

# TAXATION AND ANARCHISM.

A DISCUSSION  
BETWEEN THE  
**Hon. AUBERON HERBERT**  
AND  
**J. H. LEVY.**

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# INTRODUCTION.

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By J. H. LEVY.

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IN January, 1890, I delivered a lecture in the Conference Room of the National Liberal Club, entitled "The Outcome of Individualism." This was a companion lecture to one on Socialism delivered at the same place by Mr. E. B. Bax. Both lectures have since been extended and published together in a little volume, constituting No. II. of this Series, entitled "Socialism and Individualism."\* My essay was, in the main, an exposition of Individualism, and a defence of it from attack on the Socialistic side. But, with the exception of a notice by Mr. George Bernard Shaw in the *Daily Chronicle*, it was attacked solely from the side of Anarchism; and the form taken by this

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\* P. S. King & Son, price 1s.

Anarchistic assault was almost entirely an onslaught on Taxation, and the advocacy in its stead of a scheme called by its protagonists "Voluntary Taxation."

In October, 1890, I wrote in the *Individualist*—then called the *Personal Rights Journal*—a defence of my position which concluded as follows :

The whole scheme of so-called "Voluntary Taxation" seems to me to show deficiency of analytic power. Its projectors appear to think that they can substitute for the State an organization supported by voluntary contributions, and that forthwith the community will be in a condition of idyllic peace. But this is an illusion. It is the inconsistency of the aims of men, and not the "cussedness" of politicians, which necessitates coercion and justifies coercive co-operation. The overruling or compulsion of some men is a physical necessity, so long as their regulative desires within a given political area clash. Anarchism is no cure for this evil; it would but accentuate it, and exacerbate the other evils which flow from it. I am thoroughly with Mr. Auberon Herbert in the desire to minimize the interference of

man with his brother man—to widen the portals of individuality to the utmost practicable limits. This, however, is not to be accomplished by a virtual abolition of the State. The denunciation of all taxation, by placing all taxation on the same level, really acts as a support to unjust taxes; and the association of this wild cry for an impracticable measure with Individualism tends to produce in the minds of the public the idea that Individualists are people whom sober politicians may safely leave out of account.

Taxation must be, potentially at least, co-extensive with government. The way to reduce it is severely to limit the functions of government to the maximizing of liberty, to abolish privilege, and to exercise due vigilance over the expenditure of the State revenue. Such vigilance is becoming every day farther removed from possibility by the growth in complexity of the functions assigned to the State. This is the evil which must be attacked; but, to make this attack effective, there must be a clear recognition of the lines of principle which separate the legitimate activity of the

State from Socialism on the one side and Anarchism on the other.

This led to the following discussion between the Hon. Auberon Herbert—the most notable of the champions of Voluntary Taxation—and myself. In February, 1899, Mr. Herbert revised his contributions to the discussion, and left me to do the same to mine, with the intention that the whole should be published; but he wished that the publication should be deferred, and in this I acquiesced. I think he was under the impression that the future course of politics would lend strength to his contention, and that enough had been done at that time.

In 1906, he delivered the Herbert Spencer lecture at Oxford; and a few months later he completed a paper entitled "A Plea for Voluntaryism," which he intended to circulate for signature by those who agreed with it. He died, however, a few days later; and the design of obtaining the signs-manual of adherents to "this summary of the Voluntaryist Creed" fell through. I was under an engagement to visit him, in the New Forest, at the time of his death. I shall never forget him. He was a unique personality—urbane, generous, talented, eloquent, a remarkable

member of a family distinguished by nobility of feeling. My acquaintance with him extended over nearly forty years. He read everything of mine which appeared in print ; and, though we often widely differed, and expressed our disagreements publicly, there was never the slightest ruffling of our friendly feeling and esteem for each other. I have never met with a more perfect type of the English gentleman.

I choose the present time for the publication of our controversy on Taxation and Anarchism, as the question of Taxation is a burning one of our day, and I am convinced that Mr. Herbert, were he alive, would have regarded this as the psychological moment for the consideration of the principles on which we differed, as well as those on which we were agreed.

11, Abbeville Road, London, S.W.

*12th March, 1912.*

# Taxation and Anarchism.

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I.—By AUBERON HERBERT.

I AM glad that Mr. Levy has raised the question of "voluntary taxation"; for it is time for Individualists to have the grounds placed before them on which it is defended and condemned.

(1) As regards the phrase; "voluntary State contributions in place of taxation" would be a better expression; but then time is short and "life is fleeting." "Voluntary taxation" has the great merit of telling people in two words—with that little shock which always accompanies new proposals—what is meant. (2) Mr. Levy rejects voluntary taxation because he holds that the co-operation of the State is essentially compulsory. I might note here that there is a greater contradiction in "compulsory co-operation" than in "voluntary taxation"; but I let that pass, as I want to point out that whilst it is true that the instruments which the State uses (magistrates and police) are compulsory in their nature, it is a mere arbitrary dictum to assert that the forming of

certain persons into a State is to be a compulsory action. On the contrary, I claim that such a compulsory manufacture of a State has an element of absurdity about it. A is to compel B to co-operate with him, or B to compel A ; but in any case co-operation cannot be secured, as we are told, unless, through all time, one section is compelling another section to form a State. Very good ; but then what has become of our system of Individualism ? A has got hold of B, or B of A, and has forced him into a system of which he disapproves, extracts service and payment from him which he does not wish to render, has virtually become his master—what is all this but Socialism on a reduced scale ? The master-vice of Socialism—the subjection of one man to the views of another—lies at the bottom of this system, just as much as it does at the bottom of Social Democracy ; though, for the moment, it only produces one or two Socialistic blossoms, and not the whole crop.

