact that tyrants always could find scholars like Salmasius to spring to their defence, whilst Liberty sometimes had to struggle to find its advocates:

Which enterprise, though some of the eminent persons in our commonwealth have prevailed upon me by their authority to undertake, and would have it be my business to vindicate with my pen against envy and calumny, (which are proof against arms) those glorious performances of theirs, (whose opinion of me I take as a very great honour, that they should pitch upon me before others to be serviceable in this kind of those most valiant deliverers of my native country; and true it is, that from my very youth, I have been bent extremely upon such sort of studies, as inclined me, if not to do great things myself, at least to celebrate those that did,) yet as having no confidence in any such advantages, I have recourse to the divine assistance; and invoke the great and holy God, the giver of all good gifts, that I may as substantially, and as truly, discourse and refute the sauciness and lies of this foreign declamator, as our noble generals piously and successfully by force of arms broke the king's pride, and his unruly domineering, and afterwards put an end to both by inflicting a memorable punishment upon himself, and as thoroughly as a single person did with ease but of late confute and confound the king himself rising as it were from the grave, and recommending himself to the people in a book published after his death, with new artifices and allurements of words and expressions. Which antagonist of mine, though he be a foreigner, and, though he deny it a thousand times over, but a poor grammarian; yet not contented with a salary due to him in that capacity, chose to turn a pragmatistical coxcomb, and not only to intrude in state-affairs, but into the affairs of a foreign state: though he brings along with him neither modesty, nor understanding, nor any other qualification requisite in so great an arbitrator, but

sauciness, and a little grammar only. Indeed if he had published here, and in English, the same things as he has now wrote in Latin, such as it is, I think no man would have thought it worth while to return an answer to them, but would partly despise them as common, and exploded over and over already, and partly abhor them as sordid and tyrannical maxims, not to be endured even by the most abject of slaves: nay, men that have sided with the king, would have had these thoughts of his book. But since he has swoln it to a considerable bulk, and dispersed it among foreigners, who are altogether ignorant of our affairs and constitution; it is fit that they who mistake them, should be better informed; and that he, who is so very forward to speak ill of others, should be treated in his own kind.

If it be asked, why we did not then attack him sooner, why we suffered him to triumph so long, and pride himself in our silence? For others I am not to answer; for myself I can boldly say, that I had neither words nor arguments long to seek for the defence of so good a cause, if I had enjoyed such a measure of health, as would have endured the fatigue of writing. And being but weak in body, I am forced to write by piecemeal, and break off almost every hour, though the subject be such as requires an unintermitted study and intensesness of mind. But though this bodily indisposition may be a hindrance to me in setting forth the just praises of my most worthy countrymen, who have been the saviours of their native country, and whose exploits, worthy of immortality, are already famous all the world over; yet I hope it will be no difficult matter for me to defend them from the insolence of this silly little scholar, and from that saucy tongue of his, at least. Nature and laws would be in an ill case, if slavery should find what to say for itself, and liberty be mute: and if tyrants should find men to plead for them, and they that can master and vanquish tyrants, should not be able to find advocates. And it were a deplorable thing indeed, if the reason mankind is endued withal, and which is the gift of God, should not furnish more arguments for men's preservation, for their deliverance, and, as much as the nature of the thing will bear, for making them equal to one another, than for their oppression, and for their utter ruin under the domineering power of one single person. Let me therefore enter upon this noble cause with a cheerfulness, grounded upon this assurance, that my adversary's cause is maintained by nothing but fraud, fallacy, ignorance, and barbarity; whereas mine has light, truth, reason, the practice and the learning of the best ages of the world, of its side.

About this Quotation:

Underneath the witty and clever veneer of this devastating criticism of the French classicist Salmasius' "Defence of the King" (1649) John Milton poses a key question: namely, why are there so many ready and willing academics and scholars who will defend a tyrannical government, and at the same time relatively few scholars who can or will defend Liberty (he uses a capital L)? Milton was charged with this task by the Parliamentary forces but as he explains in his preface he was ill and weak, which made extended periods of work difficult, and he had contempt for "this silly little scholar" who, in Milton's view, was insolent and saucy, and had "little [Latin] grammar". You can almost hear him sigh as he picks up his pen and observes that "nature and laws would be in an ill case, if slavery should find what to say for itself, and liberty be mute: and if tyrants should find men to plead for them, and they that can master and vanquish tyrants, should not be able to find advocates." So once again Milton felt obliged to defend the republican cause from its enemies.

Source

John Milton, *The Prose Works of John Milton*, With a Biographical Introduction by Rufus Wilmot Griswold. In Two Volumes (Philadelphia: John W. Moore, 1847). Vol. 2. <http://oll.libertyfund.org/title/1210/78211/1893664>

Paine on the idea that the law is king (1776) (Feb 20, 2011)



Thomas Paine (1737 – 1809)

In *Common Sense* (January 1776) Thomas Paine reminded the American colonists that in a free republic “the law is king” and that if a day were to be set aside to celebrate the republic’s achievements then it should not be focused on a single man but on the law itself:

Should any body of men be hereafter delegated for this or some similar purpose, I offer them the following extracts from that wise observer on Governments, Dragonetti. “The science,” says he, “of the Politician consists in fixing the true point of happiness and freedom. Those men would deserve the gratitude of ages, who should discover a mode of government that contained the greatest sum of individual happiness, with the least national expense.” (Dragonetti on “Virtues and Reward.”)

But where, say some, is the King of America? I’ll tell you, friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Great Britain. Yet that we may not appear to be defective even in earthly honours, let a day be solemnly set apart for proclaiming the Charter; let it be brought forth placed on the Divine Law, the Word of God; let a crown be placed thereon, by which the world may know, that so far as we approve of monarchy, that in America the law is king. For as in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other. But lest any ill use should afterwards arise, let the Crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.

A government of our own is our natural right: and when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance. If we omit it now, some Massanello may hereafter arise [Note: Thomas Anello, otherwise Massanello, a fisherman of Naples, who after spiriting up his countrymen in the public market place, against the oppression of the Spaniards, to whom the place was then subject, prompted them to revolt, and in the space of a day became

King], who, laying hold of popular disquietudes, may collect together the desperate and the discontented, and by assuming to themselves the powers of government, finally sweep away the liberties of the Continent like a deluge. Should the government of America return again into the hands of Britain, the tottering situation of things will be a temptation for some desperate adventurer to try his fortune; and in such a case, what relief can Britain give? Ere she could hear the news, the fatal business might be done; and ourselves suffering like the wretched Britons under the oppression of the Conqueror. Ye that oppose independance now, ye know not what ye do: ye are opening a door to eternal tyranny, by keeping vacant the seat of government. There are thousands and tens of thousands, who would think it glorious to expel from the Continent, that barbarous and hellish power, which hath stirred up the Indians and the Negroes to destroy us; the cruelty hath a double guilt, it is dealing brutally by us, and treacherously by them.

To talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded thro' a thousand pores instruct us to detest, is madness and folly. Every day wears out the little remains of kindred between us and them; and can there be any reason to hope, that as the relationship expires, the affection will encrease, or that we shall agree better when we have ten times more and greater concerns to quarrel over than ever?

Ye that tell us of harmony and reconciliation, can ye restore to us the time that is past? Can ye give to prostitution its former innocence? neither can ye reconcile Britain and America. The last cord now is broken, the people of England are presenting addresses against us. There are injuries which nature cannot forgive; she would cease to be nature if she did. As well can the lover forgive the ravisher of his mistress, as the Continent forgive the murders of Britain. The Almighty hath implanted in us these unextinguishable feelings for good and wise purposes. They are the Guardians of his Image in our hearts. They distinguish us from the herd of common animals. The social compact would dissolve, and justice be extirpated from the earth, or have only a casual existence were we callous to the touches of affection. The robber and the murderer would often escape unpunished, did not the injuries which our tempers sustain, provoke us into justice.

O! ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the Globe. Asia and Africa have long expelled her. Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

About this Quotation:

In *Common Sense* (January 1776) Thomas Paine galvanized the American public with the thought that full independence from Britain was possible. It marked an important intellectual phase of the movement when many individuals in the North American colonies began to think that there were two alternatives that were now possible: an alternative to British rule and an alternative to rule by a single man. In these passages Paine worries about a newly independent America reverting to a monarchy. Paine thought an agitator like Massanello might prey on discontent to take over the government and declare himself king. Thomas Jefferson, in a letter to Robert Livingston (December 1800), worried in a similar fashion that republicanism in America was only skin deep and that there lurked a monarchie masquée (hidden monarchy) just below the surface. It should be remembered that there were some who thought George Washington should have been a monarch not a president in the new American

nation. In Paine's strict republican view if there were to be "king" it would have to be the rule of law not that of a single man. Furthermore, if a day of celebration were to be set aside then homage should be paid to the law (the "Charter"), a crown set upon it to remind those gathered that "the law is king", and at the end of the ceremony the crown should be smashed and scattered among the people as a reminder that the notion of kingship is a dangerous thing in a free republic. May you have a happy Presidents Day.

Source

Thomas Paine, *The Writings of Thomas Paine*, Collected and Edited by Moncure Daniel Conway (New York: G.P. Putnam's Sons, 1894). Vol. 1. <http://oll.libertyfund.org/title/343/17029/608657>

Thomas Paine on the absurdity of an hereditary monarchy (1791) (Apr 25, 2011)



Thomas Paine (1737 – 1809)

After having helped the American colonists shake off their reluctance to secede from the British Empire, Thomas Paine (1737-1809) turned his attention to the French Revolution which he vigorously defended against attacks by Edmund Burke. In the *Rights of Man* (1791) he distinguished between two types of government – the “representative” which was flourishing in North America, and the “hereditary” which still prevailed in Britain and France. He had the following harsh things to say about having an hereditary monarch:

Government ought to be a thing always in full maturity. It ought to be so constructed as to be superior to all the accidents to which individual man is subject; and, therefore, hereditary succession, by being subject to them all, is the most irregular and imperfect of all the systems of government.

We have heard the Rights of Man called a levelling system; but the only system to which the word levelling is truly applicable, is the hereditary monarchical system. It is a system of mental levelling. It indiscriminately admits every species of character to the same authority. Vice and virtue, ignorance and wisdom, in short, every quality, good or bad, is put on the same level. Kings succeed each other, not as rationals, but as animals. It signifies not what their mental or moral characters are. Can we then be surprised at the abject state of the human mind in monarchical countries, when the government itself is formed on such an abject levelling system?—It has no fixed character. To-day it is one thing; to-morrow it is something else. It changes with the temper of every succeeding individual, and is subject to all the varieties of each. It is government through the medium of passions and accidents. It appears under all the various characters of childhood, decrepitude, dotage, a thing at nurse, in leading-strings, or in crutches. It reverses the wholesome order of nature. It occasionally puts children over men, and the conceits of non-age over wisdom and experience. In short, we cannot conceive a more ridiculous figure of government, than hereditary succession, in all its cases, presents.

Could it be made a decree in nature, or an edict registered in heaven, and man could know it, that virtue and wisdom should invariably appertain to hereditary succession, the objection to it would be removed; but when we see that nature acts as if she disowned and sported with the hereditary system; that the mental character of successors, in all countries, is below the average of human understanding; that one is a tyrant, another an idiot, a third insane, and some all three together, it is impossible to attach confidence to it, when reason in man has power to act.

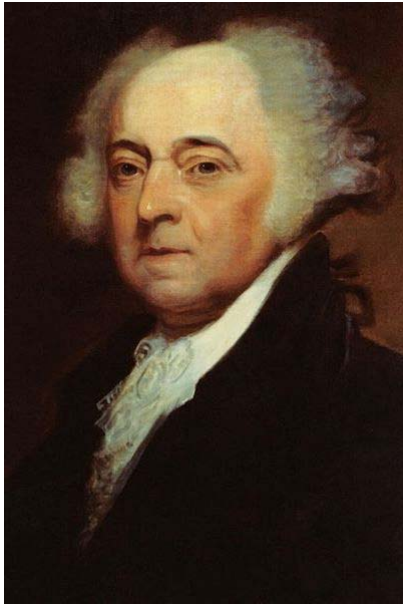
About this Quotation:

The pageantry of royal events does not hide some of its most unappealing aspects, namely, its disregard for the notion of the equal and inalienable rights of man, the idea that political sovereignty can be passed down from one generation to the next through a bloodline, and that any “legitimate” sovereign has an equal right to that political power regardless of their skills, capacities, or moral character. One of the great critics of hereditary monarchical power was Thomas Paine who had the luxury or the bad luck to be involved in two of the great world revolutions, the American and then the French. In this passage he turns a major criticism of revolution levelled by its conservative critics, like Edmund Burke, on its head. Perhaps with a conscious reference to the “Levellers” of the English Revolution of the mid-17th century, Paine says that to call the idea of the “rights of man” a “levelling system” in which the good and the mighty are brought down to some low common denominator of the people is itself a form of “levelling” which in his view is unjustified. Paine thought the “levelling” came from the other direction, that anybody, no matter how well or badly qualified for the position of monarch they were, could become a king so long as the proprieties of bloodline, descent, and family connections were adhered to. Thus all qualifications were “levelled” in the name of an ancestral claim to political power. This is a major reason why Paine called “hereditary monarchy” the most “ridiculous figure of government” imaginable.

Source

Thomas Paine, *The Writings of Thomas Paine*, Collected and Edited by Moncure Daniel Conway (New York: G.P. Putnam’s Sons, 1894). Vol. 2. <http://oll.libertyfund.org/title/344/17372/1556528>

John Adams on how absolute power intoxicates those who exercise that power (1814) (Oct 31, 2011)



John Adams (1735 – 1826)

John Adams (1735-1826) was prompted by John Taylor's book *An Inquiry into the Principles and Policy of the Government of the United States* (1814) to defend his idea of democracy:

But all these arts are founded in certain general principles of nature, which have never been known to change; and it is the duty of philosophers, legislators, and artists to study these principles; and the nearer they approach to them, the greater perfection will they attain in their arts. There may be principles in nature, not yet observed, that will improve all these arts; and nothing hinders any man from making experiments and pursuing researches, to investigate such principles and make such improvements. But America has made no discoveries of principles of government that have not been long known. Morality and liberty, and "moral liberty," too, whatever it may mean, have been known from the creation. Cain knew it when he killed Abel, and knew that he violated it.

You say, sir, that I have gravely counted up several victims "of popular rage, as proofs that democracy is more pernicious than monarchy or aristocracy." This is not my doctrine, Mr. Taylor. My opinion is, and always has been, that absolute power intoxicates alike despots, monarchs, aristocrats, and democrats, and jacobins, and sans culottes. I cannot say that democracy has been more pernicious, on the whole, than any of the others. Its atrocities have been more transient; those of the others have been more permanent. The history of all ages shows that the caprice, cruelties, and horrors of democracy have soon disgusted, alarmed, and terrified themselves. They soon cry, "this will not do; we have gone too far! We are all in the wrong! We are none of us safe! We must unite in some clever fellow, who can protect us all,—Cæsar, Bonaparte, who you will! Though we distrust, hate, and abhor them all; yet we must submit to one or another of them, stand by him, cry him up to the skies, and swear that he is the greatest, best, and finest man that ever lived!"

It has been my fortune, good or bad, to live in Europe ten years, from 1778 to 1788, in a

public character. This destiny, singular in America, forced upon my attention the course of events in France, Holland, Geneva, and Switzerland, among many other nations; and this has irresistibly attracted my thoughts more than has been for my interest. The subject cannot have escaped you. What has been the conduct of the democratic parties in all those nations? How horribly bloody in some! Has it been steady, consistent, uniform, in any? Has it not leaped from democracy to aristocracy, to oligarchy, to military despotism, and back again to monarchy, as often, and as easily, as the birds fly to the lower, the middle, or the upper limbs of a tree, or leap from branch to branch, or hop from spray to spray?

Democracy, nevertheless, must not be disgraced; democracy must not be despised. Democracy must be respected; democracy must be honored; democracy must be cherished; democracy must be an essential, an integral part of the sovereignty, and have a control over the whole government, or moral liberty cannot exist, or any other liberty. I have been always grieved by the gross abuses of this respectable word. One party speak of it as the most amiable, venerable, indeed, as the sole object of its adoration; the other, as the sole object of its scorn, abhorrence, and execration. Neither party, in my opinion, know what they say. Some of them care not what they say, provided they can accomplish their own selfish purposes. These ought not to be forgiven.

About this Quotation:

John Adams was stung by criticism from John Taylor that he had argued that democracy was more “pernicious” than other forms of government such as monarchy. He takes pains to defend democracy which he does in very strong terms concluding that “Democracy must be respected; democracy must be honored; democracy must be cherished; democracy must be an essential, an integral part of the sovereignty.” Yet he is also aware that democracies, like all forms of government, can result in abuses of political power. In making this point Adams comes up with a formulation which equals the famous one by Lord Acton that “power corrupts and absolute power corrupts absolutely.” In Adams phrasing of the problem of power he states “My opinion is, and always has been, that absolute power intoxicates alike despots, monarchs, aristocrats, and democrats”.

Source

John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* (Boston: Little, Brown and Co., 1856). 10 volumes. Vol. 6. <http://oll.libertyfund.org/title/2104/159956/2828250>

Madame de Staël on the tyrant Napoleon (1818) (Nov 7, 2011)



Germaine de Staël (1766 – 1817)

Madame Germaine de Staël (née Necker) (1766-1817) had the opportunity to observe Napoleon at first hand. She concluded that he was a ruthless tyrant who regarded individuals as pawns on a chessboard which he controlled:

It was with this sentiment, at least, that I saw him for the first time at Paris. I could not find words to reply to him when he came to me to say that he had sought my father at Coppet, and that he regretted having passed into Switzerland without seeing him. But, when I was a little recovered from the confusion of admiration, a strongly marked sentiment of fear succeeded. Bonaparte, at that time, had no power; he was even believed to be not a little threatened by the defiant suspicions of the Directory; so that the fear which he inspired was caused only by the singular effect of his person upon nearly all who approached him. I had seen men highly worthy of esteem; I had likewise seen monsters of ferocity: there was nothing in the effect which Bonaparte produced on me that could bring back to my recollection either the one or the other. I soon perceived, in the different opportunities which I had of meeting him during his stay at Paris, that his character could not be defined by the words which we commonly use; he was neither good, nor violent, nor gentle, nor cruel, after the manner of individuals of whom we have any knowledge. Such a being had no fellow, and therefore could neither feel nor excite sympathy: he was more or less than man. His cast of character, his spirit, his language, were stamped with the imprint of an unknown nature—an additional advantage, as we have elsewhere observed, for the subjugation of Frenchmen.

Far from recovering my confidence by seeing Bonaparte more frequently, he constantly intimidated me more and more. I had a confused feeling that no emotion of the heart could act upon him. He regards a human being as an action or a thing, not as a fellow-creature. He does not hate more than he loves; for him nothing exists but himself; all other creatures are ciphers. The force of his will consists in the impossibility of disturbing the calculations of his egoism; he is an able chess-player, and the human race is the opponent to whom he proposes to give checkmate. His successes depend as much on the qualities in which he is deficient as on the talents

which he possesses. Neither pity, nor allurements, nor religion, nor attachment to any idea whatsoever could turn him aside from his principal direction. He is for his self-interest what the just man should be for virtue; if the end were good, his perseverance would be noble.

Every time that I heard him speak, I was struck with his superiority; yet it had no similitude to that of men instructed and cultivated by study or society, such as those of whom France and England can furnish examples. But his discourse indicated a fine perception of circumstances, such as the hunter has of his prey. Sometimes he related the political and military events of his life in a very interesting manner; he had even somewhat of Italian imagination in narratives which allowed of gaiety. Yet nothing could triumph over my invincible aversion for what I perceived in him. I felt in his soul a cold sharp-edged sword, which froze the wound that it inflicted; I perceived in his mind a profound irony, from which nothing great or beautiful, not even his own glory, could escape; for he despised the nation whose votes he wished, and no spark of enthusiasm was mingled with his desire of astonishing the human race.

About this Quotation:

The classical liberal historian and observer of the French Revolution, Madame de Staël, comes close in these passages to providing us with a psychology of the tyrant. She describes him as being unable to feel sympathy for other human beings, seeing other people as mere pawns which he could move about on a chessboard, being supremely egotistical, believing himself to be superior to all others, and that his soul was “a cold sharp-edged sword” and that his character had “an air of vulgarity” about it. She concluded that “In every respect it is war, and only war, which suits him”.

Source

Germaine de Staël, *Considerations on the Principal Events of the French Revolution, newly revised translation of the 1818 English edition*, edited, with an introduction and notes by Aurelian Craiutu (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2212/207975/3380699>

Tocqueville on the “New Despotism” (1837) (Jan 2, 2012)



Alexis de Tocqueville (1805 – 1859)

For volume 2 of *Democracy in America* (1840) Alexis de Tocqueville (1805-1859) drew up several drafts of his thoughts on the nature of what he called the “new despotism” which he predicted would gradually emerge and turn the nation into “a flock of timid and hardworking animals”. This draft is quoted at length in James Schleifer’s book on Tocqueville:

[According to James T. Schliefer] What he now foresaw more clearly was the possibility of the dictatorship of the centralized and bureaucratic state. “The social power is constantly increasing its prerogatives; it is becoming more centralized, more enterprising, more absolute, and more widespread. The citizens are perpetually falling under the control of the public administration. They are led insensibly, and perhaps against their will, daily to give up fresh portions of their individual independence to the government, and those same men who from time to time have upset a throne and trampled kings beneath their feet bend without resistance to the slightest wishes of some clerk.”

His readers would be offered several elaborate descriptions of this New Despotism, including the following chilling portrait:

“I see an innumerable multitude of men, alike and equal, constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. Each of them, withdrawn into himself, is almost unaware of the fate of the rest. Mankind, for him, consists in his children and his personal friends. As for the rest of his fellow citizens, they are near enough, but he does not notice them. He touches them but feels nothing. He exists in and for himself, and though he still may have a family, one can at least say that he has not got a fatherland.

Over this kind of man stands an immense, protective power which is alone responsible for securing their enjoyment and watching over their fate. That power is absolute, thoughtful of detail, orderly, provident, and gentle. It would resemble parental authority if, father-like, it tried to prepare its charges for a man’s life, but on the contrary, it only tries to keep them in perpetual childhood. It likes to see the citizens enjoy themselves,

provided that they think of nothing but enjoyment. It gladly works for their happiness but wants to be sole agent and judge of it. It provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, makes rules for their testaments, and divides their inheritances. Why should it not entirely relieve them from the trouble of thinking and all the cares of living?

Thus it daily makes the exercise of free choice less useful and rarer, restricts the activity of free will within a narrower compass, and little by little robs each citizen of the proper use of his own faculties. Equality has prepared men for all this, predisposing them to endure it and often even regard it as beneficial.

Having thus taken each citizen in turn in its powerful grasp and shaped men to its will, government then extends its embrace to include the whole of society. It covers the whole of social life with a network of petty, complicated rules that are both minute and uniform, through which even men of the greatest originality and the most vigorous temperament cannot force their heads above the crowd. It does not break men's will, but softens, bends, and guides it; it seldom enjoins, but often inhibits, action; it does not destroy anything, but prevents much being born; it is not at all tyrannical, but it hinders, restrains, enervates, stifles, and stultifies so much that in the end each nation is no more than a flock of timid and hardworking animals with the government as its shepherd."

The omnipresence and apparent gentleness of this new tyranny were two of its most significant features. Unlike despotisms of old, it avoided violence and obvious brutality. But even though mild and benign, it, too, labored incessantly to render entire populations docile; it, too, enervated first individuals and then the entire nation.

Tocqueville described another important characteristic of the possible new despotism on an extra sheet in his working manuscript dated May 1838. "Show clearly that the administrative despotism which I am talking about is independent of representative, liberal, or revolutionary institutions, in a word of political power; whether the political world is led by an absolute king, by one or several assemblies, whether it is contested in the name of liberty or of order, whether it even falls into anarchy, whether it grows weaker and splits apart, the action of the administrative power will be neither less restrained, nor less strong, nor less overwhelming. It is a true distinction.... The man or the power [?] which puts the administrative machine in motion can change without the machine changing."

So the dictatorship of the state was different from and immune to most political changes, even seemingly fundamental ones. In the face of political upheavals the public bureaucracy would quietly continue to gather power and subjugate the nation.

About this Quotation:

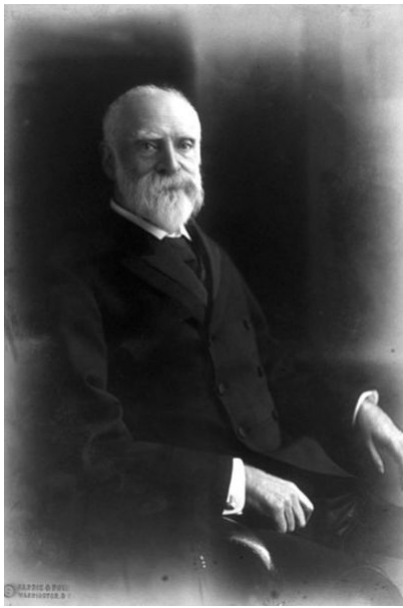
In the late 1830s when Tocqueville was getting the second volume of *Democracy in America* ready for publication (in 1840) his view of the kind of despotism which lay in wait for European and American societies changed. In correspondence with his friend Louis de Kergolay Tocqueville gradually shifted his view from seeing a form of military despotism being the major threat to liberty to thinking that a form of "democratic despotism" would be the way modern societies lost their liberties. His idea of military despotism came from his analysis of Julius Caesar and Napoléon Bonaparte whose despotism

came about as a result of war. Following on from comments made by Kergolay, Tocqueville began to fear that a democracy might hand powers to a single person without the need for a crisis like a war providing the impetus. Equality and the demand for security would create a paternalistic “immense, protective power” which would take over running the lives of individuals, turning the nation into “a flock of timid and hardworking animals with the government as its shepherd.” It seems that Tocqueville did not imagine a case where both factors could coexist at the same time.

Source

James T. Schleifer, *The Making of Tocqueville's Democracy in America*, Foreword by George W. Pierson (2nd edition) (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/667/67147/1638944>

Viscount Bryce on how the President in wartime becomes “a sort of dictator” (1888) (Feb 19, 2012)



[Viscount James Bryce](#) (1838 – 1922)

The British jurist, historian, and statesman Viscount James Bryce (1838-1922) observed as early as 1888 that “in troublous times” the powers the American President had at his disposal made him “a sort of dictator” which had not been seen in the English-speaking world since the time of Oliver Cromwell:

The direct domestic authority of the president is in time of peace very small, because by far the larger part of law and administration belongs to the state governments, and because federal administration is regulated by statutes which leave little discretion to the executive. In war time, however, and especially in a civil war, it expands with portentous speed. Both as commander in chief of the army and navy, and as charged with the “faithful execution of the laws,” the president is likely to be led to assume all the powers which the emergency requires. How much he can legally do without the aid of statutes is disputed, for the acts of President Lincoln during the earlier part of the War of Secession, including his proclamation suspending the writ of habeas corpus, were subsequently legalized by Congress; but it is at least clear that Congress can make him, as it did make Lincoln, almost a dictator. And how much the war power may include appears in this, that by virtue of it and without any previous legislative sanction President Lincoln issued his emancipation proclamations of 1862 and 1863, declaring all slaves in the insurgent states to be thenceforth free, although these states were deemed to be in point of law still members of the Union....

In quiet times the direct legal power of the president is not great, but his influence may be great if he combines tact with courage. He is hampered at every turn by the necessity of humouring his party. The trivial and mechanical parts of his work leave him too little leisure for framing large schemes of policy, while in carrying them out he needs the cooperation of Congress, which may be jealous, or indifferent, or hostile. His power to affect legislation largely depends on his personal capacity for leadership, and of course also on the strength of his party in Congress. In troublous times it is otherwise, for immense responsibility is then thrown on one who is both the commander in chief

and the head of the civil executive. Abraham Lincoln wielded more authority than any single Englishman has done since Oliver Cromwell. It is true that the ordinary law was for some purposes practically suspended during the War of Secession. But it might again have to be similarly suspended, and the suspension makes the president a sort of dictator.

Although few presidents have shown any disposition to strain their authority, it has often been the fashion in America to be jealous of the president's action, and to warn citizens against what is called "the one man power."...

About this Quotation:

On this "Presidents Day" in the U.S. (the 3rd Monday in February between the birthdays of George Washington and Abraham Lincoln – it was first proclaimed in 1880) our quote comes from the British jurist Viscount James Bryce who noted the enormous powers granted to the President in what he called "troublous times." Bryce was not the first to observe or fear that the President might one day assume the powers of a king or a tyrant. Tom Paine, James Madison, and Thomas Jefferson all expressed these worries well before Lincoln showed how it might come about, during a war when "the direct domestic authority of the president... expands with portentous speed." It is interesting that Bryce thought that one of the distinguishing features of such a dictatorship was the suspension of habeas corpus. In the late 19th century he still believed that "the one man power" of a tyrant president would be held in check by the rivalrous powers of Congress and the various state governments.

Source

Viscount James Bryce, *The American Commonwealth*, with an Introduction by Gary L. McDowell, 2 vols (Indianapolis: Liberty Fund, 1995). <http://oll.libertyfund.org/title/809/187905/3060647>

James Mill on the “sinister interests” of those who wield political power (1825) (Mar 12, 2012)



James Mill (1773 – 1836)

The Utilitarian and Philosophic Radical James Mill (1773-1836) wrote a series of articles for the Supplement to the 1825 edition of the *Encyclopedia Britannica*. In the article on “Government” he warns of the dangers of the selfish and “sinister interests” all those who wield power, unless checked by an informed people:

We have seen already, that if one man has power over others placed in his hands, he will make use of it for an evil purpose; for the purpose of rendering those other men the abject instruments of his will. If we, then, suppose, that one man has the power of choosing the Representatives of the people, it follows, that he will choose men, who will use their power as Representatives for the promotion of this his sinister interest.

We have likewise seen, that when a few men have power given them over others, they will make use of it exactly for the same ends, and to the same extent, as the one man. It equally follows, that, if a small number of men have the choice of the Representatives, such Representatives will be chosen as will promote the interests of that small number, by reducing, if possible, the rest of the community to be the abject and helpless slaves of their will.

In all these cases, it is obvious and indisputable, that all the benefits of the Representative system are lost. The Representative system is, in that case, only an operose and clumsy machinery for doing that which might as well be done without it; reducing the community to subjection, under the One, or the Few.

When we say the Few, it is seen that, in this case, it is of no importance whether we mean a few hundreds, or a few thousands, or even many thousands. The operation of the sinister interest is the same; and the fate is the same, of all that part of the community over whom the power is exercised. A numerous Aristocracy has never been found to be less oppressive than an Aristocracy confined to a few.

The general conclusion, therefore, which is evidently established is this; that the benefits of the Representative system are lost, in all cases in which the interests of the choosing body are not the same with those of the community.

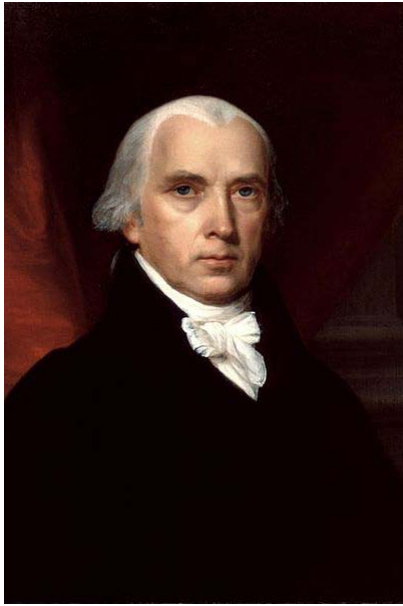
About this Quotation:

The Philosophic Radicals and Utilitarians who were influenced by the writings of Jeremy Bentham, such as James Mill (the father of John Stuart), were very skeptical of the intentions of those who wielded political power. Bentham had warned in his *Handbook of Political Fallacies* that politically powerful people would use deception and lies to promote their own interests. This idea is very similar to Frédéric Bastiat's idea of "sophisms" which were used by powerful economic interests to promote their subsidies and tariff protection at the expense of ordinary consumers. James Mill took that suspicion a step further in the several articles he wrote for the 1825 Supplement to the *Encyclopedia Britannica*, especially the article on "Government". Here he develops the idea of a "sinister interest" which was held by all those with unchecked political power. Unless they were well chosen and closely supervised by an informed electorate, the politically powerful would inevitably use their position to promote their own selfish, private interests at the expense of the ordinary taxpayer.

Source

James Mill, *Supplement to the Encyclopedia Britannica* (London: J. Innes, 1825).
<http://oll.libertyfund.org/title/1761/92835/2080737>

Madison on “Parchment Barriers” and the defence of liberty II (1788) (Dec 18, 2012)



James Madison (1751 – 1836)

In a letter to Thomas Jefferson in October 1788 James Madison expresses lukewarm support for the idea of a bill of rights since “repeated violations of these parchment barriers have been committed by overbearing majorities in every State.” He continues to believe the main threat to liberty comes from the legislative not the executive branch of government:

My own opinion has always been in favor of a bill of rights; provided it be so framed as not to imply powers not meant to be included in the enumeration. At the same time I have never thought the omission a material defect, nor been anxious to supply it even by subsequent amendment, for any other reason than that it is anxiously desired by others. I have favored it because I supposed it might be of use, and if properly executed could not be of disservice. I have not viewed it in an important light— 1. because I conceive that in a certain degree, though not in the extent argued by Mr. Wilson, the rights in question are reserved by the manner in which the federal powers are granted. 2 because there is great reason to fear that a positive declaration of some of the most essential rights could not be obtained in the requisite latitude. I am sure that the rights of conscience in particular, if submitted to public definition would be narrowed much more than they are likely ever to be by an assumed power. One of the objections in New England was that the Constitution by prohibiting religious tests, opened a door for Jews Turks & infidels. 3. because the limited powers of the federal Government and the jealousy of the subordinate Governments, afford a security which has not existed in the case of the State Governments, and exists in no other. 4. because **experience proves the inefficacy of a bill of rights on those occasions when its controul is most needed. Repeated violations of these parchment barriers have been committed by overbearing majorities in every State. In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current. Notwithstanding the explicit provision contained in that instrument for the rights of Conscience, it is well known that a religious establishment wd have taken place in that State, if the Legislative majority had found as they expected, a majority of the people in favor of**

the measure; and I am persuaded that if a majority of the people were now of one sect, the measure would still take place and on narrower ground than was then proposed, notwithstanding the additional obstacle which the law has since created. **Wherever the real power in a Government lies, there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the Constituents.** This is a truth of great importance, but not yet sufficiently attended to; and is probably more strongly impressed on my mind by facts, and reflections suggested by them, than on yours which has contemplated abuses of power issuing from a very different quarter. Wherever there is an interest and power to do wrong, wrong will generally be done, and not less readily by a powerful & interested party than by a powerful and interested prince. The difference so far as it relates to the superiority of republics over monarchies, lies in the less degree of probability that interest may prompt more abuses of power in the former than in the latter; and in the security in the former agst an oppression of more than the smaller part of the Society, whereas in the former [latter] it may be extended in a manner to the whole. The difference so far as it relates to the point in question—the efficacy of a bill of rights in controuling abuses of power—lies in this: that in a monarchy the latent force of the nation is superior to that of the Sovereign, and a solemn charter of popular rights must have a great effect, as a standard for trying the validity of public acts, and a signal for rousing & uniting the superior force of the community; whereas in a popular Government, the political and physical power may be considered as vested in the same hands, that is in a majority of the people, and, consequently the tyrannical will of the Sovereign is not [to] be controuled by the dread of an appeal to any other force within the community. What use then it may be asked can a bill of rights serve in popular Governments? I answer the two following which, though less essential than in other Governments, sufficiently recommend the precaution: 1. The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free Government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion. 2. Altho. it be generally true as above stated that the danger of oppression lies in the interested majorities of the people rather than in usurped acts of the Government, yet there may be occasions on which the evil may spring from the latter source; and on such, a bill of rights will be a good ground for an appeal to the sense of the community. Perhaps too there may be a certain degree of danger, that a succession of artful and ambitious rulers may by gradual & well timed advances, finally erect an independent Government on the subversion of liberty. Should this danger exist at all, it is prudent to guard agst it, especially when the precaution can do no injury. At the same time I must own that I see no tendency in our Governments to danger on that side. It has been remarked that there is a tendency in all Governments to an augmentation of power at the expence of liberty. But the remark as usually understood does not appear to me well founded. Power when it has attained a certain degree of energy and independence goes on generally to further degrees. But when below that degree, the direct tendency is to further degrees of relaxation, until the abuses of liberty beget a sudden transition to an undue degree of power. With this explanation the remark may be true; and in the latter sense only is it, in my opinion applicable to the Governments in America. It is a melancholy reflection that liberty should be equally exposed to danger whether the Government have too much or too little power, and that the line which divides these extremes should be so inaccurately defined by experience.

About this Quotation:

In this second quote about “parchment barriers” to protect the people’s liberties Madison expresses his lukewarm support on the grounds that a bill of rights would be unnecessary (the rights are reserved by the people) and that they would be ineffective (governments historically have “repeatedly” violated them anyway). He continues to believe that the real threat to liberty will come from “the majority of the Community” and not from “acts of Government”. He concludes his letter to Jefferson with the confident observation that he “see(s) no tendency in our Governments to danger on that side” because of the ebb and flow which historically operates to balance the forces of liberty and power: sometimes there are “abuses of liberty” which call forth an increase in government power, and when this goes too far and there is “an undue degree of power” the balance then tips back towards liberty. He rejects the idea that “there is a tendency in all Governments to an augmentation of power at the expence of liberty”. Thomas Jefferson replied to Madison’s criticisms in a letter of March 15, 1789 which he wrote from Paris. His first response was to say that although “parchment barriers” like a declaration of rights were always incomplete “Half a loaf is better than no bread. If we cannot secure all our rights, let us secure what we can.” Concerning the relative threat to liberty of the legislative and the legislative branches Jefferson agreed that the legislative branch was the present threat but that the threat at some future date would come the executive: “The executive in our governments is not the sole, it is scarcely the principal object of my jealousy. The tyranny of the legislatures is the most formidable dread at present, and will be for long years. That of the executive will come in it’s turn, but it will be at a remote period.”

Source

James Madison, *The Writings of James Madison, comprising his Public Papers and his Private Correspondence, including his numerous letters and documents now for the first time printed*, ed. Gaillard Hunt (New York: G.P. Putnam’s Sons, 1900). Vol. 5. <http://oll.libertyfund.org/title/1937/118854/2400578>

Shaftesbury opposes the nonresisting test bill before the House of Lords as a step towards “absolute and arbitrary” government (1675) (Apr 29, 2013)



[Anthony Ashley Cooper, Earl of Shaftesbury](#) (1671 – 1713)

The Earl of Shaftesbury (1621-1683) opposed a measure before the House of Lords in 1675 to force the members to swear an oath of “nonresistance” to the crown (Charles II). He opposed this as a violation of Magna Carta and another step towards absolute and unaccountable government:

(T)he great Officers and Bishops called out for the Question of referring the Bill to a Committee; but the Earl of Shaftesbury, a Man of great Abilities, and knowledg in Affairs, and one that, in all these variety of changes of this last Age, was never known to be either bought or frighted out of his publick Principles, at Large opened the mischievous, and ill designs, and consequences of the Bill, which as it was brought in required all Officers of Church and State, and all Members of both Houses of Parliament, to take this Oath following.

I, A. B. do declare that it is not Lawful upon any pretence whatsoever, to take up Armes against the King, and that I do abhor that Traiterous position of taking Armes by His authority, against His Person, or against those that are commissioned by Him in pursuance of such Commission; And I do swear that I will not at any time endeavor the Alteration of the Government, either in Church or State, so help me God. The Earl of Shaftesbury and other Lords, spake with such convincing Reason, that all the Lords, who were at liberty from Court-Engagements, resolved to oppose to the uttermost, a Bill of so dangerous consequence; ...

I shall conclude with that, upon the whole matter, is most worthy your consideration, That **the design is to declare us first into another Government more Absolute, and Arbitrary, than the Oath of Allegiance, or old Law knew, and then make us swear unto it**, as it is so established: And less than this the Bishops could not offer in requital to the Crown for parting with its Supremacy, and suffering them to be sworn to equal with itself. Archbishop Laud was the first Founder of this Device; in his Canons of 1640. you

shall find an Oath very like this, and a Declaratory Canon preceding that Monarchy is of divine Right, which was also affirmed in this debate by our Reverend Prelates, and is owned in Print by no less Men than Arch Bishop Usher, and B. Sanderson; and I am afraid it is the avowed opinion of much the greater part of our dignified Clergie. If so, I am sure they are the most dangerous sort of Men alive to our English Government, and it is the first thing ought to be lookt into, and strictly examined by our Parliaments; **'tis the leaven that corrupts the whole lump; for if that be true, I am sure Monarchy is not to be bounded by human Laws, and the 8. chap. of I. Samuel, will prove (as many of our Divines would have it) the Great Charter of the Royal Prerogative, and our Magna Charta that says Our Kings may not take our Fields, our Vineyards, our Corn, and our Sheep is not in force, but void and null, because against divine Institution; and you have the Riddle out, why the Clergy are so ready to take themselves, & impose upon others such kind of Oaths as these, they have placed themselves, and their possessions upon a better, and a surer bottom (as they think) than Magna Charta, and so have no more need of, or concern for it.** Nay what is worse, they have truckt away the Rights and Liberties of the People in this, and all other countries wherever they have had opportunity, that they might be owned by the Prince to be Jure Divino, and maintained in that Pretention by that absolute power and force, they have contributed so much to put into his hands; and that Priest, and Prince may, like Castor and Pollux, be worshipt together as Divine in the same temple by Us poor Lay-subjects; and that sense and reason, Law, Properties, Rights, and Liberties, shall be understood as the Oracles of those Deities shall interpret, or give signification to them, and never be made use of in the world to oppose the Absolute, and Freewill of either of them.

About this Quotation:

The authorship of this influential pamphlet is disputed as it may have been written by the Earl of Shaftesbury, the leader of the Whigs, or his assistant John Locke. It was published anonymously as it was against the law to reveal to the public the discussions which went on in Parliament. The Whigs however, thought that the issues the “nonresisting test bill” raised were so important that this legal nicety had to be violated in the name of liberty. King Charles II (who reigned 1660-85) and his supporters wanted to force members of parliament to swear an oath promising not to resist the King or his government by force of arms (as had happened to his father Charles I during the English Civil War) or even more menacingly, not to seek any “alteration of the Government, either in Church or State.” Shaftesbury strenuously opposed this measure because he thought that the King did not rule by divine right but must be bound by human laws as agreed to by Parliament and custom, such as Magna Carta (the Great Charter). If the king were not resisted then a new “Great Charter of the Royal Prerogative” would have been established, one which was based upon the dire warnings of excessive monarchical power which Samuel had given to the people of Israel in I Samuel 8: 11-18.

Source

Joyce Lee Malcom, *The Struggle for Sovereignty: Seventeenth-Century English Political Tracts*, 2 vols, ed. Joyce Lee Malcolm (Indianapolis: Liberty Fund, 1999). Vol. 2. <http://oll.libertyfund.org/title/1824/164753/2925584>

James Mill on the ruling Few and the subject Many (1835) (Jun 10, 2013)



James Mill (1773 – 1836)

James Mill (1773-1836) identifies two groups in British society, namely “the ruling Few” who enjoy legal and economic privileges, and “the subject Many” who pay the taxes and submit to the regulations:

To understand this unhappy position of a portion of our fellow-citizens, we must call to mind the division which philosophers have made of men placed in society. They are divided into two classes, Ceux qui pillent,—et Ceux qui sont pillés [those who pillage, and those who are pillaged]; and we must consider with some care what this division, the correctness of which has not been disputed, implies.

The first class, Ceux qui pillent [those who pillage], are the small number. They are the ruling Few. The second class, Ceux qui sont pillés [those who are pillaged], are the great number. They are the subject Many.

It is obvious that, to enable the Few to carry on their appropriate work, a complicated system of devices was required, otherwise they would not succeed; the Many, who are the stronger party, would not submit to the operation. The system they have contrived is a curious compound of force and fraud:—force in sufficient quantity to put down partial risings of the people, and, by the punishments inflicted, to strike terror into the rest; fraud, to make them believe that the results of the process were all for their good.

First, the Many were frightened with the danger of invasion and ravage, by foreign enemies; that so they might believe a large military force in the hands of the Few to be necessary for their protection; while it was ready to be employed in their coercion, and to silence their complaints of anything by which they might find themselves aggrieved.

Next, the use of all the circumstances calculated to dazzle the eyes, and work upon the

imaginings of men, was artfully adopted by the class of whom we speak. They dwelt in great and splendid houses; they covered themselves with robes of a peculiar kind; they made themselves be called by names, all importing respect, which other men were not permitted to use; they were constantly followed and surrounded by numbers of people, whose interest they made it to treat them with a submission and a reverence approaching adoration; even their followers, and the horses on which they rode, were adorned with trappings which were gazed upon with admiration by all those who considered them as things placed beyond their reach.

And this was not all, nor nearly so. There were not only dangers from human foes; there were invisible powers from whom good or evil might proceed to an inconceivable amount. If the opinion could be generated, that there were men who had an influence over the occurrence of this good or evil, so as to bring on the good, or avert the evil, it is obvious that an advantage was gained of prodigious importance; an instrument was found, the power of which over the wills and actions of men was irresistible.

Ceux qui pillent have in all ages understood well the importance of this instrument to the successful prosecution of their trade. Hence the Union of Church and State; and the huge applauses with which so useful a contrivance has been attended. Hence the complicated tissue of priestly formalities, artfully contrived to impose upon the senses and imaginings of men—the peculiar garb—the peculiar names—the peculiar gait and countenance of the performers—the enormous temples devoted to their ceremonies—the enormous revenues subservient to the temporal power and pleasures of the men who pretended to stand between their fellow-creatures and the evils to which they were perpetually exposed, by the will of Him whom they called their perfectly good and wise and benevolent God.

If, besides the power which the priestly class were thus enabled to exercise over the minds of adult men, they were also permitted to engross the business of education—that is, to create such habits of mind in the rising generation, as were subservient to their purposes, and to prevent the formation of all such habits as were opposed to them—the chains they had placed on the human mind would appear to have been complete: the prostration of the understanding and the will—the perpetual object of their wishes and endeavours down to the present hour—to have been secured for ever.

The alliance of the men, who wielded the priestly power, was, in these circumstances, a matter of great importance to those who wielded the political power; and the confederacy of the two was of signal service to the general end of both—the maintenance of that old and valuable relation—the relation between Those qui pillent, and Those qui sont pillés.

About this Quotation:

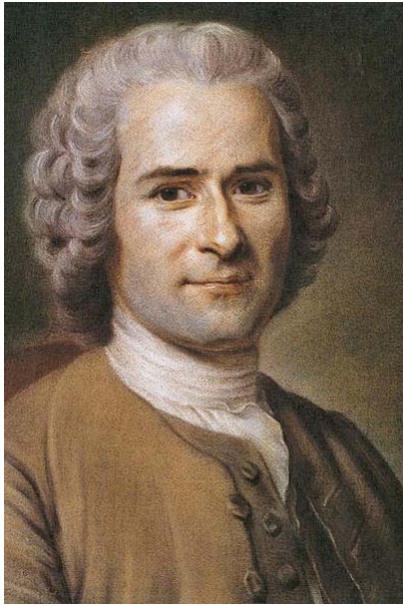
In this essay Mill provides one of his regular surveys of “the state of the nation” in which he sums up political developments in Britain. It was written a few years after the success of the “Reform Party” in agitating for electoral reform which greatly increased the size of the electorate with the Reform Act of 1832. Now that most of the middle class could vote it was hoped that the Members of Parliament who represented them would dramatically reform British politics, especially in the areas of aristocrat control of Parliament, the legal system, the established church, and free trade. Concerning the latter, the Anti-Corn Law League was established in 1838 under the leadership of Richard Cobden and it was able to achieve its goal of eliminating the protectionist corn laws in 1846. Mill acknowledges “the

strength of the spirit of reform” which was sweeping Britain but is also aware of the continuing strength of its opponents among conservatives and the fact that the reform party was split into “moderate” and “radical” reformers. Concerning the former, he develops a French liberal inspired theory of class which explains politics as a struggle between two contending groups, “ceux qui pillent” (those who pillage, also known as “the ruling Few”) and “ceux qui sont pillés” those who are pillaged, also known as “the subject Many”). Concerning the latter, he urges the reform party to continue pushing for reforms in all areas by adopting the strategy of the radical reformers. Mill believed that liberty in Britain would not be achieved until the privileged elites had been deprived of their power and the people were allowed to rule in their place. He had in mind removing the privileges of “the priests of all three classes; those who serve at the altar of state, those who serve at the altar of law, and those who serve at the altar of religion.”

Source

James Mill, *The Political Writings of James Mill: Essays and Reviews on Politics and Society, 1815-1836*, ed. David M. Hart (Liberty Fund, 2013). <http://oll.libertyfund.org/title/2520/245058/3968558>

Rousseau on the natural tendency of governments to degenerate into tyranny (1762) (Jul 1, 2013)



Jean-Jacques Rousseau (1712 – 1778)

The Swiss political theorist Jean-Jacques Rousseau (1712-1778) warned that there is a strong tendency for members of the government to usurp the sovereign power in order to pursue their own private interests, leading to tyranny:

As the particular will acts constantly in opposition to the general will, the government continually exerts itself against the Sovereignty. The greater this exertion becomes, the more the constitution changes; and, as there is in this case no other corporate will to create an equilibrium by resisting the will of the prince, sooner or later the prince must inevitably suppress the Sovereign and break the social treaty. This is the unavoidable and inherent defect which, from the very birth of the body politic, tends ceaselessly to destroy it, as age and death end by destroying the human body.

There are two general courses by which government degenerates: i. e. when it undergoes contraction, or when the State is dissolved.

Government undergoes contraction when it passes from the many to the few, that is, from democracy to aristocracy, and from aristocracy to royalty. To do so is its natural propensity.¹ If it took the backward course from the few to the many, it could be said that it was relaxed; by this inverse sequence is impossible.

Indeed, governments never change their form except when their energy is exhausted and leaves them too weak to keep what they have. If a government at once extended its sphere and relaxed its stringency, its force would become absolutely nil, and it would persist still less. It is therefore necessary to wind up the spring and tighten the hold as it gives way: or else the State it sustains will come to grief.

The dissolution of the State may come about in either of two ways.

First, when the prince ceases to administer the State in accordance with the laws, and usurps the Sovereign power. A remarkable change then occurs: not the government, but the State, undergoes contraction; I mean that the great State is dissolved, and another is formed within it, composed solely of the members of the government, which becomes for the rest of the people merely master and tyrant. So that the moment the government usurps the Sovereignty, the social compact is broken, and all private citizens recover by right their natural liberty, and are forced, but not bound, to obey.

The same thing happens when the members of the government severally usurp the power they should exercise only as a body; this is as great an infraction of the laws, and results in even greater disorders. There are then, so to speak, as many princes as there are magistrates, and the State, no less divided than the government, either perishes or changes its form.

When the State is dissolved, the abuse of government, whatever it is, bears the common name of anarchy. To distinguish, democracy degenerates into ochlocracy, and aristocracy into oligarchy; and I would add that royalty degenerates into tyranny; but this last word is ambiguous and needs explanation.

About this Quotation:

In this passage from *The Social Contract* (1762) Rousseau uses some public choice-like insights about the self-interested behaviour of members of the government who will inevitably use the power of their position to pursue their own private interests (their “particular will”) at the expense of the people (the “general will”). He calls this “the unavoidable and inherent defect” which afflicts all political organizations just like aging afflicts the human body. When this process inevitably happens he believes that “the social compact is broken” and that “all private citizens recover by right their natural liberty, and are forced, but not bound, to obey” the state. The path by which various types of government reach this end point differs: democracy degenerates into ochlocracy, aristocracy into oligarchy; and royalty degenerates into tyranny. Many of Rousseau’s followers believed that they could break out of this cycle which they attempted to do when revolution broke out in France in July 1789, with results that only seemed to confirm Rousseau’s original pessimism.

Source

Jean-Jacques Rousseau, *The Social Contract and Discourses by Jean-Jacques Rousseau*, translated with an Introduction by G.D. H. Cole (London and Toronto: J.M. Dent and Sons, 1923).
<http://oll.libertyfund.org/title/638/71042/1687173>

Erasmus on the “Folly” of upsetting conventional opinion by pointing out the sins of kings and princes (1511) (Jul 12, 2013)



Desiderius Erasmus (1466 – 1536)

In his sly and underhand way the Dutch theologian and critic Desiderius Erasmus (1466-1536) pokes fun at the pretensions of kings and princes and those who believe in their superiority to other people in his work *In Praise of Folly* (1511):

First, then, it is certain that all things, like so many Janus's, carry a double face, or rather bear a false aspect, most things being really in themselves far different from what they are in appearance to others: so as that which at first blush proves alive, is in truth dead; and that again which appears as dead, at a nearer view proves to be alive: beautiful seems ugly, wealthy poor, scandalous is thought creditable, prosperous passes for unlucky, friendly for what is most opposite, and innocent for what is hurtful and pernicious. In short, if we change the tables, all things are found placed in a quite different posture from what just before they appeared to stand in.

If this seem too darkly and unintelligibly expressed, I will explain it by the familiar instance of some great king or prince, whom every one shall suppose to swim in a luxury of wealth, and to be a powerful lord and master; when, alas, on the one hand he has poverty of spirit enough to make him a mere beggar, and on the other side he is worse than a galley-slave to his own lusts and passions.

If I had a mind farther to expatiate, I could enlarge upon several instances of like nature, but this one may at present suffice.

Well, but what is the meaning (will some say) of all this? Why, observe the application. If any one in a play-house be so impertinent and rude as to rifle the actors of their borrowed clothes, make them lay down the character assumed, and force them to return to their naked selves, would not such a one wholly discompose and spoil the entertainment? And would he not deserve to be hissed and thrown stones at till the pragmatical fool could learn better manners? For by such a disturbance the whole scene will be altered: such as

acted the men will perhaps appear to be women: he that was dressed up for a young brisk lover, will be found a rough old fellow; and he that represented a king, will remain but a mean ordinary servingman. The laying things thus open is marring all the sport, which consists only in counterfeit and disguise. Now the world is nothing else but such another comedy, where every one in the tire-room is first habited suitably to the part he is to act; and as it is successively their turn, out they come on the stage, where he that now personates a prince, shall in another part of the same play alter his dress, and become a beggar, all things being in a mask and particular disguise, or otherwise the play could never be presented. **Now if there should arise any starched, formal don, that would point at the several actors, and tell how this, that seems a petty god, is in truth worse than a brute, being made captive to the tyranny of passion; that the other, who bears the character of a king, is indeed the most slavish of serving-men, in being subject to the mastership of lust and sensuality; that a third, who vaunts so much of his pedigree, is no better than a bastard for degenerating from virtue, which ought to be of greatest consideration in heraldry, and so shall go on in exposing all the rest; would not any one think such a person quite frantic, and ripe for bedlam? For as nothing is more silly than preposterous wisdom, so is there nothing more indiscreet than an unreasonable reproof. And therefore he is to be hooted out of all society that will not be pliable, conformable, and willing to suit his humour with other men's, remembering the law of clubs and meetings, that he who will not do as the rest must get him out of the company.** And it is certainly one great degree of wisdom for every one to consider that he is but a man, and therefore he should not pitch his soaring thoughts beyond the level of mortality, but imp the wings of his towering ambition, and obligingly submit and condescend to the weakness of others, it being many times a piece of complaisance to go out of the road for company's sake. No (say you), this is a grand piece of Folly: true, but yet all our living is no more than such kind of fooling: which though it may seem harsh to assert, yet it is not so strange as true.

About this Quotation:

It is not surprising that Erasmus' witty book *In Praise of Folly* (1511) was once banned by the Catholic Church for the way in which it poked fun at monarchs and members of the Church, among many other people. In this amusing sketch he imagines, like Shakespeare did, "that all the world's a stage" where a "starched, formal don" (just like Erasmus) dares to point out to the audience that what appears to be a god is in fact "worse than a brute", and that what appears to be a king is in fact "the most slavish of serving-men, in being subject to the mastership of lust and sensuality". Doing this is sarcastically called the height of "folly" by Erasmus because we know that it is foolish to go against the conventional wisdom which says that gods are not brutes and that kings are not slaves to baser instincts. To believe otherwise is to show that one is mad and "ripe for bedlam". Hans Christian Andersen returned to this idea in his fairy tale "The Emperor's New Clothes" in 1837. Hans Holbein supplied the comic illustrations to Erasmus' book.

Source

Desiderius Erasmus, *Erasmus in Praise of Folly, illustrated with many curious cuts, designed, drawn, and etched by Hans Holbein, with portrait, life of Erasmus, and his epistle to Sir Thomas More* (London: Reeves & Turner, 1876). <http://oll.libertyfund.org/title/551/104197/2217635>

Montaigne argues that is right and proper for a people to speak ill of a “faulty prince” after his death (1580) (Aug 5, 2013)



[Michel de Montaigne](#) (1533 – 1592)

The French Renaissance essayist Michel de Montaigne (1533-1592) argues that it may be prudent not to criticise a “faulty prince” while he is alive but once he has died we owe it to ourselves and to posterity to expose their crimes and wickedness:

Amongst those laws that relate to the dead, I look upon that to be very sound by which the actions of princes are to be examined after their decease. They are equals with, if not masters of the laws, and, therefore, what justice could not inflict upon their persons, 'tis but reason should be executed upon their reputations and the estates of their successors—things that we often value above life itself. 'Tis a custom of singular advantage to those countries where it is in use, and by all good princes to be desired, who have reason to take it ill, that the memories of the wicked should be used with the same reverence and respect with their own. We owe subjection and obedience to all our kings, whether good or bad, alike, for that has respect unto their office; but as to esteem and affection, these are only due to their virtue. Let us grant to political government to endure them with patience, however unworthy; to conceal their vices; and to assist them with our recommendation in their indifferent actions, whilst their authority stands in need of our support. But, the relation of prince and subject being once at an end, there is no reason we should deny the expression of our real opinions to our own liberty and common justice, and especially to interdict to good subjects the glory of having reverently and faithfully served a prince, whose imperfections were to them so well known; this were to deprive posterity of a useful example. And such as, out of respect to some private obligation, unjustly espouse and vindicate the memory of a faulty prince, do private right at the expense of public justice. Livy does very truly say, “That the language of men bred up in courts is always full of vain ostentation and false testimony, every one indifferently magnifying his own master, and stretching his commendation to the utmost extent of virtue and sovereign grandeur.” Some may condemn the freedom of those two soldiers who so roundly answered Nero to his beard; the one being asked by him why he bore him ill-will? “I loved thee,” answered

he, “whilst thou wert worthy of it, but since thou are become a parricide, an incendiary, a player, and a coachman, I hate thee as thou dost deserve.” And the other, why he should attempt to kill him? “Because,” said he, “I could think of no other remedy against thy perpetual mischiefs.” But the public and universal testimonies that were given of him after his death (and so will be to all posterity, both of him and all other wicked princes like him), of his tyrannies and abominable deportment, who, of a sound judgment, can reprove them?

I am scandalized, that in so sacred a government as that of the Lacedaemonians there should be mixed so hypocritical a ceremony at the interment of their kings; where all their confederates and neighbors, and all sorts and degrees of men and women, as well as their slaves, cut and slashed their foreheads in token of sorrow, repeating in their cries and lamentations that that king (let him have been as wicked as the devil) was the best that ever they had; by this means attributing to his quality the praise that only belongs to merit, and that of right is due to supreme desert, though lodged in the lowest and most inferior subject.

About this Quotation:

This is a typical example of how Montaigne inserts a radical thought into a seemingly harmless essay. Here it is an essay about how to remember the legacy of a man’s life once he has passed away. When it comes to remembering a dead prince or king Montaigne is sickened by the hypocrisy of formal state funerals when a leader is hailed as “the best that ever they had” in spite of the fact that he might have been “as wicked as the devil.” There might be sound and prudent reasons why one doesn’t criticise a “faulty prince” during his lifetime as he wields the power of the sword over his subjects. But once he has passed away then Montaigne believes that there is “no reason we should deny the expression of our real opinions to our own liberty and common justice”. There is a utilitarian reason for doing this as future generations need to know the truth about how their past rulers behaved in order to be on guard against similar behaviour in the present. There is also the matter of a kind of retrospective justice since “what justice could not inflict upon their persons (while they were alive), ’tis but reason should be executed upon their reputations and the estates of their successors (after their death).” He ends this passage with a story of two soldiers who told truth to power, in this case the Roman emperor Nero, and concludes that “who, of a sound judgment, can reprove them” for doing so?

Source

Michel de Montaigne, *Essays of Montaigne*, vol. 1, trans. Charles Cotton, revised by William Carew Hazlett (New York: Edwin C. Hill, 1910). <http://oll.libertyfund.org/title/107/20778/863179>

Thomas Gordon asks whether tyranny is worse than anarchy (1728) (Jan 6, 2014)

[Thomas Gordon](#) (1692 – 1750)

The English radical Whig and Commonwealthman Thomas Gordon (1692-1750) argues in his *Discourses on Tacitus* (1728) that “a settled active Tyranny” is worse than no government at all:

Sect. VII. Tyranny worse than Anarchy, or rather nothing but Anarchy.

IT is usually said, that bad Government is better than none; a proposition which is far from self-evident. I am apt to think that absolute Tyranny is worse than Anarchy; for I can easily suppose popular confusion to be less mischievous than a settled active Tyranny, that it will do no less harm, and is likely to end sooner. All tumults are in their nature, and must be, short in duration, must soon subside, or settle into some order. But Tyranny may last for ages, and go on destroying, till at last it has left nothing to destroy. What can the most dreadful Anarchy produce but a temporary work of desolation and fury, what but violation of Law and Life? And can Government be said to exist, where all Justice is neglected, where all Violence and Oppression is committed, where lawless Will is the only reason, where the ravages of blind appetite, and of the blind sword; are the only administration?

If this be Government, what is Anarchy? Is obedience due to aught but Law and Protection? Is he a Governor who spoils and kills? Am I obliged to pay duty and reverence to my enemy, to a common robber? By doings, and not by titles and names, is a Governor distinguished from an enemy; and less vengeance is due to a professed spoiler, than to a spoiling Magistrate. What have Societies to do with such a destructive Traitor, but to exterminate or destroy him, before he has destroyed society and all men? An Oppressor under the name of a Ruler, is the most detestable Oppressor; and, by such impudence and mockery, should but quicken universal resentment. I know of no argument for destroying Anarchy, but what is full as strong for the destruction of Tyranny.

About this Quotation:

After excoriating the British empire in his journalistic writings in the early 1720s (such as *Cato's Letters*) Gordon turned to translating and commenting upon the works of the Roman historians Tacitus and Sallust in a series of Political Discourses which appeared between 1728 and 1744. He appended to each volume lengthy “discourses” in which he compared the abuses of power the historians found in the Roman Empire with the abuses he saw the British Empire replicating in his own times. One of his major themes was the idea that war and empire abroad inevitably led to tyranny and corruption at home. These translations and accompanying discourses were much read by the colonists in north America who were not slow to see the comparisons Gordon was making. We have gathered together in one volume Gordon's complete Political Discourses for the first time – *Thomas Gordon's Political Discourses on Tacitus and Sallust: Tyranny, Empire, War, and Corruption (1728-1744)* which is available in a variety of ebook formats . Three of his Discourses on Tacitus, which were rather cheekily dedicated to the Prince of Wales, deal with the proper behaviour of Princes. The advice Gordon gives to a Prince is not surprisingly very un-Machiavellian.

Source

Publius Cornelius Tacitus, *The Works of Tacitus. In Four Volumes*. To which are prefixed, Political Discourses upon that Author by Thomas Gordon. The Second Edition, corrected. (London: T. Woodward and J. Peele, 1737). Vol. 3. <http://oll.libertyfund.org/title/786/79206/1899916>

Leonard Read on Ludwig von Mises as the economic dictator of the U.S. (1971) (Jan 20, 2014)



Leonard E. Read (1898 – 1983)

Leonard Read (1898-1983) relates a story about Ludwig von Mises who was asked what he would do if he were made dictator of the U.S. His immediate answer was that he would abdicate so as to unleash as much creative activity by individuals as possible:

The final question was posed at midnight: “Professor Mises, I agree with you that we are headed for troublous times. Now, let us suppose you were the dictator of these United States. What would you do?”

Quick as a flash came the reply, “I would abdicate!” Here we have the renunciation side of wisdom: man knowing he should not lord it over his fellows and rejecting even the thought.

Few among us are wise enough to know how little we know. Ignorance of limitations is to be expected from every one who does not see beyond himself. The wise man, on the other hand, achieves a measure of self-transcendence: he sees beyond himself, even beyond his environment. Knowing far more than the mill run of us, he measures his knowledge against what might be known and confesses to knowing nearly nothing. Such a rare individual weighs his finite knowledge on the scale of infinite truth, and his awareness of his limitations tells him never to lord it over others. Such a person would renounce any position of authoritarian rulership he might be proffered or, if accidentally finding himself in such a position, he would abdicate—forthwith!

Really, no one ever rules another. The most that is achieved by a Simon Legree, a Hitler, Stalin, or any of our own little dictators of economic affairs, is to keep others from being themselves. True, there is a role for a societal agency to play in keeping others from being themselves if it be their nature to commit theft, murder, deception, violence, and the like. I am not alluding, however, to the retarding of wrongdoing but, rather, to a person’s

freedom to be himself creatively. The authoritarian mentality is concerned not with inhibiting destructive actions but with the control and direction of creative actions. This no dictator can do; he can only suppress, deaden, destroy such actions. Creative actions can never be ruled but only ruled out!

The wise man, regardless of his superiority among men, realizes that his knowledge is but infinitesimal; that his light, however bright, is but a wee candle in the overall luminosity; that were all others to be made precisely in his image, all would perish.

About this Quotation:

This anecdote dates from 1942 or 1943 soon after Mises came to America from Europe. He was having dinner with Leonard Read and a few other defenders of the free market when one of them asked him late at night as the evening was coming to a close what he would do if here made dictator of the U.S. Having just come from Europe which was dotted with dictators like Hitler and Stalin he knew what he was talking about. His immediate answer was to say “I would abdicate!” The reasons why he would do this are interesting because at first glance it might seem that a dictator like him could in fact do some good before he was carted off by the police for interfering with the war effort. Couldn’t he issue decree after decree deregulating the economy, pardoning black marketeers from jail, using his office to broadcast fireside chats on the radio about the benefits of the free market, and so on. Perhaps he realised though that given the state of thinking in the country at that time about the need for and justice of economic regulations that anything he did in office would be a waste of time. Mises realised that one would have to win the battle of ideas first before one could put long-lasting economic reform into practice. Another thought must have been that the political power of the vested interests who benefitted from government regulations, contracts, and subsidies were so great that they could wage a very potent counter attack to any reforms he might introduce while dictator. However, there is also the moral argument that must have gone through his mind, that being a dictator of any kind was in itself a violation of other people’s rights. Thus, Mises not only would abdicate from high political office, but he abdicated from the very idea of rulership of one person over another. This story about Mises should be read alongside a similar story Frédéric Bastiat wrote 100 years earlier in 1847, “The Utopian”. Bastiat imagines himself to be the economic dictator of France and outlines all the radical reforms he plans to introduce before stepping back as he realises that the French people did not share his views about the free market and would never go along with him. So he immediately resigned.

Source

Friedrich August von Hayek, *Toward Liberty: Essays in Honor of Ludwig von Mises on the Occasion of his 90th Birthday, September 29, 1971*, vol. 2, ed. F.A. Hayek, Henry Hazlitt, Leonrad R. Read, Gustavo Velasco, and F.A. Harper (Menlo Park: Institute for Humane Studies, 1971).
<http://oll.libertyfund.org/title/1663/37640/1341411>

Pufendorf on the danger of rulers confusing their own self-interest with that of the State (1695) (Apr 28, 2014)



Samuel von Pufendorf (1632 – 1694)

The German philosopher of natural law Samuel von Pufendorf (1632-1694) was also an historian who thought that Rulers needed to be better informed about history in order to avoid confusing their own selfish interests with the real interests of the State:

I must also mention one thing more, which may serve as an Instruction to young Men, viz. That this Interest may be divided into an Imaginary and Real Interest. By the first I understand, when a Prince judges the Welfare of his State to consist in such things as cannot be perform'd without disquieting and being injurious to a great many other States, and which these are oblig'd to oppose with all their Power: As for Example, The Monarchy of Europe, or the universal Monopoly, this being the Fuel with which the whole World may be put into a Flame. Num si vos omnibus imperare vultis, sequitur ut omnes servitutum accipiant? If you would be the only Masters of the World, doth it thence follow, that all others should lay their Necks under your Yoke?9 The Real Interest may be subdivided into a Perpetual and Temporary. The former depends chiefly on the Situation and Constitution of the Country, and the natural Inclinations of the People; the latter, on the Condition, Strength and Weakness of the neighbouring Nations; for as those vary, the Interest must also vary. Whence it often happens, that whereas we are, for our own Security, sometimes oblig'd to assist a neighbouring Nation, which is likely to be oppress'd by a more potent Enemy; we at another time are forc'd to oppose the Designs of those we before assisted; when we find they have recover'd themselves to that degree, as that they may prove Formidable and Troublesome to us.

But seeing this Interest is so manifest to those who are vers'd in State-Affairs, that they can't be ignorant of it; **one might ask, How it often times happens, that great Errors are committed in this kind against the Interest of the State. To this may be answer'd, That those who have the Supream Administration of Affairs, are oftentimes not sufficiently instructed concerning the Interest both of their own State, as also that of their Neighbours; and yet being fond of their own Sentiments, will not follow the**

Advice of understanding and faithfull Ministers. Sometimes they are misguided by their Passions, or by Time-serving Ministers and Favourites. But where the Administration of the Government is committed to the Care of Ministers of State, it may happen, that these are not capable of discerning it, or else are led away by a private Interest, which is opposite to that of the State; or else, being divided into Factions, they are more concern'd to ruin their Rivals, than to follow the Dictates of Reason. Therefore some of the most exquisite parts of Modern History consists [sic] in this, that one knows the Person who is the Sovereign, or the Ministers, which rule a State, their Capacity, Inclinations, Caprices, Private Interests, manner of proceeding, and the like: Since upon this depends, in a great measure, the good and ill management of a State. For it frequently happens, That a State, which in it self consider'd, is but weak, is made to become very considerable by the good Conduct and Valour of its Governours; whereas a powerfull State, by the ill management of those that sit at the Helm, oftentimes suffers considerably. But as the Knowledge of these Matters appertains properly to those who are employ'd in the management of Foreign Affairs, so it is mutable, considering how often the Scene is chang'd at Court. Wherefore it is better learn'd from Experience and the Conversation of Men well vers'd in these Matters, than from any Books whatsoever. And this is what I thought my self oblig'd to touch upon in a few Words in this Preface.

About this Quotation:

In this quote we see Pufendorf applying his theory of international law and foreign relations to specific historical examples, in this case the recent history of a dozen or so European states. It is designed to serve as a kind of manual for would-be statesmen and rulers with the strong warning that it is too easy for rulers to be deceived by “their Passions, or by Time-serving Ministers and Favourites” into ignoring the real interests of the state and its people. One of the greatest temptations he argues is that rulers want to pursue the “imaginary” goal of creating a “universal monopoly” of power, the desire for which is “the Fuel with which the whole World may be put into a Flame”. The antidote to this temptation of power is the study of history which Pufendorf describes quaintly as “the most pleasant and usefull Study for Persons of Quality, and more particularly for those who design for Employments in the State.”

Source

Samuel von Pufendorf, *An Introduction to the History of the Principal Kingdoms and States of Europe*. Translated by Jodocus Crull (1695). Edited and with an Introduction by Michael J. Seidler (Indianapolis: Liberty Fund, 2013). http://oll.libertyfund.org/titles/2594#Pufendorf_1618_95

Michel Chevalier on two kinds of political power in America, the Caesars and the Commissioners (1835) (May 12, 2014)



Michel Chevalier (1806 – 1879)

The French economist Michel Chevalier (1806-1879) visited the United States in 1835 and observed that the power of the state governors (the Caesars) were declining, while the power of the Commissioners of public works and banks were expanding rapidly:

LETTER XXVI. POWER AND LIBERTY. (Richmond, Aug. 16, 1835)

In each State there are two authorities, distinct in their composition and their attributes. The one corresponds to the government in the European social system, to the old Cæsar. At its head is a magistrate who bears the old name of Governor, with the pompous title of commander-in-chief of the sea and land forces. This authority is reduced to a shadow. In the new States of the West, which have come into the world since the establishment of Independence, its attributes have been gradually suppressed, or rather the citizens have reserved the exercise of them to themselves. Thus the people itself appoint most of the public officers. The management of funds is rarely confided to the Governor, but is generally entrusted to a special board of Commissioners. The Governor has not the control of the forces of the State; strictly speaking, indeed, there are none; but in case of necessity, the Sheriff has the right to summon the posse comitatus, and to oblige all bystanders, armed or not, to render him assistance, and to act as police officers. There is no regular police, there are no passports; but nobody can stop at an inn without entering his name and residence on the register. This register is open to the examination of all in the bar-room, which is a necessary appendage of every public place, and there it remains at all times to be turned over by all. The bar-keeper fills, in fact, the post of commissioner of police, and the crowd that assembles in the bar-room to read the newspapers, smoke, drink whiskey, and talk politics, that is to say all travellers, would, in case of necessity, be ready to act the part of constables. This is real self-government; these are the obligations and responsibilities, that every citizen takes upon himself when he disarms authority. The power of the Governor, who was formerly the representative of royalty, the brilliant reflexion of the omnipotence of the proud monarchs of Europe, is crumbled to dust. Even

the exterior of power has not been kept up; he has no guards, no palace, no money. The Governors of Indiana and Illinois have a salary of 1000 dollars a year, without a house or any accessories. There is not a trader in Cincinnati, who does not pay his head-clerk better; the clerks at Washington have 700 dollars a year.

This fall of power is to be explained by other considerations than those drawn from the principle of self-government. The ancient power was Cæsar, was military in its character. American society has denied Cæsar. In Europe, it has been necessary that Cæsar should be strong for the security of national independence; for in Europe we are always on the eve of war. The United States, on the contrary, are organised on the principle, that war between the States is an impossibility, and that a foreign war is scarcely probable. The Americans, therefore, can dispense with Cæsar, but we are obliged to cleave to him. Yet it is not to be inferred that they can and will long dispense with authority, or that they are even now free from its control. There is, in America, religious authority, which never closes its eyes; there is the authority of opinion, which is severe to rigour; there is the authority of the legislatures, which sometimes savours of the omnipotence of parliament; there is the dictatorial authority of mobs.

Still more; **by the side of the power of Cæsar, in political affairs, another regular authority is beginning to show itself, which embraces within its domain the modern institutions and new establishments of public utility, such as the public routes, banks, and elementary schools, that, in the United States, have acquired an unparalleled magnitude. Thus there are Canal Commissioners, Bank Commissioners, School Commissioners. Their power is great and real. The Canal Commissioners establish administrative regulations, which they change at will, without previous notice. They fix and change the rate of tolls; they are surrounded by a large body of agents, entirely dependent upon them and removeable at pleasure; they are charged with the management of large sums of money;** the sums that passed through the hands of the Pennsylvania Commissioners amounted to nearly [336] 23,000,000 dollars. They are certainly subjected to a less minute and rigorous control, than is extended to the most trifling affairs of our Board of Public Works or our Engineer Department. If they had had our financial regulations, our system of responsibility, our court of accounts, they would, certainly, have spent ten years more in executing the works entrusted to them, and they would have executed them no better and no cheaper. The Bank Commissioners in the State of New York, by the provisions of the Safety Fund Act, are clothed, by right, if not in fact, with a sort of dictatorship; they have, in certain cases, power of life and death over the banks.

About this Quotation:

Less well known than Tocqueville's account of his travels to America in 1831-32 is the French economist and free trade advocate Michel Chevalier's (1806-1879) *Society, Manners and Politics in the United States* which is a series of letters he wrote during his trip in 1835 to inspect the American system of public works for the French government (Tocqueville and Beaumont had been sent by the government to inspect the American prison system). Because of his training as an economist Chevalier had quite a different approach to describing life in America than Tocqueville as this quotation shows. It comes from Letter 26 on "Power and Liberty" which he wrote while he was in Richmond in August 1835. He is struck on the one hand by the weakness of the American state governor (who he calls "the old Cæsar"), who had once been "the representative of royalty, the brilliant reflexion of the omnipotence of the proud monarchs of Europe" but whose power in the Republic had "crumbled to

dust.” On the other hand he noted the much greater power of the Commissioners who controlled the government regulated or monopoly public utilities such as infrastructure, the banks, and the public schools and whose authority had “acquired an unparalleled magnitude.”

Source

Michel Chevalier, *Society, Manners and Politics in the United States: Being a Series of Letters on North America*, translated from the third Paris edition (Boston: Weeks, Jordan & Co., 1839).

http://oll.libertyfund.org/titles/2135#Chevalier_1448_375

La Boétie argues that tyranny will collapse if enough people refuse to cooperate and withdraw their moral support to it (1576) (Dec 29, 2014)



Etienne de la Boétie (1530 – 1563)

The French judge and poet Etienne de la Boétie (1530-1563) believed that tyrants are able to rule because most people give them their moral support. The converse is true. Tyranny will collapse under its own weight if enough people refuse to cooperate with it and no longer believe in the legitimacy of a tyrant's rule:

Everyone knows that the fire from a little spark will increase and blaze ever higher as long as it finds wood to burn; yet without being quenched by water, but merely by finding no more fuel to feed on, it consumes itself, dies down, and is no longer a flame. Similarly, the more tyrants pillage, the more they crave, the more they ruin and destroy; the more one yields to them, and obeys them, by that much do they become mightier and more formidable, the readier to annihilate and destroy. But if not one thing is yielded to them, if, without any violence they are simply not obeyed, they become naked and undone and as nothing, just as, when the root receives no nourishment, the branch withers and dies.

To achieve the good that they desire, the bold do not fear danger; the intelligent do not refuse to undergo suffering. It is the stupid and cowardly who are neither able to endure hardship nor to vindicate their rights; they stop at merely longing for them, and lose through timidity the valor roused by the effort to claim their rights, although the desire to enjoy them still remains as part of their nature. A longing common to both the wise and the foolish, to brave men and to cowards, is this longing for all those things which, when acquired, would make them happy and contented. Yet one element appears to be lacking. I do not know how it happens that nature fails to place within the hearts of men a burning desire for liberty, a blessing so great and so desirable that when it is lost all evils follow thereafter, and even the blessings that remain lose taste and savor because of their corruption by servitude. Liberty is the only joy upon which men do not seem to insist; for surely if they really wanted it they would receive it. Apparently they refuse this wonderful

privilege because it is so easily acquired.

Poor, wretched, and stupid peoples, nations determined on your own misfortune and blind to your own good! You let yourselves be deprived before your own eyes of the best part of your revenues; your fields are plundered, your homes robbed, your family heirlooms taken away. You live in such a way that you cannot claim a single thing as your own; and it would seem that you consider yourselves lucky to be loaned your property, your families, and your very lives. **All this havoc, this misfortune, this ruin, descends upon you not from alien foes, but from the one enemy whom you yourselves render as powerful as he is, for whom you go bravely to war, for whose greatness you do not refuse to offer your own bodies unto death. He who thus domineers over you has only two eyes, only two hands, only one body, no more than is possessed by the least man among the infinite numbers dwelling in your cities; he has indeed nothing more than the power that you confer upon him to destroy you. Where has he acquired enough eyes to spy upon you, if you do not provide them yourselves? How can he have so many arms to beat you with, if he does not borrow them from you? The feet that trample down your cities, where does he get them if they are not your own? How does he have any power over you except through you? How would he dare assail you if he had no cooperation from you? What could he do to you if you yourselves did not connive with the thief who plunders you, if you were not accomplices of the murderer who kills you, if you were not traitors to yourselves?** You sow your crops in order that he may ravage them, you install and furnish your homes to give him goods to pillage; you rear your daughters that he may gratify his lust; you bring up your children in order that he may confer upon them the greatest privilege he knows — to be led into his battles, to be delivered to butchery, to be made the servants of his greed and the instruments of his vengeance; you yield your bodies unto hard labor in order that he may indulge in his delights and wallow in his filthy pleasures; you weaken yourselves in order to make him the stronger and the mightier to hold you in check. From all these indignities, such as the very beasts of the field would not endure, **you can deliver yourselves if you try, not by taking action, but merely by willing to be free. Resolve to serve no more, and you are at once freed. I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer; then you will behold him, like a great Colossus whose pedestal has been pulled away, fall of his own weight and break in pieces.**

About this Quotation:

Before there was Gandhi and his theory of satyagraha (civil disobedience and non-violent resistance) there was La Boétie. This French lawyer who was best known in his own lifetime as a poet, translator, and friend of Montaigne wrote a perceptive essay in 1576 on the nature of tyranny and why tyrants are able to subdue and rule an entire people with the aid of a relatively small number of troops and policemen. His explanation is that most people are willing to cooperate in their own subjection to authority; they obey orders even though there is no gendarme standing next to them to enforce compliance. His solution is similar to Gandhi's — if only people in significant enough numbers would refuse to obey commands, if they withheld tax payments, if they no longer regarded rulers as being legitimate sovereigns but as bandits with crowns, then the system of tyranny would grind to a halt. This quote came at the end of Part I and could be seen as a kind of Randian appeal for productive citizens to go on strike and retreat to the Renaissance equivalent of a Galt's Gulch.

Source

The Discourse of Voluntary Servitude, trans. Harry Kurz (Indianapolis: 1942).

18. Property Rights↩

1. [John Taylor on how a “sound freedom of property” can destroy the threat to Liberty posed by “an adoration of military fame” and oppressive governments \(1820\)](#) (Sep 6, 2004)
2. [Wolowski and Levasseur argue that Property is “the fruit of human liberty” and that Violence and Conquest have done much to disturb this natural order \(1884\)](#) (Nov 15, 2004)
3. [J.S. Mill’s great principle was that “over himself, over his own body and mind, the individual is sovereign” \(1859\)](#) (Jan 2, 2006)
4. [J.B. Say on the self-evident nature of property rights which is nevertheless violated by the state in taxation and slavery \(1817\)](#) (Feb 24, 2007)
5. [Thomas Hodgskin argues for a Lockean notion of the right to property \(“natural”\) and against the Benthamite notion that property rights are created by the state \(“artificial”\) \(1832\)](#) (Feb 26, 2007)
6. [Lord Kames states that the “hoarding appetite” is part of human nature and that it is the foundation of our notion of property rights \(1779\)](#) (Mar 10, 2008)
7. [Sir William Blackstone argues that occupancy of previously unowned land creates a natural right to that property which excludes others from it \(1753\)](#) (Sep 4, 2008)
8. [Lysander Spooner spells out his theory of “mine and thine”, or the science of natural law and justice, which alone can ensure that mankind lives in peace \(1882\)](#) (Oct 6, 2008)
9. [James Mill on the natural disposition to accumulate property \(1808\)](#) (Sep 7, 2009)
10. [Wollaston on crimes against person or property as contradictions of fundamental truths \(1722\)](#) (Feb 15, 2010)
11. [Gaius states that according to natural reason the first occupier of any previously unowned property becomes the just owner \(2nd Century\)](#) (Apr 5, 2010)
12. [Auberon Herbert on compulsory taxation as the “citadel” of state power \(1885\)](#) (Oct 18, 2010)
13. [Molinari defends the right to property against the socialists who want to overthrow it, and the conservatives who defend it poorly \(1849\)](#) (Mar 3, 2012)
14. [Auberon Herbert on the “magic of private property” \(1897\)](#) (Apr 30, 2012)
15. [Say on a person’s property right in their own “industrious faculties” \(1819\)](#) (Feb 18, 2013)
16. [Percy Shelley on the two types of property \[1820\]](#) (Apr 22, 2013)
17. [McCulloch argues that the right to property extends to “the faculties of \(one’s\) mind and the powers of \(one’s\) body” \(1864\)](#) (May 27, 2013)
18. [William Penn on property as one of the three fundamental rights all men have \(1679\)](#) (Jul 29, 2013)
19. [William Paley on the tragedy of the commons \(1785\)](#) (Sep 30, 2013)
20. [Hugo Grotius on the natural sociability of humans \(1625\)](#) (Oct 14, 2013)
21. [Herbert Spencer on human nature and the right to property \(1851\)](#) (Oct 28, 2013)
22. [Wolowski on property as a sacred right which is an emanation from man’s very being \(1863\)](#) (Dec 22, 2014)

John Taylor on how a “sound freedom of property” can destroy the threat to Liberty posed by “an adoration of military fame” and oppressive governments (1820) (Sep 6, 2004)



[John Taylor](#) (1753 – 1824)

In 1820 Taylor was concerned that the promise of the American constitution, to radically limit the power of the central state, was being undermined by interventionist economic policies:

THESE are the keys of construction, and the locks of liberty. The question to be considered is, whether our revolution was designed to establish the freedom both of religion and property, or only of the former.

It is strange that the human mind should have been expanded in relation to religion, and yet should retain narrow notions in relation to property. Objects unseen, and incapable of being explained by the information of the senses, afford less perfect materials for the exercise of reason, than those capable of being investigated by evidence, within the scope of the human understanding. As the difficulties opposed to the correction of religious fanaticism seemed less surmountable, whilst its effects were more pernicious, the zeal of philosophers was condensed in an effort to relieve mankind from an evil the most distressing; and their attention was diverted from another, at this period the most prominent. But having wrested religious liberty from the grasp of fanaticism, it now behooves them to turn their attention towards pecuniary fanaticism, and to wrest civil liberty from its tyranny also. Between an absolute power in governments over the religion and over the property of men, the analogy is exact, and their consequences must therefore be the same. Freedom of religion being the discovery by which religious liberty could only be established; freedom of property must be the only means also, for the establishment of civil liberty. Pecuniary fanaticism, undisciplined by constitutional principles, is such an instrument for oppression, as an undisciplined religious fanaticism. A power in governments to regulate individual wealth, will be directly guided by those very motives, which indirectly influenced all governments, possessed of a power to regulate religious opinions and rites. If we have only restrained one of these powers, we have most improvidently retained the other, under which mankind have groaned in all

ages; and which at this time is sufficient to oppress or enslave the European nations, although they have drawn some of the teeth of religious fanaticism. **An adoration of military fame, specious projects and eminent individuals, has in all ages brought on mankind a multitude of evils; and a sound freedom of property is the only mode that I know of, able to destroy the worship of these idols, by removing beyond their reach the sacrifices upon which themselves, and their proselytes, subsist.**

About this Quotation:

This work by Taylor, *Construction Construed and Constitutions Vindicated* (1820) is considered by some historians of political thought to be the greatest single work on political philosophy written by an American during the 19th century.

Source

John Taylor, *Construction Construed and Constitutions Vindicated* (Richmond: Shepherd and Pollard, 1820). <http://oll.libertyfund.org/title/899/43604/1316970>

Wolowski and Levasseur argue that Property is “the fruit of human liberty” and that Violence and Conquest have done much to disturb this natural order (1884) (Nov 15, 2004)



[Louis Wolowski](#) (1810 – 1876)

One of the many articles translated from the French which appeared in Lalor's *Cyclopedia* in 1884. This one is a spirited defence of the natural right to property:

It is, then, to the human being, the creator of all wealth, that we must come back; it is upon liberty that it is expedient to base the principle of property, and if any one would know by what sign it is to be recognized, we will answer that it is by labor that man impresses his personality on matter. It is labor which cultivates the earth and makes of an unoccupied waste an appropriated field; it is labor which makes of an untrodden forest a regularly ordered wood; it is labor, or, rather, a series of labors often executed by a very numerous succession of workmen, which brings hemp from seed, thread from hemp, cloth from thread, clothing from cloth; which transforms the shapeless pyrites, picked up in the mine, into an elegant bronze which adorns some public place, and repeats to an entire people the thought of an artist. It is labor which is the distinctive sign of property; it is the *condition* (or the means) of it, not the *principle*, which traces its origin to the liberty of the human soul.

Property, made manifest by labor, participates in the rights of the person whose emanation it is; like him, it is inviolable so long as it does not extend so far as to come into collision with another right; like him, it is individual, because it has its origin in the independence of the individual, and because, when several persons have co-operated in its formation, the latest possessor has purchased with a value, the fruit of his personal labor, the work of all the fellow-laborers who have preceded him; this is what is usually the case with manufactured articles. When property has passed, by sale or by inheritance, from one hand to another, its conditions have not changed; it is still the fruit of human liberty manifested by labor, and the holder has the same rights as the producer who took possession of it by right.

Violence, confiscation, fraud, conquest, have more than once disturbed the natural order of property, and mixed their impure springs with the pure sources of labor. But they have not changed the principle. Does the theft by which a lucky rascal is enriched interfere with the fact that labor is necessary for the production of wealth? Moreover, we must not exaggerate at pleasure the extent of these deviations from the general rule. It has been said that if we could go back to the origin of all landed property, possibly none would be found untainted with some one of these vices, on the soil of old Europe, overrun and successively occupied by so many hordes of invaders in ancient times and the middle ages. But how far would we have to go back across the centuries? so far that it could not be told in the case of ninety-nine hundredths of landed estates, except by mere conjecture, based on the probabilities of history. French laws, for instance, have established the thirty-years limitation, firstly, because it is necessary, in order to give some fixity to property, that it should not be left exposed to endless claims, and then, because long possession is itself a title, and because a man who has himself or by his tenantry, or farmers, put continuous labor on the same soil for a generation, has made, so to speak, the property his own. Now what is this short legal limitation beside the long limitation of ages, and how would any one dare contest the lawfulness of the owner's right over lands now richly cultivated, covered with farms and manufactories under the pretext that a Frank of the fourth century expelled from them a Gaul who was herding his flocks there? On the land has accumulated immovable wealth, which has sometimes increased the value of it a hundred-fold, and the origin and transmission of which are equally lawful. Out of the soil has grown the personal wealth which now forms a large part of the patrimony of society, and this wealth, the fruit of modern labor, is for the greater part free from the stain of brute force. War is no longer in our day a means of existence; it is rather a cause of ruin; conquerors aspire to usurp sovereignty, but they respect property. The political societies which have settled in new worlds, in America and Australia, have been established for the greater part by the clearings of the pioneers who made the land what it is, and bequeathed it to their children. There has been little or no violence there, in the many places where they have not had to strive against savage tribes, even in the occupation of the land. In the main, if we consider property as a whole, how small a place is occupied by the exception as compared with the rule, by violence as compared with labor!

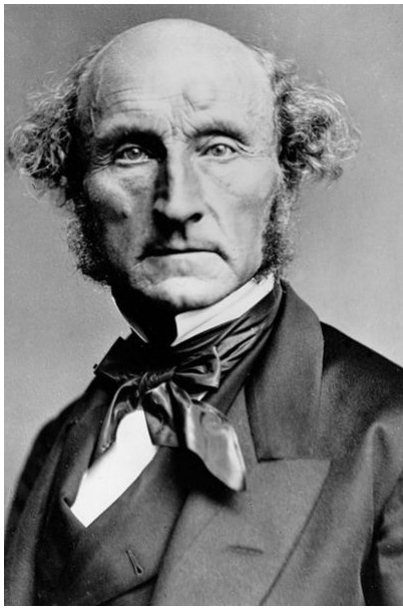
About this Quotation:

Lalor's massive encyclopedia was aimed squarely at the American market but included dozens of translations from the French language *Dictionnaire de l'économie politique* published in 1852. The full French original has unfortunately never been translated into English even though it contains a huge number of important essays written by Bastiat and other luminaries of French political economy in the mid-19th century. This quotation comes from one of the more interesting entries on property. A list of the translations in Lalor's encyclopedia can be found in the Forum.

Source

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 3 Oath – Zollverein <http://oll.libertyfund.org/title/971/63517/1468661>

J.S. Mill's great principle was that “over himself, over his own body and mind, the individual is sovereign” (1859) (Jan 2, 2006)



John Stuart Mill (1806 – 1873)

In the Introductory section of his great work *On Liberty* Mill states clearly the limits to state power over the liberty of the individual:

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right These are good reasons for remonstrating with him, or reasoning with him, or persuading him or entreating him, but not for compelling him, or visiting him with any evil, in case he do other wise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

About this Quotation:

2009 was the 150th anniversary of the first publication of J.S. Mill's *On Liberty* (1859). Mill makes it very clear from line one of the book what his concerns are, namely to explore the consequences of the one central idea which he thinks should predominate in politics – “the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number,

is self-protection”. This should be compared to the opening of *The Subjection of Women* (1869) where he states concisely a similar governing principle for the book: “That the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.” It took an editor after Mill’s death to publish a volume (1879) which combined these two complementary works. We have this volume online at the OLL.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XVIII – Essays on Politics and Society Part I*, ed. John M. Robson, Introduction by Alexander Brady (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1977). <http://oll.libertyfund.org/title/233/16552/799748>

J.B. Say on the self-evident nature of property rights which is nevertheless violated by the state in taxation and slavery (1817)

(Feb 24, 2007)



Jean Baptiste Say (1767 – 1832)

In this chapter of his (1817) Say tells us about the self-evident nature of property rights, the myriad ways it is constantly violated by the state, and how taxation is “an engine of national depression and misery”

There are some truths so completely self-evident, that demonstration is quite superfluous. This is one of that number. For who will attempt to deny, that the certainty of enjoying the fruits of one’s land, capital and labour, is the most powerful inducement to render them productive? Or who is dull enough to doubt, that no one knows so well as the proprietor how to make the best use of his property? Yet how often in practice is that inviolability of property disregarded, which, in theory, is allowed by all to be so immensely advantageous? How often is it broken in upon for the most insignificant purposes; and its violation, that should naturally excite indignation, justified upon the most flimsy pretexts? So few persons are there who have a lively sense of any but a direct injury, or, with the most lively feelings, have firmness enough to act up to their sentiments! There is no security of property, where a despotic authority can possess itself of the property of the subject against his consent. Neither is there such security, where the consent is merely nominal and delusive. In England, the taxes are imposed by the national representation; if, then, the minister be in the possession of an absolute majority, whether by means of electioneering influence, or by the overwhelming patronage foolishly placed at his disposal, taxation would no longer be in reality imposed by the national representatives; the body bearing that name would, in effect, be the representatives of the minister; and the people of England would be forcibly subjected to the severest privations, to further projects that possibly might be every way injurious to them.²⁸

It is to be observed that the right of property is equally invaded, by obstructing the free employment of the means of production, as by violently depriving the proprietor of the

product of his land, capital, or industry: for the right of property, as defined by jurists, is the right of use or even abuse. Thus, landed property is violated by arbitrarily prescribing tillage or plantation; or by interdicting particular modes of cultivation; the property of the capitalist is violated, by prohibiting particular ways of employing it; for instance, by interdicting large purchases of corn, directing all bullion to be carried to the mint, forbidding the proprietor to build on his own soil, or prescribing the form and requisites of the building. It is a further violation of the capitalist's property to prohibit any kind of industry, or to load it with duties amounting to prohibition, after he has once embarked his capital in that way. It is manifest, that a prohibition upon sugar would annihilate most of the capital of the sugar refiners, vested in furnaces, utensils, &c. &c.²⁹

The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and³⁰ talents, except insomuch as they would interfere with the rights of third parties. A similar violation is committed when a man's labour is put in requisition for one purpose, though designed by himself for another; as when an artisan or trader is forced into the military life, whether permanently or merely for the occasion.

I am well aware, that the importance of maintaining social order, whereon the security of property depends, takes precedence of property itself; for which very reason, nothing short of the necessity of defending that order from manifest danger can authorise these or similar violations of individual right. And this it is which impresses upon the proprietors the necessity of requiring, in the constitution of the body politic, some guarantee or other, that the public service shall never be made a mask to the passions and ambition of those in power.

Thus taxation, when not intended as an engine of national depression and misery, must be proved indispensable to the existence of social order; every step it takes beyond these limits, is an actual spoliation; for taxation, even where levied by national consent, is a violation of property; since no values can be levied, but upon the produce of the land, capital, and industry of individuals.

But there are some extremely rare cases, where interference between the owner and his property is even beneficial to production itself. For example, in all countries that admit the detestable right of slavery, a right standing in hostility to all others, it is found expedient to limit the master's power over his slave.³¹ Thus also, if a society stand in urgent need of timber for the shipwright or carpenter, it must reconcile itself to some regulations respecting the felling of private woods;³² or the fear of losing the veins of mineral that intersect the soil, may sometimes oblige a government to work the mines itself. It may be readily conceived, that, even if there were no restraints upon mining, want of skill, the impatience of avarice, or the insufficiency of capital, might induce a proprietor to exhaust the superficial, which are commonly the poorest loads, and occasion the loss of superior depth and quality.³³ Sometimes a vein of mineral passes through the ground of many proprietors, but is accessible only in one spot. In this case, the obstinacy of a refractory proprietor must be disregarded, and the prosecution of the works be compulsory; though, after all, I will not undertake to affirm, that it would not be more advisable on the whole to respect his rights, or that the possession of a few additional mines is not too dearly purchased by this infringement upon the inviolability of property.