What I contend for is that no force-system should over-ride the consent of a man who has not aggressed against the person or the property of his neighbour. I say that a man's consent as regards his own actions is the most sacred thing in the world, and the one foundation on which all human relations must be built. To me it seems idle to talk of Individualism where this consent is not held sacred. In that case I don't know what the word means, or by what bond we Individualists are united. As long as that consent is held sacred, I know exactly where I am ; but the moment I am told that the individual may be caught by the collar and compelled to form a society, may be compelled to share in making laws, may be compelled

to maintain these laws, I feel that I am no longer standing on Individualistic ground, but on Socialistic ground, however carefully for the moment such Socialism may be restricted.

Believing, then, that the judgment of every individual who has not himself aggressed against his neighbour is supreme as regards his own actions, and that this is the rock on which Individualism rests—I deny that A and B can go to C and force him to form a State and extract from him certain payments and services in the name of such State; and I go on to maintain that if you act in this manner, you at once justify State-Socialism. The only difference between the tax-compelling Individualist and the State-Socialist is that whilst they both have vested the ownership of C in A and B, the tax-compelling Individualist proposes to use the powers of ownership in a very limited fashion, the Socialist in a very complete fashion. I object to the ownership in any fashion.

Mr. Levy then passes on to the practical effects of voluntary taxation. They would be, he thinks, the setting up of different Governments, and war between such Governments. But is not the present risk we run greater? You compress all your dangerous elements under one system, and almost force them into conflict. For Monarchist, Republican, Churchman, Atheist, Conservative, Radical Freetrader, Protectionist, State-Socialist, Anarchist, Individualist (of course, some of these are cross-classifications) you say there shall be one governing machine, which may be captured by any section, and which when captured shall be supported by the other sections, however strongly they object to its action. Everybody shall be compelled to

support this machine; everybody shall be compelled to take service under it; everybody shall be under its direction. Now I say that this compulsion of the most widely diverging individuals under one system is far more full of danger, as regards civil war, than the possible establishment of different Governments. You may call it one Government; but it is so only in name, just as the Roman Church is Catholic only in name. How can the State Socialist and the Individualist be really part of one Government? It is only possible that they should act together as slave and master; and as soon as ever the slave gains nearly the same strength as the master, he will fly at his throat. What we want is the most easily acting safety valve, and this voluntary taxation offers. I do not say that voluntary taxation insures safety from conflict; but it offers the best chance. We are irremediably separated in opinion; is it not the truest wisdom to make the yoke that unites us as light as possible? As differences between us become more and more accentuated, the danger of the position will be where Government rests on compulsion; its safety will be where it rests on consent.

But will a Government resting on consent split into several Governments? I think not, and I think it is only the influence of some surviving superstitions, which we have inherited from the old doctrine of force, that makes us think so. What induces many of us still to support, to a certain extent, Governments of which we disapprove? Certainly not the fact that Governments compel our assistance—that is always driving us into opposition to them. Is it not rather the sense that, notwithstanding the flagrant abuses of

governing power, it is better and wiser for us to act together in certain matters? When foreign trouble comes, does not this feeling act upon many persons who are but lukewarm politicians—does it not even to a certain extent draw rival parties together? This is the true bond of unity, the general civic feeling throughout the country, that we must on certain occasions sink differences and act together; and this feeling would gain, not lose, in strength, as all the better feelings do, with the spread of voluntaryism.

If I am wrong in this, then many an old position that we have gained, must be reconsidered and perhaps abandoned. To believe that men would be better citizens, if compelled to form a State, would be to confess that compulsion obtains truer and fuller service from men, that it develops truer sense and riper qualities, that it unites them more firmly than the free exercise of their own judgment and consent. If this is so—and this is the foundation on which the compulsory State and compulsory taxation must rest, then Individualism seems to me to disappear as a cause; and we had better undo Catholic emancipation, and re-enact all sorts of religious and class disabilities, the repeal of which was our first step in Individualism.

One last remark. There are certain material pledges which will make for the unity of Government. Not only the conduct of foreign affairs, but the ownership of public property—which, notwithstanding, I hope may always be strictly limited—such as streets, roads, and law courts, will exert some influence. But I confess that not much reliance is to be placed upon these material bonds; the true bond is

the growth of fairness, good sense, and conciliation, which always increase in strength when we leave off compelling each other.

I am very glad Mr. Levy has raised the discussion. I am clear that voluntary taxation is coming to be a big question, when the first little shock of strangeness is worn off from it; and Individualists will have to decide what is to be their attitude towards it. I would propose that a Symposium be held upon the subject, either in the *Personal Rights Journal*, or in a number of *Free Life*—a number of which should be especially enlarged for the occasion—or in both. In this paper I have only replied to Mr. Levy, not stated the case for voluntary taxation.

## II.—By J. H. LEVY.

I HOPE that the Symposium suggested by Mr. Herbert will soon be arranged for. But the matter is far too serious to be allowed to wait for this. If Mr. Herbert were to succeed in carrying off any considerable number of Individualists, the result would be to break up what is already but a very small party, and still further to strengthen the forces of Socialism. The occasion is a crucial one. The above letter is in terms a defence of Individualism. In reality, it is an Anarchistic *attack* on Individualism. It is a direct confirmation of my statement that voluntary taxatonists have fallen into Anarchism without knowing it. For now it stands virtually confessed that "voluntary taxation" means the abolition of the State—or the "compulsory State," as Mr. Herbert tautologically calls it.

I know that Mr. Herbert would contest this. I know he would retain the *word* State, having first eviscerated it. He says of my statement—that "the co-operation of which the State is an embodiment is essentially compulsory"—that it is "an arbitrary dictum." In one sense this is true. There are no natural laws connecting certain attributes with certain sounds or visual signs. We, in England, have

come to call the colour of snow "white"; but that there is no invariable tie of co-existence between the word and the attribute is shown by the fact that the Frenchman calls the same colour "blanc." But what I contend is that Mr. Herbert has altered the meaning of the word "State"—that he has taken the compulsory element out of it; and that this extension of the use of the term is productive of nothing but confusion of thought, and darkening of truth. From beginning to end, his argument is against all government; and the absence of government is Anarchism. He has kept the old designation, but changed its meaning. The hands are still the hands of Esau, but the voice is the voice of Jacob.

As Mr. Herbert advocates Anarchism, I ask him to say so. Let us have it out in plain English. There is no need to force the term Individualism to the same level of connotation. We have one term already to signify absence of compulsory co-operation for political purposes. We do not want two; and the word Individualism is wanted for another purpose. It is, of course, open to Mr. Herbert to contend that consistent Individualism lands one in Anarchism. But if so, let us have this avowed. I have no intention of accusing him of insincerity; but I think those of us who have been in the habit of co-operating with him in the past have some reason to complain of what he is doing. As he has changed his profession of faith, he should change its name, and not call his new creed by our old class title.

Mr. Herbert answers my charge that "voluntary taxation" is a self-contradictory term by asserting (1) that it gives people a little shock; (2) that it has the

great merit of telling people in two words what is meant; and (3) that "compulsory co-operation" involves a greater contradiction. Really, this borders on the grotesque. The shock I allow, and cannot pretend that it is such as to shatter one's nervous constitution. The telling in two words what is meant I deny, and have shown that it does nothing of the sort. And as for the pot and kettle plea, if this were true it would be a reason for rejecting both terms, not for retaining them. But it is not true. No contradiction is involved in "compulsory co-operation." To take aggravated cases of compulsion—convicts are made to co-operate in driving the treadmill; Russian soldiers are made to act together at grievous personal risk. Working together—which is native English for the naturalized English "co-operation"—may be voluntary or the reverse. Of taxation this cannot be said without altering its meaning; for, as Henry Sidgwick has said, taxes are "compulsory contributions of individuals to the Government."\*

I may be asked—Do you desire to drive Mr. Herbert into the ranks of Anarchism? Most assuredly I do not; and, indeed, he is not the man to be driven. I am of opinion that he has not adequately thought out the matter; and that it is quite on the cards that he may tumble back rapidly in the direction of Governmental Authority. I have no faith in the permanence of opinions which do not rest on a rational basis. Let me illustrate what I mean. Replying recently to a correspondent,† Mr. Herbert expressed his willingness "to protect life and property by force, or, in other

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\* Principles of Political Economy, p. 555.

† *Free Life*, September 19th, 1890, p. 24.

words, by government." So he acknowledges that "government" implies force, and that, where there is no force there is no government. But, before rights of person and property can be defended, they must be defined. By whom? And if persons differ, as they do differ, how is the matter to be decided? "By rival gangs?"—asked another correspondent. No; answered Mr. Herbert. "Being Individualists, and not Anarchists, we admit at once that law (and not rival gangs) must decide where there is a conflict between public right and private right. In these doubtful and complicated matters all that we claim is that the law should decide on Individualistic principles, if these can be shown to be fairer than Socialistic principles."\*—The law must decide! What law? Who made it? On all disputed points, this must be done by a majority, at best. And, if this law is not to be a mere *brutum fulmen*, it must be enforced. But here we have what Mr. Herbert calls "the master-vice of Socialism—the subjection of one man to the views of another . . . ; though, for the moment, it only produces one or two Socialistic blossoms, and not the whole crop."

Again, when we come to the question of the ethical basis of property, Mr. Herbert refers us to "the open market." But this is an evasion. The question is not whether we should be able to sell or acquire in "the open market" anything which we rightfully possess, but how we come into rightful possession. And, if men differ on this, as they do most emphatically, how is this to be settled?

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\* *Free Life*, October 17th, 1890, p. 56.

Finally, if the State revenue is to depend on voluntary contributions, what security is the fundholder to have for the payment of the interest on the national debt? Is he to take off his hat and sue each person for his share of it *in formâ pauperis*? Is he to exchange his present legal right for a dependence on the will to do his part of each person in the nation? And if he is forced to do this, is not this compulsion, and robbery into the bargain? I know Mr. Herbert will tell us that, like the late Mrs. Dombey, we must make an effort; but suppose, like that much-exhorted lady, we fail to do so, or to make our effort effectual? Either the public creditor must be deprived of his legal right to payment, or the taxpayer must be held to his legal duty to pay. There is no escape from this dilemma. And it does not stand alone. All along the boundary line of Individualism and Anarchism such a series of dilemmas are to be found; and it is their existence which forms the justification for that minimum of government which Individualism would allow. It is useless to declaim about taking men by the collar, when the only practical alternative is still worse interference with their personal or proprietary rights.

### III.—By AUBERON HERBERT.

WILL Mr. Levy be good enough to define for us his position on taxation? (1) Does he propose to leave power in the hands of the majority, as at present, to impose what taxes they like—for what purposes they like—on the minority; or (2) does he propose to give the majority power to raise taxes for certain specified objects; if so (*a*) for what objects; and (*b*) up to what amount?

## IV.—By J. H. LEVY.

I AM very glad Mr. Herbert has commenced to catechize me. I have no sort of objection to the process, and regret only that he did not commence it a little earlier, before he committed himself to a self-contradictory position.

Now, to his first question. This is the only one I need consider; for the others are framed on the supposition that I will answer it in the negative. But this is just what I cannot do. I am asked whether I propose to leave power in the hands of the majority, as at present, to impose what taxes they like. It is, no doubt, very flattering to be thus addressed. The implication is that I am a sort of almighty dispenser of political, and perhaps of other power; and that, if I issue my fiat, the majority of one of the most powerful nations of earth will be at once dethroned, and bereft of their sovereignty. I shall expect next to be asked whether I intend to allow the sea to toss itself about to the danger of mariners, and whether I cannot introduce some variety into the multiplication table for the benefit of people who find that only three twopenny loaves can be obtained for sixpence.