About this Quotation:

Like Smith, Say likes to wrap his economic insights up with a rich and heavy blanket of historical, sociological, and moral reflections which add considerably to the final product. In this case he discusses the nature of property rights, beginning with the insight that most economists take it as a given, yet historical knowledge shows that any given property arrangement is a mixture of the justly acquired and the violently seized. Say has some very harsh words to say about taxation and another pressing issue of his day, slavery, which he without a moment's hesitation calls "detestable" under all and any circumstances.

Source

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed.). <http://oll.libertyfund.org/title/274/37998/900228>

Thomas Hodgskin argues for a Lockean notion of the right to property (“natural”) and against the Benthamite notion that property rights are created by the state (“artificial”) (1832) (Feb 26, 2007)

[Thomas Hodgskin](#) (1787 – 1869)

Thomas Hodgskin sends a series of letters to one of the most influential Benthamite reformers of the period informing him that his theory of property is incorrect and dangerous to liberty and that he should adopt a more Lockean notion of property rights

As the right of property includes many other rights, being connected with some of our strongest emotions, and the source of some most inveterate prejudices, it requires to be handled with great discretion. If it were not the very foundation of systems of government, and of theories of political philosophy—and if there were any rational hope, that the former could be amended, and the latter constructed on correct principles, without digging down to the very bottom—I, for one, should carefully avoid meddling with so great and, perhaps, dangerous a work. But after much and anxious deliberation, I am satisfied that it is not possible to meliorate our political condition, or even to save society from convulsions, more terrible perhaps than have ever been known, unless all classes attain correct notions of the natural right of property, and endeavour gradually to adapt their conduct and social institutions to what nature decrees. Allow me, however, at once to declare (as there have been in almost every age individuals, such as Beccaria and Rousseau—and sects, some existing at present, such as Mr. Owen’s cooperative societies, the Saint Simonians in France, and the Moravians, who have asserted that all the evils of society arise from a right of property, the utility of which they have accordingly and utterly denied) allow me to separate myself entirely from them, by declaring that **I look on a right of property—on the right of individuals, to have and to own, for their own separate and selfish use and enjoyment, the produce of their own industry, with power freely to dispose of the whole of that in the manner most agreeable to themselves, as essential to the welfare and even to the continued existence of society. If, therefore, I did not suppose, with Mr. Locke, that nature establishes such a right—if I were not prepared to shew that she not merely establishes, but also protects and preserves it, so far as never to suffer it to be violated with impunity—I should at once take refuge in Mr. Bentham’s impious theory, and admit that the legislator who established and preserved a right of property, deserved little less adoration than the Divinity himself. Believing, however, that nature establishes such a right, I can neither join those who vituperate it as the source of all our social misery, nor those who claim for the legislator the high honour of being “the author of the finest triumph of humanity over itself.”**

I heartily and cordially concur with Mr. Locke, in his view of the origin and foundation of a right of property. “Every man,” he says, “has a property in his own person that nobody has any right to but himself. The labour of his body and the work of his hand are his property. Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with it and joined to something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it that excludes the common right of other men. For the labour being the unquestionable property of the labourer, no man but

he can have a right to what that is joined to—at least, where there is enough and as good left in common for others.”

About this Quotation:

Thomas Hodgskin is hard to categorize. The socialists like to claim him as one of their own because he was sympathetic to the workers and worked hard lecturing to them on economic issues at the Mechanics Institutes. Yet he cannot be classified as a “socialist” because of his firm and explicit support for free trade (he worked for *The Economist* in its most radical free trade phase) and bravely defended Lockean notions of property rights when the utilitarian Bethamites were sweeping all before them. This 1832 book is one of the most explicit defences of what he called “the natural right to property” in direct opposition to the government defined and enforced “artificial right to property” which he believed began the slippery slope to statism.

Source

Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted. A Series of Letters, addressed without permission to H. Brougham, Esq. M.P. F.R.S.* (London: B. Steil, 1832).
<http://oll.libertyfund.org/title/323/37830/694319>

Lord Kames states that the “hoarding appetite” is part of human nature and that it is the foundation of our notion of property rights (1779) (Mar 10, 2008)



Henry Home, Lord Kames (1696 – 1782)

Henry Home, Lord Kames, a leading figure of the Scottish Enlightenment, argued in *Essays on the Principles of Morality and Natural Religion* (1779) that the "hoarding appetite" was universal among mankind and that it was the basis of the idea of property rights:

The compass I have taken is wide, but the shortest road is not always the smoothest or most patent. I come now to the point, by putting a plain question, What sort of creature would man be, endued as he is with a hoarding appetite, but with no sense or notion of property? He hath a constant propensity to hoard for his own use; conscious at the same time that his stores are no less free to others than to himself;—racked thus perpetually betwixt the desire of appropriation, and consciousness of its being in vain. I say more: the hoarding appetite is an instinct obviously contrived for assisting reason, in moving us to provide against want. This instinct, like all others in the human soul, ought to be a cause adequate to the effect intended to be accomplished by it. But this it cannot be, independent of a sense of property. For what effectual provision can be made against want, when the stores of every individual are, without any check from conscience, left free to the depredations of the whole species? Here would be a palpable defect or inconsistency in the nature of man. If I could suppose this to be his case, I should believe him to be a creature made in haste, and left unfinished. I am certain there is no such inconsistency to be found in any other branch of human nature; nor indeed, as far as we can discover, in any other creature that is endued with the hoarding appetite. Every bee inhabits its own cell, and feeds on its own honey. Every crow has its own nest; and punishment is always applied, when a single stick happens to be pilfered. But we find no such inconsistency in man. The cattle tamed by an individual, and the field cultivated by him, were held universally to be his own from the beginning. **A relation is formed betwixt every man and the fruits of his own labour, the very thing we call property, which he himself is sensible of, and of which every other is equally sensible. Yours and mine are terms in all languages, familiar among savages, and understood even**

by children. This is a fact, which every human creature can testify.

About this Quotation:

Like Adam Smith, a fellow member of the Scottish enlightenment, Lord Kames believes that the “hoarding instinct” is innate and that even children and bees (compare Bernard Mandeville) have a sense of “mine and thine”. This is the powerful natural origin of property rights in human society.

Source

Henry Home, Lord Kames, *Essays on the Principles of Morality and Natural Religion, Corrected and Improved, in a Third Edition. Several Essays Added Concerning the Proof of a Deity*, Edited and with an Introduction by Mary Catherine Moran (Indianapolis: Liberty Fund, 2005).
<http://oll.libertyfund.org/title/1352/66207/1613765>

Sir William Blackstone argues that occupancy of previously unowned land creates a natural right to that property which excludes others from it (1753) (Sep 4, 2008)



[Sir William Blackstone](#) (1723 – 1780)

In his influential *Commentaries on the Laws of England* (1753) Sir William Blackstone has a chapter on “Of Property, in General” in which he outlines a case for property rights which has influenced a couple of hundred years of thinking on the subject in England and America:

The only question remaining is, how this property became actually invested: or that it is that gave a man an exclusive right to retain in a permanent manner that specific land, which before belonged generally to everybody, but particularly to nobody. And, as we before observed that occupancy gave the right to the temporary use of the soil, so it is agreed upon all hands, that occupancy gave also the original right to the permanent property in the substance of the earth itself; which excludes every one else but the owner from the use of it. There is indeed some difference among the writers on natural law concerning the reason why occupancy should convey this right, and invest one with this absolute property: Grotius and Puffendorf insisting that this right of occupancy is founded on a tacit and implied assent of all mankind that the first occupant should become the owner; and Barbeyrac, Titius, Mr. Locke, and others, holding that there is no such implied assent, neither is it necessary that there should be; for that the very act of occupancy alone, being a degree of bodily labour, is, from a principle of natural justice, without any consent or compact, sufficient of itself to gain a title;—a dispute that savours too much of nice and scholastic refinement. However, both sides agree in this, that occupancy is the thing by which the title was in fact originally gained; every man seizing to his own continued use such spots of ground as he found most agreeable to his own convenience, provided he found them unoccupied by any one else.

Property, both in lands and movables, being thus originally acquired by the first taker, which taking amounts to a declaration that he intends to appropriate the thing to his own use, it remains in him, by the principles of universal law, till such time as he does some other act which shows an intention to abandon it; for then it becomes, naturally speaking,

publici juris once more, and is liable to be again appropriated by the next occupant. So if one is possessed of a jewel, and casts it into the sea or a public highway, this is such an express dereliction, that a property will be vested in the first fortunate finder that will seize it to his own use. But if he hides it privately in the earth, or other secret place, and it is discovered, the finder acquires no property therein; for the owner hath not by this act declared any intention to abandon it, but rather the contrary: and if he loses or drops it by accident, it cannot be collected from thence that he designed to quit the possession; and therefore in such a case the property still remains in the loser, who may claim it again of the finder. And this, we may remember, is the doctrine of the law of England with relation to treasure trove.

But this method of one man's abandoning his property, and another seizing the vacant possession, however well founded in theory, could not long subsist in fact. It was calculated merely for the rudiments of civil society, and necessarily ceased among the complicated interests and artificial refinements of polite and established governments. In these it was found, that what became inconvenient or useless to one man, was highly convenient and useful to another, who was ready to give in exchange for it some equivalent that was equally desirable to the former proprietor. Thus mutual convenience introduced commercial traffic, and the reciprocal transfer of property by sale, grant, or conveyance; which may be considered either as a continuance of the original possession which the first occupant had, or as an abandoning of the thing by the present owner, and an immediate successive occupancy of the same by the new proprietor. The voluntary dereliction of the owner, and delivering the possession to another individual, amount to a transfer of the property: the proprietor declaring his intention no longer to occupy the thing himself, but that his own right of occupancy shall be vested in the new acquirer. Or, taken in the other light, if I agree to part with an acre of my land to Titius, the deed of conveyance is an evidence of my intending to abandon the property; and Titius, being the only or first man acquainted with such my intention, immediately steps in and seizes the vacant possession: thus the consent expressed by the conveyance gives Titius a good right against me; and possession, or occupancy, confirms that right against all the world besides.

About this Quotation:

Blackstone begins his chapter on "property in general" by asking the question by right right do men claim "that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe." His answer is the Lockean notion that first occupancy and first use of the land gives men that right. From this basic right flows more complex interactions brought about by "mutual convenience" and the introduction of the practice of "commercial traffic", resulting in the entire market system of his and our days. His Commentaries were widely read in the American colonies on the eve of the Revolution.

Source

Sir William Blackstone, *Commentaries on the Laws of England in Four Books. Notes selected from the editions of Archibald, Christian, Coleridge, Chitty, Stewart, Kerr, and others, Barron Field's Analysis, and Additional Notes, and a Life of the Author by George Sharswood. In Two Volumes.* (Philadelphia: J.B. Lippincott Co., 1893). Vol. 1 – Books I & II. <http://oll.libertyfund.org/title/2140/198690/3147519>

Lysander Spooner spells out his theory of “mine and thine”, or the science of natural law and justice, which alone can ensure that mankind lives in peace (1882) (Oct 6, 2008)



Lysander Spooner (1808 – 1887)

The American radical individualist legal theorist and abolitionist Lysander Spooner (1808-1887) argued in his pamphlet on *Natural Law* (1882) that:

The science of mine and thine — the science of justice — is the science of all human rights; of all a man's rights of person and property; of all his rights to life, liberty, and the pursuit of happiness.

It is the science which alone can tell any man what he can, and cannot, do; what he can, and cannot, have; what he can, and cannot, say, without infringing the rights of any other person.

It is the science of peace; and the only science of peace; since it is the science which alone can tell us on what conditions mankind can live in peace, or ought to live in peace, with each other.

These conditions are simply these: viz., first, that each man shall do, towards every other, all that justice requires him to do; as, for example, that he shall pay his debts, that he shall return borrowed or stolen property to its owner, and that he shall make reparation for any injury he may have done to the person or property of another.

The second condition is, that each man shall abstain from doing so another, anything which justice forbids him to do; as, for example, that he shall abstain from committing theft, robbery, arson, murder, or any other crime against the person or property of another.

So long as these conditions are fulfilled, men are at peace, and ought to remain at peace, with each other. But when either of these conditions is violated, men are at war. And they must necessarily remain at war until justice is re-established.

Through all time, so far as history informs us, wherever mankind have attempted to live in peace with each other, both the natural instincts, and the collective wisdom of the human race, have acknowledged and prescribed, as an indispensable condition, obedience to this one only universal obligation: viz., that each should live honestly towards every other.

The ancient maxim makes the sum of a man's legal duty to his fellow men to be simply this: "To live honestly, to hurt no one, to give to every one his due."

This entire maxim is really expressed in the single words, to live honestly; since to live honestly is to hurt no one, and give to every one his due.

About this Quotation:

Spooner's distinction between natural law and legislation brings to mind two other theorists. Before Spooner began writing there was Thomas Hodgskin (1787-1869) who made the distinction between "natural and artificial rights", the latter being created by government usually to favour special interests. After Spooner there was Friedrich Hayek (1899-1992), the Nobel Prize winning Austrian economist, who distinguished between "law" and "legislation" – the former with some approval, the latter with disdain and warnings.

Source

Lysander Spooner, *Natural Law; or the Science of Justice: A Treatise on Natural Law, Natural Justice, Natural Rights, Natural Liberty, and Natural Society; showing that all Legislation whatsoever is an Absurdity, a Usurpation, and a Crime. Part First.* (Boston: A. Williams & Co., 1882).
<http://oll.libertyfund.org/title/2182/202933/3341270>

James Mill on the natural disposition to accumulate property (1808). (Sep 7, 2009)



James Mill (1773 – 1836)

James Mill (1773-1836), the father of John Stuart Mill, defended commerce and the freedom to trade against its critics on the grounds that it was natural, greatly contributed to human happiness, and added to the amount of wealth in society.

Notwithstanding the avidity for immediate gratification, with which the greater part of mankind appear to be inspired, the disposition to accumulate seems, from experience, to be a still more powerful propensity; and wherever men are secure in the enjoyment of their property, a great part of them always exert themselves to make what they get exceed what they spend. By means of this powerful principle it is natural for every nation, which has scope for its industry, to make continual advancement, to see the produce of every succeeding year surpass that of the year that went before it. One arrangement of society may be more favourable to this advancement than another. In one country the natural subdivision of property may be more counteracted than in another. But **no arrangement of society, consistent with any tolerable degree of freedom and security, seems capable of preventing this wonderful agent from adding something every year to the fund of production, from continually increasing the annual produce. As it is this gradual produce on which the happiness of the great body of the people depends, we may reflect with satisfaction and wonder on the strength of the principle on which it is secured; on the provision which is laid in the original laws of human nature for the well-being of the species!**

About this Quotation:

James Mill, the father of John Stuart Mill, was an ardent defender of free trade and an opponent of the “sinister interests” which controlled British politics in the early 19th century. In this tract he defends the liberty and mutual benefits of free trade at a difficult time – Napoleon’s blockade of continental Europe was in force, in an attempt to weaken Britain by denying it its traditional markets on the mainland, and there existed a popular notion that trade and industry were not “really productive”

whereas only “agriculture” was. So Mill had to fight a battle for free trade on two fronts: that England would benefit from free trade even if other countries persisted in subsidies and tariff protection; and that trade in goods other than traditional agricultural products could add to the sum total of “national wealth”. Even 200 years after Mill wrote this tract, we are still fighting the same battles.

Source

James Mill, *Commerce Defended. An Answer to the Arguments by which Mr. Spence, Mr. Cobbett, and Others, have attempted to Prove that Commerce is not a source of National Wealth* (London: C. and R. Baldwin, 1808). <http://oll.libertyfund.org/title/1668/104768/2226144>

Wollaston on crimes against person or property as contradictions of fundamental truths (1722) (Feb 15, 2010)



[William Wollaston](#) (1660 – 1724)

The English philosopher William Wollaston (1660-1724) argued that violations of another person's natural rights are not only a crime but a denial or contradiction of a fundamental truth:

III. A true proposition may be denied, or things may be denied to be what they are, by deeds, as well as by express words or another proposition. It is certain there is a meaning in many acts and gestures. Every body understands weeping, laughing, shrugs, frowns, &c., these are a sort of universal language.

But these instances do not come up to my meaning. There are many acts of other kinds, such as constitute the character of a man's conduct in life, which have in nature, and would be taken by any indifferent judge to have a signification, and to imply some proposition, as plainly to be understood as if it was declared in words: and therefore if what such acts declare to be, is not, they must contradict truth, as much as any false proposition or assertion can.

If a body of soldiers, seeing another body approach, should fire upon them, would not this action declare that they were enemies; and if they were not enemies, would not this military language declare what was false? No, perhaps it may be said; this can only be called a mistake, like that which happened to the Athenians in the attack of Epipolar, or to the Carthaginians in their last incampment against Agathocles in Africa. Suppose then, instead of this firing, some officer to have said they were enemies, when indeed they were friends: would not that sentence affirming them to be enemies be false, notwithstanding he who spoke it was mistaken? The truth or falsehood of this affirmation doth not depend upon the affirmer's knowledge or ignorance: because there is a certain sense affixt to the words, which must either agree or disagree to that, concerning which the affirmation is made. The thing is the very same still, if into the place of words be substituted actions. The salute here was in nature the salute of an enemy, but should have been the salute of a friend: therefore it implied a falsity. Any

spectator would have understood this action as I do; for a declaration, that the other were enemies. Now what is to be understood, has a meaning: and what has a meaning, may be either true or false: which is as much as can be said of any verbal sentence.

If A should enter into a compact with B, by which he promises and engages never to do some certain thing, and after this he does that thing: in this case must be granted, that his act interferes with his promise, and is contrary to it. Now it cannot interfere with his promise, but it must also interfere with the truth of that proposition, which says there was such a promise made, or that there is such a compact subsisting. If this proposition be true, A made such a certain agreement with B, it would be denied by this, A never made any agreement with B. Why? Because the truth of this latter is inconsistent with the agreement asserted in the former. The formality of the denial, or that, which makes it to be a denial, is this inconsistency. If then the behaviour of A be consistent with the agreement mentioned in the former proposition, that proposition is as much denied by A's behaviour, as it can be by the latter, or any other proposition. Or thus, If one proposition imports or contains that which is contrary to what is contained in another, it is said to contradict this other, and denies the existence of what is contained in it. Just so if one act imports that which is contrary to the import of another, it contradicts this other, and denies its existence. In a word, if A by his actions denies the managements, to which he hath subjected himself, his actions deny them; just as we say, Ptolemy by his writings denies the motion of the earth, or his writings deny it.

When a man lives, as if he had the estate which he has not, or was in other regards (all fairly cast up) what he is not, what judgment is to be passed upon him? Doth not his whole conduct breathe untruth? May we not say (if the propriety of language permits), that he lives a lye?

In common speech we say some actions are insignificant, which would not be sense, if there were not some that are significant, that have a tendency and meaning. And this is as much as can be said of articulate sounds, that they are either significant or insignificant.

I lay this down then as a fundamental maxim, That whoever acts as if things were so, or not so, doth by his acts declare, that they are so, or not so; as plainly as he could by words, and with more reality. And if the things are otherwise, his acts contradict those propositions, which assert them to be as they are.

About this Quotation:

William Wollaston wrote one best-selling work towards the end of his life which appeared in at least 8 editions. His main objective was to argue that "religion" was no more than "the pursuit of happiness by the practice of truth and reason", but tucked within his *Religion of Nature* (1722) are some remarkable insights concerning the natural right to property and the idea that a violation of someone's natural rights is not just a "crime" but a "lie" and a contradiction of a deeper underlying truth about the world. A person who violates a contract or kills an innocent person makes a powerful "statement" about themselves and those around them by means of action instead of by words. And these words or "action statements" are untrue and contradict the state of the natural world. They are also crimes in his view.

Source

Lewis Amherst Selby-Bigge, *British Moralists, being Selections from Writers principally of the Eighteenth Century*, edited with an Introduction and analytical Index by L.A. Shelby-Bigge in two volumes (Oxford: Clarendon Press, 1897). Vol. 2. <http://oll.libertyfund.org/title/2077/157777/2787506>

Gaius states that according to natural reason the first occupier of any previously unowned property becomes the just owner (2nd Century) (Apr 5, 2010)



Gaius (130 CE – 180 CE)

The Roman jurist Gaius (130-180) in his collection of Roman law states that according to the principle of “right reason” any previously unowned thing becomes the just property of the first occupant who is able to “capture” it :

§ 65. Thus it appears that some modes of alienation are based on natural law, as tradition, and others on civil law, as mancipation, surrender before the magistrate, usucapion, for these are titles confined to citizens of Rome.

§ 66. Another title of natural reason, besides Tradition, is Occupation, whereby things previously the property of no one become the property of the first occupant, as the wild inhabitants of earth, air, and water, as soon as they are captured.

§ 67. For wild beasts, birds, and fishes, as soon as they are captured, become, by natural law, the property of the captor, but only continue such so long as they continue in his power; after breaking from his custody and recovering their natural liberty, they may become the property of the next occupant; for the ownership of the first captor is terminated. Their natural liberty is deemed to be recovered when they have escaped from his sight, or, though they continue in his sight, when they are difficult to recapture.

§ 68. In the case of those wild animals, however, which are in the habit of going away and returning, as pigeons, and bees, and deer, which habitually visit the forests and return, the rule has been handed down, that only the cessation of the intention of returning is the termination of ownership, and then the property in them is acquired by the next occupant; the intention of returning is held to be lost when the habit of returning is discontinued.

§ 69. Capture from an enemy is another title of property by natural law.

§ 70. Alluvion is another natural mode of acquisition. Alluvion is an addition of soil to land by a river, so gradual that at a particular moment the amount of accretion cannot be determined; or, to use the common expression, an addition made by alluvion is so gradual as to elude our sight.

§ 71. Accordingly a parcel of your land swept away by a river, and carried down to mine, continues your property.

§ 72. An island that rises in the middle of a river is the common property of the proprietors on both banks of the river; if it is not in the middle of the stream, it belongs to the proprietors of the nearer bank.

§ 73. Again, a building erected on my soil, though the builder has made it on his own account, belongs to me by natural law; for the ownership of a superstructure follows the ownership of the soil.

§ 74. The same occurs a fortiori when trees are planted on my land, provided they have struck root.

§ 75. Similarly, when corn is sown on my land.

§ 76. But if I bring an action to recover the land or the building, and refuse to compensate the other party for his outlay on the building or the plantation or the cornfield, he will defeat my action by the plea of fraud, at any rate if he was a bona fide possessor.

§ 77. On the same principle, the writing inscribed on my paper or parchment, even in letters of gold, becomes mine, for the property in the letters is accessory to the paper or parchment; but if I sue for the books or parchment without offering compensation for the writing, my action will be defeated by the plea of fraud.

§ 78. The canvas belonging to me, on which another man has painted, e. g. a portrait, is subject to a different rule, for the ownership of the canvas is held to be accessory to the painting: a difference which scarcely rests on a sufficient reason. By this rule, it is clear that if I am in possession, and you (the painter) claim the portrait without offering to pay the value of the canvas, I may defeat your claim by the plea of fraud. But if you are in possession, the effect is that I am entitled to an equitable action against you, but in this case unless I offer the price of the painting, you defeat me by the plea of fraud, at any rate if you are a bona fide possessor. It is certain, that, if either you or another purloined the canvas, I can bring an action of theft.

§ 79. On a change of species, also, we have recourse to natural law to determine the proprietor. Thus, if grapes, or olives, or sheaves of corn, belonging to me, are converted by another into wine, or oil, or (threshed out) corn, a question arises whether the property in the corn, wine, or oil, is in me, or in the author of the conversion; so too if my gold or silver is manufactured into a vessel, or a ship, chest, or chair is constructed from my timber, or my wool is made into clothing, or my wine and honey are made into mead, or my drugs into a plaster or eye-salve, it becomes a question whether the ownership of the new product is vested in me or in the manufacturer. According to some, the material or

substance is the criterion; that is to say, the owner of the material is to be deemed the owner of the product; and this was the doctrine which commended itself to Sabinus and Cassius; according to others the ownership of the product is in the manufacturer, and this was the doctrine favoured by the opposite school; who further held that the owner of the substance or material could maintain an action of theft against the purloiner, and also an action for damages (condictio), because, though the property which is destroyed cannot be vindicated, this is no bar to a condictio or personal action for damages against the thief and against certain other possessors.

About this Quotation:

No body knows exactly when the Roman jurist Gaius lived, or when he wrote his compilation of the Roman laws, or even what his full name was. It is believed he lived sometime from 130 to 180 because he cites legislation which was enacted during this time. It seems likely that his great compilation of the laws appeared around 160 but no one can know for sure. Nevertheless, if it did appear around this time, it makes 2010 the 1,850th anniversary of its appearance and thus we welcome it into our anniversary collection for 2010. We have selected as our quote his statement of the Roman law regarding the right of the first occupier to own previously unowned property, such as land and wild animals. This idea became a cornerstone of John Locke's theory of property and thus was a key element of English and American law.

Source

Gaius, *Gai Institutiones or Institutes of Roman Law by Gaius*, with a Translation and Commentary by the late Edward Poste, M.A. Fourth edition, revised and enlarged by E.A. Whittuck, M.A. B.C.L., with an historical introduction by A.H.J. Greenidge, D.Litt. (Oxford: Clarendon Press, 1904).
<http://oll.libertyfund.org/title/1154/88637/2006692>

Auberon Herbert on compulsory taxation as the “citadel” of state power (1885) (Oct 18, 2010)



[Auberon Herbert](#) (1838 – 1906)

The English radical individualist Auberon Herbert (1838-1906) argued that not only was the compulsory taking of other people’s property a violation of their natural rights but it was the “inner keep” or “citadel” of the modern state:

Class A—Removal of burdens of taxation

Examples—Abolition and reduction of state departments, and officials. Abolition of pensions after life of the present holders. Abolition of all custom and excise duties and assessed taxes, and establishment of complete free trade in all things. All government revenues (whether central or local) to be derived from voluntary, not compulsory payments. Payment as early as possible of national debt by sale of all such ecclesiastical property as may be adjudged to belong equitably to the nation, by sale of other national property, and by special fund raised by voluntary contributions; with mortgage of remaining national property to holders of debt, until payment is completed.

Voluntary taxation. Apart from the argument of convenience, which unfortunately governs us in so many matters, it will be difficult, I think, to find any real justification for the compulsory levying of taxes. The citizens of a country who are called upon to pay taxes have done nothing to forfeit their inalienable right over their own possessions (it being impossible to separate a man’s right over himself and his right over his possessions), and there is no true power lodged in any body of men, whether known under the title of governments or of gentlemen of the highway, to take the property of men against their consent. The governments which persist in levying taxes by force, simply because they have the power to do so, will one day be considered as only the more respectable portion of that fraternity who are to be found in all parts of the world, living by the strong hand on the possessions of those who are too weak to resist them.

The more this question of taxation is considered, the more clearly I believe will the

mischievous of the present system come to light. So long as the political faction in power can decree the levying of what taxes it likes, it is unreasonable to hope that either the organized or the unorganized oppression of men by each other can ever be brought to an end. The conception of our true relations to each other is poisoned at an ever-flowing spring. Once give to me, or to any other man, the power to carry out our own ideas, and those of the majority to which we happen to belong, at the expense of all who are in the minority and who disagree with those ideas, and there and then the hateful state of oppressors and oppressed is necessarily established. **There can be no true condition of rest in society, there can be no perfect friendliness amongst men who differ in opinions, as long as either you or I can use our neighbor and his resources for the furtherance of our ideas and against his own. The present power to levy taxes compulsorily seems to me the inner keep, the citadel of the whole question of liberty; and until that stronghold is leveled to the ground, I do not think that men will ever clearly realize that to compel any human being to act against his own convictions is essentially a violation of the moral order, a cause of human unrest, and a grievous misdirection of human effort. Of the immediate ill effects, of the waste, of the extravagance, of the jobbery, that are all born of the compulsory taking of taxes, I will not speak here. The first and greatest question is whether to help oneself to one's neighbor's property by force is or is not morally right.**

About this Quotation:

There emerged in England in the late 19th century a group of radical individualists who were inspired by the work of Herbert Spencer (1820-1903). They were active in the Liberty and Property Defence League (founded by Lord Wemyss) and believed in natural rights, a rigorous defence of individual liberty, opposition to the emerging welfare state, and opposition to war and empire. This group eventually disappeared by the outbreak of the First World War. Auberon Herbert was a member of this school of thought and wrote a number of popular appeals to the working class on the dangers of current government policy. Just before the quotation given here, Herbert sets out the steps the government needed to take in order to reduce the burden of taxation: the "Abolition and reduction of state departments, and officials. Abolition of pensions after life of the present holders. Abolition of all custom and excise duties and assessed taxes, and establishment of complete free trade in all things. All government revenues (whether central or local) to be derived from voluntary, not compulsory payments. Payment as early as possible of national debt by sale of all such ecclesiastical property as may be adjudged to belong equitably to the nation, by sale of other national property, and by special fund raised by voluntary contributions; with mortgage of remaining national property to holders of debt, until payment is completed." Of course, no political party of his day ever offered this as their electoral platform.

Source

Auberon Herbert, *The Right and Wrong of Compulsion by the State, and Other Essays*, ed. Eric Mack (Indianapolis: Liberty Fund, 1978). <http://oll.libertyfund.org/title/591/66547/1626563>

Molinari defends the right to property against the socialists who want to overthrow it, and the conservatives who defend it poorly (1849) (Mar 3, 2012)



Gustave de Molinari (1819 – 1912)

In the second year of the 1848 Revolution the French political economist Gustave de Molinari (1819-1912) wrote a defence of the right to property in the form of conversations between an Economist (him), a Socialist, and a Conservative. He argues that the Socialists want to overthrow the right to property without understanding what this will do to both justice and prosperity, and that Conservatives do not know how to defend property correctly:

The quotation on the title page: It is necessary to refrain from attributing to the physical laws the evils which are the just and inevitable punishment for the violation of this very order of laws, which have been instituted in order to produce good. [François Quesnay]

The opening remarks of Molinari's Preface: **Society, according to the Economists of the eighteenth century, is organized on the basis of natural laws, whose essence is Justice and Utility. When these laws are misunderstood, society suffers. When they are fully respected, society enjoys the greatest possible abundance and justice reigns in human relations.**

Are these laws of providence respected or unrecognized today? Do the sufferings of the masses have their origin in the economic laws which govern society or in the obstacles placed in the way of their beneficent operation? Such is the question which recent events have raised for us.

To this question the Socialist schools reply, sometimes by denying that the economic world is governed, as is the physical world, by natural laws, and at other times by the affirmation that these laws are imperfect or vicious, and that the ills of society stem from this imperfect or vicious character.

****The more timid claim that we must modify these laws; the more intrepid claim we should totally eliminate what are radically imperfect arrangements and replace them with new ones.****

The base on which the whole edifice of society rests is property. Socialists therefore strive to alter or replace or destroy the principle of property.

Conservatives defend property; but they defend it badly.

About this Quotation:

We offer this quote on Molinari's birthday, 3 March (1819). The rise of socialism during the 1848 Revolution in Paris confronted the classical liberal economists (the "économistes") with a serious problem, namely how to counter their push to significantly regulate the economy and to finance their utopian schemes such as the National Workshops (government funded unemployment relief). On the one hand, the right to property had been poorly defended by the conservatives who had undermined it with their efforts to regulate the economy and to grant legal privileges to some property owners at the expense of others (tariff protection and state subsidies for manufacturers). On the other hand, the socialists could point out that they were only doing what the conservatives had done for decades but only more so and now in the interests of "the people" instead of the elite. One result of this was Molinari's 1849 book *Les Soirées de la Rue St. Lazare* which was a vigorous "defence of economic laws and the right of property" as the subtitle makes very clear. It is in the form a a series of debates or conversations between a Socialist, a Conservative, and an Economist (who is a thinly disguised Molinari). Over the course of 12 evenings Molinari gives us a detailed defense of both the "Justice" and the "Utility" of property rights, both of which he believed were crucial pillars in any theory of property. Liberty Fund is having this important book by Molinari translated and is pleased to give readers a foretaste here.

Source

Gustave de Molinari, *Les Soirées de la Rue Saint-Lazare: Entretiens sur les lois économiques et défense de la propriété* (Paris: Guillaumin, 1849). <http://oll.libertyfund.org/title/1344/221031/3538393>

Auberon Herbert on the “magic of private property” (1897) (Apr 30, 2012)



[Auberon Herbert](#) (1838 – 1906)

The English radical individualist and Member of Parliament Auberon Herbert (1838-1906) appeals to ordinary workers to acquire property peacefully and to thereby enjoy one of the “master keys” to enjoying peace and prosperity:

For the moment the larger part of existing property belongs to the richer classes; but it will not be so, as soon as ever you, the workers, take out of the hands of the politicians, and into your own hands, the task of carving out your own fortunes. The working body of the people must no longer be content—not for a single day—to be the propertyless class. In every city and town and village they must form their associations for the gaining of property; they must put their irresistible pence and shillings together, so that, step by step, effort upon effort, they may become the owners of land, of farms, of houses, of shops, of mills, and trading ships; they must take shares in the great well-managed trading companies and railways, until the time comes, as their capital increases, when they will be able to become the owners at first of small trading concerns, established by themselves, and then later of larger and more important concerns. They must—for all reasons, the best and the second best—become the owners of property. Without property no class can take its true place in the nation. They must devote much of their resolution and self-denial to the steady persistent heaping together of the pence and shillings for this purpose.

As they become possessed of property, they will see a definite goal lying before themselves—one good and useful ambition ever succeeding to another. The old dreary hopelessness will disappear, they will gain in power and influence; the difference between classes will disappear; they will break the enfeebling and corrupting influence of the politicians—what influence would remain to the man of words if he could no longer offer gratis—in

return for nothing but votes—the property of others, without any greater exertion on the part of the people than marking their voting papers in his favor? And with the acquiring of property, the workers will also acquire the qualities that the management of property brings with it; while they add a new interest, a new meaning to their lives.

We appeal to the many thousands of strong, capable, self-denying men that are to be found among us. Is the gaining of property only a dream; is the thing so very difficult, so far out of your reach? Say that a million men and women begin tomorrow to subscribe one halfpenny a week—who would miss that magical halfpenny, which is to transform so many things?—at the end of the year you will have a fund of over £100,000 to start with—not we think, a bad beginning for the great campaign. In many cases the property, such as land and houses, that you would so acquire, you would probably rent or redistribute on remunerative but easy terms to your own members; in the case of workers in towns, you would be able to allow those of your members who desired rest and change, to work for a time on your farms, and you would also be able to make a holiday ground and common meeting place of some farm that belonged to you, and that could be easily reached by that true instrument of social progress for men and women, the bicycle. Many will be the new forms of health and comfort and amusement that will become possible to you, when once you steadily determine to pile the pence and the shillings together for becoming owners of property; and when once you have put your hand to this good work, you must not relax your efforts until you have become, as you will become before many years have passed, the greatest of property holders in the nation.

All is possible to you if you resolutely fling away from you the incitements to strife, the tamperings with liberty and individual property, and pile up the pence and the shillings for the acquiring of your own property. Resist, therefore, all reckless, unthinking appeals made to you to deprive the great prize of any part of its attractions.

If you surround property with state restrictions, interfere with free trade and any part of the open market, interfere with free contract, make compulsory arrangements for tenant and landowner, allow the present burdens of rate and tax to discourage ownership and penalize improvements, you will weaken the motives for acquiring property, and blunt the edge of the most powerful material instrument that exists for your own advancement. Only remember—as we have said—that great as is your material interest in safeguarding the rights of individual property, yet higher and greater are and ever will be the moral reasons that forbid our sanctioning any attack upon it, or our suffering state burdens and restrictions and impediments to grow round it. True liberty—as we said—cannot exist apart from the full rights of property; for property is—so to speak—only the crystallized form of free faculties. They take the name of liberty in vain, they do not understand its nature, who would allow the state—or what goes by the name of the state—the worthy eighteen or twenty men who govern us—to play with property. Everything

that is surrounded with state restrictions, everything that is state-mutilated, everything taxed and burdened, loses its best value, and can no longer call out our energies and efforts in their full force. Preserve, then, at its best and strongest the magic of property; leave to it all its stimulating and transforming virtues. It is one of the great master keys that open the door to all that in a material sense you rightly and proudly wish to do and to be.

About this Quotation:

This impassioned plea to the working class to give up the effort to achieve their goals through state intervention and regulation (via the Labour Party) came towards the end of Herbert's life (1897). By this time the radical liberals were in serious decline in England as they were overtaken by the rise of organised socialism and the emergence of the "new liberals" who accepted many of the ideas of the socialists. Herbert's strategy here was to argue that the working class too could become property owners (which of course is what happened in the late 20th century with the rise of home ownership and invested pensions) and thus enjoy the "magic of property" which he fervently believed was a "master key" which would open the doors of prosperity and material comfort to a class which had been previously excluded.

Source

Auberon Herbert, *The Right and Wrong of Compulsion by the State, and Other Essays*, ed. Eric Mack (Indianapolis: Liberty Fund, 1978). <http://oll.libertyfund.org/title/591/66566/1626753>

Say on a person's property right in their own "industrious faculties" (1819) (Feb 18, 2013)



Jean Baptiste Say (1767 – 1832)

About this Quotation:

Say's *Treatise on Political Economy* had a profound impact in both France and America where it was used as a college text book throughout the 19th century (there were several editions after its first appearance in 1803). Unlike modern economics textbooks Say includes a chapter on the right to own property fairly early on in the treatise, in fact just before his famous chapter "On Markets." This passage includes a very interesting footnote in which Say talks about property in things other than material things, such as what he terms "les talents industrielles" which the 19th century American translator calls "the industrious faculties." By this Say has in mind those aspects of an individual's person and character which makes him or her a productive or "industrious" individual such as knowledge, skills, motivation, capacity to plan or invent, and so on. A Lockean political philosopher might call this "self-ownership". Say described this right to property in one's own faculties and talents as "sacred." Also of interest is Say's claim that the justice of this form of property is more clear cut (or "supérieur") than other, more commonly recognized forms of property such as land or capital. The former, he thought, could often be traced back to an original act of plunder (such as dispossession of an original owner), or in the case of the latter, from some piece of favorable government legislation which allowed the accumulation of capital to take place.

Source

Jean Baptiste Say, *A Treatise on Political Economy; or the Production, Distribution, and Consumption of Wealth*, ed. Clement C. Biddle, trans. C. R. Prinsep from the 4th ed. of the French, (Philadelphia: Lippincott, Grambo & Co., 1855. 4th-5th ed.). <http://oll.libertyfund.org/title/274/37998/901727>

Percy Shelley on the two types of property [1820] (Apr 22, 2013)



[Percy Bysshe Shelley](#) (1792 – 1822)

Labour and skill and the immediate wages of labour and skill is a property of the most sacred and indisputable right, and the foundation of all other property. And the right of a man to property in the exertion of his own bodily and mental faculties, or on the produce and free reward from and for that exertion is the most inalienable of rights. If however he takes by violence and appropriates to himself through fraudulent cunning, or receives from another property so acquired, his claim to that property is of a far inferior force. We may acquiesce, if we evidently perceive an overbalance of public advantage in submission under this claim; but if any public emergency should arise, at which it might be necessary to satisfy, by a tax on capital, the claims of a part of the nation by a contribution from such national resources as may with the least injustice be appropriated to that purpose, assuredly it would not be on labour and skill, the foundation of all property, nor on the profits and savings of labour and skill, which are property itself, but on such possessions which can only be called property in a modified sense, as have from their magnitude and their nature an evident origin in violence or imposture.

Thus there are two descriptions of property which, without entering into the subtleties of a more refined moral theory as applicable to the existing forms of society, are entitled to two very different measures of forbearance and regard. And this forbearance and regard have by political institutions usually been accorded by an inverse reason from what is just and natural. Labour, industry, economy, skill, genius, or any similar powers honourably and innocently exerted are the foundations of one description of property, and all true political institutions ought to defend every man in the exercise of his discretion with respect to property so acquired. Of this kind is the principal part of the property enjoyed by those who are but one degree removed from the class which subsists by daily labour. [Yet there are instances of persons in this class who have procured their property by fraudulent and violent means, as there are instances in the other of persons who have acquired their property by innocent or honourable exertion. All political science abounds with limitations and exceptions.]—Property thus acquired men leave to their children.

Absolute right becomes weakened by descent, just because it is only to avoid the greater evil of arbitrarily interfering with the discretion of every man in matters of property that the great evil of acknowledging any person to have an exclusive right to property who has not created it by his skill or labour is admitted, and secondly because the mode of its having been originally acquired is forgotten, and it is confounded with property acquired in a very different manner; and the principle upon which all property justly exists, after the great principle of the general advantage, becomes thus disregarded and misunderstood. Yet the privilege of disposing of property by will is one necessarily connected with the existing forms of domestic life; and exerted merely by those who having acquired property by industry or who preserve it by economy, would never produce any great and invidious inequality of fortune. A thousand accidents would perpetually tend to level the accidental elevation, and the signs of property would perpetually recur to those whose deserving skill might attract or whose labour might create it.

But there is another species of property which has its foundation in usurpation, or imposture, or violence, without which, by the nature of things, immense possessions of gold or land could never have been accumulated. Of this nature is the principal part of the property enjoyed by the aristocracy and by the great fundholders, the majority of whose ancestors never either deserved it by their skill and talents or acquired and created it by their personal labour. It could not be that they deserved it, for if the honourable exertion of the most glorious and imperial faculties of our nature had been the criterion of the possession of property the posterity of Shakespeare, of Milton, of Hampden, would be the wealthiest proprietors in England. It could not be that they acquired it by legitimate industry, for, besides that the real mode of acquisition is matter of history, no honourable profession or honest trade, nor the hereditary exercise of it, ever in such numerous instances accumulated so much as the masses of property enjoyed by the ruling orders in England. They were either grants from the feudal sovereigns whose right to what they granted was founded upon conquest or oppression, both a denial of all right; or they were lands of the antient Catholic clergy which according to the most acknowledged principles of public justice reverted to the nation at their suppression, or they were the products of patents and monopolies, an exercise of sovereignty which it is astonishing that political theorists have not branded as the most pernicious and odious to the interests of a commercial nation;¹ or in later times such property has been accumulated by dishonourable cunning and the taking advantage of a fictitious paper currency to obtain an unfair power over labour and the fruits of labour.

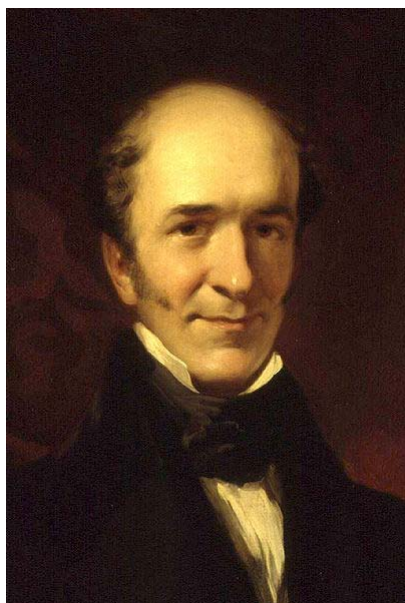
About this Quotation:

In the aftermath of the Napoleonic Wars during which the British state had accumulated massive debts, the poet Percy Shelley (1792-1822) urged political and economic reforms. In his critique of the national debt he identifies two very different kinds of property, one which is just and one which is unjust – just property being the result of “labour and skill” which he regarded as a “sacred and indisputable right, while the other kind of property was the result of “usurpation, or imposture, or violence” and was thus unjust. In the latter category Shelly included the profits which resulted from lending governments money in order to fight their wars of aggression, in other words the returns from government bonds. These bonds were primarily held by “the ruling orders of England”, namely the aristocracy and the great fundholders whose land and wealth derived from government favours and privileges which included land grants, patents and monopolies, and the deception caused by “fictitious paper currency to obtain an unfair power over labour and the fruits of labour.”

Source

Percy Bysshe Shelley, Percy Bysshe Shelley, *A Philosophical View of Reform* (1820), ed. T.W. Rolleston (Oxford University Press, 1920). <http://oll.libertyfund.org/title/2510/244832/3964518>

McCulloch argues that the right to property extends to “the faculties of (one’s) mind and the powers of (one’s) body” (1864)
(May 27, 2013)



John Ramsay McCulloch (1789 – 1864)

In his treatise on the *Principles of Political Economy* McCulloch (1789-1864) grounds the science of economics on the principle of the right to property, by which he meant much more than physical things:

It is obvious from these statements that the law of the land is not, as Paley has affirmed, the real foundation of the right of property. It rests on a more ancient and a more solid basis. It grows out of the circumstances under which man is placed. Every people emerging from barbarism has established this right. And as it could not be overthrown or set aside without depopulating the earth, and throwing mankind back into primæval barbarism, it has been guarded by the strongest sanctions. It is, in truth, the foundation on which the other institutions of society mainly rest; for, as Cicero has stated, it was chiefly that property might be protected that civil government was instituted. Hanc enim ob causam maximè, ut sua tuerentur, respublicæ civitatesque constitutæ sunt. Nam etsi duce naturæ, congregabantur homines, tamen spe custodiæ rerum suarum, urbium præsidia quærebant. Where property is not publicly guaranteed, men must look on each other as enemies rather than as friends. The idle and improvident are always desirous of seizing on the wealth of the laborious and frugal; and, did not the strong arm of the law restrain them from prosecuting their attacks, they would, by generating a feeling of insecurity, effectually check both industry and accumulation, and sink all classes to the same level of hopeless misery as themselves. The security of property is, indeed, quite as indispensable to accumulation as to production. Where it is protected, an individual who produces as much by the labour of one day as is sufficient to maintain him two, is not idle during the second day, but accumulates the surplus above his wants as a reserve stock; the advantages which the possession of stock or capital brings along with it, being, in the great majority of cases, more than sufficient to counterbalance the desire of immediate gratification. But, wherever property is insecure, we look in vain for the operation of this principle. “It is plainly better for us,” is then invariably the language of the people, “to

enjoy while it is in our power, than to accumulate property which we will not be permitted to dispose of, and which will either expose us to the extortion of a rapacious government, or to the depredations of those who exist only by the plunder of their more industrious neighbours.”

It must not, however, be imagined that the security of property is violated only when a man is not allowed to enjoy or dispose at pleasure of the fruits of his industry: it is also violated, and perhaps in a still more unjustifiable manner, when he is prevented from using the powers given him by nature, in any way, not injurious to others, he considers most beneficial for himself. Of all the species of property which a man can possess, the faculties of his mind and the powers of his body are most particularly his own; and these he should be permitted to enjoy, that is, to use or exert, at his discretion. And hence this right is as much infringed upon when a man is interdicted from engaging in a particular branch of business, as when he is unjustly deprived of the property he has produced or accumulated. All monopolies which give to a few individuals the power to carry on certain branches of industry to the exclusion of others, are thus really established in violation of the property of every one else. They prevent them from using their natural capacities or powers in what they might have considered the best manner; and, as every man not a slave is held to be the best, and, indeed, only judge of what is advantageous for himself, the most obvious principles of justice and the right of property are both subverted when he is excluded from any employment. In like manner, this right is violated when any regulation is made to force an individual to employ his labour or capital in a particular way. The property of a landlord would be violated were he compelled to adopt any system of cultivation, even though it were preferable to that which he was previously following; the property of a capitalist would be violated were he obliged to accept a particular rate of interest for his stock; and the property of a labourer would be violated were he obliged to employ himself in any particular occupation, or for a fixed rate of wages.

About this Quotation:

The classical political economists are often criticized for being, among many things, heartless economizers who are only interested in calculating profits. That at least is the caricature which is often drawn of them. Yet, passages such as these show how deeply concerned economists like McCulloch were for the well being of ordinary people who are regulated and taxed in so many different ways by a political system which seems to work only for the benefit of the well-connected few. Here he rejects the idea that “property” is limited to things like land or capital (which are owned typically by the wealthy) and reminds the reader that even the little people have property in themselves, their labour, their ideas, thoughts, and aspirations for the future. When these things are repressed, regulated, prohibited, and taxed the government violates a fundamental property right which every individual, little or big, has.

Source

John Ramsay McCulloch, *The Principles of Political Economy, with some Inquiries respecting their Application*. 5th ed. (Edinburgh: Adam and Charles Black, 1864). <http://oll.libertyfund.org/title/2514/244849/3964696>

William Penn on property as one of the three fundamental rights all men have (1679) (Jul 29, 2013)



[William Penn](#) (1644 – 1718)

The Quaker William Penn (1644-1718) argued in 1679 for the recognition of three fundamental rights that all Englishmen have: the right to property, the right to share in the making of the laws, and the right to be judged by a jury of one's peers:

ENGLAND's Great Interest, in the Choice of this New Parliament Dedicated to All Her Free-Holders and Electors (1679)

We, the Commons of England, are a great Part of the Fundamental Government of it; and Three Rights are so peculiar and inherent to us, that if we will not throw them away for Fear or Favour, for Meat and Drink, or those other little present Profits, that Ill Men offer to tempt us with, they cannot be altered or abrogated. And this I was willing to give you a brief Hint of, that you may know, What Sort of Creatures you are, and what your Power is, lest through Ignorance of your own Strength and Authority, you turn Slaves to the Humours of those, that properly and truly are but your Servants, and ought to be used so.

The First of these Three Fundamentals is Property, that is, Right and Title to your own Lives, Liberties and Estates: In this, every Man is a Sort of Little Sovereign to himself: No Man has Power over his Person, to Imprison or hurt it, or over his Estate to Invade or Usurp it: Only your own Transgression of the Laws, (and those of your own making too) lays you open to Loss; which is but the Punishment due to your Offences, and this but in Proportion to the Fault committed. So that the Power of England is a Legal Power, which truly merits the Name of Government. That which is not Legal, is a Tyranny, and not properly a Government. Now the Law is Umpire between King, Lords and Commons, and the Right and Property is One in Kind through all Degrees and Qualities in the Kingdom: Mark that.

The Second Fundamental, that is, your Birthright and Inheritance, is Legislation, or the Power of making Laws; No Law can be made or abrogated in England without you.

Before Henry the Third's Time, your Ancestors, the Freemen of England, met in their own Persons, but their Numbers much increasing, the Vastness of them, and the Confusion that must needs attend them, making such Assemblies not practicable for Business, this Way of Representatives was first pitch'd upon as an Expedient, both to Maintain the Common Right, and to avoid the Confusion of those mighty Numbers. So that now, as well as then, No Law can be made, no Money Levied, nor a Penny Legally Demanded (even to defray the Charges of the Government) without your own Consent: Than which, tell me, what can be Freer, or what more Secure to any People?

Your Third Great Fundamental Right and Priviledge is Executive, and holds Proportion with the other Two, in Order to compleat both your Freedom and Security, and that is, Your Share in the Judicatory Power, in the Execution and Application of those Laws, that you agree to be made. Insomuch as No Man, according to the Ancient Laws of this Realm, can be adjudg'd in Matter of Life, Liberty, or Estate, but it must be by the Judgment of His Peers, that is, Twelve Men of the Neighbourhood, commonly called a JURY; though this hath been infringed by Two Acts, made in the late Long Parliament, One against the Quakers in Particular, and the Other against Dissenters in General, called, An Act against Seditious Conventicles, where Persons are adjudged Offenders, and Punishable without a Jury; which, 'tis hoped, this ensuing Parliament will think fit in their Wisdom to Repeal, though with less Severity, than one of the same Nature (as to punishing Men without Juries) was by Henry the Eighth, who, for Executing of it, Hang'd Empson and Dudley.

Consider with your selves, that there is nothing more your Interest, than for you to understand your Right in the Government, and to be constantly Jealous over it; for your Well-Being depends upon it's Preservation.

About this Quotation:

William Penn was a religious dissident who spent time in prison for his opposition to the way Quakers were treated by the state during the 1670s. As the owner and founder of what was to become Pennsylvania he was in a good position to put his religious and political principles into practice when drawing up a constitution or "Frame of Government" in 1681. This petition written in 1679 shows the direction his ideas were taking in the years immediately preceding this. Penn believed in the idea that Englishmen had rights which predated the coming to power of any king and it was their duty to insist that they be recognized when kings overstepped their powers which had happened repeatedly after the restoration of the Stuarts in 1660. In the opening to this statement Penn mentions Three Fundamental Rights, namely property, making the laws, and being judged by juries for transgressions of those laws. The danger however was that the people had forgotten what their rights were and so Penn wanted to remind them "lest through Ignorance of your own Strength and Authority, you turn Slaves to the Humours of those, that properly and truly are but your Servants, and ought to be used so." As Penn rightly says at the end of the paragraph, "Mark that"!

Source

William Penn, *The Political Writings of William Penn*, introduction and annotations by Andrew R. Murphy (Indianapolis: Liberty Fund, 2002). <http://oll.libertyfund.org/title/893/76997/1861636>

William Paley on the tragedy of the commons (1785) (Sep 30, 2013)



[William Paley](#) (1743 – 1805)

The English moral philosopher William Paley (1743-1805) discussed the problems created by the communal ownership of property. He was aware of the incentive problem as well as this early formulation of the “tragedy of the commons”:

II. It preserves the produce of the earth to maturity.

We may judge what would be the effects of a community of right to the productions of the earth, from the trifling specimens which we see of it at present. A cherry-tree in a hedge-row, nuts in a wood, the grass of an unstinted pasture, are seldom of much advantage to any body, because people do not wait for the proper season of reaping them. Corn, if any were sown, would never ripen; lambs and calves would never grow up to sheep and cows, because the first person that met them would reflect, that he had better take them as they are, than leave them for another.

III. It prevents contests.

War and waste, tumult and confusion, must be unavoidable and eternal, where there is not enough for all, and where there are no rules to adjust the division.

IV. It improves the conveniency of living.

This it does two ways. It enables mankind to divide themselves into distinct professions; which is impossible, unless a man can exchange the productions of his own art for what he wants from others; and exchange implies property. Much of the advantage of civilised over savage life, depends upon this. When a man is from necessity his own tailor, tent-maker, carpenter, cook, huntsman, and fisherman, it is not probable that he will be expert at any of his callings. Hence the rude habitations, furniture, clothing, and implements, of savages; and the tedious length of time which all their operations require.

About this Quotation:

Paley's *Principles of Moral and Political Philosophy* (1785) was an influential work which helped lay the foundations for the philosophy of utilitarianism in England in the late 18th century. In two short chapters on property he discusses a number of key issues. He the first he has an amusing story about a flock of pigeons which, without property rights, has no way of rationally allocating property to different members of the flock. In the second he lists four main reasons why property is useful: it increases the productivity of the land, it encourages rational land use by enabling owners to keep the product of what they sow, the enforcement of property rights reduces conflict between owners, and it makes the division of labor possible. The second reason is especially interesting as it is an early formulation of what is now caused "the tragedy of the commons." Without property rights, he states, "the first person that met them (unripened corn, lambs, and calves) would reflect, that he had better take them as they are, than leave them for another."

Source

William Paley, *The Principles of Moral and Political Philosophy*, Foreword by D.L. Le Mahieu (Indianapolis: Liberty Fund, 2002). <http://oll.libertyfund.org/title/703/102809>

Hugo Grotius on the natural sociability of humans (1625) (Oct 14, 2013)



Hugo Grotius (1583 – 1645)

The Dutch legal philosopher Hugo Grotius (1583-1645) believed that human beings were by nature sociable creatures and that the purpose of natural rights, especially the right of property, was to enable them to live together in peace and prosperity:

VI. But what is here said by the Philosopher, and by the Poet after him, “By naked Nature ne’er was understood What’s Just and Right” (Creech) must by no Means be admitted. For Man is indeed an Animal, but one of a very high Order, and that excells all the other Species of Animals much more than they differ from one another; as the many Actions proper only to Mankind sufficiently demonstrate. **Now amongst the Things peculiar to Man, is his Desire of Society, that is, a certain Inclination to live with those of his own Kind, not in any Manner whatever, but peaceably, and in a Community regulated according to the best of his Understanding;** which Disposition the Stoicks termed *Οικείωσις*. Therefore the Saying, that every Creature is led by Nature to seek its own private Advantage, expressed thus universally, must not be granted.

VII. For even of the other Animals there are some that forget little the Care of their own Interest, in Favour either of their young ones, or those of their own Kind. Which, in my Opinion, proceeds from some extrinsick intelligent Principle, because they do not shew the same Dispositions in other Matters, that are not more difficult than these. The same may be said of Infants, in whom is to be seen a Propensity to do Good to others, before they are capable of Instruction, as Plutarch well observes; and Compassion likewise discovers itself upon every Occasion in that tender Age. But it must be owned that a Man grown up, being capable of acting in the same Manner with respect to Things that are alike, has, besides an exquisite Desire of Society, for the Satisfaction of which he alone of all Animals has received from Nature a peculiar Instrument, viz. the Use of Speech; I say, that he has, besides that, a Faculty of knowing and acting, according to some general Principles; so that what relates to this Faculty is not common to all Animals, but properly and peculiarly agrees to Mankind.

VIII. This Sociability, which we have now described in general, or this Care of maintaining Society in a Manner conformable to the Light of human Understanding, is the Fountain of Right, properly so called; to which belongs the Abstaining from that which is another's, and the Restitution of what we have of another's, or of the Profit we have made by it, the Obligation of fulfilling Promises, the Reparation of a Damage done through our own Default, and the Merit of Punishment among Men.

IX. From this Signification of Right arose another of larger Extent. For by reason that Man above all other Creatures is endued not only with this Social Faculty of which we have spoken, but likewise with Judgment to discern Things pleasant or hurtful, and those not only present but future, and such as may prove to be so in their Consequences; it must therefore be agreeable to human Nature, that according to the Measure of our Understanding we should in these Things follow the Dictates of a right and sound Judgment, and not be corrupted either by Fear, or the Allurements of present Pleasure, nor be carried away violently by blind Passion. And whatsoever is contrary to such a Judgment is likewise understood to be contrary to Natural Right, that is, the Laws of our Nature.

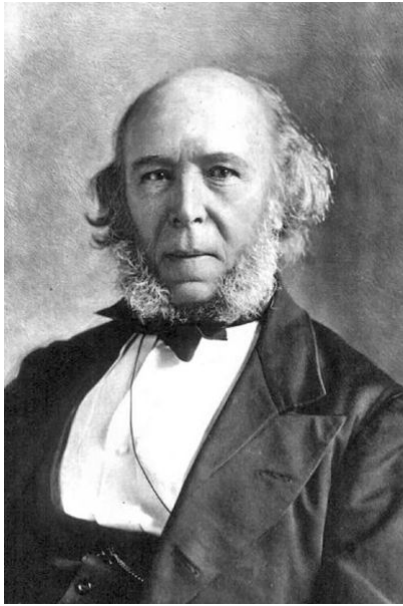
About this Quotation:

Hugo Grotius wrote his famous treatise on *The Rights of War and Peace* (1625) while he was in prison and while the Thirty Years war was raging around him. In an Introduction or Prolegomena to the work he expresses succinctly his own view of the nature of origins of natural rights. Unlike many critics who think that individual rights, especially property rights, are somehow destructive of human communities, Grotius argues the reverse. He believes that because humans are naturally sociable creatures who crave the company of fellow creatures they need and thus evolve ideas about rights which make make complex societies possible. In his view the need to live peaceably in a society is “the Fountain of Right” and the faucet which regulates the flow of this fountain is Property, which tells us when to abstain from taking that which is another's, and to provide restitution of property which we taken from another. It is in this manner the Natural Right is connected to the Social Faculty of Sociability.

Source

Hugo Grotius, *The Rights of War and Peace*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 1. <http://oll.libertyfund.org/title/1425/138591/2633703>

Herbert Spencer on human nature and the right to property (1851) (Oct 28, 2013)



Herbert Spencer (1820 – 1903)

The English individualist political theorist Herbert Spencer (1820-1903) argues in *Social Statics* (1851) that people have a right to property on the grounds that it is a vital part of their human nature and that it would contradict the “law of equal freedom”:

CHAPTER X. “The right of property”, § 4.

An argument fatal to the communist theory, is suggested by the fact, that a desire for property is one of the elements of our nature. Repeated allusion has been made to the admitted truth, that acquisitiveness is an unreasoning impulse quite distinct from the desires whose gratifications property secures—an impulse that is often obeyed at the expense of those desires. **And if a propensity to personal acquisition be really a component of man’s constitution, then that cannot be a right form of society which affords it no scope.** Socialists do indeed allege that private appropriation is an abuse of this propensity, whose normal function, they say, is to impel us to accumulate for the benefit of the public at large. But in thus attempting to escape from one difficulty, they do but entangle themselves in another. Such an explanation overlooks the fact that the use and abuse of a faculty (whatever the etymology of the words may imply) differ only in degree; whereas their assumption is, that they differ in kind. Gluttony is an abuse of the desire for food; timidity, an abuse of the feeling which in moderation produces prudence; servility, an abuse of the sentiment that generates respect; obstinacy, of that from which firmness springs: in all of which cases we find that the legitimate manifestations differ from the illegitimate ones, merely in quantity, and not in quality. So also with the instinct of accumulation. It may be quite true that its dictates have been, and still are, followed to an absurd excess; but **it is also true that no change in the state of society will alter its nature and its office. To whatever extent moderated, it must still be a desire for personal acquisition. Whence it follows that a system affording opportunity for its exercise must ever be retained; which means, that the system of private property must be retained; and this presupposes a right of private property, for by right we**

mean that which harmonizes with the human constitution as divinely ordained. ...

§ 6.

Further argument appears to be unnecessary. We have seen that the right of property is deducible from the law of equal freedom—that it is presupposed by the human constitution—and that its denial involves absurdities.

Were it not that we shall frequently have to refer to the fact hereafter, it would be scarcely needful to show that the taking away another's property is an infringement of the law of equal freedom, and is therefore wrong. If A appropriates to himself something belonging to B, one of two things must take place: either B does the like to A, or he does not. If A has no property, or if his property is inaccessible to B, B has evidently no opportunity of exercising equal freedom with A, by claiming from him something of like value; and A has therefore assumed a greater share of freedom than he allows B, and has broken the law. If again, A's property is open to B, and A permits B to use like freedom with himself by taking an equivalent, there is no violation of the law; and the affair practically becomes one of barter. But such a transaction will never take place save in theory; for A has no motive to appropriate B's property with the intention of letting B take an equivalent: seeing that if he really means to let B have what B thinks an equivalent, he will prefer to make the exchange by consent in the ordinary way. The only case simulating this, is one in which A takes from B a thing that B does not wish to part with; that is, a thing for which A can give B nothing that B thinks an equivalent; and as the amount of gratification which B has in the possession of this thing, is the measure of its value to him, it follows that if A cannot give B a thing which affords B equal gratification, or in other words what he thinks an equivalent, then A has taken from B what affords A satisfaction, but does not return to B what affords B satisfaction; and has therefore broken the law by assuming the greater share of freedom. Wherefore we find it to be a logical deduction from the law of equal freedom, that no man can rightfully take property from another against his will.

About this Quotation:

This quotation is slightly longer than normal because Spencer's arguments in defence of the right to property are important. He wrote this in 1851 at a time when the philosophy of utilitarianism had largely taken over English political and economic thinking. In the Benthamite and Millian tradition (J.S. Mill had published his *Principles of Political Economy* three years before in 1848) property was defended on the grounds that it was useful to society and that it should (mostly) be protected unless this was overridden by higher public needs. Spencer is making a last ditch attempt to revive an older tradition based on natural rights and the Kantian principle of universalizability. If Adam Smith was correct, that the "propensity to truck, barter, and exchange" was inherent in human nature, then any attempt to suppress this would ultimately be unsuccessful. Spencer therefore believed that society should recognize as "a right" those things like property "which harmonize with the human constitution." Furthermore, in a Kantian approach to the problem, he argued that to deny individual property rights led to logical absurdities.

Source

Herbert Spencer, *Social Statics: or, The Conditions essential to Happiness specified, and the First of them Developed*, (London: John Chapman, 1851). <http://oll.libertyfund.org/titles>

Wolowski on property as a sacred right which is an emanation from man's very being (1863) (Dec 22, 2014)



[Louis Wolowski](#) (1810 – 1876)

The Polish-French political economist Louis Wolowski (1810-76) argues that matter is transformed by human action and willpower into “property” which is like a sacred extension of their person:

When centuries have elapsed, and generations have accumulated their labors, where is there, in a civilized country, a clod of earth, a leaf, which does not bear this impress? In the town, we are surrounded by the works of man; we walk upon a level pavement or a beaten road; it is man who made healthy the formerly muddy soil, who took from the side of a far-away hill the flint or stone which covers it. We live in houses; it is man who has dug the stone from the quarry, who has hewn it, who has planed the wood; it is the thought of man which has arranged the materials properly and made a building of what was before rock and wood. And in the country, the action of man is still everywhere present; men have cultivated the soil, and generations of laborers have mellowed and enriched it; the works of man have dammed the rivers and created fertility where the waters had brought only desolation; to-day man goes as far as to people the rivers, to direct the growth of fish, and takes possession of the empire of the waters. We reap the wheat, our principal food. Where is it found in a wild state? Wheat is a domestic plant, a species transformed by man for the wants of man. Thus products, natives of countries most diverse have been brought together, grafted, modified by man for the adornment of the garden, the pleasures of the table, or the labors of the workshop. The very animals, from the dog, man's companion; to the cattle raised for the shambles have been fashioned into new types which deviate sensibly from the primitive type given by nature.

Everywhere a powerful hand is divined which has moulded matter, and an intelligent will which has adapted it, following a uniform plan, to the satisfaction of the wants of one same being. Nature has recognized her master, and man feels that he is at home in nature. Nature has been appropriated by him for his use; she has become his own; she is his property.

This property is legitimate; it constitutes a right as sacred for man as is the free

exercise of his faculties. It is his because it has come entirely from himself and in no way anything but an emanation from his being. Before him, there was scarcely anything but matter; since him, and by him, there is interchangeable wealth, that is to say, articles having acquired a value by some industry, by manufacture, by handling, by extraction, or simply by transportation. From the picture of a great master, which is perhaps of all material productions that in which matter plays the smallest part, to the pail of water which the carrier draws from the river and takes to the consumer, wealth, whatever it may be, acquires its value only by communicated qualities, and these qualities are part of human activity, intelligence, strength. **The producer has left a fragment of his own person in the thing which has thus become valuable, and may hence be regarded as a prolongation of the faculties of man acting upon external nature. As a free being he belongs to himself; now, the cause, that is to say, the productive force, is himself; the effect, that is to say, the wealth produced, is still himself.** Who shall dare contest his title of ownership so clearly marked by the seal of his personality?

About this Quotation:

There is a thread within French classical liberal thought which regards property and as an extension of the self and hence considers the right to property to be a deeply personal kind of right. By this, thinkers like Victor Cousin, Louis Leclerc, and Louis Wolowski, think of property as an emanation or extension of the self and not something completely separate from the self. By acts of will, intelligence, and labour, an individual shapes inert matter into forms which can satisfy human needs. This transformed matter is termed “property” which can be kept, consumed, traded, and sold for other transformed matter by means of exchanges in the market place. This theory of the “self” (le moi) and property, which is regarded as embodying a small part of the self in its very creation, is the foundation for their theory of property rights and the free market system which is based upon it. According to this theory, the attacks on property rights by socialists like Proudhon and Louis Blanc, are also attacks upon the person who created that property and made it their own by taking something from themselves (“a fragment”) and leaving it in the thing they have created. Thus to attack one’s property is to attack part of one’s self.

Source

John Joseph Lalor, *Cyclopaedia of Political Science, Political Economy, and of the Political History of the United States by the best American and European Authors*, ed. John J. Lalor (New York: Maynard, Merrill, & Co., 1899). Vol 3 Oath – Zollverein http://oll.libertyfund.org/titles/971#lf0216_footnote_nt216

19. Religion & Toleration ↩

1. [The Psalmist laments that he lives in a Society which “hateth peace” and cries out “I am for peace: but when I speak they are for war” \(1000 BC\)](#) (Sep 20, 2004)
2. [The Prophet Isaiah urges the people to “beat their swords into plowshares” and learn war no more \(700s BC\)](#) (Sep 27, 2004)
3. [Samuel warns his people that if they desire a King they will inevitably have conscription, requisitioning of their property, and taxation \(7th century BC\)](#) (Oct 4, 2004)
4. [Voltaire notes that where Commerce and Toleration predominate, a Multiplicity of Faiths can](#)

- [live together in Peace and Happiness \(1764\)](#) (Oct 25, 2004)
5. [Voltaire argued that religious intolerance was against the law of nature and was worse than the “right of the tiger” \(1763\)](#) (Mar 13, 2006)
 6. [Pierre Bayle begins his defence of religious toleration with this appeal that the light of nature, or Reason, should be used to settle religious differences and not coercion \(1708\)](#) (Apr 10, 2006)
 7. [In Ecclesiastes there is the call to plant, to love, to live, and to work and then to enjoy the fruits of all one’s labors \(3rdC BC\)](#) (Sep 11, 2006)
 8. [William Findlay wants to maintain the separation of church and state and therefore sees no role for the “ecclesiastical branch” in government \(1812\)](#) (Jan 28, 2008)
 9. [Job rightly wants to know why he, “the just upright man is laughed to scorn” while robbers prosper \(6thC BC\)](#) (Sep 15, 2008)
 10. [John Locke believed that the magistrate should not punish sin but only violations of natural rights and public peace \(1689\)](#) (Sep 29, 2008)
 11. [St. John, private property, and the Parable of the Wolf and the Good Shepherd \(2ndC AD\)](#) (Jul 27, 2009)
 12. [David Hume argues that “love of liberty” in some individuals often attracts the religious inquisitor to persecute them and thereby drive society into a state of “ignorance, corruption, and bondage” \(1757\)](#) (Sep 28, 2009)
 13. [Noah Webster on the resilience of common religious practices in the face of attempts by the state to radically change them \(1794\)](#) (Dec 21, 2009)
 14. [The 5th Day of Christmas: Samuel Cooper on the Articles of Confederation and peace on earth \(1780\)](#) (Dec 29, 2012)
 15. [The 6th Day of Christmas: Vicesimus Knox on the Christian religion and peace on earth \(1793\)](#) (Dec 30, 2012)
 16. [Lord Acton argues that civil liberty arose out of the conflict between the power of the Church and the Monarchy \(1877\)](#) (Sep 23, 2013)
 17. [William Walwyn wittily argues against state enforced religious conformity \(1646\)](#) (Nov 18, 2013)
 18. [Spinoza on the dangers of using superstition to hoodwink the people \(1670\)](#) (Jun 22, 2014)
 19. [John Locke on the separation of Church and Magistrate \(1689\)](#) (Jun 30, 2014)
 20. [John Stuart Mill on the “religion of humanity” \(c. 1858\)](#) (Sep 22, 2014)
 21. [William Leggett argues that Thanksgiving Day is no business of the government \(1836\)](#) (Nov 10, 2014)

The Psalmist laments that he lives in a Society which “hateth peace” and cries out “I am for peace: but when I speak they are for war” (1000 BC) (Sep 20, 2004)

[King David](#) (1010 BCE – 970 BCE)

One of the 150 poems, songs, and prayers from the Old Testament’s Book of Psalms:

Psalm 120

- 1. In my distress I cried unto the LORD, and he heard me.**
- 2. Deliver my soul, O LORD, from lying lips, and from a deceitful tongue.**
- 3. What shall be given unto thee? or what shall be done unto thee, thou false tongue?**
- 4. Sharp arrows of the mighty, with coals of juniper.**
- 5. Woe is me, that I sojourn in Mesech, that I dwell in the tents of Kedar!**
- 6. My soul hath long dwelt with him that hateth peace.**
- 7. I am for peace: but when I speak, they are for war.**

About this Quotation:

It is important to note that among the reasons given for the distress of the psalmist is that he has had to live among people who advocate war and hate peace. Such is often the lonely fate of supporters of peace in a hostile world.

Source

King David, *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The Book of Psalms. <http://oll.libertyfund.org/title/997/200775/3309343>

The Prophet Isaiah urges the people to “beat their swords into plowshares” and learn war no more (700s BC) (Sep 27, 2004)

[Isaiah](#) (800 BCE – ?)

The Gospels draw heavily on the Book of Isaiah for a utopic view of the world. The famous "swords to plowshares" quote (Isaiah 2:4) is but one of its famous proclamations:

1. The word that Isaiah the son of Amoz saw concerning Judah and Jerusalem.
2. And it shall come to pass in the last days, that the mountain of the LORD's house shall be established in the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it.
3. And many people shall go and say, Come ye, and let us go up to the mountain of the LORD, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the LORD from Jerusalem.
4. **And he shall judge among the nations, and shall rebuke many people: and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.**
5. O house of Jacob, come ye, and let us walk in the light of the LORD.
6. Therefore thou hast forsaken thy people the house of Jacob, because they be replenished from the east, and are soothsayers like the Philistines, and they please themselves in the children of strangers.
7. Their land also is full of silver and gold, neither is there any end of their treasures; their land is also full of horses, neither is there any end of their chariots:
8. Their land also is full of idols; they worship the work of their own hands, that which their own fingers have made:
9. And the mean man boweth down, and the great man humbleth himself: therefore forgive them not.
10. Enter into the rock, and hide thee in the dust, for fear of the LORD, and for the glory of his majesty.
11. The lofty looks of man shall be humbled, and the haughtiness of men shall be bowed down, and the LORD alone shall be exalted in that day.
12. For the day of the LORD of hosts shall be upon every one that is proud and lofty, and upon every one that is lifted up; and he shall be brought low:
13. And upon all the cedars of Lebanon, that are high and lifted up, and upon all the oaks of Bashan,
14. And upon all the high mountains, and upon all the hills that are lifted up,
15. And upon every high tower, and upon every fenced wall,
16. And upon all the ships of Tarshish, and upon all pleasant pictures.
17. And the loftiness of man shall be bowed down, and the haughtiness of men shall be made low: and the LORD alone shall be exalted in that day.
18. And the idols he shall utterly abolish.
19. And they shall go into the holes of the rocks, and into the caves of the earth, for fear of the LORD, and for the glory of his majesty, when he ariseth to shake terribly the earth.
20. In that day a man shall cast his idols of silver, and his idols of gold, which they made each one for himself to worship, to the moles and to the bats;

21. To go into the clefts of the rocks, and into the tops of the ragged rocks, for fear of the LORD, and for the glory of his majesty, when he ariseth to shake terribly the earth.
22. Cease ye from man, whose breath is in his nostrils: for wherein is he to be accounted of?

About this Quotation:

The prophet raises two very interesting problems. The first is the economic problem of how to convert the capital goods needed for the production of war materiel (“swords”) into the capital goods which are needed to produce consumer goods (“ploughshares”). The second is the moral and political problem of getting the will power and the political constituencies to do so.

Source

Isaiah, *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The Book of the Prophet Isaiah. <http://oll.libertyfund.org/title/1008>

Samuel warns his people that if they desire a King they will inevitably have conscription, requisitioning of their property, and taxation (7th century BC) (Oct 4, 2004)

[Old Testament \(Various Authors\)](#) (? – ?)

The prophet Samuel tells the people of Israel what lies in store for them if they have their wish granted that a King rule over them:

Chapter 8

1. And it came to pass, when Samuel was old, that he made his sons judges over Israel.
2. Now the name of his firstborn was Joel; and the name of his second, Abiah: they were judges in Beersheba.
3. And his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgment.
4. Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah,
5. And said unto him, Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations.
6. But the thing displeased Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the LORD.
7. And the LORD said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them.
8. According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other gods, so do they also unto thee.
9. Now therefore hearken unto their voice: howbeit yet protest solemnly unto them, and shew them the manner of the king that shall reign over them.
- 10. And Samuel told all the words of the LORD unto the people that asked of him a king.**
- 11. And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots.**
- 12. And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.**
- 13. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.**
- 14. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants.**
- 15. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.**
- 16. And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work.**
- 17. He will take the tenth of your sheep: and ye shall be his servants.**
18. And ye shall cry out in that day because of your king which ye shall have

chosen you; and the LORD will not hear you in that day.

19. Nevertheless the people refused to obey the voice of Samuel; and they said, Nay; but we will have a king over us;

20. That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.

21. And Samuel heard all the words of the people, and he rehearsed them in the ears of the LORD.

22. And the LORD said to Samuel, Hearken unto their voice, and make them a king. And Samuel said unto the men of Israel, Go ye every man unto his city.

About this Quotation:

The prophet warns the Israelite people to be careful of what they wish for. If they truly want a king to rule over them, then they are also wishing for whatever comes with rulership by a monarch: conscription of their sons, confiscation of their crops and vineyards, the requisitioning of the labor of their daughters, and a level of taxation which will rise to the appalling level of ten percent of what they own.

Source

Old Testament (Various Authors), *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The First Book of Samuel.
<http://oll.libertyfund.org/title/2021/140725/2660782>

Voltaire notes that where Commerce and Toleration predominate, a Multiplicity of Faiths can live together in Peace and Happiness (1764) (Oct 25, 2004)



Voltaire (1694 – 1778)

In his *Philosophical Dictionary* Voltaire makes a connection between economic prosperity and religious toleration in England:

Although Episcopacy and Presbyterianism predominate in Great Britain, all other opinions are welcome and live tolerably well together, although the various preachers reciprocally detest one another with nearly the same cordiality as a Jansenist damns a Jesuit.

Enter into the Royal Exchange of London, a place more respectable than many courts, in which deputies from all nations assemble for the advantage of mankind. There the Jew, the Mahometan, and the Christian bargain with one another as if they were of the same religion, and bestow the name of infidel on bankrupts only. There the Presbyterian gives credit to the Anabaptist, and the votary of the establishment accepts the promise of the Quaker. On the separation of these free and pacific assemblies, some visit the synagogue, others repair to the tavern. Here one proceeds to baptize his son in a great tub, in the name of the Father, Son, and Holy Ghost; there another deprives his boy of a small portion of his foreskin, and mutters over the child some Hebrew words which he cannot understand; a third kind hasten to their chapels to wait for the inspiration of the Lord with their hats on; and all are content.

Was there in London but one religion, despotism might be apprehended; if two only, they would seek to cut each other's throats; but as there are at least thirty, they live together in peace and happiness.

About this Quotation:

One of Voltaire's purposes behind writing the *Philosophical Dictionary* (1764) was to provide his readers with a pocket sized volume which could be carried on one's person at all times, and which could be pulled out when one got into an argument with a political or religious bigot. He wanted to be able to provide a summary of the key ideas which would help one win an argument in these difficult circumstances.

Source

Voltaire, *The Works of Voltaire. A Contemporary Version. A Critique and Biography* by John Morley, notes by Tobias Smollett, trans. William F. Fleming (New York: E.R. DuMont, 1901). In 21 vols. Vol. VI. <http://oll.libertyfund.org/title/355/62889>

Voltaire argued that religious intolerance was against the law of nature and was worse than the “right of the tiger” (1763) (Mar 13, 2006)



Voltaire (1694 – 1778)

Towards the end of his long life Voltaire took the courageous stand of defending a Protestant family against religious intolerance and legal persecution. In his *Treatise on Toleration* he argued that religious intolerance was against the law of nature and was worse than the “right of the tiger”:

WHETHER INTOLERANCE IS OF NATURAL AND HUMAN LAW

Natural law is that indicated to men by nature. You have reared a child; he owes you respect as a father, gratitude as a benefactor. You have a right to the products of the soil that you have cultivated with your own hands. You have given or received a promise; it must be kept. **Human law must in every case be based on natural law. All over the earth the great principle of both is: Do not unto others what you would that they do not unto you. Now, in virtue of this principle, one man cannot say to another: “Believe what I believe, and what thou canst not believe, or thou shalt perish.” Thus do men speak in Portugal, Spain, and Goa. In some other countries they are now content to say: “Believe, or I detest thee; believe, or I will do thee all the harm I can. Monster, thou sharest not my religion, and therefore hast no religion; thou shalt be a thing of horror to thy neighbours, thy city, and thy province.”**

If it were a point of human law to behave thus, the Japanese should detest the Chinese, who should abhor the Siamese; the Siamese, in turn, should persecute the Thibetans, who should fall upon the Hindoos. A Mogul should tear out the heart of the first Malabarian he met; the Malabarian should slay the Persian, who might massacre the Turk; and all of them should fling themselves against the Christians, who have so long devoured each other.

The supposed right of intolerance is absurd and barbaric. It is the right of the tiger; nay, it is far worse, for tigers do but tear in order to have food, while we rend each

other for paragraphs.

About this Quotation:

Voltaire was one of those thinkers who got more radical as he got older. After a successful life as a best selling poet and playwright Voltaire could have chosen a life of peace and quiet but instead became fired up with a passion to rectify the great wrong to the Calas family cause by religious intolerance. He began a crusade to have their case brought to the public's attention and compensation be paid to the distraught family. He succeeded in doing both.

Source

Voltaire, *Toleration and Other Essays by Voltaire*. Translated, with an Introduction, by Joseph McCabe (New York: G.P. Putnam's Sons, 1912). <http://oll.libertyfund.org/title/349/28197/1575629>

Pierre Bayle begins his defence of religious toleration with this appeal that the light of nature, or Reason, should be used to settle religious differences and not coercion (1708) (Apr 10, 2006)



Pierre Bayle (1647 – 1706)

Pierre Bayle begins his defence of religious toleration with this appeal that the light of nature, or Reason, should be used to settle religious differences and not coercion:

Chapter I.

That the Light of Nature, or the first Principles of Reason universally receiv'd, are the genuin and original Rule of all Interpretation of Scripture; especially in Matters of Practice and Morality.

I leave it to the Criticks and Divines to comment on this Text in their way, by comparing it with other Passages, by examining what goes before and what follows, by descanting on the Force of the Expressions in the Original, the various Senses they are capable of, and which they actually bear in several places of Scripture. My design is to make a Commentary of an uncommon kind, built on Principles more general and more infallible than what a Skill in Languages, Criticism, or Common-place can afford. I shan't even inquire, why Jesus Christ might make choice of the Expression Compel, how soft a Construction we are oblig'd to put on it, or whether there be Mysterys conceal'd under the Rind of the Expression; I shall content myself with overthrowing that literal Sense which Persecutors alledg.

To do this unanswerably, I shall go upon this single Principle of natural Reason; That all literal Construction, which carries an Obligation of committing Iniquity, is false. St. Austin gives this as a Rule and Criterion for discerning the figurative from the literal Sense. Jesus Christ, says he, declares that unless we eat the Flesh of the Son of Man, we cannot be sav'd. This looks as if he commanded an Impiety; it's therefore a Figure which enjoins our partaking of the Lord's Death, and bearing in continual remembrance to our exceeding Benefit and Comfort the crucifying and wounding his Flesh for us. This is not

the place to examine, whether these words prove St. Austin was not of the opinion of those of the Church of Rome, or whether he rightly applies his Rule: It's enough, that he reasons on this fundamental Principle, this surest Key for understanding Scripture, That if by taking it in the literal Sense we oblige Men to commit Iniquity, or, that I may leave no room for an Equivoque, oblige 'em to commit Actions which the Light of Nature, the Precepts of the Decalogue, or the Gospel Morality forbid; it's to be taken for granted, that the Sense we give it is false, and that instead of a Divine Revelation, we impose our own Visions, Prejudices, and Passions on the People...

Thus the whole Body of Divines, of what Party soever, after having cry'd up Revelation, the Meritoriousness of Faith, and Profoundness of Mysterys, till they are quite out of breath, come to pay their homage at last at the Footstool of the Throne of Reason, and acknowledg, tho they won't speak out (but their Conduct is a Language expressive and eloquent enough) That Reason, speaking to us by the Axioms of natural Light, or metaphysical Truths, is the supreme Tribunal, and final Judg without Appeal of whatever's propos'd to the human Mind. Let it ne'er then be pretended more, that Theology is the Queen, and Philosophy the Handmaid; for the Divines themselves by their Conduct confess, that of the two they look on the latter as the Sovereign Mistress: and from hence proceed all those Efforts and Tortures of Wit and Invention, to avoid the Charge of running counter to strict Demonstration. Rather than expose themselves to such a Scandal, they'l shift the very Principles of Philosophy, discredit this or that System, according as they find their Account in it; by all these Proceedings plainly recognizing the Supremacy of Philosophy, and the indispensable obligation they are under of making their court to it; they'd ne'er be at all this Pains to cultivate its good Graces, and keep parallel with its Laws, were they not of Opinion, that whatever Doctrine is not vouch'd, as I may say, confirm'd and register'd in the supreme Court of Reason and natural Light, stands on a very tottering and crazy Foundation. (pp. 67– 68)

About this Quotation:

Voltaire and Bayle were two great French defenders of the ideas of Reason and religious toleration. Writing some 60 or 70 years later, Voltaire took a more popular route writing his *Philosophical Dictionary* (1764) for a more popular audience whilst Bayle wrote for a decidedly more scholarly group. This passage shows very clearly Bayle's scorn for those divines who would so twist reason, or "the light of nature," in order to defend the undefendable

Source

Pierre Bayle, *A Philosophical Commentary on These Words of the Gospel, Luke 14.23, 'Compel Them to Come In, That My House May Be Full'*, edited, with an Introduction by John Kilcullen and Chandran Kukathas (Indianapolis: Liberty Fund, 2005). <http://oll.libertyfund.org/title/163/59845/670563>

In Ecclesiastes there is the call to plant, to love, to live, and to work and then to enjoy the fruits of all one's labors (3rdC BC)

(Sep 11, 2006)

[Old Testament \(Various Authors\)](#) (? – ?)

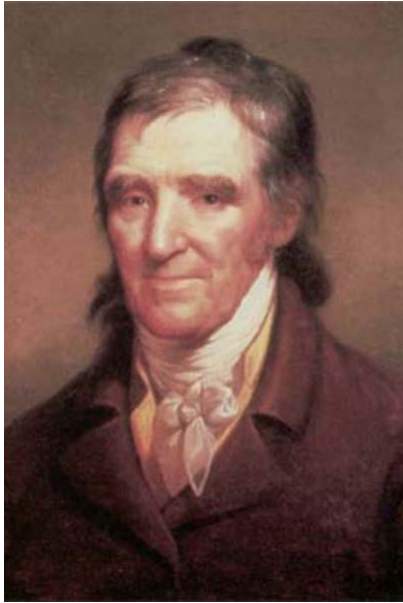
The sentiments expressed in this passage from Ecclesiastes 3. 1-13, one of the books of the Old Testament, might be familiar as they were used in a well-known song from the 1960s:

- 1. To every thing there is a season, and a time to every purpose under the heaven:**
- 2. A time to be born, and a time to die; a time to plant, and a time to pluck up that which is planted;**
- 3. A time to kill, and a time to heal; a time to break down, and a time to build up;**
- 4. A time to weep, and a time to laugh; a time to mourn, and a time to dance;**
- 5. A time to cast away stones, and a time to gather stones together; a time to embrace, and a time to refrain from embracing;**
- 6. A time to get, and a time to lose; a time to keep, and a time to cast away;**
- 7. A time to rend, and a time to sew; a time to keep silence, and a time to speak;**
- 8. A time to love, and a time to hate; a time of war, and a time of peace.**
- 9. What profit hath he that worketh in that wherein he laboureth?**
- 10. I have seen the travail, which God hath given to the sons of men to be exercised in it.**
- 11. He hath made every thing beautiful in his time: also he hath set the world in their heart, so that no man can find out the work that God maketh from the beginning to the end.**
- 12. I know that there is no good in them, but for a man to rejoice, and to do good in his life.**
- 13. And also that every man should eat and drink, and enjoy the good of all his labour, it is the gift of God.**

About this Quotation:

The recent arrival of the Christian Bible online at the OLL website is an opportunity to explore some of the passages which have such a profound impact on the literature, philosophy, and art of western civilisation. This passage from Ecclesiastes caught our eye because it suggests that there is a rhythm to our existence which we have no choice but to accept. There is also the affirmation of the need to work and produce, and to enjoy the fruits of our labors: “every man should eat and drink, and enjoy the good of all his labour, it is the gift of God.”

William Findlay wants to maintain the separation of church and state and therefore sees no role for the “ecclesiastical branch” in government (1812) (Jan 28, 2008)



[William Findley](#) (1742 – 1821)

William Findley, in his *Observations on “The Two Sons of Oil”* (1812), defends the American Constitution and the separation of church and state against those who wanted the church to have a role in legislation:

All who are acquainted with the nature of government, must at once see the absurdity of considering civil government, and the government of the church of Christ, as different branches of the same government. In all free governments, the governing power is separated into different departments or branches, such as, the legislative, the executive, and the judiciary. These three being exercised by one person, or by one body of men, is, in the opinion of the celebrated Montesquieu, the definition of tyranny. In most free governments, in order to secure mature deliberation, the legislature is divided into two branches, viz. senate and representatives. The concurrence of both is necessary to pass a law. In Britain, the king has a complete negative on passing the laws, and so have his governors in the colonies. In several governments in the United States, the executive has a qualified negative, that is, so far as to send it back for reconsideration, and to require the concurrence of two thirds. This is the case with the federal government; but all is one government, under one fundamental law, and that varying in different states agreeable to that discretion which the author himself, page 14, says they have a right to exercise: “Whatever the form be, whether monarchical or republican, it is legitimate, and entitled to obedience.” Now, I enquire, what place or department, in this machine of government, has he left for the ecclesiastical branch, wherein to operate? It could not act in passing laws—that belongs to the legislature. It could not execute laws—that belongs to the executive. It cannot be employed in applying the law to cases as they arise—this belongs to the judiciary. Ecclesiastical government, as instituted in national churches, by human authority, is in so far, the ordinance of man; but few of these governments give that branch much share even in its own government. In England, the bishops in parliament

do not sit as clergymen, but as Barons, in right of the barony attached to the diocese. They have no ecclesiastic branch; and the church of Rome has no civil branch.

About this Quotation:

William Findley reminds us that there is no place within the checks and balances of the modern constitutional state for “ecclesiastical government” to influence the operation of civil government. It may serve a use for the voluntary members of a particular church or religious body to have an “ecclesiastical government” which governs their affairs and their affairs only, but given the enormous civil and military conflicts which emerged during the Reformation the presence of a “4th” branch within the civil government to serve the needs of “the church” would undermine the civil peace which had emerged as a result of religious toleration and “the separation of church and state”.

Source

William Findley, *Observations on “The Two Sons of Oil”, Containing a Vindication of the American Constitutions, and Defending the Blessings of Religious Liberty and Toleration, against the Illiberal Strictures of the Rev. Samuel B. Wylie*, edited and with an introduction by John Caldwell (Indianapolis: Liberty Fund, 2007). <http://oll.libertyfund.org/titles/2062/155720/2761927>

Job rightly wants to know why he, “the just upright man is laughed to scorn” while robbers prosper (6thC BC) (Sep 15, 2008)

[Job](#) (600 BCE – ?)

In Chapter 12 of the *Book of Job*, Job laments the fact that, even though he has understanding and is morally upright, he is laughed at and scorned whilst robbers prosper:

1. And Job answered and said,
2. No doubt but ye are the people, and wisdom shall die with you.
3. **But I have understanding as well as you; I am not inferior to you: yea, who knoweth not such things as these?**
4. **I am as one mocked of his neighbour, who calleth upon God, and he answereth him: the just upright man is laughed to scorn.**
5. **He that is ready to slip with his feet is as a lamp despised in the thought of him that is at ease.**
6. **The tabernacles of robbers prosper, and they that provoke God are secure; into whose hand God bringeth abundantly.**
7. But ask now the beasts, and they shall teach thee; and the fowls of the air, and they shall tell thee:
8. Or speak to the earth, and it shall teach thee: and the fishes of the sea shall declare unto thee.
9. Who knoweth not in all these that the hand of the Lord hath wrought this?

About this Quotation:

The OLL also has online a copy of William Blake’s *Illustrations of the Book of Job* (1823) an illustration from which adorns this quotation. The story of Job raises a number of interesting moral problems concerning the just punishment or reward for an individual's actions. Job laments the fact that he is not being rewarded for his upright moral behaviour whilst robbers go unpunished and are thus rewarded for their criminal activities. Gloucester in Shakespeare's *King Lear* has a different explanation [</title/1621/45820/1108686>]:

Gloucester.

He has some reason, else he could not beg.
I’ the last night’s storm I such a fellow saw,
Which made me think a man a worm: my son
Came then into my mind; and yet my mind
Was then scarce friends with him: I have heard more since.
As flies to wanton boys, are we to the gods;
They kill us for their sport.

Source

Old Testament (Various Authors), *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The Book of Job.
<http://oll.libertyfund.org/title/998/199591>

John Locke believed that the magistrate should not punish sin but only violations of natural rights and public peace (1689) (Sep 29, 2008)



[John Locke](#) (1632 – 1704)

John Locke (1632-1704), in his *Letter on Toleration*, argued that sins should not be punished by the magistrate. Only acts which are "prejudicial to other men's rights" should be legally punished:

But idolatry, say some, is a sin, and therefore not to be tolerated. If they said it were therefore to be avoided, the inference were good. But **it does not follow, that because it is a sin it ought therefore to be punished by the magistrate. For it does not belong unto the magistrate to make use of his sword in punishing every thing, indifferently, that he takes to be a sin against God. Covetousness, uncharitableness, idleness, and many other things are sins, by the consent of all men, which yet no man ever said were to be punished by the magistrate. The reason is, because they are not prejudicial to other men's rights, nor do they break the public peace of societies.** Nay, even the sins of lying and perjury are no where punishable by laws; unless in certain cases, in which the real turpitude of the thing and the offence against God, are not considered, but only the injury done unto men's neighbours, and to the commonwealth. And what if in another country, to a mahometan or a pagan prince, the christian religion seem false and offensive to God; may not the christians for the same reason, and after the same manner, be extirpated there?

About this Quotation:

Living in the 17th century Locke had seen or had heard about the terrible things which had been done in the name of religion as Christian Europe divided into Catholic and Protestant sections and fought to the death over their scriptural differences. Locke was a middle of the road supporter of toleration (he denied it to atheists and Muslims for example) but considerably advanced compared to some of his contemporaries. In this passage he clearly states that, unless another person's rights are violated (such as their property or liberty) the magistrate has no right under law to punish a person for the very nebulous and disputed concept of "sin". Note the related works of Pierre Bayle and Voltaire on this

topic.

Source

John Locke, *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 5.
<http://oll.libertyfund.org/title/764/80887/1925249>

St. John, private property, and the Parable of the Wolf and the Good Shepherd (2ndC AD) (Jul 27, 2009)

[Saint John](#) (1 CE – ?)

In the Gospel of St. John there is related a parable by Jesus about the wolf and the good shepherd. (10: 7-14). Only a property owner truly cares for his property and does what is necessary to protect it:

7- Then said Jesus unto them again, Verily, verily, I say unto you, I am the door of the sheep.

8- All that ever came before me are thieves and robbers: but the sheep did not hear them.

9- I am the door: by me if any man enter in, he shall be saved, and shall go in and out, and find pasture.

10- The thief cometh not, but for to steal, and to kill, and to destroy: I am come that they might have life, and that they might have it more abundantly.

11- I am the good shepherd: the good shepherd giveth his life for the sheep.

12- But he that is an hireling, and not the shepherd, whose own the sheep are not, seeth the wolf coming, and leaveth the sheep, and fleeth: and the wolf catcheth them, and scattereth the sheep.

13- The hireling fleeth, because he is an hireling, and careth not for the sheep.

14- I am the good shepherd, and know my sheep, and am known of mine.

About this Quotation:

Scattered among the parables of the Christian Bible are many sound economic lessons gleaned from centuries of historical practice. In this parable John tells us about the junior employees who have no economic stake in the protection of the capital accumulated over time. When threatened by the appearance of the wolf the “employed” shepherd runs off leaving the flock (the invested capital) exposed to attack. Only the owner of the capital has a real economic interest in protecting that capital investment. Is this what Max Weber called the “Protestant work ethic”, or is it a universal truth applicable to all societies at all times?

Source

Saint John, *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The Gospel according to S. John. <http://oll.libertyfund.org/title/1185/199907/3176384>

David Hume argues that “love of liberty” in some individuals often attracts the religious inquisitor to persecute them and thereby drive society into a state of “ignorance, corruption, and bondage” (1757) (Sep 28, 2009)



David Hume (1711 – 1776)

When faced with the problem of religious persecution and even death at the hands of the inquisitor Hume argues that “the illegal murder of one man by a tyrant is more pernicious than the death of a thousand by pestilence, famine, ... calamity”:

The intolerance of almost all religions which have maintained the unity of God is as remarkable as the contrary principle of polytheists. The implacable narrow spirit of the Jews is well known. Mahometanism set out with still more bloody principles; and even to this day, deals out damnation, though not fire and faggot, to all other sects. And if, among Christians, the English and Dutch have embraced the principles of toleration, this singularity has proceeded from the steady resolution of the civil magistrate, in opposition to the continued efforts of priest and bigots.

The disciples of Zoroaster shut the doors of heaven against all but the Magians. Nothing could more obstruct the progress of the Persian conquests than the furious zeal of that nation against the temples and images of the Greeks. And after the overthrow of that empire, we find Alexander, as a polytheist, immediately re-establishing the worship of the Babylonians, which their former princes, as monotheists, had carefully abolished. Even the blind and devoted attachment of that conqueror to the Greek superstition hindered not but he himself sacrificed according to the Babylonish rites and ceremonies.

So sociable is polytheism, that the utmost fierceness and aversion which it meets with in an opposite religion is scarcely able to disgust it, and keep it at a distance. Augustus praised extremely the reserve of his grandson, Caius Cæsar, when this latter prince, passing by Jerusalem, deigned not to sacrifice according to the Jewish law. But for what reason did Augustus so much approve of this conduct? Only because that religion was by the Pagans esteemed ignoble and barbarous. I may venture to affirm that few corruptions

of idolatry and polytheism are more pernicious to political society than this corruption of theism, when carried to the utmost height. The human sacrifices of the Carthaginians, Mexicans, and many barbarous nations, scarcely exceed the Inquisition and persecutions of Rome and Madrid. For besides that the effusion of blood may not be so great in the former case as in the latter; besides this, I say, the human victims, being chosen by lot, or by some exterior signs, affect not in so considerable a degree the rest of the society. Whereas **virtue, knowledge, love of liberty, are the qualities which call down the fatal vengeance of inquisitors; and when expelled, leave the society in the most shameful ignorance, corruption, and bondage. The illegal murder of one man by a tyrant is more pernicious than the death of a thousand by pestilence, famine, or any undistinguishing calamity.** In the temple of Diana at Aricia near Rome, whoever murdered the present priest was legally entitled to be installed his successor. A very singular institution! For, however barbarous and bloody the common superstitions often are to the laity, they usually turn to the advantage of the holy order.

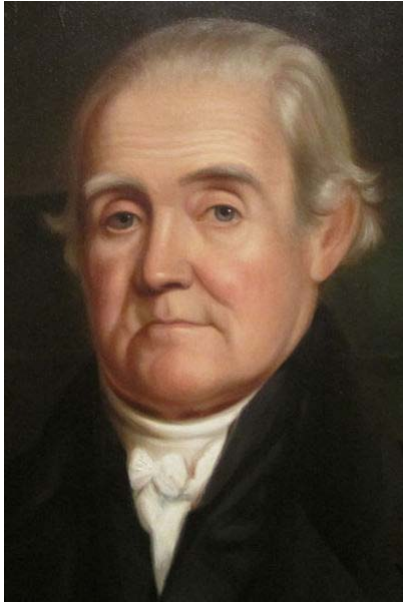
About this Quotation:

In a world in which religious intolerance is on the increase it is useful to reflect on what some of the great philosophers, like John Locke and David Hume, have had to say on the topic. In this quotation David Hume discusses the different approaches to intolerance taken by monotheistic religious versus polytheistic one. In his view the monotheistic religious have shown greater hostility to other religions and have accordingly committed some outrageous crimes such as persecution and murder. He believes that some individuals, because of their “virtue, knowledge, love of liberty” have attracted the wrath of the religious inquisitors who have often persecuted or even murdered them. When these “lovers of liberty” have been expelled or eliminated it leaves society in a much worse state than it was before, “in the most shameful ignorance, corruption, and bondage”. Hume concludes that “the illegal murder of one man by a tyrant is more pernicious than the death of a thousand by pestilence, famine, or any undistinguishing calamity.”

Source

David Hume, *The Natural History of Religion*. By David Hume. With an Introduction by John M. Robertson (London: A. and H. Bradlaugh Bonner, 1889). <http://oll.libertyfund.org/title/340/44350/604727>

Noah Webster on the resilience of common religious practices in the face of attempts by the state to radically change them (1794) (Dec 21, 2009)



[Noah Webster](#) (1758 – 1843)

In a sermon given at the height of the French Terror Noah Webster (1758-1843) noted the failure of attempts by the state or established church to change the way ordinary people practised their religion. Whether it was the Egyptians, the Greeks, the Roman Catholic Church, or the Jacobins in Paris, the result was much the same. The ordinary people continued to practise their traditional beliefs with a universal passion for feasting and gift giving:

The history of men is one tissue of facts, confirmatory of their observations. The Egyptians adored certain animals; and to injure a cat in Egypt, was a crime no less enormous than to pull down a liberty cap, to use the christian era, or wear abroad the robes of a priest in France; it was sacrilege. When we are told by credible historians that the Egyptians, when a house was on fire took more pains to save the cats, than the house, we stare and wonder how men could ever be so weak and stupid as to regard a cat, as a sacred animal. But is not the cap of liberty now regarded with a similar veneration? Would not an insult offered to it be resented and call down the vengeance of its votaries? How is this? Why the answer is easy—the Egyptians venerated a cat and a cow, and our modern idolaters venerate a liberty cap. The passion of the Egyptians will be called superstition perhaps; the passion of our people, enthusiasm. But it is the object that is changed, and not the principle. Our people are perpetually exclaiming “Liberty is the goddess we adore,” and a cap is the emblem of this goddess. Yet in fact there is no more connection between liberty and a cap, than between the Egyptian deity Isis, and just notions of God; nor is it less an act of superstition to dance round a cap or a pole in honor of liberty, than it was in Egypt to sacrifice a bullock to Isis.

The Greeks were a learned nation: but they had their Delphic oracles, whose responses were regarded as inspiration. The Romans, were more superstitious, and were governed in public and private affairs, by the appearances of the entrails of beasts, the flight of birds, and other omens. Both these nations were superstitious; that is, they believed their fate to

be connected with certain religious rites; they placed confidence in certain supposed deities or events; when in fact there was no connection at all between the cause and effect, but what existed in opinion. The Pythian god in Greece knew nothing of future events; the auspices in Rome had no connection with the fate of those who consulted them, but the people believed in these consultations, and according to the result, were inspired with confidence or depressed with apprehensions. There were philosophers indeed in those enlightened nations who rejected the authority of their divinities. Cicero says, in his days, the Delphic oracle had become contemptible. Demosthenes declared publicly, the oracle had been gained over to the interest of Philip. These and many others were the deists of Greece and Rome; the Humes and Voltaires of antiquity. But they never had the courage or the inclination to abolish the religion of their countrymen—they treated the fabled divinities of their country with more respect than the Jacobin club has paid to the founder of christianity. At the same time, while they indulged their fellow citizens in their own worship, they wrought out of their own imagination, some airy deity; some fine subtle theory of philosophy, which they adored with the superstition of bigots. It is idle, it is false that these philosophers had refined their ideas above all error and fanaticism—they soared above the absurdities of material deities, the lares and penates of the vulgar; but they framed etherial divinities, and spent their lives in paying homage to these fictions of imaginations.

In short the only advantage they had over vulgar minds was, that common people were content to worship the gods of the country, already framed to their hands; while the pride of each philosopher was busy in creating deities suited to his particular fancy.

When christianity became the religion of Rome, many of the pagan rites were incorporated, and some of the temples and deities, brot into use in the christian religion. The use of incense or perfumes, holy water, lamps, and votive offerings in churches, are pagan ceremonies retained in the Romish church. In lieu of the images of heathen deities Jupiter, Hercules or Bacchus, the christians substituted the statues of saints, martyrs and heroes; or else preserved the old images, giving them only a different dress. The pantheon of ancient Rome was re-consecrated by Boniface IVth, to the Virgin Mary, and all the saints.

What is all this? the christians pretended to abolish and exterminate pagan superstition—they only changed the name, and the objects to which veneration was to be paid. Instead of worshipping and sacrificing to Bacchus, the new converts adored the figure of a saint.

The Romans had a celebrated festival, called Saturnalia in honor of Saturn; this festival found its way into antient Scandinavia, among our pagan ancestors, by whom it was new-modelled or corrupted, being kept at the winter solstice. The night on which it was kept was called mother-night, as that which produced all the rest; and the festival was called Iuule or Yule. The christians, not being able to abolish the feast, changed its object, gave it the name of Christmas, and kept it in honor of Jesus Christ, altho the ancient name yule was retained in some parts of Scotland, till within a century. ... What is the deduction from these facts? This certainly, that men have uniformly had a high veneration for some person or deity real or imaginary: the Romans for Saturn: the Goths for the mother-night of the year; and the christians for the founder of their religion. The christians have the advantage over

the pagans in appropriating the feast to a nobler object; but the passion is the same, and the joy, the feasting, and the presents that have marked the festival are nearly the same among pagans and christians.

Let us then see whether the national convention of France have succeeded in exterminating superstition and fanaticism; and with them, their offspring, persecution.

About this Quotation:

In this sermon on the French Revolution given by the great lexicographer Noah Webster in 1794 at the height of the Terror, he reflects on how for millenia the state and established churches have tried to forcibly change how ordinary people practice their religion and social customs. What he had in mind in 1794 were the attempts of the Jacobins to impose a new Cult of Reason on the French people. He reminds his listeners that the tradition of Christmas has survived attempts by Roman paganism, Scandinavian paganism, the Catholic church, and the Protestant Reformers to make it conform to their notions of what is right and proper. Webster identifies a resilient “passion for feasting and gift giving” and a sense of joy which has survived all these attempts by the state to eradicate them or bend them to its will.

Source

Ellis Sandoz, *Political Sermons of the American Founding Era: 1730-1805*, 2 vols, Foreword by Ellis Sandoz (2nd ed. Indianapolis: Liberty Fund, 1998). Vol. 2. <http://oll.libertyfund.org/title/817/69415/1670539>

The 5th Day of Christmas: Samuel Cooper on the Articles of Confederation and peace on earth (1780) (Dec 29, 2012)

[Ellis Sandoz](#) (1931 – ?)

The Massachusetts clergyman Samuel Cooper (1725-1783) gave a patriotic sermon in 1780 to celebrate the adoption of the Articles of Confederation. He concludes by urging his listeners to help build “the new city” in America by making the wilderness fruitful, inviting the injured and oppressed to come to America, and to create a country which “breaths” the principles of “peace on earth, and good will towards men”:

... So favourable, through the divine superintendence, is the present situation of the powers in Europe, to the liberties and independence for which we are contending. But as individuals must part with some natural liberties for the sake of the security and advantages of society; the same kind of commutation must take place in the great republic of nations. The rights of kingdoms and states have their bounds; and as in our own establishment we are not likely to find reason, I trust we shall never have an inclination to exceed these bounds, and justly to excite the jealousy and opposition of other nations. It is thus wisdom, moderation and sound policy would connect kingdoms and states for their mutual advantage, and preserve the order and harmony of the world. In all this these free states will find their own security, and rise by natural and unenvied degrees to that eminence, for which, I would fain perswade myself, we are designed.

It is laudable to lay the foundations of our republics with extended views. Rome rose to empire because she early thought herself destined for it. The great object was continually before the eyes of her sons: It enlarged and invigorated their minds; it excited their vigilance; it elated their courage, and prepared them to embrace toils and dangers, and submit to every regulation friendly to the freedom and prosperity of Rome. They did great things because they believed themselves capable, and born to do them. They revered themselves and their country; and animated with unbounded respect for it, they every day added to its strength and glory. Conquest is not indeed the aim of these rising states; sound policy must ever forbid it: We have before us an object more truly great and honourable. We seem called by heaven to make a large portion of this globe a seat of knowledge and liberty, of agriculture, commerce, and arts, and what is more important than all, of christian piety and virtue. A celebrated British historian observes, if I well remember, that the natural features of America are peculiarly striking. **Our mountains, our rivers and lakes have a singular air of dignity and grandeur. May our conduct correspond to the face of our country! At present an immense part of it lies as nature hath left it, and human labour and art have done but little, and brightened only some small specks of a continent that can afford ample means of subsistence to many, many millions of the human race. It remains with us and our posterity, to “make the wilderness become a fruitful field, and the desert blossom as the rose”; to establish the honour and happiness of this new world, as far as it may be justly our own, and to invite the injured and oppressed, the worthy and the good to these shores, by the most liberal governments, by wise political institutions, by cultivating the confidence and friendship of other nations, and by a sacred attention to that gospel that breaths “peace on earth, and good will towards men.” Thus will our country resemble the new city which St. John saw “coming down from God out of heaven, adorned as a bride for her husband.” Is there a benevolent spirit on earth,**

or on high, whom such a prospect would not delight?...

O thou supreme Governor of the world, whose arm hath done great things for us, establish the foundations of this commonwealth, and evermore defend it with the saving strength of thy right hand! Grant that here the divine constitutions of Jesus thy Son may ever be honoured and maintained! Grant that it may be the residence of all private and patriotic virtues, of all that enlightens and supports, all that sweetens and adorns human society, till the states and kingdoms of this world shall be swallowed up in thine own kingdom: In that, which alone is immortal, may we obtain a perfect citizenship, and enjoy in its completion, “the glorious Liberty of the Sons of God![”] And let all the people say, Amen!

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

Cooper’s very long patriotic sermon was regarded as a model of its kind when it appeared in 1780 and was translated into other languages and circulated widely. He extolls the sacrifices made by patriots during the revolutionary war and upholds a vision of what America might become. He invokes the vision of America as the new “holy city, the new Jerusalem” spoken about by John in the Book of Revelation where the city comes “down from God out of heaven, prepared as a bride adorned for her husband” (Rev. 21:14). Cooper hopes that the Americans will be able to live up to the promise of their new country. This they can do if they follow a number of conditions which he sets out: that they believe in their ability to transform the new world into a fruitful and productive land, that they do so by the “human labour and art” of the both the existing settlers as well as by millions of “the injured and oppressed, the worthy and the good” who will come to its shores, that they preserve their liberal government and institutions, that they establish friendly relations with other countries, and that they devote “sacred attention” to creating a country which “breaths” the principles of “peace on earth, and good will towards men”. One should also note an important proviso mentioned by Cooper, namely that “to establish the honour and happiness of this new world” the Americans could only make use of the land and its resources “as far as it may be justly our own.”

Source

Ellis Sandoz, *Political Sermons of the American Founding Era: 1730-1805*, 2 vols, Foreword by Ellis Sandoz (2nd ed. Indianapolis: Liberty Fund, 1998). Vol. 1. <http://oll.libertyfund.org/title/816/69278/1668745>

The 6th Day of Christmas: Vicesimus Knox on the Christian religion and peace on earth (1793) (Dec 30, 2012)



[Vicesimus Knox](#) (1752 – 1821)

The English anti-war minister Vicesimus Knox (1752-1821) reminded his parishioners in 1793 that the motto of Christianity was the exhortation from the gospel of Saint Luke “Glory to God in the highest, on earth peace, good will towards men”:

SERMON XXV. “The prospect of perpetual and universal peace to be established on the principles of Christian philanthropy. [Preached at Brighton, Aug. 18, 1793.]

St. Luke, ii. 14,—Glory to God in the highest, on earth peace, good will towards men.

This gracious proclamation from Heaven announces the great purpose of Jesus Christ, the promotion of piety to God and benevolence to man. It may indeed be called the motto of Christianity. It may form the inscription on its unstained banners, as it advances in its progress, endeavouring to diffuse the blessings of perpetual peace and universal love....

Our Saviour’s own words of invitation are indeed sweetly persuasive, if the world would hear them, amidst the cares of avarice, the struggles of ambition, and the clangor of arms. Come unto me, says he, all ye that labour and are heavy laden and I will give you rest.

Who among us is not concerned in this address, which of us is not labouring with some evil or laden with some sin, some infirmity, some habitual passion or some sore disease?

In what part of Christendom is that Christianity which we all profess, suffered to have its full effect, either on the national character and conduct, or on the regulation of private life?

Give me leave to bring before you, for a few moments, the great picture of the living world, as it is now exhibited, in the most polished part of it, Europe, enlightened as it is

by science and professing Christianity. Let us consider whether among those who bear rule, by power or by example, glory is duly given to god; whether they do really promote to the utmost of their power, peace on earth; and whether they seem to entertain good will towards men, in that extent and degree which the Gospel of Jesus Christ requires of all who profess to believe it, and who expect the rewards of the pious and the peaceful.

The picture is sadly shaded with misery. Peace on earth! Alas where is it? amid all our refinement in the modes of cultivated life, all our elegant pleasures, all our boasted humanity, war, that giant fiend, is stalking over empires in garments dropping with the blood of men, shed by men, personally unoffended and unoffending; of men, professing to love as brethren, yet cutting off each other from the land of the living, long before the little time allotted them by nature is elapsed; and increasing beyond measure, all the evils to which man is naturally and morally doomed, at the command of a narrow shortsighted human policy, and an ambition which, considering the calamities it causes, I must call accursed.

The shades of the picture are black as death, the colouring of blood. No; not all the arts of politicians can veil its shocking deformity, from any eyes but those of the vulgar; the vulgar, I mean, rich as well as poor, titled as well as untitled, swaying sceptres or wielding a spade. By all but the vulgar and the creatures of despotism, offensive war, with all its pompous exterior, must be deprecated as the disgrace and calamity of human nature. Poor outside pageantry! What avails the childish or womanish finery of gaudy feathers on the heads of warriors? Though tinged with the gayest colours by the dyer's art, they appear to the eye of humanity, weeping over the fields of battle, dipt in gore. What avail the tinsel, the trappings, the gold and the scarlet? Ornaments fitter for the pavilions of pleasure than the field of carnage. Can they assuage the anguish of a wound, or call back the departed breath of the pale victims of war; poor victims, unnoticed and unpitied, far from their respective countries, on the plains of neighbouring provinces, the wretched seat of actual war; not of parade, the mere play of soldiers, the pastime of the idle spectator, a summer day's sight for the gazing saunterer; but on the scene of carnage, the Aceldama, the field of blood, where, in the fury of the conflict, man appears to forget his nature and exhibits feats at which angels weep, while nations shout in barbarous triumph.

The elegant decorations of a sword, wantonly drawn in offensive war, what are they, but a mockery of the misery it was intended to create? An instrument of death to a fellow-creature who has never injured me, a holiday ornament! Colours of the darkest hue might form the appropriate habiliments of those who are causelessly sent as the messengers of death; of death, not to animals of another species, fierce and venomous; but to those who like themselves, were born of woman, who sucked the breast of a woman, and who, if spared by the ruthless sword, must like themselves in a few short years die by the necessity of nature; die, and moulder into dust, under the turf once verdant and flowery, but now crimsoned with human gore. Alike born the victors and the vanquished, alike they die if spared in the battle; and alike must stand at the latter day, all stript of the distinctions of finer dress and superior rank, in the presence of those whom they cut off in this world before their time, in youth and health, like rose-buds cropt in the bud of existence.

Cease, oh! cease, while such scenes are passing in the field of actual slaughter, cease, for

humanity's sake, the din of martial music. It is surely a mockery of wretchedness! Poor artifice! to drown the voice of anguish calling for help, and calling in vain; the yells of the dying, the groans of those who lie agonizing without any hand to pour balsam into their wounds: cruel contrivance to stifle by noise the bitter lamentations, the last sad privilege of the mourners, who bereaved of their friend, their parent, or their child, are bereaved indeed!

Oh war! thy blood-stained visage cannot be disguised by the politician's artifice. Thy brilliant vestments are to him who sympathizes with human woe in all climes and conditions, no better than sable mourning; thy melody, doleful discord, the voice of misery unutterable. Decked, like the harlot, in finery not thine own, thou art even the pest of human nature; and in countries where arbitrary power prevails, the last sad refuge of selfish cruel despotism, building its gorgeous palaces on the ruins of those who support its grandeur by their personal labour; and whom it ought to protect and to nourish under the olive shade of peace.

What feeling man can cast his eyes (as he proceeds in contemplating the picture) over the tented plains, on the theatre of war, glittering in the sunbeams with polished arms and gay with silken banners, without a sigh, if he views it undazzled by the "pride, pomp and circumstance," which the wisdom of this world has, from the earliest times, devised to facilitate its own purposes; purposes, it is to be feared, that have little reference to him who said, that his kingdom was not of this world; and whose religion was announced by a proclamation of peace on earth. What a picture is the tablet we are viewing of the heart of man, and of the misery of man! that he should thus find it necessary to defend himself with so much effort, at such expense of blood and treasure, not, as I said before, against the beast of the forest, not against the tiger and the wolf, for then it were well; but against his fellow man, his Christian brother, subject to the same wants, agonized with the same natural sufferings, doomed to the same natural death, and as a Christian, hoping for the same salvation; and perhaps separated from him only by a few leagues of intervening ocean.

All the waters of that ocean cannot wash away the stain thus deeply fixed on the human character.

Lo! in countries where war actually rages, thousands and tens of thousands of our fellow-creatures, all perhaps Christians in profession, many in the flower of their youth, torn from the peaceful vale, the innocent occupations of agriculture, or the useful employments of mechanic arts, to learn with indefatigable pains (separated at the same time from all the sweet endearments and duties of domestic life) to learn the art of spreading devastation and most expeditiously and effectually destroying those of their fellow-creatures, whom politicians have bade them consider as enemies, and therefore to cut off in their prime; but whom Christ taught, even if they were personal enemies, to love, to pity, and to save. Do they not, thoughtless as they are, require to be reminded of the gracious proclamation from Heaven, "On earth peace, Good-will towards men."

Alas! is it not enough that age, disease, death, and misery, in a hundred forms, are hourly waging war with all mankind; but they must add to the sting of death new venom; new anguish to every pang by waging war with each other? Men who as individuals are kind and humane, appear as nations, still in a state of barbarism and savage nature.

Yet we must believe and maintain the political necessity of war, though the greatest evil which can be endured by a civilized, flourishing and free people; we must believe its political necessity, because they, who in the various nations of the world, seem to claim an hereditary right to wisdom, as well as power, have, in all ages and in the most enlightened and Christian countries, so determined; yet, with all due submission to that wisdom and to that power, let every man who justly glories in the name and feelings of a man, mourn and lament the existence of that political necessity; and if it be such, pray to the father of us all, of every clime and colour, that under the benign influence of that Christianity which we profess, war may be no more on the face of the whole earth, and the sword every where converted into the pruning hook and the plough share....

Let us all, in our several stations, promote peace on earth, if it be possible; not only by seeking as we have power, to compose the differences of nations by negotiation, but by subduing our own pride and ambition, by learning to consider all men under the sun, as united to us by brotherly love, or, as it is termed, fraternity; natural, not political fraternity; the strong tie of one common nature. Let us appeal to reason in all national disputes; to reason, the constituent essence of man, and not only to the sad resource of creatures without reason, brute force and violence....

If the Christian religion in all its purity, and in its full force, were suffered to prevail universally, the sword of offensive war must be sheathed for ever, and the din of arms would at last be silenced in perpetual peace. Glorious idea! I might be pardoned, if I indulged the feelings of enthusiastic joy at a prospect so transporting. Perpetual and universal peace! The jubilee of all human nature. Pardon my exultation, if it be only an illusive prospect. Though the vision is fugacious as the purple tints of an evening sky, it is enchanting; it is as innocent as delightful. The very thought furnishes a rich banquet for Christian benevolence. But let us pause in our expressions of joy, for when we turn from the fancied Elysium, to sad reality, to scenes of blood and desolation, we are the more shocked by the dismal contrast. Let us then leave ideal pictures, and consider a moment the most rational means of promoting, as far as in our power, perpetual and universal peace. If war be a scourge, as it has been ever called and allowed to be, it must be inflicted for our offences. Then let every one, in every rank, the most elevated as well as the most abject, endeavour to propitiate the Deity, by innocence of life and obedience to the divine law, that the scourge may be no longer necessary. Let him add his prayers to his endeavours, that devastation may no more waste the ripe harvest, (while many pine with hunger,) burn the peaceful village, level the hut of the harmless cottager, overturn the palace, and deface the temple; destroying, in its deadly progress, the fine productions of art, as well as of nature: but that the shepherd's pipe may warble in the vale, where the shrill clarion and the drums dissonance now grate harshly on the ear of humanity; that peace, may be within and without our walls, and plenteousness in our cottages as well as in our palaces; that we may learn to rejoice in subduing ourselves, our pride, whence cometh contention and all other malignant passions, rather than in reducing fair cities to ashes, and erecting a blood-stained streamer in triumph over those who may have fallen indeed—but fallen in defending with bravery, even to death, their wives, their children, their houses, and their altars, from the destroying demon of offensive war.

O thou God of mercy, grant that the sword may return to its scabbard for ever; that the religion of Jesus Christ may be duly understood, and its benign influence powerfully felt

by all kings, princes, rulers, nobles, counsellors, and legislators, on the whole earth; that they may all combine in a league of philanthropy, to enforce by reason and mild persuasion, the law of love, or Christian charity, among all mankind, in all climes, and in all sects; consulting, like superior beings, the good of those beneath them; not endeavouring to promote their own power and aggrandizement by force and arms; but building their thrones, and establishing their dominion on the hearts of their respective people, preserved from the horrors of war by their prudence and clemency: and enjoying, exempt from all unnecessary burthens, the fruits of their own industry; every nation thus blest, permitting all others under the canopy of heaven to enjoy the same blessings uninterrupted, in equal peace and security. O melt the hard heart of pride and ambition, that it may sympathize with the lowest child of poverty, and grant, O thou God of order, as well as of mercy and love, that we of this happily constituted nation may never experience the curse of despotism on one hand; nor, on the other, the cruel evils of anarchy; that as our understandings become enlightened by science, our hearts may be softened by humanity, that we may be ever free, not using our liberty as a cloak for licentiousness, that we may all, in every rank and degree, live together peaceably in Christian love, and die in Christian hope, and that all nations which the sun irradiates in his course, united in the bonds of amity, may unite also in the joyful acclamation of the text, with heart and voice, and say, “Glory to God in the highest, on earth peace, good-will towards men.”

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

The radical anti-war English minister Vicesimus Knox got into a lot of trouble with the authorities when he began preaching against the British and other European monarchies' efforts to defeat the new French Republic by force of arms during the 1790s. He reminded them that “the motto of Christianity” had been clearly stated in Luke II, 14, namely “peace on earth and goodwill towards men.” What makes this sermon rise above the sometimes empty homilies about peace which are offered up at Christmas time are his profound moral and political objections to war. Here are some examples.

He begins by noting the hypocrisy of the most enlightened and Christian countries of the world which ignore this basic Christian principle by constantly pursuing a policy of war, “that giant fiend, (which) is stalking over empires in garments dropping with the blood of men, shed by men, personally unoffended and unoffending”.

Young men are deceived by “the politician’s artifice” and are taught by the military “the art of spreading devastation and most expeditiously and effectually destroying those of their fellow-creatures, whom politicians have bade them consider as enemies.” These wars are paid for in the lives and taxes of those who make their living “wielding a spade” or in “the useful employments of mechanic arts”. The young men who fall on the battle fields are “the pale victims of war; poor victims” who are “cut off in this world before their time, in youth and health, like rose-buds cropt in the bud of existence.”

Politicians are constantly defending their actions by claiming that the state is faced with the “political necessity of war” but which Knox calls “a narrow shortsighted human policy” which serves the interest of a small group of political and military leaders.

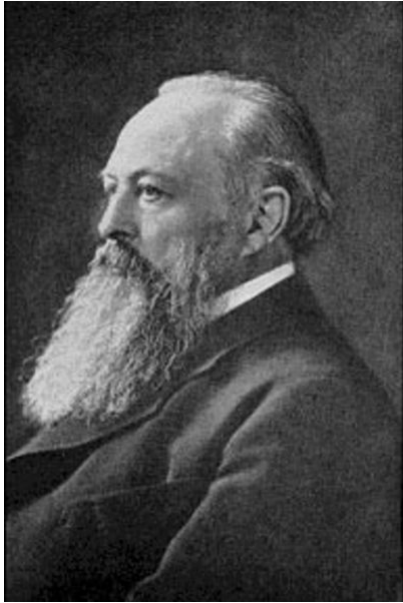
Knox's solution is "to compose the differences of nations by negotiation" "in a league of philanthropy" and to return to the Christian ideal of considering "all men under the sun, as united to us by brotherly love, or, as it is termed, fraternity; natural, not political fraternity; the strong tie of one common nature". In this way Christian principles would come into "full force" and "the sword of offensive war (would) be sheathed for ever, and the din of arms would at last be silenced in perpetual peace."

Merry Christmas and a Peaceful New Year.

Source

Vicesimus Knox, *The Works of Vicesimus Knox, D.D. with a Biographical Preface*. In Seven Volumes (London: J. Mawman, 1824). Vol. 6. <http://oll.libertyfund.org/title/1017/141738/2666028>

Lord Acton argues that civil liberty arose out of the conflict between the power of the Church and the Monarchy (1877) (Sep 23, 2013)



[John Emerich Edward Dalberg, Lord Acton](#) (1834 – 1902)

The English Catholic historian Lord Acton (1834-1902) believed that liberty emerged almost as an unintended by-product of the conflict between the Church and the monarchies of Europe for absolute authority over the course of nearly 400 years:

The only influence capable of resisting the feudal hierarchy was the ecclesiastical hierarchy; and they came into collision, when the process of feudalism threatened the independence of the Church by subjecting the prelates severally to that form of personal dependence on the kings which was peculiar to the Teutonic state.

To that conflict of four hundred years we owe the rise of civil liberty. If the Church had continued to buttress the thrones of the king whom it anointed, or if the struggle had terminated speedily in an undivided victory, all Europe would have sunk down under a Byzantine or Muscovite despotism. For the aim of both contending parties was absolute authority. But although liberty was not the end for which they strove, it was the means by which the temporal and the spiritual power called the nations to their aid. The towns of Italy and Germany won their franchises, France got her States-General, and England her Parliament out of the alternate phases of the contest; and as long as it lasted it prevented the rise of divine right. A disposition existed to regard the crown as an estate descending under the law of real property in the family that possessed it. But the authority of religion, and especially of the papacy, was thrown on the side that denied the indefeasible title of kings. In France what was afterwards called the Gallican theory maintained that the reigning house was above the law, and that the sceptre was not to pass away from it as long as there should be princes of the royal blood of St. Louis. But in other countries the oath of fidelity itself attested that it was conditional, and should be kept only during good behaviour; and it was in conformity with the public law to which all monarchs were held subject, that King John was declared a rebel against the barons, and that the men who raised Edward III. to the throne from which they had deposed his

father invoked the maxim Vox populi Vox Dei.

And this doctrine of the divine right of the people to raise up and pull down princes, after obtaining the sanctions of religion, was made to stand on broader grounds, and was strong enough to resist both Church and king.

About this Quotation:

Acton thought that civil liberty in Europe emerged because neither of the two major institutions of power and authority over the lives of others, the Church and the State, was powerful enough to predominate. The Church argued against the powerful Monarchs that there were universal principles about life and liberty which the kings had to recognize or face being overthrown. The Monarchs on the other hand rejected the Church's claim to universal authority by arguing that there had to be intermediate organizations, such as national governments, Estates, or Parliaments, which acted as checks and balances against any claim to universal authority. Each organization in Acton's view sought "absolute authority" but were frustrated by the other in achieving this goal. To win support for their side they sought to make deals with third parties such as independent cities or national churches. The final result, a form of civil liberty, was not something either party had wanted or intended. As Acton concludes "although liberty was not the end for which they strove, it was the means by which the temporal and the spiritual power called the nations to their aid." Perhaps this is just another example of Adam Ferguson's famous saying that institutions of all kinds were "the result of human action, but not the execution of any human design" (1782).

Source

John Emerich Edward Dalberg, Lord Acton, *The History of Freedom and Other Essays*, ed. John Neville Figgis and Reginald Vere Laurence (London: Macmillan, 1907). <http://oll.libertyfund.org/title/75/42896/659269>

William Walwyn wittily argues against state enforced religious conformity (1646) (Nov 18, 2013)



[William Walwyn](#) (1600 – 1681)

William Walwyn (1600-1681) uses a witty medical metaphor to argue that the desire to impose religious conformity by force (“Policie”) is caused by bad “humours” in the body which can only be removed by Doctors named Love, Justice, Patience, and Truth:

Policy: ... I evidently see there is no cause of hast, some few dayes hence may be time enough, in which time, you and I shall have settled that busines which you know I am now come about: A work gentlemen, that being finished, your selves will say, was worthy the hazard of his and all our lives; no lesse then the building of Gods owne house, sweeping out of hereticks schismaticks, stopping the mouthes of illiterate mechanicall preachers: and beautifying this holy building, with the glorious ornament of uniformity, the Mother of peace and all blessed things.

Conscience: Although (Mr. Edwards) when you and I, and your friend Pollicy, are together, and no body else, he alwaies overswaies you, ever proposing things sutable to your corrupted humours, yet now here are others present that can impartially judge betwixt us, and therefore I shall use my accustomed plainnesse, though I have never any thanks for my labour. (Pray Sir, turne not from me, but heare me, and let these worthy men judge betwixt my perswations, and the perswations of Pollicy) gentlemen, I pray observe well this darling of his: **This is hee whose councill he hath long time followed, he it was that first inticed him to undertake this unhappy worke, which contrary to all reason and Religion, he calleth the building of Gods house, &c. though I shewed him plainly, he went about therein to destroy the living houses of God: the vexing and molesting of his most deare (because most consciencious and peaceable) servants: though I told him plainly, any that differed with him, might as justly compell him to conforme unto them, as he could compell them: though I manifested that he was as liable to errour, as any that he complained off, and that therefore there was no reason why he should endeavour to make men odious for opinions: I shewed him it was impossible, so long as knowledge was imperfect, but men must**

differ: I shewed how neverthelesse, every man was bound equally as himselfe, to worship God according to his own and not another mans understanding of the word of God. I told him he would bring upon himselfe, the odium of all judicious Religious people.

I put him in remembrance, how extreemly he himselfe complained of compulsion and restriction of worship; in the Bishops times: laid before him their miserable endes, and the great disturbances, that have arisen from thence to the Commonwealth, shewed how much it tended to devision, and confusion, to set up one way of worship and to persecute or dispise all others, that it was not Gods way to bring men to truth by force, but the devills and Antichrists, to fasten men in errour: that there was no sin more unreasonable nor more odious in Gods sight, then to enforce men to professe practice, or worship, contrary to knowledge and beleefe: and that to enforce is as justly punishable by man, as any other violence.

About this Quotation:

In this witty “Parable, or Consultation of Physitians upon Master Edwards” (1646) William Walwyn, who would later become a doctor, writes a story about four doctors or physicians, named Love, Justice, Patience, and Truth, who discuss what to do to help poor Master Edwards who wants to use the power of the state to eliminate religious beliefs and practices which are different to the established state religion – or as he puts it “beautifying this holy building, with the glorious ornament of uniformity”. They decide that he is suffering from a “distemper” caused by evil smelling “humours” which are circulating through his body. Master Edwards is defended by two friends named Superstition and Policie. The doctors decide that the only way to cure Master Edwards of his intolerant and violent behaviour towards religious dissenters is to perform a brain operation to remove the bladder of evil smelling bile which is the cause of his condition. After the operation Mr. Edwards has lost his religious intolerance and declares himself to be “the devoted servant of Love, and his lovely companions.” Furthermore, he has now seen the light about the evils of using state violence to enforce religious conformity and so declares that “Justice, Patience, truth, Piety, and Conscience, shall be my fortresse to defend me from the wiles and force of Machiavilian Pollicy.”

Source

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).
http://oll.libertyfund.org/titles/2596#Leveller_1542-03_881

Spinoza on the dangers of using superstition to hoodwink the people (1670) (Jun 22, 2014)



Benedict de Spinoza (1632 – 1677)

The 17th century rationalist philosopher Benedict de Spinoza (1632-1677) warns how religion can be misused by tyrants to hoodwink the people into fighting just as bravely for their own slavery as for liberty:

This element of inconsistency has been the cause of many terrible wars and revolutions; for, as Curtius well says (lib. iv. chap. 10): “The mob has no ruler more potent than superstition,” and is easily led, on the plea of religion, at one moment to adore its kings as gods, and anon to execrate and abjure them as humanity’s common bane. Immense pains have therefore been taken to counteract this evil by investing religion, whether true or false, with such pomp and ceremony, that it may rise superior to every shock, and be always observed with studious reverence by the whole people—a system which has been brought to great perfection by the Turks, for they consider even controversy impious, and so clog men’s minds with dogmatic formulas, that they leave no room for sound reason, not even enough to doubt with.

But if, in despotic statecraft, the supreme and essential mystery be to hoodwink the subjects, and to mask the fear, which keeps them down, with the specious garb of religion, so that men may fight as bravely for slavery as for safety, and count it not shame but highest honour to risk their blood and their lives for the vainglory of a tyrant; yet in a free state no more mischievous expedient could be planned or attempted. Wholly repugnant to the general freedom are such devices as enthralling men’s minds with prejudices, forcing their judgment, or employing any of the weapons of quasi-religious sedition; indeed, such seditions only spring up, when law enters the domain of speculative thought, and opinions are put on trial and condemned on the same footing as crimes, while those who defend and follow them are sacrificed, not to public safety, but to their opponents’ hatred and cruelty. If deeds only could be made the grounds of criminal charges, and words were always allowed to pass free, such seditions would be divested of every semblance of justification, and would be separated from mere

controversies by a hard and fast line.

Now, seeing that we have the rare happiness of living in a republic, where everyone's judgment is free and unshackled, where each may worship God as his conscience dictates, and where freedom is esteemed before all things dear and precious, I have believed that I should be undertaking no ungrateful or unprofitable task, in demonstrating that not only can such freedom be granted without prejudice to the public peace, but also, that without such freedom, piety cannot flourish nor the public peace be secure.

Such is the chief conclusion I seek to establish in this treatise ...

About this Quotation:

In the *Tractatus-Theologico-Politicus* (1670) Spinoza defended freedom of religion on both the theoretical grounds of right and justice as well as on prudential grounds. One of the latter is the danger that, without being able to hear alternative religious views, ordinary people can be more easily persuaded to “adore its kings as gods”, and to fight without question on behalf of a tyrant, even though this may result in their own slavery. The best antidote to this danger is to allow “free and unshackled” discussion of all things, including religion, and to promote the creation of a society “where freedom is esteemed before all things dear and precious”. Spinoza argued that it has been a common trick of tyrants to take “immense pains” to invest religion with “such pomp and ceremony” and “dogmatic formulas” so as to “leave no room for sound reason, not even enough to doubt with”. Only in a free state like a republic can reason and doubt flourish and thus keep “despotic statecraft” at bay.

Source

Benedict de Spinoza, *The Chief Works of Benedict de Spinoza*, translated from the Latin, with an Introduction by R.H.M. Elwes, vol. 1 Introduction, *Tractatus-Theologico-Politicus*, *Tractatus Politicus*. Revised edition (London: George Bell and Sons, 1891).
http://oll.libertyfund.org/oll.libertyfund.org/titles/1710#Spinoza_1321.01_94

John Locke on the separation of Church and Magistrate (1689) (Jun 30, 2014)



John Locke (1632 – 1704)

John Locke (1632-1704) was also known in his lifetime as a staunch defender of religious toleration. In this passage he calls for the complete separation of church and magistrate:

But this is not all. It is not enough that ecclesiastical men abstain from violence and rapine, and all manner of persecution. He that pretends to be a successor of the apostles, and takes upon him the office of teaching, is obliged also to admonish his hearers of the duties of peace and good-will towards all men; as well towards the erroneous as the orthodox; towards those that differ from them in faith and worship, as well as towards those that agree with them therein: and he ought industriously to exhort all men, whether private persons or magistrates, if any such there be in his church, to charity, meekness, and toleration; and diligently endeavour to allay and temper all that heat, and unreasonable averseness of mind, which either any man's fiery zeal for his own sect, or the craft of others, has kindled against dissenters. I will not undertake to represent how happy and how great would be the fruit, both in church and state, if the pulpits every-where sounded with this doctrine of peace and toleration; lest I should seem to reflect too severely upon those men whose dignity I desire not to detract from, nor would have it diminished either by others or themselves. But this I say, that thus it ought to be. And if any one that professes himself to be a minister of the word of God, a preacher of the gospel of peace, teach otherwise; he either understands not, or neglects the business of his calling, and shall one day give account thereof unto the Prince of Peace. If christians are to be admonished that they abstain from all manner of revenge, even after repeated provocations and multiplied injuries; how much more ought they who suffer nothing, who have had no harm done them, to forbear violence, and abstain from all manner of ill usage towards those from whom they have received none? This caution and temper they ought certainly to use towards those who mind only their own business, and are solicitous for nothing but that, whatever men think of them, they may worship God in that manner which they are persuaded is acceptable to him, and in which they have the strongest hopes of eternal salvation. In private domestic affairs, in the management of estates, in the

conservation of bodily health, every man may consider what suits his own conveniency, and follow what course he likes best. No man complains of the ill management of his neighbour's affairs. No man is angry with another for an error committed in sowing his land, or in marrying his daughter. No-body corrects a spendthrift for consuming his substance in taverns. Let any man pull down, or build, or make whatsoever expences he pleases, no-body murmurs, no-body controls him; he has his liberty. But if any man do not frequent the church, if he do not there conform his behaviour exactly to the accustomed ceremonies, or if he brings not his children to be initiated in the sacred mysteries of this or [23] the other congregation; this immediately causes an uproar, and the neighbourhood is filled with noise and clamour. Every one is ready to be the avenger of so great a crime. **And the zealots hardly have patience to refrain from violence and rapine, so long till the cause be heard, and the poor man be, according to form, condemned to the loss of liberty, goods or life. Oh that our ecclesiastical orators, of every sect, would apply themselves, with all the strength of argument that they are able, to the confounding of men's errors! But let them spare their persons. Let them not supply their want of reasons with the instruments of force, which belong to another jurisdiction, and do ill become a churchman's hands. Let them not call in the magistrate's authority to the aid of their eloquence, or learning; lest perhaps, whilst they pretend only love for the truth, this their intemperate zeal, breathing nothing but fire and sword, betray their ambition, and show that what they desire is temporal dominion.** For it will be very difficult to persuade men of sense, that he, who with dry eyes, and satisfaction of mind, can deliver his brother unto the executioner, to be burnt alive, does sincerely and heartily concern himself to save that brother from the flames of hell in the world to come.

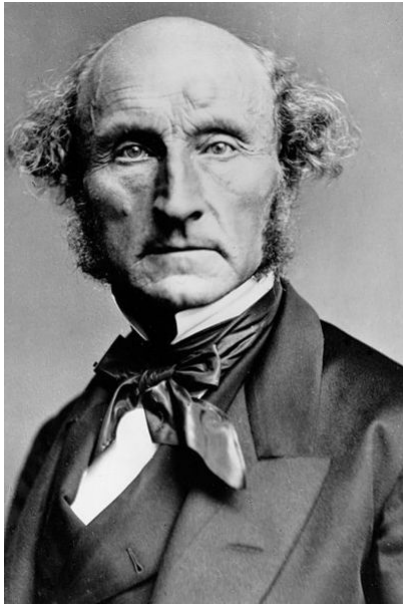
About this Quotation:

Locke's defence of religious toleration was very comprehensive for its time, even extending to Muslims, but unfortunately not to Catholics (they had sworn allegiance to a "foreign Prince") or to atheists (who could not be trusted because they did not believe in the afterlife). He rejected the use of the power of the magistrate to enforce religious belief or practice because his sole purpose was to use coercive powers of the state to protect the lives, liberties, and properties of every individual. As long as people "mind only their own business" the magistrate has no interest in them whatsoever. Besides, Locke thought that to enforce outward conformity to certain religious practices was hypocritical as it left untouched "the inward persuasion of the mind." There was also the "slippery slope argument" that if one allowed the zealous magistrate to enforce religious beliefs in the name of the welfare of the people, then what was to stop them interfering in every other aspect of a person's life which affected their physical or spiritual wellbeing? Locke's advice to the preacher was to make sure their "pulpits every-where sounded with this doctrine of peace and toleration".

Source

John Locke, *The Works of John Locke in Nine Volumes*, (London: Rivington, 1824 12th ed.). Vol. 5.
http://oll.libertyfund.org/titles/764#Locke_0128-05_41

John Stuart Mill on the “religion of humanity” (c. 1858) (Sep 22, 2014)



John Stuart Mill (1806 – 1873)

The English utilitarian philosopher John Stuart Mill (1806-1873) thought that many of the functions of religion could be better served by directing one's emotions and desires towards the ideal of the unity of mankind and a respect for the general good which he termed the “religion of humanity”:

When we consider how ardent a sentiment, in favourable circumstances of education, the love of country has become, we cannot judge it impossible that the love of that larger country, the world, may be nursed into similar strength, both as a source of elevated emotion and as a principle of duty. He who needs any other lesson on this subject than the whole course of ancient history affords, let him read Cicero de Officiis. It cannot be said that the standard of morals laid down in that celebrated treatise is a high standard. To our notions it is on many points unduly lax, and admits capitulations of conscience. But on the subject of duty to our country there is no compromise. That any man, with the smallest pretensions to virtue, could hesitate to sacrifice life, reputation, family, everything valuable to him, to the love of country is a supposition which this eminent interpreter of Greek and Roman morality cannot entertain for a moment. If, then, persons could be trained, as we see they were, not only to believe in theory that the good of their country was an object to which all others ought to yield, but to feel this practically as the grand duty of life, so also may they be made to feel the same absolute obligation towards the universal good. **A morality grounded on large and wise views of the good of the whole, neither sacrificing the individual to the aggregate nor the aggregate to the individual, but giving to duty on the one hand and to freedom and spontaneity on the other their proper province, would derive its power in the superior natures from sympathy and benevolence and the passion for ideal excellence: in the inferior, from the same feelings cultivated up to the measure of their capacity, with the superadded force of shame. This exalted morality would not depend for its ascendancy on any hope of reward; but the reward which might be looked for, and the thought of which would be a consolation in suffering, and a support in moments of weakness, would not be a problematical future existence, but the approbation, in this, of those whom**

we respect, and ideally of all those, dead or living, whom we admire or venerate. For, the thought that our dead parents or friends would have [422] approved our conduct is a scarcely less powerful motive than the knowledge that our living ones do approve it: and the idea that Socrates, or Howard or Washington, or Antoninus, or Christ, would have sympathized with us, or that we are attempting to do our part in the spirit in which they did theirs, has operated on the very best minds, as a strong incentive to act up to their highest feelings and convictions.

To call these sentiments by the name morality, exclusively of any other title, is claiming too little for them. They are a real religion; of which, as of other religions, outward good works (the utmost meaning usually suggested by the word morality) are only a part, and are indeed rather the fruits of the religion than the religion itself. The essence of religion is the strong and earnest direction of the emotions and desires towards an ideal object, recognized as of the highest excellence, and as rightfully paramount over all selfish objects of desire. This condition is fulfilled by the Religion of Humanity in as eminent a degree, and in as high a sense, as by the supernatural religions even in their best manifestations, and far more so than in any of their others.

Much more might be added on this topic; but enough has been said to convince any one, who can distinguish between the intrinsic capacities of human nature and the forms in which those capacities happen to have been historically developed, that the sense of unity with mankind, and a deep feeling for the general good, may be cultivated into a sentiment and a principle capable of fulfilling every important function of religion and itself justly entitled to the name. I will now further maintain, that it is not only capable of fulfilling these functions, but would fulfil them better than any form whatever of supernaturalism. It is not only entitled to be called a religion: it is a better religion than any of those which are ordinarily called by that title.

About this Quotation:

John Stuart Mill wrote 2 essays on religion in the mid-1850s, just before the appearance of *On Liberty* (1859), which he did not publish in his lifetime because he feared it would bring the wrath of the Church down on his head. He and his father James thought that people could be educated to channel their religious sentiments into a more general love of “humanity” as a whole and the general good which would be free of dogma and superstition. In these passages he wonders out loud why so many people in the past, especially the Romans, have had such ardent love of “patria” (country) that they were prepared to die for it and in the process kill other people who also loved their own countries in the same manner. Mill’s proposal was to enlarge our concept of what “our country” is to include “that larger country, the world”. If this expansion of feeling and sentiment could be achieved people would direct their “outward good works” to helping others wherever in the world it was needed and this, he argued, would create “a better religion than any of those which are ordinarily called by that title.”

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume X – Essays on Ethics, Religion, and Society*, ed. John M. Robson, Introduction by F.E.L. Priestley (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1985). http://oll.libertyfund.org/titles/241#Mill_0223-10_1124

William Leggett argues that Thanksgiving Day is no business of the government (1836) (Nov 10, 2014)



William Leggett (1801 – 1839)

The radical Jacksonian journalist William Leggett (1801-1839) argued that the formal declaration by the Federal government of a national “Thanksgiving Day” was not properly the duty of the head of state but the individual heads of religion, if they so desired:

Thursday, the fifteenth of the present month, has been designated by Governor Marcy, in his annual proclamation, as a day of general thanksgiving throughout this state. This is done in conformity with a long established usage, which has been so generally and so scrupulously observed, that we doubt whether it has ever been pretermitted, for a single year, by the [328] Chief Magistrate of any state in the Confederacy. The people, too, on these occasions, have always responded with such cordiality and unanimity to the recommendation of the Governors, that not even the Sabbath, a day which the scriptures command to be kept holy, is more religiously observed, in most places, than the day set apart as one of thanksgiving and prayer by gubernatorial appointment. There is something exceedingly impressive in the spectacle which a whole people presents, in thus voluntarily withdrawing themselves on some particular day, from all secular employment, and uniting in a tribute of praise for the blessings they enjoy. Against a custom so venerable for its age, and so reverently observed, it may seem presumptuous to suggest an objection; yet there is one which we confess seems to us of weight, and we trust we shall not be thought governed by an irreligious spirit, if we take the liberty to urge it.

No one can pay the most cursory attention to the state of religion in the United States, without being satisfied that its true interests have been greatly promoted by divorcing it from all connexion with political affairs. In no other country of the world are the institutions of religion so generally respected, and in no other is so large a proportion of the population included among the communicants of the different christian churches. The number of christian churches or congregations in the United States is estimated, in a carefully prepared article of religious statistics in the American Almanac of the present year, at upwards of sixteen thousand, and the number of communicants at nearly two

millions, or one-tenth of the entire population. In this city alone the number of churches is one hundred and fifty, and their aggregate capacity is nearly equal to the accommodation of the whole number of inhabitants. It is impossible to conjecture, from any data within our reach, the amount of the sum annually paid by the American people, of their own free will, for the support of the ministry, and the various expenses of their religious institutions: but it will readily be admitted that it must be enormous. These, then, are the auspicious results of perfect free trade in religion—of leaving it to manage its own concerns, in its own way, without government protection, regulation, or interference, of any kind or degree whatever.

The only instance of intermeddling, on the part of the civil authorities, with matters which, being of a religious character, properly belong to the religious guides of the people, is the proclamation which it is the custom for the Governor of each state annually to issue, appointing a day of general thanksgiving, or a day of general fasting and prayer. We regret that even this single exception should exist to that rule of entire separation of the affairs of state from those of the church, the observance of which in all other respects has been followed by the happiest results. It is to the source of the proclamation, not to its purpose, that we chiefly object. The recommending a day of thanksgiving is not properly any part of the duty of a political Chief Magistrate: it belongs, in its nature, to the heads of the church, not to the head of the state.

About this Quotation:

It is sometimes quite striking to see how acts taken in time of war deeply influence popular culture for a long time afterwards. A good example of this is president Lincoln's "Proclamation of Thanksgiving" of October 3, 1863 in which he stated that, notwithstanding the "diversions of wealth and of strength from the fields of peaceful industry," and "the waste that has been made in the camp, the siege, and the battle-filed," not to mention the many dead and injured, that the American people should "acknowledge as with one heart and one voice" "a day of Thanksgiving and Praise to our beneficent Father who dwelleth in the Heavens." Twenty seven years before, William Leggett had warned in his editorial of the dangers to the principle of the separation of church and state if the Chief Magistrate or head of state used his powers to declare a religious holiday. He stated that "this is no part of his official business, as prescribed in the Constitution". On the other hand, he thought that power lay with the individual churches, their leaders, and congregations to decide what religious holidays to observe and how to observe them. This would obviously be consistent with what he described as "perfect free trade in religion". Leggett concluded that "It is in this light we consider the gubernatorial recommendation of a day of thanksgiving; and because it is wrong in principle, and not because of any particular harm which the custom has yet been the means of introducing, we should be pleased to see it abrogated."

Source

William Leggett, *Democratic Editorials: Essays in Jacksonian Political Economy*, Foreword by Lawrence H. White (Indianapolis: Liberty Fund, 1984). http://oll.libertyfund.org/titles/682#lf0012_head_104

20. Revolution ↩

1. [Tocqueville on the 1848 Revolution in Paris \(1851\)](#) (Jan 16, 2012)
2. [Adam Smith on social change and “the man of system” \(1759\)](#) (Nov 12, 2012)
3. [Adams and Jefferson reflect on the Revolution and the future of liberty \(1823\)](#) (Jul 3, 2013)
4. [Lord Acton on the storming of “the instrument and the emblem of tyranny” in Paris, the Bastille, on July 14, 1789 \(1910\)](#) (Jul 13, 2013)
5. [Condorcet on why the French revolution was more violent than the American \(1794\)](#) (Jul 14, 2013)
6. [Benjamin Franklin on the trade off between essential liberty and temporary safety \(1775\)](#) (Dec 2, 2013)
7. [Jefferson warns about the rise of an “Anglo-Monarchio-Aristocratic party” in America \(1797\)](#) (Jan 27, 2014)
8. [Tom Paine on the “birthday of a new world” \(1776\)](#) (Mar 4, 2014)

Tocqueville on the 1848 Revolution in Paris (1851) (Jan 16, 2012)



Alexis de Tocqueville (1805 – 1859)

The French aristocrat and liberal politician Alexis de Tocqueville (1805-1859) was elected to the Constituent Assembly in April 1848 following the revolution in February. He played a major role by serving on the committee to draw up a new constitution for the French Republic. Here are his reflections on the first days of the new Constituent Assembly in May in which he emphasized the threat to property by the revolutionary crowds:

One thing was not ridiculous, but really ominous and terrible; and that was the appearance of Paris on my return. I found in the capital a hundred thousand armed workmen formed into regiments, out of work, dying of hunger, but with their minds crammed with vain theories and visionary hopes. I saw society cut into two: those who possessed nothing, united in a common greed; those who possessed something, united in a common terror. There were no bonds, no sympathy between these two great sections; everywhere the idea of an inevitable and immediate struggle seemed at hand. Already the bourgeois and the people (for the old nicknames had been resumed) had come to blows, with varying fortunes, at Rouen, Limoges, Paris; not a day passed but the owners of property were attacked or menaced in either their capital or income: they were asked to employ labour without selling the produce; they were expected to remit the rents of their tenants when they themselves possessed no other means of living. They gave way as long as they could to this tyranny, and endeavoured at least to turn their weakness to account by publishing it. I remember reading in the papers of that time this advertisement, among others, which still strikes me as a model of vanity, poltroonery, and stupidity harmoniously mingled:

“Mr Editor,” it read, “I make use of your paper to inform my tenants that, desiring to put into practice in my relations with them the principles of fraternity that should guide all true democrats, I will hand to those of my tenants who apply for it a formal receipt for their next quarter’s rent.”

Meanwhile, a gloomy despair had overspread the middle class thus threatened and oppressed, and imperceptibly this despair was changing into courage. I had always

believed that it was useless to hope to settle the movement of the Revolution of February peacefully and gradually, and that it could only be stopped suddenly, by a great battle fought in the streets of Paris. I had said this immediately after the 24th of February; and what I now saw persuaded me that this battle was not only inevitable but imminent, and that it would be well to seize the first opportunity to deliver it.

The National Assembly met at last on the 4th of May; it was doubtful until the last moment whether it would meet at all. I believe, in fact, that the more ardent of the demagogues were often tempted to do without it, but they dared not; they remained crushed beneath the weight of their own dogma of the sovereignty of the people.

About this Quotation:

Classical liberals were faced with a dilemma during the 1848 Revolutions which broke out in many European countries. Democratic liberals like Bastiat were glad that the privileged order of the Old Regime had been broken and that much needed political reforms such as freedom of speech and broader electoral representation were introduced. On the other hand, they were concerned that the result of this democracy would lead to the rise of socialist groups who would demand that their representatives would provide them with various forms of state supported welfare such as unemployment relief. Conservative liberals like Tocqueville were so worried about the threat to property that they thought the socialist groups should be dealt with harshly by the police and the military, which they were during the “June Days” uprising. Bastiat thought this threat could be handled through discussion in the parliament or in committees such as the finance committee on which he served. Neither group foresaw what the voters ultimately chose: the return of a new dictator in the form of another Emperor Napoléon.

Source

Alexis de Tocqueville, *The Recollections of Alexis de Tocqueville*, edited by the Comte de Tocqueville and now first translated into English by Alexander Teixeira de Mattos. With a portrait in Heliogravure (New York: Macmillan, 1896). <http://oll.libertyfund.org/title/2421/229283/3899956>

Adam Smith on social change and “the man of system” (1759)

(Nov 12, 2012)



Adam Smith (1723 – 1790)

Adam Smith (1723-1790) contrasts two different ways by which the evils of society might be reformed: the “man of humanity and benevolence” who uses reason and persuasion and “the man of system” who imposes his own “ideal plan of government” on others by force:

Amidst the turbulence and disorder of faction, a certain spirit of system is apt to mix itself with that public spirit which is founded upon the love of humanity, upon a real fellow-feeling with the inconveniencies and distresses to which some of our fellow-citizens may be exposed. This spirit of system commonly takes the direction of that more gentle public spirit; always animates it, and often inflames it even to the madness of fanaticism. The leaders of the discontented party seldom fail to hold out some plausible plan of reformation which, they pretend, will not only remove the inconveniencies and relieve the distresses immediately complained of, but will prevent, in all time coming, any return of the like inconveniencies and distresses. They often propose, upon this account, to new-model the constitution, and to alter, in some of its most essential parts, that system of government under which the subjects of a great empire have enjoyed, perhaps, peace, security, and even glory, during the course of several centuries together. The great body of the party are commonly intoxicated with the imaginary beauty of this ideal system, of which they have no experience, but which has been represented to them in all the most dazzling colours in which the eloquence of their leaders could paint it. Those leaders themselves, though they originally may have meant nothing but their own aggrandisement, become many of them in time the dupes of their own sophistry, and are as eager for this great reformation as the weakest and foolishlest of their followers. Even though the leaders should have preserved their own heads, as indeed they commonly do, free from this fanaticism, yet they dare not always disappoint the expectation of their followers; but are often obliged, though contrary to their principle and their conscience, to act as if they were under the common delusion. The violence of the party, refusing all palliatives, all temperaments, all reasonable accommodations, by requiring too much frequently obtains nothing; and those inconveniencies and distresses which, with a little

moderation, might in a great measure have been removed and relieved, are left altogether without the hope of a remedy.

The man whose public spirit is prompted altogether by humanity and benevolence, will respect the established powers and privileges even of individuals, and still more those of the great orders and societies, into which the state is divided. Though he should consider some of them as in some measure abusive, he will content himself with moderating, what he often cannot annihilate without great violence. When he cannot conquer the rooted prejudices of the people by reason and persuasion, he will not attempt to subdue them by force; but will religiously observe what, by Cicero, is justly called the divine maxim of Plato, never to use violence to his country no more than to his parents. He will accommodate, as well as he can, his public arrangements to the confirmed habits and prejudices of the people; and will remedy as well as he can, the inconveniencies which may flow from the want of those regulations which the people are averse to submit to. When he cannot establish the right, he will not disdain to ameliorate the wrong; but like Solon, when he cannot establish the best system of laws, he will endeavour to establish the best that the people can bear.

The man of system, on the contrary, is apt to be very wise in his own conceit; and is often so enamoured with the supposed beauty of his own ideal plan of government, that he cannot suffer the smallest deviation from any part of it. He goes on to establish it completely and in all its parts, without any regard either to the great interests, or to the strong prejudices which may oppose it. He seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess-board. He does not consider that the pieces upon the chess-board have no other principle of motion besides that which the hand impresses upon them; but that, in the great chess-board of human society, every single piece has a principle of motion of its own, altogether different from that which the legislature might chuse to impress upon it. If those two principles coincide and act in the same direction, the game of human society will go on easily and harmoniously, and is very likely to be happy and successful. If they are opposite or different, the game will go on miserably, and the society must be at all times in the highest degree of disorder.

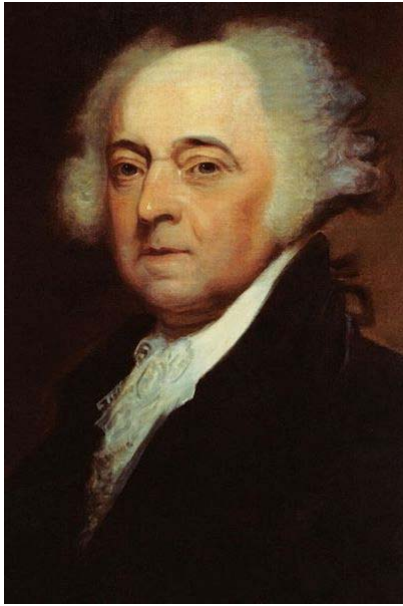
About this Quotation:

This chapter in the *Theory of Moral Sentiments* (1759) might be seen as Adam Smith's strategy for achieving political and social change. He contrasts two different approaches to achieving change which emerge from "the turbulence and disorder of faction", namely those imbued with "the spirit of system" who wish to change society root and branch by imposing their "plan of government" upon the whole of society by force if necessary, and the man "of humanity and benevolence" who, although he is aware of abuses and injustices, knows that change must proceed slowly by moderating those abuses gradually and avoiding the use of violence wherever possible. The "man of system" sees the world as a large "chess board" with pieces which can be moved around at the will of the legislator. The man of "humanity and benevolence" sees that every chess piece "has a principle of motion of its own, altogether different from that which the legislature might chuse to impress upon it". The problem Smith does not address here is that which was faced in America in 1776 and France in 1789, what is the man of "humanity and benevolence" do when confronted by a state which refuses to allow gradual and piecemeal change?

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/2620#Smith_1648_590

Adams and Jefferson reflect on the Revolution and the future of liberty (1823) (Jul 3, 2013)



John Adams (1735 – 1826)

John Adams (1735-1826) and Thomas Jefferson (1743-1826) both died on July 4, 1824 within hours of each other. In their last years they corresponded about the future of liberty and the role of revolution in bringing free societies into existence. We include here extracts from three letters which they wrote in August and September 1823 on this topic:

1. Adams to Jefferson, Quincy, 15 August, 1823.

Watchman! what of the night? Is darkness that may be felt, to prevail over the whole world, or can you perceive any rays of a returning dawn? Is the devil to be the “Lord’s anointed” over the whole globe? or do you foresee the fulfilment of the prophecies according to Dr. Priestley’s interpretation of them? I know not but I have in some of my familiar and frivolous letters to you told the story four times over; but if I have, I never applied it so well as now. Not long after the dénouement of the tragedy of Louis XVI., when I was Vice-President, my friend, the Doctor, came to breakfast with me alone. He was very sociable, very learned and eloquent on the subject of the French Revolution. It was opening a new era in the world, and presenting a near view of the millennium. I listened, I heard with great attention, and perfect sang froid; at last I asked the Doctor, “Do you really believe the French will establish a free, democratic government in France?” He answered, “I do firmly believe it.” “Will you give me leave to ask you upon what grounds you entertain this opinion? Is it from any thing you ever read in history? Is there any instance of a Roman Catholic monarchy of five-and-twenty millions of people, at once converted into intelligent, free, and rational people?” “No. I know of no instance like it.” “Is there any thing in your knowledge of human nature, derived from books or experience, that any empire, ancient or modern, consisting of such multitudes of ignorant people, ever were, or ever can be, suddenly converted into materials capable of conducting a free government, especially a democratic republic?” “No. I know of nothing of the kind.” “Well, then, Sir, what is the ground of your opinion?”

The answer was, "My opinion is founded altogether upon revelation and the prophecies. I take it that the ten horns of the great beast in Revelations mean the ten crowned heads of Europe, and that the execution of the king of France is the falling off of the first of those horns; and the nine monarchies of Europe will fall, one after another, in the same way." Such was the enthusiasm of that great man, that reasoning machine! After all, however, he did recollect himself so far as to say, "There is, however, a possibility of doubt, for I read yesterday a book, put into my hands by a gentleman, a volume of travels, written by a French gentleman in 1659, in which he says he had been travelling a whole year in England, had travelled into every part, and conversed freely with all ranks of people. He found the whole nation earnestly engaged in discussing and contriving a form of government for their future regulation. There was but one point on which they all agreed, and in that they were unanimous, that monarchy, nobility, and prelacy never would exist in England again." The Doctor then paused, and said, "yet in the very next year the whole nation called in the king, and ran mad with monarchy nobility, and prelacy.

I am no king killer, merely because they are kings. Poor creatures! they know no better; they sincerely and conscientiously believe that God made them to rule the world. I would not, therefore, behead them, or send them to St. Helena to be treated like Napoleon; but I would shut them up like the man in the mask, feed them well, and give them as much finery as they please, until they could be converted to right reason and common sense.

2. Jefferson to Adams, Monticello, September 4, 1823.

Dear Sir,

—Your letter of August the 15th was received in due time, and with the welcome of everything which comes from you. With its opinions on the difficulties of revolutions from despotism to freedom, I very much concur. **The generation which commences a revolution rarely completes it. Habituated from their infancy to passive submission of body and mind to their kings and priests, they are not qualified when called on to think and provide for themselves; and their inexperience, their ignorance and bigotry make them instruments often, in the hands of the Bonapartes and Iturbides, to defeat their own rights and purposes. This is the present situation of Europe and Spanish America. But it is not desperate.** The light which has been shed on mankind by the art of printing, has eminently changed the condition of the world. As yet, that light has dawned on the middling classes only of the men in Europe. **The kings and the rabble, of equal ignorance, have not yet received its rays; but it continues to spread, and while printing is preserved, it can no more recede than the sun return on his course. A first attempt to recover the right of self-government may fail, so may a second, a third, &c. But as a younger and more instructed race comes on, the sentiment becomes more and more intuitive, and a fourth, a fifth, or some subsequent one of the ever renewed attempts will ultimately succeed.** In France, the first effort was defeated by Robespierre, the second by Bonaparte, the third by Louis XVIII. and his holy allies: another is yet to come, and all Europe, Russia excepted, has caught the spirit; and all will attain representative government, more or less perfect. This is now well understood to be a necessary check on kings,

whom they will probably think it more prudent to chain and tame, than to exterminate. To attain all this, however, rivers of blood must yet flow, and years of desolation pass over; yet the object is worth rivers of blood, and years of desolation. For what inheritance so valuable, can man leave to his posterity? The spirit of the Spaniard, and his deadly and eternal hatred to a Frenchman, give me much confidence that he will never submit, but finally defeat this atrocious violation of the laws of God and man, under which he is suffering; and the wisdom and firmness of the Cortes, afford reasonable hope, that that nation will settle down in a temperate representative government, with an executive properly subordinated to that. Portugal, Italy, Prussia, Germany, Greece, will follow suit. You and I shall look down from another world on these glorious achievements to man, which will add to the joys even of heaven...

3. Adams to Jefferson, Quincy, 17 September, 1823.

With much pleasure I have heard read the sure words of prophecy in your letter of September 4th. **It is melancholy to contemplate the cruel wars, desolations of countries, and oceans of blood, which must occur before rational principles and rational systems of government can prevail and be established; but as these are inevitable, we must content ourselves with the consolations which you from sound and sure reasons so clearly suggest. These hopes are as well founded as our fears of the contrary evils. On the whole, the prospect is cheering. I have lately undertaken to read Algernon Sidney on Government There is a great difference in reading a book at four-and-twenty and at eighty-eight.** As often as I have read it and fumbled it over, it now excites fresh admiration that this work has excited so little interest in the literary world. As splendid an edition of it as the art of printing can produce, as well for the intrinsic merits of the work, as for the proof it brings of the bitter sufferings of the advocates of liberty from that time to this, and to show the slow progress of moral, philosophical, political illumination in the world, ought to be now published in America....

About this Quotation:

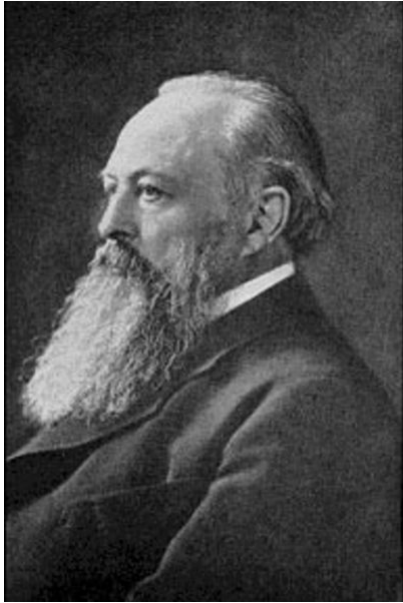
These three letters between John Adams and Thomas Jefferson were exchanged between 15 August and 17 September 1823 when they were both in their eighties. They were reflecting on the prospects for liberty and the part that revolution had played and might play again in creating free societies across the globe. Adams in particular was concerned about the role of violence in removing tyrants from their positions of power. He believed that even kings should not be killed but put into a kind of pampered seclusion where they could contemplate their past deeds and perhaps come to realise the value of individual liberty for all their subjects. Much of his vocabulary has to do with “darkness” and night prevailing over the world thus making it impossible for “rays” of light and liberty to penetrate very far. Jefferson shares some of Adams' pessimism for the future but believes that in the long run, perhaps with the 5th attempt to create a free society, future generations may succeed but not without considerable cost. Jefferson predicts that “rivers of blood” must flow before adequate checks on political power can be established. Adams agrees that “cruel wars, desolations of countries, and oceans of blood” will inevitably precede the creation of a “rational system” of government. In the meantime, the older Adams (he was 88) takes comfort in re-reading one of the classics of English republican thought from the 17th century, the Discourses Concerning Government (1683) written by Algernon Sidney who was beheaded for his republicanism. Adams concludes by remembering “the bitter sufferings” the advocates of liberty have suffered and hoping that the republication in America of

books like Sidney's will advance "the slow progress of moral, philosophical, political illumination in the world." [The complete letters can be found in *The Works of John Adams*, vol. 10; and *The Works of Thomas Jefferson*, vol. 12 in the OLL].

Source

John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by his Grandson Charles Francis Adams* (Boston: Little, Brown and Co., 1856). 10 volumes. Vol. 10. <http://oll.libertyfund.org/title/2127/193659>

Lord Acton on the storming of “the instrument and the emblem of tyranny” in Paris, the Bastille, on July 14, 1789 (1910) (Jul 13, 2013)



[John Emerich Edward Dalberg, Lord Acton](#) (1834 – 1902)

The English classical liberal historian Lord Acton (1834-1902) wrote a graphic description of the event which triggered the French Revolution on July 14, 1789 – the storming of the fortress and prison of the Bastille in Paris:

The 13th was a day wasted by Government, spent by Paris in busy preparation. Men talked wildly of destroying the Bastille, as a sign that would be understood. Early on July 14 a body of men made their way to the Invalides, and seized 28,000 stand of arms and some cannon. At the other extremity of Paris the ancient fortress of the Bastille towered over the workmen's quarter and commanded the city. Whenever the guns thundered from its lofty battlements, resistance would be over, and the conquered arms would be unavailing.

The Bastille not only overshadowed the capital, but it darkened the hearts of men, for it had been notorious for centuries as the instrument and the emblem of tyranny. The captives behind its bars were few and uninteresting; but the wide world knew the horror of its history, the blighted lives, the ruined families, the three thousand dishonoured graves within the precincts, and the common voice called for its destruction as the sign of deliverance. At the elections both nobles and commons demanded that it should be levelled with the ground.

As early as the 4th of July Besenval received notice that it would be attacked. He sent a detachment of Swiss, that raised the garrison to one hundred and thirty-eight, and he did no more. During the morning hours, while the invaders of the Invalides were distributing the plundered arms and ammunition, emissaries penetrated into the Bastille, under various pretexts, to observe the defences. One fair-spoken visitor was taken to the top of the dreaded towers, where he saw that the guns with which the embrasures had bristled, which were beyond the range of marksmen, and had Paris at their mercy, were dismantled

and could not be fired.

About the middle of the day, when this was known, the attack began. It was directed by the Gardes Françaises, who had been the first to mutiny, and had been disbanded, and were now the backbone of the people's army. The siege consisted in efforts to lower the drawbridge. After several hours the massive walls were unshaken, and the place was as safe as before the first discharge. But the defenders knew that they were lost. Besenval was not the man to rescue them by fighting his way through several miles of streets. They were not provisioned, and the men urged the governor to make terms before he was compelled. They had brought down above a hundred of their assailants, without losing a man. But it was plain that the loss neither of a hundred nor of a thousand would affect the stern determination of the crowd, whilst it might increase their fury. Delauney, in his despair, seized a match, and wanted to fire the magazine. His men remonstrated and spoke of the dreadful devastation that must follow the explosion. The man who stayed the hand of the despairing commander, and whose name was Bécarré, deserved a better fate than he met that day, for he was one of the four or five that were butchered. The men beat a parley, hoisted the white flag, and obtained, on the honour of a French officer, a verbal promise of safety.

Then the victors came pouring over the bridge, triumphant over a handful of Swiss and invalids—triumphant too over thirteen centuries of monarchy and the longest line of kings. Those who had served in the regular army took charge of as many prisoners as they could rescue, carried them to their quarters, and gave them their own beds to sleep in. The officers who had conducted the unreal attack, and received the piteous surrender, brought the governor to the Hôtel de Ville, fighting their way through a murderous crowd. For it was long believed that Delauney had admitted the people into the first court, and then had perfidiously shot them down. In his struggles he hurt a bystander, who chanced to be a cook. The man, prompted, it seems, less by animosity than by the pride of professional skill, drew a knife and cut off his head. Flesselles, the chief of the old municipality, appointed by the Crown, was shot soon after, under suspicion of having encouraged Delauney to resist.

About this Quotation:

In a review of a book about the French Revolution Acton noted that “Our judgment of men, and parties, and systems, is determined by the lowest point they touch. Murder, as the conventional low-water mark, is invaluable as our basis of measurement. It is the historian's interest that it shall never be tampered with. If we have no scientific zero to start from, it is idle to censure corruption, mendacity, or treason to one's country or one's party, and morality and history go asunder.” According to Acton the “lowest point” of the French Revolution was reached during the Terror when “the party of violence” of the Jacobins defeated the “liberal and constitutional wave” of the Girondin group in which Condorcet played an active part. In this colourful description of the symbolic opening shot of the Revolution Acton seems to share the optimism and enthusiasm of the liberal revolutionaries. The storming of the old prison and fortress was largely symbolic as few prisoners remained and many of those who were left were evacuated before the Bastille was stormed. Nevertheless, Acton acknowledged the symbolic importance of the razing of this “instrument and the emblem of tyranny” which overlooked the city of Paris.

Source

John Emerich Edward Dalberg, Lord Acton, *Lectures on the French Revolution*, ed. John Neville Figgis and Reginald Vere Laurence, with a foreword by Steven J. Tonsor (Indianapolis: Liberty Fund, 2000). <http://oll.libertyfund.org/title/74/45398/1206349>

Condorcet on why the French revolution was more violent than the American (1794) (Jul 14, 2013)



Marie-Jean-Antoine-Nicolas Caritat, Marquis de Condorcet (1743 – 1794)

While in prison possibly awaiting execution during the Terror, Condorcet wrote a history of the progress of humanity. In Epoch Nine he notes how the American Revolution influenced the French but explains why the French was more violent:

In this state of things it could not be long before the transatlantic revolution must find its imitators in the European quarter of the world. And if there existed a country in which, from attachment to their cause, the writings and principles of the Americans were more widely disseminated than in any other part of Europe; a country at once the most enlightened, and the least free; in which philosophers had soared to the sublimest pitch of intellectual attainment, and the government was sunk in the deepest and most intolerable ignorance; where the spirit of the laws was so far below the general spirit and illumination, that national pride and inveterate prejudice were alike ashamed of vindicating the old institutions: if, I say, there existed such a country, were not the people of that country destined by the very nature of things, to give the first impulse to this revolution, expected by the friends of humanity with such eager impatience, such ardent hope? Accordingly it was to commence with France.

The impolicy and unskilfulness of the French government hastened the event. It was guided by the hand of philosophy, and the popular force destroyed the obstacles that otherwise might have arrested its progress.

It was more complete, more entire than that of America, and of consequence was attended with greater convulsions in the interior of the nation, because the Americans, satisfied with the code of civil and criminal legislation which they had derived from England, having no corrupt system of finance to reform, no feudal tyrannies, no hereditary distinctions, no privileges of rich and powerful corporations, no system of religious intolerance to destroy, had only to direct their attention to the establishment of new powers to be substituted in the place of those

hitherto exercised over them by the British government. In these innovations there was nothing that extended to the mass of the people, nothing that altered the subsisting relations formed between individuals: whereas the French revolution, for reasons exactly the reverse, had to embrace the whole economy of society, to change every social relation, to penetrate to the smallest link of the political chain, even to those individuals, who, living in peace upon their property, or by their industry, were equally unconnected with public commotions, whether by their opinions and their occupations, or by the interests of fortune, of ambition, or of glory.

About this Quotation:

It is hard to imagine a man imprisoned for his beliefs and waiting execution by guillotining writing such an optimistic account of the progress which humanity had already made (Epochs 1 to 9) and the even greater possibilities which the enjoyment of greater liberty would provide in the future (Epoch 10). Condorcet wrote *Outlines of an historical view of the progress of the human mind* before dying mysteriously in prison in March 1794. He was probably beaten to death by his Jacobin guards. He embodied the optimism of the liberal constitutionalists who were active in the early phase of the French Revolution and who believed that fundamental reforms of French society could be introduced by an enlightened government led by people like himself. He was on the radical edge of this group with his advocacy of the right of women to vote and participate in government, a view which was not shared by most of his colleagues. As he was sitting in prison he no doubt reflected on why the French version of the revolution which had swept the English colonies in North America was heading towards ever increasing violence. His conclusion was that the forces of opposition in the aristocracy and the Old Regime in France were much greater than anything the Americans had had to overcome. In France everything had to be changed if reforms were to be introduced, hence “convulsions” were necessary and were to be expected.

Source

Outlines of an historical view of the progress of the human mind, being a posthumous work of the late M. de Condorcet. (Translated from the French.) (Philadelphia, 1796).

Benjamin Franklin on the trade off between essential liberty and temporary safety (1775) (Dec 2, 2013)



[Benjamin Franklin](#) (1796 – 1790)

In January 1775 Benjamin Franklin (1796-1790) was part of an American delegation sent to Britain in an attempt to resolve the outstanding disagreements between the Crown and the colonies. Seventeen points were up for discussion of which several were rejected outright by the Crown while others were rejected by the colonies. Franklin's comments regarding the last two points produced one of his most famous sayings from the period:

Remarks on the Propositions.

Art. 1. In consequence of that engagement, all the Boston and Massachusetts acts to be suspended, and, in compliance with that engagement, to be totally repealed.

By this amendment article fourth will become unnecessary.

Arts. 4 and 5. The numerous petitions heretofore sent home by the colony Assemblies, and either refused to be received, or received and neglected, or answered harshly, and the petitioners rebuked for making them, have, I conceive, totally discouraged that method of application; and if even their friends were now to propose to them the recurring again to petitioning, such friends would be thought to trifle with them. Besides, all they desire is now before government in the petition of the Congress, and the whole or parts may be granted or refused at pleasure. The sense of the colonies cannot be better obtained by petition from different colonies than it is by that general petition.

Art. 7. Read, such as they may think necessary.

Art. 11. As it stands, of little importance. The first proposition was, that they should be repealed as unjust. But they may remain, for they will probably not be executed.

Even with the amendment proposed above to article first, I cannot think it stands as it

should do. If the object be merely the preventing present bloodshed, and the other mischiefs to fall on that country in war, it may possibly answer that end; but, if a thorough, hearty reconciliation is wished for all cause of heart-burning should be removed, and strict justice be done on both sides. Thus the tea should not only be paid for on the side of Boston, but the damage done to Boston by the Port Act should be repaired, because it was done contrary to the custom of all nations, savage as well as civilized, of first demanding satisfaction.

Art. 14. The judges should receive nothing from the king.

As to the other two acts, the Massachusetts must suffer all the hazards and mischiefs of war rather than admit the alteration of their charters and laws by Parliament. 'They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.'

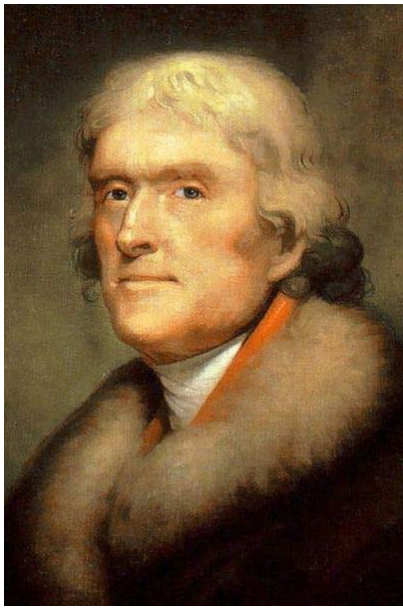
About this Quotation:

It is interesting to see where the main lines of disagreement lay between the colonists' delegation to London and the Crown in early 1775 which one would think would have been the last opportunity at some kind of reconciliation before independence was declared and war broke out. The sticking points for the Crown were the 8th, 11th, and 17th Articles which were declared to be “inadmissible” or were “refused absolutely”: “8. No troops to enter and quarter in any colony, but with the consent of its legislature. 11. The late Massachusetts and Quebec Acts to be repealed, and a free government granted to Canada. 17. All powers of internal legislation in the colonies to be disclaimed by Parliament.” The payment of back taxes might be negotiable but when it came to the stationing of troops or placing limits on the power of Parliament over colonial legislatures no compromise was possible without giving up political power. Franklin’s remarks about the trade offs between “essential liberty” and “a little temporary safety” seem to have been directed at those in the colonies who could see that further compromise was no longer possible by the Crown and that it was up to the colonies to cave in in order to maintain the peace. Franklin was urging them that to do this would be to give up the entire game and thereby scuttle any chance for real liberty and independence in the colonies.

Source

Benjamin Franklin, *The Works of Benjamin Franklin, including the Private as well as the Official and Scientific Correspondence, together with the Unmutilated and Correct Version of the Autobiography*, compiled and edited by John Bigelow (New York: G.P. Putnam’s Sons, 1904). The Federal Edition in 12 volumes. Vol. VII (Letters and Misc. Writings 1775-1779). http://oll.libertyfund.org/titles/2613#Franklin_1438-07_349

Jefferson warns about the rise of an “Anglo-Monarchio-Aristocratic party” in America (1797) (Jan 27, 2014)



Thomas Jefferson (1743 – 1826)

Thomas Jefferson (1743-1826), in a letter to Phillip Mazzei, warns that a resurgent “Anglo-Monarchio-Aristocratic party” has arisen in America which wished to restore the political and economic practices of the British Empire:

Florence, January 1, 1797.

Our political situation is prodigiously changed since you left us. Instead of that noble love of liberty, and that republican government, which carried us triumphantly thro the dangers of the war, an Anglo-Monarchio-Aristocratic party has arisen. Their avowed object is to impose on us the substance, as they have already given us the form, of the British government. Nevertheless, the principal body of our citizens remain faithful to republican principles. All our proprietors of lands are friendly to those principles, as also the mass of men of talents. We have against us the Executive Power, the Judiciary Power, all the officers of government, all who are seeking offices, all timid men who prefer the calm of despotism to the tempestuous sea of liberty, the British merchants and the Americans who trade on British capitals, the speculators, persons interested in the bank and the public funds. Establishments invented with views of corruption, and to assimilate us to the British model in its corrupt parts.

I should give you a fever, if I should name the apostates who have embraced these heresies; men who were Solomons in council, and Samsons in combat, but whose hair has been cut off by the whore England.

They would wrest from us the liberty which we have obtained by so much labor and peril; but we shall preserve it. Our mass of weight and riches is so powerful, that we have nothing to fear from any attempt against us by force. It is sufficient that we guard ourselves, and that we break the lilliputian ties by which they have bound us, in the first

slumbers which succeeded our labors. It suffices that we arrest the progress of that system of ingratitude and injustice towards France, from which they would alienate us, to bring us under British influence, &c.

About this Quotation:

In this provocative and controversial letter to Phillip Mazzei Jefferson is very open in his criticism of the direction in which American politics was heading in 1797. The harshness of his language offended many people including George Washington. Among his criticisms are the following, that those who worked for the government had become mere “place-seekers” who were more interested in their jobs than serving the people, that a new and powerful group of people had arisen who benefited from lending money to the government and its bank, and that too many people in the capital had become “timid men who prefer the calm of despotism to the tempestuous sea of liberty.” In spite of these problems Jefferson was hopeful that the bulk of the American people still adhered to the republican principles which had made the American Revolution possible and that the new “Anglo-Monarchio-Aristocratic party” which was trying to rebuild in America the British system of privilege and corruption would ultimately be defeated. In his mind, the American people had briefly gone to sleep after the exertions of the Revolution thus giving opponents of liberty an opportunity to bind the people down with “lilliputian ties”. However, Jefferson believed the American Gulliver would awaken and cast off these ropes and assume its rightful place in the world.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 8 <http://oll.libertyfund.org/title/805/87066/1994552>

Tom Paine on the “birthday of a new world” (1776) (Mar 4, 2014)



[Thomas Paine](#) (1737 – 1809)

Today is the 10th anniversary of the day the Online Library of Liberty went public for the first time. To celebrate that fact we have found a quotation by the great advocate of liberty and independence Thomas Paine (1737-1809) who, in the Appendix to Common Sense, wrote about the “birthday of a new world”:

Besides, the taking up arms, merely to enforce the repeal of a pecuniary law, seems as unwarrantable by the divine law, and as repugnant to human feelings, as the taking up arms to enforce obedience thereto. The object, on either side, doth not justify the means; for the lives of men are too valuable to be cast away on such trifles. It is the violence which is done and threatened to our persons; the destruction of our property by an armed force; the invasion of our country by fire and sword, which conscientiously qualifies the use of arms: and the instant in which such mode of defence became necessary, all subjection to Britain ought to have ceased; and the independance of America should have been considered as dating its era from, and published by, the first musket that was fired against her. This line is a line of consistency; neither drawn by caprice, nor extended by ambition; but produced by a chain of events, of which the colonies were not the authors.

I shall conclude these remarks, with the following timely and well-intended hints. We ought to reflect, that there are three different ways by which an independancy may hereafter be effected; and that one of those three, will, one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power; or by a mob: It may not always happen that our soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. Should an independancy be brought about by the first of those means, we have every opportunity and every encouragement before us, to form the noblest, purest constitution on the face of the earth. **We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the events of a few months. The reflection is awful, and in this point of view, how trifling,**

how ridiculous, do the little paltry cavilings of a few weak or interested men appear, when weighed against the business of a world.

About this Quotation:

In his pamphlet urging independence from Britain Tom Paine got very excited about the prospects for the American colonists in forming “the noblest, purest constitution on the face of the earth”. Not since the flood and Noah had the world been in a situation where it would have to remake itself in a new form. Whereas the flood experienced by Noah meant the death and destruction of most living things, the American revolution was the opportunity for the birth of a new political world in which individual liberty, limited government, and free markets would be able to flourish. The question would be what the Americans would do with “their portion of freedom” which they were on the verge of receiving.

Source

Thomas Paine, *The Writings of Thomas Paine*, Collected and Edited by Moncure Daniel Conway (New York: G.P. Putnam’s Sons, 1894). Vol. 1. http://oll.libertyfund.org/titles/paine-the-writings-of-thomas-paine-vol-i-1774-1779#Paine_0548-01_319

21. Rhetoric Of Liberty ↩

1. [Macaulay wittily denounces a tyrannical priest as being an intermediate grub between sycophant and oppressor \(1837\)](#) (Jan 13, 2014)
2. [John Lilburne rails against his unjust imprisonment \(1646\)](#) (Jul 7, 2014)

Macaulay wittily denounces a tyrannical priest as being an intermediate grub between sycophant and oppressor (1837) (Jan 13, 2014)



[Thomas Babington, Lord Macaulay](#) (1800 – 1859)

In a review of a biography about the 17th century philosopher of science Lord Bacon (1561-1626) Lord Macaulay (1800-1859) has some sharp words to say about the tyrannical master of Bacon's college at Cambridge:

In the thirteenth year of his age he (Francis Bacon) was entered at Trinity College, Cambridge. That celebrated school of learning enjoyed the peculiar favour of the Lord Treasurer and the Lord Keeper, and acknowledged the advantages which it derived from their patronage in a public letter which bears date just a month after the admission of Francis Bacon. The master was Whitgift, afterwards Archbishop of Canterbury, a narrow-minded, mean, and tyrannical priest, who gained power by servility and adulation, and employed it in persecuting both those who agreed with Calvin about Church Government, and those who differed from Calvin touching the doctrine of Reprobation. He was now in a chrysalis state, putting off the worm and putting on the dragon-fly, a kind of intermediate grub between sycophant and oppressor. He was indemnifying himself for the court which he found it expedient to pay to the Ministers by exercising much petty tyranny within his own college. It would be unjust, however, to deny him the praise of having rendered about this time one important service to letters. He stood up manfully against those who wished to make Trinity College a mere appendage to Westminster school; and [297] by this act, the only good act, as far as we remember, of his long public life, he saved the noblest place of education in England from the degrading fate of King's College and New College.

It has often been said that Bacon, while still at college, planned that great intellectual revolution with which his name is inseparably connected. The evidence on this subject, however, is hardly sufficient to prove what is in itself so improbable as that any definite scheme of that kind should have been so early formed, even by so powerful and active a mind. But it is certain that, after a residence of three years at Cambridge, Bacon departed,

carrying with him a profound contempt for the course of study pursued there, a fixed conviction that the system of academic education in England was radically vicious, a just scorn for the trifles on which the followers of Aristotle had wasted their powers, and no great reverence for Aristotle himself.

About this Quotation:

This quotation by the great 19th century English classical liberal Thomas Babington (Lord Macaulay) is an excellent example of what might be called “the rhetoric of liberty”, that is the clever and witty use of language in order to defend the principles of liberty and to expose and criticise those who exercise oppressive power over others. In this example Macaulay is reviewing a biography of the Francis Bacon, in particular his time as a student at Trinity College, Cambridge. Bacon came to hate his three years there because of the tyrannical behaviour of the master of the college who was trying to ingratiate himself with powerful political and religious figures by clamping down on critical thinking at the college. Macaulay says Bacon came to view the system of education in Britain at that time as “radically vicious” in its contempt for the emerging discipline of modern science of which Bacon was later to become a leading figure. The wit of Macaulay was to describe the college master as being like a grub who was emerging from its chrysalis on its way to becoming a fully formed dragon-fly and to politicise that metaphor so cleverly: “he was now in a chrysalis state, putting off the worm and putting on the dragon-fly, a kind of intermediate grub between sycophant and oppressor.”

Source

Thomas Babington, Lord Macaulay, *Critical and Historical Essays contributed to the Edinburgh Review*, 5th ed. in 3 vols. (London: Longman, Brown, Green, and Longmans, 1848). Vol. 2.
http://oll.libertyfund.org/titles/macaulay-critical-and-historical-essays-vol-2#Macaulay_1227-02_445

John Lilburne rails against his unjust imprisonment (1646) (Jul 7, 2014)



John Lilburne (1615 – 1657)

The English Leveller John Lilburne (1615-1657) denounces the government for his false imprisonment, his jailers for their corrupt practices, and demands his rights as an Englishmen under Common Law to face a jury of his peers, otherwise ... :

LIBERTY Vindicated against SLAVERY. SHEWING, THAT IMPRISONMENT FOR DEBT, REFUSING TO answer Interrogatories, long imprisonment, though for just causes. ABUSE OF PRISONS, AND cruell Extortion of Prison-keepers, are all destructive to the fundamentall Laws and common Freedomes of the people. Published for the use of all the Freeborne of England, whom it equally concernes, by occasion of the House of Lords commitment of Lieut. Col. John Lilburn, close prisoner, first to New-gate, and next to the Tower. By a lover of his Country, and sufferer for the Common Liberty.

SIR Edward Cook in his Proeme to his second part of Institutes or Exposition upon Magna Charta, sheweth, ... that these Liberties and Franchises were not of Grace and donation, but of Right and Inheritance... The highest and most binding Laws, are the several Statutes established by Parliament, yet by authority of that highest Court, It is enacted (only to shew their tender care of Magna charta, or rather, The English-mans liberty) that if any Statute be made contrary to the great Charter. (that is, against our just liberty) the same shall be holden for null (or nothing) by which words all former Statutes made against the Great charter were Repealed, as appeareth by 42. of Edw.3 chap. 1. And the Nobles and great Officers were to sweare (and did so) to the due observation of Magna charta, Magna suit quondam magna Reverentia charta, In such high and great esteeme was Magna charta, The charter of the Peoples liberty: neither Prerogative nor any other Priviledge, was, or could be pleaded or holden out against Magna charta, (nor justly to this day, and at this time, if true Justice could once get its place and right, before Arbitrary Power) according to that ancient maxime of the Common Law....

these extorting, barbarous and murthering Gaolors, and all other ministers of State,

who make their rise and fortunes, by the mines and spoylings of the people, and as they tread in the steppes of their predecessours (and rather exceed them in iniquity) so small they run into the same [3-184] destruction, for as the overflowing of water doe at length make the river loose its proper channell, so those that seeke to extend their power be yond their bounds, have ever hitherto lost not only their powers by them usurped, but often even that also which by right belonged unto them ...

Besides it is to be considered, that all Statutes and lawes are Null and void, which are or do any wayes tend to the infringing of the peoples rights and liberties, being repugnant and contrary to Magna charta, so often confirmed, though seldome or never observed or kept, the neglect whereof, and the suffering of the violators thereof to passe unpunished, have been the causes of great troubles to the Kingdome, in these and former times, and without their follow some speedy amendment thereof, and punishment to the breakers and abusers of this great Charter of liberty; nothing can be expected but confusion and unavoidable ruine upon this Kingdome, being by the sword already so much wasted, and by these and the like grievous oppressions, made to be a People in meere Bondage and slavery; most worthy therefore of consideration. ...

But alas how miserable is the present inslaved condition of this Nation, where the gaolers (being thus supported) rore like Lyons, devoure like Tygers, ravine like Wolves, and like Beares crush the Prisoner under their feet; and yet poore men they dare not exhibit their complaints, if exhibited, yet thou both they and their complaints extreamly slighted, the Gaoler thereby Imboldened to persist in his cruelty, and thus by seeking remedy, their miserable sufferings are augmented, and their wives and children thereby exposed to all the misery that tyranny can invent, we looked for prosperity and justice, but behould misery and oppression, for liberty, but behould thralldom, vayled by faire promises, although never people have done more for the recovery of their liberties then wee have done, nor never were there any people that have been (by so many Oathes, protestations, covenants, and declarations) fairlyer promised and more assured of the fruition and Injoyment of the benefit of our good Lawes then we have been for almost five yeares past, yea though the Law of England be a Law of mercy, yet [3-187] is it now turned into a shadow,

About this Quotation:

John Lilburne was imprisoned repeatedly for violating the censorship laws, advocating heretical religious views, and opposing the suppression of liberty in general. In August 1646 he smuggled out of prison a pamphlet called "Liberty Vindicated against Slavery" in which he denounced his imprisonment, condemned the mistreatment of prisoners by the jailers, and demanded his right as an Englishmen to be formally charged with any crimes he may have committed and to be able to defend himself before a group of his peers as guaranteed under Magna Carta. What is notable about his long pamphlet is his deep knowledge of English common law, especially the work of Sir Edward Coke, whom he quotes repeatedly and at length presumably without having access to his own copy in jail, and his conviction that English liberties had been the norm until they had been usurped by a new form of centralising and oppressive monarchy and established Church. The second thing, is his courage in pulling no punches in his criticism of his jailers and the politicians who sent him there, calling them in an extraordinary burst of anti-state rhetoric so many "Lyons, Tygers, Wolves, and Beares". When he did finally confront them in person in court he argued with them as an equal and often got the better of them, to their considerable embarrassment. And finally, there are the barely concealed threats that if the government does not reform itself soon then freedom loving Englishmen will rise up like a river

overflowing its banks and will sweep them aside.

Source

David M. Hart, *Tracts on Liberty by the Levellers and their Critics (1638-1659)*, 7 vols. Edited by David M. Hart and Ross Kenyon (Indianapolis: Liberty Fund, 2014). Vol. 3 (1646).
http://oll.libertyfund.org/titles/2596#lf1542-03_head_038

22. Science ↩

1. [Adam Smith on the “Wonder, Surprise, and Admiration” one feels when contemplating the physical World \(1795\)](#) (Jun 14, 2004)
2. [Charles Darwin on life as a spontaneous order which emerged by the operation of natural laws \(1859\)](#) (Sep 21, 2009)
3. [Voltaire laments the destruction of Lisbon in an earthquake and criticises the philosophers who thought that “all’s well with the world” and the religious who thought it was “God’s will” \(1755\)](#) (Jan 19, 2010)

Adam Smith on the “Wonder, Surprise, and Admiration” one feels when contemplating the physical World (1795) (Jun 14, 2004)



Adam Smith (1723 – 1790)

In a lecture on Astronomy Adam Smith explores the range of feelings one feels when observing the wonders of nature and the beauties of the physical world:

Wonder, Surprise, and Admiration, are words which, though often confounded, denote, in our language, sentiments that are indeed allied, but that are in some respects different also, and distinct from one another. What is new and singular, excites that sentiment which, in strict propriety, is called Wonder; what is unexpected, Surprise; and what is great or beautiful, Admiration.