But this is not the only queer assumption made in Mr. Herbert's question. It is also implicitly asserted

that the majority can, at present, impose what taxes they like on the minority. This is exactly the reverse of the truth. An actual majority of the adult inhabitants of the United Kingdom not only cannot "impose what taxes they like" on others, but are not even consulted as to what taxes shall be levied on themselves. The whole of the women, and a large part of the men, of Great Britain and Ireland either pay, or are liable to pay, taxes, their consent to which has not even been asked, either directly or indirectly—which are levied on them by an authority, altogether external to themselves, and for ends in the choice of which they have no part.

Let me, however, assume that, by the majority, Mr. Herbert means those who have at their disposal the political *force majeure*—who are generally, if not always, a minority. If this is his meaning, I must say that I have no intention of making any attempt to deprive them of the *power* to tax the rest of the community as they like. It is impossible to do this, and I do not intend to try. I might deprive certain persons of the *force majeure*; but, by that very act, I should put the greater power in the hands of some other persons. The *force majeure* would still be there, and those who wield it would have the ability to levy compulsory contributions on the whole community.

But those who constitute this *force majeure*, and could, if they so chose, hold the sceptre of political dominion, may be content to forego this power, or to hold it in abeyance. They may be influenced in this direction partly by the spirit of equity, partly by the ability of the weaker section of the community to make them pay a high price for their dominancy,

partly by the consideration that, on some questions, they may or do belong to the less powerful section, partly because of fear of the opportunity which internal divisions or disaffection may give to external foes. The extent of this surrender of the brute power marks the progress of civilized government; the persistent use of it indicates the quantity of the "old Adam" which still is left in us.

If, then, instead of Mr. Herbert's question, I were asked: "Do you desire that the section of the political community which could tax their fellow-citizens *ad libitum* should voluntarily consent to the placing of constitutional limits on the exercise of this power?"—my answer would be an emphatic affirmative. But the way in which I hope to see this done is not by direct limitation of taxation, or the power to levy it, but by a just system of State structure and strict limitation of the sphere of government. Taxation must be, potentially at least, co-extensive with government. If we wish to place effectual limits on political expenditure, the way to do this is, not to wait till we have arrived at the stage of discussion of the pecuniary means to attain political ends *on which we have already resolved*. It is then too late, as we see by the futile discussions in Committee of Ways and Means in the House of Commons. The steps are—(1) Make your Government a fairly representative one and keep it within the bounds prescribed by Individualism—keep it, that is, at the point at which it is necessary for the maintenance of the greatest amount of freedom. (2) Allow no State expenditure outside of these limits. (3) Endeavour to maintain a rigid but a true economy of the means necessary for the upholding of the

Government, within the aforesaid limits, in the highest state of efficiency.

Here I may stop, and await future cross-questioning. If I can make Mr. Herbert see that he is on a wrong track, and that, by confusing the issues, he is aiding Socialism, I will certainly not spare pains to do it.

## V.—By AUBERON HERBERT.

WHAT we Anti-taxationists want from Mr. Levy is to get a clear and definite statement of his creed, and the grounds on which it rests. As I understand, he leaves the present power of taxation intact. He allows A and B the power to tax C for any purpose, and up to any amount. But he desires that the Government should be kept "at the point at which it is necessary for the maintenance of the greatest amount of freedom." Now, Mr. Levy is too old and practised a writer not to feel the excessive vagueness of this phrase. A Conservative might accept it; a Liberal might accept it; and many Socialists would profess that it exactly describes their aim. I have several times been told by Socialists that their system which, in its logical completeness, allows no man to own property, and which turns far the larger part of human actions into State-regulated actions—is desired on the very ground that in no other way can men be really free. Will he, therefore, give us some more exact guidance? Will he give us a formula which cannot be read in different senses by many different persons; and when he has given it to us, will he translate it into the concrete terms which are intended to be covered by it?

I have only to add that, in my opinion, it is the nature of his creed which forces this vagueness of expression upon Mr. Levy—whether he likes it or not—and that it is impossible for him to find any formula—unless it be of a vague and arbitrary character—which will express the Individualistic doctrine, and at the same time preserve for him the power of compulsory taxation to which he clings. Whenever he, or any other person, renounces compulsory taxation, we Anti-taxationists think that we can offer him a clear and effective formula; but compulsory taxation is so much opposed to the Individualistic principle, that we believe it must render the formula which attempts to cover both these things, vague, weak, and meaningless.

## VI.—By J. H. LEVY.

I VERY much desire to clear up Mr. Herbert's notions on this point of taxation; but there are limits to the demands which I think it right to make on the patience of my readers. He commenced his cross-examination of me by a series of questions which, together with my reply, are to be found in the third and fourth sections of this discussion. These questions, as I pointed out, proceeded on the assumption that I would answer the first in the negative. I showed, as I think conclusively, why I could not do this; but now Mr. Herbert proceeds as if all this were a blank. In his letter above, he again says of me:—"He leaves the present power of taxation intact. He allows A and B the power to tax C for any purpose, and up to any amount"—as if I had not demonstrated that this complaint is based on an illusion. I shall say nothing more, except to refer all whom it may concern to my reply already given.