We wonder at all extraordinary and uncommon objects, at all the rarer phaenomena of nature, at meteors, comets, eclipses, at singular plants and animals, and at every thing, in short, with which we have before been either little or not at all acquainted; and we still wonder, though forewarned of what we are to see.

We are surprised at those things which we have seen often, but which we least of all expected to meet with in the place where we find them; we are surprised at the sudden appearance of a friend, whom we have seen a thousand times, but whom we did not imagine we were to see then.

We admire the beauty of a plain or the greatness of a mountain, though we have seen both often before, and though nothing appears to us in either, but what we had expected with certainty to see ...

These sentiments, like all others when inspired by one and the same object, mutually support and enliven one another: an object with which we are quite familiar, and which we see every day, produces, though both great and beautiful, but a small effect upon us; because our admiration is not supported either by Wonder or by Surprise: and if we have heard a very accurate description of a monster, our Wonder will be the less when we see

it; because our previous knowledge of it will in a great measure prevent our Surprise.

It is the design of this Essay to consider particularly the nature and causes of each of these sentiments, whose influence is of far wider extent than we should be apt upon a careless view to imagine. I shall begin with Surprise.

About this Quotation:

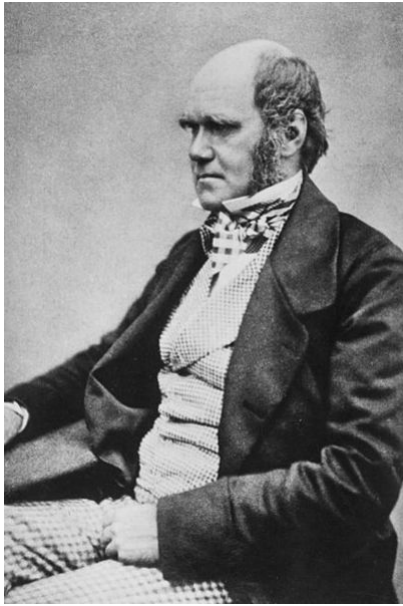
As we continue to explore the complete works of Adam Smith in the Glasgow Edition republished by Liberty Fund, we find many unexpected gems. Here we see Smith lecturing on science to undergraduates and expressing his heartfelt admiration for the beauty of the physical world.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).

<http://oll.libertyfund.org/pages/missing-links>

Charles Darwin on life as a spontaneous order which emerged by the operation of natural laws (1859) (Sep 21, 2009)



[Charles Darwin](#) (1809 – 1882)

Charles Darwin (1809-1882) concludes *The Origin of Species* (1859) by marvelling at the “grandeur” and complexity of the life which has evolved as a spontaneous order through the operation of natural laws:

In the future I see open fields for far more important researches. Psychology will be securely based on the foundation already well laid by Mr. Herbert Spencer, that of the necessary acquirement of each mental power and capacity by gradation. Much light will be thrown on the origin of man and his history.

Authors of the highest eminence seem to be fully satisfied with the view that each species has been independently created. To my mind it accords better with what we know of the laws impressed on matter by the Creator, that the production and extinction of the past and present inhabitants of the world should have been due to secondary causes, like those determining the birth and death of the individual. When I view all beings not as special creations, but as the lineal descendants of some few beings which lived long before the first bed of the Cambrian system was deposited, they seem to me to become ennobled. Judging from the past, we may safely infer that not one living species will transmit its unaltered likeness to a distant futurity. And of the species now living very few will transmit progeny of any kind to a far distant futurity; for the manner in which all organic beings are grouped, shows that the greater number of species in each genus, and all the species in many genera, have left no descendants, but have become utterly extinct. We can so far take a prophetic glance into futurity as to foretell that it will be the common and widely-spread species, belonging to the larger and dominant groups within each class, which will ultimately prevail and procreate new and dominant species. As all the living forms of life are the lineal descendants of those which lived long before the Cambrian epoch, we may feel certain that the ordinary succession by generation has never once been broken, and that no cataclysm has desolated the whole world. Hence we may look with some confidence to a secure future of great length. And as natural selection works solely

by and for the good of each being, all corporeal and mental endowments will tend to progress towards perfection.

It is interesting to contemplate a tangled bank, clothed with many plants of many kinds, with birds singing on the bushes, with various insects flitting about, and with worms crawling through the damp earth, and to reflect that these elaborately constructed forms, so different from each other, and dependent upon each other in so complex a manner, have all been produced by laws acting around us. These laws, taken in the largest sense, being Growth with Reproduction; Inheritance which is almost implied by reproduction; Variability from the indirect and direct action of the conditions of life, and from use and disuse: a Ratio of Increase so high as to lead to a Struggle for Life, and as a consequence to Natural Selection, entailing Divergence of Character and the Extinction of less-improved forms. **Thus, from the war of nature, from famine and death, the most exalted object which we are capable of conceiving, namely, the production of the higher animals, directly follows. There is grandeur in this view of life, with its several powers, having been originally breathed by the Creator into a few forms or into one; and that, whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning endless forms most beautiful and most wonderful have been, and are being evolved.**

About this Quotation:

Charles Darwin is an interesting figure for a number of reasons. Recent scholarship suggests that he became interested in the common ancestry of all creatures as a result of his family's connections to the anti-slavery movement, sentiments which Darwin shared. He is also an interesting example of how ideas can spread across disciplines. In this case, the idea of complex structures emerging spontaneously and the absence of the need for a central planner was developed first in economic thought in the 18th century (one could mention Adam Ferguson here). Darwin's *The Origin of Species* is an example of these ideas being successfully applied to the natural world, namely that complex creatures can and do emerge spontaneously over time from simpler creatures as a result of the operation of natural laws.

Source

Charles Darwin, *The Origin of Species by means of natural selection or the preservation of favored races in the struggle for life, with additions and corrections from the sixth and last English edition, in two volumes* (New York: D. Appleton and Co., 1896). Volume 2. <http://oll.libertyfund.org/title/2186/201306/3320258>

Voltaire laments the destruction of Lisbon in an earthquake and criticises the philosophers who thought that “all’s well with the world” and the religious who thought it was “God’s will” (1755)
(Jan 19, 2010)



Voltaire (1694 – 1778)

In his long poem “On the Lisbon disaster; or an Examination of the Axiom, “All is Well” (1755) Voltaire (1694-1778) laments the death of “a hundred thousand whom the earth devours” and reminds us how fragile human life is and how close we all are to death from “such cruelties of fate” :

POEM ON THE LISBON DISASTER; Or an Examination of the Axiom, “All is Well”

Unhappy mortals! Dark and mourning earth!
Affrighted gathering of human kind!
Eternal lingering of useless pain!
Come, ye philosophers, who cry, “All’s well,”
And contemplate this ruin of a world.
Behold these shreds and cinders of your race,
This child and mother heaped in common wreck,
These scattered limbs beneath the marble shafts—
A hundred thousand whom the earth devours,
Who, torn and bloody, palpitating yet,
Entombed beneath their hospitable roofs,
In racking torment end their stricken lives.
To those expiring murmurs of distress,
To that appalling spectacle of woe,
Will ye reply: “You do but illustrate
The iron laws that chain the will of God”?
Say ye, ‘er that yet quivering mass of flesh:
“God is avenged: the wage of sin is death”?

**What crime, what sin, had those young hearts conceived
That lie, bleeding and torn, on mother's breast?
Did fallen Lisbon deeper drink of vice
Than London, Paris, or sunlit Madrid?**

In these men dance; at Lisbon yawns the abyss.
Tranquil spectators of your brothers' wreck,
Unmoved by this repellent dance of death,
Who calmly seek the reason of such storms,
Let them but lash your own security;
Your tears will mingle freely with the flood.
When earth its horrid jaws half open shows,
My plaint is innocent, my cries are just.
Surrounded by such cruelties of fate,
By rage of evil and by snares of death,
Fronting the fierceness of the elements,
Sharing our ills, indulge me my lament.
"T is pride," ye say — "the pride of rebel heart,
To think we might fare better than we do."
G, tell it to the Tagus' stricken banks;
Search in the ruins of that bloody shock;
Ask of the dying in that house of grief,
Whether 't is pride that calls on heaven for help
And pity for the sufferings of men.
"All's well," ye say, "and all is necessary."
Think ye this universe had been the worse
Without this hellish gulf in Portugal?
Are ye so sure the great eternal cause,
That knows all things, and for itself creates,
Could not have placed us in this dreary clime
Without volcanoes seething 'neath our feet?
Set you this limit to the power supreme?
Would you forbid it use its clemency?
Are not the means of the great artisan
Unlimited for shaping his designs?
The master I would not offend, yet wish
This gulf of fire and sulphur had outpoured
Its baleful flood amid the desert wastes.
God I respect, yet love the universe.
Not pride, alas, it is, but love of man,
To mourn so terrible a stroke as this.

About this Quotation:

The devastating earthquake in Haiti recalls the impact the Lisbon earthquake of November 1755 had on European society. In his later writings Voltaire referred to it repeatedly but his most extended commentary was in a long poem he wrote on it which had the rather odd subtitle "or an examination of the axiom, all is well." As in his philosophic tale *Candide, or Optimism* Voltaire wanted to attack the complacency of many European thinkers such as Leibnitz that "this was the best of all possible worlds". Voltaire thought the earthquake had a very different lesson, namely that nature can be capricious and does not respect human life. If there were to be a happier, more prosperous, and more

just world, it would have to be one created by human activity.

Source

Voltaire, *Toleration and Other Essays by Voltaire*. Translated, with an Introduction, by Joseph McCabe (New York: G.P. Putnam's Sons, 1912). <http://oll.libertyfund.org/title/349/28298>

23. Socialism & Interventionism ↩

1. [Ludwig von Mises argues that monopolies are the direct result of government intervention and not the product of any inherent tendency within the capitalist system \(1949\)](#) (Sep 24, 2007)
2. [Nassau Senior objected to any government regulation of factories which meant that a horde of inspectors would interfere with the organization of production \(1837\)](#) (May 19, 2008)
3. [Alexis de Tocqueville stood up in the Constituent Assembly to criticize socialism as a violation of human nature, property rights, and individual liberty \(1848\)](#) (Aug 20, 2008)
4. [Ludwig von Mises on the impossibility of rational economic planning under Socialism \(1922\)](#) (Nov 9, 2009)
5. [Yves Guyot on the violence and lawlessness inherent in socialism \(1910\)](#) (Apr 23, 2010)
6. [Sumner criticizes the competing vested interests and the role of legislators in the “new democratic State” \(1887\)](#) (Jul 20, 2010)
7. [James Madison on the “sagacious and monied few” who are able to “harvest” the benefits of government regulations \(1787\)](#) (May 16, 2011)
8. [Mill on the dangers of the state turning men into “docile instruments” of its will \(1859\)](#) (May 30, 2011)
9. [Mises and the Emergence of Etatism in Germany \(1944\)](#) (Sep 5, 2011)
10. [Mises on how price controls lead to socialism \(1944\)](#) (Sep 12, 2011)
11. [Molinari appeals to socialists to join him in marching down “the broad, well-trodden highway of liberty” \(1848\)](#) (Jan 28, 2012)

Ludwig von Mises argues that monopolies are the direct result of government intervention and not the product of any inherent tendency within the capitalist system (1949) (Sep 24, 2007)



Ludwig von Mises (1881 – 1973)

The great Austrian economist Ludwig von Mises argued that monopolies were the result of government intervention not that of the free market:

As has been pointed out already, there is no such tendency toward monopolization. It is a fact that with many commodities in many countries monopoly prices prevail, and moreover, some articles are sold at monopoly prices on the world market. However, almost all of these instances of monopoly prices are the outgrowth of government interference with business. They were not created by the interplay of the factors operating on a free market. They are not products of capitalism, but precisely of the endeavors to counteract the forces determining the height of the market prices. It is a distortion of fact to speak of monopoly capitalism. It would be more appropriate to speak of monopoly interventionism or of monopoly statism.

Those instances of monopoly prices which would appear also on a market not hampered and sabotaged by the interference of the various national governments and by conspiracies between groups of governments are of minor importance. They concern some raw materials the deposits of which are few and geographically concentrated, and local limited-space monopolies. However, it is a fact that in these cases monopoly prices can be realized even in the absence of government policies aiming directly or indirectly at their establishment. It is necessary to realize that consumers' sovereignty is not perfect and that there are limits to the operation of the democratic process of the market. There is in some exceptional and rare cases of minor importance even on a market not hampered and sabotaged by government interference an antagonism between the interests of the owners of factors of production and those of the rest of the people. However, the existence of such antagonisms by no means impairs the concord of the interests of all people with regard to the preservation of the market economy. The market economy is the only system of society's economic organization that can function and really has been

functioning. Socialism is unrealizable because of its inability to develop a method for economic calculation. Interventionism must result in a state of affairs which, from the point of view of its advocates, is less desirable than the conditions of the unhampered market economy which it aims to alter. In addition, it liquidates itself as soon as it is pushed beyond a narrow field of application. Such being the case, the only social order that can preserve and further intensify the social division of labor is the market economy. All those who do not wish to disintegrate social cooperation and to return to the conditions of primitive barbarism are interested in the perpetuation of the market economy.

About this Quotation:

Here is another quotation from Liberty Fund's new "Library of the Works of Ludwig von Mises". Mises debunks the idea that monopolies are an inherent feature of free market capitalist economies. They are instead the direct result of government intervention in economic matters, usually to provide benefits to a favored group or to counter previous failed government policies.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 2. <http://oll.libertyfund.org/title/1894/110609/2300251>

Nassau Senior objected to any government regulation of factories which meant that a horde of inspectors would interfere with the organization of production (1837) (May 19, 2008)



Nassau William Senior (1790 – 1864)

The English economist Nassau Senior (1790-1864) complained in *Letters on the Factory Act* that one consequence of the new Act of 1833 would be to allow government inspectors to interfere with the smooth running of cotton factories:

2d. The free admission of the sub-inspectors would, however, be still more opposed. **The “personel” of a large factory is a machine as complicated as its “materiel,” and is, I think, on the whole, the great triumph of Sir R. Arkwright’s genius. In such an establishment from 700 to 1400 persons, of all ages and both sexes, almost all working by the piece, and earning wages of every amount between two shillings and forty shillings a-week, are engaged in producing one ultimate effect, which is dependent on their combined exertions. Any stoppage, even any irregularity in one department, deranges the whole. A strict and almost superstitious discipline is necessary to keep this vast instrument going for a single day. Now how, ask the mill-owners, could this discipline be kept up, if the sub-inspectors were at liberty to walk over our establishments at all hours; listen to the complaints and jealousies of all our servants, and at their instigation summon us as criminals before the magistrates?** Could the discipline, they ask, of a regiment or of a ship be carried on, if we had sub-inspectors of regiments, with power to ask all the privates for grievances, and summon their officers for penalties?

About this Quotation:

Senior likened the running of a large factory with its complex organization of labor and material to an army regiment or a ship. Having government inspectors interfering with this organization, as allowed under the new Factory Acts of 1833, meant that mill-owners and entrepreneurs could not create the most efficient factories they could which in turn meant higher costs for consumers of the factories' products.

Source

Nassau William Senior, *Letters on the Factory Act, as it affects the Cotton Manufacture* (London: B. Fellowes, 1837). <http://oll.libertyfund.org/title/2120/164935/2931086>

Alexis de Tocqueville stood up in the Constituent Assembly to criticize socialism as a violation of human nature, property rights, and individual liberty (1848) (Aug 20, 2008)



Alexis de Tocqueville (1805 – 1859)

In February, 1848, the July Monarchy of Louis Philippe was overthrown, and the Second French Republic established. The new republic believed that the unemployment problem which was plaguing Paris could be solved by setting up government work-projects, guaranteeing employment at a certain wage rate for all who desired it. On September 12th, the Constituent Assembly debated the continuance of this arrangement and Tocqueville rose to speak against it. In the course of his speech he entered onto the subject of socialism, which he considered the logical consequence of recognizing the “right to work,” and devoted most of his time to a discussion of the socialist position. [Translator’s Note]:

NOTHING CAN be gained by not discussing issues which call into question the very roots of our society and which, sooner or later, must be faced. At the bottom of the amendment which is under consideration, perhaps unknown to its author but for me as clear as day, is the question of socialism. [Prolonged Sensation—Murmurs from the Left.]

Yes, gentlemen, sooner or later, the question of socialism, which everyone seems to fear and which no one, up to now, has dared treat of, must be brought into the open, and this Assembly must decide it. We are duty-bound to clear up this issue, which lies heavy upon the breast of France. I confess that it is principally because of this that I mount the podium today, that the question of socialism might finally be settled. I must know, the National Assembly must know, all of France must know—is the February Revolution a socialist revolution or is it not? [“Excellent!”]

It is not my intention to examine here the different systems which can all be categorized as socialist. I want only to attempt to uncover those characteristics which are common to all of them and to see if the February Revolution can be said to have exhibited those traits.

Now, the first characteristic of all socialist ideologies is, I believe, an incessant, vigorous

and extreme appeal to the material passions of man. [Signs of approval.]

Thus, some have said: “Let us rehabilitate the body”; others, that “work, even of the hardest kind, must be not only useful, but agreeable”; still others, that “man must be paid, not according to his merit, but according to his need”; while, finally, they have told us here that the object of the February Revolution, of socialism, is to procure unlimited wealth for all.

A second trait, always present, is an attack, either direct or indirect, on the principle of private property. From the first socialist who said, fifty years ago, that “property is the origin of all the ills of the world,” to the socialist who spoke from this podium and who, less charitable than the first, passing from property to the property-holder, exclaimed that “property is theft,” all socialists, all, I insist, attack, either in a direct or indirect manner, private property. [“True, true.”] I do not pretend to hold that all who do so, assault it in the frank and brutal manner which one of our colleagues has adopted. But I say that all socialists, by more or less roundabout means, if they do not destroy the principle upon which it is based, transform it, diminish it, obstruct it, limit it, and mold it into something completely foreign to what we know and have been familiar with since the beginning of time as private property. [Excited signs of assent.]

Now, a third and final trait, one which, in my eyes, best describes socialists of all schools and shades, is a profound opposition to personal liberty and scorn for individual reason, a complete contempt for the individual. They unceasingly attempt to mutilate, to curtail, to obstruct personal freedom in any and all ways. They hold that the State must not only act as the director of society, but must further be master of each man, and not only master, but keeper and trainer. [“Excellent.”] For fear of allowing him to err, the State must place itself forever by his side, above him, around him, better to guide him, to maintain him, in a word, to confine him. They call, in fact, for the forfeiture, to a greater or less degree, of human liberty, [Further signs of assent.] to the point where, were I to attempt to sum up what socialism is, I would say that it was simply a new system of serfdom. [Lively assent.]

I have not entered into a discussion of the details of these systems. I have indicated what socialism is by pointing out its universal characteristics. They suffice to allow an understanding of it. Everywhere you might find them, you will be sure to find socialism, and wherever socialism is, these characteristics are met.

About this Quotation:

Liberty Fund will soon be publishing a new and authoritative edition of Tocqueville’s classic work *Democracy in America* (1835, 1840). This short piece on socialism was translated by Ralph Raico for publication in the *New individualist Review* and we added it to our “Forgotten Gems” collection. In the quotation we get a good feel for the cut and thrust of parliamentary debate with the interjections of approval and disapproval. This period is also very important for Frédéric Bastiat who was also a member of parliament and fought long and hard against the rising forces of socialism before his untimely death in 1850.

Source

Ralph Raico, *New Individualist Review*, editor-in-chief Ralph Raico, introduction by Milton Friedman (Indianapolis: Liberty Fund, 1981). <http://oll.libertyfund.org/title/2136/195263/3122523>

Ludwig von Mises on the impossibility of rational economic planning under Socialism (1922) (Nov 9, 2009)



Ludwig von Mises (1881 – 1973)

The Austrian economist Ludwig von Mises (1881-1973) as early as 1922 (a mere 5 years after the Bolshevik Revolution in Russia) showed that a centrally planned economy (a key platform of the socialists) was both morally wrong because it violated property rights as well as utterly impractical because it prevented the rational allocation of resources. In his view, the socialist experiment could only lead to dictatorship and chaos:

But which of the many socialist plans, contradicting one another, should be adopted? Every socialist sect passionately proclaims that its own brand is alone genuine socialism and that all other sects advocate counterfeit, entirely pernicious measures. In fighting one another, the various socialist factions resort to the same methods of abstract reasoning which they stigmatize as vain apriorism whenever they are applied against the correctness of their own statements and the expediency and practicability of their own schemes. There is, of course, no other method available. The fallacies implied in a system of abstract reasoning—such as socialism is—cannot be smashed otherwise than by abstract reasoning.

The fundamental objection advanced against the practicability of socialism refers to the impossibility of economic calculation. It has been demonstrated in an irrefutable way that a socialist commonwealth would not be in a position to apply economic calculation. Where there are no market prices for the factors of production because they are neither bought nor sold, it is impossible to resort to calculation in planning future action and in determining the result of past action. A socialist management of production would simply not know whether or not what it plans and executes is the most appropriate means to attain the ends sought. It will operate in the dark, as it were. It will squander the scarce factors of production both material and human (labour). Chaos and poverty for all will unavoidably result.

All earlier socialists were too narrow-minded to see this essential point. Neither did the

earlier economists conceive its full importance. When the present writer in 1920 showed the impossibility of economic calculation under socialism, the apologists of socialism embarked upon the search for a method of calculation applicable to a socialist system. They utterly failed in these endeavours. The futility of the schemes they produced could easily be shown. Those communists who were not entirely intimidated by the fear of the Soviet executioners, for instance Trotsky, freely admitted that economic accounting is unthinkable without market relations. The intellectual bankruptcy of the socialist doctrine can no longer be disguised. In spite of its unprecedented popularity, socialism is done for. No economist can any longer question its impracticability. The avowal of socialist ideas is today the proof of a complete ignorance of the basic problems of economics. The socialist's claims are as vain as those of the astrologers and the magicians.

With regard to this essential problem of socialism, viz., economic calculation, the Russian "experiment" is of no avail. The Soviets are operating within a world the greater part of which still clings to a market economy. They base the calculations on which they make their decisions on the prices established abroad. Without the help of these prices their actions would be aimless and planless. Only as far as they refer to this foreign price system are they able to calculate, keep books and prepare their plans. In this respect one may agree with the statement of various socialist and communist authors that socialism in one or a few countries only is not yet true socialism. Of course, these authors attach a quite different meaning to their assertion. They want to say that the full blessings of socialism can be reaped only in a world-embracing socialist community. Those familiar with the teachings of economics must, on the contrary, recognize that socialism will result in full chaos precisely if it is applied in the greater part of the world.

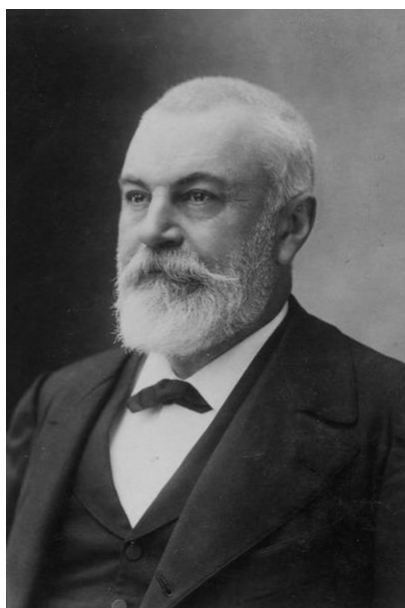
About this Quotation:

This quote is going online on the day of the 20th anniversary of the coming down of the Berlin Wall – a symbol of both the Cold War as well as the communist system of eastern Europe. The wall was built to prevent East Berliners fleeing in huge numbers to the West and, as the communist economic system steadily stagnated and began to collapse under its own weight of inefficiency and absurdity, the forces of opposition built to such a point that even a concrete wall could not contain those eager for change. What is amazing is that the most systematic critique of socialist central planning of the economy was penned by Ludwig von Mises only 5 years after the coming to power of the Bolshevik Party in late 1917. The first serious and disastrous attempt to collectivise the Russian economy began under the rule of Lenin and this was followed soon afterwards by Stalin's First Five Year plan of 1928. Mises was writing during this period and his prescient analysis was as correct then as well as 67 years later when the Berlin Wall was breached by angry demonstrators.

Source

Ludwig von Mises, *Socialism: An Economic and Sociological Analysis*, trans. J. Kahane, Foreword by F.A. Hayek (Indianapolis: Liberty Fund, 1981). <http://oll.libertyfund.org/title/1060/104189/2217012>

Yves Guyot on the violence and lawlessness inherent in socialism (1910) (Apr 23, 2010)



Yves Guyot (1843 – 1928)

2010 is the 100th anniversary of the publication of Yves Guyot's book on *Socialistic Fallacies*. In this work the French laissez-faire economist and politician Yves Guyot (1843-1928) points out the inherent lawlessness and violence in socialist policies and how they will lead inevitably to the coming to power of a new "Caesar":

CHAPTER X. The Impotence of Socialism

What remains of Socialism, then, when we come to close quarters with it? And what are the future prospects of this policy of spoliation and of tyranny?

The Socialist party cannot balance up a governmental majority without destroying government itself, for it cannot admit that government fulfils the minimum of its duties. When a strike breaks out, the intention of the strikers is that security of person and of property shall not be guaranteed; and they have been preceded, supported and followed in this by certain Radicals who, when put to the test, have been obliged to commit acts such as they have violently laid to the charge of preceding governments. Socialist policy represents contempt for law, and all men, whether rich or poor, have an interest in liberty, security and justice, for the private interest of each individual is bound up with these common blessings. Socialists despise them all.

A law, the object of which is to protect each man's property, is supported by all who possess anything, and where is the man in advanced societies who is incapable of being robbed because he possesses nothing?

A law, the object of which is to despoil a portion of the citizens of a State, unites in opposition to it all those against whom it is directed and those whom it alarms, for they are afraid that it may extend to them. It has not even the support of those for whose benefit it is made, for only a very small number obtain a direct benefit; the great majority

only experience disappointments, and cause the feelings of envy and rapacity which procured the demand and approval of such a law to recoil upon those who have benefited by it.

A law of spoliation may be passed and carried into effect, but in the event of its results becoming permanent, it runs the risk of destroying the government which has assumed the responsibility for it.

Socialist policy is a permanent menace to the liberty and security of citizens, and cannot therefore be the policy of any government, the primary duty of which is to exact respect for internal and external security. If it fail therein, it dissolves and is replaced by anarchy; and inasmuch as everyone has a horror of that condition which betrays itself by the oppression of violent men, banded together solely by their appetites, an appeal is made to a strong government and to a man with a strong grip, and the risk is incurred of falling back into all the disgraces and disasters of Cæsarism.

There are three words which Socialism must erase from the facades of our public buildings—the three words of the Republican motto:—

Liberty, because Socialism is a rule of tyranny and of police.

Equality, because it is a rule of class.

****Fraternity, because its policy is that of the class war.**

About this Quotation:

2010 is the 100th anniversary of the publication in English of Guyot's *Socialist Fallacies*. In the title Guyot is making reference to two precursors, Jeremy Bentham (1748-1832) and Frédéric Bastiat (1801-1850). The former wrote *The Book of Fallacies* (1824) and the latter wrote *Economic Sophisms* (1845), both of which were intended to debunk the political and economic errors and myths of their day. Guyot attempts to do the same for turn of the century France. One of his targets is the motto of the French state – “Liberty. Equality. Fraternity” – which arose during the French Revolution and was used by socialists in the 1848 Revolution and then which became adopted officially in the Third Republic. Under socialism these three ideals are transformed into “Tyranny. Class rule. Class War.” This quote is also interesting because like his older colleague, Gustave de Molinari (1819-1912), Guyot predicts the rise of socialist ideas and with it, the inevitable coming to power of new “Caesars” who will destroy individual liberty. Little did they realize how destructive the new socialist Caesars like Lenin, Mussolini, Hitler, and Mao would be in the 20th century.

Source

Yves Guyot, *Socialistic Fallacies* (London: Cope and Fenwick, 1910). <http://oll.libertyfund.org/title/1166/27790>

Sumner criticizes the competing vested interests and the role of legislators in the “new democratic State” (1887) (Jul 20, 2010)



William Graham Sumner (1840 – 1910)

In an essay on “State Interference” (1887) the American sociologist William Graham Sumner (1840-1910) notes a number of important aspects of the “new democratic State”, one of which is that it unleashes a struggle between competing interests for larger shares of the product of industry, and secondly, that the legislators become experts at appearing to satisfy the clamor that inevitably arises because of this:

Consequently, when the old-fashioned theories of State interference are applied to the new democratic State, they turn out to be simply a device for setting separate interests in a struggle against each other inside the society. It is plain on the face of all the great questions which are offered to us as political questions to-day, that they are simply struggles of interests for larger shares of the product of industry. One mode of dealing with this distribution would be to leave it to free contract under the play of natural laws. If we do not do this, and if the State interferes with the distribution, how can we stop short of the mediaeval plan of reiterated and endless interference, with constant diminution of the total product to be divided?

We have seen above what the tyranny was in the decay of the Roman Empire, when each was in servitude to all; but there is one form of that tyranny which may be still worse. That tyranny will be realized when the same system of servitudes is established in a democratic state; when a man's neighbors are his masters; when the “ethical power of public opinion” bears down upon him at all hours and as to all matters; when his place is assigned to him and he is held in it, not by an emperor or his satellites, who cannot be everywhere all the time, but by the other members of the “village community” who can.

So long as the struggle for individual liberty took the form of a demand that the king or the privileged classes should take their hands off, it was popular and was believed to carry with it the cause of justice and civilization. **Now that the governmental machine is brought within everyone's reach, the seduction of power is just as masterful over a**

democratic faction as ever it was over king or barons. No governing organ has yet abstained from any function because it acknowledged itself ignorant or incompetent. The new powers in the State show no disposition to do it. Nevertheless, the activity of the State, under the new democratic system, shows itself every year more at the mercy of clamorous factions, and legislators find themselves constantly under greater pressure to act, not by their deliberate judgment of what is expedient, but in such a way as to quell clamor, although against their judgment of public interests. It is rapidly becoming the chief art of the legislator to devise measures which shall sound as if they satisfied clamor while they only cheat it.

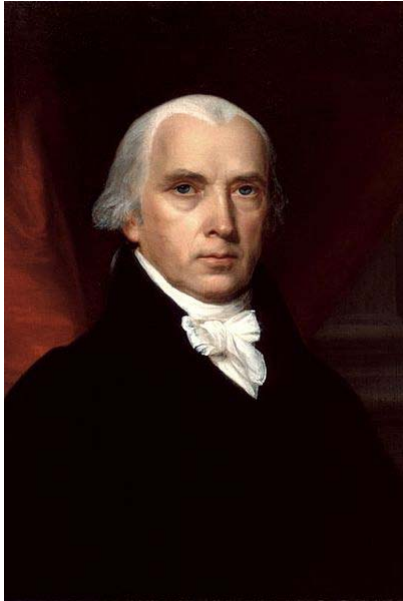
About this Quotation:

2010 is the 100th anniversary of the death of the American sociologist William Graham Sumner (1840-1910). What sets him apart is the fact that he was a laissez-faire classical liberal, an opponent of war and imperialism, as well as being one of the founding fathers of American sociology which he developed from his post at Yale University. In this essay he denounces in very strong terms any form of “state interference” whether in the realm of the national economy or in the private lives of individuals. He opens the essay from 1887 with the forthright statement that he has an “extreme prejudice against State interference” and concludes that it is “at the present time a matter of patriotism and civic duty to resist the extension of State interference.” After a brief survey of the history of state intervention since the Roman Empire he focuses his attention on what he calls the “new democratic State” which had emerged since the French and American Revolutions. What is interesting in this portion of the essay is his clear statement of a “class analysis” view of current politics, where powerful and vested interests plunder the hard working industrial classes, and his proto-public choice analysis of the behaviour of politicians in brokering the needs of these contending vested interests and promising to bring an end to all the “clamor” which surrounds modern politics. It is sobering to remember that he was writing this in 1887.

Source

William Graham Sumner, *War and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1919). <http://oll.libertyfund.org/title/345/166259/2949078>

James Madison on the “sagacious and monied few” who are able to “harvest” the benefits of government regulations (1787) (May 16, 2011)



James Madison (1751 – 1836)

In *Federalist Paper* no. 62 James Madison (1751-1836) observes that every piece of government legislation opens up opportunities for profit by a “sagacious and monied few” to take advantage of their less well-informed fellow citizens:

To trace the mischievous effects of a mutable government, would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumerable others...

The internal effects of a mutable policy are still more calamitous. It poisons the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood: if they be repealed or revised before they are promulg[at]ed, or undergo such incessant changes, that no man who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known and less fixed.

Another effect of public instability, is the unreasonable advantage it gives to the sagacious, the enterprising, and the monied few, over the industrious and uninformed mass of the people. Every new regulation concerning commerce or revenue, or in any manner affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow citizens. This is a state of things in which it may be said, with some truth, that laws are made for the few, not for the many.

About this Quotation:

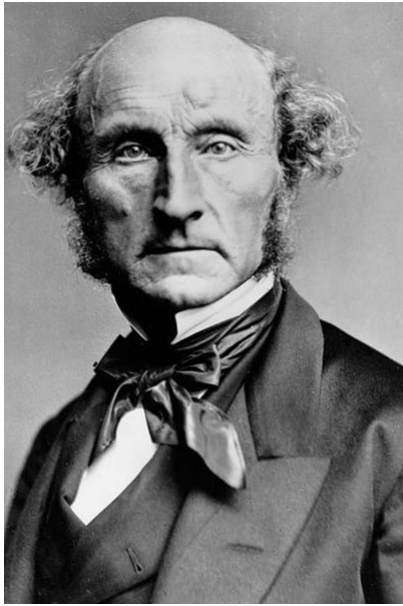
It should not be surprising to see many so-called “public choice” insights in the writings of the

Founding Fathers of the American constitution. They were acutely aware of the self-interested activities of legislators and their allies in commerce and industry. Here we have an excellent example of this kind of analysis more commonly associated with the modern Public Choice school of economics pioneered by Tullock and Buchanan. Madison uses the analogy of “harvesting” to describe the behavior of well-informed and politically well-connected individuals who are able to extract “rents” from the opportunities opened up by government regulations and legislation. These “sagacious and monied few” are able then to pocket their political “harvest” at the expense of the “industrious and uninformed mass of the people”.

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader’s Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108681/2274671>

Mill on the dangers of the state turning men into “docile instruments” of its will (1859) (May 30, 2011)



John Stuart Mill (1806 – 1873)

The British philosopher and Member of Parliament John Stuart Mill (1806-1873) warned that if government did too much for people it would turn them into “docile instruments in its hands”:

To determine the point at which evils, so formidable to human freedom and advancement, begin, or rather at which they begin to predominate over the benefits attending the collective application of the force of society, under its recognised chiefs, for the removal of the obstacles which stand in the way of its well-being; to secure as much of the advantages of centralized power and intelligence, as can be had without turning into governmental channels too great a proportion of the general activity—is one of the most difficult and complicated questions in the art of government. It is, in a great measure, a question of detail, in which many and various considerations must be kept in view, and no absolute rule can be laid down. But I believe that the practical principle in which safety resides, the ideal to be kept in view, the standard by which to test all arrangements intended for overcoming the difficulty, may be conveyed in these words: the greatest dissemination of power consistent with efficiency; but the greatest possible centralization of information, and diffusion of it from the centre. Thus, in municipal administration, there would be, as in the New England States, a very minute division among separate officers, chosen by the localities, of all business which is not better left to the persons directly interested; but besides this, there would be, in each department of local affairs, a central superintendence, forming a branch of the general government. The organ of this superintendence would concentrate, as in a focus, the variety of information and experience derived from the conduct of that branch of public business in all the localities, from everything analogous which is done in foreign countries, and from the general principles of political science. This central organ should have a right to know all that is done, and its special duty should be that of making the knowledge acquired in one place available for others. Emancipated from the petty prejudices and narrow views of a locality by its elevated position and comprehensive sphere of observation, its advice would naturally carry much authority; but its actual power, as a permanent institution, should, I

conceive, be limited to compelling the local officers to obey the laws laid down for their guidance. In all things not provided for by general rules, those officers should be left to their own judgment, under responsibility to their constituents. For the violation of rules, they should be responsible to law, and the rules themselves should be laid down by the legislature; the central administrative authority only watching over their execution, and if they were not properly carried into effect, appealing, according to the nature of the case, to the tribunals to enforce the law, or to the constituencies to dismiss the functionaries who had not executed it according to its spirit. Such, in its general conception, is the central superintendence which the Poor Law Board is intended to exercise over the administrators of the Poor Rate throughout the country. Whatever powers the Board exercises beyond this limit, were right and necessary in that peculiar case, for the cure of rooted habits of maladministration in matters deeply affecting not the localities merely, but the whole community; since no locality has a moral right to make itself by mismanagement a nest of pauperism, necessarily overflowing into other localities, and impairing the moral and physical condition of the whole labouring community. The powers of administrative coercion and subordinate legislation possessed by the Poor Law Board (but which, owing to the state of opinion on the subject, are very scantily exercised by them), though perfectly justifiable in a case of first-rate national interest, would be wholly out of place in the superintendence of interests purely local. But a central organ of information and instruction for all the localities, would be equally valuable in all departments of administration. **A government cannot have too much of the kind of activity which does not impede, but aids and stimulates, individual exertion and development. The mischief begins when, instead of calling forth the activity and powers of individuals and bodies, it substitutes its own activity for theirs; when, instead of informing, advising, and, upon occasion, denouncing, it makes them work in fetters, or bids them stand aside and does their work instead of them. The worth of a State, in the long run, is the worth of the individuals composing it; and a State which postpones the interests of their mental expansion and elevation, to a little more of administrative skill, or of that semblance of it which practice gives, in the details of business; a State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished; and that the perfection of machinery to which it has sacrificed everything, will in the end avail it nothing, for want of the vital power which, in order that the machine might work more smoothly, it has preferred to banish.**

About this Quotation:

It would have alarmed Mill to see how many of the activities of the modern welfare state are justified on the grounds of “utility” and the improvement in the “happiness” of people as judged by politicians and bureaucrats. This is exactly what he warned against in his book *On Liberty* (1859). In the following passage he warns of the dangers to the independence and autonomy of the very individuals the Poor Law Board was trying to help with its welfare legislation. By substituting “its own activity for theirs” the State does a great “mischief” by hindering the moral and economic self-improvement of the people.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XVIII – Essays on Politics and*

Society Part I, ed. John M. Robson, Introduction by Alexander Brady (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1977). <http://oll.libertyfund.org/title/233/16560/799870>

Mises and the Emergence of Etatism in Germany (1944) (Sep 5, 2011)



Ludwig von Mises (1881 – 1973)

Writing in the last stages of the Second World War, the Austrian economist Ludwig von Mises (1881-1973), now resident in the United States, reflected on how the total state in Germany came into being. He traced its origins to the 1840s when statist and interventionist ideas emerged in Britain, France, and the U.S. and were eagerly taken up by intellectuals in the German states:

The New Mentality.

The most important event in the history of the last hundred years is the displacement of liberalism by etatism. Etatism appears in two forms: socialism and interventionism. Both have in common the goal of subordinating the individual unconditionally to the state, the social apparatus of compulsion and coercion.

Etatism too, like liberalism in earlier days, originated in Western Europe and only later came into Germany. ...

Etatism assigns to the state the task of guiding the citizens and of holding them in tutelage. It aims at restricting the individual's freedom to act. It seeks to mold his destiny and to vest all initiative in the government alone. It came into Germany from the West. Saint Simon, Owen, Fourier, Pecqueur, Sismondi, Auguste Comte laid its foundations. Lorenz von Stein was the first author to bring the Germans comprehensive information concerning these new doctrines. The appearance in 1842 of the first edition of his book, *Socialism and Communism in Present-Day France*, was the most important event in pre-Marxian German socialism. The elements of government interference with business, labor legislation, and trade-unionism also reached Germany from the West. In America Frederick List became familiar with the protectionist theories of Alexander Hamilton.

Liberalism had taught the German intellectuals to absorb Western political ideas with

reverential awe. Now, they thought, liberalism was already outstripped; government interference with business had replaced old-fashioned liberal orthodoxy and would inexorably result in socialism. He who did not want to appear backward had to become “social,” i.e., either interventionist or socialist. New ideas succeed only after some lapse of time; years have to pass before they reach the broader strata of intellectuals. List’s National System of Political Economy was published in 1841, a few months before Stein’s book. In 1848 Marx and Engels produced the Communist Manifesto. In the middle ’sixties the prestige of liberalism began to melt away....

About this Quotation:

As a refugee from Nazi occupied Europe the Austrian economist Ludwig von Mises had many important insights to offer the world on the origins of the total state – especially its Nazi version. Interestingly, instead of focusing on the immediate aftermath of the First World War and the injustices of the Versailles Treaty, as many observers did, Mises looks for the deeper roots of government interventionism and militarism in the mid-19th century. In his view German intellectuals and politicians absorbed socialist and interventionist ideas from Britain, France, and the United States from the 1840s onwards which were melded with ideas of Prussian militarism and German nationalism. When a unified German state was finally created during the 1860s classical liberalism was weak and these other ideologies came to predominate in the new German Reich. This was the seedbed which made it possible for the rise of Nazism during the economic and political crises of the 1920s and 1930s.

Source

Omnipotent Government: The Rise of the Total State and Total War, edited with a Foreword by Bettina Bien Greaves (Indianapolis: Indiana, 2011).

Mises on how price controls lead to socialism (1944) (Sep 12, 2011)



[Ludwig von Mises](#) (1881 – 1973)

The Austrian-American free market economist Ludwig von Mises (1881-1973) left Switzerland for the United States in August 1940. During the war years he wrote a number of books which criticised government intervention and control of the economy, especially price controls and rationing. He had witnessed first hand how the Nazis used price controls in Europe and saw something very similar happening in the United States during World War 2. He thought the logical consequence of strict price controls would be a system of socialism:

The aim of price control is to decree prices, wages, and interest rates different from those fixed by the market. Let us first consider the case of maximum prices, where the government tries to enforce prices lower than the market prices.

The prices set on the unhampered market correspond to an equilibrium of demand and supply. Everybody who is ready to pay the market price can buy as much as he wants to buy. Everybody who is ready to sell at the market price can sell as much as he wants to sell. If the government, without a corresponding increase in the quantity of goods available for sale, decrees that buying and selling must be done at a lower price, and thus makes it illegal either to ask or to pay the potential market price, then this equilibrium can no longer prevail. With unchanged supply there are now more potential buyers on the market, namely, those who could not afford the higher market price but are prepared to buy at the lower official rate. There are now potential buyers who cannot buy, although they are ready to pay the price fixed by the government or even a higher price. The price is no longer the means of segregating those potential buyers who may buy from those who may not. A different principle of selection has come into operation. Those who come first can buy; others are too late in the field. The visible outcome of this state of things is the sight of housewives and children standing in long lines before the groceries, a spectacle familiar to everybody who has visited Europe in this age of price control. If the government does not want only those to buy who come first (or who are personal friends of the salesman), while others go home empty-handed, it must regulate the distribution of the stocks available. It has to introduce some kind of rationing.

But price ceilings not only fail to increase the supply, they reduce it. Thus they do not attain the ends which the authorities wish. On the contrary, they result in a state of things which from the point of view of the government and of public opinion is even less desirable than the previous state which they had intended to alter. If the government wants to make it possible for the poor to give their children more milk, it has to buy the milk at the market price and sell it to these poor parents with a loss, at a cheaper rate. The loss may be covered by taxation. But if the government simply fixes the price of milk at a lower rate than the market, the result will be the contrary of what it wants. The marginal producers, those with the highest costs, will, in order to avoid losses, go out of the business of producing and selling milk. They will use their cows and their skill for other, more profitable purposes. They will, for example, produce cheese, butter, or meat. There will be less milk available for the consumers, not more. Then the government has to choose between two alternatives: either to refrain from any endeavors to control the price of milk and to abrogate its decree, or to add to its first measure a second one. In the latter case it must fix the prices of the factors of production necessary for the production of milk at such a rate that the marginal producers will no longer suffer losses and will abstain from restricting the output. But then the same problem repeats itself on a remoter plane. The supply of the factors of production necessary for the production of milk drops, and again the government is back where it started, facing failure in its interference. If it keeps stubbornly on, pushing forward its schemes, it has to go still further. It has to fix the prices of the factors of production necessary for the production of those factors of production which are needed for the production of milk. Thus the government is forced to go further and further, fixing the prices of all consumer goods and of all factors of production—both human (i.e., labor) and material—and to force every entrepreneur and every worker to continue work at these prices and wages. No branch of industry can be omitted from this all-round fixing of prices and wages and from this general order to produce those quantities which the government wants to see produced. If some branches were to be left free, the result would be a shifting of capital and labor to them and a corresponding fall of the supply of goods whose prices the government has fixed. However, it is precisely these goods which the government considers especially important for the satisfaction of the needs of the masses.

But when this state of all-round control of business is achieved, the market economy has been replaced by the German pattern of socialist planning. The government's board of production management now exclusively controls all business activities and decides how the means of production—men and material resources—must be used.

The isolated measures of price fixing fail to attain the ends sought. In fact, they produce effects contrary to those aimed at by the government. If the government, in order to eliminate these inexorable and unwelcome consequences, pursues its course further and further, it finally transforms the system of capitalism and free enterprise into socialism.

Many American and British supporters of price control are fascinated by the alleged success of Nazi price control. They believe that the German experience has proved the practicability of price control within the framework of a system of market economy. You have only to be as energetic, impetuous, and brutal as the Nazis are, they think, and you will succeed. These men who want to fight Nazism by adopting

its methods do not see that what the Nazis have achieved has been the building up of a system of socialism, not a reform of conditions within a system of market economy.

There is no third system between a market economy and socialism. Mankind has to choose between those two systems—unless chaos is considered an alternative.

About this Quotation:

It is sometimes difficult for modern readers to imagine how much government intervention in the economy took place during World War Two, even in the so-called liberal democracies like Great Britain and the United States. It would take a refugee from Nazi Europe, such as the economist Ludwig von Mises, to see the close parallels between the economic policies of Nazi Germany and the United States of President Roosevelt. These parallels arose because both economies faced similar difficulties in time of war. With international free trade disrupted, goods with multiple uses (such as gasoline and rubber) had to be allocated away from consumer goods production to war goods production such as tanks and aircraft. Since the government did not wish to pay more for these goods in a free market, thus competing with consumers for the use of these goods, it used regulations and controls like rationing to take the bulk of these products for its war industries and to ration what was left to the consumers. Mises made the obvious point that these measures failed to achieve their goals but also went on to make the more profound point that, if the government wished to fix the problems that its initial regulations like rationing caused, then it would be forced to introduce further controls and regulations which would ultimately lead it down the path towards fully fledged socialism. This he pursued in some detail in his books published during the war years: *Interventionism* (1940), *Omnipotent Government* (1944), and *Bureaucracy* (1944).

Source

Omnipotent Government: The Rise of the Total State and Total War, edited with a Foreword by Bettina Bien Greaves (Indianapolis: Indiana, 2011).

Molinari appeals to socialists to join him in marching down “the broad, well-trodden highway of liberty” (1848) (Jan 28, 2012)



Gustave de Molinari (1819 – 1912)

At the height of the Revolution in 1848 the French political economist Gustave de Molinari (1819-1912) appealed to his socialist adversaries to join with the liberals in the pursuit of the common goal of “Justice and Plenty” and to abandon their strategy of using violence to achieve this:

Economist and socialist, we may be adversaries, but our ideal and purpose is one. We seek a society in which there will be no stint in the production of all that is needful, whether to support or to embellish human existence. We seek a society where the distribution of these products between their creators will accord with the dictates of pure justice. We seek—in one word—an ideal that may be stated in two words, Justice and Plenty!

None among you will deny this truth, and, if we say that we seek by different paths, that is the sum of our difference. Your way lies along the obscure and hitherto unexplored defile of the organisation of labour, ours down the broad, well-trodden highway of liberty. Both, we seek to lead a hesitating and halting society, nations looking—but in vain—towards the horizon in hopes of a new column of light to lead them by the way whereon it guided the slaves of Pharaoh to a Land of Promise.

Now, you proscribe the freedom of labour and curse political economy. Will you continue to do this, or will you rally frankly to our flag, and employ all the precious endowment of your nature—your physical and intellectual powers, to achieve the triumph of our common hope, the cause of liberty? For we can prove that our cause is common. We can prove that all the ills which you ascribe to liberty—or, to use an absolutely equivalent expression, to free competition—do not originate in liberty, but in monopoly and restriction. We can prove that a society truly free—a society relieved from all restriction, all barriers, unique as will be such a society in all the course of history—will be exempt from most of the ills, as we suffer them to-day. We can prove that the organisation of such a society will be the most just, the best, and the most favourable to the production and

distribution of wealth, that is attainable by mortal man.

When we prove all this—and we can do so—I cannot think that you will hesitate as to your choice. Certified that you mistake the true origin of the ills which afflict society, and the remedies for those ills—certified that the truth is on our side and far from yours—no petty vanity, partisanship of propaganda or system, will retain you on the shores of error. Your hearts will no doubt be sad. You will bid a regretful adieu to the dreams which have enchanted your minds, dreams on which you were nurtured and in which you went astray. But in the end you will overpass their vain though lovely imaginations, and, surmounting your natural repugnance, you will come to us. And we—by God, we will do likewise, can you lighten our feeble intelligences with but one gleam of that true light which shone on Saint Paul: can you show us that the truth is with socialism, and not with political economy. We uphold our system, but only as we believe it the true and the just. Prove us, then, that our gods are feeble idols of wood and stone, and we burn them; leave, with no reservation, the altars of our adoration, rejecting the accepted return to the rejected, and worship whence we beforetime went forth.

About this Quotation:

January 28, 2012 is the centennial anniversary of the death of the Belgian/French free market economist Gustave de Molinari (1819-1912). In an active career which spanned over 50 years he fought doggedly against protectionism, statism, militarism, colonialism, and socialism. In one of his last books published in 1899 he quotes from an essay he wrote at the height of the 1848 Revolution in which he appeals to the socialist movement of the day to abandon their use of violence to impose an unworkable system of socialism on the economy, and to join with him and the other liberals in pursuing what he calls “the utopia of liberty” which could be achieved with the opposite means – namely peaceful trade and cooperation.

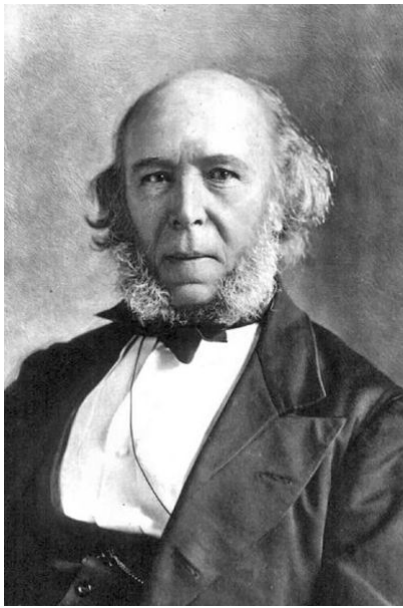
Source

Gustave de Molinari, *The Society of Tomorrow: A Forecast of its Political and Economic Organization*, ed. Hodgson Pratt and Frederic Passy, trans. P.H. Lee Warner (New York: G.P. Putnam's Sons, 1904). <http://oll.libertyfund.org/title/228/36951/1585685>

24. Society ↩

1. [Herbert Spencer on customs which are the result of human action but not of deliberate design \(1876\)](#) (Aug 18, 2014)
2. [Herbert Spencer on the idea that society is a spontaneous growth and not artificially put together \(1860\)](#) (Oct 6, 2014)

Herbert Spencer on customs which are the result of human action but not of deliberate design (1876) (Aug 18, 2014)



Herbert Spencer (1820 – 1903)

The English sociologist Herbert Spencer (1820-1903) notes that human “conventions” or customs are not the result of any deliberate design by human beings but usually evolve gradually and spontaneously over very long periods of time:

CHAPTER XII.: CEREMONIAL RETROSPECT AND PROSPECT.

§ 427. We find, then, that rules of behaviour are not results of conventions at one time or other deliberately made, as people tacitly assume. Contrariwise, they are natural products of social life which have gradually evolved. Apart from detailed proofs of this, we find a general proof in their conformity to the laws of Evolution at large.

In primitive headless groups of men, such customs as regulate conduct form but a small aggregate. A few naturally prompted actions on meeting strangers; in certain cases bodily mutilations; and in some interdicts on foods monopolized by adult men; constitute a brief code. But with consolidation into compound, doubly compound, and trebly compound societies, there arise great accumulations of ceremonial arrangements regulating all the actions of life—there is increase in the mass of observances.

Originally simple, these observances become progressively complex. From the same root grow up various kinds of obeisances. Primitive descriptive names develop into numerous graduated titles. From aboriginal salutes come, in course of time, complimentary forms of address adjusted to persons and occasions. Weapons taken in war give origin to symbols of authority, assuming, little by little, great diversities in their shapes. While certain trophies, differentiating into badges, dresses and decorations, eventually in each of these divisions present multitudinous varieties, no [217] longer bearing any resemblance to their originals. And besides the increasing heterogeneity which in each society arises among products having a common origin, there is the further heterogeneity which arises

between this aggregate of products in one society and the allied aggregates in other societies.

Simultaneously there is progress in definiteness; ending, as in the East, in fixed forms prescribed in all their details, which must not under penalty be departed from. And in sundry places the vast assemblages of complex and definite ceremonies thus elaborated, are consolidated into coherent codes set forth in books.

The advance in integration, in heterogeneity, in definiteness, and in coherence, is thus fully exemplified.

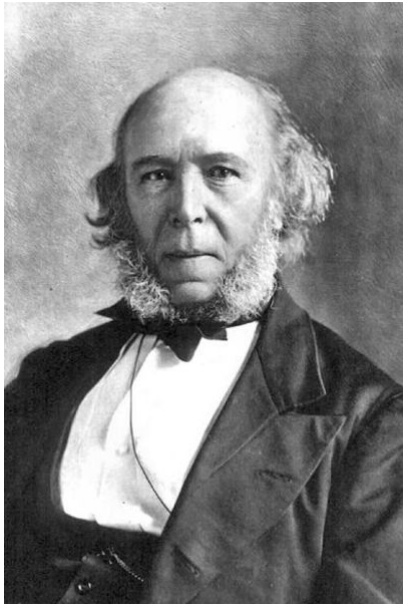
About this Quotation:

Friedrich Hayek made famous a line from Adam Ferguson about institutions coming about because they were the result of human action but not through the deliberate design of individuals. See quote number 104. Among these Hayekian spontaneous orders are language and money. To these the English sociologist Herbert Spencer would add custom or conventions such as greeting rituals, religious ceremonies, and other human behaviours used in groups. He has a detailed schema to explain how the simple evolves gradually into more complex forms which he applies to both the evolution of societies and economies, as well as to other forms of human behaviour. The exceptions he notes to all forms of evolution are those institutions and behaviours which come about through top-down intervention or by violence. Among the latter he would include those forms of deference to military and kingly leaders which are imposed on others often by threats of violence. Shaking hands is an example of the peaceful and voluntary evolution of a custom. Bowing to a king is not.

Source

Herbert Spencer, *The Principles of Sociology, in Three Volumes* (New York: D. Appleton and Company, 1898). Vol. 2. http://oll.libertyfund.org/titles/2632#lf1650-02_label_137

Herbert Spencer on the idea that society is a spontaneous growth and not artificially put together (1860) (Oct 6, 2014)



Herbert Spencer (1820 – 1903)

The English radical individualist social theorist Herbert Spencer (1820-1903) based much of his theory of society on the idea of spontaneous orders a century before Hayek did. Here is an early statement of this from 1860:

Such a conception (that constitutions are not made, but grow) could not, indeed, fail to be startling when let fall in the midst of a system of thought to which it was utterly alien. Universally in Macintosh's day, things were explained on the hypothesis of manufacture, rather than that of growth; as indeed they are, by the majority, in our own day. It was held that the planets were severally projected round the Sun from the Creator's hand, with just the velocity required to balance the Sun's attraction. The formation of the Earth, the separation of sea from land, the production of animals, were mechanical works from which God rested as a labourer rests. Man was supposed to be moulded after a manner somewhat akin to that in which a modeller makes a clay-figure. And of course, in harmony with such ideas, societies were tacitly assumed to be arranged thus or thus by direct interposition of Providence; or by the regulations of law-makers; or by both.

Yet that societies are not artificially put together, is a truth so manifest, that it seems wonderful men should ever have overlooked it. Perhaps nothing more clearly shows the small value of historical studies, as they have been commonly pursued. You need but to look at the changes going on around, or observe social organization in its leading traits, to see that these are neither supernatural, nor are determined by the wills of individual men, as by implication the older historians teach; but are consequent on general natural causes. The one case of the division of labour suffices to prove this. It has not been by command of any ruler that some men have become manufacturers, while others have remained cultivators of the soil. In Lancashire, millions have devoted themselves to the making of cotton-fabrics; in Yorkshire, another million lives by producing woollens; and the pottery of Staffordshire, the cutlery of Sheffield, the hardware of Birmingham, severally occupy their hundreds of thousands.

These are large facts in the structure of English society; but we can ascribe them neither to miracle, nor to legislation. It is not by “the hero as king,” any more than by “collective wisdom,” that men have been segregated into producers, wholesale distributors, and retail distributors. Our industrial organization, from its main outlines down to its minutest details, has become what it is, not simply without legislative guidance, but, to a considerable extent, in spite of legislative hindrances. It has arisen under the pressure of human wants and resulting activities. While each citizen has been pursuing his individual welfare, and none taking thought about division of labour, or conscious of the need of it, division of labour has yet been ever becoming more complete. It has been doing this slowly and silently: few having observed it until quite modern times. By steps so small, that year after year the industrial arrangements have seemed just what they were before—by changes as insensible as those through which a seed passes into a tree; society has become the complex body of mutually-dependent workers which we now see. And this economic organization, mark, is the all-essential organization. Through the combination thus spontaneously evolved, every citizen is supplied with daily necessities; while he yields some product or aid to others. That we are severally alive to-day, we owe to the regular working of this combination during the past week; and could it be suddenly abolished, multitudes would be dead before another week ended. If these most conspicuous and vital arrangements of our social structure have arisen not by the devising of any one, but through the individual efforts of citizens to satisfy their own wants; we may be tolerably certain that the less important arrangements have similarly arisen. ...

Thus that which is so obviously true of the industrial structure of society, is true of its whole structure. The fact that “constitutions are not made, but grow,” is simply a fragment of the much larger fact, that under all its aspects and through all its ramifications, society is a growth and not a manufacture.

About this Quotation:

Spencer is often hard to read because of the profusion of historical and anthropological examples he provides in order to make his points. He also liked to use many biological examples as was the fashion at the time. In this essay from 1860 he argues that society evolves like a living organism in which the various parts coordinate their activities to satisfy the needs of society without the direction provided by any central planner. The specific example he uses is that of the emergence of the division of labour. In language which is strikingly similar to that used by Adam Ferguson (and much admired by Hayek) he states that “vital arrangements of our social structure have arisen not by the devising of any one, but through the individual efforts of citizens to satisfy their own wants”. The division of labour which was made possible by means of the cooperative efforts of millions of individuals has produced far greater output than at any other time in human history. This “economic organization” which was created by millions of individuals going about their own private affairs has become “the all-essential organization” which can provide a model for all other aspects of the broader society, including the political, such as constitution making.

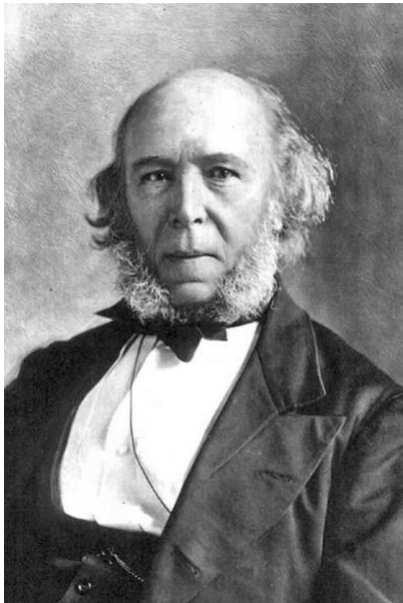
Source

Herbert Spencer, *Essays: Scientific, Political, and Speculative. Library Edition, containing Seven Essays not before republished, and various other Additions* (London: Williams and Norgate, 1891). Vol. 1 http://oll.libertyfund.org/titles/335#Spencer_0620-01_370

25. Sport And Liberty↩

1. [Herbert Spencer worries that the violence and brutalities of football will make it that much harder to create a society in which individual rights will be mutually respected \(1879\)](#) (Jan 25, 2010)
2. [Frederick Pollock argues that a violent assault on the football field is not an actionable tort because it is part of the activities of a voluntarily agreed to association of adults \(1895\)](#) (Feb 1, 2010)
3. [Nisbet on how violent, contact sports like football redirect people's energies away from war \(1988\)](#) (Feb 3, 2010)
4. [The Earl of Shaftesbury relates the story of an unscrupulous glazier who gives the rowdy town youths a football so they will smash windows in the street and thus drum up business \(1737\)](#) (Feb 4, 2010)
5. [John Hobson argues that sport plays an important part in British imperialism for all classes and that the "spirit of adventure" is now played out in the colonies \(1902\)](#) (Feb 7, 2010)
6. [Macaulay and Bunyan on the evils of swearing and playing hockey on Sunday \(1830\)](#) (Mar 1, 2010)
7. [Mises on human action, predicting the future, and who will win the World Cup Football tournament \(1966\)](#) (Jun 21, 2010)

Herbert Spencer worries that the violence and brutalities of football will make it that much harder to create a society in which individual rights will be mutually respected (1879) (Jan 25, 2010)



Herbert Spencer (1820 – 1903)

The English radical individualist Herbert Spencer (1820-1903) argued that, since “old beliefs” about violent activities such as imperial conquest and some sports were so widely held, the prospects for rapid social change in the late 19th century were not good until people began to respect each other’s rights. He singled out “the brutalities of football” for special consideration:

[473]. Those who, not content with that progress through small modifications which is alone permanent, hope to reach by immediate reorganization a high social state, practically assume that the human mind can forthwith have its qualities so changed that its bad products will be replaced by good products. Old beliefs in the wonders to be worked by a beneficent fairy, were not more baseless than are these new beliefs in the wonders to be worked by a revolutionized social system.

A world which, from the far east of Russia to the far west of California and from Dunedin in the North to Dunedin at the Antipodes, daily witnesses deeds of violence, from the conquests of one people by another to the aggressions of man on man, will not easily find place for a social order implying fraternal regard of each for each. **A nature which generates international hatreds and intense desires for revenge—which breeds duelists and a contempt for those who do not seek to wipe out a slight by a death, is not a nature out of which harmonious communities can be molded. Men who rush in crowds to witness the brutalities of football matches, who roar out ferocious suggestions to the players, and mob the umpires who do not please them, so that police protection is required, are not men who will show careful consideration of one another’s claims when they have agreed to work together for the common good.** Not by any ingenuity can there be framed well-working institutions for people who shoot those who will not enter the political combinations they form, who mutilate and torture the cattle of dissentients, who employ emissaries to blow up unconcerned persons and

cause a panic, and who then, when the wretches have been convicted, are indignant that they are not released. Only to a wild imagination will it seem possible that a social regime higher than the present, can be maintained by men who, as railway employees, wreck and burn the rolling stock of companies which will not yield to their demands—men who, as ironworkers, salute with bullets those who come to take the wages they refuse, try by dynamite to destroy them along with the houses they inhabit and seek to poison them wholesale—men who, as miners, carry on a local civil war to prevent a competition they do not like. Strange, indeed, is the expectation that those who, unscrupulous as to means, selfishly strive to get as much as possible for their labor and to give as little labor as possible, will suddenly become so unselfish that the superior among them will refrain from using their superiority lest they should disadvantage the inferior!

Without having recourse to such extreme illustrations, we may see, on contemplating a widely diffused habit, how absurd is the belief that egoistic conduct may forthwith be changed into altruistic conduct. Here, throughout the whole community, from the halls of nobles and the clubs frequented by the upper ten thousand, down through the trading classes, their sons and daughters, and even to the denizens of kitchens and the boys in the street, we find gambling and betting; the universal trait of which is that each wishes to gain by his neighbor's loss. And now we are told that under a new social system, all those who have greater ability will submit to loss that those who have less ability may gain! Without any transformation of men's characters, but merely by transforming social arrangements, it is hoped to get the effects of goodness without the goodness!

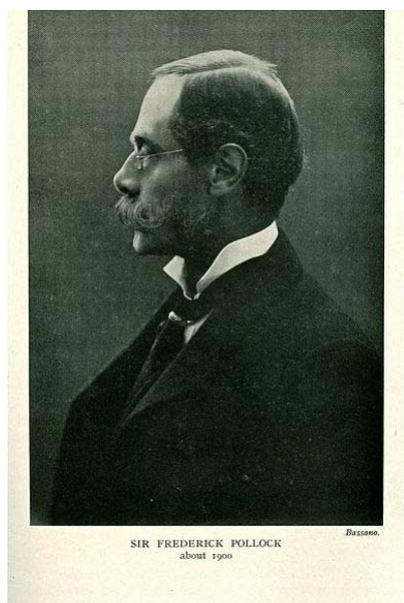
About this Quotation:

Since our local football team has reached the superbowl I thought it might be interesting to explore what our authors have to say on the topic of sport (football in particular) and individual liberty. The range of views is quite interesting. At one end we have the radical individualist Herbert Spencer who hates football because it encourages violence and brutality; John Hobson thinks that the love of sport amongst the upper classes encourages British imperialism and among the lower classes is a throwback to feudalism. At the other end we have the modern American sociologist Robert Nisbet who thinks violent sports like football and hockey channel the warlike spirit into safer directions (unlike track and field); and the English jurist Sir Frederick Pollock who thinks that because violence in sport is voluntary then no legal crime is committed by actions, which in other branches of life would be regarded as violent assault. Then we have the cynical Earl of Shaftesbury who reminds us that in the past unscrupulous glaziers have given town youths a football in order to encourage playing in the street, and thus breaking windows, in order to increase business. So, in addition to having “philosophers of the kitchen” (Spencer, Erasmus, Hume), we now have “philosophers of the football field”. Who would have thought?

Source

Herbert Spencer, *The Principles of Ethics*, introduction by Tibor R. Machan (Indianapolis: LibertyClassics, 1978). Vol. 2. <http://oll.libertyfund.org/title/334/40804/595177>

Frederick Pollock argues that a violent assault on the football field is not an actionable tort because it is part of the activities of a voluntarily agreed to association of adults (1895) (Feb 1, 2010)



[Sir Frederick Pollock](#) (1845 – 1937)

Sir Frederick Pollock (1845-1937) makes a distinction in his discussion of torts between doing justified and unjustified harm to others. Since playing football is a voluntary activity where the rules are agreed to in advance by the players, then what ostensibly looks like a violent assault on the field, or what he called “a confused fight of savages,” is just a tackle:

We have considered the general principles of liability for civil wrongs. It now becomes needful to consider the general exceptions to which these principles are subject, or in other words the rules of immunity which limit the rules of liability. There are various conditions which, when present, will prevent an act from being wrongful which in their absence would be a wrong. Under such conditions the act is said to be justified or excused. And when an act is said in general terms to be wrongful, it is assumed that no such qualifying condition exists. It is an actionable wrong, generally speaking, to lay hands on a man in the way of force or restraint. But it is the right of every man to defend himself against unlawful force, and it is the duty of officers of justice to apply force and restraint in various degrees, from simple arrest to the infliction of death itself, in execution of the process and sentences of the law. Here the harm done, and wilfully done, is justified. **There are incidents, again, in every football match which an uninstructed observer might easily take for a confused fight of savages, and grave hurt sometimes ensues to one or more of the players. Yet, so long as the play is fairly conducted according to the rules agreed upon, there is no wrong and no cause of action. For the players have joined in the game of their own free will, and accepted its risks. Not that a man is bound to play football or any other rough game, but if he does he must abide its ordinary chances. Here the harm done, if not justified (for, though in a manner unavoidable, it was not in a legal sense necessary), is nevertheless excused.** Again, defamation is a wrong; but there are certain occasions on which a man may with impunity make and publish untrue statements to the prejudice of another. Again, “sic utere tuo ut alienum non laedas” is said to be a precept of law; yet there are divers things a man

may freely do for his own ends, though he well knows that his neighbour will in some way be the worse for them.

About this Quotation:

As part of our series of quotations about football and liberty during this Super Bowl week we have a passage from the English legal historian and jurist Sir Frederick Pollock's book on *The Law of Torts* (1895). He makes the interesting point that what might appear at first sight to be a violent assault on somebody's rights (in other words that there is a perpetrator of a crime and the victim of a crime) is in fact what is nowadays called a "victimless crime". In the example he so colourfully uses, that of violence committed during a football game (presumably "soccer" and not American football), all the players have voluntarily agreed to play the game according to a set of rules and that an inevitable part of the game is violent tackling. Therefore it follows from this that there can be no "victim" and no criminal "perpetrator" when all have voluntarily agreed to play the game. Thus, football might be seen to be a case of a "victimless crime".

Source

Sir Frederick Pollock, *The Law of Torts: A Treatise on the Principles of Obligations arising from Civil Wrongs in the Common Law: to which is added the Draft of a Code of Civil Wrongs prepared for the Government of India, Fourth Edition* (London: Stevens and Sons, 1895). <http://oll.libertyfund.org/title/2123/164996/2932341>

Nisbet on how violent, contact sports like football redirect people's energies away from war (1988) (Feb 3, 2010)



Robert A. Nisbet (1913 – 1996)

The American sociologist Robert Nisbet (1913-1996) laments the direction sports has evolved since the Second World War but sees one positive result, at least for contact sports like football (but not track and field), in that they reduce the pressure to go to war:

The cash nexus and loose individual have many haunts beyond Wall Street and the Multiversity. It is not easy to think of a major pursuit in America in which monetary units have not yet triumphed over the motivations and discipline of old. Three, eminently diverse, areas come to mind: sports, religion, and government service.

In sports a significant evolution of power has taken place since World War I: We have seen the original amateur—once a term of honor in our society—succeeded by the professional, the respectable professional, it should be said; then by the agent, ever solicitous of his client's income and investments and, of course, his own percentage. Sports have become as conspicuous and flagrant an example of the profit motive and the bottom line as any commercial operation known. But sports are something else: a secular religion in America, one that ranks only just behind education, which is by now a civil religion.

It is good that sports are so important. They—and especially the contact or “violent” ones like football, hockey, and boxing—play a role of reliving pressures in human beings which once had no other outlets but wars, Bedlams, and public hangings. If by some major accident we ever lose the mayhem of the hockey rink, gridiron, and prize ring, if we are limited, say, to track and field, heaven help the ordinary American who wants only law and order and peace.

The question is, how long can professional sports serve this important function—or any other function beyond their own preservation for profit? The cash nexus threatens to outstrip anything found in corporate America and on Wall Street. We honor the free agent

who, having had the chains of serfdom struck off, is now at liberty to run from one team to another as fancy and financial reward determine. We are glad to see him reach the position of hanging loosely on the sport. But fans identify powerfully with teams, and the greatest of individual heroes from Babe Ruth and Ty Cobb down to Walter Payton and Lawrence Taylor are linked with given teams as closely as with their own names. We all know that money is important in the form of salaries, bonuses, and other forms of remuneration, but we also know that, just as it is impossible to glean genuine heroes from the ranks of stockbrokers, bankers, salesmen, and vice-presidents for production, it becomes more and more difficult to keep one's mind on the performance of a Dave Winfield on the baseball diamond when rivaling it are the lush details of his latest contract—in the millions naturally, and made a little more interesting perhaps by the division into present income, deferred income, options, a special trust, and even, so help us, a foundation in his name. What confounds some of us is that all this is printed on the once-sacrosanct sports page, not the financial.

The celebrated bottom line is the sole reason we have so many teams in baseball, football, and basketball that East-West, North-South divisions are necessary, themselves perhaps cut into sections, with play-offs today calculated to give anyone a rough notion of infinity. Further adding to the possibility of present bewilderment and future boredom, and also a product of the cash nexus and a lubricant to looseness of the individual, is the relentless specialization of play. The player who is paid for but one activity—field goal kicking, kickoff return, or whatever—obviously is hanging more loosely on the game than his predecessors who, if they played at all, played sixty minutes, on offense and defense. It is really impossible to compare current with past stars in any of the major sports. No matter how we may thrill to a Jim McMahon and a Joe Montana at quarterback today, we are getting a good deal less from them than we did from quarterbacks who once upon a time played sixty minutes, on defense as well as offense, who themselves called the plays, ran with the ball, and often punted and drop-kicked. Tocqueville, speaking of the damaging effect upon the worker's mind of the extreme specialization that went with division of labor, said that under such specialization "the art advances but the artisan recedes." Today the fan as well as the player is receding, in Tocqueville's sense.

It will be more and more difficult for most of us to keep balanced in our minds the dual role of the player: on the one hand, the high-salaried, expert worker in a basically machine effort; and on the other, the warrior jousting as did warriors of old for victory, sweet victory, on the field of battle, and the devil take all else.

About this Quotation:

We continue our exploration of what some of the authors in the OLL collection have to say about the relationship between sport and liberty. Since this week is Super Bowl week in Indianapolis our focus is upon football. We have seen how much Herbert Spencer despises all violent sports because they discourage individuals from respecting other people's right to liberty and property; we have seen how the English jurist Sir Frederick Pollock regards violent games as somewhat distasteful but nevertheless are an example of a voluntarily agreed to association of individuals. In this quote we look at how the American sociologist Robert Nisbet sees a certain merit in games like football and boxing because they channel the violent impulses of individuals away from war and towards a relatively "harmless" form of entertainment. A rather back-handed compliment.

Source

Robert A. Nisbet, *The Present Age: Progress and Anarchy in Modern America* (Indianapolis: Liberty Fund, 2003). <http://oll.libertyfund.org/title/876/77069/1863988>

**The Earl of Shaftesbury relates the story of an unscrupulous glazier who gives the rowdy town youths a football so they will smash windows in the street and thus drum up business (1737)
(Feb 4, 2010)**



[Anthony Ashley Cooper, Earl of Shaftesbury](#) (1671 – 1713)

The English philosopher Shaftesbury (1671-1713) likens the efforts of book publishers to make use of bitter intellectual disputes in order to sell more books, to that of unscrupulous glaziers who encourage town youths to break windows by giving them a football to play with in the street:

Taking it, however, for granted, “That a sorry Treatise may be the foundation of a considerable Answer;” a Reply still must certainly be ridiculous, which-ever way we take it. For either the Author, in his original Piece, has been truly refuted, or not. If refuted; why does he defend? If not refuted; why trouble himself? What has the Publick to do with his private Quarrels, or his Adversary’s Impertinence? Or supposing the World out of curiosity may delight to see a Pedant expos’d by a Man of better Wit, and a Controversy thus unequally carry’d on between two such opposite Partys; How long is this Diversion likely to hold good? And what will become of these polemick Writings a few Years hence? What is already become of those mighty Controversys, with which some of the most eminent Authors amus’d the World within the memory of the youngest Scholar? An original Work or two may perhaps remain: But for the subsequent Defenses, the Answers, Rejoinders, and Replications; they have been long since paying their attendance to the Pastry-cooks. Mankind perhaps were heated at that time, when first those Matters were debated: But they are now cool again. They laugh’d: They carry’d on the Humour: They blew the Coals: They teaz’d, and set on, maliciously, and to create themselves diversion. But the Jest is now over. No-one so much as inquires Where the Wit was; or Where possibly the Sting shou’d lie of those notable Reflections and satirical Hints, which were once found so pungent, and gave the Readers such high Delight.—Notable Philosophers and Divines, who can be contented to make sport, and write in learned Billingsgate, to divert the Coffee-house, and entertain the Assemblys at Booksellers Shops, or the more airy Stalls of inferior Book-retailers!

It must be allow'd, That in this respect, controversial Writing is not so wholly unprofitable; and that for Book-Merchants, of whatever Kind or Degree, they undoubtedly receive no small Advantage from a right Improvement of a learned Scuffle. Nothing revives 'em more, or makes a quicker Trade, than a Pair of substantial Divines or grave Philosophers, well match'd, and soundly back'd; till by long worrying one another, they are grown out of breath, and have almost lost their Force of Biting.—“So have I known a crafty Glazier, in time of Frost, procure a Football, to draw into the Street the emulous Chiefs of the robust Youth. The tumid Bladder bounds at every Kick, bursts the withstanding Casements, the Chassys, Lanterns, and all the brittle vitrious Ware. The Noise of Blows and Out-cries fills the whole Neighbourhood; and Ruins of Glass cover the stony Pavements; till the bloated battering Engine, subdu'd by force of Foot and Fist, and yielding up its Breath at many a fatal Cranny, becomes lank and harmless, sinks in its Flight, and can no longer uphold the Spirit of the contending Partys.”

This our Author supposes to have been the occasion of his being so often and zealously complimented by his Amanuensis (for so he calls his Bookseller or Printer) on the Fame of his first Piece. The obliging Crafts-man has at times presented him with many a handsom Book, set off with Titles of Remarks, Reflections, and the like, which, as he assur'd him, were Answers to his small Treatise. “Here Sir! (says he) you have a considerable Hand has undertaken you! — This Sir, is a Reverend — This a Right Reverend — This a noted Author — Will you not reply, Sir? — O' my word, Sir, the World is in expectation.” “Pity they shou'd be disappointed!” “A dozen Sheets, Sir, wou'd be sufficient. — You might dispatch it presently.” “Think you so?” “I have my Paper ready — And a good Letter. — Take my word for it — You shall see, Sir!” “Enough. But hark ye (Mr. A, a, a, a) my worthy Engineer, and Manager of the War of Letters! Ere you prepare your Artillery, or engage me in Acts of Hostility, let me hear, I intreat you, Whether or no my Adversary be taken notice of. — Wait for his Second Edition. And if by next Year, or Year or two after, it be known in good Company that there is such a Book in being, I shall then perhaps think it time to consider of a Reply.”

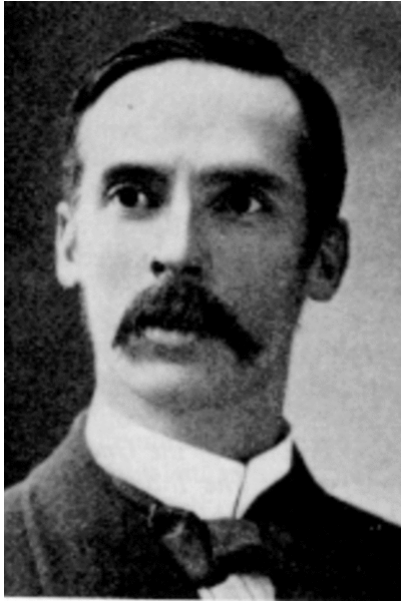
About this Quotation:

Shaftesbury's story reminds me a another story about glaziers given by the 19th century French political economist Frédéric Bastiat. In a chapter entitled “The Broken Window” in *What is Seen and What is not Seen* (1848) Bastiat makes the point that creating business for the glazier by deliberately breaking windows only makes the glazier better off. The people whose windows were broken take money they would have saved or spent on other things in order to repair their windows. They lose out and so do the businesses they would have spent their money on if the windows had not been broken. Shaftesbury is not making this economic point. Rather, he is making fun of publishers who try to whip up authors to reply in print to any criticism or slight their previous published work might have stimulated, in what he called “learned scuffles” and a “war of letters”. What is interesting in this Super Bowl week is his comic story about an early form of football hooliganism, how quickly the “bladder” is deflated, and his sly digs at his publisher for behaving in a similar way.

Source

Anthony Ashley Cooper, Earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, ed. Douglas den Uyl (Indianapolis: Liberty Fund, 2001). 3 vols. Vol. 3. <http://oll.libertyfund.org/title/813/195092/3120464>

John Hobson argues that sport plays an important part in British imperialism for all classes and that the “spirit of adventure” is now played out in the colonies (1902) (Feb 7, 2010)



[John A. Hobson](#) (1858 – 1940)

John A. Hobson (1858-1940) was a supporter of the free trade and anti-imperialist ideas of Richard Cobden (1804-1865) and bitterly opposed the Boer War in South Africa (1899-1902). He argued that there was a strong connection between sport and empire in England:

The controlling and directing agent of the whole process, as we have seen, is the pressure of financial and industrial motives, operated for the direct, short-range, material interests of small, able, and well-organised groups in a nation. These groups secure the active co-operation of statesmen and of political cliques who wield the power of “parties” partly by associating them directly in their business schemes, partly by appealing to the conservative instincts of members of the possessing classes, whose vested interests and class dominance are best preserved by diverting the currents of political energy from domestic on to foreign politics. The acquiescence, even the active and enthusiastic support, of the body of a nation in a course of policy fatal to its own true interests is secured partly by appeals to the mission of civilisation, but chiefly by playing upon the primitive instincts of the race.

The psychology of these instincts is not easy to explore, but certain prime factors easily appear. The passion which a French writer describes as kilometritis, or milo-mania, the instinct for control of land, drives back to the earliest times when a wide range of land was necessary for a food supply for men or cattle, and is linked on to the “trek” habit, which survives more powerfully than is commonly supposed in civilised peoples. The “nomadic” habit bred of necessity survives as a chief ingredient in the love of travel, and merges into “the spirit of adventure” when it meets other equally primitive passions. This “spirit of adventure,” especially in the Anglo-Saxon, has taken the shape of “sport,” which in its stronger or “more adventurous” forms involves a direct appeal to the lust of slaughter and the crude struggle for life involved in pursuit. The animal lust of struggle, once a necessity, survives in the blood, and just in proportion as a nation or a class has a

margin of energy and leisure from the activities of peaceful industry, it craves satisfaction through “sport,” in which hunting and the physical satisfaction of striking a blow are vital ingredients. The leisured classes in Great Britain, having most of their energy liberated from the necessity of work, naturally specialise on “sport,” the hygienic necessity of a substitute for work helping to support or coalescing with the survival of a savage instinct. As the milder expressions of this passion are alone permissible in the sham or artificial encounters of domestic sports, where wild game disappears and human conflicts more mortal than football are prohibited, there is an ever stronger pressure to the frontiers of civilisation in order that the thwarted “spirit of adventure” may have strong, free play. These feelings are fed by a flood of the literature of travel and of imaginative writing, the security and monotony of the ordinary civilised routine imparting an ever-growing fascination to the wilder portions of the earth. The milder satisfactions afforded by sport to the upper classes in their ample leisure at home are imitated by the industrial masses, whose time and energy for recreation have been growing, and who, in their passage from rural to town conditions, have never abandoned the humbler sports of feudal country life to which from time immemorial they had been addicted.” Football is a good game, but better than it, better than any other game, is that of man-hunting.”

The sporting and military aspects of Imperialism form, therefore, a very powerful basis of popular appeal. The desire to pursue and kill either big game or other men can only be satisfied by expansion and militarism. It may indeed be safely said that the reason why our army is so inefficient in its officers, as compared with its rank and file, is that at a time when serious scientific preparation and selection are required for an intellectual profession, most British officers choose the army and undertake its work in the spirit of “sport.” While the average “Tommy” is perhaps actuated in the main by similar motives, “science” matters less in his case, and any lack of serious professional purpose is more largely compensated by the discipline imposed on him.

But still more important than these supports of militarism in the army is the part played by “war” as a support of Imperialism in the non-combatant body of the nation. Though the active appeal of “sport” is still strong, even among townsmen, clear signs are visible of a degradation of this active interest of the participant into the idle excitement of the spectator. How far sport has thus degenerated may be measured by the substitution everywhere of a specialised professionalism for a free amateur exercise, and by the growth of the attendant vice of gambling, which everywhere expresses the worst form of sporting excitement, drawing all disinterested sympathy away from the merits of the competition, and concentrating it upon the irrational element of chance in combination with covetousness and low cunning. The equivalent of this degradation of interest in sport is Jingoism in relation to the practice of war. Jingoism is merely the lust of the spectator, unpurged by any personal effort, risk, or sacrifice, gloating in the perils, pains, and slaughter of fellow-men whom he does not know, but whose destruction he desires in a blind and artificially stimulated passion of hatred and revenge. In the Jingo all is concentrated on the hazard and blind fury of the fray. The arduous and weary monotony of the march, the long periods of waiting, the hard privations, the terrible tedium of a prolonged campaign, play no part in his imagination; the redeeming factors of war, the fine sense of comradeship which common personal peril educates, the fruits of discipline and self-restraint, the respect for the personality of enemies whose courage he must admit and whom he comes to realise as fellow-beings—all these moderating elements in actual war are eliminated from the passion of the Jingo. It is precisely for these reasons that

some friends of peace maintain that the two most potent checks of militarism and of war are the obligation of the entire body of citizens to undergo military service and the experience of an invasion.

About this Quotation:

Like Herbert Spencer, Hobson is very critical of the connections he sees between sport and anti-liberal sentiments; and like Robert Nisbet, he sees violent sport as an outlet for aggressive and martial spirits. The twist he provides is that he sees the “leisured class” in England at first seeking sport at home as an outlet for their hunting instincts and later, transferring this to the outposts of the Empire, such as South Africa. He also sees the role played by the working class in their “jingoistic” support for war as a kind of spectator sport of the empire. He pessimistically concludes his analysis by saying that the only way to wean the people off their love of war is either to introduce conscription or for them to experience directly the horrors of an invasion: “It is precisely for these reasons that some friends of peace maintain that the two most potent checks of militarism and of war are the obligation of the entire body of citizens to undergo military service and the experience of an invasion.

Source

John A. Hobson, *Imperialism: A Study* (New York, James Pott & Co., 1902). <http://oll.libertyfund.org/title/127/10228/693494>

Macaulay and Bunyan on the evils of swearing and playing hockey on Sunday (1830) (Mar 1, 2010)



Thomas Babington, Lord Macaulay (1800 – 1859)

Thomas Babington Macaulay (1800-1859) wrote an essay on the 17th century English religious writer John Bunyan (1628-1688) wittily defending him from the unfair attacks of his critics, one of whom called him a “depraved tinker”. In Macaulay’s view the worst one could say about him was that he swore a bit and played hockey on Sundays:

It is very amusing and very instructive to compare the Pilgrim’s Progress with the Grace Abounding. The latter work is indeed one of the most remarkable pieces of autobiography in the world. It is a full and open confession of the fancies which passed through the mind of an illiterate man, whose affections were warm, whose nerves were irritable, whose imagination was ungovernable, and who was under the influence of the strongest religious excitement. In whatever age Bunyan had lived, the history of his feelings would, in all probability, have been very curious. But the time in which his lot was cast was the time of a great stirring of the human mind. A tremendous burst of public feeling, produced by the tyranny of the hierarchy, menaced the old ecclesiastical institutions with destruction. To the gloomy regularity of one intolerant Church had succeeded the license of innumerable sects, drunk with the sweet and heady must of their new liberty. Fanaticism, engendered by persecution, and destined to engender persecution in turn, spread rapidly through society. Even the strongest and most commanding minds were not proof against this strange taint. Any time might have produced George Fox and James Naylor. But to one time alone belong the frantic delusions of such a statesman as Vane, and the hysterical tears of such a soldier as Cromwell.

The history of Bunyan is the history of a most excitable mind in an age of excitement. By most of his biographers he has been treated with gross injustice. They have understood in a popular sense all those strong terms of self-condemnation which he employed in a theological sense. They have, therefore, represented him as an abandoned wretch, reclaimed by means almost miraculous, or, to use their favourite metaphor, “as a brand plucked from the burning.” Mr. Ivimey calls him the depraved Bunyan and the wicked

tinker of Elstow. Surely Mr. Ivimey ought to have been too familiar with the bitter accusations which the most pious people are in the habit of bringing against themselves, to understand literally all the strong expressions which are to be found in the *Grace Abounding*. It is quite clear, as Mr. Southey most justly remarks, that Bunyan never was a vicious man. He married very early; and he solemnly declares that he was strictly faithful to his wife. **He does not appear to have been a drunkard. He owns, indeed, that, when a boy, he never spoke without an oath. But a single admonition cured him of this bad habit for life; and the cure must have been wrought early; for at eighteen he was in the army of the Parliament; and, if he had carried the vice of profaneness into that service, he would doubtless have received something more than an admonition from Serjeant Bind-their-kings-in-chains, or Captain Hew-Agag-in-pieces-before-the-Lord. Bell-ringing and playing at hockey on Sundays seem to have been the worst vices of this depraved tinker. They would have passed for virtues with Archbishop Laud.** It is quite clear that, from a very early age, Bunyan was a man of a strict life and of a tender conscience. "He had been," says Mr. Southey, "a blackguard." Even this we think too hard a censure. Bunyan was not, we admit, so fine a gentleman as Lord Digby; but he was a blackguard no otherwise than as every labouring man that ever lived has been a blackguard. Indeed Mr. Southey acknowledges this. "Such he might have been expected to be by his birth, breeding, and vocation. Scarcely indeed, by possibility, could he have been otherwise." A man whose manners and sentiments are decidedly below those of his class deserves to be called a blackguard. But it is surely unfair to apply so strong a word of reproach to one who is only what the great mass of every community must inevitably be.

About this Quotation:

The English author and critic Thomas Babington Macaulay did not like the poet Southey at all, as his scathing review of his book on the industrial revolution and the condition of the working class in England demonstrates. He did, however, like very much this biography Southey wrote about the life of John Bunyan. The sophisticated and urbane Macaulay had little time for Bunyan's extreme dissenting religious views but he did think that many of his critics, mostly Anglicans, had treated Bunyan very poorly and that therefore Southey's biography was a useful corrective. This quotation caught my eye because of the reference to playing hockey on Sundays, something we were able to experience yesterday with the men's hockey final on the last day of the Winter Olympics in Vancouver.

Source

Thomas Babington, Lord Macaulay, *Critical and Historical Essays contributed to the Edinburgh Review*, 5th ed. in 3 vols. (London: Longman, Brown, Green, and Longmans, 1848). Vol. 1.
<http://oll.libertyfund.org/title/362/50389/834844>

Mises on human action, predicting the future, and who will win the World Cup Football tournament (1966) (Jun 21, 2010)



Ludwig von Mises (1881 – 1973)

The Austrian economist Ludwig von Mises (1881-1973) in a discussion about the difficulties of predicting the outcome of future events uses the example of two football (i.e. soccer) teams the Blues (presumably Italy) and the Yellows (presumably Brazil). If we base our prediction of the outcome on “class probability” then the Blues (Italy) will win; if we use “case probability” then the Yellows (Brazil) will win. When he wrote this edition of Human Action in 1966 the Whites (England) won the tournament:

Case probability is a particular feature of our dealing with problems of human action. Here any reference to frequency is inappropriate, as our statements always deal with unique events which as such—i.e., with regard to the problem in question—are not members of any class. We can form a class “American presidential elections.” This class concept may prove useful or even necessary for various kinds of reasoning, as, for instance, for a treatment of the matter from the viewpoint of constitutional law. But if we are dealing with the election of 1944—either, before the election, with its future outcome or, after the election, with an analysis of the factors which determined the outcome—we are grappling with an individual, unique, and nonrepeatable case. The case is characterized by its unique merits, it is a class by itself. All the marks which make it permissible to subsume it under any class are irrelevant for the problem in question.

Two football teams, the Blues and the Yellows, will play tomorrow. In the past the Blues have always defeated the Yellows. This knowledge is not knowledge about a class of events. If we were to consider it as such, we would have to conclude that the Blues are always victorious and that the Yellows are always defeated. We would not be uncertain with regard to the outcome of the game. We would know for certain that the Blues will win again. The mere fact that we consider our forecast about tomorrow’s game as only probable shows that we do not argue this way.

On the other hand, we believe that the fact that the Blues were victorious in the past

is not immaterial with regard to the outcome of tomorrow's game. We consider it as a favorable prognosis for the repeated success of the Blues. If we were to argue correctly according to the reasoning appropriate to class probability, we would not attach any importance to this fact. If we were not to resist the erroneous conclusion of the "gambler's fallacy," we would, on the contrary, argue that tomorrow's game will result in the success of the Yellows.

If we risk some money on the chance of one team's victory, the lawyers would qualify our action as a bet. They would call it gambling if class probability were involved.

Everything that outside the field of class probability is commonly implied in the term probability refers to the peculiar mode of reasoning involved in dealing with historical uniqueness or individuality, the specific understanding of the historical sciences.

Understanding is always based on incomplete knowledge. We may believe we know the motives of the acting men, the ends they are aiming at, and the means they plan to apply for the attainment of these ends. We have a definite opinion with regard to the effects to be expected from the operation of these factors. But this knowledge is defective. We cannot exclude beforehand the possibility that we have erred in the appraisal of their influence or have failed to take into consideration some factors whose interference we did not foresee at all, or not in a correct way.

Gambling, engineering, and speculating are three different modes of dealing with the future.

About this Quotation:

In previous quotations selected at the time when the American Superbowl was being played earlier this year (2010) we collected a number of quotations from our authors on "liberty and football" and found an interesting range of views. We did not distinguish between "soccer" and other forms of football, such as American football. We found that the radical individualist English political philosopher and sociologist Herbert Spencer opposed all forms of violent contact sports as hindering the development of liberty; the American sociologist Robert Nisbet believed they served a useful purpose in channeling the people's energies away from war; the English jurist Frederick Pollock believed that violence on the football pitch is not an actionable tort because all parties are voluntary participants. Here we have the great Austrian economist using football as a thought experiment in his discussion about the difficulties of accurately predicting the future. We have tried to interpret his remarks in order to better predict the outcome of this year's World Cup tournament. It seems his money (hard of course) is on Brazil (or maybe Italy...).

Source

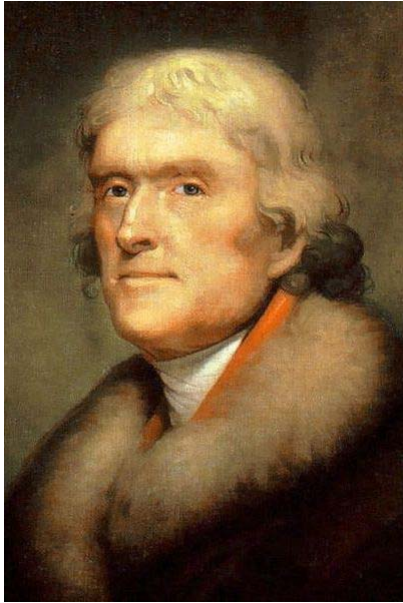
Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 1. <http://oll.libertyfund.org/title/1893/110263/2296130>

26. Taxation

1. [Thomas Jefferson boasts about having reduced the size of government and eliminated a number](#)

- of “vexatious” taxes (1805) (Jan 24, 2005)
2. [Thomas Hodgskin noted in his journey through the northern German states that the burden of heavy taxation was no better than it had been under the conqueror Napoleon \(1820\) \(Mar 21, 2005\)](#)
 3. [David Ricardo considered taxation to be a “great evil” which hindered the accumulation of productive capital and reduced consumption \(1817\) \(Jul 11, 2005\)](#)
 4. [John C. Calhoun notes that taxation divides the community into two great antagonistic classes, those who pay the taxes and those who benefit from them \(1850\) \(Nov 28, 2005\)](#)
 5. [Frank Chodorov argues that taxation is an act of coercion and if pushed to its logical limits will result in Socialism \(1946\) \(Mar 5, 2007\)](#)
 6. [William Graham Sumner reminds us never to forget the “Forgotten Man”, the ordinary working man and woman who pays the taxes and suffers under government regulation \(1883\) \(Mar 14, 2007\)](#)
 7. [Jefferson tells Congress that since tax revenues are increasing faster than population then taxes on all manner of items can be “dispensed with” \(i.e. abolished\) \(1801\) \(May 26, 2008\)](#)
 8. [Alexander Hamilton denounces the British for imposing “oppressive taxes” on the colonists which amount to tyranny, a form of slavery, and vassalage to the Empire \(1774\) \(Jul 28, 2008\)](#)
 9. [Adam Smith claims that exorbitant taxes imposed without consent of the governed constitute legitimate grounds for the people to resist their rulers \(1763\) \(Aug 11, 2008\)](#)
 10. [Thomas Paine responded to one of Burke’s critiques of the French Revolution by cynically arguing that wars are sometimes started in order to increase taxation \(“the harvest of war”\) \(1791\) \(Jul 13, 2009\)](#)
 11. [Lysander Spooner argues that according to the traditional English common law, taxation would not be upheld because no explicit consent was given by individuals to be taxed \(1852\) \(Aug 18, 2009\)](#)
 12. [Knox on how the people during wartime are cowered into submission and pay their taxes “without a murmur” \(1795\) \(Jan 18, 2011\)](#)
 13. [Mises on the public sector as “tax eaters” who “feast” on the assets of the ordinary tax payer \(1953\) \(Apr 10, 2011\)](#)
 14. [Luke, Taxes, and the Birth of Jesus \(85\) \(May 1, 2011\)](#)
 15. [Adam Smith on how governments learn from each other the best way of draining money from the pockets of the people \(1776\) \(Nov 14, 2011\)](#)
 16. [Sven Forkbeard and new Yuletide Taxes \(11thC\) \(Dec 18, 2011\)](#)
 17. [Jefferson on Taxes and the General Welfare \(1791\) \(Jul 30, 2012\)](#)
 18. [Adam Smith on the need for “peace, easy taxes, and a tolerable administration of justice” \(1755\) \(May 6, 2013\)](#)

Thomas Jefferson boasts about having reduced the size of government and eliminated a number of “vexatious” taxes (1805) (Jan 24, 2005)



Thomas Jefferson (1743 – 1826)

In Jefferson's Second Inaugural Address of March 4, 1805 he boasted of having reduced the size and cost of government enough to eliminate a number of "vexatious" internal taxes which he feared might grow in number and eventually be applied to other goods:

At home, fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state. *In time of war*, if injustice, by ourselves or others, must sometimes produce war, increased as the same revenue will be increased by population

and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations, by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace, a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the meantime, may keep down the accruing interest; in all events, it will repay the advances we have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

About this Quotation:

We have gradually added to the OLL a number of collected works of the Founding Fathers known as the Federal Edition which were published in the early 20th century and which were the most authoritative editions available until the mid-20th century. We have editions of Jefferson and Hamilton, and John Quincy Adams and George Washington to come. The powerful search engine built into the OLL website enables one to search the works of Jefferson, for example, in one go and thus uncover unexpected gems. One wonders how many times in American history a President could boast of eliminating a number of “vexatious” internal taxes, as Jefferson does here? A Google search done in September 2009 for the phrase “Federal Edition” produced the OLL edition of the Federal Edition of Hamilton as the number one hit, followed in second place by “Turbo Tax Preparation Software” – an irony I’m sure Jefferson would have appreciated.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 10. <http://oll.libertyfund.org/title/806/87479/1998772>

Thomas Hodgskin noted in his journey through the northern German states that the burden of heavy taxation was no better than it had been under the conqueror Napoleon (1820) (Mar 21, 2005)

[Thomas Hodgskin](#) (1787 – 1869)

A few years after the defeat of Napoleon, the English radical individualist Thomas Hodgskin toured northern Germany where he observed the economic, political, and social condition of the people:

The pressure of governments on subjects is at present so exclusively felt through taxes, that these latter are always sure to be complained of. At present, also, men complain more than before. The pressure they labour under is augmented, while the hope they had formed of its being decreased has been disappointed. The ex-emperor had so long been the object of reproach, he had done so many unusual and very often oppressive things, and men are so ready to attribute every evil they suffer to every thing but their own deeds and opinions, that it was only natural all Europe should believe he was the cause of every calamity and suffering. People consequently hoped when he was destroyed that golden days of enjoyment would be their lot. He is destroyed, and the only difference discovered is, that the evils suffered are still as great, but they are more systematically, regularly, and, according to opinion, legitimately inflicted.

It is in some measure because the hopes which the Hannoverians had formed to themselves have been disappointed, that they now complain very much of the weight of taxation. It does not appear to be absolutely so great as during the French usurpation, but it is very little short, and greater beyond all comparison than before that period. The restored government appears to have made it only a secondary consideration whether the people could support all its multiplied servants: its first care was to make them. It had a noble opportunity for benefiting all its subjects, and for acquiring their love. It has done nothing more than make a much greater number of dependants. Amongst these dependants are to be found nearly all the men of education in the country, and not a single person, therefore, appears to have thought of simplifying that immense machine whose complexity is the great cause of all the poverty, distress, and discontent, though the latter is not great, which are found in the country.

About this Quotation:

The impact of the Napoleonic Wars on European society was of great interest to classical liberals and political economists. In many respects it had turned into a nearly 25 year long “world war” which had severely limited trade, caused inflation, imposed heavy taxation and confiscation of property on civilians, and led to the rise of dictatorship and the deaths of hundreds of thousands of people. The French government sent the economist Jean-Baptiste Say to see at first hand the impact of the war and economic blockade on Britain. He was shocked by what he saw. Thomas Hodgskin took himself to northern Germany and he concluded that the ordinary people still labored under just as heavy a tax burden in 1820 as they had under Napoleon’s empire. This experience was part of the gradual radicalisation of Hodgskin into a stronger and stronger advocate of economic liberty.

Source

Thomas Hodgskin, *Travels in the North of Germany, describing the Present State of the Social and Political Institutions, the Agriculture, Manufactures, Commerce, Education, Arts and Manners in that Country, particularly in the Kingdom of Hannover*, (Edinburgh: Archibald Constable, 1820). Vol. 1.
<http://oll.libertyfund.org/title/324/37705/695292>

David Ricardo considered taxation to be a “great evil” which hindered the accumulation of productive capital and reduced consumption (1817) (Jul 11, 2005)



David Ricardo (1772 – 1823)

In Chapter VIII On Taxes p. 152 Ricardo reflects on the impact of taxation and concludes:

There are no taxes which have not a tendency to lessen the power to accumulate. All taxes must either fall on capital or revenue. If they encroach on capital, they must proportionably diminish that fund by whose extent the extent of the productive industry of the country must always be regulated; and if they fall on revenue, they must either lessen accumulation, or force the contributors to save the amount of the tax, by making a corresponding diminution of their former unproductive¹ consumption of the necessaries and luxuries of life. Some taxes will produce these effects in a much greater degree than others; but the great evil of taxation is to be found, not so much in any selection of its objects, as in the general amount of its effects taken collectively.

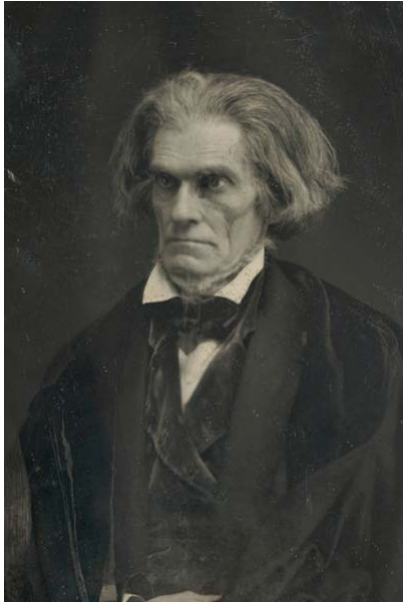
About this Quotation:

Another very important scholarly edition to which Liberty Fund acquired the republishing and electronic rights is the Sraffa edition of the *Works and Correspondence of David Ricardo* in 11 volumes which appeared in early 2005. This set is now added to the two other outstanding collections which we have, i.e. the *Glasgow Edition of the Works and Correspondence of Adam Smith* in 7 volumes, and *The Collected Works of John Stuart Mill* in 33 volumes. Scholars all over the world now have access to these collections and can do powerful key word searches using our search engine.

Source

David Ricardo, *The Works and Correspondence of David Ricardo*, ed. Piero Sraffa with the Collaboration of M.H. Dobb (Indianapolis: Liberty Fund, 2005). Vol. 1 *Principles of Political Economy and Taxation*. <http://oll.libertyfund.org/title/113/38289/879251>

John C. Calhoun notes that taxation divides the community into two great antagonistic classes, those who pay the taxes and those who benefit from them (1850) (Nov 28, 2005)



John C. Calhoun (1782 – 1850)

In an extended critique of *The Federalist*, the pre-Civil War Southern political philosopher John C. Calhoun argued that any system of taxation inevitably divided citizens into two antagonistic groups – the net tax payers and the net tax consumers:

Few, comparatively, as they are, the agents and employees of the government constitute that portion of the community who are the exclusive recipients of the proceeds of the taxes. Whatever amount is taken from the community, in the form of taxes, if not lost, goes to them in the shape of expenditures or disbursements. The two—disbursement and taxation—constitute the fiscal action of the government. They are correlatives. What the one takes from the community, under the name of taxes, is transferred to the portion of the community who are the recipients, under that of disbursements. But, as the recipients constitute only a portion of the community, it follows, taking the two parts of the fiscal process together, that its action must be unequal between the payers of the taxes and the recipients of their proceeds. Nor can it be otherwise, unless what is collected from each individual in the shape of taxes, shall be returned to him, in that of disbursements; which would make the process nugatory and absurd. Taxation may, indeed, be made equal, regarded separately from disbursement. Even this is no easy task; but the two united cannot possibly be made equal.

Such being the case, **it must necessarily follow, that some one portion of the community must pay in taxes more than it receives back in disbursements; while another receives in disbursements more than it pays in taxes.** It is, then, manifest, taking the whole process together, that taxes must be, in effect, bounties to that portion of the community which receives more in disbursements than it pays in taxes; while, to the other which pays in taxes more than it receives in disbursements, they are taxes in reality—burthens, instead of bounties. This consequence is unavoidable. It results from the nature of the process, be the taxes ever so equally laid, and the disbursements ever so

fairly made, in reference to the public service...

The necessary result, then, of the unequal fiscal action of the government is, to divide the community into two great classes; one consisting of those who, in reality, pay the taxes, and, of course, bear exclusively the burthen of supporting the government; and the other, of those who are the recipients of their proceeds, through disbursements, and who are, in fact, supported by the government; or, in fewer words, to divide it into tax-payers and tax-consumers.

But the effect of this is to place them in antagonistic relations, in reference to the fiscal action of the government, and the entire course of policy therewith connected. For, the greater the taxes and disbursements, the greater the gain of the one and the loss of the other—and *vice versa*; and consequently, the more the policy of the government is calculated to increase taxes and disbursements, the more it will be favored by the one and opposed by the other.

The effect, then, of every increase is, to enrich and strengthen the one, and impoverish and weaken the other. This, indeed, may be carried to such an extent, that one class or portion of the community may be elevated to wealth and power, and the other depressed to abject poverty and dependence, simply by the fiscal action of the government; and this too, through disbursements only—even under a system of equal taxes imposed for revenue only. If such may be the effect of taxes and disbursements, when confined to their legitimate objects—that of raising revenue for the public service—some conception may be formed, how one portion of the community may be crushed, and another elevated on its ruins, by systematically perverting the power of taxation and disbursement, for the purpose of aggrandizing and building up one portion of the community at the expense of the other. That it *will* be so used, unless prevented, is, from the constitution of man, just as certain as that it *can* be so used; and that, if not prevented, it must give rise to two parties, and to violent conflicts and struggles between them, to obtain the control of the government, is, for the same reason, not less certain.

About this Quotation:

In 1850 John C. Calhoun penned one of the most important pieces of political theory in 19th century America, his *Disquisition on Government*. In it he proposed a new way of viewing societies as torn between two competing and antagonistic groups, “classes” if you will. On the one hand there are those who pay the taxes upon which all government activities ultimately depend (the “tax-payers”), and on the other hand there are those whose livelihoods depend upon this tax revenue (the “tax-consumers”). At the same time in France, Frédéric Bastiat had developed very similar ideas. In Germany, Marx was becoming increasingly confused on this same issue.

Source

John C. Calhoun, *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis: Liberty Fund, 1992). <http://oll.libertyfund.org/title/683/107113/1934493>

Frank Chodorov argues that taxation is an act of coercion and if pushed to its logical limits will result in Socialism (1946) (Mar 5, 2007)



[Frank Chodorov](#) (1887 – 1966)

Frank Chodorov argues that taxation is an act of coercion which violates individual rights to property and, if pushed to its logical limits, will result in the ownership of all production and property in the hands of the state, i.e. Socialism:

Whenever it declares itself on the subject of taxation, socialism shows how well it knows its stuff. The Pharisees of that order have pointed out how the bourgeois system of “forced dues and charges”—as the *Encyclopedia Britannica* describes taxes—can well bring about the abolition of private property. It is a device for both siphoning capital out of citizens' pockets into the coffers of the state and discouraging the accumulation of capital. In that they are eminently correct, even though, characteristically, they avoid mentioning the greater peculation of wages. But, since the end justifies the means, they are strong for taxes, the bigger the better.

The scribes of what we call capitalism, neither as knowing nor as honest, have gone about camouflaging taxation with theories, canons, sanctimonious justifications, and, of course, a library of laws, until its mask has become its true face. When you unmask it, by means of reason and historical investigation, you see that taxation is highwaymanry made respectable by custom, thievery made moral by law; there isn't a decent thing to be said for it, as to origin, principle, or its effects on the social order. Man's adjustment to this iniquity has permitted its force to gain momentum like an unopposed crime wave; and the resulting social devastation is what the socialists have long predicted and prayed for.

The fact of taxation was known long before it was so named. If the thing was referred to by any particular word, it must have been some prehistoric counterpart of swag. The Danes who made periodic collecting visits to their neighbors called Dannegeld. However, a name and a theory are unimportant to the unsophisticated brigand who takes what he likes; both become important only after the browbeaten victim learns how to buy peace at

a price, and the brigand finds it nice to put himself on a par with the merchant. The path of skulduggery is made easier with a coating of morality, which is aptly applied to an established custom, by the lawyer and the professor of economics. And so, the business of taking what does not belong to you has been well obfuscated by a “philosophy” of taxation. ...

All this argument, however, is a concession to the obfuscation with which custom, law, and sophistry have covered up the true character of taxation. There cannot be a good tax, or a just one; therefore, every tax rests its case on political power. And the power behind every levy fattens on its collections, while the power of the individual is commensurately weakened. The ultimate of the progressive process of taxation is the absorption of all production by the state—which is the ideal of socialism.

About this Quotation:

Few people are willing to call a spade a spade. Frank Chodorov however is one of those people when he calls taxation a form of robbery which has been obfuscated by intellectuals and politicians for centuries. Writing at the end of World War Two, when the state had grown prodigiously and taxation and debt levels had risen accordingly, Chodorov thought he could see a pattern in all this: the steady increase in taxation would ultimately lead to socialism. One might compare this with Friedrich Hayek’s *The Road to Serfdom* written in 1944 which comes to a similar conclusion.

Source

Frank Chodorov, *Fugitive Essays: Selected Writings of Frank Chodorov*, Compiled, Edited, and with an Introduction by Charles H. Hamilton (Indianapolis: Liberty Fund, 1980). <http://oll.libertyfund.org/title/1730/141913/2669028>

**William Graham Sumner reminds us never to forget the “Forgotten Man”, the ordinary working man and woman who pays the taxes and suffers under government regulation (1883)
(Mar 14, 2007)**



William Graham Sumner (1840 – 1910)

William Graham Sumner reminds us never to forget the “Forgotten Man”, the ordinary working man and woman who pays the taxes, suffers under government regulation, and only really wants to be left alone in order to enjoy “true liberty”:

I call him the Forgotten Man. Perhaps the appellation is not strictly correct. He is the man who never is thought of. He is the victim of the reformer, social speculator and philanthropist, and I hope to show you before I get through that he deserves your notice both for his character and for the many burdens which are laid upon him....

In the definition the word “people” was used for a class or section of the population. It is now asserted that if that section rules, there can be no paternal, that is, undue, government. That doctrine, however, is the very opposite of liberty and contains the most vicious error possible in politics. The truth is that cupidity, selfishness, envy, malice, lust, vindictiveness, are constant vices of human nature. They are not confined to classes or to nations or particular ages of the world. They present themselves in the palace, in the parliament, in the academy, in the church, in the workshop, and in the hovel. They appear in autocracies, theocracies, aristocracies, democracies, and ochlocracies all alike. They change their masks somewhat from age to age and from one form of society to another. All history is only one long story to this effect: men have struggled for power over their fellow-men in order that they might win the joys of earth at the expense of others and might shift the burdens of life from their own shoulders upon those of others. It is true that, until this time, the proletariat, the mass of mankind, have rarely had the power and they have not made such a record as kings and nobles and priests have made of the abuses they would perpetrate against their fellow-men when they could and dared. But what folly it is to think that vice and passion are limited by classes, that liberty consists only in taking power away from

nobles and priests and giving it to artisans and peasants and that these latter will never abuse it! They will abuse it just as all others have done unless they are put under checks and guarantees, and there can be no civil liberty anywhere unless rights are guaranteed against all abuses, as well from proletarians as from generals, aristocrats, and ecclesiastics. ...

It is plain enough that the Forgotten Man and the Forgotten Woman are the very life and substance of society. They are the ones who ought to be first and always remembered. They are always forgotten by sentimentalists, philanthropists, reformers, enthusiasts, and every description of speculator in sociology, political economy, or political science. If a student of any of these sciences ever comes to understand the position of the Forgotten Man and to appreciate his true value, you will find such student an uncompromising advocate of the strictest scientific thinking on all social topics, and a cold and hard-hearted skeptic towards all artificial schemes of social amelioration. If it is desired to bring about social improvements, bring us a scheme for relieving the Forgotten Man of some of his burdens. He is our productive force which we are wasting. Let us stop wasting his force. Then we shall have a clean and simple gain for the whole society. The Forgotten Man is weighted down with the cost and burden of the schemes for making everybody happy, with the cost of public beneficence, with the support of all the loafers, with the loss of all the economic quackery, with the cost of all the jobs. Let us remember him a little while. Let us take some of the burdens off him. Let us turn our pity on him instead of on the good-for-nothing. It will be only justice to him, and society will greatly gain by it. Why should we not also have the satisfaction of thinking and caring for a little while about the clean, honest, industrious, independent, self-supporting men and women who have not inherited much to make life luxurious for them, but who are doing what they can to get on in the world without begging from anybody, especially since all they want is to be let alone, with good friendship and honest respect. Certainly the philanthropists and sentimentalists have kept our attention for a long time on the nasty, shiftless, criminal, whining, crawling, and good-for-nothing people, as if they alone deserved our attention. ...

What the Forgotten Man really wants is true liberty. Most of his wrongs and woes come from the fact that there are yet mixed together in our institutions the old mediaeval theories of protection and personal dependence and the modern theories of independence and individual liberty. The consequence is that the people who are clever enough to get into positions of control, measure their own rights by the paternal theory and their own duties by the theory of independent liberty. It follows that the Forgotten Man, who is hard at work at home, has to pay both ways. His rights are measured by the theory of liberty, that is, he has only such as he can conquer. His duties are measured by the paternal theory, that is, he must discharge all which are laid upon him, as is always the fortune of parents. People talk about the paternal theory of government as if it were a very simple thing. Analyze it, however, and you see that in every paternal relation there must be two parties, a parent and a child, and when you speak metaphorically, it makes all the difference in the world who is parent and who is child. Now, since we, the people, are the state, whenever there is any work to be done or expense to be paid, and since the petted classes and the criminals and the jobbers cost and do not pay, it is they who are in the position of the child, and it is the Forgotten Man who is the parent. What the Forgotten Man needs, therefore, is that we come to a clearer understanding of liberty and to a more complete realization of it. Every step which we win in liberty will set the Forgotten Man free from

some of his burdens and allow him to use his powers for himself and for the commonwealth.

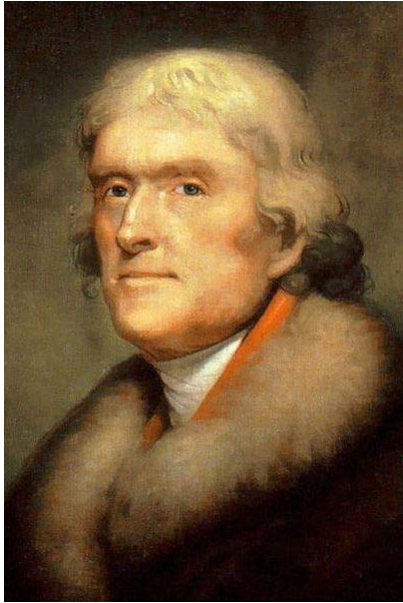
About this Quotation:

William Graham Sumner coined the term “the Forgotten Man” in 1883 in order to identify the ordinary person who pays the taxes, endures government regulations of all kinds, and who is “the victim of the reformer, social speculator and philanthropist.” All they want is “true liberty”, to be left alone to go about their business unmolested by others. What is extraordinary about this essay is that it was written in 1883, not 1983. One wonders what he would have to say today.

Source

William Graham Sumner, *The Forgotten Man and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1918). <http://oll.libertyfund.org/title/2396/226423/3874864>

Jefferson tells Congress that since tax revenues are increasing faster than population then taxes on all manner of items can be “dispensed with” (i.e. abolished) (1801) (May 26, 2008)



Thomas Jefferson (1743 – 1826)

In his first annual message to Congress in 1801, President Thomas Jefferson (1743-1826) discussed how the tax burden could be reduced and warned how "accumulated treasure" could tempt regimes to go to war in the future:

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and value its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone, and though the changes of foreign relations now taking place so desirably for the world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added, to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of government to pay the interest on the public debts, and to discharge the principals in shorter periods than the laws or the general expectations had contemplated. **War, indeed, and untoward events, may change this prospect of things, and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow**

citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and at the same time a salutary reduction, may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and navy, will need revisal.

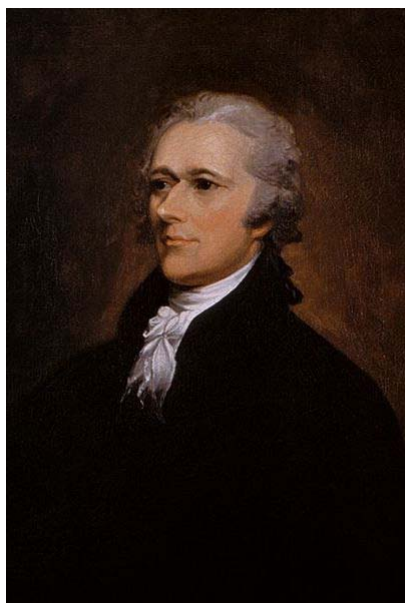
About this Quotation:

It must have been an interesting time to live in, when a president's address to Congress would contain such a long list of taxes which would be abolished and a prediction that the national debt would be paid off faster than people had imagined. What is also interesting is that no branch of government would be spared in this tax cutting, whether civil, army, or navy; all "will need revising" in this "salutary reduction."

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 9. <http://oll.libertyfund.org/title/757/87333/1996067>

Alexander Hamilton denounces the British for imposing “oppressive taxes” on the colonists which amount to tyranny, a form of slavery, and vassalage to the Empire (1774) (Jul 28, 2008)



Alexander Hamilton (1757 – 1804)

Alexander Hamilton in "A Full Vindication of the Measures of Congress" (1774) argued that the oppressive taxes laid upon the American colonists by the British were a form of slavery which had become intolerable and would thus lead to the colonists' independence:

No person that has enjoyed the sweets of liberty can be insensible of its infinite value, or can reflect on its reverse without horror and detestation. No person that is not lost to every generous feeling of humanity, or that is not stupidly blind to his own interest, could bear to offer himself and posterity as victims at the shrine of despotism, in preference to enduring the shortlived inconveniences that may result from an abridgment, or even entire suspension, of commerce.

Were not the disadvantages of slavery too obvious to stand in need of it, I might enumerate and describe the tedious train of calamities inseparable from it. I might show that it is fatal to religion and morality; that it tends to debase the mind, and corrupt its noblest springs of action. I might show that it relaxes the sinews of industry, clips the wings of commerce, and introduces misery and indigence in every shape.

Under the auspices of tyranny the life of the subject is often sported with, and the fruits of his daily toil are consumed in oppressive taxes, that serve to gratify the ambition, avarice, and lusts of his superiors. Every court minion riots in the spoils of the honest laborer, and despises the hand by which he is fed. The page of history is replete with instances that loudly warn us to beware of slavery.

Rome was the nurse of freedom. She was celebrated for her justice and lenity; but in what manner did she govern her dependent provinces? They were made the continual scene of rapine and cruelty. From thence let us learn how little confidence is due to the wisdom and equity of the most exemplary nations.

Should Americans submit to become the vassals of their fellow-subjects in Great Britain, their yoke will be peculiarly grievous and intolerable. A vast majority of mankind is entirely biassed by motives of self-interest. Most men are glad to remove any burthens off themselves, and place them upon the necks of their neighbors. We cannot, therefore, doubt but that the British Parliament, with a view to the ease and advantage of itself and its constituents, would oppress and grind the Americans as much as possible. Jealousy would concur with selfishness; and for fear of the future independence of America, if it should be permitted to rise to too great a height of splendor and opulence, every method would be taken to drain it of its wealth and restrain its prosperity. We are already suspected of aiming at independence, and that is one principal cause of the severity we experience. The same cause will always operate against us, and produce a uniform severity of treatment.

About this Quotation:

As Lance Banning shows in his collection of primary sources *Liberty and Order* (Liberty Fund, 2004) the American republic quickly turned into a bitter party struggle between two “parties”: the Hamiltonians, who wanted a strong central government with the power to fund and regulate key infrastructure and public works and to impose tariffs; and the Jeffersonians who wanted a very weak central government which would impose low taxes, remove tariff protection, and stay out of the economy. So it is interesting here to see Hamilton in his anti-tax mode, railing against the British for imposing “tax slavery”. He was to sing a slightly different tune once the British were ousted and the republic was formed.

Source

Alexander Hamilton, *The Revolutionary Writings of Alexander Hamilton*, edited and with an Introduction by Richard B. Vernier, with a Foreword by Joyce O. Appleby (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2121/164942/2931291>

Adam Smith claims that exorbitant taxes imposed without consent of the governed constitute legitimate grounds for the people to resist their rulers (1763) (Aug 11, 2008)



Adam Smith (1723 – 1790)

In his *Lectures on Jurisprudence* (1763) Adam Smith discusses the "very figurative metaphoricall consent" that people are supposed to grant the ruler to tax them. When taxes become "very exorbitant" he believes the people have the right to resist as the Americans did in 1775:

The foundation of the allegiance of the people being a tacit contract is not at all just, and we see accordingly that few of those limitations laid down by writers who follow that scheme are to be found in fact in any country.—It is a rule laid down by Mr. Locke as a principle that the people have a right to resist whenever the sovereign takes their money from them without their consent by levying taxes to which they have not agreed. Now we see that in France, Spain, etc. the consent of the people is not in the least thought of; the king imposes what taxes he pleases. **It is in Britain alone that any consent of the people is required, and God knows it is but a very figurative metaphoricall consent which is given here. And in Scotland still more than in England, as but very few have a vote for a Member of Parliament | who give this metaphoricall consent; and yet this is not any where reckoned a sufficient cause of rebellion. No doubt the raising of a very exorbitant tax, as the raising as much in peace as in war, or the half or even the fifth of the wealth of the nation, would, as well as any other gross abuse of power, justify resistance in the people.** But where this power is exerted with moderation, tho perhaps it is not done with the greatest propriety as it is in no country whatever, and tho not even a figurative consent is requir'd, yet they never think that they ought to resist tho they may claim the liberty of remonstrating against it.—Government was established to defend the property of the subjects, but if it come to be of a conterary tendency, yet they must agree to give up a little of their right. You must agree to repose a certain trust in them, tho if they absolutely break thro it, resistance is to be made if the consequences of it be not worse than the thing itself.

About this Quotation:

In these lectures on jurisprudence, given in 1763, Adam Smith makes a number of claims which have great significance for the coming American Revolution and for political theory in general. In a discussion of “exorbitant taxation” (which Smith seems to believe is somewhere between $\frac{1}{5}$ and $\frac{1}{2}$ of a nation’s wealth) he mentions the consent theory of John Locke, in particular the idea of “implied consent”. This is the notion that by not revolting the government can “imply” that “consent” to its legislation has been granted by the citizenry. In the case of taxation in Britain, Smith mocks this idea by calling it sarcastically “very figurative metaphoricall consent”, i.e. no consent at all. When taxes do rise to these shockingly high levels ($\frac{1}{5}$!) the people have the right to resist their government, as the Americans were shortly to do.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).

<http://oll.libertyfund.org/pages/missing-links>

Thomas Paine responded to one of Burke's critiques of the French Revolution by cynically arguing that wars are sometimes started in order to increase taxation ("the harvest of war") (1791) (Jul 13, 2009)



Thomas Paine (1737 – 1809)

In his debate with Edmund Burke over the French Revolution, Thomas Paine (1737-1809) argues that there is a connection between war and the raising of taxes and that sometimes the former is engaged in to promote the latter:

The French constitution says, That the right of war and peace is in the nation. Where else should it reside, but in those who are to pay the expence?

In England, this right is said to reside in a metaphor, shewn at the Tower for sixpence or a shilling a-piece: So are the lions; and it would be a step nearer to reason to say it resided in them, for any inanimate metaphor is no more than a hat or a cap. We can all see the absurdity of worshipping Aaron's molten calf, or Nebuchadnezzar's golden image; but why do men continue to practise themselves the absurdities they despise in others?

It may with reason be said, that in the manner the English nation is represented, it signifies not where this right resides, whether in the Crown, or in the Parliament. War is the common harvest of all those who participate in the division and expenditure of public money, in all countries. It is the art of conquering at home: the object of it is an increase of revenue; and as revenue cannot be increased without taxes, a pretence must be made for expenditures. In reviewing the history of the English government, its wars and its taxes, a by-stander, not blinded by prejudice, nor warped by interest, would declare, that taxes were not raised to carry on wars, but that wars were raised to carry on taxes.

Mr. Burke, as a Member of the House of Commons, is a part of the English Government; and though he professes himself an enemy to war, he abuses the French Constitution, which seeks to explode it. He holds up the English Government as a model in all its parts,

to France; but he should first know the remarks which the French make upon it. They contend, in favour of their own, that the portion of liberty enjoyed in England, is just enough to enslave a country by, more productively than by despotism; and that as the real object of all despotism is revenue, a Government so formed obtains more than it could do either by direct despotism, or in a full state of freedom, and is therefore, on the ground of interest, opposed to both. They account also for the readiness which always appears in such governments for engaging in wars, by remarking on the different motives which produce them. In despotic governments, wars are the effect of pride; but in those governments in which they become the means of taxation, they acquire thereby a more permanent promptitude.

About this Quotation:

Paine here returns to his theme of the connection between war, public financing, and taxation. He cynically argues that history might lead one to the conclusion that far from raising taxes in order to fund wars, much benefit can be gained by the ruling and banking elite if wars are started in order to raise the national debt and increase taxation. Sometimes one wonders if this might be true. Paine and Burke were only two figures in a very spirited debate which took place in the 1790s about the significance and meaning of the French Revolution. It also involved Mary Wollstonecraft, William Godwin, Joseph Priestley, Catharine Macaulay, and Sir James Mackintosh, whose writings on the subject can be found at the OLL website [[/collection/73](#)].

Source

Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke's Attack on the French Revolution*. (2nd edition) by Thomas Paine (London: J.S. Jordan, 1791). <http://oll.libertyfund.org/title/798/95650/2141120>

Lysander Spooner argues that according to the traditional English common law, taxation would not be upheld because no explicit consent was given by individuals to be taxed (1852) (Aug 18, 2009)



Lysander Spooner (1808 – 1887)

One of the demands of the American revolutionaries was “no taxation without representation”; Spooner takes this demand one step further by stating “no taxation without explicit consent”:

It was a principle of the Common Law, as it is of the law of nature, and of common sense, that no man can be taxed without his personal consent. The Common Law knew nothing of that system, which now prevails in England, of assuming a man’s own consent to be taxed, because some pretended representative, whom he never authorized to act for him, has taken it upon himself to consent that he may be taxed. That is one of the many frauds on the Common Law, and the English constitution, which have been introduced since Magna Carta. Having finally established itself in England, it has been stupidly and servilely copied and submitted to in the United States.

If the trial by jury were reestablished, the Common Law principle of taxation would be reestablished with it; for it is not to be supposed that juries would enforce a tax upon an individual which he had never agreed to pay. Taxation without consent is as plainly robbery, when enforced against one man, as when enforced against millions; and it is not to be imagined that juries could be blind to so self-evident a principle. Taking a man’s money without his consent, is also as much robbery, when it is done by millions of men, acting in concert, and calling themselves a government, as when it is done by a single individual, acting on his own responsibility, and calling himself a highwayman. Neither the numbers engaged in the act, nor the different characters they assume as a cover for the act, alter the nature of the act itself.

If the government can take a man’s money without his consent, there is no limit to the additional tyranny it may practise upon him; for, with his money, it can hire soldiers to stand over him, keep him in subjection, plunder him at discretion, and kill him if he

resists. And governments always will do this, as they everywhere and always have done it, except where the Common Law principle has been established. It is therefore a first principle, a very sine qua non of political freedom, that a man can be taxed only by his personal consent. And the establishment of this principle, with trial by jury, insures freedom of course; because: 1. No man would pay his money unless he had first contracted for such a government as he was willing to support; and, 2. Unless the government then kept itself within the terms of its contract, juries would not enforce the payment of the tax. Besides, the agreement to be taxed would probably be entered into but for a year at a time. If, in that year, the government proved itself either inefficient or tyrannical, to any serious degree, the contract would not be renewed. The dissatisfied parties, if sufficiently numerous for a new organization, would form themselves into a separate association for mutual protection. If not sufficiently numerous for that purpose, those who were conscientious would forego all governmental protection, rather than contribute to the support of a government which they deemed unjust.

All legitimate government is a mutual insurance company, voluntarily agreed upon by the parties to it, for the protection of their rights against wrong-doers. In its voluntary character it is precisely similar to an association for mutual protection against fire or shipwreck. Before a man will join an association for these latter purposes, and pay the premium for being insured, he will, if he be a man of sense, look at the articles of the association; see what the company promises to do; what it is likely to do; and what are the rates of insurance. If he be satisfied on all these points, he will become a member, pay his premium for a year, and then hold the company to its contract. If the conduct of the company prove unsatisfactory, he will let his policy expire at the end of the year for which he has paid; will decline to pay any further premiums, and either seek insurance elsewhere, or take his own risk without any insurance. And as men act in the insurance of their ships and dwellings, they would act in the insurance of their properties, liberties and lives, in the political association, or government.

About this Quotation:

Tucked away at the back of his book on *Trial by Jury* (1852) is this small gem of an Appendix on Taxation. Spooner is convinced that, if the laws of taxation were tested in a traditional common law trial by jury and if (a big if one might say) juries were allowed to pronounce on the justice of the law as well as any crime committed under that law, then they would find any reluctant taxpayer not guilty of refusing to pay their taxes. Once again, Spooner wants to push explicit consent theory and his natural law beliefs to their logical conclusion.

Source

Lysander Spooner, *An Essay on the Trial by Jury* (Boston: John P. Jewett and Company, 1852).
<http://oll.libertyfund.org/title/2181/202927>

Knox on how the people during wartime are cowered into submission and pay their taxes “without a murmur” (1795) (Jan 18, 2011)



Vicesimus Knox (1752 – 1821)

During the Wars against the French Revolution, the English minister Vicesimus Knox (1752-1821) denounced the infringement of the peoples' liberties and the ever increasing taxes which were imposed to pay for the war. “Court sycophants” taught the people they had to obey their rulers and to pay their taxes no matter what, yet he believed they had a “natural right” to protect their liberties:

As to the right of the people to think, let him who denies it, deny, at the same time, their right to breathe. They can no more avoid thinking than breathing. God formed them to do both; and though statesmen often act as if they wished to oppose the will of the Deity, yet happily they want the power. And since man must think, is it possible to prevent them from thinking of the government? upon the right conduct of which depend their liberty, their property, and their lives. It is their duty to watch over the possessors of power, lest they should be prevented, by the encroaching nature of power, from leaving to their posterity that freedom which they inherited; a natural right, preserved from the oppressor’s infringement by the blood of their virtuous ancestors.

But such is the effect of political artifice, under the management of court sycophants, that the middle ranks of people are taught to believe, that they ought not to trouble themselves with affairs of state. They are taught to think that a certain set of men come into the world like demigods, possessed of right, power, and intellectual abilities, to rule the earth, as God rules the universe, without controul. They are taught to believe, that free inquiry and manly remonstrance are the sin of sedition. They are taught to believe, that they are to labour by the sweat of their brow to get money for the taxes; and when they have paid them, to go to work again for more, to pay the next demand without a murmur. Their children may starve; they may be obliged to shut out the light of heaven, and the common air which the beasts on the waste enjoy; they may be prevented from purchasing the means of artificial light in the absence of natural; they may be disabled from procuring a draught of

wholesome and refreshing beverage after the day's labour which has raised the money to pay the tax; they may not be able to buy the materials for cleanliness of their persons, when defiled by the same labour; yet they must acquiesce in total silence. They must read no obnoxious papers or pamphlets, and they must not utter a complaint, at the house where they are compelled to go for refreshment, which the tax prevents them from enjoying at home with their little ones. Yet they have nothing to do with public affairs; and if they show the least tendency to inquiry or opposition, they suffer a double punishment, first from their lordly landlord and employer; and secondly, from prosecution for turbulence and sedition.

The legal punishments attending the expression of discontent, by any overt-act, are so severe, and the ill-grounded terrors of them so artfully disseminated, that rather than incur the least danger, they submit in silence to the hardest oppression.

Even the middle ranks are terrified into a tame and silent acquiescence. They learn to consider politics as a dangerous subject, not to be touched without hazard of liberty or life. They shrink therefore from the subject. They will neither read nor converse upon it. They pay their contribution to a war, and take a minister's word that it is just and necessary. Better part with a little money patiently, since part with it we must, say they, than by daring to investigate the causes or conduct of public measures, risk a prison or a gibbet.

About this Quotation:

Vicesimus Knox ran afoul of the British military for his outspoken opposition to the war against the French in the 1790s. His fiery sermons against the war led to his house being burned and him being driven out of Bristol. He wrote the *Spirit of Despotism* (1795) in an effort to show the British people how their liberties were being gradually eroded as a result of war hysteria and fears of invasion and domestic revolution. In this passage from section XI on the "Indifference of the middle and lower Classes of the People to public Affairs" he reminds members of the public that they have a natural proclivity to think about the behaviour of their rulers, to question the "court sycophants" who urge them to obey and pay without question, and to defend their "natural right" to liberty when it is infringed upon. In particular he notes the ever increasing burden of taxation for the war effort which meant that ordinary people did not have enough money to feed their children, have windows for light (there was a window tax), buy a drink after work, or soap for washing, or even keep a pet dog (an unpopular "dog tax was introduced in 1796). They had to endure all this and "acquiesce in total silence" under threat of being charged with sedition.

Source

Vicesimus Knox, *The Works of Vicesimus Knox, D.D. with a Biographical Preface*. In Seven Volumes (London: J. Mawman, 1824). Vol. 5. <http://oll.libertyfund.org/title/630/210897/1941458>

Mises on the public sector as “tax eaters” who “feast” on the assets of the ordinary tax payer (1953) (Apr 10, 2011)



Ludwig von Mises (1881 – 1973)

In a similar fashion to John C. Calhoun’s division of the world into net “tax-consumers” and net “tax-payers”, the Austrian economist Ludwig von Mises (1881-1973) distinguished between the ordinary citizens who paid taxes and the public sector entities like the New York subway which “consumed” the taxes paid by the former. This is a classic example of what Mises in 1945 termed “the clash of group interests”:

Derailment of State Railroads

The financial embarrassment of the main European countries is predominantly caused by the bankruptcy of the nationalized public utilities. The deficit of these enterprises is incurable. A further rise in their rates would bring about a drop in total net proceeds. The traffic could not bear it. Daily experience proves clearly to everybody but the most bigoted fanatics of socialism that governmental management is inefficient and wasteful. But it is impossible to sell these enterprises back to private capital because the threat of a new expropriation by a later government would deter potential buyers.

In a capitalist country the railroads and the telegraph and telephone companies pay considerable taxes. In the countries of the mixed economy, the yearly losses of these public enterprises are a heavy drain upon the nation’s purse. They are not taxpayers, but tax-eaters.

Under the conditions of today, the nationalized public utilities of Europe are not merely feasting on taxes paid by the citizens of their own country; they are also living at the expense of the American taxpayer. A considerable part of the foreign-aid billions is swallowed by the deficits of Europe’s nationalization experiments. If the United States had nationalized the American railroads, and had not only to forgo the taxes that the companies pay, but, in addition, to cover every year a

deficit of several billions, it would not have been in a position to indemnify the European countries for the foolishness of their own socialization policies. So what is postponing the obvious collapse of the Welfare State in Europe is merely the fact that the United States has been slow and “backward” in adopting the principles of the Welfare State’s “new economics”: it has not nationalized railroads, telephone, and telegraph.

Yet Americans who want to study the effects of public ownership of transit systems are not forced to visit Europe. Some of the nation’s largest cities—among them Detroit, Baltimore, Boston, San Francisco—provide them with ample material. The most instructive case, however, is that of the New York City subways.

New York City subways are only a local transit system. In many technological and financial respects, however, they surpass by far the national railroad systems of many countries. As everybody knows, their operation results every year in a tremendous deficit. The financial management accumulates operating deficits, planning to fund them by the issuance of serial bonds. Only a municipality of the bigness, wealth, and prestige of New York could venture on such a policy. With a private corporation financial analysts would apply a rather ugly word to its procedures: bankruptcy. No sane investor would buy bonds of a private corporation run on such a basis.

Incorrigible socialists are, of course, not at all alarmed. “Why should a subway pay?” they are asking. “The schools, the hospitals, the police do not pay; there is no reason why it should be different with a transit system.” This “why” is really remarkable. As if the problem were to find an answer to a why, and not to a wherefrom.

There is always this socialist prepossession with the idea that the “rich” can be endlessly soaked. The sad fact, however, is that there is not enough left to fill the bottomless barrels of the public treasury. Precisely because the schools, the hospitals, and the police are very expensive, the city cannot bear the subway deficit. If it wants to levy a special tax to subsidize the subway, it will have to tax the same people who are supposed to profit from the preservation of the low fare.

The other alternative is to raise the fare from the present [1953] level of ten cents to fifteen cents.* It will certainly be done. And it will certainly prove insufficient. After a while a rise to twenty cents will follow—with the same unfavorable result. There is no remedy for the inefficiency of public management. Moreover there is a limit to the height at which raised rates will increase revenue. Beyond this point further rises are self-defeating. This is the dilemma facing every public enterprise.

About this Quotation:

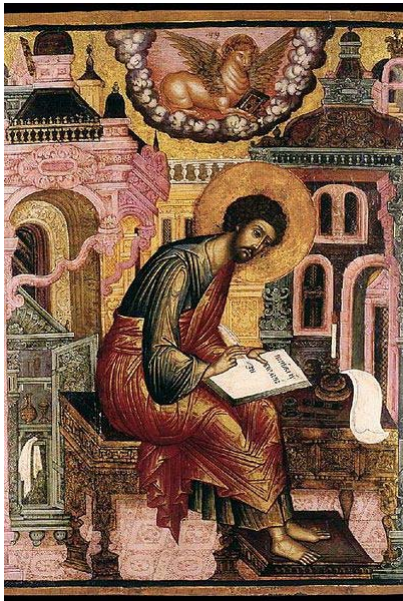
A recurrent theme in classical liberal thought both in Europe and America is the notion that those who benefit from taxes, whether by working for the state or receiving state funded subsidies and grants, form a separate group with distinct interests from those who pay the taxes from their earnings or savings. In the 19th century James Mill (the father of John Stuart) distinguished between those who “pillage” and those who are “pillaged” and this idea was an important component in the political thought of the “philosophic radicals”. The English radical John Wade made this idea a key part of his analysis in his Black Book in which he listed all the beneficiaries of government subsidies in Britain in the 1820s and 1830s. In a cartoon which accompanied the 1835 edition he showed Gulliver (as the British taxpayer) bound and tied on the ground by government officials and tax recipients (as the

Lilliputians) who rifle his pockets. Another depiction of this same idea was provided by the French cartoonist and caricaturist Honoré Daumier in “Gargantua” (1831) in which King Louis Philippe is shown as a classic example of the “tax eating” ruler. By the 1840s the French liberal political economist Frédéric Bastiat (1801-1850) had developed these ideas into a more sophisticated analysis of what he termed “legal plunder.” His planned “History of Plunder” never eventuated because of his premature death in 1850. All we have is a sketch of what he planned to write on this interesting topic. On the other side of the Atlantic the Southern agrarian Jeffersonian republican John C. Calhoun (1782-1850) concluded in a very similar fashion in his *Disquisition on Government* (1843-1848) that “the necessary result, then, of the unequal fiscal action of the government is, to divide the community into two great classes; one consisting of those who, in reality, pay the taxes, and, of course, bear exclusively the burthen of supporting the government; and the other, of those who are the recipients of their proceeds, through disbursements, and who are, in fact, supported by the government; or, in fewer words, to divide it into tax-payers and tax-consumers.”

Source

Ludwig von Mises, *Economic Freedom and Interventionism: An Anthology of Articles and Essays*, selected and edited by Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007).
<http://oll.libertyfund.org/title/1887/109588/2285152>

Luke, Taxes, and the Birth of Jesus (85) (May 1, 2011)



[Saint Luke](#) (1 CE – ?)

In the Gospel of Luke (2: 1-7) it is stated that the reason Jesus was born in Bethlehem was because his parents were ordered by Emperor Augustus to return to their ancestral village at a time when Mary was pregnant, thus linking the founding story of the Christian religion with Roman imperial economic policy:

1 And it came to pass in those days, that there went out a decree from Cæsar Augustus, that all the world should be taxed. **2** (And this taxing was first made when Cyrenius was governor of Syria.) **3** And all went to be taxed, every one into his own city. **4** And Joseph also went up from Galilee, out of the city of Nazareth, into Judæa, unto the city of David, which is called Bethlehem; (because he was of the house and lineage of David) **5** To be taxed with Mary his espoused wife, being great with child. **6** And so it was, that, while they were there, the days were accomplished that she should be delivered. **7** And she brought forth her firstborn son, and wrapped him in swaddling clothes, and laid him in a manger; because there was no room for them in the inn. **8** And there were in the same country shepherds abiding in the field, keeping ¶ watch over their flock by night. **9** And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them: and they were sore afraid. **10** And the angel said unto them, Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people. **11** For unto you is born this day in the city of David a Saviour, which is Christ the Lord. **12** And this shall be a sign unto you; Ye shall find the babe wrapped in swaddling clothes, lying in a manger. **13** And suddenly there was with the angel a multitude of the heavenly host praising God, and saying, **14** Glory to God in the highest, and on earth peace, good will toward men. **15** And it came to pass, as the angels were gone away from them into heaven, the shepherds said one to another, Let us now go even unto Bethlehem, and see this thing which is come to pass, which the Lord hath made known unto us. **16** And they came with haste, and found Mary, and Joseph, and the babe lying in a manger. **17** And when they had seen it, they made known abroad the saying which was told them concerning this child. **18** And all they that heard it wondered at those things which were told them by the shepherds. **19** But Mary kept all these things, and pondered them in her heart. **20** And the shepherds returned, glorifying and praising God

for all the things that they had heard and seen, as it was told unto them.

About this Quotation:

Luke and Matthew give two quite different accounts of the birth of Jesus. In Luke, Joseph and Mary's trip to Bethlehem is undertaken in order to satisfy an imperial command that all individuals return to their ancestral towns "that all the world should be taxed." Since Mary was pregnant with Jesus at the time the command had to be carried out, this explains why Jesus was born in the town of Bethlehem and not in the town where his parents lived. In this way the founding story of the Christian religion is linked to the taxation policy of the Roman empire. Historians have noted that there is no historical record of Emperor Augustus ever giving such an order, that Quirinius (Cyrenius) was not governor of Syria at the time the birth was supposed to have taken place, and that there were insurmountable logistical problems if everybody in the Roman Empire had to travel to their ancestral towns in order to be accounted for and to pay their taxes. Nevertheless, the story Matthew and Luke related have become incorporated into a composite story about the birth of Christ which is related every Christmas. A very interesting depiction of this story is the painting by Pieter Brueghel the Elder, "The Numbering (Census) of the People of Bethlehem" (1566) in which he switches the location from Bethlehem to a 16th century Flemish town.

Source

The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version (Oxford University Press, 1885).

Adam Smith on how governments learn from each other the best way of draining money from the pockets of the people (1776) (Nov 14, 2011)



Adam Smith (1723 – 1790)

Adam Smith (1723-1790) studied in great detail how taxes were used to fund the activities of the monarchies of his day. He was especially interested in how new taxes in one state would be copied by other states:

In Holland there are both stamp–duties and duties upon registration; which in some cases are, and in some are not proportioned to the value of the property transferred. All testaments must be written upon stamp paper, of which the price is proportioned to the property disposed of, so that there are stamps which cost from three pence, or three stivers a sheet, to three hundred florins, equal to about twenty–seven pounds ten shillings of our money. If the stamp is of an inferior price to what the testator ought to have made use of, his succession is confiscated. This is over and above all their other taxes on succession. Except bills of exchange, and some other mercantile bills, all other deeds, bonds, and contracts, are subject to a stamp–duty. This duty, however, does not rise in proportion to the value of the subject. All sales of land and of houses, and all mortgages upon either, must be registered, and, upon registration, pay a duty to the state of two and a half per cent. upon the amount of the price or of the mortgage. This duty is extended to the sale of all ships and vessels of more than two tons burthen, whether decked or undecked. These, it seems, are considered as a sort of houses upon the water. The sale of moveables, when it is ordered by a court of justice, is subject to the like duty of two and a half per cent.

In France there are both stamp–duties and duties upon registration. The former are considered as a branch of the aides or excise, and in the provinces where those duties take place, are levied by the excise officers. The latter are considered as a branch of the domain of the crown, and are levied by a different set of officers. Those modes of taxation, by stamp–duties and by duties upon registration, are of very modern invention. In the course of little more than a century, however, stamp–duties have, in

Europe, become almost universal, and duties upon registration extremely common. There is no art which one government sooner learns of another than that of draining money from the pockets of the people.

Taxes upon the transference of property from the dead to the living, fall finally as well as immediately upon the person to whom the property is transferred. Taxes upon the sale of land fall altogether upon the seller. The seller is almost always under the necessity of selling, and must, therefore, take such a price as he can get. The buyer is scarce ever under the necessity of buying, and will, therefore, only give such a price as he likes. He considers what the land will cost him in tax and price together. The more he is obliged to pay in the way of tax, the less he will be disposed to give in the way of price. Such taxes, therefore, fall almost always upon a necessitous person, and must, therefore, be frequently very cruel and oppressive...

About this Quotation:

Here we have an example of “the spread of worst practice” to counter E.L. Jones' notion of “the spread of best practice” which he developed in order to show how free institutions gradually emerged in Europe. The latter expressed the idea that people and industries would relocate to areas in Europe which had lower taxes and less regulations, thus spurring other states to lower their taxes and regulations in order to compete. Smith takes the opposite view in this passage from *Wealth of Nations* where he shows how innovations in tax collection in one state (here France and stamp duties) were quickly copied by other states. He sadly concludes that “There is no art which one government sooner learns of another than that of draining money from the pockets of the people”.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/119#Smith_0206-02_810

Sven Forkbeard and new Yuletide Taxes (11thC) (Dec 18, 2011)

[Snorre Sturlason](#) (1179 – 1241)

The Icelandic historian Snorre Sturlason (1179 – 1241) in his history of the Norse Kings describes how King Sven Forkbeard (960-1014), king of Denmark, Norway, and England, imposed numerous taxes on the people in order to fund his conquests. These included a sizeable number of new taxes which were imposed at Yuletide (Christmas), prompting the usual murmurings of discontent and threats of revolt:

Of King Svein's laws.

King Svein introduced new laws in many respects into the country, partly after those which were in Denmark, and in part much more severe. No man must leave the country without the king's permission; or if he did, his property fell to the king. Whoever killed a man outright, should forfeit all his land and movables. If any one was banished the country, and an heritage fell to him, the king took his inheritance. At Yule every man should pay the king a meal of malt from every harvest steading, and a leg of a three-year old ox, which was called a friendly gift, together with a spand of butter; and every house-wife a rock full of unspun lint, as thick as one could span with the longest fingers of the hand. The bondes were bound to build all the houses the king required upon his farms. Of every seven males one should be taken for the service of war, and reckoning from the fifth year of age; and the outfit of ships should be reckoned in the same proportion. Every man who rowed upon the sea to fish should pay the king five fish as a tax, for the land defence, wherever he might come from. Every ship that went out of the country should have stowage reserved open for the king in the middle of the ship. Every man, foreigner or native, who went to Iceland, should pay a tax to the king. And to all this was added, that Danes should enjoy so much consideration in Norway, that one witness of them should invalidate ten of Northmen.

When these laws were promulgated the minds of the people were instantly raised against them, and murmurs were heard among them. They who had not taken part against King Olaf said, "Now take your reward and friendship from the Canute race, ye men of the interior Thronthjem who fought against King Olaf, and deprived him of his kingdom. Ye were promised peace and justice, and now ye have got oppression and slavery for your great treachery and crime." Nor was it very easy to contradict them, as all men saw how miserable the change had been. But people had not the boldness to make an insurrection against King Svein, principally because many had given King Canute their sons or other near relations as hostages; and also because no one appeared as leader of an insurrection. They very soon, however, complained of King Svein; and his mother Alfifa got much of the blame of all that was against their desire. Then the truth, with regard to Olaf, became evident to many.

About this Quotation:

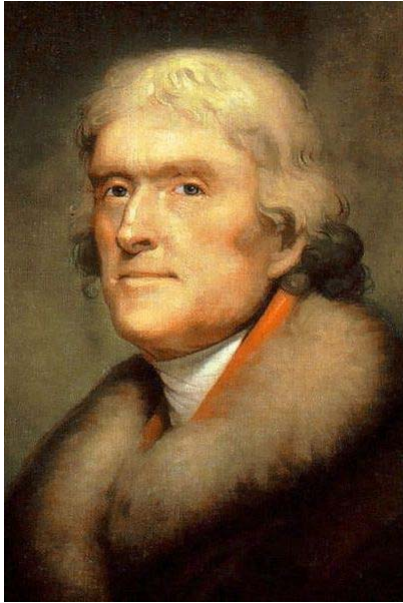
One has to wonder what it is about the winter solstice that links it to increases in taxation. The founding story of the Christian religion has Joseph and Mary being forced to return to the place of their birth in order to participate in a census by the Roman Imperial state for taxation purposes (Luke

2: 1-7). Here we have an account in a 13thC history of the Norse kings, the *Heimskringla*, of King Sven Forkbeard who imposes a slew of new taxes on the people at Yuletide, such as “a meal of malt from every harvest, a leg of a three-year old ox, a spand of butter; a rock full of unspun lint”. This was at a time of the year when ordinary people faced their greatest hardship. Food produced in the summer had to be stored and preserved in order to tide them over the winter, livestock were killed because feed was in short supply over the winter months, and there was often fear that the family might not survive until the first harvest of the summer. Thus it was doubly harsh that a king or an emperor would impose additional taxes at this time of the year. What is especially interesting is that the chronicler Sturlason takes the trouble to tell the reader that these new taxes caused murmurings of resentment among those who had supported King Sven in his struggle against King Canute. He reminds them that “Ye were promised peace and justice, and now ye have got oppression and slavery.” T'was ever so.

Source

Snorre Sturlason, *The Heimskringla: A History of the Norse Kings* by Snorre Sturlason. Done into English out of the Icelandic by Samuel Laing, revised with notes by Hon. Rasmus B. Anderson (London: Norroena Society, 1907). Vol. 2. <http://oll.libertyfund.org/title/1704/13011/1543469>

Jefferson on Taxes and the General Welfare (1791) (Jul 30, 2012)



Thomas Jefferson (1743 – 1826)

In his “Opinion on the Constitutionality of a National Bank (1791) Jefferson argued that the formation of such an entity would allow Congress to “take possession of a boundless field of power” which would give them the means “to do whatever evil they please”:

The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States, by the Constitution.

I. They are not among the powers specially enumerated: for these are: 1st. A power to lay taxes for the purpose of paying the debts of the United States; but no debt is paid by this bill, nor any tax laid. Were it a bill to raise money, its origination in the Senate would condemn it by the Constitution.

2d. “To borrow money.” But this bill neither borrows money nor ensures the borrowing it. The proprietors of the bank will be just as free as any other money holders, to lend or not to lend their money to the public. The operation proposed in the bill, first, to lend them two millions, and then to borrow them back again, cannot change the nature of the latter act, which will still be a payment, and not a loan, call it by what name you please.

3. To “regulate commerce with foreign nations, and among the States, and with the Indian tribes.” To erect a bank, and to regulate commerce, are very different acts. He who erects a bank, creates a subject of commerce in its bills; so does he who makes a bushel of wheat, or digs a dollar out of the mines; yet neither of these persons regulates commerce thereby. To make a thing which may be bought and sold, is not to prescribe regulations for buying and selling. Besides, if this was an exercise of the power of regulating commerce, it would be void, as extending as much to the internal commerce of every State, as to its external. For the power given to Congress by the Constitution does not extend to the internal regulation of the commerce of a State, (that is to say of the commerce between citizen and citizen,) which remain exclusively with its own legislature; but to its external commerce only, that is to say, its commerce with another State, or with foreign nations, or with the Indian tribes. Accordingly the bill does not propose the measure as a regulation

of trade, but as “productive of considerable advantages to trade.” Still less are these powers covered by any other of the special enumerations.

II. Nor are they within either of the general phrases, which are the two following:—

1. To lay taxes to provide for the general welfare of the United States, that is to say, “to lay taxes for the purpose of providing for the general welfare.” For the laying of taxes is the power, and the general welfare the purpose for which the power is to be exercised. They are not to lay taxes ad libitum for any purpose they please; but only to pay the debts or provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.

About this Quotation:

In 1791 Jefferson was very concerned that the creation of a National Bank would open the floodgates for increased spending by the Federal government. As a national bank was not one of the enumerated powers of the federal government in the constitution Jefferson was opposed to its formation, believing that “To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition.” Jefferson appears to make a distinction between the funding of the “Union” and “the general welfare”, where the former meant the operation of the federal government in carrying out its business, and the latter meant an undefined and potentially ever expanding sphere of action which was better left to the individual states or the people. He also raises the classical problem of “qui custodiet custodes” (who will guard our guardians) because with a national bank under its control Congress would then be in a position to both decide what it might do in the name of the general welfare and to give itself the financial means to carry this out, or as Jefferson put it, Congress would have the “power to do whatever would be for the good of the United States; and, as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they please.”

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 6. <http://oll.libertyfund.org/title/803/86817/1992434>

Adam Smith on the need for “peace, easy taxes, and a tolerable administration of justice” (1755) (May 6, 2013)



Adam Smith (1723 – 1790)

Dugald Stewart had in his possession some notes of lectures Adam Smith gave in 1755, some 21 years before the appearance of the *Wealth of Nations* (1776). Here Smith gives a pithy description of what he thought the government should do to encourage economic development:

I am aware that the evidence I have hitherto produced of Mr Smith's originality may be objected to as not perfectly decisive, as it rests entirely on the recollection of those students who attended his first courses of moral philosophy at Glasgow; a recollection which, at the distance of forty years, cannot be supposed to be very accurate. There exists, however, fortunately, a short manuscript drawn up by Mr. Smith in the year 1755, and presented by him to a society of which he was then a member; in which paper, a pretty long enumeration is given of certain leading principles, both political and literary, to which he was anxious to establish his exclusive right; in order to prevent the possibility of some rival claims which he thought he had reason to apprehend, and to which his situation as a Professor, added to his unreserved communications in private companies, rendered him peculiarly liable. This paper is at present in my possession. It is expressed with a good deal of that honest and indignant warmth, which is perhaps unavoidable by a man who is conscious of the purity of his own intentions, when he suspects that advantages have been taken of the frankness of his temper. On such occasions, due allowances are not always made for those plagiarisms, which, however cruel in their effects, do not necessarily imply bad faith in those who are guilty of them; for the bulk of mankind, incapable themselves of original thought, are perfectly unable to form a conception of the nature of the injury done to a man of inventive genius, by encroaching on a favourite speculation. For reasons known to some members of this Society, it would be improper, by the publication of this manuscript, to revive the memory of private differences; and I should not have even alluded to it, if I did not think it a valuable document of the progress of Mr Smith's political ideas at a very early period. Many of the most important opinions in *The Wealth of Nations* are there detailed; but I shall quote only the following sentences:

‘Man is generally considered by statesmen and projectors as the materials of a sort of political mechanics. Projectors disturb nature in the course of her operations in human affairs; and it requires no more than to let her alone, and give her fair play in the pursuit of her ends, that she may establish her own designs.’

— And in another passage:

‘Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice; all the rest being brought about by the natural course of things. All governments which thwart this natural course, which force things into another channel, or which endeavour to arrest the progress of society at a particular point, are unnatural, and to support themselves are obliged to be oppressive and tyrannical.’

— ‘A great part of the opinions (he observes) enumerated in this paper is treated of at length in some lectures which I have still by me, and which were written in the hand of a clerk who left my service six years ago. They have all of them been the constant subjects of my lectures since I first taught Mr Craigie’s class, the first winter I spent in Glasgow, down to this day, without any considerable variation. They had all of them been the subjects of lectures which I read at Edinburgh the winter before I left it, and I can adduce innumerable witnesses, both from that place and from this, who will ascertain them sufficiently to be mine.’

About this Quotation:

Dugald Stewart gave a presentation to the Royal Society of Edinburgh in 1793 three years after Smith’s death. He wanted to show the consistency of some of Smith’s ideas “at a very early period” two decades before the publication of *The Wealth of Nations*. One of these ideas was that if left alone a society will produce its own spontaneous order, or what he termed “her own designs.” Also in this passage Smith hints that he advocates a policy by the government of “laissez-faire” (or hands off), or again in his terms “to let her (nature) alone, and give her fair play in the pursuit of her ends”. The second idea in this “early Smith” is a clear statement of the policy of very limited government which he believed should be limited to three things: peace, low taxes, and an acceptable (and presumable also cheap) system of justice. To what extent Smith continued to believe these principles in 1776 is open to debate. What is interesting here is that there is no mention of government provision of public goods which was later to play an important role in the Smithian state as described in *Wealth of Nations*.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/237#Smith_0206-01_85

27. The State ↩

1. [Edmund Burke asks a key question of political theory: quis custodiet ipsos custodes? \(how is one to be defended against the very guardians who have been appointed to guard us?\) \(1756\)](#)

- (Mar 7, 2005)
2. [Frédéric Bastiat and the state as “la grande fiction à travers laquelle Tout Le Monde s'efforce de vivre aux dépens de Tout Le Monde \(1848\) \(Oct 4, 2007\)](#)
 3. [Frédéric Bastiat on the state as the great fiction by which everyone seeks to live at the expense of everyone else \(1848\) \(Mar 9, 2009\)](#)
 4. [St. Augustine states that kingdoms without justice are mere robberies, and robberies are like small kingdoms; but large Empires are piracy writ large \(5th C\) \(Apr 13, 2009\)](#)
 5. [Spooner on the difference between a government and a highwayman \(1870\) \(Jan 24, 2011\)](#)
 6. [Sumner on the legalization of robbery by the State \(1883\) \(Feb 27, 2012\)](#)
 7. [Hippolyte Taine on how the modern bureaucratic state destroys spontaneous and fruitful private cooperation \(1890\) \(Mar 5, 2012\)](#)
 8. [Nassau Senior argues that government is based upon extortion \(1854\) \(Jun 18, 2012\)](#)
 9. [Macaulay argues that “the main end” of government is the protection of persons and property \(1839\) \(Sep 24, 2012\)](#)
 10. [Benjamin Franklin on the “superstructure” of Good Government \(1736\) \(Dec 3, 2012\)](#)
 11. [James Buchanan on chaining Leviathan \(1975\) \(Jan 14, 2013\)](#)
 12. [Mises on the worship of the state or statolatry \(1944\) \(Mar 4, 2013\)](#)
 13. [John Wade exposes the system of political corruption in England \(1835\) \(Jun 24, 2013\)](#)
 14. [Thomas Gordon on the nature of power to expand \(1721\) \(Oct 7, 2013\)](#)
 15. [Anthony de Jasay asks whether states should be invented if they did not already exist \(1985\) \(Dec 23, 2013\)](#)
 16. [Tocqueville on the absence of government in America \(1835\) \(May 5, 2014\)](#)

Edmund Burke asks a key question of political theory: quis custodiet ipsos custodes? (how is one to be defended against the very guardians who have been appointed to guard us?) (1756)
(Mar 7, 2005)



Edmund Burke (1729 – 1797)

In a youthful essay, which may or may not be satirical, Burke criticizes all forms of government intervention, or what he calls “artificial society”:

After so fair an Examen, wherein nothing has been exaggerated; no Fact produced which cannot be proved, and none which has been produced in any wise forced or strained, while thousands have, for Brevity, been omitted; after so candid a Discussion in all respects; what Slave so passive, what Bigot so blind, what Enthusiast so headlong, what Politician so hardened, as to stand up in Defence of a System calculated for a Curse to Mankind? a Curse under which they smart and groan to this Hour, without thoroughly knowing the Nature of the Disease, and wanting Understanding or Courage to apply the Remedy.

I need not excuse myself to your Lordship, nor, I think, to any honest Man, for the Zeal I have shewn in this Cause; for it is an honest Zeal, and in a good Cause. **I have defended Natural Religion against a Confederacy of Atheists and Divines. I now plead for Natural Society against Politicians, and for Natural Reason against all three. When the World is in a fitter Temper than it is at present to hear Truth, or when I shall be more indifferent about its Temper; my Thoughts may become more publick. In the mean time, let them repose in my own Bosom, and in the Bosoms of such Men as are fit to be initiated in the sober Mysteries of Truth and Reason. My Antagonists have already done as much as I could desire. Parties in Religion and Politics make sufficient Discoveries concerning each other, to give a sober Man a proper Caution against them all. The Monarchic, Aristocratical, and Popular Partizans have been jointly laying their Axes to the Root of all Government, and have in their Turns proved each other absurd and inconvenient. In vain you tell me that Artificial Government is good, but that I fall out only with the Abuse. The Thing! the Thing**

itself is the Abuse! Observe, my Lord, I pray you, that grand Error upon which all artificial legislative Power is founded. It was observed, that Men had ungovernable Passions, which made it necessary to guard against the Violence they might offer to each other. They appointed Governors over them for this Reason; but a worse and more perplexing Difficulty arises, how to be defended against the Governors? *Quis custodiet ipsos custodes?* In vain they change from a single Person to a few. These few have the Passions of the one, and they unite to strengthen themselves, and to secure the Gratification of their lawless Passions at the Expence of the general Good. In vain do we fly to the Many. The Case is worse; their Passions are less under the Government of Reason, they are augmented by the Contagion, and defended against all Attacks by their Multitude.

About this Quotation:

There is a debate among scholars on whether or not Burke wrote this as a serious piece of political theory or as a satire. If the former, then it is youthful piece which is far more radical in its implications than his later writings. If the latter, then one can dismiss the content of the essay as an amusing attempt to push questioning of the legitimacy of the state too far. Whether or not it was intended as satire, Burke, perhaps unwittingly, asks a very pertinent question in this quotation: who is to guard us from the mistakes or worse of those whose task it is to guard us? Or, in the Latin, *Quis custodiet ipsos custodes?*

Source

Edmund Burke, *A Vindication of Natural Society: or, a View of the Miseries and Evils arising to Mankind from every Species of Artificial Society. In a Letter to Lord ** by a Late Noble Writer*, ed. Frank N. Pagano (Indianapolis: Liberty Fund, Inc., 1982). <http://oll.libertyfund.org/title/850/20348/1364842>

Frédéric Bastiat and the state as “la grande fiction à travers laquelle Tout Le Monde s'efforce de vivre aux dépens de Tout Le Monde (1848) (Oct 4, 2007)



Frédéric Bastiat (1801 – 1850)

In 1848, the year of revolution in France and elsewhere, Bastiat writes an amusing polemic against all those who wish use the state to fund their own pet projects:

L'opresseur n'agit plus directement par ses propres forces sur l'opprimé. Non, notre conscience est devenue trop méticuleuse pour cela. Il y a bien encore le tyran et la victime, mais entre eux se place un intermédiaire qui est l'État, c'est-à-dire la loi elle-même. Quoi de plus propre à faire taire nos scrupules et, ce qui est peut-être plus apprécié, à vaincre les résistances? Donc, tous, à un titre quelconque, sous un prétexte ou sous un autre, nous nous adressons à l'État. Nous lui disons: «Je ne trouve pas qu'il y ait, entre mes jouissances et mon travail, une proportion qui me satisfasse. Je voudrais bien, pour établir l'équilibre désiré, prendre quelque peu sur le bien d'autrui. Mais c'est dangereux. Ne pourriez-vous me faciliter la chose? ne pourriez-vous me donner une bonne place? ou bien gêner l'industrie de mes concurrents? ou bien encore me prêter gratuitement des capitaux que vous aurez pris à leurs possesseurs? ou élever mes enfants aux frais du public? ou m'accorder des primes d'encouragement? ou m'assurer le bien-être quand j'aurai cinquante ans? Par ce moyen, j'arriverai à mon but en toute quiétude de conscience, car la loi elle-même aura agi pour moi, et j'aurai tous les avantages de la spoliation sans en avoir ni les risques ni l'odieux!

Comme il est certain, d'un côté, que nous adressons tous à l'État quelque requête semblable, et que, d'une autre part, il est avéré que l'État ne peut procurer satisfaction aux uns sans ajouter au travail des autres, en attendant une autre définition de l'État, je me crois autorisé à donner ici la mienne. Qui sait si elle ne remportera pas le prix? La voici:

l'État, c'est la grande fiction à travers laquelle Tout Le Monde s'efforce de vivre aux dépens de Tout Le Monde.

Car, aujourd'hui comme autrefois, chacun, un peu plus, un peu moins, voudrait bien profiter du travail d'autrui. Ce sentiment, on n'ose l'afficher, on se le dissimule à soimême; et alors que fait-on? On imagine un intermédiaire, on s'adresse à l'État, et chaque classe tour à tour vient lui dire: «Vous qui pouvez prendre loyalement, honnêtement, prenez au public, et nous partagerons.» Hélas! l'État n'a que trop de pente à suivre le diabolique conseil; car il est composé de ministres, de fonctionnaires, d'hommes enfin, qui, comme tous les hommes, portent au cœur le désir et saisissent toujours avec empressement l'occasion de voir grandir leurs richesses et leur influence. l'État comprend donc bien vite le parti qu'il peut tirer du rôle que le public lui confie. Il sera l'arbitre, le maître de toutes les destinées; il prendra beaucoup, donc il lui restera beaucoup à lui-même; il multipliera le nombre de ses agents, il élargira le cercle de ses attributions; il finira par acquérir des proportions écrasantes.

About this Quotation:

Liberty Fund is preparing a multi-volume collection of the selected works of Frédéric Bastiat in a translation which will take several years to complete. Much of this material has never been translated into English before. This quotation comes from an article he wrote in 1848 and it has been available in an English translation for some time. It contains one of Bastiat's most famous phrases, that "The state is that great fiction by which everyone tries to live at the expense of everyone else." Here we provide it in its French original. An English version will follow in a later quotation. The historical context for this quotation is the rise of socialism in France and the various attempts during the revolution to introduce socialist legislation. Bastiat wrote for a more popular audience, using the *Journal des Débats* as a platform, to counter the spread of socialist ideas. One of his tactics was to try to persuade conservatives that the interventionist legislation they proposed was also "socialist".

Source

Frédéric Bastiat, *Oeuvres complètes de Frédéric Bastiat, mises en ordre, revues et annotées d'après les manuscrits de l'auteur* (Paris: Guillaumin, 1873) 3rd edition, 7 vols. Vol. 4.
<http://oll.libertyfund.org/title/946/94085/2126003>

Frédéric Bastiat on the state as the great fiction by which everyone seeks to live at the expense of everyone else (1848) (Mar 9, 2009)



Frédéric Bastiat (1801 – 1850)

In his essay on “The State”, which Frédéric Bastiat (1801-1850) wrote during the revolutionary year of 1848 when socialist governments were promising the moon to French citizens, he sarcastically offered his own definition of what the state was

As, on the one hand, it is certain that we all address some such request to the state, and, on the other hand, it is a well-established fact that the state cannot procure satisfaction for some without adding to the labor of others, while awaiting another definition of the state, I believe myself entitled to give my own here. Who knows if it will not carry off the prize? Here it is:

The state is the great fictitious entity by which everyone seeks to live at the expense of everyone else.

For, today as in the past, each of us, more or less, would like to profit from the labor of others. One does not dare to proclaim this feeling publicly, one conceals it from oneself, and then what does one do? One imagines an intermediary; one addresses the state, and each class proceeds in turn to say to it: “You, who can take fairly and honorably, take from the public and share with us.” Alas! The state is only too ready to follow such diabolical advice; for it is composed of cabinet ministers, of bureaucrats, of men, in short, who, like all men, carry in their hearts the desire, and always enthusiastically seize the opportunity, to see their wealth and influence grow. The state understands, then, very quickly the use it can make of the role the public entrusts to it. It will be the arbiter, the master, of all destinies. It will take a great deal; hence, a great deal will remain for itself. It will multiply the number of its agents; it will enlarge the scope of its prerogatives; it will end by acquiring overwhelming proportions.

But what is most noteworthy is the astonishing blindness of the public to all this. When

victorious soldiers reduced the vanquished to slavery, they were barbarous, but they were not absurd. Their object was, as ours is, to live at the expense of others; but, unlike us, they attained it. What are we to think of a people who apparently do not suspect that reciprocal pillage is no less pillage because it is reciprocal; that it is no less criminal because it is carried out legally and in an orderly manner; that it adds nothing to the public welfare; that, on the contrary, it diminishes it by all that this spendthrift intermediary that we call the state costs?

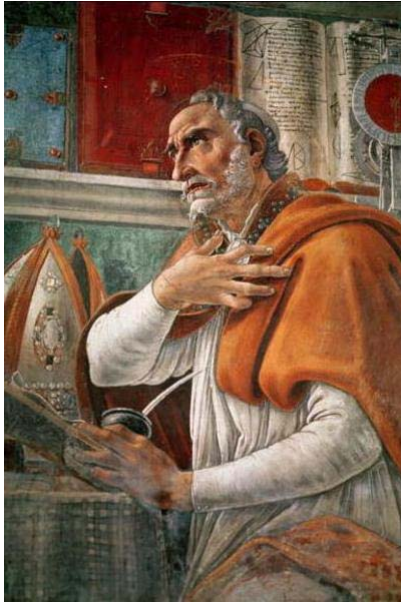
About this Quotation:

Liberty Fund is preparing a multi-volume collection of the selected works of Frédéric Bastiat in a translation which will take several years to complete. Much of this material has never been translated into English before. Here we have an older English translation of this favorite aphorism by Bastiat. In an earlier quotation we provided the French original. Soon after he wrote this piece Bastiat died in Italy from a serious throat condition and thus France lost one of its ablest defenders of the free market and individual liberty.

Source

Frédéric Bastiat, *Selected Essays on Political Economy*, trans. Seymour Cain, ed. George B. de Huszar, introduction by F.A. Hayek (Irvington-on-Hudson: Foundation for Economic Education, 1995). <http://oll.libertyfund.org/title/956/35453/1410090>

St. Augustine states that kingdoms without justice are mere robberies, and robberies are like small kingdoms; but large Empires are piracy writ large (5th C) (Apr 13, 2009)



Saint Augustine (354 CE – 430 CE)

St. Augustine (354-430), in Book IV of *The City of God*, relates the story about the pirate who had been seized and brought before Alexander the Great. The cheeky pirate asks Alexander what is the real difference between a pirate and an emperor apart from the scale of action

1. HOW LIKE KINGDOMS WITHOUT JUSTICE ARE TO ROBBERIES.

Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. If, by the admittance of abandoned men, this evil increases to such a degree that it holds places, fixes abodes, takes possession of cities, and subdues peoples, it assumes the more plainly the name of a kingdom, because the reality is now manifestly conferred on it, not by the removal of covetousness, but by the addition of impunity. Indeed, that was an apt and true reply which was given to Alexander the Great by a pirate who had been seized. For when that king had asked the man what he meant by keeping hostile possession of the sea, he answered with bold pride, “What thou meanest by seizing the whole earth; but because I do it with a petty ship, I am called a robber, whilst thou who dost it with a great fleet art styled emperor.”

5. OF THE RUNAWAY GLADIATORS WHOSE POWER BECAME LIKE THAT OF ROYAL DIGNITY.

I shall not therefore stay to inquire what sort of men Romulus gathered together, seeing he deliberated much about them,—how, being assumed out of that life they led into the fellowship of his city, they might cease to think of the punishment they

deserved, the fear of which had driven them to greater villainies; so that henceforth they might be made more peaceable members of society. But this I say, that the Roman empire, which by subduing many nations had already grown great and an object of universal dread, was itself greatly alarmed, and only with much difficulty avoided a disastrous overthrow, because a mere handful of gladiators in Campania, escaping from the games, had recruited a great army, appointed three generals, and most widely and cruelly devastated Italy. Let them say what god aided these men, so that from a small and contemptible band of robbers they attained to a kingdom, feared even by the Romans, who had such great forces and fortresses. Or will they deny that they were divinely aided because they did not last long? As if, indeed, the life of any man whatever lasted long. In that case, too, the gods aid no one to reign, since all individuals quickly die; nor is sovereign power to be reckoned a benefit, because in a little time in every man, and thus in all of them one by one, it vanishes like a vapor. For what does it matter to those who worshipped the gods under Romulus, and are long since dead, that after their death the Roman empire has grown so great, while they plead their causes before the powers beneath? Whether those causes are good or bad, it matters not to the question before us. And this is to be understood of all those who carry with them the heavy burden of their actions, having in the few days of their life swiftly and hurriedly passed over the stage of the imperial office, although the office itself has lasted through long spaces of time, being filled by a constant succession of dying men. If, however, even those benefits which last only for the shortest time are to be ascribed to the aid of the gods, these gladiators were not a little aided, who broke the bonds of their servile condition, fled, escaped, raised a great and most powerful army, obedient to the will and orders of their chiefs and much feared by the Roman majesty, and remaining unsubdued by several Roman generals, seized many places, and, having won very many victories, enjoyed whatever pleasures they wished, and did what their lust suggested, and, until at last they were conquered, which was done with the utmost difficulty, lived sublime and dominant. But let us come to greater matters.

6. CONCERNING THE COVETOUSNESS OF NINUS, WHO WAS THE FIRST WHO MADE WAR ON HIS NEIGHBORS, THAT HE MIGHT RULE MORE WIDELY.

Justinus, who wrote Greek or rather foreign history in Latin, and briefly, like Trogus Pompeius whom he followed, begins his work thus: "In the beginning of the affairs of peoples and nations the government was in the hands of kings, who were raised to the height of this majesty not by courting the people, but by the knowledge good men had of their moderation. The people were held bound by no laws; the decisions of the princes were instead of laws. It was the custom to guard rather than to extend the boundaries of the empire; and kingdoms were kept within the bounds of each ruler's native land. Ninus king of the Assyrians first of all, through new lust of empire, changed the old and, as it were, ancestral custom of nations. He first made war on his neighbors, and wholly subdued as far as to the frontiers of Libya the nations as yet untrained to resist." And a little after he says: "Ninus established by constant possession the greatness of the authority he had gained. Having mastered his nearest neighbors, he went on to others, strengthened by the accession of forces, and by making each fresh victory the instrument of that which followed, subdued the nations of the whole East." Now, with whatever fidelity to fact either he or

Trogus may in general have written—for that they sometimes told lies is shown by other more trustworthy writers—yet it is agreed among other authors, that the kingdom of the Assyrians was extended far and wide by King Ninus. And it lasted so long, that the Roman empire has not yet attained the same age; for, as those write who have treated of chronological history, this kingdom endured for twelve hundred and forty years from the first year in which Ninus began to reign, until it was transferred to the Medes. But to make war on your neighbors, and thence to proceed to others, and through mere lust of dominion to crush and subdue people who do you no harm, what else is this to be called than great robbery

About this Quotation:

Somali pirates are in the news at the moment so it seemed appropriate to see what some of the great political philosophers had to say on the topic. Here is St. Augustine with his view on the matter. In many respects, his approach is similar to that of Gustave de Molinari's on political parties as "armies". Kingdoms and princedoms are like a confederacy of robbers who loot the cities and countryside they control. Next comes his charming story of the pirate who confronted Alexander the Great over the key difference between himself with one ship and the Emperor with his fleet. It was only a matter of scale.

Source

Philip Schaff, *A Select Library of the Nicene and Post-Nicene Fathers of the Christian Church. Vol. II St. Augustin's City of God and Christian Doctrine*, ed. Philip Schaff, LL.D. (Buffalo: The Christian Literature Co., 1887). <http://oll.libertyfund.org/title/2053/152949/2734396>

Spooner on the difference between a government and a highwayman (1870) (Jan 24, 2011)



Lysander Spooner (1808 – 1887)

The legal theorist, abolitionist, and radical individualist Lysander Spooner (1808-1887) applied the same moral principles to the actions of an organization as he did to a single individual. This led him to make some harsh criticisms of the government as this quotation reveals:

The payment of taxes, being compulsory, of course furnishes no evidence that any one voluntarily supports the Constitution.

It is true that the theory of our Constitution is, that all taxes are paid voluntarily; that our government is a mutual insurance company, voluntarily entered into by the people with each other; that each man makes a free and purely voluntary contract with all others who are parties to the Constitution, to pay so much money for so much protection, the same as he does with any other insurance company; and that he is just as free not to be protected, and not to pay any tax, as he is to pay a tax, and be protected.

But this theory of our government is wholly different from the practical fact. The fact is that the government, like a highwayman, says to a man: Your money, or your life. And many, if not most, taxes are paid under the compulsion of that threat.

The government does not, indeed, waylay a man in a lonely place, spring upon him from the road side, and, holding a pistol to his head, proceed to rifle his pockets. But the robbery is none the less a robbery on that account; and it is far more dastardly and shameful.

The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be merely a “protector,” and that he takes men’s money against their will, merely to enable him

to “protect” those infatuated travellers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful “sovereign,” on account of the “protection” he affords you. He does not keep “protecting” you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding you as a rebel, a traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villanies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave.

The proceedings of those robbers and murderers, who call themselves “the government,” are directly the opposite of these of the single highwayman.

In the first place, they do not, like him, make themselves individually known; or, consequently, take upon themselves personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number to commit the robbery in their behalf, while they keep themselves practically concealed. They say to the person thus designated:

Go to A— B—, and say to him that “the government” has need of money to meet the expenses of protecting him and his property. If he presumes to say that he has never contracted with us to protect him, and that he wants none of our protection, say to him that that is our business, and not his; that we choose to protect him, whether he desires us to do so or not; and that we demand pay, too, for protecting him. If he dares to inquire who the individuals are, who have thus taken upon themselves the title of “the government,” and who assume to protect him, and demand payment of him, without his having ever made any contract with them, say to him that that, too, is our business, and not his; that we do not choose to make ourselves individually known to him; that we have secretly (by secret ballot) appointed you our agent to give him notice of our demands, and, if he complies with them, to give him, in our name, a receipt that will protect him against any similar demand for the present year. If he refuses to comply, seize and sell enough of his property to pay not only our demands, but all your own expenses and trouble beside. If he resists the seizure of his property, call upon the bystanders to help you (doubtless some of them will prove to be members of our band). If, in defending his property, he should kill any of our band who are assisting you, capture him at all hazards; charge him (in one of our courts) with murder, convict him, and hang him. If he should call upon his neighbors, or any others who, like him, may be disposed to resist our demands, and they should come in large numbers to his assistance, cry out that they are all rebels and traitors; that “our country” is in danger; call upon the commander of our hired murderers; tell him to quell the rebellion and “save the country,” cost what it may. Tell him to kill all who resist, though they should be hundreds of thousands; and thus strike terror into all others similarly disposed. See that the work of murder is thoroughly done, that we may have no further trouble of this kind hereafter. When these traitors shall have thus been taught our strength and our determination, they will be good loyal citizens for many years, and pay their taxes without a why or a wherefore.

It is under such compulsion as this that taxes, so called, are paid. And how much proof the payment of taxes affords, that the people consent to support “the government,” it needs no further argument to show.

About this Quotation:

Spooner’s radical individualism was grounded firmly in a theory of natural rights, a theory which in turn was founded on the principle of self-ownership which every individual had in themselves. From this flowed Spooner’s opposition to slavery (it violated the right of self-ownership the slave had in his own person and granted that property right by means of violence to the slave owner). The government played a crucial role in this violation of the slave’s right to self-ownership as it maintained a system of police and law courts which vigorously defended the interests of slave owners at the expence of the slaves’ life, liberty and property in themselves. Thus it was not much of a jump for Spooner to go from this radical anti-slavery position to his anti-tax position as this quotation indicates. In the former, the government was seen as a “man-stealer”; in the latter it was seen as a “highwayman”.

Source

Lysander Spooner, *No Treason. No. VI. The Constitution of No Authority* (Boston: Published by the Author, 1870). <http://oll.libertyfund.org/title/2194/202957/3341385>

Sumner on the legalization of robbery by the State (1883) (Feb 27, 2012)



William Graham Sumner (1840 – 1910)

The American sociologist William Graham Sumner (1840-1910) argues that for centuries individuals and groups have struggled to gain control of the state for their own benefit. Under the guise of “high-spun theories of nationality, patriotism, and loyalty” the same old power struggle continues in the present day:

The history of the human race is one long story of attempts by certain persons and classes to obtain control of the power of the State, so as to win earthly gratifications at the expense of others. People constantly assume that there is something metaphysical and sentimental about government. At bottom there are two chief things with which government has to deal. They are, the property of men and the honor of women. These it has to defend against crime. The capital which, as we have seen, is the condition of all welfare on earth, the fortification of existence, and the means of growth, is an object of cupidity. Some want to get it without paying the price of industry and economy. In ancient times they made use of force. They organized bands of robbers. They plundered laborers and merchants. Chief of all, however, they found that means of robbery which consisted in gaining control of the civil organization—the State—and using its poetry and romance as a glamour under cover of which they made robbery lawful. They developed high-spun theories of nationality, patriotism, and loyalty. They took all the rank, glory, power, and prestige of the great civil organization, and they took all the rights. They threw on others the burdens and the duties. At one time, no doubt, feudalism was an organization which drew together again the fragments of a dissolved society; but when the lawyers had applied the Roman law to modern kings, and feudal nobles had been converted into an aristocracy of court nobles, the feudal nobility no longer served any purpose.

In modern times the great phenomenon has been the growth of the middle class out of the mediæval cities, the accumulation of wealth, and the encroachment of wealth, as a social power, on the ground formerly occupied by rank and birth. The middle class has been

obliged to fight for its rights against the feudal class, and it has, during three or four centuries, gradually invented and established institutions to guarantee personal and property rights against the arbitrary will of kings and nobles.

In its turn wealth is now becoming a power in the State, and, like every other power, it is liable to abuse unless restrained by checks and guarantees. There is an insolence of wealth, as there is an insolence of rank. A plutocracy might be even far worse than an aristocracy. Aristocrats have always had their class vices and their class virtues. They have always been, as a class, chargeable with licentiousness and gambling. They have, however, as a class, despised lying and stealing. They have always pretended to maintain a standard of honor, although the definition and the code of honor have suffered many changes and shocking deterioration. The middle class has always abhorred gambling and licentiousness, but it has not always been strict about truth and pecuniary fidelity. That there is a code and standard of mercantile honor which is quite as pure and grand as any military code, is beyond question, but it has never yet been established and defined by long usage and the concurrent support of a large and influential society. The feudal code has, through centuries, bred a high type of men, and constituted a caste. The mercantile code has not yet done so, but the wealthy class has attempted to merge itself in or to imitate the feudal class.

The consequence is, that the wealth-power has been developed, while the moral and social sanctions by which that power ought to be controlled have not yet been developed. A plutocracy would be a civil organization in which the power resides in wealth, in which a man might have whatever he could buy, in which the rights, interests, and feelings of those who could not pay would be overridden.

About this Quotation:

Sumner is under no illusions about the nature of political power – as far as he is concerned the State is just an “organized band of robbers.” He sees a continuity between the naked grab for property and power which existed under the feudal regime and the more “polite” “plutocratic” societies which had emerged in the modern era which cloaked their actions with “high-spun theories of nationality, patriotism, and loyalty”. When he was writing these essays (1883) he believed that a vigilant democratic people and an independent judiciary would prevent modern society from completely becoming like its feudal and aristocratic predecessors. He concludes this important essay: “On the side of political machinery there is no ground for hope, but only for fear. On the side of constitutional guarantees and the independent action of self-governing freemen there is every ground for hope.”

Source

William Graham Sumner, *What Social Classes Owe to Each Other*, (New York: Harper and Brothers, 1911). <http://oll.libertyfund.org/title/346/16046/612733>

Hippolyte Taine on how the modern bureaucratic state destroys spontaneous and fruitful private cooperation (1890) (Mar 5, 2012)

[Hippolyte Taine](#) (1828 – 1893)

The French historian and philosopher Hippolyte Taine (1828-1893) analyzed the modern bureaucratic state as it developed after Napoleon. He believed that when the state stepped beyond its legitimate function of defending life and property from attack it inevitably destroyed all spontaneous and fruitful cooperation among the people:

In the last place, even when the rulers do not subordinate the interests of the institution to their passions, to their theories, or to their own interests, even when they avoid mutilating it and changing its nature, even when they loyally fulfil, and as well as they know how, the supererogatory mandate which they have adjudged to themselves, they infallibly fulfil it badly, at least worse than the special and spontaneous bodies for which they substitute themselves, for the structure of these bodies and the structure of the state are different.

—Unique of its kind, alone wielding the sword, acting from above and afar by authority and constraints, the State acts over the entire territory through uniform laws, through imperative and minute regulations, by a hierarchy of obedient functionaries, which it maintains under strict instructions. Hence, it is not adapted to business which, to be well done, needs springs and processes of another species. Its springs, wholly exterior, are insufficient, too weak to support and push undertakings which require an internal motor like private interest, local patriotism, family affections, scientific curiosity, charitable instincts, and religious faith. Its wholly mechanical processes, too rigid and too limited, cannot urge on enterprises which demand of whoever undertakes them delicate and safe handling, supple manipulation, appreciation of circumstances, ready adaptation of means to ends, constant contrivance, the initiative, and perfect independence. On this account the State is a poor head of a family, a poor commercial or agricultural leader, a bad distributor of labor and of subsistences, a bad regulator of production, exchanges, and consumption, a mediocre administrator of the province and the commune, an undiscerning philanthropist, an incompetent director of the fine arts, of science, of instruction, and of worship.¹ In all these offices its action is either dilatory or bungling, according to routine or oppressive, always expensive, of little effect and feeble in returns, and always beyond or apart from the real wants it pretends to satisfy. And because it starts from too high a point and extends over too vast a field. Transmitted by hierarchical procedures, it lags along in formalism, and loses itself in “red-tape.” On attaining its end and object it applies the same programme to all territories alike—a programme devised beforehand in the Cabinet, all of a piece, without experimental groping and the necessary corrections; a programme which, calculated approximatively according to the average and the customary, is not exactly suited to any particular case; a programme which imposes its fixed uniformity on things instead of adjusting itself to their diversity and change; a sort of model coat, obligatory in pattern and stuff, which the government dispatches by thousands from the centre to the provinces, to be worn, willingly or not, by figures of all sizes and at all seasons.

V. And much worse. **Not only does the State do the work badly on a domain not its own, bunglingly, at greater cost, and with less fruit than spontaneous organizations, but, again, through the legal monopoly which it deems its prerogative, or through the overwhelming competition which it exercises, it kills or paralyzes these natural**

organizations or prevents their birth; and hence so many precious organs, which, absorbed, atropic or abortive, are lost to the great social body.—And still worse, if this system lasts, and continues to crush them out, the human community loses the faculty of reproducing them; entirely extirpated, they do not grow again; even their germ has perished. Individuals no longer know how to form associations, how to co-operate under their own impulses, through their own initiative, free of outside and superior constraint, all together and for a long time in view of a definite purpose, according to regular forms under freely-chosen chiefs, frankly accepted and faithfully followed. Mutual confidence, respect for the law, loyalty, voluntary subordination, foresight, moderation, patience, perseverance, practical good sense, every disposition of head and heart, without which no association of any kind is efficacious or even viable, have died out for lack of exercise. Henceforth spontaneous, pacific, and fruitful co-operation, as practised by a free people, is unattainable; men have arrived at social incapacity and, consequently, at political incapacity.—In fact, they no longer choose their own constitution or their own rulers; they put up with these, willingly or not, according as accident or usurpation furnishes them; the public power with them belongs to the man, the faction, or the party sufficiently unscrupulous, sufficiently daring, sufficiently violent, to seize and hold on to it by force, to make the most of it as an egotist or charlatan, aided by parades and prestiges, along with bravura songs and the usual din of ready-made phrases on the rights of man and on the public salvation.—This central power itself has nothing in its hands to receive impulses but an impoverished, inert, or languid social body, solely capable of intermittent spasms or of artificial rigidity according to order, an organism deprived of its secondary organs, simplified to excess, of an inferior or degraded kind, a people no longer anything but an arithmetical sum of separate, juxtaposed units, in brief, human dust or mud.

This is what the intervention of the State leads to. There are laws in the social and moral world as in the physiological and physical world; we may misunderstand them, but we cannot elude them; they operate now against us, now for us, as we please, but always alike and without heeding us; it is for us to heed them; for the two conditions they couple together are inseparable; the moment the first appears the second inevitably follows.

About this Quotation:

Hippolyte Taine is often regarded as an anti-democratic conservative thinker who was more interested in positivism and literary criticism. Living through the turmoil of the Paris Commune and the Franco-Prussian War in 1870-71 led him to a decades long writing project to examine the nature and the growth of the French bureaucratic state from the Old Regime to Napoleon and beyond. This quote comes from the second last volume in that series where he explores the negative impact of government intervention on the spontaneous activity of free people. He believes that government regulation and control destroys private initiative and the myriad of associations and groups which spring up spontaneously in a free society. The end result is an increasingly powerful, “bungling,” “oppressive” regime of “hierarchical procedures” which turns free individuals into “human dust or mud.”

Source

John Durand, *The Origins of Contemporary France: The Modern Regime*, vol. 1, trans. John Durand (New York: Henry Holt and Company, 1890). <http://oll.libertyfund.org/title/2426/229452/3901965>

Nassau Senior argues that government is based upon extortion (1854) (Jun 18, 2012)



Nassau William Senior (1790 – 1864)

In his general introduction to the science of political economy Nassau W. Senior (1790-1864) applies the principle of the division of labor to the functions of government and concludes that it behaves very differently from other exchanges in the market in that it extorts much more than the fair value of the service it provides:

But the labour which every individual, who relies on himself for protection, must himself undergo, is more than sufficient to enable a few individuals to protect themselves, and also the whole of a numerous community. To this may be traced the origin of governments. The nucleus of every government must have been some person who offered protection in exchange for submission. On the governor and those with whom he is associated, or whom he appoints, is devolved the care of defending the community from violence and fraud. And so far as internal violence is concerned, and that is the evil most dreaded in civilized society, it is wonderful how small a number of persons can provide for the security of multitudes. About fifteen thousand soldiers, and not fifteen thousand policemen, watchmen, and officers of justice, protect the persons and property of the seventeen millions of inhabitants of Great Britain. There is scarcely a trade that does not engross the labour of a greater number of persons than are employed to perform this the most important of all services.

It is obvious, however, that the division of labour on which government is founded, is subject to peculiar evils. Those who are to afford protection must necessarily be intrusted with power; and those who rely on others for protection lose, in a great measure, the means and the will to protect themselves. Under such circumstances, the bargain, if it can be called one, between the government and its subjects, is not conducted on the principles which regulate ordinary exchanges. The government generally endeavours to extort from its subjects, not merely a fair compensation for its services, but all that force or terror can wring from them without injuring their powers of further production. In fact, it does in general extort much more: for if we

look through the world we shall find few governments whose oppression does not materially injure the prosperity of their people. When we read of African and Asiatic tyrannies, where millions seem themselves to consider their own happiness as dust in the balance compared with the caprices of their despot, we are inclined to suppose the evils of misgovernment to be the worst to which man can be exposed. But they are trifles compared to those which are felt in the absence of government. The mass of the inhabitants of Egypt, Persia, and Burmah, or to go as low as perhaps it is possible, the subjects of the Kings of Dahomi and Ashantee, enjoy security, if we compare their situation with that of the ungoverned inhabitants of New Zealand. So strongly is this felt, that there is no tyranny which men will not eagerly embrace, if anarchy is to be the alternative. Almost all the differences between the different races of men, differences so great that we sometimes nearly forget that they all belong to the same species, may be traced to the degrees in which they enjoy the blessings of good government. If the worst government be better than anarchy, the advantages of the best must be incalculable. But the best governments of which the world has had experience, those of Great Britain and of the Countries which have derived their institutions from Great Britain, are far from having attained the perfection of which they appear to be susceptible. In these governments the subordinate duties are generally performed by persons specially educated for these purposes, the superior ones are not. It seems to be supposed that a knowledge of politics, the most extensive and the most difficult of all Sciences, is a natural appendage to persons holding a high rank in society, or may be acquired at intervals snatched from the bustle and the occupation of laborious and engrossing professions. In despotisms, the principal evils arise partly from the ignorance, and partly from the bad passions of the rulers. In representative governments, they arise principally from their unskillfulness. It is to be hoped that a further application of the division of labour, the principle upon which all government is founded, by providing an appropriate education for those who are to direct the affairs of the State, may protect us as effectually against suffering under ignorance or inexperience in our governors, as we are now protected against their injustice.