I do not know whether it is because of the failure of his first attempt at cross-examination, that Mr. Herbert now gives it up, and I am told what he and his school want from me. What they desire "is to get a clear and definite statement" of my creed "and the grounds on which it rests"—a desideratum to which

I can take no exception; but Mr. Herbert wants me to give him "some more exact guidance"—"a formula which cannot be read in different senses by different persons." I can give him nothing of the sort. No enunciation of principle which the greatest master of language has ever conceived can escape the liability to be wrested from its meaning, to be understood in different ways by different persons, who are more anxious to impress on it a sense of their own than to extract from it the sense its author designed to give it. Mr. Herbert's own principle—the right of a person to be exempt from forced levies for the support of government—has been dealt with in this way. It has been accepted, and then distorted so as to cover the very opposite of what Mr. Herbert means by it.

Let me put the primary political issues clearly to Mr. Herbert. Either we must have some government—some compulsory co-operation for political purposes—or none. If none, this is Anarchism, by whatever fine-spun name its crypt-adherents choose to call it. If some, this must be either Individualism or Socialism; and the problem is to find the dividing line between these two. If its aim be to maintain the utmost degree of freedom, and each of the several measures it adopts be justified by producing a balance on the side of freedom, it is Individualistic. If it increase its activity beyond these bounds, and, therefore, produces a balance against freedom, under plea of increasing the public welfare, it is Socialistic. These are the senses I attach to the terms Anarchism, Individualism, Socialism; and nothing which has been said by Mr. Herbert is likely to disturb me in their use.

The "Anti-taxationists" not only "want Mr. Levy" to propound for them an impossible formula, but also to "translate it into the concrete terms which are intended to be covered by it." Mr. Herbert well knows that I have been working out applications of Individualist theory, and putting them in print, during the last twenty years; and I hope soon to be able to expand my lecture on "The Outcome of Individualism" into a book or books which will contain some of those translations into the concrete, and many others.

The appearance of greater definiteness in the Crypt-Anarchistic formula of Mr. Herbert and his friends arises from the fact that it is merely negative, and leaves the problems arising out of the abolition of government unsolved. We can always avoid the complexity which is in the nature of things, by this method. In *Free Life*, of 20th March, 1891, Mr. Herbert was asked some questions which he summarized:—"Shall the non-payer of voluntary taxes, (1) share in the benefit and (2) vote?" To this he gave the noteworthy reply:—"There will no doubt be two or more parties in the future amongst the voluntary taxationists on this point—indeed, there are already." No doubt. But this means that Mr. Herbert's formula is made to have a finely rounded outline by all the ragged edges, over which "voluntary taxationists" will fight, being thrown into the future. In the same number of *Free Life*, there are two instructive illustrations of "voluntary taxation" translated into the concrete. In the first place, Mr. Herbert admits that it might be necessary "to continue some form of compulsory taxation *simply and*

*exclusively* for the payment of debt." And until when, do my readers think? Until "we could rely for its extinction by voluntary effort." I quite agree that this is long enough. In the second place, we are told:—"As regards national defence, the difficulty seems greater than in other matters, as everyone shares in the advantage, whether he contributes or not. It would, however, be possible to link the advantage of police protection and the advantages of external defence together, by saying that no person should enjoy either form of protection unless he had contributed to the two systems of defence." In other words, a person (say a Quaker) may be quite willing to pay for police protection, but he is not to be allowed to do so; he is virtually outlawed, and any gang of ruffians may rob or murder him, unless he *voluntarily* pays a tax for the support of the army and navy. Either my powers of discrimination are getting a little rusty, or the Voluntary Taxationists are somewhat lacking in a sense of the humorous. The plan of linking the payment of Voluntary Taxation to police protection might, no doubt, be made very efficient all round.

## VII.—By AUBERON HERBERT.

I AM not so thirsty for Mr. Levy's blood, nor even anxious to convert him to my own views, as perhaps I ought to be. It seems to me natural and healthy that we Individualists should split into various schools—there is no Catholic Church in Individualism—and, as we grow in numbers and importance, one may feel pretty certain that there will be more splitting amongst us than there is to-day.

The point of interest, in the discussion between Mr. Levy and myself, seems to me to be the formula under which we each express our view of Individualism. I hold, rightly or wrongly, that compulsory taxation is so opposed to the principle of Individualism, that no human ingenuity can bring the two together in any satisfactory fashion; and I was personally curious to see how Mr. Levy would get over the difficulty. I take it, from his comment on my last letter, that he himself is not quite satisfied with his own formula, and, therefore, I need not return to it; but I will now offer, as I think I ought to do, a philosophic basis for Individualism from the anti-taxation point of view. I should lay down that basis in some such fashion as the following, hoping

that others may make suggestions for its improvement :—

(1). The great natural fact of each person being born in possession of a separate mind and separate body implies the ownership of such mind and body by each person, and rights of direction over such mind and body ; it will be found on examination that no other deduction is reasonable.

(2). Such self-ownership implies the restraint of violent or fraudulent aggressions made upon it.

(3). Individuals, therefore, have the right to protect themselves by force against such aggressions made forcibly or fraudulently, and they may delegate such acts of self-defence to a special body called a government.

But such rights of self-defence, which exist simply for the preservation of the sovereignty of the individual, give no rights of using force against the individual who has not so aggressed ; if they did, then, *ipso facto*, the sovereignty of the individual would disappear, and the Individualistic basis would be exchanged for an Authoritarian or Socialistic basis. We should have given up our primary law—that the individual was sovereign over his own mind and body, and put in its place a secondary law—that we might use force to secure such measures as we thought favourable for this sovereignty ; in other words, we should have sacrificed this sovereignty in order to secure it. Condensed into a few words, our Voluntarist formula would run : “The sovereignty of the individual must remain intact, except where the individual coerced has aggressed upon the sovereignty of another unaggressive individual.”

I hope the distinction between the two cases of using force will be clearly seen. In using force against the aggressor, we use it against the person who has forfeited his own rights in attacking the rights of others ; we stand firmly on the primary law, though acting on the secondary law of self-defence which is implied and involved in the first ; in the other case, where we use force against the non-aggressor, we depart from our primary law, and act as the Socialist does, putting something of our own invention and manufacture in the place of liberty, though we choose to call it by the same name.