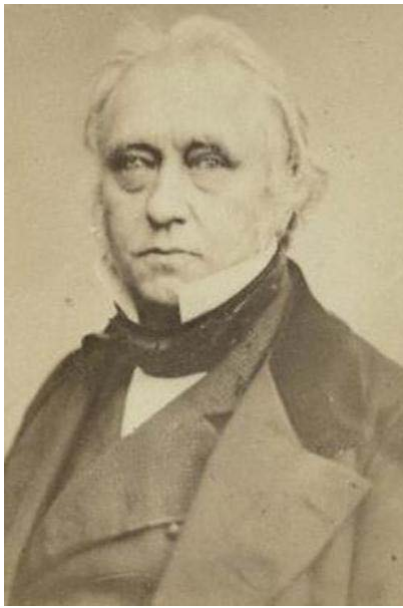
About this Quotation:

Buried in his general discussion of the division of labor is Nassau Senior's theory of the origin of the state. He sees it emerging from a society in which everybody provided for their own security, until one enterprising individual "offered protection in exchange for submission" by others. But he observes that, unlike all other trades and exchanges between individuals, the benefits of the division of labor which government offers is "subject to peculiar evils", most notably the ability to "extort" more from their customers than the value of the protection they offer. This means that the government typically takes by means of taxation "all that force or terror can wring from them (the taxpayers) without injuring their powers of further production." As a loyal Victorian, Senior was confident that the government of Britain had now attained a level of near "perfection" in the way it carried out its duties, where a mere 15,000 soldiers could defend a country with a population of 17 million people. Nevertheless, the way he phrased his arguments suggests that he still had moments of doubt that "the bargain, if it can be called one, between the government and its subjects, is not conducted on the principles which regulate ordinary exchanges."

Source

Nassau William Senior, *Political Economy* (London: Richard Griffin and Co. 3rd ed. 1854).
<http://oll.libertyfund.org/title/116/36051/902526>

Macaulay argues that “the main end” of government is the protection of persons and property (1839) (Sep 24, 2012)



Thomas Babington, Lord Macaulay (1800 – 1859)

In a review of book by William Gladstone, Thomas Babington, Lord Macaulay (1800-1859) provides a clear statement of the very limited powers of the state which was commonly held in Victorian England, namely that the state tend to “the protection of the persons and property of men” with very few exceptions:

We consider the primary end of government as a purely temporal end, the protection of the persons and property of men.

We think that government, like every other contrivance of human wisdom, from the highest to the lowest, is likely to answer its main end best when it is constructed with a single view to that end. Mr. Gladstone, who loves Plato, will not quarrel with us for illustrating our proposition, after Plato’s fashion, from the most familiar objects. Take cutlery, for example. A blade which is designed both to shave and to carve will certainly not shave so well as a razor, or carve so well as a carving-knife. An academy of painting, which should also be a bank, would, in all probability, exhibit very bad pictures and discount very bad bills. A gas company, which should also be an infant school society, would, we apprehend, light the streets ill, and teach the children ill. On this principle, we think that government should be organised solely with a view to its main end; and that no part of its efficiency for that end should be sacrificed in order to promote any other end however excellent.

But does it follow from hence that governments ought never to pursue any end other than their main end? In no wise. Though it is desirable that every institution should have a main end, and should be so formed as to be in the highest degree efficient for that main end; yet if, without any sacrifice of its efficiency for that end, it can pursue any other good end, it ought to do so. Thus, the end for which a hospital is built is the relief of the sick, not the beautifying of the street. To sacrifice the health of the sick to splendour of architectural effect, to place the building in a bad air only that it may present a more

commanding front to a great public place, to make the wards hotter or cooler than they ought to be, in order that the columns and windows of the exterior may please the passers-by, would be monstrous. But if, without any sacrifice of the chief object, the hospital can be made an ornament to the metropolis, it would be absurd not to make it so.

In the same manner, if a government can, without any sacrifice of its main end, promote any other good work, it ought to do so. The encouragement of the fine arts, for example, is by no means the main end of government; and it would be absurd, in constituting a government, to bestow a thought on the question, whether it would be a government likely to train Raphaels and Domenichinos. But it by no means follows that it is improper for a government to form a national gallery of pictures. The same may be said of patronage bestowed on learned men, of the publication of archives, of the collecting of libraries, menageries, plants, fossils, antiques, of journeys and voyages for purposes of geographical discovery or astronomical observation. It is not for these ends that government is constituted. But it may well happen that a government may have at its command resources which will enable it, without any injury to its main end, to pursue these collateral ends far more effectually than any individual or any voluntary association could do. If so, government ought to pursue these collateral ends.

About this Quotation:

In a review of William Gladstone's book *The State in its Relations with the Church* (1839) Thomas Babington, Lord Macaulay (1800-1859) defends the standard classical liberal position concerning the role of the state which was widely held in Victorian England, namely that the state should tend to "the protection of the persons and property of men" with very few exceptions. However, his list of exceptions was rather extensive and laid the theoretical groundwork for the gradual expansion of state powers later in the century when "New Liberalism" appeared with a very different agenda for social reform. Generally Macaulay believed the state should limit its activities to carrying out "the main end" of its purpose (i.e. security and defense) but if it could also pursue "any other good end" (or what he also called "collateral ends") "without any sacrifice of its efficiency for that end" then it should do so. Thus he admitted that the state might encourage the "fine arts," science and technology, steam navigation, and "the instruction of the people." It would seem that once these exceptions were made there were strong grounds for arguing that most public goods which the government could provide "far more effectually than any individual or any voluntary association could do" should therefore be provided by the government.

Source

Thomas Babington, Lord Macaulay, *Critical and Historical Essays contributed to the Edinburgh Review*, 5th ed. in 3 vols. (London: Longman, Brown, Green, and Longmans, 1848). Vol. 2.
<http://oll.libertyfund.org/title/364/50924/645628>

Benjamin Franklin on the “superstructure” of Good Government (1736) (Dec 3, 2012)



Benjamin Franklin (1706 – 1790)

Given Benjamin Franklin’s (1706-1790) technical bent as an inventor and scientist it is not surprising that he would compare government to the construction of a building, nor that he would have great faith in the people’s ability to construct a sound political edifice:

ON GOVERNMENT. NO. I [From the Pennsylvania Gazette, April 1, 1736]

Government is aptly compared to architecture; if the superstructure is too heavy for the foundation the building totters, though assisted by outward props of art. But leaving it to everybody to mould the similitude according to his particular fancy, I shall only observe that the people have made the most considerable part of the legislature in every free state; which has been more or less so in proportion to the share they have had in the administration of affairs. The English constitution is fixed on the strongest basis; we choose whomsoever we please for our representatives, and thus we have all the advantages of a democracy without any of its inconveniences.

Popular governments have not been framed without the wisest reasons. It seemed highly fitting that the conduct of magistrates, created by and for the good of the whole, should be made liable to the inspection and animadversion of the whole. Besides, there could not be a more potent counterpoise to the designs of ambitious men than a multitude that hated and feared ambition. Moreover, the power they possessed, though great collectively, yet, being distributed among a vast number, the share of each individual was too inconsiderable to lay him under any temptations of turning it to a wrong use. Again, a body of people thus circumstanced cannot be supposed to judge amiss on any essential points; for if they decide in favor of themselves, which is extremely natural, their decision is just, inasmuch as whatever contributes to their benefit is a general benefit and advances the real public good. Hence we have an easy solution of the sophism, so often proposed by the abettors of tyranny, who tell us that when differences arise between a prince and his subjects the latter are incapable of being judges of the controversy, for that would be

setting up judge and party in the same person.

Some foreigners have had a truer idea of our constitution. We read in the Memoirs of the late Archbishop of Cambray, Fenelon, the celebrated author of *Telemachus*, a conversation which he had with the Pretender (son of James the Second, of England): “If ever you come to the crown of England,” says the bishop, “you will be a happy prince; with an unlimited power to do good and only restrained from doing evil.” A blunt Briton, perhaps, would have said in plain English: “You ’ll be at liberty to do as much good as you please, but, by G—, you shall do us no hurt.” The bishop sweetened the pill; for such it would appear in its simple form to a mind fraught with notions of arbitrary power and educated among a people who, with the utmost simplicity, boast of their slavery.

About this Quotation:

Given Franklin’s interest in science and inventing it is not surprising that the young Franklin would liken the government to a building whose utility depended on how well it had been constructed. He was able to publish his views in the journal he began publishing 1729, *The Pennsylvania Gazette*. In two short articles he wrote in April 1736 he outlined such a “constructionist” interpretation of “Good Government” in which he argued that if the “superstructure” of the government is too heavy (presumably because it had too many public servants in its employ and thus imposed heavy taxes to fund them) then it would weaken the foundation of the building and perhaps lead to its ultimate collapse. As a democrat he was convinced that only the people were wise enough to choose legislators who would ensure that the political superstructure was in proportion to the strength of the country’s foundation. Furthermore, he was convinced that only the British had discovered this principle of sound government, which had of course been passed on to their American colonial cousins, and that the French were too “enslaved” by their own despotic government to understand this. It is intriguing to ask whether this notion of political “superstucture” influenced Karl Marx in his thinking.

Source

Benjamin Franklin, *The Works of Benjamin Franklin, including the Private as well as the Official and Scientific Correspondence, together with the Unmutilated and Correct Version of the Autobiography*, compiled and edited by John Bigelow (New York: G.P. Putnam’s Sons, 1904). The Federal Edition in 12 volumes. Vol. II (Letters and Misc. Writings 1735-1753). <http://oll.libertyfund.org/title/2454/231485/3924334>

James Buchanan on chaining Leviathan (1975) (Jan 14, 2013)



[James M. Buchanan](#) (1919 – 2013)

One of the founders of the Public Choice school of economics, James M. Buchanan (1919-2013), asks the fundamental question of political science – “who will guard us from the guardians”? His answer is a call for a “constitutional revolution” which will “chain Leviathan”:

Quis Custodiet Ipsos Custodes?

To the individualist, utopia is anarchist, but as a realist he recognizes the necessity of an enforcing agent, a collectivity, a state. As a minimal procedural norm, any such entity must treat equally all who qualify as members, as persons, even when interpersonal differences are acknowledged. “Equality before the law,” “uniformity in the application of the law,” “the rule of law,” “rule by law and not by man,” “rules, not authorities,” “justice is blind”—these are but a few of the more familiar phrases that variously reflect this fundamental norm of an individualistic social order. But what is “the law”? Or, perhaps more appropriately, what are the limits of law? The necessity for an enforcing agent arises because of conflicts among individual interests, and the enforcing role for the state involves the protection of individual rights to do things, including the making and carrying out of valid contracts. In this role, the enforcing agent starts from or commences with the assignment of rights as these exist. The state has no role in setting out or in defining these rights if we stay within the dichotomy indicated.

If, however, the collectivity is empowered to enforce individual rights, how is it to be prevented from going beyond these limits? What are the “rights” of the enforcing agent itself, the state? If we are able, conceptually, to discuss the enforcement of rights and of contracts involving exchanges of rights among persons apart from questions involving exogenous changes in the assignment of rights, we must also be able to specify, again conceptually, the rights of the collectivity to do things. We cannot simply move one step further back and conceive of the appointment or selection of some superior enforcing agent, one that will protect and limit the rights of both individuals and the state. The enforcement hierarchy must stop somewhere, and for our purpose it is well to restrict discussion to the first level. It is relatively

easy to think of the collectivity fulfilling its role in protecting person and property from “unlawful” acts carried out by persons. It becomes much more difficult to think of means through which individuals can enforce and protect their rights from “unlawful” acts on behalf of the collectivity itself. How can Leviathan be chained? This problem has worried political philosophers of all ages, but no fully satisfactory answer has been advanced, either as an ideal to be approached or as a practical program to be experienced.

Two distinct means of limiting collective power have been proposed and tried. First, there have been various institutional devices which are designed to restrict overall collective interferences with individual rights. The Roman republic attempted to share executive power among two or more officials appointed simultaneously to the same position. Medieval Europe opposed a decentralized feudal nobility against a centralized church and, later, against the emerging nation-states. Montesquieu discussed effective division and separation of state power along procedural lines. The Swiss have used federation effectively in keeping their society more or less free for centuries.

Second, there has been the explicit promulgation of the mystique of some “higher law,” one that guides the actions of sovereigns as well as ordinary men. This, too, has taken many forms. The tablets of Moses and the Book of Mormon provide ancient and modern examples of “laws” derived from God. Philosophers have searched for “natural laws” that are inherent in man himself, laws that might be applied as norms for collectivities. Scholars of the Enlightenment evoked the social contract to explain the origin as well as the limits of governmental powers. The written constitution, carrying with it a specified historical date, presumably had as its primary objective the offering of some predictable stability concerning the limitations of state power. Heritages of the institutional devices and of the sources of mystique are mixed variously in the social orders of Western collectivities. In the United States, the Founding Fathers joined Montesquieu’s separation of powers to the federal principle and attempted to secure these by a written constitution which reflected both contractarian and natural law presuppositions.

About this Quotation:

The fundamental problem in political theory, as Buchanan is very well aware, is two-fold: there is a pressing need for some kind of “enforcing agent” which will protect the individual from violations of his/her liberty and property rights, and following on from this there is the problem of how to ensure that any “enforcing agent” which is chosen does not in its turn become a violator of the very same liberty and property rights it was originally set up to protect? In the ancient Latin formulation of the problem “Quis Custodiet Ipsos Custodes?” [who will guard us from these guardians?]. The solution to this problem which emerged in the 18th and 19th centuries in western Europe and North America was constitutional government which was accountable to the people, strictly limited in its powers, and a rule of law based upon notions of individual liberty and private property. By the time Buchanan was writing these words in the mid-1975s the experiment in limited constitutional government was starting to unravel and the kind of states which were emerging in the 1970s were more like “the leviathan” state described by Thomas Hobbes in the 1650s than the very limited states envisaged by classical liberals in the 18th century. Buchanan then reframed the question – “How can Leviathan be chained?” – and sought an answer in the application of economic insights to the study of political and bureaucratic behaviour. As he states a bit further on in this quotation, he called for a “constitutional revolution” based upon public choice economic theory in order to put the 18th century experiment on a sounder footing.

Source

James M. Buchanan, *The Collected Works of James M. Buchanan*, Foreword by Harmut Kliemt, 20 vols. (Indianapolis: Liberty Fund, 1999-2002). Vol. 7 *The Limits of Liberty: Between Anarchy and Leviathan*. <http://oll.libertyfund.org/title/1827/103247/2214455>

Mises on the worship of the state or statolatry (1944) (Mar 4, 2013)



Ludwig von Mises (1881 – 1973)

At the height of WW2 when states on both sides of the conflict had massively increased government intervention in the economy, the Austrian economist Ludwig von Mises (1881-1973) warned against “worship of the state”, or statolatry as he also called it, seeing in it the cause of “the worst evils which mankind ever had to endure”:

With human nature as it is, the state is a necessary and indispensable institution. The state is, if properly administered, the foundation of society, of human coöperation and civilization. It is the most beneficial and most useful instrument in the endeavors of man to promote human happiness and welfare. But it is a tool and a means only, not the ultimate goal. It is not God. It is simply compulsion and coercion; it is the police power.

It has been necessary to dwell upon these truisms because the mythologies and metaphysics of etatism have succeeded in wrapping them in mystery. The state is a human institution, not a superhuman being. He who says “state” means coercion and compulsion. He who says: There should be a law concerning this matter, means: The armed men of the government should force people to do what they do not want to do, or not to do what they like. He who says: This law should be better enforced, means: The police should force people to obey this law. He who says: The state is God, deifies arms and prisons. The worship of the state is the worship of force. There is no more dangerous menace to civilization than a government of incompetent, corrupt, or vile men. The worst evils which mankind ever had to endure were inflicted by bad governments. The state can be and has often been in the course of history the main source of mischief and disaster.

The apparatus of compulsion and coercion is always operated by mortal men. It has happened time and again that rulers have excelled their contemporaries and fellow citizens both in competence and in fairness. But there is ample historical evidence to the contrary too. The thesis of etatism that the members of the government and its assistants are more intelligent than the people, and that they know better what is good for the individual than he himself knows, is pure nonsense. The Führers and the Duces are

neither God nor God's vicars.

The essential characteristic features of state and government do not depend on their particular structure and constitution. They are present both in despotic and in democratic governments. Democracy too is not divine. We shall later deal with the benefits that society derives from democratic government. But great as these advantages are, it should never be forgotten that majorities are no less exposed to error and frustration than kings and dictators. That a fact is deemed true by the majority does not prove its truth. That a policy is deemed expedient by the majority does not prove its expediency. The individuals who form the majority are not gods, and their joint conclusions are not necessarily godlike.

About this Quotation:

A theme in Mises' writings is his critique of "the worship of the state", which he also called "etatism" or "statolatry." By this he meant the belief that the rulers of the state and their bureaucrats were more knowledgeable than others, less prone than ordinary people to allow their personal interests to overshadow their civil duty, accountable to a higher moral order, justified in using force against others to achieve the goals of "society", and so on. Hence, they should be treated as godlike in their powers and virtue. One can trace his use of the words from the *Theory of Money and Credit* (1912) and *Socialism* (1922) at the time of WW1, where "etatism" was the preferred term, to WW2 and its immediate aftermath when he introduced the word "statolatry" in *Omnipotent Government* (1944), *Bureaucracy* (1944), and *Human Action* (1949) as a harsher way of saying the same thing. The key point for Mises is the distinction between the State's way of carrying out its affairs, and the way things are done in the free market. The former "means coercion and compulsion", the latter means cooperation and peaceful exchange. In the modern era, Mises points out, the presence of democratic governments does not alter the fundamental equation as "majorities are no less exposed to error and frustration than kings and dictators." He concludes that we must not forget that, like monarchs who ruled by divine right, "The individuals who form the majority are not gods, and their joint conclusions are not necessarily godlike."

Source

Omnipotent Government: The Rise of the Total State and Total War, edited with a Foreword by Bettina Bien Greaves (Indianapolis: Indiana, 2011).

John Wade exposes the system of political corruption in England (1835) (Jun 24, 2013)

[John Wade](#) (1788 – 1875)

The British Philosophic Radical John Wade (1788-1875) compiled detailed lists of all those who used the British state to get taxpayers money and legal privileges with the aim of so angering the British people that they would support the movement for reform:

The Black Book is the Encyclopedia of English politics for the Georgian era, and will last as long as the abuses it exposes shall endure. It was, originally, brought out in periodical numbers twelve years ago, and laboured under the disadvantages incident to that mode of publication. Defective as the publication was, it excited unusual interest; though ill-arranged, rough in manner, and incorrect in matter, it contained a striking development of Oligarchical abuse, and thus fixed the attention of the public. It was oftentimes reprinted, and upwards of 14,000 copies were sold, almost without the expense of advertisement, or any of those helps from literary notices which are usually deemed essential to give celebrity to the productions of the press. In the edition of last year an endeavour was made to remedy the defects of the first undertaking; in this we flatter ourselves the task has been nearly completed.

The object of the Editor at first was, and now has been, to show the manifold abuses of an unjust and oppressive system; to show the dire calamities it has inflicted on the country, and by what ramifications of influence it has been supported.

Government has been a corporation, and had the same interests and the same principles of action as monopolists. It has been supported by other corporations; the Church has been one, the Agriculturists another; the Boroughs a third, the East-India Company a fourth, and the Bank of England a fifth: all these, and interests like these, constituted the citadel and out-works of its strength, and the first object of each has been to shun investigation. We have, however, rent the veil; those who before doubted may, if they please, come and see, and be convinced.

In lieu of the old system we are told a new one is in progress of being substituted; intelligence, not patronage, is to form the pivot of public authority: the idea is a grand one,—it is worthy of the age, and we wait in hope to see it practically realized.

In conclusion we must observe that many opinions have been introduced, from which, we doubt not, our readers will dissent; we regret this, but it is unavoidable. Our object has been Truth, not to compromise with error, nor knowingly pander to any prejudice, aristocratic or democratic. We have an aversion to war, foreign and domestic; nor do we love spoliation either on the part of the People or their Rulers. The land is full of miseries; we share them not, neither do we profit by them; but it is the impulse of our nature to wish to see them alleviated. In place of a bad government we wish a good one substituted; for it is not individuals, but the power of the State, directed by intelligence, which must administer to the maladies of a nation. And even wisdom and good intentions, without co-operation on the part of the community, would be unavailing. Public disorders of long standing and extremely complicated require deliberation as well as remedial applications. But while we crave indulgence for an Administration we believe patriotic, it must be an

indulgence accompanied with constant watchfulness, and even suspicion, on the part of the People.

March 16th, 1832.

About this Quotation:

In the period between the end of the Napoleonic Wars and the First Reform Act of 1832 radicals like John Wade attempted to expose the corruption at the heart of the British political system in order to arouse ordinary people to support the Reform movement. To do this, he documented in great detail the exact nature of “Oligarchical abuse” by the powerful vested interest groups which controlled the British state, namely the established Church, the big agriculturalists who benefited from protection, the rotten borough system which enabled a narrow group of men to secure seats in Parliament, the East-India Company, and the Bank of England. Beginning in 1820 “The Extraordinary Black Book, or Corruption Unmasked” went through many editions culminating in the edition of 1832 – the year the First Reform Act expanded the electorate to include middle class voters for the first time. The edition we have put online is a revised version of the 1832 edition which also contained a new Appendix which evaluated the activities of the new parliament which contained many reformers who had been elected in 1832. We don’t have a picture of Wade but we do have the frontispiece which shows the supporters of Reform in the new parliament: Lord Broughm, Landsdowne, Russell, Burdett, Althorpe, Grey, and the King in the centre. The caption which accompanied the engraving comes from a sonnet to liberty written by William Wordsworth, which states “We must be free or die, who speak the tongue That Shakspeare spake; the faith and morals hold Which Milton held. In everything we are sprung Of Earth’s first blood, have titles manifold.”

Source

John Wade, *The Black Book: An Exposition of Abuses in Church and State, Courts of Law, Municipal Corporations, and Public Companies; with a Précis of the House of Commons, Past, present, and to come. A New Edition, greatly enlarged and corrected to the present time. By the Original Editor. With an Appendix* (London: Effingham Wilson, Royal Exchange, 1835). <http://oll.libertyfund.org/title/2539/245584/3977570>

Thomas Gordon on the nature of power to expand (1721) (Oct 7, 2013)

Thomas Gordon (1692 – 1750)

The Commonwealthman Thomas Gordon (1692-1750) has some acute observations about human nature. He thinks most people are too credulous or accepting of political power, and that power has a tendency to expand at the expense of liberty:

People are ruined by their ignorance of human nature; which ignorance leads them to credulity, and too great a confidence in particular men. They fondly imagine that he, who, possessing a great deal by their favour, owes them great gratitude, and all good offices, will therefore return their kindness: But, alas! how often are they mistaken in their favourites and trustees; who, the more they have given them, are often the more incited to take all, and to return destruction for generous usage. The common people generally think that great men have great minds, and scorn base actions; which judgment is so false, that the basest and worst of all actions have been done by great men: Perhaps they have not picked private pockets, but they have done worse; they have often disturbed, deceived, and pillaged the world: And he who is capable of the highest mischief, is capable of the meanest: He who plunders a country of a million of money, would in suitable circumstances steal a silver spoon; and a conqueror, who steals and pillages a kingdom, would, in an humbler fortune, rifle a portmanteau, or rob an orchard.

Political jealousy, therefore, in the people, is a necessary and laudable passion. But in a chief magistrate, a jealousy of his people is not so justifiable, their ambition being only to preserve themselves; whereas it is natural for power to be striving to enlarge itself, and to be encroaching upon those that have none. The most laudable jealousy of a magistrate is to be jealous for his people; which will shew that he loves them, and has used them well: But to be jealous of them, would denote that he has evil designs against them, and has used them ill. The people's jealousy tends to preserve liberty; and the prince's to destroy it. Venice is a glorious instance of the former, and so is England; and all nations who have lost their liberty, are melancholy proofs of the latter.

Power is naturally active, vigilant, and distrustful; which qualities in it push it upon all means and expedients to fortify itself, and upon destroying all opposition, and even all seeds of opposition, and make it restless as long as any thing stands in its way. It would do what it pleases, and have no check. Now, because liberty chastises and shortens power, therefore power would extinguish liberty; and consequently liberty has too much cause to be exceeding jealous, and always upon her defence. Power has many advantages over her; it has generally numerous guards, many creatures, and much treasure; besides, it has more craft and experience, less honesty and innocence: And whereas power can, and for the most part does, subsist where liberty is not, liberty cannot subsist without power; so that she has, as it were, the enemy always at her gates.

About this Quotation:

Well before Lord Acton wrote about the corrupting influence of power (1887) it was a staple of the 18th century Commonwealthmen like John Trenchard (1662-1723) and Thomas Gordon (1692-1750)

in their warnings about the growth of British imperial power during the 1720s. Gordon in particular saw a strong parallel with the growth of power during the Roman empire and wrote numerous discourses on that in his translations of the Roman historians Tacitus and Sallust. These warnings were well received by the North American colonists in their long struggle for independence from the British crown. In these passages from *Cato's Letters* Gordon graphically describes power as a kind of restless energy which is constantly seeking to expand its domain, to go around or overcome any check placed in its way, and to undermine liberty like some kind of "enemy at the gates". The greatest danger comes from the people's high regard for so-called "great men" who, although they might not have "picked the pockets" of private individuals, have nevertheless set their sights on "pillaging the world."

Source

John Trenchard, *Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*. Four volumes in Two, edited and annotated by Ronald Hamowy (Indianapolis: Liberty Fund, 1995). Vol. 1. <http://oll.libertyfund.org/title/1237/64453/1597439>

Anthony de Jasay asks whether states should be invented if they did not already exist (1985) (Dec 23, 2013)



Anthony de Jasay (1925 – —)

Anthony de Jasay (1925-) asks whether we can trust the state to use its monopoly of force wisely and not “use it against those from whom it received it”:

There are, in particular, two rival theories with the identical basic thesis that if the state did not exist, we should invent it. Both, I shall argue, rest on self-delusion. One holds that it is people in general who need the state which alone can fulfil the function of turning general conflict into general harmony. People not only need this, but are aware of their need, and by the social contract create the state and give it authority over themselves. The other theory proposes that it is the possessing class which needs the state as the indispensable instrument of class rule. The source of the state’s political power is, in some fashion, the economic power which ownership confers upon the possessing class. The two powers, economic and political, complement each other in oppressing the proletariat. The purest, least ambiguous theorist of the social contract is Hobbes, and Engels is that of the instrument-of-class-oppression theory.

Both theories have an irreducible common core: both require people (“the people” in the one case, “the capitalist class” in the other), to abdicate a de facto faculty, the recourse to force. One and the other, each in the manner proper to it, confers a monopoly of the possession (and hence obviously of the use) of force upon Leviathan, the monarch or the class state. One’s motive is fear, the other’s greed; not moral but prudential reasons.

Neither provides any good ground for supposing that the state, once it has the monopoly of force will not, at times or forever, use it against those from whom it received it. Neither is a theory of the state in the proper sense, i.e. neither really explains why the state will do one thing rather than another. Why, in fact, should it stop people from killing and robbing each other rather than indulging in some robbery and, if need be, killing, on its own account? Why should it help the capitalists oppress the workers, rather than engage in the probably more rewarding pursuit of oppressing the capitalists? What maximand does the

state maximize, what is its pay-off, and how does it go about getting it? The conduct of the state is assumed (it keeps the peace, it oppresses the workers) rather than derived from its rational volition.

The state, under either the contractarian or the Marxist hypothesis, has got all the guns. Those who armed it by disarming themselves, are at its mercy. The state's sovereignty means that there is no appeal against its will, no higher instance which could possibly make it do one thing rather than another. Everything really depends on Leviathan giving no cause to people to rebel (Hobbes is assuming that it would not), or on the state oppressing only the right people, i.e. the workers.

There are certainly good reasons, both a priori and empirical, why such assumptions should, at least some of the time, be wrong. One cannot seriously expect people in general, or the capitalist class, to take such a gamble with an essentially unpredicted state for prudential reasons, though they might do so as an act of faith. The one plausible condition under which self-interest could induce rational people to take this risk is when the likely consequences of not disarming themselves in favour of the state look more dangerous still.

About this Quotation:

Jasay imagines what it would be like to go back in time and witness the birth of the historical state. What he sees he does not like, and neither do most people. So, what people have tried to do is “invent” states which are more to their liking and they have done this in two different ways. The first is “Inventing the State: The Social Contract”; the second is “Inventing the State: The Instrument of Class Rule”; each version of which Jasay finds unsatisfactory. Jasay’s innovation in this book is to try to see the world from the perspective of the state itself, to imagine things as if the state were a person with goals and preferences which it was trying to achieve; in other words he wishes to work out “an agenda for a rational state” (or in contrast to “public choice” a theory of “political choice”). His conclusion is not a happy one because he believes he has discovered “a built-in totalitarian bias” which will tend to push all states in one direction of increasing power over its subjects: “The state has, at this stage, completed its metamorphosis from mid-nineteenth-century reformist seducer to late twentieth-century redistributive drudge, walking the treadmill, a prisoner of the unintended cumulative effects of its own seeking after consent. If its ends are such that they can be attained by devoting its subjects’ resources to its own purposes, its rational course is to maximize its discretionary power over these resources. In the ungrateful role of drudge, however, it uses all its power to stay in power, and has no discretionary power left over. It is rational for it to do this just as it is rational for the labourer to work for subsistence wages, or for the perfectly competitive firm to operate at breakeven. A higher kind of rationality, however, would lead it to seek to emancipate itself from the constraints of consent and electoral competition... My thesis is not that democratic states “must” all end up doing this, but rather that a built-in totalitarian bias should be taken as a symptom of their rationality.”

Source

Anthony de Jasay, *The State* (Indianapolis: Liberty Fund, 1998). http://oll.libertyfund.org/titles/319#Jasay_0154_117

Tocqueville on the absence of government in America (1835)

(May 5, 2014)



Alexis de Tocqueville (1805 – 1859)

What struck Alexis de Tocqueville (1805-1859) when he visited the U.S. in 1831-32 was the absence of visible signs of government compared to what he was used to seeing in Europe:

What most strikes the European who travels across the United States is the absence of what among us we call government or administration. In America, you see written laws; you see their daily execution; everything is in motion around you, and the motor is nowhere to be seen. The hand that runs the social machine escapes at every moment.

But just as all peoples, in order to express their thoughts, are obliged to resort to certain grammatical forms that constitute human languages, all societies, in order to continue to exist, are compelled to submit to a certain amount of authority; without it, they fall into anarchy. This authority can be distributed in different ways; but it must always be found somewhere.

There are two means to diminish the strength of authority in a nation.

The first is to weaken power in its very principle, by taking from society the right or the capacity to defend itself in certain cases; to weaken authority in this way is what, in Europe, is generally called establishing liberty.

[{This method has always seemed to me barbaric and antisocial.}]

There is a second means to diminish the action of authority. This one consists not of stripping society of some of its rights or paralyzing its efforts, but of dividing the use of its powers among several hands; of multiplying officials while attributing to each all the power needed to carry out what he is meant to do. There are peoples who can still be led to anarchy by this division of the social powers; in itself, however, it is not anarchic. By

sharing authority in this way, its action is made less irresistible and less dangerous, it is true; but authority is not destroyed.

The Revolution in the United States was produced by a mature and thoughtful taste for liberty, and not by a vague and undefined instinct for independence. It was not based upon passions for disorder; on the contrary, it proceeded with love of order and of legality.

About this Quotation:

Compared to the very visible activities of the state in Europe Tocqueville was pleasantly surprised at how little he could see of the activities of the American government as he moved about the country. As he put it, he could see objects in motion but could not see the motor which was moving them about. He attributed this happy situation to the degree of political de-centralization in America compared to the extensive centralization of power which he knew so well in France. Yet, he must have been aware of at least three areas in which the power of the American state was very visible and where one could see the motor of government spinning around: these areas were the government prison system which he and Beaumont had come to study on behalf of the French government, the existence of slavery which required a heavy legal hand to remain in existence, and the level of national tariffs which were considerably higher in the US than in Europe and the major source of the government's funds. Nevertheless, he was not the only French liberal at that time to see the political future of the world in what Charles Dunoyer called "the municipalization of the world" which had begun in America and would likely spread to other countries like France.

Source

Alexis de Tocqueville, *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*, ed. Eduardo Nolla, translated from the French by James T. Schleifer. A Bilingual French-English editions, (Indianapolis: Liberty Fund, 2010). Vol. 1. http://oll.libertyfund.org/titles/2285#Tocqueville_1532-01_EN_919

28. War & Peace↩

1. [Bernard Mandeville on how the Hardships and Fatigues of War bear most heavily on the "working slaving People" \(1732\)](#) (May 3, 2004)
2. [Hugo Grotius on sparing Civilian Property from Destruction in Time of War \(1625\)](#) (May 17, 2004)
3. [Adam Smith on the Sympathy one feels for those Vanquished in a battle rather than for the Victors \(1762\)](#) (Jun 21, 2004)
4. [Robert Nisbet on the Shock the Founding Fathers would feel if they could see the current size of the Military Establishment and the National Government \(1988\)](#) (Jul 19, 2004)
5. [Thomas Hodgskin on the Suffering of those who had been Impressed or Conscripted into the despotism of the British Navy \(1813\)](#) (Aug 23, 2004)
6. [Ludwig von Mises laments the passing of the Age of Limited Warfare and the coming of Mass Destruction in the Age of Statism and Conquest \(1949\)](#) (Nov 1, 2004)
7. [Erasmus has the personification of Peace come down to earth to see with dismay how war ravages human societies \(1521\)](#) (May 23, 2005)
8. [William Graham Sumner denounced America's war against Spain and thought that "war, debt,](#)

- [taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery” would result in imperialism \(1898\) \(May 30, 2005\)](#)
9. [Herbert Spencer argued that in a militant type of society the state would become more centralised and administrative, as compulsory education clearly showed \(1882\) \(Jun 20, 2005\)](#)
 10. [Hugo Grotius discusses the just causes of going to war, especially the idea that the capacity to wage war must be matched by the intent to do so \(1625\) \(Sep 12, 2005\)](#)
 11. [Hugo Grotius states that in an unjust war any acts of hostility done in that war are “unjust in themselves” \(1625\) \(Sep 19, 2005\)](#)
 12. [Thomas Gordon gives a long list of ridiculous and frivolous reasons why kings and tyrants have started wars which have led only to the enslavement and destruction of their own people \(1737\) \(Nov 21, 2005\)](#)
 13. [John Jay in the Federalist Papers discussed why nations go to war and concluded that it was not for justice but “whenever they have a prospect of getting any thing by it” \(1787\) \(Jan 9, 2006\)](#)
 14. [J.M. Keynes reflected on that “happy age” of international commerce and freedom of travel that was destroyed by the cataclysm of the First World War \(1920\) \(Feb 20, 2006\)](#)
 15. [A.V. Dicey noted that a key change in public thinking during the 19thC was the move away from the early close association between “peace and retrenchment” in the size of the government \(1905\) \(Sep 25, 2006\)](#)
 16. [St. Thomas Aquinas discusses the three conditions for a just war \(1265-74\) \(Jul 23, 2007\)](#)
 17. [James Madison argues that the constitution places war-making powers squarely with the legislative branch; for the president to have these powers is the “the true nurse of executive aggrandizement” \(1793\) \(Sep 10, 2007\)](#)
 18. [Thomas Gordon on standing armies as a power which is inconsistent with liberty \(1722\) \(Nov 5, 2007\)](#)
 19. [James Madison on the need for the people to declare war and for each generation, not future generations, to bear the costs of the wars they fight \(1792\) \(Dec 17, 2007\)](#)
 20. [Adam Smith observes that the true costs of war remain hidden from the taxpayers because they are sheltered in the metropole far from the fighting and instead of increasing taxes the government pays for the war by increasing the national debt \(1776\) \(Feb 18, 2008\)](#)
 21. [John Trenchard identifies who will benefit from any new war “got up” in Italy: princes, courtiers, jobbers, and pensioners, but definitely not the ordinary taxpayer \(1722\) \(Nov 17, 2008\)](#)
 22. [Alexander Hamilton warns of the danger to civil society and liberty from a standing army since “the military state becomes elevated above the civil” \(1787\) \(Dec 29, 2008\)](#)
 23. [Daniel Webster thunders that the introduction of conscription would be a violation of the constitution, an affront to individual liberty, and an act of unrivaled despotism \(1814\) \(May 25, 2009\)](#)
 24. [Thomas Jefferson on the Draft as “the last of all oppressions” \(1777\) \(Jul 20, 2009\)](#)
 25. [Madison argued that war is the major way by which the executive office increases its power, patronage, and taxing power \(1793\) \(Nov 30, 2009\)](#)
 26. [Milton warns Parliament’s general Fairfax that justice must break free from violence if “endless war” is to be avoided \(1648\) \(Mar 7, 2010\)](#)
 27. [Vicesimus Knox on how the aristocracy and the “spirit of despotism” use the commemoration of the war dead for their own aims \(1795\) \(Jun 1, 2010\)](#)
 28. [John Jay on the pretended as well as the just causes of war \(1787\) \(Aug 9, 2010\)](#)
 29. [Trenchard on the dangers posed by a standing army \(1698\) \(Sep 13, 2010\)](#)
 30. [Sumner and the Conquest of the United States by Spain \(1898\) \(May 9, 2011\)](#)
 31. [Grotius on Moderation in Despoiling the Country of one’s Enemies \(1625\) \(May 25, 2011\)](#)
 32. [The Duke of Burgundy asks the Kings of France and England why “gentle peace” should not be](#)

- [allowed to return France to its former prosperity \(1599\)](#) (Aug 22, 2011)
33. [James Mill likens the expence and economic stagnation brought about by war to a “pestilential wind” which ravages the country \(1808\)](#) (Aug 29, 2011)
 34. [Cobden urges the British Parliament not to be the “Don Quixotes of Europe” using military force to right the wrongs of the world \(1854\)](#) (Sep 26, 2011)
 35. [Cobden on the principle of non-intervention in the affairs of other countries \(1859\)](#) (Oct 24, 2011)
 36. [The City of War and the City of Peace on Achilles' new shield \(900 BC\)](#) (Nov 28, 2011)
 37. [Cobden on the complicity of the British people in supporting war \(1852\)](#) (Dec 25, 2011)
 38. [Cobden argues that the British Empire will inevitably suffer retribution for its violence and injustice \(1853\)](#) (Mar 1, 2012)
 39. [John Bright on war as all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable \(1853\)](#) (Mar 26, 2012)
 40. [James Madison on the necessity of separating the power of “the sword from the purse” \(1793\)](#) (Sep 10, 2012)
 41. [John Bright calls British foreign policy “a gigantic system of \(welfare\) for the aristocracy” \(1858\)](#) (Nov 5, 2012)
 42. [Molinari on the elites who benefited from the State of War \(1899\)](#) (Nov 26, 2012)
 43. [The evangelist Luke “on earth peace, good will toward men” \(1st century\)](#) (Dec 24, 2012)
 44. [The 1st Day of Christmas: Jan Huss' Christmas letters and his call for peace on earth \(1412\)](#) (Dec 25, 2012)
 45. [The 2nd Day of Christmas: Petrarch on the mercenary wars in Italy and the need for peace on earth \(1344\)](#) (Dec 26, 2012)
 46. [The 3rd Day of Christmas: Erasmus stands against war and for peace on earth \(16th century\)](#) (Dec 27, 2012)
 47. [The 4th Day of Christmas: Dante Alighieri on human perfectibility and peace on earth \(1559\)](#) (Dec 28, 2012)
 48. [The 7th Day of Christmas: Madison on “the most noble of all ambitions” which a government can have, of promoting peace on earth \(1816\)](#) (Dec 31, 2012)
 49. [The 8th Day of Christmas: Jefferson on the inevitability of revolution in England only after which there will be peace on earth \(1817\)](#) (Jan 1, 2013)
 50. [The 10th Day of Christmas: Richard Cobden on public opinion and peace on earth \(c. 1865\)](#) (Jan 3, 2013)
 51. [Kant believed that citizens must give their free consent via their representatives to every separate declaration of war \(1790\)](#) (Sep 1, 2013)
 52. [Herbert Spencer on the State's cultivation of “the religion of enmity” to justify its actions \(1884\)](#) (Apr 21, 2014)
 53. [Richard Price on how the “domestic enemies” of liberty have been more powerful and more successful than foreign enemies \(1789\)](#) (Oct 20, 2014)
 54. [John Bright denounces the power of the war party in England \(1878\)](#) (Nov 17, 2014)
 55. [Benjamin Constant on the dangers to liberty posed by the military spirit \(1815\)](#) (Dec 15, 2014)

Bernard Mandeville on how the Hardships and Fatigues of War bear most heavily on the “working slaving People” (1732) (May 3, 2004)

Bernard Mandeville (1670 – 1733)

This passage comes from Remark L by Bernard Mandeville in *The Fable of the Bees or, Private Vices, Publick Benefits* (1732):

But let us once suppose that the Ease and Pleasures the Grandees and the rich People of every great Nation live in, render them unfit to endure Hardships, and undergo the Toils of War. I'll allow that most of the Common Council of the City would make but very in-different Foot-Soldiers; and I believe heartily, that if your Horse was to be compos'd of Aldermen, and such as most of them are, a small Artillery of Squibs would be sufficient to rout them. But what have the Aldermen, the Common-Council, or indeed all People of any Substance to do with the War, but to pay Taxes? **The Hardships and Fatigues of War that are personally suffer'd, fall upon them that bear the Brunt of every Thing, the meanest Indigent Part of the Nation, the working slaving People:** For how excessive soever the Plenty and Luxury of a Nation may be, some Body must do the Work, Houses and Ships must be built, Merchandizes must be remov'd, and the Ground till'd. Such a Variety of Labours in every great Nation require a vast Multitude, in which there are always loose, idle, extravagant Fellows enough to spare for an Army; and those that are robust enough to Hedge and Ditch, Plow and Thrash, or else not too much enervated to be Smiths, Carpenters, Sawyers, Cloth-workers, Porters or Carmen, will always be strong and hardy enough in a Campaign or two to make good Soldiers, who, where good Orders are kept, have seldom so much Plenty and Superfluity come to their Share as to do them any hurt.

About this Quotation:

The War in Afghanistan began in October 2001 soon after planning for the design and building of the OLL began. It was soon followed by the invasion of Iraq in March 2003 just a year before the launch of the OLL website in March 2004. So it is not surprising that war was at the back of the minds of the editors when the site was opened to the public. So Mandeville's book (another title published by Liberty Fund) with his thoughtful reflections about the nature of “private vice and publick benefit” and the need for heavy taxation on the ordinary citizens to pay for war, were very appropriate.

Source

Bernard Mandeville, *The Fable of the Bees or Private Vices, Publick Benefits*, 2 vols. With a Commentary Critical, Historical, and Explanatory by F.B. Kaye (Indianapolis: Liberty Fund, 1988). Vol. 1. <http://oll.libertyfund.org/title/846/66867/1631136>

Hugo Grotius on sparing Civilian Property from Destruction in Time of War (1625) (May 17, 2004)



Hugo Grotius (1583 – 1645)

This passage comes from Hugo Grotius, *The Law of War and Peace* (1625), Book III Chapter 12 "On Moderation in Despoiling an Enemy's Country" (1625):

I. ONE of the three following cases is requisite to justify any one in destroying what BELONGS to another: there must be either such a necessity, as at the original institution of property might be supposed to form an exception, as if for instance any one should throw the sword of another into a river, to prevent a madman from using it to his destruction: still according to the true principles maintained in a former part of this work he will be bound to repair the loss: or there must be some debt, arising from the non-performance of an engagement, where the waste committed is considered as a satisfaction for that debt: or there must have been some aggressions, for which such destruction is only an adequate punishment. Now, driving off some of our cattle, or burning a few of our houses, can never be pleaded as a sufficient and justifiable motive for laying waste the whole of an enemy's kingdom. Polybius saw this in its proper light, observing, that vengeance in war should not be carried to its extreme, nor extend any further than was necessary to make an aggressor atone justly for his offence. And it is upon these motives, and within these limits alone, that punishment can be inflicted. But except where prompted to it by motives of great utility, it is folly, and worse than folly, wantonly to hurt another. But upon duly and impartially weighing the matter, such acts are oftener regarded in an odious light, than considered as the dictates of prudent and necessary counsels. For the most urgent and justifiable motives are seldom of long continuance, and are often succeeded by weightier motives of a more humane description... V. **There are some things of such a nature, as to contribute, no way, to the support and prolongation of war: things which reason itself requires to be spared even during the heat and continuance of war. Polybius calls it brutal rage and madness to destroy things, the destruction of which does not in the least tend to impair an enemy's strength, nor to increase that of the destroyer: Such are Porticos, Temples, statues, and all other elegant works and monuments of art. Cicero**

commends Marcellus for sparing the public and private edifices of Syracuse, as if he had come with his army to protect THEM, rather than to take the place by storm.VI. As this rule of moderation is observed towards other ornamental works of art, for the reasons before stated, there is still greater reason, why it should be obeyed in respect to things devoted to the purposes of religion. For although such things, or edifices, being the property of the state may, according to the law of nations, be with impunity demolished, yet as they contribute nothing to aggravate the calamities, or retard the successes of war, it is a mark of reverence to divine things to spare them, and all that is connected therewith: and more especially should this rule be adhered to among nations, worshipping the same God according to the same fundamental laws, although differing from each other by slight shades of variation in their rights and opinions. Thucydides says that it was a law among the Greeks of his time, in all their invasions of each other's territories, to forbear touching the edifices of religion: and Livy likewise observes that, upon the destruction of Alba by the Romans, the temples of the Gods were spared.VII. What has been said of the sacred edifices of religion applies also to monuments raised in honour of the dead, unnecessarily to disturb whose ashes in their repose bespeaks a total disregard to the laws and ties of our common humanity.

About this Quotation:

The OLL has two editions of Grotius book on *The Laws of War and Peace* online. The 1901 edition was published at a time when a number of Conventions had been convened to modernise the laws of war and to help ward off an expected conflict between the Great Powers of Europe (which nevertheless took place in 1914). This edition contained an introduction by David J. Hill who was Assistant Secretary of State in the U.S., thus giving the project the stamp of approval of the American government. The second edition we have online is a 3 volume edition published in 2005 by Richard Tuck. It is now the definitive scholarly edition of Grotius' work and is part of a 40 volume series on *The Enlightenment and Natural Law*. Having lived through the early years of the Thirty Years War (1618-1648) which devastated so much of central and northern Europe it is not surprising that Grotius would be concerned about the effects of war on innocent civilians and how best to minimise this impact.

Source

Hugo Grotius, *The Rights of War and Peace, including the Law of Nature and of Nations*, translated from the Original Latin of Grotius, with Notes and Illustrations from Political and Legal Writers, by A.C. Campbell, A.M. with an Introduction by David J. Hill (New York: M. Walter Dunne, 1901).
<http://oll.libertyfund.org/title/553/90813/2054004>

Adam Smith on the Sympathy one feels for those Vanquished in a battle rather than for the Victors (1762) (Jun 21, 2004)



Adam Smith (1723 – 1790)

This passage comes from Lecture 16 of Smith's *Lectures on Rhetoric* which he gave at the University of Glasgow in 1762:

Whence this superior influence of uneasy sensations proceeds. Whether from their being less common and so more distinguishd from the ordinary pitch of human happiness by being greatly below it, than our most agreeable perceptions are by rising above it; or whether it is thus ordered by the constitution of our nature to the end that the uneasiness of such sensations as accompany what tends to our prejudice might rouse us to be active in warding it off, can not be easily determind: For tho pleasant Sensations from what is of advantage might perhaps[s] be dispensed with, and no great prejudice thereby accrue to our happiness, Yet it seems absolutely necessary that some considerable degree of uneasiness should attend what is hurtfull; for without this we should soon in all probability be altogether destroyed. But whatever be the cause of this Phenomenon it is an undoubted fact that those actions affect us in the most sensible manner, and make the deepest impression, which give us a considerable degree of Pain and uneasiness. This is the case not only with regard to our own private actions, but with those of others. Not only in our own case, misfortunate affairs chiefly affect us; but **it is with the misfortunes of others that we most commonly as well as most deeply sympathise.— A Historian who related a battle and the effects attending, if he was no way interested would naturally dwell more on the misery and lamentations of the vanquished than on the triumph and exultations of the Victors.**

About this Quotation:

This passage builds upon the ideas contained in *The Theory of Moral Sentiments* (1759) where Smith shows that his interest goes far beyond just matters of justice or economic efficiency but extends equally to the issue of having sympathy towards the suffering of others.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
<http://oll.libertyfund.org/pages/missing-links>

Robert Nisbet on the Shock the Founding Fathers would feel if they could see the current size of the Military Establishment and the National Government (1988) (Jul 19, 2004)



Robert A. Nisbet (1913 – 1996)

In 1988 Nisbet gave a series of lectures to celebrate the bicentennial of the American Constitution. He reflected on what the Framers would be most struck by in America today and concluded that they would be incredulous at the staggering size of the military establishment and the Leviathan-like size of the national government:

It is tempting in this year of the bicentennial of the Constitution to speculate on the probable reactions of the Framers to the product of their labors and aspirations as it stands today in the world two full centuries after its inception. Such speculation need not be altogether fanciful. Some constitutional lawyers speak of recovering the “original intent” of the Framers, a not impossible feat given the clarity of the document itself and the abundance of ancillary sources of the Framers' views on government. If original intent can be reasonably retrieved after two hundred years, why not probable reaction to the present age in America?

What would the Framers be most struck by in America today? I mean after they had recovered from the shock of seeing clean, strong, white teeth instead of decayed yellow stumps in the mouths of their descendants; after they had assimilated the fact of the astounding number of Americans who were neither crippled, disease-wasted, nor pockmarked from smallpox; and, of course, after they had taken rapt eyes off the high-speed vehicles on the streets? After these astonishments, what reactions might there be to the political and cultural scene?

Three aspects of the present age in America would surely draw their immediate, concerned, and perhaps incredulous attention.

First, the prominence of war in American life since 1914, amounting to a virtual Seventy-Five Years War, and with this the staggering size of the American military

establishment since World War II. The Framers had relied on two broad oceans for the license to draft the most nonmilitary constitution imaginable.

Second, the Leviathan-like presence of the national government in the affairs of states, towns, and cities, and in the lives, cradle to grave, of individuals. The Framers had worked most diligently to prevent any future hypertrophy of the federal government. They had particularly disliked the sprawling bureaucracies of Europe in their day.

Third, the number of Americans who seem only loosely attached to groups and values such as kinship, community, and property, and whose lives are so plainly governed by the cash nexus.

In the pages following, I have enlarged upon these three aspects of the present scene in America.

About this Quotation:

It is interesting to compare Nisbet's thoughts with the very similar ones expressed by the Austrian economist Ludwig von Mises on how war, inflation, and revolution in the 20th century have so greatly expanded the powers of the state to the detriment of individual liberty.

Source

Robert A. Nisbet, *The Present Age: Progress and Anarchy in Modern America* (Indianapolis: Liberty Fund, 2003). <http://oll.libertyfund.org/title/876/77063/1863652>

Thomas Hodgskin on the Suffering of those who had been Impressed or Conscripted into the despotism of the British Navy (1813) (Aug 23, 2004)

Thomas Hodgskin (1787 – 1869)

Hodgskin was forced to leave the British Navy after being physically punished for complaining about the brutal treatment of sailors who been impressed (conscripted):

To display to the public the abuses existing in the navy, has lately, to me, become an imperative duty: for, the absurdity of its laws and customs has deeply injured myself. My opinion of these is so irretrievably bad, that, in common with many others, I feel no shame at having fallen under their lash,—and but that they have deprived me of the good opinion of society, which is too generally built upon success; but that they have partially deprived me of the esteem of my *friends*; and, but that they have completely excluded me from that road to fame and fortune, the navy, in which my whole life has been past, I should not have felt *punishment* an injury. Having received so deep an injury from these laws, it has become a positive duty in me to attempt to alter *them* through the medium of public *opinion*; a duty equally strong with that which every man thinks it right to practice to relieve himself from a physical pain, by every possible means. When I look around *me* in society, and see the nations of the earth most celebrated for the rigour and despotism of their government, groaning under the most grievous *calamities*, while ours from her freedom has had safety ensured to her; can these calamities be possibly traced to any other cause than this despotism, which has destroyed every manly feeling; which, by unnerving the arm of the poor man (the legitimate defender of his *country*), has opened every pass to its enemies. Can the rise of despotism in any society be ever so well *resisted* as at first.—The first step it takes gives it additional power to take a second. It goes on thus increasing, till men's opinions are bound up in its sanctity, and then it is *irresistible*...

I have seen the discipline of the French armies and I have read of the despotism of the French emperor; I have witnessed, and heard of the calamities inflicted on negroes; but with the exceptions of our seamen being better fed, better clothed, and not allowed to be murdered,—what I have seen them suffer, exceeds the cruelties of Buonaparte to his army, exceeds all that the negroes have had inflicted on them: nothing could support them under their sufferings, but a great and noble consciousness, that they are the saviours of their country—that it is visibly their efforts alone, which prevent despotism from overshadowing the earth, and destroying that liberty they were in early life taught to indulge a love of, and which they still regard as sacred, though no longer permitted to taste its blessings.

To rescue our seamen from these cruelties, is, therefore, becoming every man of humanity; and, as while men labour under despotic oppression, they never can think well of themselves—to release our seamen from it, is the peculiar business of every advocate of virtue; for the first step to dignity of action is, that men should think well of *themselves*.

To abolish pressing, would be worthy all the eloquence, and all the abilities of a *Chatham*; it is even more worthy the exertion of Lord Holland, than the laws on libel — it demands more of the morality and patriotism of Mr. Wilberforce, than the abolition of the slave trade; its bad effects were confined to a few, and it was a dreadful stigma on the country.

Pressing is a greater stigma, and has a dreadful effect on the morals of all.

To abolish it, strictly accords with that excellent sentiment of Mr. Stephens, which said, that to suppose men degraded, made them, in fact, become so; and thus they were made a disgrace to that society, which, but for a cruel injustice, they might have adorned...

About this Quotation:

One needs to remember that this angry tract in defence of the rights of seamen was written during the Napoleonic War and placed the author under the considerable risk of himself being disciplined for treason by the British Navy. Although he was punished by being passed over for promotion he escaped having the more serious charge leveled against him.

Source

Thomas Hodgskin, *An Essay on Naval Discipline, Shewing Part of its evil Effects on the Minds of the Officers, on the Minds of the Men, and on the Community; with an Amended System, by which Pressing may be immediately abolished*, by Lieut. Thomas Hodgskin, R.N. (London: Printed for the Author, by C. Squire, Furnival's-Inn-Court, sold by Sherwood, Neely & Jones, Paternoster-Row 1813). <http://oll.libertyfund.org/title/322/37793/693958>

Ludwig von Mises laments the passing of the Age of Limited Warfare and the coming of Mass Destruction in the Age of Statism and Conquest (1949) (Nov 1, 2004)



[Ludwig von Mises](#) (1881 – 1973)

Published in the immediate aftermath of the Second World War, Mises' magnum opus, *Human Action* (1949) contained a chapter on "The Economics of War" in which he laments the killing of innocents:

The liberal philosophy of Bentham and Bastiat had not yet completed its work of removing trade barriers and government meddling with business when the counterfeit theology of the divine state began to take effect. Endeavors to improve the conditions of wage earners and small farmers by government decree made it necessary to loosen more and more the ties which connected each country's domestic economy with those of other countries. Economic nationalism, the necessary complement of domestic interventionism, hurts the interests of foreign peoples and thus creates international conflict. It suggests the idea of amending this unsatisfactory state of affairs by war. Why should a powerful nation tolerate the challenge of a less powerful nation? Is it not insolence on the part of small Laputania to injure the citizens of big Ruritania by customs, migration barriers, foreign exchange control, quantitative trade restrictions, and expropriation of Ruritanian investments in Laputania? Would it not be easy for the army of Ruritania to crush Laputania's contemptible forces?

Such was the ideology of the German, Italian, and Japanese warmongers. It must be admitted that they were consistent from the point of view of the new "unorthodox" teachings. Interventionism generates economic nationalism, and economic nationalism generates bellicosity. If men and commodities are prevented from crossing the borderlines, why should not the armies try to pave the way for them?

From the day when Italy, in 1911, fell upon Turkey, fighting was continual. There was almost always shooting somewhere in the world. The peace treaties concluded were virtually merely armistice agreements. Moreover they had to do only with the armies of the great powers. Some of the smaller nations were always at war. In addition there were

no less pernicious civil wars and revolutions.

How far we are today from the rules of international law developed in the age of limited warfare! Modern war is merciless, it does not spare pregnant women or infants; it is indiscriminate killing and destroying. It does not respect the rights of neutrals. Millions are killed, enslaved, or expelled from the dwelling places in which their ancestors lived for centuries. Nobody can foretell what will happen in the next chapter of this endless struggle.

This has little to do with the atomic bomb. The root of the evil is not the construction of new, more dreadful weapons. It is the spirit of conquest. It is probable that scientists will discover some methods of defense against the atomic bomb. But this will not alter things, it will merely prolong for a short time the process of the complete destruction of civilization.

Modern civilization is a product of the philosophy of laissez faire. It cannot be preserved under the ideology of government omnipotence. Statolatry owes much to the doctrines of Hegel. However, one may pass over many of Hegel's inexcusable faults, for Hegel also coined the phrase "the futility of victory" (die Ohnmacht des Sieges). To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war.

About this Quotation:

Mises had the very great misfortune of living through the two world wars of the 20th century and seeing first hand the impact war had on the destruction of life and property. During the First World War he worked as an economic advisor to various private and government bodies in Austria on banking matters and could thus see the terrible inflations which ruined eastern and central Europe, especially in Russia and Germany. During the Second World War he was able to seek refuge in Switzerland before coming to the United States. The problems of war and inflation were a central concern in all his writings.

Source

Ludwig von Mises, *Human Action: A Treatise on Economics*, in 4 vols., ed. Bettina Bien Greaves (Indianapolis: Liberty Fund, 2007). Vol. 3. <http://oll.libertyfund.org/title/1895/110729/2302018>

Erasmus has the personification of Peace come down to earth to see with dismay how war ravages human societies (1521) (May 23, 2005)



Desiderius Erasmus (1466 – 1536)

The personification of Peace visits Earth and sees with dismay how war ravages human societies. This is, of course, a thinly veiled critique by Erasmus of Europe in the early 16th century:

God made man unarmed. But anger and revenge have mended the work of God, and furnished his hands with weapons invented in hell. Christians attack christians with engines of destruction, fabricated by the devil. A cannon! a mortar! no human being could have devised them originally; they must have been suggested by the evil one. Nature, indeed, has armed lions with teeth and claws, and bulls with horns; but who ever saw them go in bodies to use their arms for mutual destruction? What man ever saw so small a number as even ten lions congregated to fight ten bulls, and drawn up in battle array? But how often have twenty thousand christians met an equal number on the same plain, all prepared to shoot each other, through the heart, or to plunge the sword or bayonet through each other's bowels. So little account do they make of hurting their brethren, that they have not the smallest scruple to spill every drop of blood in their bodies. Beasts of the forest; your contests are at least excusable, and sometimes amiable; ye fight only when driven to madness by hunger, or to defend your young ones; but as for those who call themselves your lords, (men and christians) the faintest shadow of an affront is sufficient to involve them in all the horrors of premeditated war.

If the lower orders of the people were to act in this manner, some apology might be found in their supposed ignorance; if very young men were to act in this manner, the inexperience of youth might be pleaded in extenuation; if the poor laity only were concerned, the frailty of the agents might lessen the atrocity of the action: but the very reverse of this is the truth. The seeds of war are chiefly sown by those very people whose wisdom and moderation, characteristic of their rank and station, ought to compose and assuage the impetuous passions of the people.

The people, the ignoble vulgar, despised as they are, are the very persons who originally raise great and fair cities to their proud eminence; who conduct the commercial business of them entirely; and, by their excellent management, fill them with opulence. Into these cities, after they are raised and enriched by plebeians, creep the satraps and grandees, like so many drones into a hive; pilfer what was earned by others' industry; and thus, what was accumulated by the labour of the many, is dissipated by the profligacy of the few; what was built by plebeians on upright foundations, is leveled to the ground by cruelty and royal patrician injustice.

If the military transactions of old time are not worth remembrance, let him who can bear the loathsome employ, only call to mind the wars of the last twelve years; let him attentively consider the causes of them all, and he will find them all to have been undertaken for the sake of kings; all of them carried on with infinite detriment to the people; while, in most instances, the people had not the smallest concern either in their origin or their issue.

About this Quotation:

During Erasmus' lifetime Europe was torn apart by wars, often fought in the name of religion, as the Reformation divided individuals and nations into Protestant and Catholic. Some wars were fought even by the Pope. This appalled Erasmus who truly believed that the Christian religion was a religion of peace.

Source

Desiderius Erasmus, *The Complaint of Peace. Translated from the Querela Pacis (A.D. 1521) of Erasmus* (Chicago: Open Court, 1917). <http://oll.libertyfund.org/title/87/5195/682766>

William Graham Sumner denounced America's war against Spain and thought that "war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery" would result in imperialism (1898) (May 30, 2005)



[William Graham Sumner](#) (1840 – 1910)

In a lecture given in 1898, the great American sociologist William Graham Sumner pondered the long term economic and constitutional consequences of the war against Spain:

The American people believe that they have a free country, and we are treated to grandiloquent speeches about our flag and our reputation for freedom and enlightenment. The common opinion is that we have these things because we have chosen and adopted them, because they are in the Declaration of Independence and the Constitution. We suppose, therefore, that we are sure to keep them and that the follies of other people are things which we can hear about with complacency. People say that this country is like no other; that its prosperity proves its exceptionality, and so on. These are popular errors which in time will meet with harsh correction. The United States is in a protected situation. It is easy to have equality where land is abundant and where the population is small. It is easy to have prosperity where a few men have a great continent to exploit. It is easy to have liberty when you have no dangerous neighbors and when the struggle for existence is easy. There are no severe penalties, under such circumstances, for political mistakes. Democracy is not then a thing to be nursed and defended, as it is in an old country like France. It is rooted and founded in the economic circumstances of the country. The orators and constitution-makers do not make democracy. They are made by it. This protected position, however, is sure to pass away. As the country fills up with population, and the task of getting a living out of the ground becomes more difficult, the struggle for existence will become harder and the competition of life more severe. Then liberty and democracy will cost something, if they are to be maintained.

Now what will hasten the day when our present advantages will wear out and when

we shall come down to the conditions of the older and densely populated nations? The answer is: war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery – in a word, imperialism. In the old days the democratic masses of this country, who knew little about our modern doctrines of social philosophy, had a sound instinct on these matters, and it is no small ground of political disquietude to see it decline. They resisted every appeal to their vanity in the way of pomp and glory which they knew must be paid for. They dreaded a public debt and a standing army. They were narrow-minded and went too far with these notions, but they were, at least, right, if they wanted to strengthen democracy.

The great foe of democracy now and in the near future is plutocracy. Every year that passes brings out this antagonism more distinctly. It is to be the social war of the twentieth century. In that war militarism, expansion and imperialism will all favor plutocracy. In the first place, war and expansion will favor jobbery, both in the dependencies and at home. In the second place, they will take away the attention of the people from what the plutocrats are doing. In the third place, they will cause large expenditures of the people's money, the return for which will not go into the treasury, but into the hands of a few schemers. In the fourth place, they will call for a large public debt and taxes, and these things especially tend to make men unequal, because any social burdens bear more heavily on the weak than on the strong, and so make the weak weaker and the strong stronger. Therefore expansion and imperialism are a grand onslaught on democracy. **The point which I have tried to make in this lecture is that expansion and imperialism are at war with the best traditions, principles, and interests of the American people, and that they will plunge us into a network of difficult problems and political perils, which we might have avoided, while they offer us no corresponding advantage in return.**

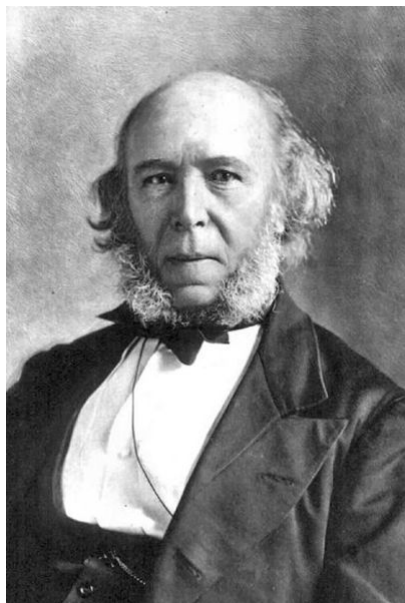
About this Quotation:

Numerous thinkers have argued that there is a continuity in American foreign policy that goes back at least to the Spanish-American War of 1898. Sumner, who lived through this war, was one of these thinkers. He predicted that the end result of continuous “war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery” would be the opposite of what America was intended to be, namely “imperialism”.

Source

William Graham Sumner, *War and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1919). <http://oll.libertyfund.org/title/345/166277/2949207>

Herbert Spencer argued that in a militant type of society the state would become more centralised and administrative, as compulsory education clearly showed (1882) (Jun 20, 2005)



Herbert Spencer (1820 – 1903)

Central to Spencer's sociology of the state was the distinction between what he called militant types of society and industrial types of society. In the latter type of society he observed that administration by the state is either non-existent or extremely decentralized, as the following quote shows:

§ 569. Again changing the point of view, we see that whereas public control in the militant type is both positively regulative and negatively regulative, in the industrial type it is negatively regulative only. To the slave, to the soldier, or to other member of a community organized for war, authority says—"Thou shalt do this; thou shalt not do that." But to the member of the industrial community, authority gives only one of these orders—"Thou shalt not do that."

For people who, carrying on their private transactions by voluntary cooperation, also voluntarily cooperate to form and support a governmental agency, are, by implication, people who authorize it to impose on their respective activities, only those restraints which they are all interested in maintaining—the restraints which check aggressions. Omitting criminals (who under the assumed conditions must be very few, if not a vanishing quantity), each citizen will wish to preserve uninvaded his sphere of action, while not invading others' spheres, and to retain whatever benefits are achieved within it. The very motive which prompts all to unite in upholding a public protector of their individualities, will also prompt them to unite in preventing any interference with their individualities beyond that required for this end.

Hence it follows that while, in the militant type, regimentation in the army is paralleled by centralized administration throughout the society at large; in the industrial type, administration, becoming decentralized, is at the same time narrowed in its range. Nearly all public organizations save that for administering justice, necessarily disappear; since they have the common character that they either aggress on the citizen by dictating his

actions, or by taking from him more property than is needful for protecting him, or by both. **Those who are forced to send their children to this or that school, those who have, directly or indirectly, to help in supporting a State priesthood, those from whom rates are demanded that parish officers may administer public charity, those who are taxed to provide gratis reading for people who will not save money for library subscriptions, those whose businesses are carried on under regulation by inspectors, those who have to pay the costs of State science-and-art-teaching, State emigration, &c., all have their individualities trenched upon, either by compelling them to do what they would not spontaneously do, or by taking away money which else would have furthered their private ends. Coercive arrangements of such kinds, consistent with the militant type, are inconsistent with the industrial type.**

About this Quotation:

Herbert Spencer continues his discussion of the differences between the “militant” and “industrial” types of societies. In this passage he details some of the activities of the state in a “militant” type of society, namely compulsory state education, an established church, pervasive state regulation of industry, and so on. The sad thing about Spencer is that he aged, he seemed to become more radical in his liberalism whilst the society around became more statist and interventionist.

Source

Herbert Spencer, *Political Institutions, being Part V of the Principles of Sociology (The Concluding Portion of Vol. II)* (London: Williams and Norgate, 1882). <http://oll.libertyfund.org/title/1336/54833/1319226>

Hugo Grotius discusses the just causes of going to war, especially the idea that the capacity to wage war must be matched by the intent to do so (1625) (Sep 12, 2005)



Hugo Grotius (1583 – 1645)

Grotius attempted to codify the historical, moral, and legal grounds for justly waging war against an enemy. Here are his thoughts on waging war against a perceived threat:

V. 1. First therefore, the Dread (as we before observed) of our Neighbour's encreasing Strength, is not a warrantable Ground for making War upon him. To justify taking up Arms in our own Defence, there ought to be a Necessity for so doing, which there is not, unless we are sure, with a moral Certainty, that he has not only Forces sufficient, but a full Intention to injure us.

2. Wherefore their Opinion is not to be assented to, who maintain that it is lawful to bring War upon a neighbouring Prince, who, in his own Territories shall erect a Castle, or other fortified Place, which may some Time or other be detrimental to us, tho' he is under no Obligation to the contrary by any previous Compact. For to remove such Apprehensions, we should apply ourselves to the raising such within our own Dominions, and look out for other Remedies, rather than immediately have Recourse to War. From whence it is deducible, that the War of the Romans against Philip King of Macedon, and of Lysimachus against Demetrius, if they had no other Cause (than this uncertain Fear) were not just. I am wonderfully pleased with that of Tacitus, about the Cauchi, They are a People of the greatest Repute and Figure in all Germany, and chuse to maintain their Grandeur by their Justice, living quiet, and keeping at Home; as free from Ambition as from Envy. They give no Occasion for Wars, committing neither Outrage nor Robbery; and what is a great Proof of their Valour, and their Strength, they preserve their Superiority, without Injury and Oppression: However, they are always in a Readiness for War, and can, if their Affairs require it, raise an Army in an Instant, being well provided with Men and Horses, and in the midst of Peace are equally respected and feared.

About this Quotation:

We first used a quotation from Grotius' *The Rights of War and Peace* in May 2004 and the edition we used was from 1901. Since then the marvelous three volume edition published by Liberty Fund and edited by Richard Tuck has appeared (2005) which supercedes all earlier editions and translations. In this quotation Grotius explores an important contemporary topic, when is it just to go to war?

Source

Hugo Grotius, *The Rights of War and Peace*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 2. <http://oll.libertyfund.org/title/1947/121318/2448996>

Hugo Grotius states that in an unjust war any acts of hostility done in that war are “unjust in themselves” (1625) (Sep 19, 2005)



Hugo Grotius (1583 – 1645)

Grotius attempted to codify the historical, moral, and legal grounds for justly waging war against an enemy. Here are his thoughts on acts committed in an unjust war:

III. What is done in an unjust War is unjust in itself.

III. We then first declare, if the Cause of the War be unjust, tho' it be undertaken in a solemn Manner, yet all the Acts of Hostility done in it are unjust in themselves. So that they who knowingly do these Acts, or join in the acting of them, Are to be accounted in the Number of those, who without Repentance cannot enter into the Kingdom of Heaven, 1 Cor. vi. 10. But true Repentance, if Opportunity and Ability will allow, absolutely requires that he who has done any Damage, either by killing, ravaging or plundering, should make full Restitution. Therefore GOD himself declares their Fasts to be unacceptable to him, who detained their Captives unjustly taken. And the King of Nineve, (Jonah iii. 8.) proclaiming a Fast to his Subjects, commands them all to restore what they had taken by Rapine; acknowledging, by the Guide of natural Reason, that all Repentance without such a Restitution would be but pretended, and to no Purpose. And not only the Jews and Christians are of this Opinion, but even the a Mahometans themselves.

IV. Who are hereby obliged to make Restitution, and how far.

IV. But the Authors of War, whether by their Authority, or Counsel, are obliged to make this Restitution, according to what we have declared in general elsewhere, for all those Damages which are the usual Consequences of War; and for what are unusual, if they either contributed to them by Command or Advice, or not prevented them, if it was in their Power to have done it. Thus are Generals and Officers also obliged to do, in Relation to those Things which have been committed by those under their Command. The Soldiers, who have concurred in an Act of Hostility committed in common, as the burning of a

Town, are each responsible for the whole Damage. But if the Damage has been caused by the distinct Acts of several, each shall be answerable for the Mischief, of which he has been the sole or partial Cause.

About this Quotation:

We continue to explore Liberty Fund's new edition of this great work. In this passage Grotius argues that if the cause of a war be unjust, then any acts of hostility done in that war are also unjust; and the party which does any damage in that war must pay full restitution. These thoughts remind one of what Bates says to King Henry on the eve of battle in Shakespeare's play *Henry V*.

Source

Hugo Grotius, *The Rights of War and Peace*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 3. <http://oll.libertyfund.org/title/1427/121236/2445770>

Thomas Gordon gives a long list of ridiculous and frivolous reasons why kings and tyrants have started wars which have led only to the enslavement and destruction of their own people (1737) (Nov 21, 2005)

[Thomas Gordon](#) (1692 – 1750)

Gordon is best known as one of the authors of *Cato's Letters*, a severe critique of the political corruption and wars of the British Empire which very much influenced the American colonists. In his lengthy "Discourses on Tacitus" he concludes a section on the Follies of Conquering with the following:

I might here display what ridiculous causes do often pique and awaken the vanity and ambition of Princes, and prompt them to lavish lives and treasure, and utterly undo those whom they should tenderly protect. For a beast of burden, or even for the tooth of a beast; for a mistress, for a river, for a senseless word hastily spoken, for words that had a foolish meaning, or no meaning at all; for an empty sepulchre or an empty title; to dry the tears of a coquette, to comply with the whims of a pedant, or to execute the curses of a bigot; important Wars have sometimes been waged, and nations animated to destroy one another; nor is there any security against such destructive follies, where the sense of every man must acquiesce in the wild passion of one; and where the interest and peace, and preservation of a State, are found too light to ballance his rage or caprice. Hence the policy of the Romans to tame a people not easy to be subdued; they committed such to the domination of Tyrants. Thus they did in Armenia, and thus in Britain. And these instruments did not only enslave their subjects, but by continual fighting with one another, consume them.

Necessary Wars are accompanied with evils more than enough; and who can bear or forgive calamities courted and sought? The Roman State owed her greatness in a good measure to a misfortune; it was founded in War, and nourished by it. The same may be said of the Turkish Monarchy. But States formed for peace, though they do not arrive to such immensity and grandeur, are more lasting and secure; witness Sparta and Venice. The former lasted eight hundred years, and the other has lasted twelve hundred, without any Revolution; what errors they both committed, were owing to their attempts to conquer, for which they were not formed; though the Spartans were exceeding brave and victorious; but they wanted the *Plebs ingenua*, which formed the strength of the Roman Armies; as the Janizaries, a militia formerly excellently trained and disciplined, formed those of the Turk. With the latter, fighting and extending their dominions, is an article of their Religion, as false and barbarous in this as in many of its other principles, and as little calculated for the good of men.

About this Quotation:

Thomas Gordon used the writings of Tacitus on the corruption and tyranny of the Roman Empire as a handy weapon with which to flog the British Empire under which he lived. One wonders if one might do the same in our own time? In this passage Gordon considers the "follies of conquering", in particular the foolish and sometimes frivolous reasons why kings and emperors have gone to war such as "for words that had a foolish meaning, or no meaning at all."

Source

Publius Cornelius Tacitus, *The Works of Tacitus. In Four Volumes. To which are prefixed, Political Discourses upon that Author by Thomas Gordon*. The Second Edition, corrected. (London: T. Woodward and J. Peele, 1737). Vol. 1. <http://oll.libertyfund.org/title/784/79105/1898733>

John Jay in the Federalist Papers discussed why nations go to war and concluded that it was not for justice but “whenever they have a prospect of getting any thing by it” (1787) (Jan 9, 2006)



[John Jay](#) (1745 – 1829)

In a series of Federalist Papers, John Jay explores how a national government in America might deal with the problems of war and peace:

But the safety of the people of America against dangers from foreign force, depends not only on their forbearing to give just causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to invite hostility or insult; for it need not be observed, that there are pretended as well as just causes of war.

It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting any thing by it; nay, that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as, a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families, or partisans. These, and a variety of motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctioned by justice, or the voice and interests of his people. But independent of these inducements to war, which are most prevalent in absolute monarchies, but which well deserve our attention, there are others which affect nations as often as kings; and some of them will on examination be found to grow out of our relative situation and circumstances.

About this Quotation:

John Jay returns to an idea expressed by Thomas Gordon on the often frivolous and personal reasons why rulers take their nations to war.

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader's Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108565/2273597>

J.M. Keynes reflected on that “happy age” of international commerce and freedom of travel that was destroyed by the cataclysm of the First World War (1920) (Feb 20, 2006)



[John Maynard Keynes](#) (1883 – 1946)

2006 is the 90th anniversary of two of the bloodiest battles of the First World War, Verdun and the Somme. Keynes reminds us of the classical liberal world which was destroyed by that war:

That happy age lost sight of a view of the world which filled with deep-seated melancholy the founders of our Political Economy. Before the eighteenth century mankind entertained no false hopes. To lay the illusions which grew popular at that age's latter end, Malthus disclosed a Devil. For half a century all serious economical writings held that Devil in clear prospect. For the next half century he was chained up and out of sight. Now perhaps we have loosed him again.

What an extraordinary episode in the economic progress of man that age was which came to an end in August, 1914! The greater part of the population, it is true, worked hard and lived at a low standard of comfort, yet were, to all appearances, reasonably contented with this lot. But escape was possible, for **any man of capacity or character at all exceeding the average, into the middle and upper classes, for whom life offered, at a low cost and with the least trouble, conveniences, comforts, and amenities beyond the compass of the richest and most powerful monarchs of other ages. The inhabitant of London could order by telephone, sipping his morning tea in bed, the various products of the whole earth, in such quantity as he might see fit, and reasonably expect their early delivery upon his doorstep; he could at the same moment and by the same means adventure his wealth in the natural resources and new enterprises of any quarter of the world, and share, without exertion or even trouble, in their prospective fruits and advantages; or he could decide to couple the security of his fortunes with the good faith of the townspeople of any substantial municipality in any continent that fancy or information might recommend. He could secure forthwith, if he wished it, cheap and comfortable means of transit to any country or climate without passport or other formality, could despatch his servant to the**

neighboring office of a bank for such supply of the precious metals as might seem convenient, and could then proceed abroad to foreign quarters, without knowledge of their religion, language, or customs, bearing coined wealth upon his person, and would consider himself greatly aggrieved and much surprised at the least interference. But, most important of all, he regarded this state of affairs as normal, certain, and permanent, except in the direction of further improvement, and any deviation from it as aberrant, scandalous, and avoidable. The projects and politics of militarism and imperialism, of racial and cultural rivalries, of monopolies, restrictions, and exclusion, which were to play the serpent to this paradise, were little more than the amusements of his daily newspaper, and appeared to exercise almost no influence at all on the ordinary course of social and economic life, the internationalization of which was nearly complete in practice.

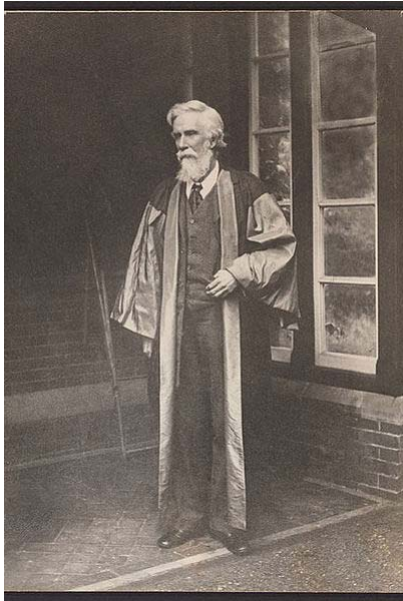
About this Quotation:

2006 is the 90th anniversary of two of the bloodiest battles of the First World War, Verdun and the Somme, where hundreds of thousands of men were killed and injured. In this quotation Keynes reminds us of the classical liberal world which was destroyed forever by that war. It also makes me think of a slightly rewritten song by John Lennon, "Imagine": "Imagine there are no borders, it's easy if you try" (and then add in place of "borders" – "currency control", "passports", "fiat money", and so on. In the post 9/11 world imagine if you can such a world. A very useful companion piece to Keynes' book is that by the great Austrian economist Ludwig von Mises, *Nation, State, and Economy* (1919) which says much the same only better.

Source

John Maynard Keynes, *The Economic Consequences of the Peace*, (New York: Harcourt, Brace, and Howe: 1920). <http://oll.libertyfund.org/title/303/27959/698643>

A.V. Dicey noted that a key change in public thinking during the 19thC was the move away from the early close association between “peace and retrenchment” in the size of the government (1905) (Sep 25, 2006)



[Albert Venn Dicey](#) (1835 – 1922)

In the 12th lecture on the "Relation between Legislative Opinion and General Public Opinion" the great English constitutional jurist A.V. Dicey summarizes his conclusions concerning the movement away from "individualism" towards "collectivism" in the late 19th century:

Politics are not the same thing as law, but in modern England any revolution in political ideas is certain to correspond with alterations in legislative opinion. If then we take care not to confound the accidental division of parties with essential differences of political faith, we discover a change in the world of politics which closely resembles, if it be not rather a part of, the transition, with which these lectures have been occupied, from individualism to collectivism. **One example of this change in political opinion is to be found in the altered attitude of the public towards peace and economy. During the era of Benthamism “peace and retrenchment” were the watchwords of all serious statesmen. This formula has now fallen out of remembrance. The point to be noted is that this fact is significant of a very profound revolution in political belief. The demand for peace abroad and economy at home stood in very close connection with the passion for individual freedom of action which was a leading characteristic of Benthamite liberalism. Peace ought to mean light, and war certainly does mean heavy taxation, but heavy taxation whether justifiable, as it often is, or not, always must be a curtailment of each citizen’s power to employ his property in the way he himself chooses. It is an interference, though in many cases a quite justifiable interference, with his liberty. The augmentation, moreover, of the public revenue by means of taxation is not only a diminution of each taxpayer’s private income and of his power within a certain sphere to do as he likes, but also an increase in the resources and the power of the State; but to curtail the free action of individuals, and to increase the authority of the Government, was to pursue a policy opposed to the doctrine, and still more to the sentiment of Benthamite Liberals. Indifference to the mere lightening of**

taxation, as an end absolutely desirable in itself, is assuredly characteristic of a state of opinion under which men expect far more benefit for the mass of the people from the extension of the power of the State than from the energy of individual action. No doubt collectivists may hold that the proceeds of heavy taxes are wasted or are spent on the effort to attain objects in themselves undesirable; but the mere transference of the wealth of individuals to the coffers of the State cannot appear to a collectivist, as it did to the individualistic Radicals of 1830, to be in itself a gigantic evil. We may put side by side with the decline of the economic radicalism represented in the last generation by Joseph Hume, both the growth of imperialism, and the discredit which has fallen upon the colonial policy of laissez faire connected with the name of Cobden. For imperialism, whatever its merits and demerits, bears witness to a new-born sense among Englishmen of their membership in a great imperial State. From whichever side the matter be looked at, the changes of political show a close correspondence with the alterations of legislative opinion.

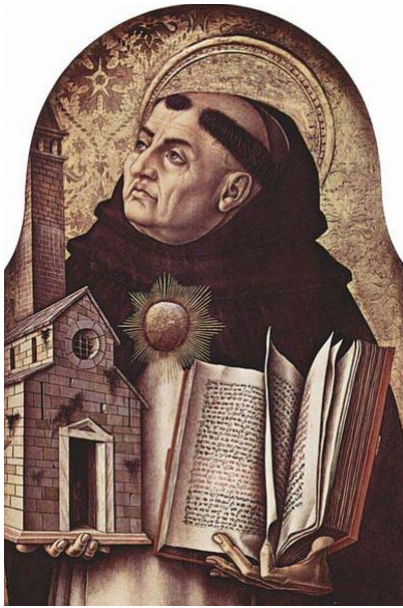
About this Quotation:

It is hard to believe that Dicey was already complaining about the rise of high taxing and high spending “collectivists” in 1905 when these lectures were first published. He laments the passing of the “individualist radicals of 1830” and the laissez-faire anti-imperialism of Richard Cobden, and the coming to power of the “Benthamites”. One of the key points he makes in this passage is the abandonment of the early 19th century link made between a policy of peace in external affairs and the policy of reducing the size and cost of government (“retrenchment”) domestically. Dicey also reminds his readers that every rise in taxation is a diminution in every individual’s rights to property and liberty.

Source

Albert Venn Dicey, *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century*, edited and with an Introduction by Richard VandeWetering (Indianapolis: Liberty Fund, 2008). <http://oll.libertyfund.org/title/2119/164890/2929939>

St. Thomas Aquinas discusses the three conditions for a just war (1265-74) (Jul 23, 2007)



St. Thomas Aquinas (1225 – 1274)

The great Aristotelian philosopher Thomas Aquinas discusses in the 2nd part of *Summa Theologica* the 3 conditions for a just war:

OF WAR.

Article I.—Is it always a sin to go to war?

R. There are three requisites for a war to be just. **The first thing is the authority of the prince by whose command the war is to be waged. It does not belong to a private person to start a war, for he can prosecute his claim in the court of his superior. In like manner the mustering of the people, that has to be done in wars, does not belong to a private person. But since the care of the commonwealth is entrusted to princes, to them belongs the protection of the common weal of the city, kingdom, or province subject to them. And as they lawfully defend it with the material sword against inward disturbances by punishing male-factors, so it belongs to them also to protect the commonwealth from enemies without by the sword of war.** The second requisite is a just cause, so that they who are assailed should deserve to be assailed for some fault that they have committed. Hence Augustine says: “Just wars are usually defined as those which avenge injuries, in cases where a nation or city has to be chastised for having either neglected to punish the wicked doings of its people, or neglected to restore what has been wrongfully taken away.” The third thing requisite is a right intention of promoting good or avoiding evil. For Augustine says: “Eagerness to hurt, bloodthirsty desire of revenge, an untamed and unforgiving temper, ferocity in renewing the struggle, dust of empire, —these and the like excesses are justly blamed in war.”

§ 1. To the objection from the text that “all that take the sword shall perish with the sword,” it is to be said, as Augustine says, that “he takes the sword, who without either command or grant of any superior or lawful authority, arms himself to shed the blood of

another.” But he who uses the sword by the authority of a prince or judge (if he is a private person), or out of zeal for justice, and by the authority of God (if he is a public person), does not take the sword of himself, but uses it as committed to him by another.

§ 2. To the objection from the text, “I say to you not to resist evil,” it is to be said, as Augustine says, that such precepts are always to be observed “in readiness of heart,” so that a man be ever ready not to resist, if there be occasion for non-resistance. But sometimes he must take another course in view of the common good, or even in view of those with whom he fights. Hence Augustine says: “He is the better for being overcome, from whom the license of wrong-doing is snatched away: for there is no greater unhappiness than the happiness of sinners, the nourishment of an impunity which is only granted as a punishment, and the strengthening of that domestic foe, an evil will.”

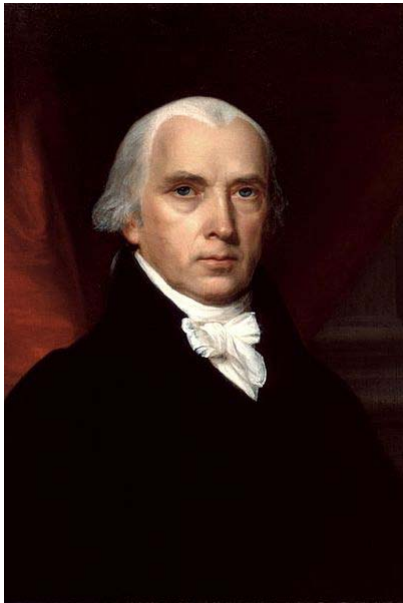
About this Quotation:

As wars are being fought around us and in our name it is important that we be clear about the justness of these undertakings. The great Aristotelian philosopher St. Thomas Aquinas has three conditions which need to met before a war can be called “just”: does the prince who declares war have the correct authority to do so? does the war declaring nation have just cause to seek redress for an injury done to it? does the party declaring war have just intent in promoting good or avoiding evil? These are stringent conditions which have not been met very often, if ever, in the past. One recalls the long list of frivolous reasons for going to war which Thomas Gordon drew up.

Source

St. Thomas Aquinas, *Aquinas Ethicus: or, the Moral Teaching of St. Thomas. A Translation of the Principal Portions of the Second part of the Summa Theologica*, with Notes by Joseph Rickaby, S.J. (London: Burns and Oates, 1892). <http://oll.libertyfund.org/title/1965/124133/2483898>

James Madison argues that the constitution places war-making powers squarely with the legislative branch; for the president to have these powers is the “the true nurse of executive aggrandizement” (1793) (Sep 10, 2007)



[James Madison](#) (1751 – 1836)

In 1793-94 Madison and Hamilton in the *Pacificus-Helvidious Debates* argued about the proper role of the executive and the legislative branches of the U.S. government in the conduct of war. Writing as "Helvidius", Madison observed that:

In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture to heterogeneous powers, the trust and the temptation would be too great for any one man; not such as nature may offer as the prodigy of many centuries, but such as may be expected in the ordinary successions of magistracy. **War is in fact the true nurse of executive aggrandizement. In war, a physical force is to be created; and it is the executive will, which is to direct it. In war, the public treasures are to be unlocked; and it is the executive hand which is to dispense them. In war, the honours and emoluments of office are to be multiplied; and it is the executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the executive brow they are to encircle.** The strongest passions and most dangerous weaknesses of the human breast; ambition, avarice, vanity, the honourable or venial love of fame, are all in conspiracy against the desire and duty of peace.

About this Quotation:

The publication by Liberty Fund of Hamilton and Madison's *The Pacificus-Helvidius Debates of 1793-1794* (2007) and the putting online of a 10 volume collection of *The Writings of James Madison* (1909) is an excellent opportunity to begin exploring the thought of James Madison. Here we look at the "Pacificus-Helvidius" debates. President George Washington's proclamation of the Neutrality Act in 1793 sparked a spirited debate between Alexander Hamilton ("Pacificus") and James Madison

("Helvidius") over the war-making powers of the executive and legislative bodies. Hamilton, preferring more centralised control and a more powerful presidency, was in favor of broad powers for the executive branch; whereas Madison feared that under the guise of war the president could and would amass great powers over budgets, patronage, and honours. Hence he favoured the balance of powers remaining with the legislative branch.

Source

Alexander Hamilton, *The Pacificus-Helvidius Debates of 1793-1794: Toward the Completion of the American Founding*, edited with and Introduction by Morton J. Frisch (Indianapolis: Liberty Fund, 2007). <http://oll.libertyfund.org/title/1910/112553/2335686>

Thomas Gordon on standing armies as a power which is inconsistent with liberty (1722) (Nov 5, 2007)

Thomas Gordon (1692 – 1750)

Thomas Gordon, who also wrote under the name of Cato, was an adamant opponent of standing armies, seeing in them a key method of undermining ancient English liberties as he argues in his *Discourse* of 1722:

I have lately met with some Creatures and Tools of Power, who speak the same Language now: They tell us, that Matters are come to that Pass, that we must either receive the Pretender, or keep him out with Bribes and Standing Armies: That the Nation is so corrupt, that there is no governing it by any other Means: And, in short, that we must submit to this great Evil, to prevent a greater; as if any Mischief could be more terrible than the highest and most terrible of all Mischiefs, universal Corruption, and a military Government. It is indeed impossible for the Subtily of Traitors, the Malice of Devils, or for the Cunning and Cruelty of our most implacable Enemies, to suggest stronger Motives for the undermining and Overthrow of our excellent Establishment, which is built upon the Destruction of Tyranny, and can stand upon no other Bottom. It is Madness in Extremity, to hope that a Government founded upon Liberty, and the free Choice of the Assertors of it, can be supported by other Principles; and whoever would maintain it by contrary ones, intends to blow it up, let him alledge what he will. This gives me every Day new Reasons to believe what I have long suspected; for, if ever a Question should arise, Whether a Nation shall submit to certain Ruin, or struggle for a Remedy? these Gentlemen well know which Side they will chuse, and certainly intend that which they must chuse...

Almost all Men desire Power, and few lose any Opportunity to get it, and all who are like to suffer under it, ought to be strictly upon their Guard in such Conjunctions as are most likely to encrease, and make it uncontrollable. **There are but two Ways in Nature to enslave a People, and continue that Slavery over them; the first is Superstition, and the last is Force: By the one, we are perswaded that it is our Duty to be undone; and the other undoes us whether we will or no. I take it, that we are pretty much out of Danger of the first, at present; and, I think, we cannot be too much upon our guard against the other; for, tho' we have nothing to fear from the best Prince in the World, yet we have every thing to fear from those who would give him a Power inconsistent with Liberty, and with a Constitution which has lasted almost a Thousand Years without such a Power**, which will never be ask'd with an Intention to make no Use of it...

In short, there can be but two Ways in Nature to govern a Nation, one is by their own Consent, and the other by Force: One gains their Hearts, and the other holds their Hands: The first is always chosen by those who design to govern the People for the People's Interest, and the other by those who design to oppress them for their own; for whoever desires only to protect them, will covet no useless Power to injure them: There is no fear of a People's acting against their own Interest, when they know what it is, and when, through ill Conduct or unfortunate Accidents, they become dissatisfied with their present Condition, the only effectual Way to avoid the threatening Evil, is to remove their Grievances.

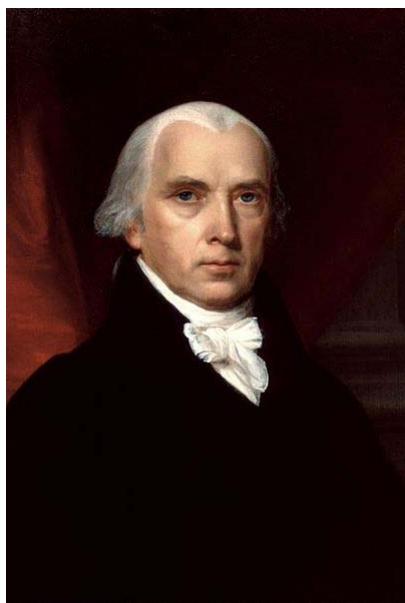
About this Quotation:

Thomas Gordon was much read in the American colonies on the eve of the Revolution. One of his great concerns, shared by many in the 18th century “commonwealthman” tradition,“ was that standing armies were a threat to liberty. Their danger came from two sources: one was the sheer cost to taxpayers of having a large an permanent body of troops equipped and stationed at home during peace time; the other was the fact that it provided a tempting tool to despotically minded "Princes" or monarchs to use against their own people should they object too strenuously against government policy. It was for this reason that it became embedded in the American constitution that there was a right to bear arms and to form local militias as an alternative to monarchical standing armies.

Source

Thomas Gordon, *A Discourse of Standing Armies; shewing the Folly, Uselessness, and Danger of Standing Armies in Great Britain*, 3rd edition (London: T. Warner, 1722). <http://oll.libertyfund.org/title/1719/77431/1877389>

James Madison on the need for the people to declare war and for each generation, not future generations, to bear the costs of the wars they fight (1792) (Dec 17, 2007)



James Madison (1751 – 1836)

In 1792 James Madison wrote a newspaper article criticizing Rousseau's plan for introducing "perpetual peace" in Europe. According to Madison, a better way to reduce the incidence of war, especially in a democracy like the U.S., was to make the people pay the full cost of war immediately instead of using debt to force later generations to foot the bill:

Had Rousseau lived to see the constitution of the United States and of France, his judgment might have escaped the censure to which his project has exposed it.

The other class of wars, corresponding with the public will, are less susceptible of remedy. There are antidotes, nevertheless, which may not be without their efficacy. As wars of the first class were to be prevented by subjecting the will of the government to the will of the society, those of the second class can only be controuled by subjecting the will of the society to the reason of the society; by establishing permanent and constitutional maxims of conduct, which may prevail over occasional impressions and inconsiderate pursuits.

Here our republican philosopher might have proposed as a model to lawgivers, **that war should not only be declared by the authority of the people, whose toils and treasures are to support its burdens, instead of the government which is to reap its fruits: but that each generation should be made to bear the burden of its own wars, instead of carrying them on, at the expence of other generations. And to give the fullest energy to his plan, he might have added, that each generation should not only bear its own burdens, but that the taxes composing them, should include a due proportion of such as by their direct operation keep the people awake, along with those, which being wrapped up in other payments, may leave them asleep, to misapplications of their money.**

To the objection, if started, that where the benefits of war descend to succeeding generations, the burdens ought also to descend, he might have answered; that the exceptions could not be easily made; that, if attempted, they must be made by one only of the parties interested; that in the alternative of sacrificing exceptions to general rules, or of converting exceptions into general rules, the former is the lesser evil; that the expense of necessary wars, will never exceed the resources of an entire generation; that, in fine the objection vanishes before the fact, that in every nation which has drawn on posterity for the support of its wars, the accumulated interest of its perpetual debts, has soon become more than a sufficient principal for all its exigencies.

Were a nation to impose such restraints on itself, avarice would be sure to calculate the expences of ambition; in the equipoise of these passions, reason would be free to decide for the public good; and an ample reward would accrue to the state, first, from the avoidance of all its wars of folly, secondly, from the vigor of its unwasted resources for wars of necessity and defence. Were all nations to follow the example, the reward would be doubled to each; and the temple of Janus might be shut, never to be opened more.

Had Rousseau lived to see the rapid progress of reason and reformation, which the present day exhibits, the philanthropy which dictated his project would find a rich enjoyment in the scene before him. And after tracing the past frequency of wars to a will in the government independent of the will of the people; to the practice by each generation of taxing the principal of its debts on future generations; and to the facility with which each generation is seduced into assumption of the interest, by the deceptive species of taxes which pay it; he would contemplate, in a reform of every government subjecting its will to that of the people, in a subjection of each generation to the payment of its own debts, and in a substitution of a more palpable, in place of an imperceptible mode of paying them, the only hope of Universal and Perpetual Peace.

About this Quotation:

In this 1792 newspaper article James Madison criticises Rousseau's notion of a plan for perpetual peace in Europe. Madison is not against peace but is against a purely "philosophical" approach which ignores the realities of who starts wars and how these wars are to be funded. Madison attacks the idea of governments going into debt to fund a current war, thus requiring future generations to pay for it. In his view, if the current generation really knew how much their wars cost them this might disincline them to starting wars and thus help to reduce the incidence of war.

Source

James Madison, *The Writings of James Madison, comprising his Public Papers and his Private Correspondence, including his numerous letters and documents now for the first time printed*, ed. Gaillard Hunt (New York: G.P. Putnam's Sons, 1900). Vol. 6. <http://oll.libertyfund.org/title/1941/124396>

Adam Smith observes that the true costs of war remain hidden from the taxpayers because they are sheltered in the metropole far from the fighting and instead of increasing taxes the government pays for the war by increasing the national debt (1776) (Feb 18, 2008)



Adam Smith (1723 – 1790)

In Chapter III: Of Publick Debts in *The Wealth of Nations*, Adam Smith notes that most people put up with slightly higher taxes in wartime in exchange for the "amusement" of reading about imperial exploits, little realizing that the true cost of war has been added to the national debt:

The ordinary expence of the greater part of modern governments in time of peace being equal or nearly equal to their ordinary revenue, when war comes they are both unwilling and unable to increase their revenue in proportion to the increase of their expence. They are unwilling, for fear of offending the people, who, by so great and so sudden an increase of taxes, would soon be disgusted with the war; and they are unable, from not well knowing what taxes would be sufficient to produce the revenue wanted. The facility of borrowing delivers them from the embarrassment which this fear and inability would otherwise occasion. By means of borrowing they are enabled, with a very moderate increase of taxes, to raise, from year to year, money sufficient for carrying on the war, and by the practice of perpetual funding they are enabled, with the smallest possible increase of taxes, to raise annually the largest possible sum of money. **In great empires the people who live in the capital, and in the provinces remote from the scene of action, feel, many of them scarce any inconveniency from the war; but enjoy, at their ease, the amusement of reading in the newspapers the exploits of their own fleets and armies. To them this amusement compensates the small difference between the taxes which they pay on account of the war, and those which they had been accustomed to pay in time of peace. They are commonly dissatisfied with the return of peace, which puts an end to their amusement, and to a thousand visionary hopes of conquest and national glory, from a longer continuance of the war.**

The return of peace, indeed, seldom relieves them from the greater part of the taxes imposed during the war. These are mortgaged for the interest of the debt, contracted in order to carry it on. If, over and above paying the interest of this debt, and defraying the ordinary expence of government, the old revenue, together with the new taxes, produce some surplus revenue, it may perhaps be converted into a sinking fund for paying off the debt. But, in the first place, this sinking fund, even supposing it should be applied to no other purpose, is generally altogether inadequate for paying, in the course of any period during which it can reasonably be expected that peace should continue, the whole debt contracted during the war; and, in the second place, this fund is almost always applied to other purposes.

The new taxes were imposed for the sole purpose of paying the interest of the money borrowed upon them. If they produce more, it is generally something which was neither intended nor expected, and is therefore seldom very considerable. Sinking funds have generally arisen, not so much from any surplus of the taxes which was over and above what was necessary for paying the interest or annuity originally charged upon them, as from a subsequent reduction of that interest. That of Holland in 1655, and that of the ecclesiastical state in 1685, were both formed in this manner. Hence the usual insufficiency of such funds.

During the most profound peace, various events occur which require an extraordinary expence, and government finds it always more convenient to defray this expence by misapplying the sinking fund than by imposing a new tax. Every new tax is immediately felt more or less by the people. It occasions always some murmur, and meets with some opposition. The more taxes may have been multiplied, the higher they may have been raised upon every different subject of taxation; the more loudly the people complain of every new tax, the more difficult it becomes too either to find out new subjects of taxation, or to raise much higher the taxes already imposed upon the old. A momentary suspension of the payment of debt is not immediately felt by the people, and occasions neither murmur nor complaint. To borrow of the sinking fund is always an obvious and easy expedient for getting out of the present difficulty. The more the publick debts may have been accumulated, the more necessary it may have become to study to reduce them, the more dangerous, the more ruinous it may be to misapply any part of the sinking fund; the less likely is the publick debt to be reduced to any considerable degree, the more likely, the more certainly is the sinking fund to be misapplied towards defraying all the extraordinary expences which occur in time of peace. When a nation is already overburdened with taxes, nothing but the necessities of a new war, nothing but either the animosity of national vengeance, or the anxiety for national security, can induce the people to submit, with tolerable patience, to a new tax. Hence the usual misapplication of the sinking fund.

About this Quotation:

In this quotation Adam Smith makes a number of important points. Firstly, he correctly observes that the citizens in the metropole, far removed from the front, have no direct experience of the fighting but instead are “amused” and entertained by reports of the glorious successes of the nation. Secondly, they are shielded from the true costs of the war because the government finds it politically difficult to raise taxes too much, so it just adds the cost to the national debt thereby only having to increase taxes to cover the increased interest on the debt.

Source

Simon Newcomb, *The ABC of Finance: or, the Money and Labor Questions Familiarly Explained to Common People in Short and Easy Lessons* (New York: Harper and Bros. 1877).
http://oll.libertyfund.org/titles/119#Smith_0206-02_950

John Trenchard identifies who will benefit from any new war “got up” in Italy: princes, courtiers, jobbers, and pensioners, but definitely not the ordinary taxpayer (1722) (Nov 17, 2008)

[John Trenchard](#) (1662 – 1723)

John Trenchard (1662-1723), one of the author's of *Cato's Letters*, warned in 1722 that a new war with Italy would allow "many princes (to) warm their hands at it, whilst their subjects will be burnt to death," and reward many jobbers and courtiers who stood to personally benefit from increased taxes and debt:

I propose in this letter to shew, and I hope to do it unanswerably, that nothing can be a greater disservice to his Majesty's interest, more fatal to his ministry, or more destructive to his people, than to engage them in a new war, if there be but a bare possibility of preventing it, let the pretences be what they will. A new fire seems to be now kindling in Italy, which in all likelihood will blaze out far and wide; and, without doubt, many princes will warm their hands at it, whilst their subjects will be burnt to death: But I hope we shall have wit enough to keep out of its reach, and not be scorched with its flames; but, like some of our wiser neighbours, lie still, and know how to make our markets of the follies and misfortunes of others. We have been heroes long enough, and paid the price of our gallantry and credulity. We are got near sixty millions in debt, and have nothing for it but Gibraltar and Port Mahon; and it is said, that some of our allies have had the presumption to expect these from us too; and I am sure, if they should be lost, or given away, we have nothing left wherewith to compensate any power which we shall vanquish hereafter... But if such a war were ever so necessary, how shall it be supported? **We find by woeful experience, that three shillings in the pound has not maintained the current expence of the government, but we have run still in debt. The money given for the Civil List has not defrayed that charge, but new and large sums have been given to pay off the arrears; which, it is said, are not yet paid off. New salaries and new pensions have been found necessary to satisfy the clamours of those who will never be satisfied; and the greater occasions which the courtiers have, and the greater necessities which they are in, the more will still be found necessary: for it is no news for artful men to engage their superiors in difficulties, and then to be paid largely for helping them out of them again.** The customs and excise are anticipated and mortgaged almost beyond redemption: The salt, leather, windows, and almost every thing else that can be taxed, is already taxed, and some of them so high, as to lessen the produce, and they are appropriated to pay off debts due to private men.

About this Quotation:

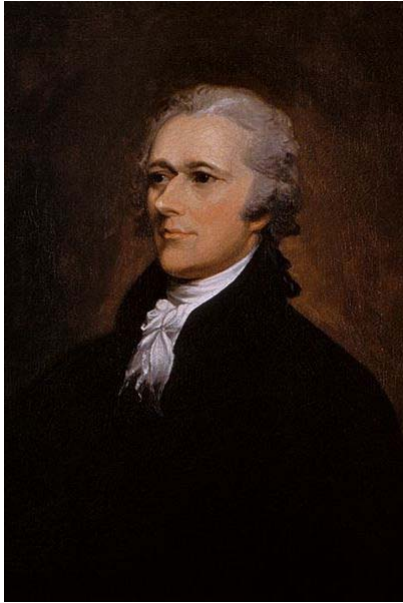
John Trenchard was a trenchant critic of the British Empire and the political and financial elites who benefited from it. A number of interesting points are made in this passage: there is the listing of those groups who stand to benefit from the additional revenues raised in order to fight a spurious war in Italy; the recommendation that Britain not be involved in this dispute but sit back and look for trading opportunities to emerge; and then there is the powerful “fire” metaphor with the great powers “kindling” a fire in Italy, the Princes who will “warm their hands” at the fire, while their subjects “will be burnt to death”, with Trenchard urging Britain to stay well back so not to be “scorched” by the flames. The phrase “how wars are ‘got up’” was chosen deliberately in order to evoke memories of a famous essay by Richard Cobden, the great English anti-war and free trade campaigner, called “How

Wars are Got Up in India” (1852). Cobden makes similar arguments as Trenchard about the origins of wars, especially on the colonial frontier.

Source

John Trenchard, *Cato’s Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*. Four volumes in Two, edited and annotated by Ronald Hamowy (Indianapolis: Liberty Fund, 1995). <http://oll.libertyfund.org/title/737>

Alexander Hamilton warns of the danger to civil society and liberty from a standing army since “the military state becomes elevated above the civil” (1787) (Dec 29, 2008)



Alexander Hamilton (1757 – 1804)

In *Federalist Paper* no. 8 "The effects of Internal War in producing Standing Armies, and other institutions unfriendly to liberty" Alexander Hamilton (1757-1804) warned of the dangers to liberty when the importance of the military is elevated above that of the citizenry

It may perhaps be asked, by way of objection, why did not standing armies spring up out of the contentions which so often distracted the ancient republics of Greece? Different answers equally satisfactory, may be given to this question. The industrious habits of the people of the present day, absorbed in the pursuits of gain, and devoted to the improvements of agriculture and commerce, are incompatible with the condition of a nation of soldiers, which was the true condition of the people of those republics. The means of revenue, which have been so greatly multiplied by the increase of gold and silver, and of the arts of industry, and the science of finance, which is the offspring of modern times, concurring with the habits of nations, have produced an entire revolution in the system of war, and have rendered disciplined armies, distinct from the body of the citizens, the inseparable companion of frequent hostility.

There is a wide difference also, between military establishments in a country which, by its situation, is seldom exposed to invasions, and in one which is often subject to them, and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter. These armies being, in the first case, rarely, if at all, called into activity for interior defence, the people are in no danger of being broken to military subordination. The laws are not accustomed to relaxations, in favour of military exigencies; the civil state remains in full vigour, neither corrupted nor confounded with the principles or propensities of the other state. The smallness of the army forbids competition with the natural strength of the community, and the citizens, not habituated to look up to the military power for protection, or to submit to its oppressions, neither love

nor fear the soldiery: they view them with a spirit of jealous acquiescence in a necessary evil, and stand ready to resist a power which they suppose may be exerted to the prejudice of their rights.

The army under such circumstances, though it may usefully aid the magistrate to suppress a small faction, or an occasional mob, or insurrection, will be utterly incompetent to the purpose of enforcing encroachments against the united efforts of the great body of the people.

But in a country, where the perpetual menacings of danger oblige the government to be always prepared to repel it, her armies must be numerous enough for instant defence. The continual necessity for his services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories often the theatre of war, are unavoidably subjected to frequent infringements on their rights, which serve to weaken their sense of those rights; and by degrees, the people are brought to consider the soldiery not only as their protectors, but as their superiors. The transition from this disposition to that of considering them as masters, is neither remote nor difficult: but it is very difficult to prevail upon a people under such impressions, to make a bold, or effectual resistance, to usurpations supported by the military power.

The kingdom of Great Britain falls within the first description.

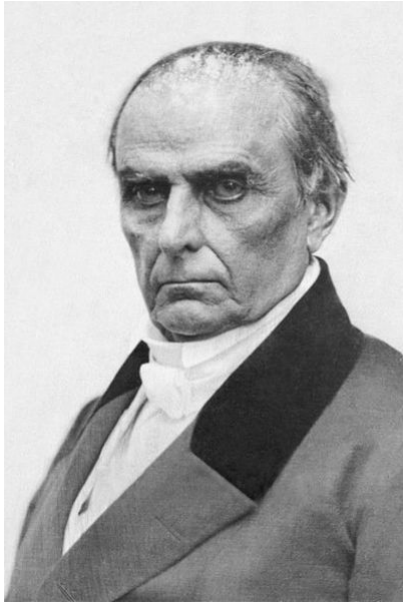
About this Quotation:

Hamilton taps into the 18th century well of thinking which was very hostile to the existence of a standing army. We have noted Thomas Gordon's writings on this in a previous quotation and his views were shared by many American colonists. The fear of course was directed at the British Empire. Hamilton comments on the institutional changes which would come about ("the military state") if war fighting became permanent: huge demands on government finance, the people becoming "broken to military subordination", frequent infringements on the peoples' rights, and the populace coming to regard the army not as the protectors but as their superiors. This brings us back to the perennial problem of "who guards us from those who were appointed to guard us?"

Source

George W. Carey, *The Federalist (The Gideon Edition)*, Edited with an Introduction, Reader's Guide, Constitutional Cross-reference, Index, and Glossary by George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). <http://oll.libertyfund.org/title/788/108573/2273680>

Daniel Webster thunders that the introduction of conscription would be a violation of the constitution, an affront to individual liberty, and an act of unrivaled despotism (1814) (May 25, 2009)



[Daniel Webster](#) (1782 – 1852)

Daniel Webster (1782-1852) gave a speech on the floor of the House of Representatives on December 9, 1814 in opposition to President Madison's proposal for compulsory military service in which he argued that Madison's plan to conscript individuals into the army was "an abominable doctrine (which) has no foundation in the Constitution"

Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No sir, indeed it is not. The Constitution is libelled, foully libelled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it? Under what concealment has this power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any Constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains

and bondage, firmly secured to us and our children by the provisions of our government. It has been the labor of other men, at other times, to mitigate and reform the powers of government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government, and to demonstrate, by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.

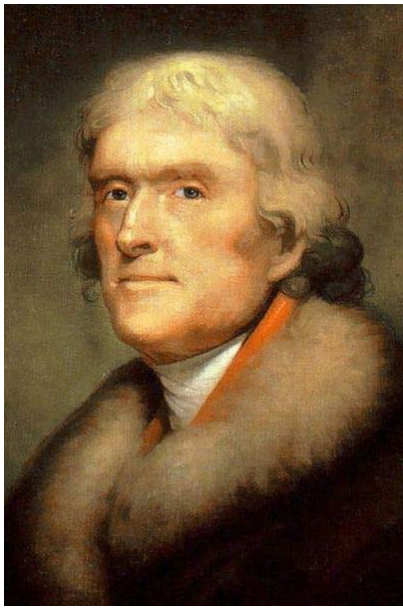
About this Quotation:

Now and again we come across a speech which prompts us to imagine being in the audience when it was delivered. Daniel Webster had a reputation for public speaking and this speech is one which gained him that deserved reputation. The last paragraph of this quotation is one we would have very much liked to have heard: “It is their task to raise arbitrary powers, by construction, out of a plain written charter of National Liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited government, and to demonstrate, by a regular chain of premises and conclusions, that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.” It is dripping with sarcasm which would have upset the supporters of the bill to a great degree. One wonders what government he is referring to with the phrase “single exception”? Perhaps France under Napoleon, or Britain when it was fighting the American revolutionary wars.

Source

Daniel Webster, *Daniel Webster on the Draft: Text of a Speech delivered in Congress, December 9, 1814* (Washington, D.C.: American Union Against Militarism, 1917). <http://oll.libertyfund.org/title/2070/156303/2771630>

Thomas Jefferson on the Draft as “the last of all oppressions” (1777) (Jul 20, 2009)



Thomas Jefferson (1743 – 1826)

Even when the revolutionary war was not going well for the colonists, Thomas Jefferson (1743-1826) reminded John Adams in a letter that the colonists would not stand for military conscription or the draft under any circumstances regarding it as "the last of all oppressions":

To John Adams

Williamsburgh, 16 May, 1777.

Matters in our part of the continent are too much in quiet to send you news from hence. **Our battalions for the continental service were some time ago so far filled as rendered the recommendation of a draught from the militia hardly requisite, and the more so as in this country it ever was the most unpopular and impracticable thing that could be attempted. Our people, even under the monarchical government, had learnt to consider it as the last of all oppressions.** I learn from our delegates that the confederation is again on the carpet, a great and a necessary work, but I fear almost desperate. The point of representation is what most alarms me, as I fear the great and small colonies are bitterly determined not to cede. Will you be so good as to collect the proposition I formerly made you in private, and try if you can work it into some good to save our union? It was, that any proposition might be negated by the representatives of a majority of the people of America, or of a majority of the colonies of America. The former secures the larger, the latter, the smaller colonies. I have mentioned it to many here. The good whigs, I think, will so far cede their opinions for the sake of the Union, and others we care little for.

The journals of Congress not being printed earlier, gives more uneasiness than I would wish ever to see produced by any act of that body, from whom alone I know our salvation can proceed. In our Assembly, even the best affected think it an indignity to freemen to be voted away, life and fortune, in the dark. Our House have lately written for a manuscript

copy of your journals, not meaning to desire a communication of any thing ordered to be kept secret. I wish the regulation of the post-office, adopted by Congress last September, could be put in practice. It was for the travel night and day, and to go their several stages three times a week. The speedy and frequent communication of intelligence is really of great consequence. So many falsehoods have been propagated that nothing now is believed unless coming from Congress or camp. Our people, merely for want of intelligence which they may rely on, are become lethargic and insensible of the state they are in. Had you ever a leisure moment, I should ask a letter from you sometimes, directed to the care of Mr. Dick, Fredericksburgh; but having nothing to give in return, it would be a tax on your charity as well as your time. The esteem I have for you privately, as well as for your public importance, will always render assurances of your health and happiness agreeable. I am, dear sir, your friend and servant.

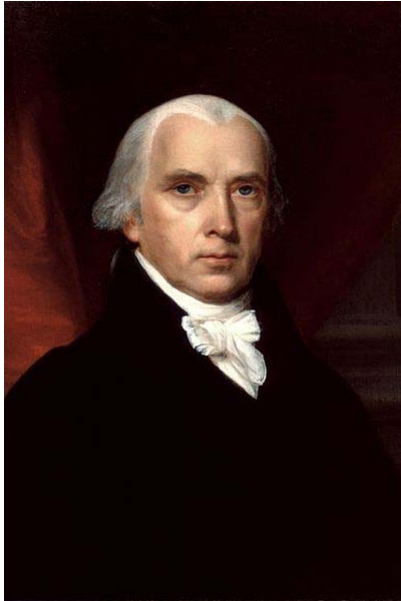
About this Quotation:

Sometimes it comes down to the question of what is more important, the rights of individuals or the existence of the nation state? In this case, in the face of serious difficulties faced by the colonists in their war against the British Empire, Jefferson came down on the side of individual liberty. If it was tyranny to be conscripted under the monarchy, how would it be any different for the conscriptee if he were to be conscripted by another government in waiting? Jefferson concluded that, no matter the outward form of government, conscription is conscription and in any guise would be “the last of all oppressions.” For many of them, those who died as a result, it would indeed be the “last” oppression they would ever suffer under.

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam's Sons, 1904-5). Vol. 2. <http://oll.libertyfund.org/title/755/86103/1987600>

Madison argued that war is the major way by which the executive office increases its power, patronage, and taxing power (1793) (Nov 30, 2009)



James Madison (1751 – 1836)

After President Washington issued the Neutrality Proclamation of 1793 a debate ensued between James Madison and Alexander Hamilton over the power of the President to declare war. Madison took the view that Washington had introduced dangerous new powers to the office of the president:

Every just view that can be taken of this subject, admonishes the public, of the necessity of a rigid adherence to the simple, the received and the fundamental doctrine of the constitution, that the power to declare war including the power of judging of the causes of war is fully and exclusively vested in the legislature: that the executive has no right, in any case to decide the question, whether there is or is not cause for declaring war: that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemed requisite or proper: and that for such more than for any other contingency, this right was specially given to the executive.

In no part of the constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers: the trust and the temptation would be too great for any one man: not such as nature may offer as the prodigy of many centuries, but such as may be expected in the ordinary successions of magistracy. War is in fact the true nurse of executive aggrandizement. In war a physical force is to be created, and it is the executive will which is to direct it. In war the public treasures are to be unlocked, and it is the executive hand which is to dispense them. In war the honors and emoluments of office are to be multiplied; and it is the executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the executive brow they are to encircle. The strongest passions, and most dangerous weaknesses of the human breast; ambition, avarice, vanity, the honorable or venial love of fame,

are all in conspiracy against the desire and duty of peace.

Hence it has grown into an axiom that the executive is the department of power most distinguished by its propensity to war: hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.

As the best praise then that can be pronounced on an executive magistrate, is, that he is the friend of peace; a praise that rises in its value, as there may be a known capacity to shine in war: so it must be one of the most sacred duties of a free people, to mark the first omen in the society, of principles that may stimulate the hopes of other magistrates of another propensity, to intrude into questions on which its gratification depends. If a free people be a wise people also, they will not forget that the danger of surprise can never be so great, as when the advocates for the prerogative of war, can sheathe it in a symbol of peace.

About this Quotation:

When the new American Republic was still very young, a debate ensued between James Madison and Alexander hamilton over the power claimed by President Washington to unilaterally issue the Neutrality Proclamation, thus changing American foreign policy without consulting congress. Madison strenuously objected and coined this wonderful metaphor about war being the “true nurse” of the growth of state power.

Source

Alexander Hamilton, *The Pacificus-Helvidius Debates of 1793-1794: Toward the Completion of the American Founding*, edited with and Introduction by Morton J. Frisch (Indianapolis: Liberty Fund, 2007). <http://oll.libertyfund.org/title/1910/112553/2335686>

Milton warns Parliament's general Fairfax that justice must break free from violence if "endless war" is to be avoided (1648) (Mar 7, 2010)



John Milton (1608 – 1674)

John Milton (1608-1674) extolls the success of General Fairfax, the head of Parliament's New Model Army, in his war against the Royalists. However, Milton warns the general that war will only breed more war until "truth and right" are separated from the violence of war:

On the Lord Gen. Fairfax at the seige of Colchester.

Fairfax, whose name in armes through Europe rings
Filling each mouth with envy, or with praise,
And all her jealous monarchs with amaze,
And rumors loud, that daunt remotest kings,
Thy firm unshak'n vertue ever brings
Victory home, though new rebellions raise
Thir Hydra heads, & the fals North displaies
Her brok'n league, to impe their serpent wings,
O yet a nobler task awaites thy hand;
For what can Warr, but endless warr still breed,
Till Truth, & Right from Violence be freed,
And Public Faith cleard from the shamefull brand
Of Public Fraud. In vain doth Valour bleed
While Avarice, & Rapine share the land.

About this Quotation:

General Thomas Fairfax (1612-1671) was the head of the New Model Army which defended the interests of Parliament in the English Revolution against the supporters of the Stuart Monarchy. The Siege of Colchester took place in 1648 when the Republican Army defeated Royalist forces in the town of Colchester in Essex after a lengthy siege.

Source

John Milton, *The Poetical Works of John Milton*, edited after the Original Texts by the Rev. H.C. Beeching M.A. (Oxford: Clarendon Press, 1900). <http://oll.libertyfund.org/title/556/85634>

Vicesimus Knox on how the aristocracy and the “spirit of despotism” use the commemoration of the war dead for their own aims (1795) (Jun 1, 2010)



[Vicesimus Knox](#) (1752 – 1821)

The English minister Vicesimus Knox (1752-1821) condemned British aristocrats for pridefully decorating their graves with the symbols of their oppressive rule over the people. None was worse to his mind than their display of military prowess and conquest:

SECTION XL.: The Pride which produces the Spirit of Despotism conspicuous even on the Tombstone. It might be treated with total Neglect, if it did not tend to the Oppression of the Poor, and to Bloodshed and Plunder.

Standing armies are therefore the glory and delight of all who are actuated by the spirit of despotism. They would have no great objection to military government and martial law, while power is in their own hands, or in the hands of their patrons. The implicit submission of an army, the doctrine, which the military system favours, that men in subaltern stations are to act as they are bidden, and never to deliberate on the propriety of the command, is perfectly congenial with the spirit of despotism. The glitter, the pomp, the parade and ostentation of war are also highly pleasing to minds that prefer splendour and pageantry to solid and substantial comfort. The happiness, which must ever depend on the tranquillity of the people, is little regarded, when set in competition with the gratification of personal vanity. Plumes, lace, shining arms, and other habiliments of war, set off the person to great advantage; and as to the wretches who are slain or wounded, plunged into captivity and disease, in order to support this finery, are they not paid for it? Besides, they are, for the most part, in the lowest class, and those whom nobody knows.

Such is the love of standing armies, in some countries, that attempts are made to render even the national militia little different from a standing army. This circumstance alone is a symptom of the spirit of despotism. A militia of mercenary substitutes, under officers entirely devoted to a minister, must add greatly to a standing army, from which, in fact, it would differ only in name. Should the people be entirely disarmed, and scarcely a musket

and bayonet in the country but under the management of a minister, through the agency of servile lords lieutenant and venal magistrates, what defence would remain, in extremities, either for the king or the people?

The love of pomp and finery, though ridiculous in itself, may thus become injurious to liberty, and therefore to happiness, by increasing the military order in the time of peace, and when ministerial arts have contributed to render that order devoted to purposes of selfish aggrandizement or borough influence. Minds capable of being captivated with the silly parade of war, are of too soft a texture to grasp the manly principles of true patriotism. They will usually prefer the favour of a court, which has many shining ornaments to bestow, to the esteem of a people. A heart deeply infected with the spirit of despotism, despises the people too much to be in the least solicitous to obtain popular applause. Praise is but breath; and often, like the wind, veers about inconstantly; and certainly will desert a man who has deserted the virtuous and benevolent conduct which first excited it. But ribands, stars, garters, places, pensions, usually last for life; and titles descend to the latest posterity. Honour, once gained by royal smiles, is a part of the family goods and chattels, and goes down, from generation to generation, without requiring, to the day of doom, any painful exertion, any meritorious services, but leaving its happy possessors to the free enjoyment of idleness and luxury. No wonder, therefore, that where the selfish spirit of despotism prevails, a bauble bestowed by a court shall outweigh a whole people's plaudits. A coat of arms makes a figure on the escutcheon and the tombstone; but not a scrap of gilded and painted silk—not even a bloody hand, can be bestowed by the most cordial esteem of the low multitude...

But both pride and folly should be permitted for me to enjoy their baubles unmolested, if they did not lead to cruelty. But pride and folly are the causes of war; therefore I hate them from my soul. They glory in destruction; and among the most frequent ornaments, even of our churches, (the very houses of peace,) are hung up on high trophies of war. Dead men (themselves subdued by the universal conqueror) are represented, by their surviving friends, as rejoicing, even in their graves, in the implements of manslaughter. Helmets, swords, and blood-stained flags hang over the grave, together with the escutcheons and marble monuments, emblematical of human ferocity; of those actions and passions which Christianity repudiates; for as well might oil and vinegar coalesce, as war and Christianity.

Spirit of despotism! I would laugh at all thy extravagances, thy solemn mummery, thy baby baubles, thy airs of insolence, thy finery and frippery, thy impotent insults over virtue, genius, and all personal merit, thy strutting, self-pleasing mien and language! I would consider them all with the eye of a Democritus, as affording a constant farce, an inexhaustible fund of merriment, did they not lead to the malevolent passions, which, in their effects, forge chains for men born free, plunder the poor of their property, and shed the blood of innocence.

About this Quotation:

Knox opposed the war the British monarchy fought against the new French Republic in the mid 1790s. He thought it enabled the “spirit of despotism” to take further root in Britain and weaken civil and individual liberties. A major part of his opposition was focused on the existence of standing armies, which was also of major concern to the Founding Fathers of the American Constitution. In this quotation he is taking aim at the habit of aristocrats of sumptuously decorating their family

mausoleums with the symbols of their rule. As he noted “the walls of the sanctuary are hung with banners, escutcheons, helmets, and spurs; which display the emptiness of that preeminence which they are intended to emblazon.” Knox particularly points out the glaring contrast between the tomb of the poet John Milton, who had “no monumental marble”, and the aristocrats of his own day. In his view no “painting, gilding, and marble, (can) ennoble the greatest favourite of a court, the most successful adventurer in the East Indies, or the most opulent contractor and money-lender, like a Paradise Lost.”

Source

Vicesimus Knox, *The Works of Vicesimus Knox, D.D. with a Biographical Preface*. In Seven Volumes (London: J. Mawman, 1824). Vol. 5. <http://oll.libertyfund.org/title/630/210926/1941948>

John Jay on the pretended as well as the just causes of war (1787) (Aug 9, 2010)



[John Jay](#) (1745 – 1829)

One of the authors of the *Federalist Papers* and the first Chief Justice of the U.S., John Jay (1745-1829), warns about the dangers of a nation giving just cause to other nations for beginning hostilities, such as personal ambition and glory, revenge, or private benefit:

But the safety of the people of America against dangers from foreign force depends not only on their forbearing to give just causes for war to other nations, but also on their placing and continuing themselves in such a situation as not to invite hostility or insult; for it need not be observed, that there are pretended as well as just causes of war.

It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting anything by it; nay, that absolute monarchs will often make war when their nations are to get nothing by it, but for purposes and objects merely personal, such as a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families or partisans. These, and a variety of motives, which affect only the mind of the Sovereign, often lead him to engage in wars not sanctified by justice, or the voice and interests of his people. But, independent of these inducements to war, which are more prevalent in absolute monarchies, but which well deserve our attention, there are others which affect nations as often as kings; and some of them will on examination be found to grow out of our relative situation and circumstances.

About this Quotation:

Although John Jay distinguishes between the behavior of a democratic republic and that of an absolute monarch when it comes to provoking and starting wars one wonders if this distinction would be so clear in his mind if he were to observe the behaviour of some modern democracies. However, he make two interesting points which we need to consider: firstly, the gloomy notion that nations will make war whenever they think they will benefit from doing so and can get away with it. His second point is his

distinction between just causes of war and “pretended” causes of war. A “humbler” foreign policy might avoid many of Jay’s concerns about a nation “placing [itself] in such a situation as ... to invite hostility or insult” and thus provide a pretended cause for starting a war.

Source

John Jay, *The Correspondence and Public Papers of John Jay*, ed. Henry P. Johnston, A.M. (New York: G.P. Putnam’s Sons, 1890-93). Vol. 3 (1782-1793). <http://oll.libertyfund.org/title/2329/220477/3528507>

Trenchard on the dangers posed by a standing army (1698) (Sep 13, 2010)

[John Trenchard](#) (1662 – 1723)

The radical Whig and Commonwealthman John Trenchard (1662-1723) wrote several tracts in the late 17th century warning his fellow countrymen of the dangers to liberty posed by a standing army. In this passage he argues that even if one has a “good Prince” as a ruler the very existence of such a powerful force is a temptation to use it to increase the state’s power:

If the Prince of Orange in his Declaration, instead of telling us that we should be settled upon such a Foundation that there should be no Danger of our falling again into Slavery, and that he would send back all his Forces as soon as that was done, had promis’d us that after an eight Years War (which should leave us in Debt near twenty Millions) we should have a Standing Army established, a great many of which should be Foreigners, I believe few Men would have thought such a Revolution worth the Hazard of their Lives and Estates; but his mighty Soul was above such abject thoughts as these; his Declaration was his own, these paltry Designs are our Undertakers, who would shelter their own Oppressions under his Sacred Name.

I would willingly know whether the late King James could have enslaved us but by an Army, and whether there is any way of securing us from falling again into Slavery but by disbanding them. It was in that sense I understood his Majesty’s Declaration, and therefore did early take up Arms for him, as I shall be always ready to do. It was this alone which made his assistance necessary to us, otherwise we had wanted none but the Hangman’s.

I will venture to say, that if this Army does not make us Slaves, we are the only People upon Earth in such Circumstances that ever escaped it, with the 4th part of their number. It is a greater force than Alexander conquered the East with, than Cæsar had in his Conquest of Gaul, or indeed the whole Roman Empire; double the number that any of our Ancestors ever invaded France with, Agesilaus the Persians, or Huniades and Scanderbeg the Turkish Empire; as many again as was in any battle between the Dutch and Spaniards in forty Years War, or betwixt the King and Parliament in England; four times as many as the Prince of Orange landed with in England; and in short, as many as have been on both sides in nine Battles of ten that were ever sought in the World. **If this Army does not enslave us, it is barely because we have a virtuous Prince that will not attempt it; and it is a most miserable thing to have no other Security for our Liberty, than the Will of a Man, though the most just Man living: For that is not a free Government where there is a good Prince (for even the most arbitrary Governments have had sometimes a Relaxation of their Miseries) but where it is so constituted, that no one can be a Tyrant if he would. Cicero says, though a Master does not tyrannize, yet it is a lamentable consideration that it is in his Power to do so; and therefore such a Power is to be trusted to none, which if it does not find a Tyrant, commonly makes one; and if not him, to be sure a Successor.**

If any one during the Reign of Charles the Second, when those that were called Whigs, with a noble Spirit of Liberty, both in the Parliament House and in private Companies, opposed a few Guards as Badges of Tyranny, a Destruction to our Constitution, and the

Foundations of a Standing Army: I say, if any should have told them that a Deliverer should come and rescue them from the Oppressions under which they then laboured; that France by a tedious and consumptive War should be reduced to half the Power it then had; and even at that time they should not only be passive, but use their utmost Interest, and distort their Reason to find out Arguments for keeping up so vast an Army, and make the Abuses of which they had been all their lives complaining, Precedents to justify those Proceedings; whoever would have told them this, must have been very regardless of his Reputation, and been thought to have had a great deal of ill-nature, But the truth is, we have lived in an Age of Miracles, and there is nothing so extravagant that we may not expect to see, when surly Patriots grow servile Flatterers, old Commonwealthsmen declare for the Prerogative, and Admirals against the Fleet.

About this Quotation:

John Trenchard was well educated in Roman history and drew upon it repeatedly in his criticisms of the English state in the late 17th and early 18th centuries. He was particularly concerned with the issue of large, permanent armies (“standing armies”) and how they had been used by generals and political leaders to intimidate the people and even to “enslave” them by means of a coup d'état. In the recent past Englishmen had seen Oliver Cromwell destroy the budding “Leveller” movement in the 1650s when he became the conqueror of Ireland and the self-styled “Protector” of England, Scotland, and Ireland; and then William of Orange who lead an invasion of England with his army in the “glorious” revolution of 1688. Trenchard notes that even if England had a “good prince” (perhaps like William of Orange) the temptation to use such power still remained and that the temptation would remain until the instrument itself had been removed permanently.

Source

John Trenchard, *A Collection of Tracts. By the Late John Trenchard, Esq; and Thomas Gordon, Esq; The First Volume*. (London: F. Cogan, 1751). <http://oll.libertyfund.org/title/2315/220990/3537333>

Sumner and the Conquest of the United States by Spain (1898)

(May 9, 2011)



William Graham Sumner (1840 – 1910)

In a lecture given in 1898 the American sociologist William Graham Sumner (1840-1910) noted that the U.S. was in danger of losing what made it different from the European imperial powers because of its actions in seizing Spain's colonies in the war of 1898. The U.S. might have defeated Spain in battle but, he argued, Spanish ideas of conquest and empire had conquered America in return:

During the last year the public has been familiarized with descriptions of Spain and of Spanish methods of doing things until the name of Spain has become a symbol for a certain well-defined set of notions and policies. On the other hand, the name of the United States has always been, for all of us, a symbol for a state of things, a set of ideas and traditions, a group of views about social and political affairs. Spain was the first, for a long time the greatest, of the modern imperialistic states. The United States, by its historical origin, its traditions, and its principles, is the chief representative of the revolt and reaction against that kind of a state. I intend to show that, by the line of action now proposed to us, which we call expansion and imperialism, we are throwing away some of the most important elements of the American symbol and are adopting some of the most important elements of the Spanish symbol. We have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies. Expansionism and imperialism are nothing but the old philosophies of national prosperity which have brought Spain to where she now is. Those philosophies appeal to national vanity and national cupidity. They are seductive, especially upon the first view and the most superficial judgment, and therefore it cannot be denied that they are very strong for popular effect. They are delusions, and they will lead us to ruin unless we are hard-headed enough to resist them. In any case the year 1898 is a great landmark in the history of the United States. The consequences will not be all good or all bad, for such is not the nature of societal influences. They are always mixed of good and ill, and so it will be in this case. Fifty years from now the historian, looking back to 1898, will no doubt see, in the course which things will have taken, consequences of the proceedings of that

year and of this present one which will not all be bad, but you will observe that that is not a justification for a happy-go-lucky policy; that does not affect our duty to-day in all that we do to seek wisdom and prudence and to determine our actions by the best judgment which we can form....

... And yet this scheme of a republic which our fathers formed was a glorious dream which demands more than a word of respect and affection before it passes away. Indeed, it is not fair to call it a dream or even an ideal; it was a possibility which was within our reach if we had been wise enough to grasp and hold it. It was favored by our comparative isolation, or, at least, by our distance from other strong states. The men who came here were able to throw off all the trammels of tradition and established doctrine. They went out into a wilderness, it is true, but they took with them all the art, science, and literature which, up to that time, civilization had produced. They could not, it is true, strip their minds of the ideas which they had inherited, but in time, as they lived on in the new world, they sifted and selected these ideas, retaining what they chose. Of the old-world institutions also they selected and adopted what they chose and threw aside the rest. It was a grand opportunity to be thus able to strip off all the follies and errors which they had inherited, so far as they chose to do so. They had unlimited land with no feudal restrictions to hinder them in the use of it. Their idea was that they would never allow any of the social and political abuses of the old world to grow up here. There should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There were to be no armies except a militia, which would have no functions but those of police. They would have no court and no pomp; no orders, or ribbons, or decorations, or titles. They would have no public debt. They repudiated with scorn the notion that a public debt is a public blessing; if debt was incurred in war it was to be paid in peace and not entailed on posterity. There was to be no grand diplomacy, because they intended to mind their own business and not be involved in any of the intrigues to which European statesmen were accustomed. There was to be no balance of power and no "reason of state" to cost the Life and happiness of citizens. The only part of the Monroe doctrine which is valid was their determination that the social and political systems of Europe should not be extended over any part of the American continent, lest people who were weaker than we should lose the opportunity which the new continent gave them to escape from those systems if they wanted to. Our fathers would have an economical government, even if grand people called it a parsimonious one, and taxes should be no greater than were absolutely necessary to pay for such a government. The citizen was to keep all the rest of his earnings and use them as he thought best for the happiness of himself and his family; he was, above all, to be insured peace and quiet while he pursued his honest industry and obeyed the laws. No adventurous policies of conquest or ambition, such as, in the belief of our fathers, kings and nobles had forced, for their own advantage, on European states, would ever be undertaken by a free democratic republic. Therefore the citizen here would never be forced to leave his family or to give his sons to shed blood for glory and to leave widows and orphans in misery for nothing. Justice and law were to reign in the midst of simplicity, and a government which had little to do was to offer little field for ambition. In a society where industry, frugality, and prudence were honored, it was believed that the vices of wealth would never flourish.

About this Quotation:

As a sociologist Sumner was very interested in how societies were structured and how they changed over time. Some of his writings dealt with the issue of class such as "the forgotten man" who paid the

taxes and endured government regulations, the so-called “proletariat” of the Marxists, and social class in general. In lectures like the one he gave on “The Conquest of the United States by Spain” he was concerned with how the republican institutions and ideals of the early United States were evolving gradually towards those of the great centralized monarchies of Europe. The Spanish-American War of 1898 he thought was a warning bell that “old world” practices had arrived in America, such as standing armies, public debt, “grand diplomacy” and “reason of state,” and territorial acquisitions. He concluded, lest anyone question his patriotism that “(m)y patriotism is of the kind which is outraged by the notion that the United States never was a great nation until in a petty three months' campaign it knocked to pieces a poor, decrepit, bankrupt old state like Spain. To hold such an opinion as that is to abandon all American standards, to put shame and scorn on all that our ancestors tried to build up here, and to go over to the standards of which Spain is a representative.”

Source

William Graham Sumner, *War and Other Essays*, ed. Albert Galloway Keller (New Haven: Yale University Press, 1919). <http://oll.libertyfund.org/title/345/166277>

Grotius on Moderation in Despoiling the Country of one's Enemies (1625) (May 25, 2011)



Hugo Grotius (1583 – 1645)

While the 30 Years War was ravaging Europe the Dutch legal scholar Hugo Grotius (1583-1645) wrote *The Rights of War and Peace* (1625) which has become a foundation stone of modern thinking concerning the laws of war. In a chapter on “moderation in despoiling the country of one’s enemies” he reflects on the folly of destroying that which one had striven so hard to acquire by means of violence:

III. 1. This will likewise happen, where the Possession is yet in Dispute, if there be great Hopes of a speedy Victory, of which those Lands and Fruits will be the Reward. **Thus Alexander the Great, as Justin relates it, hindered his Soldiers from wasting Asia, declaring to them, that they should spare their own, and not destroy those Things, which they came to possess.** Thus Quintius, when Philip overrun Thessaly, wasting it with Fire and Sword, exhorted his Soldiers (as Plutarch informs us) to march thro’ the Country, as if it were now entirely their own. Croesus advising Cyrus not to give up Lydia to be plundered by his Soldiers, tells him, You will not ruin my Cities, nor my Lands, they are no longer mine, they are now become yours, they will destroy what is yours.

2. They who do otherwise, may apply to themselves the Words of Jocasta to Polynices in Seneca’s Thebais.

Patriam petendo perdis: Ut fiat tua, / Vis esse nullam: Quin tuae causae nocet / Ipsum hoc, quod armis uris infestis solum / Segetesque adultas sternis, & totos fugam / Edis per agros: Nemo sic vastat sua. / Quae corripit igne, quae meti gladio jubes, / Aliena credis.

[You ruin your Country whilst you seek it; to make it yours / Its Being you destroy; it defeats your Claim / To level, thus in Arms, the ripen’d Harvest; / Is Fire and Sword, the Vengeance of an Enemy, / Applied to Spoil and Ravage what’s ones own? / No, our deadliest Foes we thus afflict.]

To the same Sense are the Words of Curtius, Whatsoever they did not waste, they owned to be their Enemies. Agreeable hereunto is that which Cicero, in his Letters to Atticus, says against the Design that Pompey had formed of taking his Country by Famine. Upon this Account Alexander the Isian blames Philip (in the 17th Book of Polybius) whose Words Livy has thus rendered: **Philip dared not engage in a fair Field-fight, nor come to a pitch'd Battle, but flying away burned and plundered Cities; so that the Conquered rendered useless to the Conquerors what should have been the Recompence of Victory. But the old Kings of Macedon did not use to do so, they used to come to a fair Engagement, to spare Cities as much as possible, that they might have the more wealthy Dominion. For it is not a strange Conduct, to make War in such a Manner, that at the same Time, we dispute the Possession of a Thing, we leave nothing for ourselves but War.**

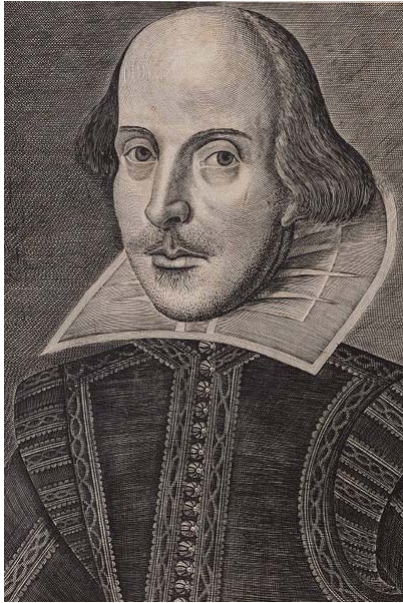
About this Quotation:

The Dutch legal scholar Hugo Grotius believed that traditionally a conquering army had the right to claim possession of the territory they had conquered. However, he was mystified why, having gone to all the trouble of invading the enemy's country, the invading troops would then wantonly go about destroying that which they now "possessed" as their own. To him, this was both irrational and inhumane. Grotius penned these words in an attempt, as he called his 12th chapter in volume 3, for "moderation in regard to the spoiling the country of our enemies" as around him swirled the battles of the 30th Years War in Euope (1618-1648). We have paired the stark etchings of Jacques Callot (1592-1635) on the conflict in his native Lorraine with suitable quotations from Grotius' work in our collection of [Images of Liberty and Power](#).

Source

Hugo Grotius, *The Rights of War and Peace*, edited and with an Introduction by Richard Tuck, from the Edition by Jean Barbeyrac (Indianapolis: Liberty Fund, 2005). Vol. 3. <http://oll.libertyfund.org/title/1427/121240/2445825>

The Duke of Burgundy asks the Kings of France and England why “gentle peace” should not be allowed to return France to its former prosperity (1599) (Aug 22, 2011)



William Shakespeare (1564 – 1616)

In Henry V Shakespeare (1564-1616) has the Duke of Burgundy make an impassioned speech to the Kings of France and England, whose war for control of northern France has so devastated the countryside, in which he asks them why “the naked, poor, and mangled Peace” should not be restored in order to “expel these inconveniences, And bless us with her former qualities”:

My duty to you both, on equal love, Great Kings of France and England! That I have labour'd With all my wits, my pains, and strong endeavours, To bring your most imperial majesties Unto this bar and royal interview, Your mightiness on both parts best can witness. Since then my office hath so far prevail'd That face to face, and royal eye to eye, You have congregated, let it not disgrace me If **I demand before this royal view, What rub or what impediment there is, Why that the naked, poor, and mangled Peace, Dear nurse of arts, plenties, and joyful births, Should not in this best garden of the world, Our fertile France, put up her lovely visage? Alas! she hath from France too long been chas'd, And all her husbandry doth lie on heaps, Corrupting in its own fertility.** Her vine, the merry cheerer of the heart, Unpruned dies; her hedges even-pleach'd, Like prisoners wildly overgrown with hair, Put forth disorder'd twigs; her fallow leas The darnel, hemlock and rank fumitory Doth root upon, while that the coulter rusts That should deracinate such savagery; The even mead, that erst brought sweetly forth The freckled cowslip, burnet, and green clover, Wanting the scythe, all uncorrected, rank, Conceive by idleness, and nothing teems But hateful docks, rough thistles, kecksies, burs, Losing both beauty and utility; **And as our vineyards, fallows, meads, and hedges, Defective in their natures, grow to wildness, Even so our houses and ourselves and children Have lost, or do not learn for want of time, The sciences that should become our country, But grow like savages,—as soldiers will, That nothing do but meditate on blood,—** To swearing and stern looks, diffus'd attire, And every thing that seems unnatural. Which to reduce into our former favour You are assembled; and **my speech entreats That I may know the let why gentle Peace Should not expel these**

inconveniences, And bless us with her former qualities.

About this Quotation:

What William Shakespeare thought about war is hard to determine precisely. Many of his protagonists are kings or warriors and their behaviour on the battle field often has important consequences within the play. In *Henry V* (1599) Shakespeare has a number of rousing “patriotic” speeches such as Henry’s famous “Once more into the breach” speech but counters these with anti-war speeches such as this one by the Duke of Burgundy. Here, Burgundy lists the deltrarious consequences war has had on the French countryside: the withering of the French “garden”, crops left to rot on vine, fields left untended, the neglect of education and the study of science, and the savagery of the soldiers. At the end of the play the Chorus reminds the audience that all of Henry’s military campaigns to control northern France were in vane, suggesting that Shakespeare may have had more of an Erasmian view of war than a Machiavellian one.

Source

William Shakespeare, *The Complete Works of William Shakespeare (The Oxford Shakespeare)*, ed. with a glossary by W.J. Craig M.A. (Oxford University Press, 1916). <http://oll.libertyfund.org/title/1618/19392/1098376>

James Mill likens the expence and economic stagnation brought about by war to a “pestilential wind” which ravages the country (1808) (Aug 29, 2011)



James Mill (1773 – 1836)

In 1808 when the war against Napoleon was in full swing the Scottish economist James Mill (1773-1836) denounced the economic impact that higher taxes and restrictions on foreign trade were having on the British people. He compared the ravages of war to a “pestilential wind” which shrivels up the national wealth and causes great poverty and hardship among ordinary working people:

The general expensiveness of government, of which complaints are so common, and so well founded, will not account for the fact. All governments constantly spend as much as ever the people will let them. An expensive government is a curse. Every farthing which is spent upon it, beyond the expence necessary for maintaining law and order, is so much dead loss to the nation, contributes so far to keep down the annual produce, and to diminish the happiness of the people. But where a nation is considerable, and its industry improved and productive, the mere expence of government, however prodigal, cannot bear a great proportion to the whole of the annual produce; and the general savings of all the individuals in the nation can hardly fail to surpass the expences of the court. A country therefore can hardly fail to improve, notwithstanding the ordinary expence even of a wasteful government; it will only improve more slowly than it would have done had the government been more economical. The people may be still prosperous and happy, though they might have been a little more prosperous and happy, had the expence of the government been less.

To what baneful quarter, then, are we to look for the cause of the stagnation and misery which appear so general in human affairs? War! is the answer. There is no other cause. This is the pestilential wind which blasts the prosperity of nations. This is the devouring fiend which eats up the precious treasure of national economy, the foundation of national improvement, and of national happiness. Though the consumption even of a wasteful government cannot keep pace with the accumulation of individuals, the consumption of war can easily outstrip it. The savings of

individuals, and more than the savings of individuals, are swallowed up by it. Not only is the progression of the country stopped, and all the miseries of the stationary condition are experienced, but inroads are almost always made upon that part of the annual produce which had been previously devoted to reproduction. The condition of the country therefore goes backwards; and in general it is only after the country is so exhausted that the expence of the war can hardly by any means be found, that it is ever put an end to. When the blessing of peace is restored, the country slowly recovers itself. But hardly has it gained its former prosperity when it is generally re-struck by the calamity of war, and compelled to measure back its steps. In this alternation between misery and the mere beginnings of prosperity, are nations for the most part, condemned to remain; the energies of human nature are exerted to no purpose; its beneficent laws are counteracted; and the happiness of society, which seems to be secured by such powerful provisions, like the water of Tantalus, is only allowed to approach the lip, that it may be immediately dashed away from it. The celebrated Vauban, the unrivalled engineer of Louis the 14th, whose profession made him locally acquainted with every part of his country, and who spoke the language of an honest observation, untainted by the prejudices of his education, or the course of his life, observed, Si la France est si misérable, ce n'est ni à l'intemperie de l'air, ni à la faute des peuples, ni à la stérilité des terres, qu'il faut l'attribuer; puisque l'air y est excellent, les habitans laborieux, adroits, pleins d'industrie et tres nombreux; mais aux guerres qui l'ont agitée depuis longtems et au default d'économie que nous n'entendons pas assez.'

About this Quotation:

In the war against Napoleon the British government acted like a “banker” to the monarchs of Europe who wanted his challenge to their political authority and system of government arrested. In order to achieve this the British government imposed a vast array of new taxes (which caricaturists like James Gillray graphically described). Napoleon in turn planned to weaken Britain economically by blockading British goods from the European market, the so-called “Continental Blockade” (1806-1814). By 1808, when James Mill wrote *Commerce Defended*, the high British taxes and government debt, and Napoleon’s economic embargo had pushed the British economy into recession (what Mill called “the stationary condition”). Mill replied to critics like William Cobbett who argued that this was not such a serious problem as only agriculture was “productive” and that “commerce” was not (thus the embargo on foreign trade would not have serious consequences). Mill vigorously defended the contribution of commerce to national wealth creation and in a final section called “General Reflections” wrote one of the best criticism of the terrible economic impact of war on ordinary working people. He likened it to a “pestilential wind” which dried up national prosperity and to a “devouring fiend” which ate up the nation’s savings.

Source

James Mill, *Commerce Defended. An Answer to the Arguments by which Mr. Spence, Mr. Cobbett, and Others, have attempted to Prove that Commerce is not a source of National Wealth* (London: C. and R. Baldwin, 1808). <http://oll.libertyfund.org/title/1668/104768/2226147>

Cobden urges the British Parliament not to be the “Don Quixotes of Europe” using military force to right the wrongs of the world (1854) (Sep 26, 2011)



Richard Cobden (1804 – 1865)

The British Member of Parliament Richard Cobden (1804-1865) urged the Commons not to intervene in the conflict between Russia and the Ottoman Empire (the Crimean War 1854-56) as it was not Britain's job to be the “Don Quixote of Europe” who would ride around the world righting all the wrongs it could see around it:

HOUSE OF COMMONS, DECEMBER 22, 1854.

I entirely concur with the noble Lord in his view of the interest which Austria and Prussia have in this quarrel, and what I want to ask is this—Why should we seek greater guarantees and stricter engagements from Russia than those with which Austria and Prussia are content? They lie on the frontier of this great empire, and they have more to fear from its power than we can have; no Russian invasion can touch us until it has passed over them; and is it likely, if we fear, as we say we do, that Western Europe will be overrun by Russian barbarism—is it likely, I say, that since Austria and Prussia will be the first to suffer, they will not be as sensible to that danger as we can be? Ought we not rather to take it as a proof that we have somewhat exaggerated the danger which threatens Western Europe, when we find that Austria and Prussia are not so alarmed at it as we are? They are not greatly concerned about the danger, I think, or else they would join with England and France in a great battle to push it back. If, then, Austria and Prussia are ready to accept these proposals, why should not we be? Do you suppose that, if Russia really meditated an attack upon Germany—that if she had an idea of annexing the smallest portion of German territory, with only 100,000 inhabitants of Teutonic blood, all Germany would not be united as one man to resist her? Is there not a strong national feeling in that Germanic race?—are they not nearly 40,000,000 in number?—are they not the most intelligent, the most instructed, and have they not proved themselves the most patriotic people in Europe? And if they are not dissatisfied, why should we stand out for better conditions, and why should we make greater efforts and greater sacrifices to obtain peace

than they? I may be told, that the people and the Government of Germany are not quite in harmony on these points. [Cheers.] Hon. Gentlemen who cheer, ought to be cautious, I think, how they assume that Governments do not represent their people. How would you like the United States to accept that doctrine with regard to this country? But I venture to question the grounds upon which that opinion is formed. I have taken some little pains to ascertain the feeling of the people in Germany on this war, and I believe that if you were to poll the population of Prussia—which is the brain of Germany—whilst nineteen-twentieths would say that in this quarrel England is right and Russia wrong; nay, whilst they would say they wished success to England as against Russia, yet, on the contrary, if you were to poll the same population as to whether they would join England with an army to fight against Russia, I believe, from all I have heard, that nineteen-twentieths would support their King in his present pacific policy.

But I want to know what is the advantage of having the vote of a people like that in your favour, if they are not inclined to join you in action? There is, indeed, a wide distinction between the existence of a certain opinion in the minds of a people and a determination to go to war in support of that opinion. I think we were rather too precipitate in transferring our opinion into acts; that we rushed to arms with too much rapidity; and that if we had abstained from war, continuing to occupy the same ground as Austria and Prussia, the result would have been, that Russia would have left the Principalities, and have crossed the Pruth; and that, without a single shot being fired, you would have accomplished the object for which you have gone to war. **But what are the grounds on which we are to continue this war, when the Germans have acquiesced in the proposals of peace which have been made? Is it that war is a luxury? Is it that we are fighting—to use a cant phrase of Mr. Pitt’s time—to secure indemnity for the past, and security for the future? Are we to be the Don Quixotes of Europe, to go about fighting for every cause where we find that some one has been wronged? In most quarrels there is generally a little wrong on both sides; and, if we make up our minds always to interfere when any one is being wronged, I do not see always how we are to choose between the two sides. It will not do always to assume that the weaker party is in the right, for little States, like little individuals, are often very quarrelsome, presuming on their weakness, and not unfrequently abusing the forbearance which their weakness procures them.** But the question is, on what ground of honour or interest are we to continue to carry on this war, when we may have peace upon conditions which are satisfactory to the great countries of Europe who are near neighbours of this formidable Power? There is neither honour nor interest forfeited, I think, in accepting these terms, because we have already accomplished the object for which it was said this war was begun.

About this Quotation:

Cobden was a unique individual. He was a successful cotton manufacturer from the heartland of the dynamic British Industrial Revolution; he was a successful agitator for free trade whose Anti-Corn Law League pioneered the strategies used by modern single-issue causes (gathering signatures and petitions, mass meetings, organization membership cards); a Member of Parliament whose speeches for “peace”, “retrenchment” (cutting the size and cost of government), and “reform” (reforming the corrupt and one-sided electoral representation of British politics) were a constant thorn in the side of the British political establishment; and a strong advocate for peace and non-interference in the affairs of other countries. He lost his seat in Parliament because of his stance against the disastrous British involvement in the Crimean War, but he was able to return to politics when the war hysteria died down

and eventually represented the British government in signing a significant free trade treaty with France – the aptly named Cobden-Chevalier Treaty of 1860.

Source

Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. by John Bright and J.E. Thorold Rogers with a Preface and Appreciation by J.E. Thorold Rogers and an Appreciation by Goldwin Smith (London: T.Fisher Unwin, 1908). 2 volumes in 1. Vol. 2 War, Peace, and Reform.
<http://oll.libertyfund.org/title/931/104898/2228393>

Cobden on the principle of non-intervention in the affairs of other countries (1859) (Oct 24, 2011)



Richard Cobden (1804 – 1865)

In 1859 while Richard Cobden (1804-1865) was visiting the U.S., France and Sardinia fought Austria in order to win independence for the Italian states. This prompted Cobden to address his electorate in Rochdale upon his return. In the speech he strongly defended the principle of non-intervention in the affairs of other countries:

We have seen lately, and I have seen it with very great satisfaction—it was during my absence that it occurred—that the public voice of this country was raised in opposition to any interference by force of arms in the dreadful war which has raged on the Continent since I left England. I was glad to see that outburst of public opinion in this country in favour of non-intervention; and I congratulate you all, and I congratulate this country, that we have for the first time, almost, in our modern history, seen great armies march and great battles take place on the Continent without England having taken any part in the strife.

And now, shall we take stock just at the present moment—to use a homely but expressive phrase—shall we take stock, and ask ourselves whether all the old musty predictions and traditions of our diplomacy have been proved to be true on this occasion? They told us that if we did not mingle in European wars we should lose our prestige with the world; that we should become isolated; that we should lose our power. Well, now, I ask you, whilst the thing is fresh upon our memory and observation, have we lost prestige or power by having abstained from the late war in Italy? On the contrary, do we not know that now the great Powers on the Continent, feeling that England is powerful,—more powerful than ever, in her neutrality,—are anxious, are clamorous, are most solicitous, that we should go and take a part in the peaceful conferences that are to take place with a view of securing peace?

Well, gentlemen, we have prevented intervention by force of arms. I say, let public opinion manifest itself, as I believe it has manifested itself, against any intervention by

diplomacy, unless it can be upon principles and with objects of which England may be proud to approve; but **do not let us have any more Congresses of Vienna, where we are parties to treaties that partition off Europe, and apportion the people to different rulers, just with the same indifference to their wishes and their instincts as though they were mere flocks of sheep.** Now, I think Lord John Russell in the House of Commons laid down certain conditions, upon which alone the Government would be disposed to go into a Continental Congress, in order, if possible, to arrange and perpetuate the terms of peace; and he made conditions which I thought were good, though I think they are not very likely to be acted upon or accepted by the great Powers of the Continent. But what I wish now to express, and I am sure I cannot utter any words that will be more likely to express your sentiments; they are these—that **if England takes any part in the Congress that is to be held by the great Powers on the Continent, our object, and the sole condition on which they should go into that Congress, should be,—that the Italians should be left free to manage their own affairs; that they should be as secure from intervention—that they should enjoy the privilege of non-intervention in the management of their own affairs, just as entirely and as sacredly as the great Powers themselves. I know what is the excuse that is made by those great Powers for interfering in the affairs of Italy and the smaller States; they do it under the pretence of preserving order,—the hypocritical pretence, I have no hesitation in calling it. Do the great Powers preserve order themselves? Have we had perfect order reigning in the Austrian empire or in the French empire for the last twenty years? Do they preserve the earth from bloodshed? Have not those two great Powers, Austria and France, during the last six months, shed more blood in their mad quarrels than has been shed by all the smaller states of Europe for the last fifty years? And shall these great Powers, for the purpose of interfering, and sending their armed bands to coerce the free instincts of the people of Italy, be allowed to set up the pretence that they want to preserve order and prevent bloodshed? I will face the chance of disorder. I say that if the Italians cannot settle their own affairs without falling into discord, why should not they be allowed even to carry on civil and domestic tumult, or even war itself, without any other Power pretending to take the advantage and entering their territory?** How did we act in the case of France, when she fell into her almost red republic ten years ago? Was not our Government most eager at once to proclaim that, whatever happened in France, we would never interfere with her internal affairs, but would leave her free to choose any government she pleased?

Well, I say, that which you allow to the great Powers, allow to the smaller Powers; and I say this, not merely in the interest of those Powers themselves, but of humanity, for I say there can be no peace in Europe, there can be no chance of peace, and no prospect of any abatement of those vast military efforts that prevent the people from enjoying the fruits of their industry, until you have the principle of non-intervention recognised as applicable to every small State as sacredly as to a large one. I say, therefore, and I do not say wrongly when I express my conviction that I rightly interpret your views on the subject—I say that one condition, and almost the sole condition, on which our Government should be prepared to take any part in any Continental Congress with reference to the affairs of Italy, should be by laying down and insisting upon the fundamental maxim that Italy should manage her own affairs, without the interference, by force of arms, of Austria, or Russia, or any other Power whatever.

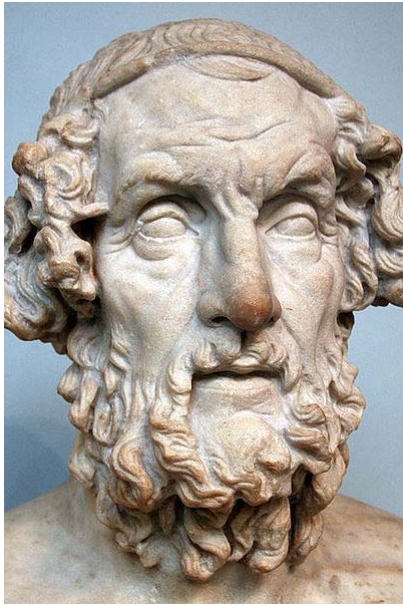
About this Quotation:

Richard Cobden believed in the principle of non-intervention in the affairs of others nations with a passion. This was partly a matter of principle, that all people had the right to choose the type of government which best suited them, even if this arrangement did not meet the approval of other states, especially large and more powerful states. He also believed in non-intervention for more practical reasons, because it was costly to the taxpayers of the intervening powers and that the military intervention destroyed the lives and property of those being occupied. Cobden could also see through the hypocrisy of the intervening powers which claimed they were trying to restore “order” when they themselves had either suffered from their own internal forms of disorder or created disorder in the countries they were intimidating or invading. He concluded with the firmest of statements that “there can be no peace in Europe ... and no prospect of any abatement of those vast military efforts that prevent the people from enjoying the fruits of their industry, until you have the principle of non-intervention recognized as applicable to every small State as sacredly as to a large one.” This quotation has been paired with a cartoon from the satirical magazine *Punch* from 1860 in which a school teacher, Madame Cobden, is teaching her young pupil, Emperor Napoleon III of France, how to spell “F.R.E.E. T.R.A.D.E.” In the next lesson she will have to teach him another word to go with it, “N.O.N. I.N.T.E.R.V.E.N.T.I.O.N.”

Source

Richard Cobden, *Speeches on Questions of Public Policy by Richard Cobden, M.P.*, ed. by John Bright and J.E. Thorold Rogers with a Preface and Appreciation by J.E. Thorold Rogers and an Appreciation by Goldwin Smith (London: T.Fisher Unwin, 1908). 2 volumes in 1. Vol. 2 War, Peace, and Reform. <http://oll.libertyfund.org/title/931/104920/2228955>

The City of War and the City of Peace on Achilles' new shield (900 BC) (Nov 28, 2011)



[Homer](#) (900 BCE – 900 BCE)

In his fine translation of Homer's Iliad, Alexander Pope (1688-1744) describes the images which Vulcan carves on Achilles' new shield, which his mother Thetis has done to help Achilles recover from the news of his friend Patroclus' death. Vulcan depicts the two different types of cities which humans can build on earth; one based on peace and the rule of law; the other based on war, killing, and pillage:

Two cities radiant on the shield appear, The image one of peace, and one of war. Here sacred pomp and genial feast delight, And solemn dance, and Hymeneal rite; Along the street the new-made brides are led, With torches flaming, to the nuptial bed: The youthful dancers in a circle bound To the soft flute, and cittern's silver sound: Thro' the fair streets, the matrons in a row Stand in their porches, and enjoy the show.

There, in the Forum swarm a numerous train; The subject of debate, a townsman slain: One pleads the fine discharged, which one denied, And bade the public and the laws decide: The witness is produced on either hand: For this, or that, the partial people stand: Th' appointed heralds still the noisy bands, And form a ring, with sceptres in their hands; On seats of stone, within the sacred place, The rev'rend elders nodded o'er the case; Alternate, each th' attending sceptre took, And, rising solemn, each his sentence spoke. Two golden talents lay amidst, in sight, The prize of him who best adjudg'd the right.

Another part (a prospect diff'ring far) Glow'd with refulgent arms, and horrid war. Two mighty hosts a leaguer'd town embrace, And one would pillage, one would burn, the place. Meantime the townsmen, arm'd with silent care, A secret ambush on the foe prepare: Their wives, their children, and the watchful band Of trembling parents, on the turrets stand. They march, by Pallas and by Mars made bold; Gold were the Gods, their radiant garments gold, And gold their armour; these the squadron led, August, divine, superior by the head! A place for ambush fit they found, and stood Cover'd with shields, beside a silver flood. Two spies at distance lurk, and watchful seem If sheep or

oxen seek the winding stream. Soon the white flocks proceeded o'er the plains, And steers slow-moving, and two shepherd swains; Behind them, piping on their reeds, they go, Nor fear an ambush, nor suspect a foe. In arms the glitt'ring squadron rising round, Rush sudden; hills of slaughter heap the ground: Whole flocks and herds lie bleeding on the plains, And, all amidst them, dead, the shepherd swains! The bell'wing oxen the besiegers hear; They rise, take horse, approach, and meet the war; They fight, they fall, beside the silver flood; The waving silver seem'd to blush with blood. There tumult, there contention, stood confess'd; One rear'd a dagger at a captive's breast, One held a living foe, that freshly bled With new-made wounds; another dragg'd a dead; **Now here, now there, the carcasses they tore: Fate stalk'd amidst them, grim with human gore. And the whole war came out, and met the eye: And each bold figure seem'd to live, or die.**

About this Quotation:

That Achilles would have a shield with two contradictory images on it, one showing a city at peace where conflicts are resolved by courts and another showing a city at war with all its vile consequences, might seem strange to the modern reader. It reminds me of the image on the poster for Stanley Kubrick's film *Full Metal Jacket* of the soldier's helmet with the handwritten "born to kill" slogan and a peace badge. Both images remind us that human beings have the capacity for both killing and peaceful trade and commerce.

Source

Alexander Pope, *The Complete Poetical Works of Alexander Pope*. Cambridge Edition, ed. Henry W. Boynton (Boston and New York: Houghton, Mifflin and Co., 1903). <http://oll.libertyfund.org/title/2278/216099>

Cobden on the complicity of the British people in supporting war (1852) (Dec 25, 2011)



Richard Cobden (1804 – 1865)

The peace and free trade advocate Richard Cobden (1804-1865) believed that before the “peace party” in Britain could be successful it had to overcome the popular misconception the British people had that they were a “peace-loving nation”:

But to rouse the conscience of the people in favour of peace, the whole truth must be told them of the part they have played in past wars. In every pursuit in which we embark, our energies carry us generally in advance of all competitors. How few of us care to remember that, during the first half of the last century, we carried on the slave-trade more extensively than all the world besides; that we made treaties for the exclusive supply of negroes; that ministers of state, and even royalty were not averse to profit by the traffic. But when Clarkson (to whom fame has not yet done justice) commenced his agitation against this vile commerce, he laid the sin at the door of the nation; he appealed to the conscience of the people, and made the whole community responsible for the crimes which the slave-traders were perpetrating with their connivance; and the eternal principles of truth and humanity, which are ever present in the breasts of men, however they may be for a time obscured, were not appealed to in vain. We are now, with our characteristic energy, first and foremost in preventing, by force, that traffic which our statesmen sought to monopolise a century ago.

It must be even so in the agitation of the peace party. They will never rouse the conscience of the people, so long as they allow them to indulge the comforting delusion that they have been a peace-loving nation. We have been the most combative and aggressive community that has existed since the days of the Roman dominion. Since the revolution of 1688 we have expended more than fifteen hundred millions of money upon wars, not one of which has been upon our own shores, or in defence of our hearths and homes. “For so it is,” says a not unfriendly foreign critic, “other nations fight at or near their own territory: the English everywhere.” From the time of old Froissart, who, when he found himself on the English coast,

exclaimed that he was among a people who “loved war better than peace, and where strangers were well received,” down to the day of our amiable and admiring visitor, the author of the Sketch Book, who, in his pleasant description of John Bull, has portrayed him as always fumbling for his cudgel whenever a quarrel arose among his neighbours, this pugnacious propensity has been invariably recognised by those who have studied our national character. It reveals itself in our historical favourites, in the popularity of the madcap Richard, Henry of Agincourt, the belligerent Chatham, and those monarchs and statesmen who have been most famous for their warlike achievements. It is displayed in our fondness for erecting monuments to warriors, even at the doors of our marts of commerce; in the frequent memorials of our battles, in the names of bridges, streets, and omnibuses; but above all in the display which public opinion tolerates in our metropolitan cathedral, whose walls are decorated with bas-reliefs of battle scenes, of storming of towns, and charges of bayonets, where horses and riders, ships, cannon and musketry, realise by turns, in a Christian temple, the fierce struggle of the siege and the battle-field. I have visited, I believe, all the great Christian temples in the capitals of Europe; but my memory fails me, if I saw anything to compare with it. Mr. Layard has brought us some very similar works of art from Nineveh, but he has not informed us that they were found in Christian churches.

Nor must we throw on the aristocracy the entire blame of our wars. An aristocracy never governs a people by opposing their ruling instincts. In Athens a lively and elegant fancy was gratified with the beautiful in art. In Genoa and Venice, where the population were at first without territory, and consequently where commerce was the only resource, the path to power was on the deck of their merchantmen or on ‘Change. In England, where a people possessing a powerful physical organisation and an unequalled energy of character were ready for projects of daring and enterprise, an aristocracy perverted these qualities to a century of constantly recurring wars. The peace party of our day must endeavour to turn this very energy to good account in the same spirit in which Clarkson turned a nation of man-stealers into a society of determined abolitionists. Far from wishing to destroy the energy, or even the combativeness which has made us such fit instruments for the battle-field, we shall require these qualities for abating the spirit of war and correcting the numberless moral evils from which society is suffering. Are not our people uneducated—juvenile delinquents uncared for? Does not drunkenness still reel through our streets? Have we not to battle with vice, crime, and their parent, ignorance, in every form? And may not even charity display as great energy and courage in saving life as was ever put forth in its destruction?

About this Quotation:

In a letter to a member of the clergy written at Christmas time (probably in 1852) Cobden argues that the peace party cannot move forward in Britain until the commonly held delusion that Britain was a peace-loving nation was overcome. He reminds the reverend that before Clarkson and Wilberforce began their campaign against slavery the British people supported the existence of the slave trade and took great pride in its profitability. Only after a long period of agitation by the abolitionists were the British people shamed into opposing the trade. Similarly, the peace party in the 1850s had to get the British people to recognize that they had a “pugnacious propensity” to use the military throughout the world to enforce British interests and that they were too eager to erect statues and praise its military leaders “even at the doors of our marts of commerce” and “in our metropolitan cathedral”. Cobden hoped that he could redirect the enormous energy of the British people away from supporting war and

military budgets and towards “abating the spirit of war and correcting the numberless moral evils from which society is suffering”.

Source

Richard Cobden, *The Political Writings of Richard Cobden, with a Preface by Lord Welby, Introductions by Sir Louis Mallet, C.B., and William Cullen Bryant, Notes by F.W. Chesson and a Bibliography, vol. 2*, (London: T. Fisher Unwin, 1903). <http://oll.libertyfund.org/title/231/39732/677676>

Cobden argues that the British Empire will inevitably suffer retribution for its violence and injustice (1853) (Mar 1, 2012)



Richard Cobden (1804 – 1865)

The free trader and anti-war advocate Richard Cobden (1804-1865) opposed the annexation of Burma in 1852. In a pamphlet written in 1853 he argued that like all previous empires, the British Empire will one day be punished for its “ imperial crimes”:

A war it can hardly be called. A rout, a massacre, or a visitation, would be a more appropriate term. A fleet of war-steamers and other vessels took up their position in the river, and on the 11th April, 1852, being Easter Sunday, they commenced operations by bombarding both the Rangoon and Dallah shores. Everything yielded like toywork beneath the terrible broad-sides of our ships. The Burmese had about as fair a chance of success in contending against our steamers, rockets, detonating shells, and heavy ordnance, of which they were destitute, as one of their Pegu ponies would have had in running a race with a locomotive. Whole armies were put to the rout, with scarcely the loss of a man on our side; and fortified places, when scaled by a few sailors or marines, were found entirely abandoned. There is neither honour nor glory to be gained when a highly civilised nation arrays the powers of mechanical and chemical science against a comparatively feeble, because ignorant and barbarous people. There is small room for the display of courage where there is little risk; and even muscular force has not much to do with a combat, the result of which depends almost entirely on the labours and discoveries of the workshop and laboratory. There is no doubt then as to the result of the Burmese war. Our troops may suffer from the climate, the water, or provisions; but the enemy has no power to prevent their subduing and annexing the whole or any part of the country. But success, however complete, will not obliterate one fact respecting the origin of the war....

Public opinion in this country has not hitherto been opposed to an extension of our dominion in the East. On the contrary, it is believed to be profitable to the nation, and all classes are ready to hail with approbation every fresh acquisition of territory, and to reward those conquerors who bring us home title-deeds, no matter, I fear, how obtained, to new Colonial possessions. So long as they are believed to be profitable, this spirit will

prevail.

But it is not consistent with the supremacy of that moral law which mysteriously sways the fate of empires, as well as of individuals, that deeds of violence, fraud, and injustice, should be committed with permanent profit and advantage. If wrongs are perpetrated in the name, and by the authority, of this great country, by its proconsuls or naval commanders in distant quarters of the globe, it is not by throwing the flimsy veil of a “double government” over such transactions that we shall ultimately escape the penalty attaching to deeds for which we are really responsible. How, or when, the retribution will re-act upon us, I presume not to say. The rapine in Mexico and Peru was retaliated upon Spain in the ruin of her finances. In France, the razzias of Algeria were repaid by her own troops, in the massacres of the Boulevards, and the savage combats in the streets of Paris. Let us hope that the national conscience, which has before averted from England, by timely atonement and reparation, the punishment due for imperial crimes, will be roused ere it be too late from its lethargy, and put an end to the deeds of violence and injustice which have marked every step of our progress in India.

About this Quotation:

After the success of the Anti-Corn Law League in getting the Corn Laws repealed in 1846 Cobden became increasingly unpopular and isolated in the House of Commons because of his anti-war and anti-empire position. By the time war broke out in the Crimea against the Russian Empire in 1854 the British people had swung solidly behind the government on the issue of war and Cobden was to lose his seat in the Commons in 1857 as a result of his opposition. Typical of his anti-war rhetoric is this pamphlet he wrote in opposition to the Second Anglo-Burmese War in 1852 which saw the annexation of Burma. In a gloriously entitled piece called “How Wars are Got Up in India” Cobden shows why he became so reviled in the Commons: he held up a mirror to the face of the British people to show their naked self-interest and moral hypocrisy in supporting wars of colonial conquest and occupation.

Source

Richard Cobden, *The Political Writings of Richard Cobden, with a Preface by Lord Welby, Introductions by Sir Louis Mallet, C.B., and William Cullen Bryant, Notes by F.W. Chesson and a Bibliography, vol. 2*, (London: T. Fisher Unwin, 1903). <http://oll.libertyfund.org/title/231/39738/677881>

John Bright on war as all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable (1853)

(Mar 26, 2012)



[John Bright](#) (1811 – 1889)

The British MP and peace advocate John Bright (1811-1889) gave a speech at the Conference of the Peace Society in Edinburgh in the summer of 1853 to oppose the forthcoming war against Russia (the Crimean War 1854-56). He reminded his listeners that many people who advocate war have never fought in one and that they forget that war inevitably brings with it the “concentration of all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable”:

What is war? I believe that half the people that talk about war have not the slightest idea of what it is. In a short sentence it may be summed up to be the combination and concentration of all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable. ... There is another question which comes home to my mind with a gravity and seriousness which I can scarcely hope to communicate to you. You who lived during the period from 1815 to 1822 may remember that this country was probably never in a more uneasy position. The sufferings of the working classes were beyond description, and the difficulties, and struggles, and bankruptcies of the middle classes were such as few persons have a just idea of. There was scarcely a year in which there was not an incipient insurrection in some parts of the country, arising from the sufferings which the working classes endured. You know very well that the Government of the day employed spies to create plots, and to get ignorant men to combine to take unlawful oaths; and you know that in the town of Stirling, two men who, but for this diabolical agency, might have lived good and honest citizens, paid the penalty of their lives for their connection with unlawful combinations of this kind.

Well, if you go into war now you will have more banners to decorate your cathedrals and churches. Englishmen will fight now as well as they ever did, and there is ample power to back them, if the country can be but sufficiently excited and deluded. You may raise up great Generals. You may have another Wellington, and another Nelson too; for this country can grow men capable for every enterprise. Then there may be

titles, and pensions, and marble monuments to eternize the men who have thus become great; but what becomes of you and your country, and your children? For there is more than this in store. That seven years to which I have referred was a period dangerous to the existence of Government in this country, for the whole substratum, the whole foundations of society were discontented, suffering intolerable evils, and hostile in the bitterest degree to the institutions and the Government of the country.

Precisely the same things will come again. Rely on it, that injustice of any kind, be it bad laws, or be it a bloody, unjust, and unnecessary war, of necessity creates perils to every institution in the country. If the Corn-law had continued, if it had been impossible, by peaceful agitation, to abolish it, the monarchy itself would not have survived the ruin and disaster that it must have wrought. And if you go into a war now, with a doubled population, with a vast commerce, with extended credit, and a wider diffusion of partial education among the people, let there ever come a time like the period between 1815 and 1822, when the whole basis of society is upheaving with a sense of intolerable suffering, I ask you, how many years' purchase would you give even for the venerable and mild monarchy under which you have the happiness to live? **I confess when I think of the tremendous perils into which unthinking men—men who do not intend to fight themselves—are willing to drag or to hurry this country, I am amazed how they can trifle with interests so vast, and consequences so much beyond their calculation.**

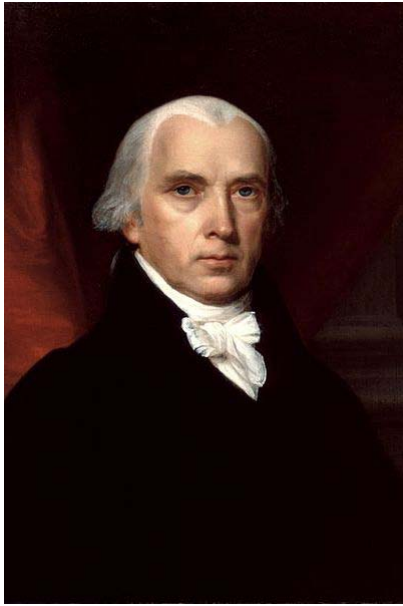
About this Quotation:

John Bright, along with his fellow Member of Parliament Richard Cobden, were two of the most outspoken advocates of free trade and peace in mid-19th century Britain. They combined moral, political, and economic arguments into a powerful liberal critique of war and the classes who agitated for war and led the troops into battle. In this quotation, which is taken from a speech Bright gave to a peace conference, he attempts to counter the government propaganda for war which incessantly depicted the Russian Empire as barbarous, unchristian, and threatening to the British people. But the public clamor for war was so strong neither he nor Cobden could stop the march to a disastrous war. Cobden even lost his seat because of his principled opposition to interventionism. Bright argued that war could be summarized in the following sentence: war is “the combination and concentration of all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable.” As a Quaker he urged the British people not to treat their religion as “a romance” which they could toss aside whenever a popular war approached. Instead he urged that they adopt “sound economic principles”, “a sense of justice,” and the Christian principle that “nation shall not lift up sword against nation, neither shall they learn war any more.”

Source

John Bright, *Selected Speeches of the Rt. Hon. John Bright M.P. On Public Questions*, introduction by Joseph Sturge (London: J.M. Dent and Co., 1907). <http://oll.libertyfund.org/title/1658/50311/1219585>

James Madison on the necessity of separating the power of “the sword from the purse” (1793) (Sep 10, 2012)



James Madison (1751 – 1836)

In the debate between “Pacificius” (Hamilton) and “Helvidius” (Madison) on the proper powers of the executive (President) and legislative (Congress) branches of government Madison argued that the traditional “monarchical” powers of declaring and waging war had been separated in the American republic:

Helvidius No. 1 [August 24, 1793]

2. If we consult for a moment, the nature and operation of the two powers to declare war and make treaties, it will be impossible not to see that they can never fall within a proper definition of executive powers. The natural province of the executive magistrate is to execute laws, as that of the legislature is to make laws. All his acts therefore, properly executive, must presuppose the existence of the laws to be executed. A treaty is not an execution of laws: it does not pre-suppose the existence of laws. It is, on the contrary, to have itself the force of a law, and to be carried into execution, like all other laws, by the executive magistrate. To say then that the power of making treaties which are confessedly laws, belongs naturally to the department which is to execute laws, is to say, that the executive department naturally includes a legislative power. In theory, this is an absurdity—in practice a tyranny.

The power to declare war is subject to similar reasoning. **A declaration that there shall be war, is not an execution of laws: it does not suppose preexisting laws to be executed: it is not in any respect, an act merely executive. It is, on the contrary, one of the most deliberative acts that can be performed; and when performed, has the effect of repealing all the laws operating in a state of peace, so far as they are inconsistent with a state of war: and of enacting as a rule for the executive, a new code adapted to the relation between the society and its foreign enemy.** In like manner a conclusion of peace annuls all the laws peculiar to a state of war, and revives the general laws incident to a state of peace....

3. It remains to be enquired whether there be any thing in the constitution itself which shews that the powers of making war and peace are considered as of an executive nature, and as comprehended within a general grant of executive power....

“The President shall be commander in chief of the army and navy of the United States, and of the militia when called into the actual service of the United States.”

There can be no relation worth examining between this power and the general power of making treaties. And instead of being analogous to the power of declaring war, it affords a striking illustration of the incompatibility of the two powers in the same hands. **Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws.**

About this Quotation:

When war broke out between France and the monarchies of Europe in April 1792 the new American Republic faced a difficult choice between maintaining its alliance with France which had been of so much help during the American Revolution, and declaring its neutrality. A spirited debate ensued between “Pacificus” (Alexander Hamilton), who believed the President should be able to make or break treaties and declare and wage wars (much like traditional monarchs) without Congressional authorization, and “Helvidius” (James Madison), who argued that precisely because making treaties and declaring wars were “monarchical powers” they had been separated in the American republican constitution of 1787. Madison argued that a declaration of war meant in practice “repealing all the laws operating in a state of peace” and hence grossly overstepped the bounds of the “executive” function, namely “executing” the laws passed by Congress. Furthermore, he raised the “quis custodiet ipsos custodes” argument, i.e. “who will guard us from the guardians”, if those who will wage the war also have the power to decide if and when to declare war.

Source

Alexander Hamilton, *The Pacificus-Helvidius Debates of 1793-1794: Toward the Completion of the American Founding*, edited with and Introduction by Morton J. Frisch (Indianapolis: Liberty Fund, 2007). <http://oll.libertyfund.org/title/1910/112550/2335574>

John Bright calls British foreign policy “a gigantic system of (welfare) for the aristocracy” (1858) (Nov 5, 2012)



John Bright (1811 – 1889)

The British MP John Bright (1811-1889) gave a speech to his constituents in the Birmingham Town Hall on October 29, 1858 in which he asked who benefitted from Britain's foreign policy of constantly interfering in the affairs of other nations? His conclusion was that it served the needs of the “place-hunters”, those members of the ruling elite who sought jobs for themselves, their families, and their friends. In other words, a form of welfare for the aristocracy:

But, it may be asked, did nobody gain? If Europe is no better, and the people of England have been so much worse, who has benefited by the new system of foreign policy? What has been the fate of those who were enthroned at the Revolution, and whose supremacy has been for so long a period undisputed among us? Mr. Kinglake, the author of an interesting book on Eastern Travel, describing the habits of some acquaintances that he made in the Syrian Deserts, says that the jackals of the Desert follow their prey in families like the place-hunters of Europe. I will reverse, if you like, the comparison, and say that the great territorial families of England, which were enthroned at the Revolution, have followed their prey like the jackals of the Desert. Do you not observe at a glance that, from the time of William III, by reason of the foreign policy which I denounce, wars have been multiplied, taxes increased, loans made, and the sums of money which every year the Government has to expend augmented, and that so the patronage at the disposal of Ministers must have increased also, and the families who were enthroned and made powerful in the legislation and administration of the country must have had the first pull at, and the largest profit out of, that patronage? **There is no actuary in existence who can calculate how much of the wealth, of the strength, of the supremacy of the territorial families of England has been derived from an unholy participation in the fruits of the industry of the people, which have been wrested from them by every device of taxation, and squandered in every conceivable crime of which a Government could possibly be guilty.**

The more you examine this matter the more you will come to the conclusion which I

have arrived at, that this foreign policy, this regard for “the liberties of Europe,” this care at one time for “the Protestant interests,” this excessive love for the “balance of power,” is neither more nor less than a gigantic system of out-door relief for the aristocracy of Great Britain. [Great laughter.] I observe that you receive that declaration as if it were some new and important discovery. In 1815, when the great war with France was ended, every Liberal in England, whose politics, whose hopes, and whose faith had not been crushed out of him by the tyranny of the time of that war, was fully aware of this, and openly admitted it, and up to 1832, and for some years afterwards, it was the fixed and undoubted creed of the great Liberal party. But somehow all is changed. We who stand upon the old landmarks, who walk in the old paths, who would conserve what is wise and prudent, are hustled and shoved about as if we were come to turn the world upside down. The change which has taken place seems to confirm the opinion of a lamented friend of mine, who, not having succeeded in all his hopes, thought that men made no progress whatever, but went round and round like a squirrel in a cage. The idea is now so general that it is our duty to meddle everywhere, that it really seems as if we had pushed the Tories from the field, expelling them by our competition.

About this Quotation:

The anti-war and anti-empire British politician John Bright, along with his colleague Richard Cobden, suffered at the hands of the electorate for their opposition to Britain’s involvement in the Crimean War (1854-56) against the Russian Empire. The nationalism of the moment led to Cobden’s defeat at the election of 1857. Bright was able to hold his seat perhaps with the help of his great skills as an orator as exemplified in this speech from 1858 in which he reflects on the path Britain’s foreign policy had taken after the Glorious Revolution of 1688 up to the Crimean War. His conclusion is that, as in so many areas, the ruling elites were able to dominate parliament in such a way as to make sure that taxpayer funded benefits and subsidies ended up in their pockets. In this case, he argued that the elites who controlled the army, the navy, and the foreign office were just so many “place-hunters” who sought and got secure, well-paying government jobs and contracts at the expense of the ordinary British taxpayers. He took every opportunity to bring these facts to the attention of the British people in public talks and speeches in parliament during his long political career which spanned the years from 1843 to 1889. He sadly concluded that things had not changed very much during this period since “men made no progress whatever, but went round and round like a squirrel in a cage” making the same mistakes over and over again.

Source

John Bright, *Selected Speeches of the Rt. Hon. John Bright M.P. On Public Questions*, introduction by Joseph Sturge (London: J.M. Dent and Co., 1907). <http://oll.libertyfund.org/title/1658/50309/1219545>

Molinari on the elites who benefited from the State of War (1899) (Nov 26, 2012)



Gustave de Molinari (1819 – 1912)

The French economist Gustave de Molinari (1819-1912) concluded in 1899 that wars would continue to be fought, in spite of their growing cost in terms of destruction wrought, lives lost, and high taxes, as long as powerful groups within society benefited personally from such a situation. To his mind, this meant the powerful political, bureaucratic, and military elites which controlled European societies at the end of the 19th century:

The fact that war has become useless is not, however, sufficient to secure its cessation. It is useless because it ceases to minister to the general and permanent benefit of the species, but it will not cease until it also becomes unprofitable, till it is so far from procuring benefit to those who practise it, that to go to war is synonymous with embracing a loss.

A consideration of modern wars from this aspect produces two opposite replies. **Every State includes a governing class and a governed class. The former is interested in the immediate multiplication of employments open to its members, whether these be harmful or useful to the State, and also desires to remunerate these officials at the best possible rate. But the majority of the nation, the governed class, pays for the officials, and its only desire is to support the least necessary number. A State of War, implying an unlimited power of disposition over the lives and goods of the majority, allows the governing class to increase State employments at will—that is, to increase its own sphere of employment. A considerable portion of this sphere is found in the destructive apparatus of the civilised State—an organism which grows with every advance in the power of the rivals. In time of peace the army supports a hierarchy of professional soldiers, whose career is highly esteemed, and is assured if not particularly remunerative. In time of war the soldier obtains an additional remuneration, more glory, and an increased hope of professional advancement, and these advantages more than compensate the risks which he is compelled to undergo. In this way a State of War continues to be profitable both to the governing class as a whole, and to those officials who administer and officer the army. Moreover, every**

industrial improvement increases this profit, for the enormous late increase in the wealth which nations derive from this source necessitates enlarged armaments, but also permits the imposition of heavier imposts.

But while the State of War has become more and more profitable to the class interested in the public services, it has become more burdensome and more injurious to the infinite majority which only consumes those services. In time of tranquillity it supports the burden of the armed peace, and the abuse, by the governing class, of the unlimited power of taxation necessitated by the State of War, intended to supply the means of national defence, but perverted to the profit of government and its dependents. The case of the governed is even worse in time of war. Whatever the issue of the struggle, and receiving none of the compensation afforded in previous ages, when a war ensured its safety from attack by the barbarian, it supports an immediate increase in the taxes, and a future and semi-permanent increase in the interest on loans, those inseparable accidents of modern war, and also the indirect losses which accompany the disorganisation of trade—injuries whose effects become more far-reaching with every extension in the time and area covered by modern commercial relations.

The human balance sheet under a State of War thus favours the governor at the expense of the governed, nor can the most cursory glance at the budgets of civilisation—especially if directed to their provisions for the service of National Debts—fail to perceive to which quarter, and in how large a degree, that balance inclines. This, in itself, affords no guarantee that the State of War is nearing an end, for the governing class, under present conditions, disposes of a far more formidable power than that immense, but, as we may call it, amorphous strength, which is dormant in the masses. They, as no one may deny, have often risen against governments extorting too high a price for their services, or threatening to overwhelm them with intolerable burdens, but the success of such movements seldom results in more than a change of masters, and the new governing class has usually been larger and of inferior quality. The result of these revolutions has been what it always must be—augmented burdens and a recrudescence of the State of War.

Nevertheless, this State of War must come to its inevitable conclusion. It continuously and, one may say, automatically drains the resources of the governed, and, since it is these resources which support the governing class, that class must eventually find itself face to face with the end. The same influences that maintain the State of War, though long since effete, will then close it, and humanity will enter a new and better period of existence, the period of Peace and Liberty. We have already attempted to sketch the political and economic organisation which will follow, built upon understanding of the motive forces and natural laws which govern human action. The difference between this organisation and the socialistic programme is singularly essential—it will observe, while theirs denies, these laws.

About this Quotation:

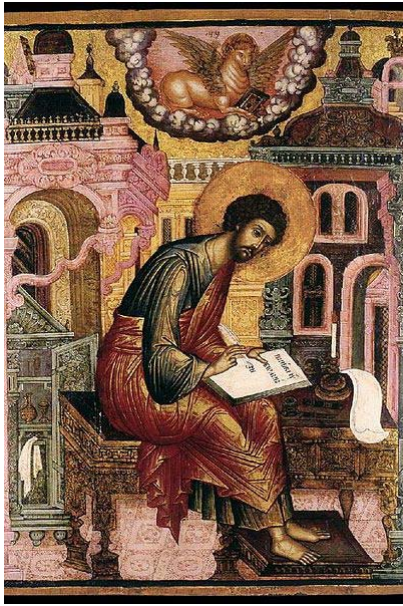
As early of the late 1890s the French economist Gustave de Molinari (1819-1912) could see that the resurgence of tariffs, the arms race (especially the naval arms race), and the scramble for colonies in the third world was leading inevitably to a major conflict between the major European powers. He asked himself how this was possible given the enormous physical costs of modern warfare and the economic burdens it imposed on ordinary taxpayers. His sad conclusion was that bellicose policies benefited certain members of the governing class who were well organised, whereas the governed

class who bore the burdens were “amorphous” and not well organised in the opposition. He identified a number of powerful groups in European societies who benefited from what he called “the State of War”: the political elites who dominated the legislatures and controlled expenditure, the senior bureaucrats who administered government expenditure, the military elites who got to spend taxpayers money on new ships and artillery and who benefitted from promotions, the business elites whose factories produced the war materiel, and the officials who administered colonial policy in the occupied territories. Molinari concluded, perhaps somewhat wistfully, that this situation had to come to an end when the taxpayers and the producers realised the enormous expences they were forced to pay. Molinari died in 1912 two years before the outbreak of World War One showed how destructive modern wars would be.

Source

Gustave de Molinari, *The Society of Tomorrow: A Forecast of its Political and Economic Organization*, ed. Hodgson Pratt and Frederic Passy, trans. P.H. Lee Warner (New York: G.P. Putnam's Sons, 1904). <http://oll.libertyfund.org/title/228/36940/1585595>

The evangelist Luke “on earth peace, good will toward men” (1st century) (Dec 24, 2012)



[Saint Luke](#) (1 CE – ?)

In the account by Luke of the birth of Christ there is a line which states that the angel which announced the birth was accompanied by a “heavenly host” (a large army of good angels) who urged that there be “peace on earth”:

The Gospel According to S. Luke (KJV) 2: 1-14

1 And it came to pass in those days, that there went out a decree from Cæsar Augustus, that all the world should be taxed.

2 (And this taxing was first made when Cyrenius was governor of Syria.)

3 And all went to be taxed, every one into his own city.

4 And Joseph also went up from Galilee, out of the city of Nazareth, into Judæa, unto the city of David, which is called Bethlehem; (because he was of the house and lineage of David:)

5 To be taxed with Mary his espoused wife, being great with child.

6 And so it was, that, while they were there, the days were accomplished that she should be delivered.

7 And she brought forth her firstborn son, and wrapped him in swaddling clothes, and laid him in a manger; because there was no room for them in the inn.

8 And there were in the same country shepherds abiding in the field, keeping watch over their flock by night.

9 And, lo, the angel of the Lord came upon them, and the glory of the Lord shone round about them: and they were sore afraid.