I did not mean in my last letter to state Mr. Levy's position unfairly, when I spoke of his being willing to allow A to tax B for any purpose up to any amount. We all know that he would persuade A not to use such powers. Few men have striven longer or better for this object than he has ; but I wished to note that he left the full power of taxing intact in A's hands. I had half expected him to have limited the tax to the purposes of preventing aggression. To do so would make his position much stronger ; though, in my opinion, it would still leave it open to capture. I have never liked to trouble Mr. Spencer by asking him the question ; but I have always imagined, from certain passages in his writings, that this limited taxation expressed his position. I am afraid that—if challenged—I could not put my finger straight off on these passages, and might not be able to justify my impression.

As regards our debt, it creates that eternal difficulty—so well pictured by Mr. Spencer—of choosing between methods, all of which have the element of

wrongness in them. What I said was, if I remember rightly, for I am away from home, that, after mortgaging all public property to the holders of debt, I would employ taxation till I could get rid of the remaining portion of uncovered debt. That is what I would do with past debt.\* As regards the future, I hope that we Individualists shall join in making a great protest against any new debts being based on taxation. The subscribers to such debt must be content with other security.

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\* These letters were written some years ago. I doubt now about our right to continue compulsory taxation even for the good and righteous purpose of paying off the debt-holders. If continued, it should only be continued for a few specified years. I think the interests of the present debt-holders would be secured by the sale of some national property, the mortgaging of other national property, and a great national effort—made in all seriousness of purpose and at the cost of considerable sacrifice—to get clear of debt, which is in itself an utterly scandalous and wrong thing, since it is simply the mortgaging of the faculties of some men, many of them unconsulted and unconsenting, by the force-action of other men. All future debts should be secured upon certain specified property, and in no case upon any form of compulsory tax or rate; but the right course—except in those cases where a valuable property (*e.g.*, docks, harbours, etc.) is created, and itself supplies a security for the money raised—is not to incur debt for any national or local purpose, but to raise the money by voluntary contribution. Our next great step forward is to form this habit of voluntary contribution for common purposes. When once formed, it will seem to us all quite simple and natural; and we shall look back with horror on the days when a handful of men were allowed to tie mill-stones round the necks of those they professed to represent. What I have said about national debt applies even more strongly to local debt.

## VIII.—By J. H. LEVY.

I CAN easily understand that Mr. Herbert is not thirsting—dialectically, of course—for my blood, and is not very anxious to convert me. Your “hot gosseller” must have a much more vivid conviction of the impregnability of his own position, and the untenability of all others, than I can find in the words of my friend and critic. Indeed, I have a strong suspicion that, while challenging my ability to maintain my own standpoint, he is really thinking with much dubitation and trepidation of his own. I do not suppose that he has plainly represented this to himself; but that the consciousness of it is gradually dawning on him, and that, when the evidence has fully risen above the horizon of his apprehension, he will, with his usual frankness, confess its power.

“It seems,” to him, “natural and healthy that we Individualists should split into various schools”—the implication being that he and I represent different schools of Individualism; but this is scarcely said when it is contended that the power of the Government to tax—*i.e.*, to levy compulsory contributions for political purposes—which I approve and uphold, is “so opposed to the principle of Individualism that no human ingenuity can bring the two together in any

satisfactory fashion"; and that the compulsory co-operation of the whole community against aggression—which is the very essence of government, and without which no government does or can exist—which I also uphold, means the exchanging of the Individualistic basis of society for that of Socialism. And this I understand to have been Mr. Herbert's contention throughout. But, if this means anything, it is that the difference between us is *not* one between different phases of Individualism, but between Individualism and Socialism, and that, since 1870—when I began to speak in public on this subject—I have been talking Socialism while esteeming myself an Individualist. I, on the other hand, maintain that this appears so to Mr. Herbert only because he has unwittingly strayed on to Anarchistic ground. In either case, therefore, the line of demarcation between our views is not the thin one which divides Individualist from Individualist, but—if he is right—the deep and deepening gulf which divides Individualist from Socialist, or—if I am right—the gulf not so deep and constantly tending to abridgment, but still logically impassable, which separates Individualist from Anarchist.

Mr. Herbert thinks I am dissatisfied with my own formula. He is mistaken. I do not expect from that formula conditions which no such formula can possibly fulfil. I do not hope to find a major premiss, either in politics or in any other branch of knowledge, all the conclusions from which are necessarily true, apart from the truth of the minor premisses with which it is linked. Nothing is more productive of the common political infidelity which abjures all principle, and

judges every question "on its merits," than the notion that general principles have talismanic properties and can be applied *in vacuo*.

It seems to me that Mr. Herbert has wandered into the cloudland of metapolitics. His "philosophic basis for Individualism" is one to make the heart of the Socialist rejoice. The right of self-control is said to be implied in "the great natural fact of each person being born in possession of a separate mind and separate body." I am unable, at the outset, to distinguish between the owner and that which is owned. What is "each person" apart from his "separate mind and separate body"? and why does the separate mind and body of the adult man imply one thing and the separate mind and body of the horse or child imply another? I certainly shall not accept such a "philosophic basis for Individualism," because "no other deduction" of the same sort "is reasonable." There is no deduction at all, but a gross and palpable *petitio principii*. The fact that an *ethical* principle is derived from a *single* "natural fact" is sufficient to discredit it with those who know what deduction means. We are here in the region of "high *priori*" mediævalism, not in that of modern scientific logic.