10 And the angel said unto them, Fear not: for, behold, I bring you good tidings of great joy, which shall be to all people.

11 For unto you is born this day in the city of David a Saviour, which is Christ the Lord.

12 And this shall be a sign unto you; Ye shall find the babe wrapped in swaddling clothes, lying in a manger.

13 And suddenly there was with the angel a multitude of the heavenly host praising God, and saying,

14 Glory to God in the highest, and on earth peace, good will toward men.

About this Quotation:

For “the twelve days of Christmas” of 2012 we have chosen 12 quotations from the OLL collection which deal with the exhortation of the heavenly host (a large army of good angels) described by the evangelist Luke that there be “on earth peace, good will toward men.” Many Christians have taken this phrase to mean that there is a fundamental opposition to war which lies at the heart of Christianity. They have linked this statement with others which can be found in the Bible such as from Isaiah 2:3-4 which states “they (many people) shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.” This is certainly the view of people like Desiderius Erasmus, Vicesimus Knox, and Richard Cobden. On the other hand there are other Christians who see the military allusions as more literal, such as Matthew 10: 34-35 “Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law.” Far from beating swords into ploughshares the sword becomes the symbol of militant Christianity. We have taken the former interpretation as the theme for our series of quotations.

Source

Saint Luke, *The Parallel Bible. The Holy Bible containing the Old and New Testaments translated out of the Original Tongues: being the Authorised Version arranged in parallel columns with the Revised Version* (Oxford University Press, 1885). The Gospel according to S. Luke. <http://oll.libertyfund.org/title/1183/199873/3174557>

The 1st Day of Christmas: Jan Huss' Christmas letters and his call for peace on earth (1412) (Dec 25, 2012)



[Jan Huss](#) (1372 – 1415)

The Czech religious reformer Jan Huss (1372-1415) wrote two letters from exile to the people of Prague in celebration of Christmas in 1412. He emphasizes that Christ is the peacemaker and that his message was “peace be to you” (pax vobiscum):

XXII. To the People of Prague (December 25, 1412)

Dear friends, although I am now separated from you, because perchance I am unworthy to preach much to you, nevertheless the love which I bear towards you urges me to write at least some brief words to my loved ones.

Lo! dear friends, to-day, as it were, an angel is saying to the shepherds: I bring you good tidings of great joy that shall be to all people. And suddenly a multitude of angels breaks into praise, saying: Glory to God in the highest, and on earth peace to men of goodwill!

As you commemorate these things, dear friends, rejoice that to-day God is born a man, that there may be glory to God in the highest and on earth peace to men of goodwill. Rejoice that to-day the infinitely Mighty is born a child, that there may be glory to God in the highest, etc. Rejoice that to-day a Reconciler is born to reconcile man to God, that there may be glory to God in the highest, etc. Rejoice that to-day He is born to cleanse sinners from their sin, to deliver them from the devil's power, to save them from eternal perdition, and to bring them to eternal joy, that there may be glory to God in the highest, etc. Rejoice with great joy that to-day is born unto us a King, to bestow in its fulness upon us the heavenly kingdom, a Bishop to grant His eternal benediction, a Father of the ages to come, to keep us as His children by His side for ever: yea, there is born a Brother beloved, a wise Master, a sure Leader, a just Judge, to the end that there may be glory to God in the highest, etc. Rejoice, ye wicked, that God is born as a Priest, Who hath granted to every penitent absolution from all sins, that there may be glory, etc. Rejoice that to-day

the Bread of Angels—that is, God—is made the Bread of men, to revive the starving with His Body, that there may be peace among them, and on earth, etc. Rejoice that God immortal is born, that mortal man may live for ever. Rejoice that the rich Lord of the Universe lies in a manger, like a poor man, that he may make us rich. Rejoice, dearly beloved, that what the prophets prophesied has been fulfilled, that there may be glory to God in the highest, etc. Rejoice that there is born to us a Child all-powerful, and that a Son is given to us, all-wise and gracious, that there may be glory to God in the highest, etc. Oh, dear friends, ought there to be but a moderate rejoicing over these things? Nay, a mighty joy! Indeed, the angel saith: I bring you good tidings of great joy, for that there is born a Redeemer from all misery, a Saviour of sinners, a Governor of His faithful ones; there is born a Comforter of the sorrowful, and there is given to us the Son of God that we may have great joy, and that there may be glory to God in the highest and on earth peace to men of goodwill. May it please God, born this day, to grant to us this goodwill, this peace, and withal this joy!

XXIV. To the Same (Without date: January (?) 1413)

... Such, then, is the mercy that comes to you from God the Father and the Lord Jesus Christ our Saviour, Who grants you also peace. Our Master, the Peacemaker, taught His disciples to be peacemakers, so that, in whatsoever house they entered, they were to say: Peace be to you. When He rose from the dead and entered into the midst of them, He said: Peace be to you. When, too, He was minded to depart from them to His death, He said: Peace I leave with you, my peace I give unto you. After His manner, therefore, I desire peace for you also, dear friends—peace to you from Him, that you may live virtuous lives and overcome the devil, the world, and the flesh—peace to you from Him, that you may love one another, ay, and your enemies—peace to you, that that you may peaceably hear His word—peace to you, that you may speak with discretion—peace to you, that you may know how how to be silent with advantage. For he that hears in a humble spirit, doth not contend in a cause with malice; he that speaks with discretion, overcomes the contentious; he that keeps silence to good purpose, doth not quickly wound his conscience. For these reasons peace be unto you, grace and mercy—grace that preserves from sin; mercy that delivers from eternal fire and the peace of eternal repose in the eternal joy, which comes to all the faithful after this paltry life—from God the Father and the Lord Jesus Christ, our Saviour, to whom be praise for ever and ever. Amen.

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

We begin with two letters Hus wrote while in exile to his followers in Prague exactly 600 years ago. Jan Huss was excommunicated from the Catholic Church and forced to go into exile for his criticisms of the corruption which plagued it. Less than three years after these letters were written Huss was caught and burned at the stake for the crime of heresy. He refused to recant his views, was forced to wear a paper hat with the inscription “Haeresiarcha” (the leader of an heretical movement), was tied to a stake with a heavy metal chain around his throat, then burnt alive and his ashes scattered in the Rhine river. It is in the light of these appalling actions that one should read his letters urging his followers in Prague to heed the teachings of Luke that there will be “on earth peace to men of goodwill”. Hus goes on to say in a most prophetic manner that “After His manner, therefore, I desire

peace for you also, dear friends—peace to you from Him, that you may ... love one another, ay, and your enemies —peace to you, that that you may peaceably hear His word—peace to you, that you may speak with discretion—peace to you, that you may know how how to be silent with advantage”.

Source

Jan Huss, *The Letters of John Hus*. With Introductions and Explanatory Notes by Herbert B. Workman and R. Martin Pope (London: Hodder and Stoughton, 1904). <http://oll.libertyfund.org/title/1994>

The 2nd Day of Christmas: Petrarch on the mercenary wars in Italy and the need for peace on earth (1344) (Dec 26, 2012)



[Francesco Petrarca](#) (1304 – 1374)

The Italian humanist poet Francesco Petrarca (1304-1374) was appalled at the use of mercenaries by the warring city states of Italy which ravaged his country in the 14th century. He urged his fellow Italians “from strife and slaughter cease” and instead “gather joy and peace on earth”:

[Italia mia.] Is not this precious earth my native land? And is not this the nest From which my tender wings were taught to fly? And is not this the soil upon whose breast, Loving and soft, faithful and true and fond, My father and my gentle mother lie? ‘For love of God,’ I cry, ‘Some time take thought of your humanity And spare your people all their tears and grief! From you they seek relief Next after God. If in your eyes they see Some mark of sympathy, Against this mad disgrace They will arise, the combat will be short For the stern valour of our ancient race Is not yet dead in the Italian heart.’

****Look! rulers proud! The hours are pressing on,**

And life steals fast away. Behold pale Death above your shoulders stand! Tho’ now ye live, yet think of that last day When the soul, naked, trembling, and alone Shall come unto a dark and doubtful land; O, ere ye press the strand, Soften those furrowed brows of scorn and hate, (Those blasts that rage against the spirit’s peace) From strife and slaughter cease, From hatching grievous ills, and consecrate Your lives to a better fate, To deeds of generous worth, To gracious acts that cheer and bless mankind; Thus will you gather joy and peace on earth And heaven’s pathway opened wide will find.

Song, I admonish thee Thou speak thy speech with gentle courtesy, For thou among proud folk thy path must find. Steeped is the human mind In evil ways by old authority, Truth’s constant enemy. With the great-hearted few Thy fortune try. ‘Who bids my terrors cease?’ I ask, ‘and which of you Upholds my cry “Return! O heaven-born peace”?’**

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men.” [Luke 2:14]

In a long patriotic poem Petrarch bemoans the fate of Italy which had degenerated into endless civil wars fought often with mercenary troops. He calls upon “Italia mia” (my Italy) to end “this mad disgrace” where Italian fights against Italian thus indirectly serving the interests of the “Teutons” to the north who would like to see Italy politically weak and divided. He argues that the Italians have forgotten their noble Latin heritage and that their minds have been “steeped ... in evil ways by old authority, truth’s constant enemy.” He urges them to cease “strife and slaughter” and to “consecrate your lives to a better fate, to deeds of generous worth, to gracious acts that cheer and bless mankind; thus will you gather joy and peace on earth.” It should be noted that this translation was published in 1915 when Europe was being torn apart by another continent-wide civil war which became known as the “Great War.”

Source

Francesco Petrarch, *Some Love Songs of Petrarch*, translated and annotated with a Biographical Introduction by William Dudley Foulke (Oxford University Press, 1915). <http://oll.libertyfund.org/title/1341/82422/1945530>

The 3rd Day of Christmas: Erasmus stands against war and for peace on earth (16th century) (Dec 27, 2012)



Desiderius Erasmus (1466 – 1536)

In his polemic against war (date?) the Dutch humanist scholar and theologian Desiderius Erasmus (1466-1536) denounces war for its destructiveness and its violation of fundamental Christian doctrine. He reminds Christians that at the birth of Christ “the angels sung not the glories of war, nor a song of triumph, but a hymn of peace”:

ANTIPOLEMUS; or, the PLEA OF REASON, RELIGION, AND HUMANITY, AGAINST WAR.

If there is in the affairs of mortal men any one thing which it is proper uniformly to explode; which it is incumbent on every man, by every lawful means, to avoid, to deprecate, to oppose, that one thing is doubtless war. There is nothing more unnaturally wicked, more productive of misery, more extensively destructive, more obstinate in mischief, more unworthy of man as formed by nature, much more of man professing Christianity.

Yet, wonderful to relate! in these times, war is every where rashly, and on the slightest pretext, undertaken; cruelly and savagely conducted, not only by unbelievers, but by Christians; not only by laymen, but by priests and bishops; not only by the young and inexperienced, but even by men far advanced in life, who must have seen and felt its dreadful consequences; not only by the lower order, the rude rabble, fickle in their nature, but, above all, by princes, whose duty it is to compose the rash passions of the unthinking multitude by superior wisdom and the force of reason. Nor are there ever wanting men learned in the law, and even divines, who are ready to furnish firebrands for the nefarious work, and to fan the latent sparks into a flame.

Whence it happens, that war is now considered so much a thing of course, that the wonder is, how any man can disapprove of it; so much sanctioned by authority and custom, that it is deemed impious, I had almost said heretical, to have borne testimony against a practice

in its principle most profligate, and in its effects pregnant with every kind of calamity....

But grant that the heathens might be hurried into all this madness and folly by anger, by ambition, by avarice, by cruelty, or, which I am rather inclined to believe, by the furies sent from Hell for that very purpose; yet how could it ever enter into our hearts, that a Christian should imbrue his hands in the blood of a Christian! If a brother murder his brother, the crime is called fratricide: but a Christian is more closely allied to a Christian as such, then a brother by the ties of consanguinity; unless the bonds of nature are stronger than the bonds of Christ, which Christians, consistently with their faith, cannot allow. How absurd then is it, that they should be constantly at war with each other; who form but one family, the church of Christ; who are members of the same body; who boast of the same head, even Jesus Christ; who have one Father in Heaven, common to them all; who grow in grace by the same spirit; who are initiated in the same mysteries, redeemed by the same blood, regenerated at the same font, nourished by the same holy sacrament, militate under the same great Captain of Salvation, eat of the same bread, partake of the same cup, have one common enemy, the devil, and are all called to the same eternal inheritance?

Where are there so many and so sacred obligations to perfect concord as in the Christian religion? Where so numerous exhortations to peace? One law Jesus Christ claimed as his own peculiar law, and it was the law of love or charity. What practice among mankind violates this law so grossly as war? Christ salutes his votaries with the happy omen of peace. To his disciples he gives nothing but peace; he leaves them no other legacy but peace. In his holy prayers, the subject of his devout entreaty was principally, that, as he was one with the Father, so his disciples, that is to say, all Christians, might be one with him. This union is something more than peace, more than friendship, more than concord, it is an intimate communion with the Divine Nature....

Solomon was a type of Christ. But the word Solomon in Hebrew signifies the Pacific. Solomon, on this account, because he was pacific, was chosen to build the temple. David, though endeared by some virtues, was rejected as a builder of the temple, because he had stained his hands in blood, because he was a sanguinary prince, because, in a word, he was a warrior. He was rejected for this, though the wars he carried on were against the wicked, and at the command of God; and though he, who afterwards abrogated, in great measure, the laws of Moses, had not yet taught mankind that they ought to love their enemies.

At the nativity of Jesus Christ, the angels sung not the glories of war, nor a song of triumph, but a hymn of peace. "Glory to God in the highest; on earth peace; good-will towards men." The mystic poet and prophet foretold before his birth, Factus est in pace locus ejus." (And his place is in peace) ...

[Editor's Note] Psalm 76:1-4 "Notus in Judæa Deus; in Israël magnum nomen ejus. Et factus est in pace locus ejus, et habitatio ejus in Sion. Ibi confregit potentias arcuum, scutum, gladium, et bellum." (In Judea God is known: his name is great in Israel. And his place is in peace: and his abode in Sion: There has he broken the powers of bows, the shield, the sword, and the battle.)

About this Quotation:

This quotation is part of a series for “The Twelve Days of Christmas” on the theme of “Glory to God in the highest, on earth peace, good will towards men” [Luke 2:14]

In three major works Erasmus presents a devastating critique of war, especially when waged by Christians. There is the standard denunciation of the impact war has on ordinary working people, “the poor, the unoffending common people”, whose lives and property are destroyed by the armies led by aristocrats, mercenaries and even bishops of the church. To Erasmus, all war was a form of fratricide with fellow humans killing each other, but it was doubly fratricidal when fellow Christians killed each other, or what he called “this fit of insanity”. When Christian killed Christian he believed this violated Christ’s “own peculiar law”, the law of love or charity. Even when a military leader like King David fought wars “against the wicked, and at the command of God” he ended up with blood on his hands and was thus “a sanguinary prince” and therefore not invited to build God’s temple. He reminds his readers that at the birth of Christ “the angels sung not the glories of war, nor a song of triumph, but a hymn of peace.” In the Europe of his own day the people were “satiated with everlasting wars” and it was now time to “indulge at length a longing after peace.”

Source

Vicesimus Knox, *The Works of Vicesimus Knox, D.D. with a Biographical Preface*. In Seven Volumes (London: J. Mawman, 1824). Vol. 5. <http://oll.libertyfund.org/title/630/210931/1942067>

The 4th Day of Christmas: Dante Alighieri on human perfectibility and peace on earth (1559) (Dec 28, 2012)



[Dante Alighieri](#) (1265 – 1321)

The Florentine poet Dante Alighieri (1265-1321) believed in a universal monarch who would end the squabbling and bloodshed between rival kings and lords in Europe. Only under such a regime could peace be established under which humanity could thrive and prosper:

1. It has now been satisfactorily explained that the proper function of the human race, taken in the aggregate, is to actualize continually the entire capacity of the possible intellect, primarily in speculation, then, through its extension and for its sake, secondarily in action. And since it is true that whatever modifies a part modifies the whole, and that the individual man seated in quiet grows perfect in knowledge and wisdom, it is plain that amid the calm and tranquillity of peace the human race accomplishes most freely and easily its given work. How nearly divine this function is revealed in the words, “Thou hast made him a little lower than the angels.” Whence it is manifest that universal peace is the best of those things which are ordained for our beatitude. And hence to the shepherds sounded from on high the message not of riches, nor pleasures, nor honors, nor length of life, nor health, nor beauty; but the message of peace. For the heavenly host said, “Glory to God in the highest, and on earth peace among men in whom he is well pleased.” Likewise, “Peace be unto you” was the salutation of the Saviour of men. It befitted the supreme Saviour to utter the supreme salutation. It is evident to all that the disciples desired to preserve this custom; and Paul likewise in his words of greeting.

2. From these things which have been expounded we perceive through what better, nay, through what best means the human race may fulfill its proper office. Consequently we perceive the nearest way through which may be reached that universal peace toward which all our efforts are directed as their ultimate end, and which is to be assumed as the basic principle of subsequent reasoning. This

principle was necessary, we have said, as a predetermined formula, into which, as into a most manifest truth, must be resolved all things needing to be proved.
[footnote 7]

[Editor's Note 7] Some of Dante's most eloquent exhortations in prose and some of the most perfect music of his verse are touching that peace which he knew should make man happy on earth and blessed in heaven, that peace which he went to seek "from world to world," and which he found at last in complete obedience to the will of God.

Purg. 3. 74: Virgil conjures the spirits "By that peace which I think is awaited by you all."

Purg. 5. 61: Dante here tells of "that peace, which makes me, following the feet of a guide thus fashioned, seek it from world to world."

Purg. 10. 34: "The angel that came on earth with the decree of the many years wept-for peace ... opened Heaven from its long interdict."

Purg. 11. 7: "Let the peace of thy kingdom come to us."

Purg. 21. 13: "My brethren, God give you peace," is the greeting of Statius.

Purg. 28. 91: "The highest Good, which does only its own pleasure, made the man good and for good, and gave him this place for an earnest to him of eternal peace."

Purg. 30. 7: "That truthful folk ... turned them to the car as to their peace."

Par. 2. 112: "Within the heaven of the divine peace revolves a body in whose virtue lies the being of all that is contained in it."

Par. 3. 85: "In His will is our peace."

Par. 27. 8: "A life complete of joy and peace."

Par. 30. 100: "Light is there on high, which makes visible the Creator to that creation which only in seeing Him has its peace."

Par. 31. 110: St. Bernard "in this world by contemplation tasted of that peace."

Par. 33. 1: "Virgin Mother ... in thy womb was rekindled the Love, through whose warmth in the eternal peace this flower has thus sprung."

About this Quotation:

This quotation is part of a series for "The Twelve Days of Christmas" on the theme of "Glory to God in the highest, on earth peace, good will towards men" [Luke 2:14]

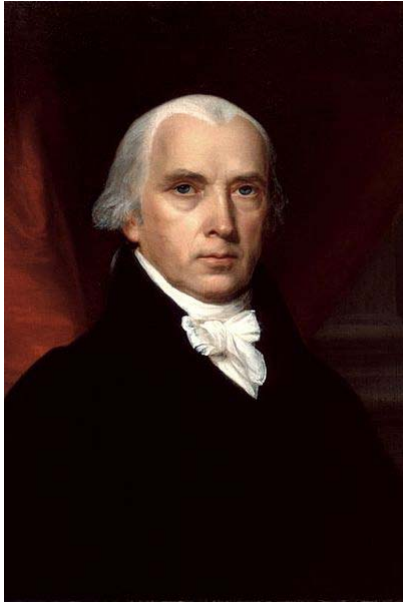
It is curious to find an argument in a 16th century text in defence of monarchy these passages extolling peace as the best way human beings can achieve perfectibility in both thought and action. One would

normally associate the idea of perfectibility with the 18th century enlightenment, most notably Condorcet, or the early 19th century with Wilhelm von Humboldt. Yet here Dante states that the quiet, calm, and tranquility provided by a state of peace allows the human race to “accomplish most freely and easily its given work” which is in the first instance intellectual or speculative in nature (thus literature or philosophy) and secondly by “extension” all other types of “action” in the physical world. One wonders if one might take this to mean all manner of economic activity including trade and exchange with others? Dante links these ideas to religion with the idea that this state of peace brings human beings closer to that of the angels where a situation of beatitude might be achieved as promised by the heavenly host at the birth of Christ. We include with this quotation the notes of the translator Aurelia Henry which provide a list of other passages from Dante’s works where he discusses peace, suggesting that it was of great concern to him.

Source

Dante Alighieri, *The De Monarchia of Dante Alighieri*, edited with translation and notes by Aurelia Henry (Boston and New York: Houghton, Mifflin and Company, 1904). <http://oll.libertyfund.org/title/2196/203193/3341675>

The 7th Day of Christmas: Madison on “the most noble of all ambitions” which a government can have, of promoting peace on earth (1816) (Dec 31, 2012)



James Madison (1751 – 1836)

In an address to the Senate and House of Representatives as his second term as President was drawing to a close, James Madison (1751-1836) summed up the achievements of the U.S. in the 40 years of its existence. One of the things he was most proud of was that he had led “a Government which avoids intrusions on the internal repose of other nations”:

Happily, I shall carry with me from the public theater other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home and with peace and respect abroad. I can indulge the proud reflection that the American people have reached in safety and success their fortieth year as an independent nation; that for nearly an entire generation they have had experience of their present Constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain in its combination of the federate and elective principles a reconciliation of public strength with individual liberty, of national power for the defense of national rights with a security against wars of injustice, of ambition, and of vainglory in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this Constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle that I shall read in the character of the American people, in their devotion to true liberty and to the Constitution which is its palladium, sure presages that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied; a Government which watches over

the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the state; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages in every authorized mode that general diffusion of knowledge which guarantees to public liberty its permanency and to those who possess the blessing the true enjoyment of it; **a Government which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age and the sentiments of a virtuous people, seeks by appeals to reason and by its liberal examples to infuse into the law which governs the civilized world a spirit which may diminish the frequency or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace; a Government, in a word, whose conduct within and without may bespeak the most noble of all ambitions—that of promoting peace on earth and good will to man.**

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

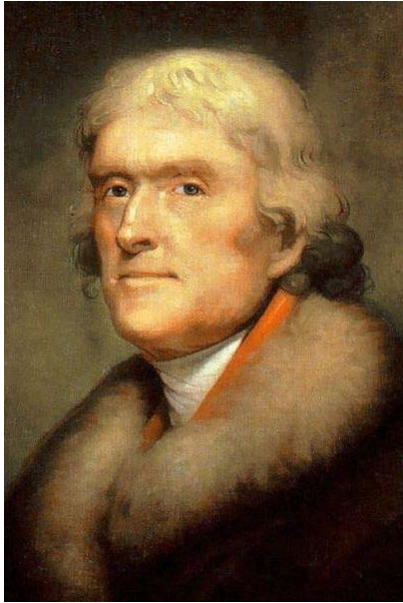
About this Quotation:

In this address to the Senate and the House of Representatives which President James Madison gave in December 1816 as his second term in office was coming to an end (1809-1817), he surveys the achievements of the young republic. About half of the things he lists are internal ones to do with the operation of the federal system, national elections, freedom of speech, trial by jury, and so on. The other half deals with war and foreign affairs and of these Madison was very proud, going so far as to say that thinking about them would “sweeten the remnant of my days.” He mentions specifically the policy of not interfering in the affairs of other nations, treating other nations justly, and influencing other nations only by means of “appeals to reason and by its (the government’s) liberal examples.” These were the best ways Madison could imagine of “diminish(ing) the frequency or circumscrib(ing) the calamities of war.” In fact, he believed that “the most noble of all ambitions” any government could have was to do what it could to “promot(e) peace on earth and good will to man.”

Source

James Madison, *The Writings of James Madison, comprising his Public Papers and his Private Correspondence, including his numerous letters and documents now for the first time printed*, ed. Gaillard Hunt (New York: G.P. Putnam’s Sons, 1900). Vol. 8. <http://oll.libertyfund.org/title/1939/119212/2404005>

The 8th Day of Christmas: Jefferson on the inevitability of revolution in England only after which there will be peace on earth (1817) (Jan 1, 2013)



Thomas Jefferson (1743 – 1826)

In the immediate aftermath of the end of the war against Napoleon Jefferson believed that the national debt and the serious economic recession in England would lead inevitably to the English people rising up and overthrowing their government as the Americans had done 40 years before. Only after this revolution had succeeded would the world finally be able to enjoy “on earth peace, and good will towards men”:

TO WILLIAM SAMPSON, Monticello, Jan. 26, 1817.

Dear Sir,

—I have read with great satisfaction the eloquent pamphlet you were so kind as to send me, and sympathise with every line of it. I was once a doubter whether the labor of the Cultivator, aided by the creative powers of the earth itself, would not produce more value than that of the manufacturer, alone and unassisted by the dead subject on which he acted? In other words, whether the more we could bring into action of the energies of our boundless territory, in addition to the labor of our citizens, the more would not be our gain? But the inventions of latter times, by labor-saving machines, do as much now for the manufacturer, as the earth for the cultivator. Experience too has proved that mine was but half the question. The other half is whether Dollars & cents are to be weighed in the scale against real independence? The whole question then is solved; at least so far as respects our wants.

I much fear the effect on our infant establishments, of the policy avowed by Mr. Brougham, and quoted in the pamphlet. Individual British merchants may lose by the late immense importations; but British commerce & manufactures, in the mass, will gain by beating down the competition of ours, in our own markets against this policy, our protecting duties are as nothing, our patriotism less. **I turn, however, with some**

confidence to a different auxiliary, a revolution in England, now, I believe unavoidable. The crisis so long expected, inevitable as death, altho' uncertain like that in it's date, is at length arrived. Their government has acted over again the fable of the frog and the ox; and their bloated system has burst. They have spent the fee simple of the island in their inflated enterprises on the peace and happiness of the rest of mankind. Their debts have consequently accumulated by their follies & frauds, until the interest is equal to the aggregate rents of all the farms in their country. All these rents must go to pay interest, and nothing remains to carry on the government. The possession alone of their lands is now in the nominal owner; the usufruct in the public creditors. Their people too taxed up to 14. or 15. out of 16. hours of daily labor, dying of hunger in the streets & fields. The survivors can see for themselves the alternative only of following them or of abolishing their present government of kings, lords, & borough-commons, and establishing one in some other form, which will let them live in peace with the world. It is not easy to foresee the details of such a revolution, but I should not wonder to see the deportation of their king to Indostan, and of their Prince Regent to Botany Bay. There, imbecility might be governed by imbecility, and vice by vice; all in suit. **Our wish for the good of the people of England, as well as for our own peace, should be that they may be able to form for themselves such a constitution & government as may permit them to enjoy the fruits of their own labors in peace, instead of squandering them in fomenting and paying the wars of the world. But during these struggles, their artists are to become soldiers. Their manufactures to cease, their commerce sink and our intercourse with them be suspended. This interval of suspension may revive and fix our manufactures, wean us from British aeries, and give us a national & independent character of our own. I cannot say that all this will be, but that it may be; and it ought to be supplicated from heaven by the prayers of the whole world that at length there may be "on earth peace, and good will towards men." No country, more than your native one, ought to pray & be prepared for this. I wish them success, and to yourself health and prosperity.**

About this Quotation:

This quotation is part of a series for "The Twelve Days of Christmas" on the theme of "Glory to God in the highest, on earth peace, good will towards men." [Luke 2:14]

In the economic depression which followed the ending of hostilities against Napoleon in 1815 Jefferson was convinced that the bankrupt British government was ripe for revolution. It had undertaken all manner of "follies & frauds" which had lead to massive national debt and high taxation which were squandered in "fomenting and paying the wars of the world." Jefferson likened the warlike British state to the frog in Aesop's fable of the frog and the ox, in which the arrogant frog blew itself up in order to become as big as the ox. The British system of war, empire, and national debt was now so large that "their bloated system has burst" and the oppressed English people would soon seek a solution to their problems in abolishing their government of "kings, lords, & borough-commons." Only with a more moderate and cheaper republican government could the English people "enjoy the fruits of their own labors in peace" and live in peace with the rest of the world. Jefferson also amusingly speculates what might happen to the King of England and the Prince Regent after the English revolution. He fantasizes with some relish how the King might be exiled to Indostan (India) and the Prince Regent to Botany Bay in Australia, where "imbecility might be governed by imbecility, and vice by vice; all in suit." Jefferson concludes his letter with the hope that the whole world would pray for such a revolution in England so "that at length there may be 'on earth peace, and good will

towards men’.”

Source

Thomas Jefferson, *The Works of Thomas Jefferson*, Federal Edition (New York and London, G.P. Putnam’s Sons, 1904-5). Vol. 12. <http://oll.libertyfund.org/title/808/88355/2009651>

The 10th Day of Christmas: Richard Cobden on public opinion and peace on earth (c. 1865) (Jan 3, 2013)



Richard Cobden (1804 – 1865)

The British advocate of free trade and peace Richard Cobden (1804-1865) chides an unnamed reverend for using his pulpit to praise the bellicose statements of the Duke of Wellington. He reminds the reverend that he serves a higher master who urged mankind to pursue the goals of “peace on earth, good will towards men”:

If, on the other hand, the real origin of the war be impressed upon the mind of the present generation, and it be known, popularly known, that, far from having been, as we are told it was, undertaken in behalf of liberty, or for the defence of our own shores, it was hatched upon the Continent in the secret counsels of despotic courts, and fed from the industry of England by her then oligarchial government; that its object was to deprive the French people of the right of self-government, and to place their liberties at the disposal of an arbitrary king, a corrupt church, and a depraved aristocracy; then the opinion of the country, and its language and acts, will be totally different from what we have just described. Instead of feelings of resentment, there will be sentiments of regret; far from suspecting attacks from the French, the people of England, seeing through, and separating themselves from the policy by which their fathers were misled, will be rather disposed to level their suspicion at those who call upon them again, without one fact to warrant it, to put themselves in an attitude of defiance against their unoffending neighbour; and in lieu of constantly invoking the memory of their own exploits, or the reverses of their opponents, the English people will, under the circumstances which I have supposed, be anxious only for an oblivion of all memorials of an unjust and aggressive war....

But the most consolatory fact of the times is the altered feelings of the great mass of the people since 1793. There lies our great advantage. With the exception of a lingering propensity to strike for the freedom of some other people, a sentiment partly traceable to a generous sympathy, and in some small degree, I fear, to insular pride and ignorance, there is little disposition for war in our day. Had the popular tone been as sound in 1792, Fox and his friends would have prevented the last great war. But for this mistaken tendency to

interfere by force in behalf of other nations there is no cure but by enlightening the mass of the people upon the actual condition of the Continental populations. This will put an end to the supererogatory commiseration which is sometimes lavished upon them, and turn their attention to the defects of their own social condition. I have travelled much, and always with an eye to the state of the great majority, who everywhere constitute the toiling base of the social pyramid; and I confess I have arrived at the conclusion that there is no country where so much is required to be done before the mass of the people become what it is pretended they are, what they ought to be, and what I trust they will yet be, as in England. There is too much truth in the picture of our social condition drawn by the Travelling Bachelor* of Cambridge University, and lately flung in our faces from beyond the Atlantic, to allow us any longer to delude ourselves with the idea that we have nothing to do at home, and may therefore devote ourselves to the elevation of nations of the Continent. It is to this spirit of interference with other countries, the wars to which it has led, and the consequent diversion of men's minds (upon the Empress Catherine's principle) from home grievances, that we must attribute the unsatisfactory state of the mass of our people.

But to rouse the conscience of the people in favour of peace, the whole truth must be told them of the part they have played in past wars. In every pursuit in which we embark, our energies carry us generally in advance of all competitors. How few of us care to remember that, during the first half of the last century, we carried on the slave-trade more extensively than all the world besides; that we made treaties for the exclusive supply of negroes; that ministers of state, and even royalty were not averse to profit by the traffic. But when Clarkson (to whom fame has not yet done justice) commenced his agitation against this vile commerce, he laid the sin at the door of the nation; he appealed to the conscience of the people, and made the whole community responsible for the crimes which the slave-traders were perpetrating with their connivance; and the eternal principles of truth and humanity, which are ever present in the breasts of men, however they may be for a time obscured, were not appealed to in vain. We are now, with our characteristic energy, first and foremost in preventing, by force, that traffic which our statesmen sought to monopolise a century ago.

It must be even so in the agitation of the peace party. They will never rouse the conscience of the people, so long as they allow them to indulge the comforting delusion that they have been a peace-loving nation. We have been the most combative and aggressive community that has existed since the days of the Roman dominion. Since the revolution of 1688 we have expended more than fifteen hundred millions of money upon wars, not one of which has been upon our own shores, or in defence of our hearths and homes. "For so it is," says a not unfriendly foreign critic,! "other nations fight at or near their own territory: the English everywhere." From the time of old Froissart, who, when he found himself on the English coast, exclaimed that he was among a people who "loved war better than peace, and where strangers were well received," down to the day of our amiable and admiring visitor, the author of the Sketch Book, who, in his pleasant description of John Bull, has portrayed him as always fumbling for his cudgel whenever a quarrel arose among his neighbours, this pugnacious propensity has been invariably recognised by those who have studied our national character. It reveals itself in our historical favourites, in the popularity of the madcap Richard, Henry of Agincourt, the belligerent Chatham, and those monarchs and statesmen who have been most famous for their warlike achievements. It is displayed in our fondness for erecting monuments to

warriors, even at the doors of our marts of commerce; in the frequent memorials of our battles, in the names of bridges, streets, and omnibuses; but above all in the display which public opinion tolerates in our metropolitan cathedral, whose walls are decorated with bas-reliefs of battle scenes, of storming of towns, and charges of bayonets, where horses and riders, ships, cannon and musketry, realise by turns, in a Christian temple, the fierce struggle of the siege and the battle-field. I have visited, I believe, all the great Christian temples in the capitals of Europe; but my memory fails me, if I saw anything to compare with it. Mr. Layard has brought us some very similar works of art from Nineveh, but he has not informed us that they were found in Christian churches....

Will you pardon me if, before I lay down my pen, I so far presume upon your forbearance as to express a doubt whether the eagerness with which the topic of the Duke of Wellington's career was so generally selected for pulpit manifestations was calculated to enhance the influence of ministers of the Gospel, or promote the interests of Christianity itself. Your case and that of public men are very dissimilar. The mere politician may plead the excuse if he yields to the excitement of the day that he lives and moves and has his being in the popular temper of the times. Flung as he is in the mid-current of passing events, he must swim with the stream or be left upon its banks, for few have the strength or courage to breast the rising wave of public feeling or passion. How different is your case! Set apart for the contemplation and promotion of eternal and unchanging feelings of benevolence, peace, and charity, public opinion would not only tolerate but applaud your abstinence from all displays where martial enthusiasm and hostile passions are called into activity. But a far higher sanction than public opinion is to be found for such a course. When the Master whom you especially serve, and whose example and precepts are the sole credentials of your faith, mingled in the affairs of this life, it was not to join in the exaltation of military genius, or share in the warlike triumphs of nation over nation, but to preach "Peace on EARTH and good will toward MEN." Can the humblest layman err, if, in addressing the loftiest dignitary of the Christian Church, he says "GO THOU AND DO LIKEWISE?"

About this Quotation:

This quotation is part of a series for "The Twelve Days of Christmas" on the theme of "Glory to God in the highest, on earth peace, good will towards men" [Luke 2:14]

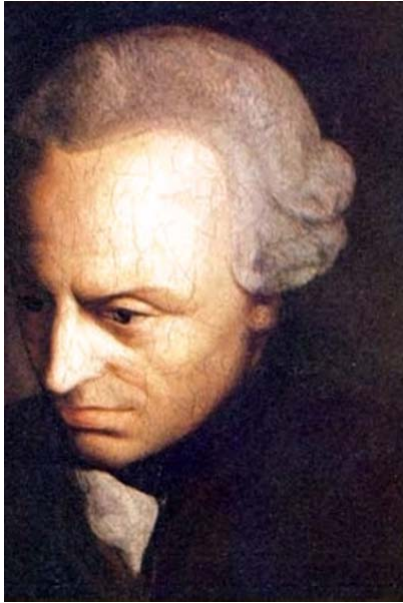
In the mid-1860s Cobden was moved to write a lengthy letter to an unnamed minister who had been using his pulpit to praise the military exploits of the Duke of Wellington and to urge another war against the French. He chastises the minister for misusing his pulpit to promote war instead of taking Saint Luke's advice to seek "peace on earth and good will towards men". In the course of this long letter Cobden argues that the British people were traditionally a very bellicose people and that "we have been the most combative and aggressive community that has existed since the days of the Roman dominion." He argues that the wars against the French between 1793 and 1815 were undertaken not to promote liberty but "to deprive the French people of the right of self-government, and to place their liberties at the disposal of an arbitrary king, a corrupt church, and a depraved aristocracy". But this unthinking support for the government was beginning to change as a few small groups of committed individuals in the anti-slavery and free trade movements had shown. They had helped turn British public opinion against the slave trade (1808) and then slavery itself (1833), and most recently the policy of agricultural protection (1846). Cobden believed that the next cause for enlightened British public opinion to take up was that of opposition to war in which a new "peace party" would challenge

the traditional British veneration of their “war heroes” and their victories in battles which were demonstrated in public monuments, the naming of streets and bridges after famous British victories, and even the erection of militaristic art in cathedrals and churches. Cobden believed the minister had erred in “join(ing) in the exaltation of military genius, or shar(ing) in the warlike triumphs of nation over nation, (instead of preaching) “Peace on EARTH and good will toward MEN.”

Source

Richard Cobden, *The Political Writings of Richard Cobden, with a Preface by Lord Welby, Introductions by Sir Louis Mallet, C.B., and William Cullen Bryant, Notes by F.W. Chesson and a Bibliography, vol. 2*, (London: T. Fisher Unwin, 1903). <http://oll.libertyfund.org/title/231/39732/677680>

Kant believed that citizens must give their free consent via their representatives to every separate declaration of war (1790) (Sep 1, 2013)



Immanuel Kant (1724 – 1804)

The German philosopher Immanuel Kant (1724-1804) argued that because the lives and property of a nation's citizens were used in fighting a war they had the right to give their free consent via their political representatives to every separate declaration of war:

1. Right of Going to War as related to the Subjects of the State.

We have then to consider, in the first place, the original Right of free States to go to War with each other as being still in a state of Nature, but as exercising this Right in order to establish some condition of society approaching the juridical state. And, first of all, **the question arises as to what Right the State has in relation to its own Subjects, to use them in order to make war against other States, to employ their property and even their lives for this purpose, or at least to expose them to hazard and danger; and all this in such a way that it does not depend upon their own personal judgment whether they will march into the field of war or not, but the Supreme Command of the Sovereign claims to settle and dispose of them thus.**

This Right appears capable of being easily established. It may be grounded upon the Right which every one has to do with what is his own as he will. Whatever one has made substantially for himself, he holds as his incontestable property. The following, then, is such a deduction as a mere Jurist would put forward.

There are various natural Products in a country which, as regards the number and quantity in which they exist, must be considered as specially produced (artefacta) by the work of the State; for the country would not yield them to such extent were it not under the Constitution of the State and its regular administrative Government, or if the inhabitants were still living in the State of Nature. Sheep, cattle, domestic

fowl,—the most useful of their kind,—swine, and such like, would either be used up as necessary food or destroyed by beasts of prey in the district in which I live, so that they would entirely disappear, or be found in very scant supplies, were it not for the Government securing to the inhabitants their acquisitions and property. This holds likewise of the population itself, as we see in the case of the American deserts; and even were the greatest industry applied in those regions—which is not yet done—there might be but a scanty population. The inhabitants of any country would be but sparsely sown here and there were it not for the protection of Government; because without it they could not spread themselves with their households upon a territory which was always in danger of being devastated by enemies or by wild beasts of prey; and further, so great a multitude of men as now live in any one country could not otherwise obtain sufficient means of support. Hence, **as it can be said of vegetable growths, such as potatoes, as well as of domesticated animals, that because the abundance in which they are found is a product of human labour, they may be used, destroyed, and consumed by man; so it seems that it may be said of the Sovereign as the Supreme Power in the State, that he has the Right to lead his Subjects, as being for the most part productions of his own, to war, as if it were to the chase, and even to march them to the field of battle, as if it were on a pleasure excursion.**

This principle of Right may be supposed to float dimly before the mind of the Monarch, and it certainly holds true at least of the lower animals which may become the property of man. But such a principle will not at all apply to men, especially when viewed as citizens who must be regarded as members of the State, with a share in the legislation, and not merely as means for others but as Ends in themselves. As such they must give their free consent, through their representatives, not only to the carrying on of war generally, but to every separate declaration of war; and it is only under this limiting condition that the State has a Right to demand their services in undertakings so full of danger.

We would therefore deduce this Right rather from the duty of the Sovereign to the people than conversely. Under this relation the people must be regarded as having given their sanction; and, having the Right of voting, they may be considered, although thus passive in reference to themselves individually, to be active in so far as they represent the Sovereignty itself.

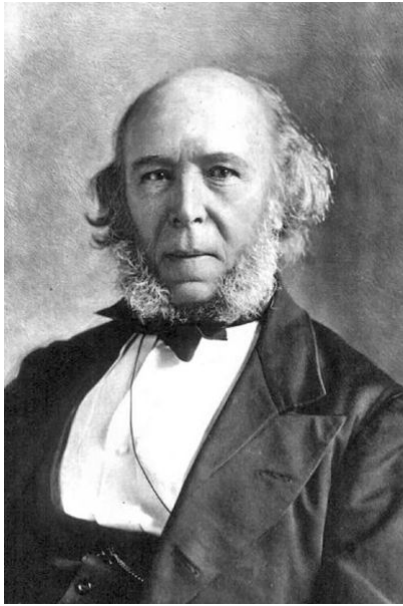
About this Quotation:

One of Immanuel Kant's most famous principles was that each individual should be regarded as an end in themselves (with aspirations, life plans, goals, and purposes which they wanted to pursue) and not as the means to the achievement of another person's ends. Thus, they had certain individual rights which needed to be respected so that they could pursue these hopes and aspirations, so long as they respected the equal rights of others to do the same thing. When it came to international relations and the declaration and fighting of war between states, Kant thought that the common practice of rulers was to regard "their Subjects" as so any sacks of potatoes or herds of cattle which could be consumed by the Monarch at will in the pursuit of his foreign policy ends. Since Kant believed that this was certainly not the case, that human beings had individual rights and life plans of their own, they should be consulted before any act of war was undertaken in which their lives and property might be put at risk. In 1790 when his book on *The Science of Right* was published, this was quite a radical notion.

Source

Immanuel Kant, *The Philosophy of Law: An Exposition of the Fundamental Principles of Jurisprudence as the Science of Right*, by Immanuel Kant, trans. W. Hastie (Edinburgh: Clark, 1887).
<http://oll.libertyfund.org/title/359/55864/641092>

Herbert Spencer on the State's cultivation of “the religion of enmity” to justify its actions (1884) (Apr 21, 2014)



Herbert Spencer (1820 – 1903)

In the Postscript to his *The Man versus the State* (1884) the English sociologist Herbert Spencer (1820-1903) argued that the State deliberately encouraged “the religion of enmity” against others in order to bolster public “faith in governmental ability and authority”:

Chiefly, however, the maintenance of this faith (in governmental ability and authority) is necessitated by the maintenance of fitness for war. This involves continuance of such confidence in the ruling agency, and such subordination to it, as may enable it to wield all the forces of the society on occasions of attack or defence; and there must survive a political theory justifying the faith and the obedience. While their sentiments and ideas are of kinds which perpetually endanger peace, it is requisite that men should have such belief in the authority of government as shall give it adequate coercive power over them for war purposes—a belief in its authority which inevitably, at the same time, gives it coercive power over them for other purposes.

Thus, as said at first, the fundamental reason for not expecting much acceptance of the doctrine set forth, is that we have at present but partially emerged from the militant régime and have but partially entered on that industrial régime to which this doctrine is proper.

So long as the religion of enmity predominates over the religion of amity, the current political superstition must hold its ground. While throughout Europe, the early culture of the ruling classes is one which every day of the week holds up for admiration those who in ancient times achieved the greatest feats in battle, and only on Sunday repeats the injunction to put up the sword—while these ruling classes are subject to a moral discipline consisting of six-sevenths pagan example and one-seventh Christian precept; there is no likelihood that there will arise such international relations as may make a decline in governmental power practicable, and a corresponding modification of political

theory acceptable. While among ourselves the administration of colonial affairs is such that native tribes who retaliate on Englishmen by whom they have been injured, are punished, not on their own savage principle of life for life, but on the improved civilized principle of wholesale massacre in return for single murder, there is little chance that a political doctrine consistent only with unaggressive conduct will gain currency. While the creed men profess is so interpreted that one of them who at home addresses missionary meetings, seeks, when abroad, to foment a quarrel with an adjacent people whom he wishes to subjugate, and then receives public honours after his death, it is not likely that the relations of our society to other societies will become such that there can spread to any extent that doctrine of limited governmental functions which accompanies the diminished governmental authority proper to a peaceful state. A nation which, interested in ecclesiastical squabbles about the ceremonies of its humane cult, cares so little about the essence of that cult that filibustering in its colonies receives applause rather than reprobation, and is not denounced even by the priests of its religion of love, is a nation which must continue to suffer from internal aggressions, alike of all individuals on one another and of the State on individuals. It is impossible to unite the blessings of equity at home with the commission of inequities abroad.

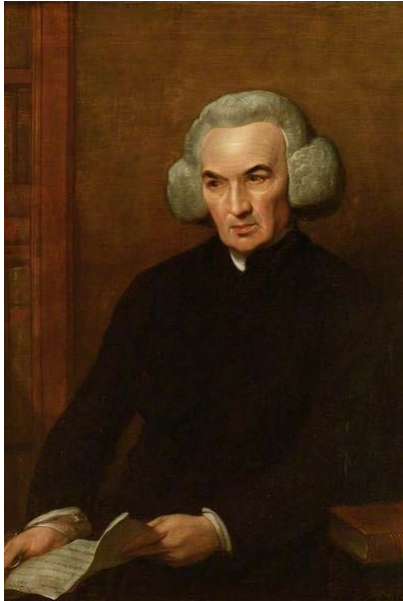
About this Quotation:

In 1884 Spencer thought that Britain was caught in a transition period between two fundamentally different societies, namely “the militant régime” dominated by a warrior class which ruled a society constantly prepared for war, and the “industrial régime” where individual rights are respected, free trade in all things takes place, and where domestic and international peace reigns. He was confident that eventually Britain would slough off all the remnants of the militant régime and fully enter the industrial stage of society. However, in the meantime, the old ruling elites would try to hang onto power for as long as possible which they were doing by instilling a climate of fear, “the religion of enmity”, against foreigners in order justify a large military and continued control of key sectors of the economy. Spencer pointed out the obvious incongruity between sermons on Sunday preaching “the religion of amity” while on the other six days of the week there was near universal “admiration those who ... achieved the greatest feats in battle”.

Source

Herbert Spencer, *The Man versus the State, with Six Essays on Government, Society and Freedom*, ed. Eric Mack, introduction by Albert Jay Nock (Indianapolis: LibertyClassics, 1981).
http://oll.libertyfund.org/titles/330#Spencer_0020_300

Richard Price on how the “domestic enemies” of liberty have been more powerful and more successful than foreign enemies (1789) (Oct 20, 2014)



[Richard Price](#) (1723 – 1791)

The Welsh Presbyterian minister Richard Price (1723-1791) in his Discourse celebrating the Revolution of 1688 in Britain warns about the dangers to liberty posed by ambitious “executive officers of government”:

Another expression of our love to our country is defending it against enemies. These enemies are of two sorts, internal and external; or domestic and foreign. The former are the most dangerous, and they have generally been the most successful. I have just observed, that there is a submission due to the executive officers of government, which is our duty; but you must not forget what I have also observed, that it must not be a blind and slavish submission. Men in power (unless better disposed than is common) are always endeavouring to extend their power. They hate the doctrine, that it is a trust derived from the people, and not a right vested in themselves. For this reason, the tendency of every government is to despotism; and in this the best constituted governments must end, if the people are not vigilant, ready to take alarms, and determined to resist abuses as soon as they begin. This vigilance, therefore, it is our duty to maintain. Whenever it is withdrawn, and a people cease to reason about their rights and to be awake to encroachments, they are in danger of being enslaved, and their servants will soon become their masters.

I need not say how much it is our duty to defend our country against foreign enemies. When a country is attacked in any of its rights by another country, or when any attempts are made by ambitious foreign powers to injure it, a war in its defence becomes necessary: and, in such circumstances, to die for our country is meritorious and noble. These defensive wars are, in my opinion, the only just wars. Offensive wars are always unlawful; and to seek the aggrandizement of our country by them, that is, by attacking other countries, in order to extend dominion, or to gratify avarice, is wicked and detestable. Such, however, have been most of the wars which have taken place in the

world; but the time is, I hope, coming, when a conviction will prevail, of the folly as well as the iniquity of wars; and when the nations of the earth, happy under just governments, and no longer in danger from the passions of Kings, will find out better ways of settling their disputes; and beat (as Isaiah prophecies) their swords into plowshares, and their spears into pruning-hooks.

About this Quotation:

In another few months the sentiments expressed by Richard Price in his 1789 Discourse on Patriotism would probably have resulted in his arrest and possible imprisonment for sedition. As a friend of the revolutions in America and then in France he would have been “a person of interest” to the authorities because of his claim that “executive officers of government” (i.e. one’s own government) were more of a threat to liberty than foreign enemies. Price stressed the 2nd and 3rd provisions of the manifesto of the Society for Commemorating the Revolution (of 1688) in Britain and this would become a provocative thing to do in the 1790s: “Secondly; The right to resist power when abused. And, Thirdly; The right to chuse our own governors; to cashier them for misconduct; and to frame a government for ourselves.” As the war against the French Republic continued the executive officers of government began to think of their positions in government as “a right vested in themselves” and not as “a trust derived from the people.” The latter sentiment of course being the essence of both the American and French Revolutions (at least until the military despot Napoleon came to power). As far as the British state was concerned, they, and only they, had any right to “cashiering”.

Source

Richard Price, *A Discourse on the Love of Our Country, delivered on Nov. 4, 1789, at the Meeting-House in the Old Jewry, to the Society for Commemorating the Revolution in Britain. With an Appendix*. Second edition (London: T. Cadell, 1789). http://oll.libertyfund.org/titles/368#Price_1290_27

John Bright denounces the power of the war party in England (1878) (Nov 17, 2014)



[John Bright](#) (1811 – 1889)

The Quaker and antiwar MP John Bright opposed the war against Russia in the Crimea in 1854 and opposed similar agitation for war again 25 years later in 1878. He blamed the constant agitation for war on the traditions of the Foreign Office and the control of the British press by a powerful “war party”:

There are still the traditions of the Foreign Office. I once expressed—I was very irreverent towards such an ancient institution—the wish that the Foreign Office might some day be burned down; and at least, correcting myself, that if it should be burned down, that I hoped all its mad, and baneful, and wicked traditions would be burned with it. But these traditions still linger in the Foreign Office, and Lord Derby—to whom they are foreign—endeavouring to fill that eminent office, I believe with a true intention to serve his country, and to do right—has been made the victim of the traditions he finds in the office which he has filled for the last four or five years. But I say the heart of the nation is gradually changing. I met at dinner at a friend’s house in Salford only the night before last an old friend of mine, and he came up to me and said, “Do you recollect me twenty-three or twenty-four years ago? You know I walked down Market Street with you that day when you came out of the Town Hall, where you had been hissed and hooted and maltreated, and where you were not allowed to speak to the constituents you were endeavouring to serve, and when you were not allowed to pass down the street without gross insult?” Well, now, a man may have an opinion in favour of peace, and the “dogs of war” will scarcely bark at him.

But still we cannot disguise from ourselves the fact that there is something of a war party in this country, and that it has free access to some, and indeed to not a few, of the newspapers of the London press. If there is any man here who thinks the question of our policy doubtful, if there is any man in the country who shall read what I say now who is in doubt, I ask him to look back to the policy of twenty-three years ago, and to see how it was then tried, and how it succeeded, or how it failed.

The arguments were the same then exactly as they are now. The falsehoods were the same. The screechings and howlings of a portion of the press were just about the same. But the nation now—and if nations learned nothing, how long could they be sustained?—has learned something, and it has risen above this. I am persuaded that there is a great difference of opinion as to Russian policy in the main, or Turkish policy in this war, and men may pity especially the suffering on the one side or the suffering on the other—for my share, I pity the sufferings of both sides,—and whatever may be our differences of opinion, I think it is conclusively proved that the vast bulk of all the opinion that is influential in this country upon this question leads to this—that the nation is for a strict and rigid neutrality throughout this war.

It is a painful and terrible thing to think how easy it is to stir up a nation to war. Take up any decent history of this country from the time of William III until now—for two centuries, or nearly so—and you will find that wars are always supported by a class of arguments which, after the war is over, the people find were arguments they should not have listened to. It is just so now, for unfortunately there still remains the disposition to be excited on these questions.

About this Quotation:

There is a certain weariness in this speech John Bright gave to his constituents in Birmingham in 1878. He had paid a heavy price for his opposition to the Crimean War (against Russia) by losing his seat representing Manchester in 1857. He was able to get re-elected the following year to represent Birmingham which he represented for the next 30 years for the Liberal Party. Twenty two years after the war against Russia in the Crimea came to an end, there was another campaign in England to whip up another war against the “Russian Bear”. In this speech he reflects on the apparent contradiction between the peaceful aspirations of the ordinary English person and the fact that they can be so easily manipulated into having pro-war passions. Bright explains this as the result of a mix of factors: the short-term memory of the people concerning the true costs of previous wars; the pro-war and pro-empire sentiments of the professional bureaucrats in the Foreign Office who put pressure on politicians to go to war; and the existence of a pro-war party in the press which exaggerates the powers and intentions of foreign powers and the threat they pose for “British interests”. Bright is convinced that the views of ordinary Britons, “that the nation is for a strict and rigid neutrality”, will eventually be heard over the din for war.

Source

John Bright, *Selected Speeches of the Rt. Hon. John Bright M.P. On Public Questions*, introduction by Joseph Sturge (London: J.M. Dent and Co., 1907). http://oll.libertyfund.orgoll.libertyfund.org/titles/1658#Bright_0618_298

Benjamin Constant on the dangers to liberty posed by the military spirit (1815) (Dec 15, 2014)



Benjamin Constant (1767 – 1830)

The French political theorist and politician Benjamin Constant (1767-1830) worries that after long periods of war men become imbued with ideas about the use of force and a “military spirit” which undermines the very liberty they are supposed to defend:

After our examination of the most specious pretexts of war on the part of modern governments, let us dwell on one of their effects, one in my view insufficiently remarked on hitherto. **This politics of war casts into society a mass of men whose outlook is different from that of the nation and whose habits form a dangerous contrast with the patterns of civil life, with the institutions of justice, with respect for the rights of all, with those principles of peaceful and ordered freedom which must be equally inviolable under all forms of government.**

Over the last sixteen years there has been much talk about armies composed of citizens. To be sure, we do not wish to visit insults on those who so gloriously defended our national independence, on those who by so many immortal exploits founded the French Republic. When enemies dare to attack a people on its territory, the citizens become soldiers to repulse them. They were citizens, they were the leading citizens, those who freed our soil from the profaning foreigner. In dealing with a general question, however, we must set aside remembrance of glory, which surrounds and dazzles us, seductive and captivating feelings of gratitude. In the present state of European societies the words “citizen” and “soldier” imply a contradiction. A citizen army is possible only when a people is virtually confined to a single city-state. Then the soldiers of that nation can rationally justify obedience. When they are in the bosom of their native land, between governors and governed whom they know, their understanding can count for something in their submission. A very large country, however, whether monarchy or republic, renders that supposition absolutely chimerical. A very large country requires from soldiers a mechanistic subordination and makes them passive, unreflective, and docile agents. As soon as they are displaced, they lose all the prior information capable of illuminating their

judgment. The size of the country permitting those in charge of the armed forces to dispatch the natives of one province to another distant one, these men, subject to a discipline which isolates them from the local natives, are only strangers to the latter, although they are nominally their compatriots. They see only their commanders, know only them, obey their orders alone. Citizens in their birthplace, everywhere else they are soldiers. Once an army is among strangers, however it is organized, it is only a physical force, a pure instrument. The experience of the Revolution demonstrated only too well the truth of what I am affirming. We were told it was important for soldiers to be citizens, so they would never turn their arms against the people, and yet we have seen the unfortunate conscripts taken away from their ploughs, not only to contribute to the siege of Lyon, which could not be other than an act of civil war, but also to make themselves instruments of torture of the Lyonnais, disarmed prisoners, which was an act of implicit obedience and discipline, of precisely that discipline and that obedience from which we had believed that the citizen soldiers would always be able to protect themselves.

A large army, whatever its basic elements, contracts, involuntarily, an esprit de corps. Such a spirit always seizes hold of organizations assembled for a single purpose, sooner or later. The only lasting thing men have in common is their interest. **In all countries, in all centuries, a confederation of priests has formed, within the State, a State apart. In all centuries and countries, men associated together in the army for long periods have separated themselves from the nation. The very soldiers of freedom, in fighting for such, conceive a kind of respect for the use of force, regardless of its purpose. Without knowing it they contract thereby morals, ideas, and habits which are subversive of the cause they defend. The measures which ensure the triumph of war prepare the collapse of the law. The military spirit is haughty, swift, swaggering. Law must be calm, often slow, and always protective. The military spirit detests the thinking faculties as incipient indiscipline.** All legitimate government rests on enlightenment and conviction[...]

About this Quotation:

Constant wrote several versions of *The Principles of Politics* (in 1810, 1815) and it has never been given the attention it deserves. He was writing the second version when Napoleon returned from defeat and asked him to draw up a new constitution, so he was very concerned with the practical political problem of how to reform a society which had been dominated by the military for nearly two decades. One of the biggest problems lay in the minds of men who had experienced military discipline first hand, were accustomed to obeying orders without question, and who regarded independent thinking as “incipient indiscipline”. The respect for individual liberty had to be relearned by the citizen soldiers who had served Napoleon for so long that they had adopted “a mechanistic subordination” which made them “passive, unreflective, and docile agents” of power. Thus, part of Constant’s political agenda was to try to rekindle the love of liberty in the minds of Frenchmen both within the Chamber (in which he served until his death in 1830) and in a series of major books he published during the 1820s.

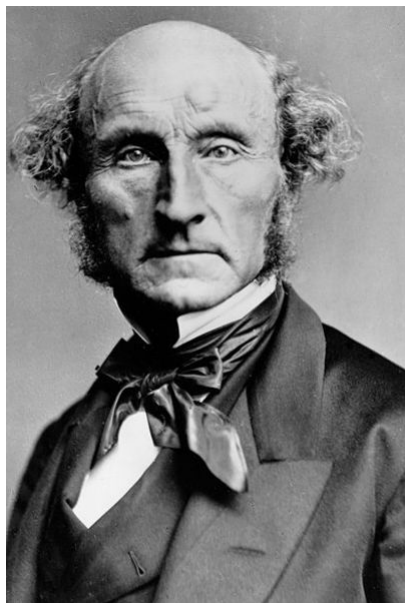
Source

Benjamin Constant, *Principles of Politics Applicable to all Governments*, trans. Dennis O’Keeffe, ed. Etienne Hofmann, Introduction by Nicholas Capaldi (Indianapolis: Liberty Fund, 2003). http://oll.libertyfund.org/titles/861#Constant_0452_739

29. Women's Rights↩

1. [J.S. Mill denounced the legal subjection of women as “wrong in itself” and as “one of the chief hindrances to human improvement” \(1869\) \(May 9, 2005\)](#)
2. [Mary Wollstonecraft believes that women are no more naturally subservient than men and nobody, male or female, values freedom unless they have had to struggle to attain it \(1792\) \(Oct 10, 2005\)](#)
3. [J.S. Mill spoke in Parliament in favour of granting women the right to vote, to have “a voice in determining who shall be their rulers” \(1866\) \(Mar 20, 2006\)](#)
4. [J.S. Mill in The Subjection of Women argued that every form of oppression seems perfectly natural to those who live under it \(1869\) \(Oct 31, 2006\)](#)
5. [John Stuart Mill uses an analogy with the removal of protective duties and bounties in trade to urge a similar “Free Trade” between the sexes \(1869\) \(Apr 27, 2009\)](#)
6. [Harriet Taylor wants to see “freedom and admissibility” in all areas of human activity replace the system of “privilege and exclusion” \(1847\) \(Oct 12, 2009\)](#)
7. [J.S. Mill on the wife as the “actual bondservant of her husband” in the 19th century \(1869\) \(Oct 8, 2012\)](#)
8. [Mary Wollstonecraft likens the situation of soldiers under a tyrant king to women under a tyrant husband \(1792\) \(Apr 15, 2013\)](#)
9. [Mary Wollstonecraft’s “I have a dream” speech from 1792 \(May 13, 2013\)](#)

J.S. Mill denounced the legal subjection of women as “wrong in itself” and as “one of the chief hindrances to human improvement” (1869) (May 9, 2005)



John Stuart Mill (1806 – 1873)

John Stuart Mill, the great 19th century English classical liberal, began his book on *The Subjection of Women* with the following unequivocal statement:

THE object of this Essay is to explain as clearly as I am able, the grounds of an opinion which I have held from the very earliest period when I had formed any opinions at all on social or political matters, and which, instead of being weakened or modified, has been constantly growing stronger by the progress of reflection and the experience of life: That **the principle which regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.**

About this Quotation:

It was with some excitement that we put online the complete works of John Stuart Mill – all 33 volumes published under the editorship of John Robson for the University of Toronto Press edition. It was a mammoth undertaking which took some decades to complete. What was particularly exciting for us was to be able to use the OLL's powerful search engine to search for key words and phrases across the whole 32 volumes (the 33rd volume, the index, is online only as a PDF and it not searchable). This quotation is just the first of many from this admirable collection.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). <http://oll.libertyfund.org/title/255/21686/809597>

Mary Wollstonecraft believes that women are no more naturally subservient than men and nobody, male or female, values freedom unless they have had to struggle to attain it (1792) (Oct 10, 2005)



[Mary Wollstonecraft](#) (1759 – 1797)

Mary Wollstonecraft begins chapter 4 on "Observations on the State of the Degradation to which Woman is reduced by various Causes" with the following observation:

That woman is naturally weak, or degraded by a concurrence of circumstances, is, I think, clear. But this position I shall simply contrast with a conclusion, which I have frequently heard fall from sensible men in favour of an aristocracy: that the mass of mankind cannot be any thing, or the obsequious slaves, who patiently allow themselves to be driven forward, would feel their own consequence, and spurn their chains. Men, they further observe, submit every where to oppression, when they have only to lift up their heads to throw off the yoke; yet, instead of asserting their birthright, they quietly lick the dust, and say, let us eat and drink, for to-morrow we die. Women, I argue from analogy, are degraded by the same propensity to enjoy the present moment; and, at last, despise the freedom which they have not sufficient virtue to struggle to attain. But I must be more explicit.

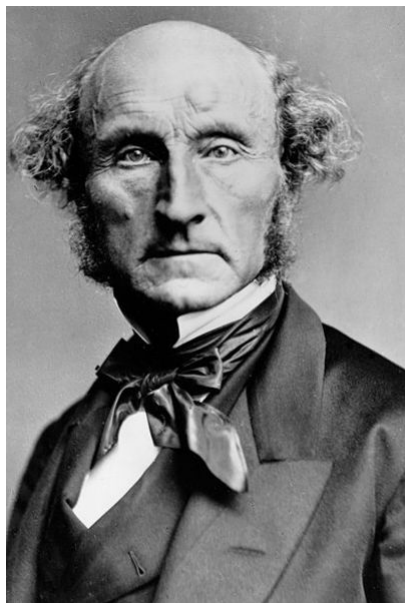
About this Quotation:

Mary Wollstonecraft raises a very interesting point about why humans allow themselves to be ruled by others. This is question which occupied Edmund Burke and David Hume as well. Her answer was that, just as men had “willingly” submitted to aristocratic rule for centuries, so too had women “willingly” submitted to their husbands in unequal marriages. Is the habituation to rule then the justification for that rule by others?

Source

Mary Wollstonecraft, *A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects* (London: J. Johnson, 1792). <http://oll.libertyfund.org/title/126/10426/940304>

J.S. Mill spoke in Parliament in favour of granting women the right to vote, to have “a voice in determining who shall be their rulers” (1866) (Mar 20, 2006)



John Stuart Mill (1806 – 1873)

In July 1866 Mill spoke in moving "for an Address for 'Return of the number of Freeholders, Householders, and others in England and Wales who, fulfilling the conditions of property or rental prescribed by Law as the qualification for the Electoral Franchise, are excluded from the Franchise by reason of their sex.'":

Sir, I rise to make the Motion of which I have given notice. After the petition which I had the honour of presenting a few weeks ago, the House would naturally expect that its attention would be called, however briefly, to the claim preferred in that document. The petition, and the circumstances attendant on its preparation, have, to say the least, greatly weakened the chief practical argument which we have been accustomed to hear against any proposal to admit women to the electoral franchise—namely, that few, if any, women desire it. Originating as that petition did entirely with ladies, without the instigation, and, to the best of my belief, without the participation of any person of the male sex in any stage of the proceedings, except the final one of its presentation to Parliament, the amount of response which became manifest, the number of signatures obtained in a very short space of time, not to mention the quality of many of those signatures, may not have been surprising to the ladies who promoted the petition, but was certainly quite unexpected by me. I recognize in it the accustomed sign that the time has arrived when a proposal of a public nature is ripe for being taken into serious consideration—namely, when a word spoken on the subject is found to have been the expression of a silent wish pervading a great number of minds, and a signal given in the hope of rallying a few supporters is unexpectedly answered by many. It is not necessary to offer any justification for the particular Motion which I am about to make. (Hear, hear.) **When the complaint is made that certain citizens of this nation, fulfilling all the conditions and giving all the guarantees which the Constitution and the law require from those who are admitted to a voice in determining who shall be their rulers, are excluded from that privilege for what appears to them, and for what appears to me, an entirely irrelevant**

consideration, the least we can do is to ascertain what number of persons are affected by the grievance, and how great an addition would be made to the constituency if this disability were removed. I should not have attempted more than this in the present Session, even if the recent discussions in reference to Reform had not been brought to an abrupt close. Even if the late Government had succeeded in its honourable attempt to effect an amicable compromise of the Reform question, any understanding or any wish which might have existed as to the finality, for a certain period, of that compromise, could not have effected such a proposal as this, the adoption of which would not be, in any sense of the term, a lowering of the franchise, and is not intended to disturb in any degree the distribution of political power among the different classes of society. Indeed, honourable Gentlemen opposite seem to think, and I suppose they are the best judges, that this concession, assuming it to be made, if it had any effect on party politics at all, would be favourable to their side (hear); and the right honourable Member for Dublin University, in his humorous manner, advised me on that ground to withdraw this article from my political programme; but I cannot, either in jest or in earnest, adopt his suggestion, for I am bound to consider the permanent benefit of the community before the temporary interest of a party; and **I entertain the firmest conviction that whatever holds out an inducement to one-half of the community to exercise their minds on the great social and political questions which are discussed in Parliament, and whatever causes the great influence they already possess to be exerted under the guidance of greater knowledge, and under a sense of responsibility, cannot be ultimately advantageous to the Conservative or any other cause, except so far as that cause is a good one. And I rejoice in the knowledge that in the estimation of many honourable Gentlemen of the party opposite, the proposal made in the petition is, like many of the most valuable Reforms, as truly Conservative, as I am sure it is truly Liberal. I listened with pleasure and gratitude to the right honourable Gentleman who is now Chancellor of the Exchequer, when in his speech on the second reading of the Reform Bill, he said he saw no reason why women of independent means should not possess the electoral franchise, in a country where they can preside in manorial courts and fill parish offices—to which let me add, and the Throne. (Hear, hear.)**

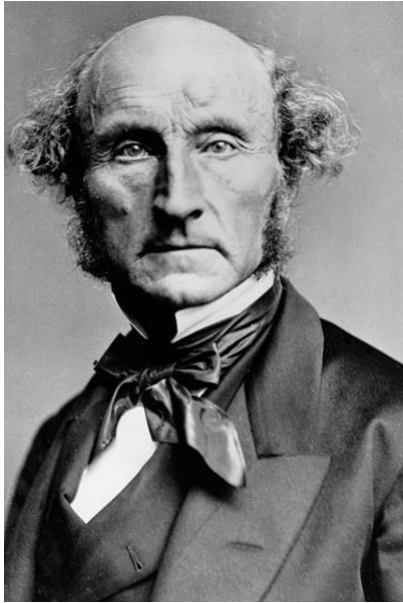
About this Quotation:

John Stuart Mill began work on his companion piece to *On Liberty* soon after the latter appeared in print in 1859. This was to be *The Subjection of Women* which eventually appeared after some delay, perhaps for political reasons, in 1869 shortly before his death. The former work was designed to be a defence of liberty in the general case; the latter a defence of a particular kind of liberty affecting one group of people. During the period he was working on the book Mill repeatedly stood up in parliament to argue for the right of women to participate in politics, or as he slyly put it, to have “a voice in determining who shall be their rulers.” Of course, he was unsuccessful. Women in Britain did not get to choose their rulers until 1928 (however they could participate in local council elections in 1869, the year Mill’s book appeared).

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXVIII – Public and Parliamentary Speeches Part I November 1850 – November 1868*, ed. John M. Robson and Bruce L. Kinzer (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1988).
<http://oll.libertyfund.org/title/262/52770/839035>

J.S. Mill in *The Subjection of Women* argued that every form of oppression seems perfectly natural to those who live under it (1869) (Oct 31, 2006)



John Stuart Mill (1806 – 1873)

In *The Subjection of Women* (1869) John Stuart Mill argues that every form of oppression seems perfectly natural to those who live under it, whether it be slavery in the southern states of America or the lack of property and civic rights for women in 19th century Britain:

Some will object, that a comparison cannot fairly be made between the government of the male sex and the forms of unjust power which I have adduced in illustration of it, since these are arbitrary, and the effect of mere usurpation, while it on the contrary is natural. But was there ever any domination which did not appear natural to those who possessed it? There was a time when the division of mankind into two classes, a small one of masters and a numerous one of slaves, appeared, even to the most cultivated minds, to be a natural, and the only natural, condition of the human race. No less an intellect, and one which contributed no less to the progress of human thought, than Aristotle, held this opinion without doubt or misgiving; and rested it on the same premises on which the same assertion in regard to the dominion of men over women is usually based, namely that there are different natures among mankind, free natures, and slave natures; that the Greeks were of a free nature, the barbarian races of Thracians and Asiatics of a slave nature. But why need I go back to Aristotle? Did not the slaveowners of the Southern United States maintain the same doctrine, with all the fanaticism with which men cling to the theories that justify their passions and legitimate their personal interests? Did they not call heaven and earth to witness that the dominion of the white man over the black is natural, that the black race is by nature incapable of freedom, and marked out for slavery? some even going so far as to say that the freedom of manual labourers is an unnatural order of things anywhere. Again, the theorists of absolute monarchy have always affirmed it to be the only natural form of government: issuing from the patriarchal, which was the primitive and spontaneous form of society, framed on the model of the paternal, which is anterior to society itself, and, as they contend, the

most natural authority of all. Nay, for that matter, the law of force itself, to those who could not plead any other, has always seemed the most natural of all grounds for the exercise of authority. Conquering races hold it to be Nature's own dictate that the conquered should obey the conquerors, or, as they euphoniously paraphrase it, that the feebler and more unwarlike races should submit to the braver and manlier. The smallest acquaintance with human life in the middle ages, shows how supremely natural the dominion of the feudal nobility over men of low condition appeared to the nobility themselves, and how unnatural the conception seemed, of a person of the inferior class claiming equality with them, or exercising authority over them. It hardly seemed less so to the class held in subjection. The emancipated serfs and burgesses, even in their most vigorous struggles, never made any pretension to a share of authority; they only demanded more or less of limitation to the power of tyrannizing over them. So true is it that unnatural generally means only unc customary, and that everything which is usual appears natural. The subjection of women to men being a universal custom, any departure from it quite naturally appears unnatural. But how entirely, even in this case, the feeling is dependent on custom, appears by ample experience. Nothing so much astonishes the people of distant parts of the world, when they first learn anything about England, as to be told that it is under a queen: the thing seems to them so unnatural as to be almost incredible. To Englishmen this does not seem in the least degree unnatural, because they are used to it; but they do feel it unnatural that women should be soldiers or members of Parliament. In the feudal ages, on the contrary, war and politics were not thought unnatural to women, because not unusual; it seemed natural that women of the privileged classes should be of manly character, inferior in nothing but bodily strength to their husbands and fathers. The independence of women seemed rather less unnatural to the Greeks than to other ancients, on account of the fabulous Amazons (whom they believed to be historical), and the partial example afforded by the Spartan women; who, though no less subordinate by law than in other Greek states, were more free in fact, and being trained to bodily exercises in the same manner with men, gave ample proof that they were not naturally disqualified for them. There can be little doubt that Spartan experience suggested to Plato, among many other of his doctrines, that of the social and political equality of the two sexes.

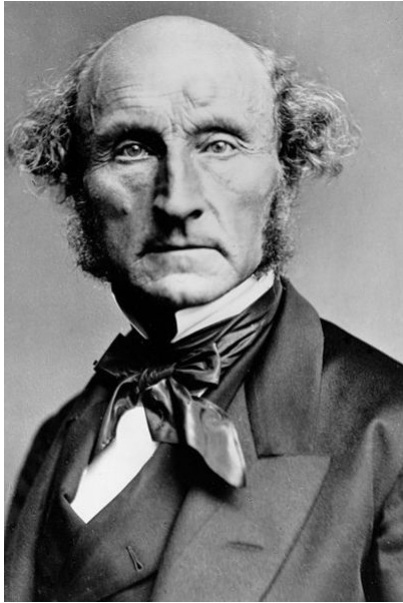
About this Quotation:

In this quotation Mill raises the very important point that, to the people who were born into and raised up in a society with appalling injustices, these injustices seem perfectly "natural" and "normal." In fact, it is the people who wish to change the status quo, often dramatically, who are considered to be the "abnormal" dissidents and trouble makers. Historically, this has been true of those objected to slavery (only a few fringe religious groups initially opposed slavery and even several of the American Founding Fathers were slave owners), to absolutist kings (republicans who executed King Charles in the 1649 were persecuted and executed after the Restoration in 1660), and to the legal and political restrictions on women until the 20th century. This passage from Mill shows how hard it is to bring about fundamental change of any kind.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). <http://oll.libertyfund.org/title/255/21686/809605>

John Stuart Mill uses an analogy with the removal of protective duties and bounties in trade to urge a similar “Free Trade” between the sexes (1869) (Apr 27, 2009)



John Stuart Mill (1806 – 1873)

In *The Subjection of Women* (1869) J.S. Mill (1806-1873) argues that, just as with trade between different nations, men and women will have different comparative advantages and that both will benefit if one side is not favoured by the government with unfair "bounties and protective duties in favour of men":

I have dwelt so much on the difficulties which at present obstruct any real knowledge by men of the true nature of women, because in this as in so many other things “*opinio copiae inter maximas causas inopiae est;*” and there is little chance of reasonable thinking on the matter, while people flatter themselves that they perfectly understand a subject of which most men know absolutely nothing, and of which it is at present impossible that any man, or all men taken together, should have knowledge which can qualify them to lay down the law to women as to what is, or is not, their vocation. Happily, no such knowledge is necessary for any practical purpose connected with the position of women in relation to society and life. For, according to all the principles involved in modern society, the question rests with women themselves—to be decided by their own experience, and by the use of their own faculties. There are no means of finding what either one person or many can do, but by trying—and no means by which any one else can discover for them what it is for their happiness to do or leave undone.

One thing we may be certain of—that what is contrary to women’s nature to do, they never will be made to do by simply giving their nature free play. The anxiety of mankind to interfere in behalf of nature, for fear lest nature should not succeed in effecting its purpose, is an altogether unnecessary solicitude. What women by nature cannot do, it is quite superfluous to forbid them from doing. What they can do, but not so well as the men who are their competitors, competition suffices to exclude them from; since nobody asks for protective duties and bounties in favour of women; it is only asked that the present bounties and protective duties in favour of men

should be recalled. If women have a greater natural inclination for some things than for others, there is no need of laws or social inculcation to make the majority of them do the former in preference to the latter. Whatever women's services are most wanted for, the free play of competition will hold out the strongest inducements to them to undertake. And, as the words imply, they are most wanted for the things for which they are most fit; by the apportionment of [281] which to them, the collective faculties of the two sexes can be applied on the whole with the greatest sum of valuable result.

The general opinion of men is supposed to be, that the natural vocation of a woman is that of a wife and mother. I say, is supposed to be, because, judging from acts—from the whole of the present constitution of society—one might infer that their opinion was the direct contrary. They might be supposed to think that the alleged natural vocation of women was of all things the most repugnant to their nature; insomuch that if they are free to do anything else—if any other means of living, or occupation of their time and faculties, is open, which has any chance of appearing desirable to them—there will not be enough of them who will be willing to accept the condition said to be natural to them. If this is the real opinion of men in general, it would be well that it should be spoken out. I should like to hear somebody openly enunciating the doctrine (it is already implied in much that is written on the subject)—“It is necessary to society that women should marry and produce children. They will not do so unless they are compelled. Therefore it is necessary to compel them.” The merits of the case would then be clearly defined. It would be exactly that of the slaveholders of South Carolina and Louisiana. “It is necessary that cotton and sugar should be grown. White men cannot produce them. Negroes will not, for any wages which we choose to give. Ergo they must be compelled.” An illustration still closer to the point is that of impressment. Sailors must absolutely be had to defend the country. It often happens that they will not voluntarily enlist. Therefore there must be the power of forcing them. How often has this logic been used! and, but for one flaw in it, without doubt it would have been successful up to this day. But it is open to the retort—First pay the sailors the honest value of their labour. When you have made it as well worth their while to serve you, as to work for other employers, you will have no more difficulty than others have in obtaining their services. To this there is no logical answer except “I will not:” and as people are now not only ashamed, but are not desirous, to rob the labourer of his hire,[*] impressment is no longer advocated. Those who attempt to force women into marriage by closing all other doors against them, lay themselves open to a similar retort. If they mean what they say, their opinion must evidently be, that men do not render the married condition so desirable to women, as to induce them to accept it for its own recommendations. It is not a sign of one's thinking the boon one offers very attractive, when one allows only Hobson's choice, “that or none.” And here, I believe, is the clue to the feelings of those men, who have a real antipathy to the equal freedom of women. I believe they are afraid, not lest women should be unwilling to marry, for I do not think that any one in reality has that apprehension, but lest they should insist that marriage should be on equal conditions; lest all women of spirit and capacity should prefer doing almost anything else, not in their own eyes degrading, rather than marry, when marrying [282] is giving themselves a master, and a master too of all their earthly possessions. And truly, if this consequence were necessarily incident to marriage, I think that the apprehension would be very well founded. I agree in thinking it probable that few women, capable of anything else, would, unless under an irresistible entrainment, rendering them for the time insensible to anything but itself, choose such a lot, when any

other means were open to them of filling a conventionally honourable place in life: and if men are determined that the law of marriage shall be a law of despotism, they are quite right, in point of mere policy, in leaving to women only Hobson's choice. But, in that case, all that has been done in the modern world to relax the chain on the minds of women, has been a mistake. They never should have been allowed to receive a literary education. Women who read, much more women who write, are, in the existing constitution of things, a contradiction and a disturbing element: and it was wrong to bring women up with any acquirements but those of an odalisque, or of a domestic servant.

About this Quotation:

In a rather daring analogy, Mill asks for the legal "bounties and protective duties in favour of men" to be removed in order that there be the social and legal equivalent of "free trade between the sexes". Note that, unlike many in the modern feminist movement, he is not asking for "protective duties and bounties in favour of women" but to see what kind of relationship between the sexes might develop if one gave "their nature free play." On another matter, it is interesting that the editor's of the University of Toronto Press edition of Mill's works which are very pleased to now have online at the OLL website, did not think that the writings of Mill (and his associate Harriet Taylor) merited a separate volume in their collection, but Mill's writings on India did. We think that scattered throughout the collection there is sufficient material on women to merit a single volume. Since such a physical volume does not exist, we have created a "virtual" volume of [their writings on women](#) instead.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). http://oll.libertyfund.org/titles/255#Mill_0223-21_810

Harriet Taylor wants to see “freedom and admissibility” in all areas of human activity replace the system of “privilege and exclusion” (1847) (Oct 12, 2009)



Harriet Taylor (1807 – 1858)

Harriet Taylor (1807-1858), in an essay dedicated to Queen Victoria, claims that the replacement of “privilege and exclusion” by that of “freedom and admissibility” is “the very most important advance which has hitherto been made in human society”:

This is remarkably the case with respect to Privileges and Exclusions. In every generation, the bulk of mankind imagine that all privileges and all exclusions, then existing by law or usage, are natural, fit and proper, even necessary: except such as happen to be, just at that time, in the very crisis of the struggle which puts an end to them—which rarely happens to more than one set or class of them at a time. But when we take all history into view we find that its whole course is a getting rid of privileges and exclusions. Anciently all was privilege and exclusion. There was not a person or class of persons who had not a line marked round them which they were in no case permitted to overstep. There was not a function or operation in society, sufficiently desirable to be thought worth guarding, which was not rigidly confined to a circumscribed class or body of persons. Some functions were confined to particular families—some to particular guilds, corporations, or societies. Whoever has any knowledge of ancient times knows that privilege and exclusion was not only the general rule in point of fact, but that nothing else was in accordance with the ideas of mankind. Whenever any action or occupation, private or public, was thought of, it seemed natural to everybody that there should be some persons who were allowed to do the action or follow the occupation, and others who were not. People never thought of inquiring why it should be so, or what there was in the nature of the particular case to require it. People seldom ask reasons for what is in accordance with the whole spirit of what they see round them, but only for what jars with that spirit. Even bodily freedom, the right to use one’s own labour for one’s own benefit, was once a privilege, and the great majority of mankind were excluded from it. This seems to the people of our day something monstrously unnatural, to people of former days it seemed the most natural of all things. It was very gradually that this was got rid of, through many

intermediate stages, of serfage, villenage &c. Where this did not exist, the system of castes did: and that appears profoundly unnatural to us, but so profoundly natural to Hindoos that they have not yet given it up. Among the early Romans fathers had the power of putting their sons to death, or selling them into slavery: this seemed perfectly natural to them, most unnatural to us. To hold land, in property, was throughout feudal Europe the privilege of a noble. This was only gradually relaxed and in Germany there is still much land which can only be so held. Up to the Reformation to teach religion was the exclusive privilege of a male separate class, even to read the Bible was a privilege: Those who lived at the time of the Reformation and who adopted it, ceased to recognize this case of privilege and exclusion, but did not therefore call in question any others. Throughout the Continent political office and military rank were exclusive privileges of a hereditary noblesse, till the French revolution destroyed these privileges. **Trades and occupations have almost everywhere ceased to be privileges. Thus exclusion after exclusion has disappeared, until privilege has ceased to be the general rule, and tends more and more to become the exception: it now no longer seems a matter of course that there should be an exclusion, but it is conceded that freedom and admissibility ought to prevail, wherever there is not some special reason for limiting them. Whoever considers how immense a change this is from primitive opinions and feelings, will think it nothing less than the very most important advance which has hitherto been made in human society. It is nothing less than the beginning of the reign of justice, or the first dawn of it at least. It is the introduction of the principle that distinctions, and inequalities of rights, are not good things in themselves, and that none ought to exist for which there is not a special justification, grounded on the greatest good of the whole community, privileged and excluded taken together.**

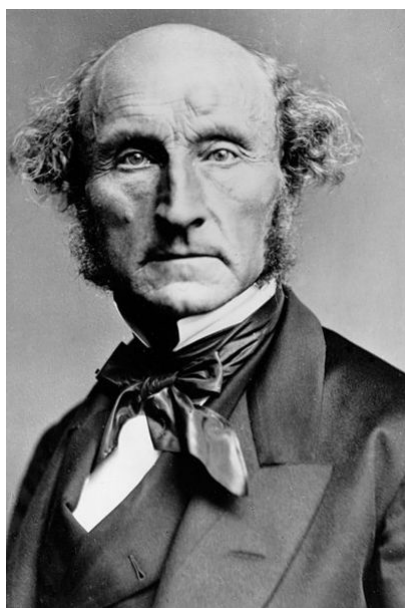
About this Quotation:

Tucked away in an appendix at the back of volume 21 of the 33 volume *Collected Works of J.S. Mill* are the small number of essays written by Harriet Taylor. She is important both for her own ideas and for the influence she exerted on her companion. This piece is taken from a letter or essay she wrote and dedicated to Queen Victoria on the need to abolish all forms of “privilege and exclusion” and to replace it with a system based upon “freedom and admissibility”. What is also interesting in this passage is how she puts this demand into a broader historical context where the demand for the freedom of women is seen in a long march towards liberty which had been going on since the end of feudalism. It is not known how Queen Victoria reacted to this essay.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). <http://oll.libertyfund.org/title/255/21701/809837>

J.S. Mill on the wife as the “actual bondservant of her husband” in the 19th century (1869) (Oct 8, 2012)



John Stuart Mill (1806 – 1873)

It will be well to commence the detailed discussion of the subject by the particular branch of it to which the course of our observations has led us, the conditions which the laws of this and all other countries annex to the marriage contract. Marriage being the destination appointed by society for women, the prospect they are brought up to, and the object which it is intended should be sought by all of them, except those who are too little attractive to be chosen by any man as his companion; one might have supposed that everything would have been done to make this condition as eligible to them as possible, that they might have no cause to regret being denied the option of any other. Society, however, both in this, and, at first, in all other cases, has preferred to attain its object by foul rather than fair means: but this is the only case in which it has substantially persisted in them even to the present day. Originally women were taken by force, or regularly sold by their father to the husband. Until a late period in European history, the father had the power to dispose of his daughter in marriage at his own will and pleasure, without any regard to hers. The Church, indeed, was so far faithful to a better morality as to require a formal “yes” from the woman at the marriage ceremony; but there was nothing to shew that the consent was other than compulsory; and it was practically impossible for the girl to refuse compliance if the father persevered, except perhaps when she might obtain the protection of religion by a determined resolution to take monastic vows. After marriage, the man had anciently (but this was anterior to Christianity) the power of life and death over his wife. She could invoke no law against him; he was her sole tribunal and law. For a long time he could repudiate her, but she had no corresponding power in regard to him. By the old laws of England, the husband was called the lord of the wife; he was literally regarded as her sovereign, inasmuch that the murder of a man by his wife was called treason (petty as distinguished from high treason), and was more cruelly avenged than was usually the case with high treason, for the penalty was burning to death. Because these various enormities have fallen into disuse (for most of them were never formally abolished, or not until they had long ceased to be practised) **men suppose that all is now as it should be in regard to the marriage contract; and we are continually told that civilization and**

Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bondservant of her husband: no less so, as far as legal obligation goes, than slaves commonly so called. She vows a lifelong obedience to him at the altar, and is held to it all through her life by law. Casuists may say that the obligation of obedience stops short of participation in crime, but it certainly extends to everything else. She can do not act whatever but by his permission, at least tacit. She can acquire no property but for him: the instant it becomes hers, even if by inheritance, it becomes ipso facto his. In this respect the wife's position under the common law of England is worse than that of slaves in the laws of many countries: by the Roman law, for example, a slave might have his peculium, which to a certain extent the law guaranteed to him for his exclusive use. The higher classes in this country have given an analogous advantage to their women, through special contracts setting aside the law, by conditions of pin-money, &c.: since parental feeling being stronger with fathers than the class feeling of their own sex, a father generally prefers his own daughter to a son-in-law who is a stranger to him. By means of settlements, the rich usually contrive to withdraw the whole or part of the inherited property of the wife from the absolute control of the husband: but they do not succeed in keeping it under her own control; the utmost they can do only prevents the husband from squandering it, at the same time debarring the rightful owner from its use. The property itself is out of the reach of both; and as to the income derived from it, the form of settlement most favourable to the wife (that called "to her separate use") only precludes the husband from receiving it instead of her: it must pass through her hands, but if he takes it from her by personal violence as soon as she receives it, he can neither be punished, nor compelled to restitution. This is the amount of the protection which, under the laws of this country, the most powerful nobleman can give to his own daughter as respects her husband. In the immense majority of cases there is no settlement: and the absorption of all rights, all property, as well as all freedom of action, is complete. The two are called "one person in law," for the purpose of inferring that whatever is hers is his, but the parallel inference is never drawn that whatever is his is hers; the maxim is not applied against the man, except to make him responsible to third parties for her acts, as a master is for the acts of his slaves or of his cattle. I am far from pretending that wives are in general no better treated than slaves; but no slave is a slave to the same lengths, and in so full a sense of the word, as a wife is. Hardly any slave, except one immediately attached to the master's person, is a slave at all hours and all minutes; in general he has, like a soldier, his fixed task, and when it is done, or when he is off duty, he disposes, within certain limits, of his own time, and has a family life into which the master rarely intrudes. "Uncle Tom" under his first master had his own life in his "cabin," almost as much as any man whose work takes him away from home, is able to have in his own family. But it cannot be so with the wife.

About this Quotation:

As a good classical liberal John Stuart Mill was very concerned with the freedom of contract and its protection under the rule of law. What was unusual about him was that he was one of the very few to apply the principle of the freedom of contract to the marriage contract which bound husbands and wives in the 19th century. He observed that the contemporary marriage laws bound women to men "by foul rather than fair means" by limiting their ability to consent, to act independently, to dispose of their property, to seek legal redress if the contract was violated, and to terminate it if necessary. In an interesting historical analysis, Mill compared 19th century marriage laws to the Roman law of slavery and the feudal laws governing bondsmen, concluding that 19th century English women were in many respects less free than Roman slaves and were in fact "the bondservant of (her) husband." Whereas an

American slave like “Uncle Tom” could enjoy some privacy in his own “cabin” away from his master for a short period of time, a married woman had no such temporary freedom. Mill’s conclusion was that in comparison “no slave is a slave to the same lengths” as a 19th century wife.

Source

John Stuart Mill, *The Collected Works of John Stuart Mill, Volume XXI – Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984). <http://oll.libertyfund.org/title/255/21687/809623>

Mary Wollstonecraft likens the situation of soldiers under a tyrant king to women under a tyrant husband (1792) (Apr 15, 2013)



[Mary Wollstonecraft](#) (1759 – 1797)

Mary Wollstonecraft likens the situation of soldiers under a tyrant king to women under a tyrant husband – both want blind obedience from their subjects (1792):

It is wandering from my present subject, perhaps, to make a political remark; but, as it was produced naturally by the train of my reflections, I shall not pass it silently over.

Standing armies can never consist of resolute, robust men; they may be well disciplined machines, but they will seldom contain men under the influence of strong passions, or with very vigorous faculties. And as for any depth of understanding, I will venture to affirm, that it is as rarely to be found in the army as amongst women; and the cause, I maintain, is the same. It may be further observed, that officers are also particularly attentive to their persons, fond of dancing, crowded rooms, adventures, and ridicule. Like the fair sex, the business of their lives is gallantry. – They were taught to please, and they only live to please. Yet they do not lose their rank in the distinction of sexes, for they are still reckoned superior to women, though in what their superiority consists, beyond what I have just mentioned, it is difficult to discover.

The great misfortune is this, that they both acquire manners before morals, and a knowledge of life before they have, from reflection, any acquaintance with the grand ideal outline of human nature. The consequence is natural; satisfied with common nature, they become a prey to prejudices, and taking all their opinions on credulity, they blindly submit to authority. So that if they have any sense, it is a kind of instinctive glance, that catches proportions, and decides with respect to manners; but fails when arguments are to be pursued below the surface, or opinions analyzed.

May not the same remark be applied to women? Nay, the argument may be carried still further, for they are both thrown out of a useful station by the unnatural distinctions

established in civilized life. Riches and hereditary honours have made cyphers of women to give consequence to the numerical figure; and idleness has produced a mixture of gallantry and despotism into society, which leads the very men who are the slaves of their mistresses to tyrannize over their sisters, wives, and daughters. This is only keeping them in rank and file, it is true. Strengthen the female mind by enlarging it, and there will be an end to blind obedience; but, as blind obedience is ever sought for by power, tyrants and sensualists are in the right when they endeavour to keep women in the dark, because the former only want slaves, and the latter a play-thing. The sensualist, indeed, has been the most dangerous of tyrants, and women have been duped by their lovers, as princes by their ministers, whilst dreaming that they reigned over them.

About this Quotation:

In a startling aside Wollstonecraft breaks off her discussion about the lowly condition of women to compare their situation to that of many man in the army. Like many classical liberals in the 18th century Wollstonecraft was opposed to standing armies, seeing them as the symbol of absolute royal power. A man who serves in a standing army (most likely conscripted) is discouraged from thinking independently, he is encouraged to admire and emulate gallantry, and to “blindly submit to authority.” Wollstonecraft argues that the same could be said about women who are kept in a position of “rank and file” by their fathers and husbands. And just like the liberal revolutionaries she saw around her who were trying to free men from this “blind obedience to authority” she was encouraging women to do likewise. She concludes by saying “blind obedience is ever sought for by power, tyrants and sensualists are in the right when they endeavour to keep women in the dark, because the former only want slaves, and the latter a play-thing.”

Source

Mary Wollstonecraft, *A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects* (London: J. Johnson, 1792). <http://oll.libertyfund.org/title/126/10422/940193>

Mary Wollstonecraft's "I have a dream" speech from 1792 (May 13, 2013)



[Mary Wollstonecraft](#) (1759 – 1797)

Mary Wollstonecraft (1759-1797) dreams of the day when women are capable of acting like rational creatures and are not treated like so many slaves or brutes:

If, I say, for I would not impress by declamation when Reason offers her sober light, if they be really capable of acting like rational creatures, let them not be treated like slaves; or, like the brutes who are dependent on the reason of man, when they associate with him; but cultivate their minds, give them the salutary, sublime curb of principle, and let them attain conscious dignity by feeling themselves only dependent on God. Teach them, in common with man, to submit to necessity, instead of giving, to render them more pleasing, a sex to morals.

Further, should experience prove that they cannot attain the same degree of strength of mind, perseverance, and fortitude, let their virtues be the same in kind, though they may vainly struggle for the same degree; and the superiority of man will be equally clear, if not clearer; and truth, as it is a simple principle, which admits of no modification, would be common to both. Nay, the order of society as it is at present regulated would not be inverted, for woman would then only have the rank that reason assigned her, and arts could not be practised to bring the balance even, much less to turn it.

These may be termed utopian dreams. – Thanks to that Being who impressed them on my soul, and gave me sufficient strength of mind to dare to exert my own reason, till, becoming dependent only on him for the support of my virtue, I view, with indignation, the mistaken notions that enslave my sex.

I love man as my fellow; but his scepter, real, or usurped, extends not to me, unless the reason of an individual demands my homage; and even then the submission is to reason, and not to man. In fact, the conduct of an accountable being must be regulated by the operations of its own reason; or on what foundation rests the throne

of God?

It appears to me necessary to dwell on these obvious truths, because females have been insulated, as it were; and, while they have been stripped of the virtues that should clothe humanity, they have been decked with artificial graces that enable them to exercise a short-lived tyranny. Love, in their bosoms, taking place of every nobler passion, their sole ambition is to be fair, to raise emotion instead of inspiring respect; and this ignoble desire, like the servility in absolute monarchies, destroys all strength of character Liberty is the mother of virtue, and if women be, by their very constitution, slaves, and not allowed to breathe the sharp invigorating air of freedom, they must ever languish like exotics, and be reckoned beautiful flaws in nature.

About this Quotation:

This work is one of the founding documents of the modern feminist movement and came out of a spirited debate with conservatives like Edmund Burke who denounced the idea of natural rights and the corollary right to seek redress in a revolution if need be when the government refused to acknowledge those rights. What is intriguing about Wollstonecraft is that she continued the discussion in this later book in order to apply for the first time these ideas about individual liberty to women as well as men. Having established this to be the case to her satisfaction she then asked the further question why were women in the subordinate position they were in vis-à-vis men? Her answer was that they were held in this position by a combination of force (laws which discriminated against them in terms of property ownership, education, and marriage) and established opinion regarding the proper role of women in the home and in society. Her solution was to equalize women before the law and to encourage parents to devote the same effort in educating their daughters as they did their sons. Only when legal discrimination was ended and educational opportunities made available to young girls would women be able to find their true level in society. Wollstonecraft also argued that traditional ideas about education and the proper roles for each gender handicapped young boys as much as it did young girls. Whereas young women were encouraged to be good wives and mothers, young men were encouraged to be heroic and obedient soldiers. Neither set of stereotypes encouraged individuals to find their own calling in life.

Source

Mary Wollstonecraft, *A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects* (London: J. Johnson, 1792). <http://oll.libertyfund.org/title/126/10422/940243>