So much for the first plank of the philosophic basis. The second is no better. The restraint of aggression on "self-ownership" is said to be implied in the existence of the latter. It is nothing of the sort. It is quite possible to hold consistently that such aggression is wrong and that it is better to "resist not evil"; and this would be logically impossible if resistance to this aggression were implied in "self-ownership." For a proposition is said to be implied

in another when it is part of the assertion made by that other; and when two propositions are thus related, it is impossible consistently to assert the broader and deny the narrower.

But, a little further on, the invasion of the invader is justified on another ground. The aggressor, we are told—and aggression may range from the grossest outrage to the merest peccadillo—“has forfeited his own rights in attacking the rights of others.” This monstrous proposition, which is at the bottom of so much of the brutal penal legislation of the past and the present, is supposed to shine by its own light. Not a vestige of argument is put forward in support of it, and I venture to say none *could* be put forward. Mark what this forfeiture of rights means. A man without rights cannot be wronged; for a wrong is the infringement of a right. He may be totally deprived of his liberty, robbed, tortured, killed. And this conclusion is not a merely academic one. The notion that anything may be done to a malefactor which others think necessary to *their* interests, or as a relief to their feelings—that he has no rights which they are bound to respect—this abstract proposition still blossoms in the gallows and fructifies in the cat; just as similar propositions in the Middle Ages bore their fruit in the thumb-screw, the rack, the piled-up faggots around the stake, and the whole machinery of ecclesiastical and judicial torture.

I challenge Mr. Herbert to show that the invasive individual has forfeited one of his rights. What! Are human rights such a house of cards that they are demolished by the first touch of the invader? I deny that the aggressor forfeits one iota of his rights. No

violence on his part or on that of others can destroy them. They stand immovable as a rock amid the winds of passion and the waves of crime. The gates of hell shall not prevail against them. Even on Mr. Herbert's own theory, a man does not cease to have a separate body and a separate mind on becoming a criminal.

The justification of interference with the aggressor is not that he has forfeited his rights, or any of them, but that we have to face a situation in which we have to choose between some deprivation of his freedom or a greater deprivation of the freedom of others. Our action is based, not on any change in his moral or political status—not on any mythical forfeiture of rights—but on the necessity of restraining him if the maximum of "self-ownership" is to be attained. A violent man may be a lunatic, and therefore morally irresponsible; but we do not leave him unrestrained on this account. Our political action is, or ought to be, taken, not with the view of avenging assaults on "self-ownership" in the past, but with the object of minimizing such assaults in the future. Apart from the future interests of sentient beings, punishment has no justification.

Mr. Herbert "hopes that the distinction between the two cases of using force will be clearly seen." I have great confidence that he will now see that this hope is based on fallacy. There is really one and the same justification for interference with the active aggressor and the man who merely stands by and allows aggression to go unchecked, without contributing his fair share to the means of resistance. That justification is the lessening of aggression; and there is no

other. Let us suppose this justification absent and Mr. Herbert's present. Let us suppose a class of cases in which some "persons have forfeited their own rights in attacking the rights of others," but in which the use of force against them would have no effect in lessening these attacks or aggression generally. Would not the employment of force under such circumstances be worse than a mere waste of energy? Would it not be used in adding one evil to another? I am aware that there is a vindictiveness which lies deep down in our nature, and which is the product of ages of suffering from brutal invasion, which seeks satisfaction in the infliction of pain on the aggressor; but this is a feeling which all of us will do well to regard as the devil incarnate within us, and to do our best to exorcise. I cannot believe—I will not believe till he forces me to do so—that Mr. Herbert consciously bases his contention on the necessity of satisfying this unholy craving.

Mr. Herbert's formula is that of Anarchism. He would abolish all government, properly so called, and put in its place a voluntary association for defence. My contention is that the result would be to lessen human freedom, not to increase it—to lessen it, that is, in comparison with what it might be if government were limited in accordance with the principle of Individualism. I have no love for government. Since first I thought out my Individualistic principles, I have always regarded it as an evil in itself—an evil with which I feel constrained to put up just so far, and so far only, as it enables me to avoid a greater evil of the same kind. In his concluding paragraph, Mr. Herbert recognizes the existence of this position

with regard to our National Debt. It is astonishing to me that he cannot see that the same difficulty is created by all human aggression.

Here I would gladly conclude; but Mr. Herbert again repeats the reproach on the reiteration of which I very strongly animadverted in reply to his last letter. It really appears as if he had not read my reply to him. In the face of that reply, what can be more absurd than the statement that I leave "full power of taxing intact in A's hands"—A who, *ex hypothesi*, wields the *force majeure*? It is acknowledged that I "would persuade A not to use such powers." Will Mr. Herbert tell me how I could do more? He "had half expected" me "to have limited the tax to the purposes of preventing aggression." Have I the power to do this? And, if not, does the sphere of moral obligation extend beyond the realm of the possible? I have laboured hard to induce my fellow-citizens to restrict government interference to the maintenance of the greatest practicable amount of freedom in human relations, and to restrict taxation to the provision of the means necessary to this end. To this doctrine, rational in theory—sober and just in practice—I shall remain faithful till death do us part, unless someone, with far weightier arguments than those advanced by Mr. Herbert, reveal to me some loftier height to which it is my duty to climb—some nobler ideal to which I owe my allegiance.

Let me now say a few words on my friend's footnote. In the first place, I would like to draw attention to the utter sincerity and good humour with which he announces his change of opinion. But what does that change amount to? When we commenced

this discussion, he would have continued "some form of compulsory taxation *simply and exclusively* for the payment of debt" until "we could rely for its extinction by voluntary effort." Now, "if continued, it should only be continued for a few specified years." But Mr. Herbert surrenders his principle whether the forced contribution is to last for only a few years or till replaced by voluntary contributions; and what is to happen at the end of these few years? Is the debt to be practically repudiated by the cessation of payment of interest? No; the interests of the debt-holders are to be secured "by the sale of some national property, the mortgaging of other national property, and a great national effort. . ." Mr. Herbert does not specify the property to be sold; but, from what I know of his opinions, I conclude that he had in mind the Crown Lands. But these lands bring in a rental which is part of the public revenue. To extinguish this revenue by the sale of the lands in order to extinguish a like payment for interest on the national debt would leave us no "forrader." The rents received from the Crown Lands relieve ordinary taxation practically to the same amount as it would be relieved by selling those lands and cancelling debt with the proceeds. As for the proposal to mortgage property in order to cancel debt and the payment of interest, there is a delicious aroma about this which I would not like to dissipate by rude criticism. I have come across nothing equal to it since Micawber handed to Traddles his I O U, and exclaimed: "Thank God that debt's paid."

Need I say anything about the "effort"? What would be the price of Consols to-day, if it were

announced that the continuance of interest would cease after a few years, and that the repayment of the sums borrowed would depend on voluntary effort? Practically, this would amount to repudiation; and my friend's description of the way in which the loans were contracted lends itself to the same conclusion.

## IX.—By AUBERON HERBERT.

I WILL take up Mr. Levy's points separately :—

(1). Whilst I assert that compulsory taxation = Socialism, can I rightly say, at the same time, that the difference between Mr. Levy and myself is simply a difference between two Individualistic schools? Certainly. That which is not Individualistic is Socialistic (what else can it be?\*) ; and Individualists who hold to compulsory taxation have a remnant of Socialism still clinging to them. They may be two-thirds or three-quarters Individualist, but they are not perfect in the faith. When they were dipped in the river Styx, there was a heel, or a foot, or a limb that remained unbathed.

(2). Mr. Levy seems to quarrel with my basis for Individualism, "the separate mind and separate body," because it is "in the region of 'high *priori*' mediævalism." No reproach should be cast at our mediæval friends or any other persons for using *à priori* reasoning. As long as the human mind lasts, men will use it, and *must* use it. I have not the book by me, and, therefore, cannot refer to it ; but I think (I am not sure about the reference) if Mr. Levy turns to the in-

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\* Anarchistic.—J. H. L.

roduction of Lewes's "History of Philosophy," he will see that Mr. Lewes insists upon this truth. It is not the use of *à priori* reasoning which to-day discredits mediæval reasoning, but the assuming of certain metaphysical conceptions (which could not be verified) as a basis for conclusions which were founded upon them. Do I act in the same manner? Is the separateness, the individuality, of human beings an unverifiable assumption? If there is one thing on which we can safely build, it is the great natural fact that each human being forms with his or her body and mind a separate entity—from which we must conclude that the entities belong to themselves and not to each other. As I have said, no other deduction is possible. If the entities do not belong to themselves, then we are reduced to the most absurd conclusion. A or B cannot own himself; but he can own, or part own C or D. I hardly think many people will be heroic enough to embrace that hypothesis; on the other hand, if A and B own themselves, the controversy is at an end.

(3). Does self-ownership imply or carry with it the right of defence against aggression? I think so. If it is granted that I own something as a right, no other person can take that something from me without committing a wrong; and if he is allowed so to act, a state of right is exchanged for a state of wrong. It does not, I think, invalidate this position to say it may be "better not to resist the evil." So it may be, if we employ the term "better" to mean wiser, or more generous, or more forgiving. All this may be the case, and often is, without doing away with the right to repair an invaded right. Our choice is, shall

A lose something of what belongs to him, and B have more than belongs to him; or shall the unrighteous balance be redressed?

(4). Am I right in saying that a man has forfeited his own rights (to the extent of the aggression he has committed) in attacking the rights of others? Again, I think so—the words which I now insert in brackets limiting and designating the amount of right which the aggressor loses. It may be very difficult to translate into concrete terms the amount of aggression, and of resulting restraint; but all just law seems to be the effort to do this. We punish a man in a certain way if he has inflicted an injury which lays me up for a day; in another way if he takes my life. No doubt the law of every country is most imperfect, being swayed to the right or left by capricious estimation of crime; but there is generally underlying it the view (which is, I think, true) that the punishment or redress—both in civil and criminal matters—should be measured by the amount of aggression; in other words that the aggressor—after a rough fashion—loses as much liberty as that of which he has deprived others. Mr. Levy writes as if I had said that a criminal forfeits *all* his rights. I did not say or mean that; though I ought to have prefixed some qualifying words to the expression “rights.” But, when he denies that a criminal loses any of his rights, then either we have no right to put him in prison, or else we have the right to put any person—the just man and the criminal alike—into prison. Which position will Mr. Levy choose?

Mr. Levy goes on to say that putting the aggressor into prison has nothing to do with the question of

rights, but rests "on the necessity of restraining him, if the maximum of 'self-ownership' is to be attained." Heaven and Powers of Heaven defend us! Here we are straight back into the language and spirit of Socialism. In the same fashion it is "the necessity" of transferring all property to the State, of regulating all labour, of allowing no man to enter the employment of his fellow man, which the Socialist pleads, "if the maximum of 'self-ownership,'" &c. How, then, am I to judge between Mr. Levy and the Socialist? How am I to tell which is the true necessity? They both disclaim rights, and they both insist on "necessities." Why should I follow one more than the other?

And then I come to another difficulty. A few lines above, Mr. Levy was very eloquent on the subject of rights. "I deny that the aggressor forfeits one iota of his rights. No violence on his part, or on that of others, can destroy them. They stand immovable as a rock amid the winds of passion and the waves of crime. The gates of hell shall not prevail against them." And yet, in face of this eloquent language, and without regard to it, the aggressor is to be carried off to prison, because of "the necessity" of restraining him, if the rights of "self-ownership," &c. It may be that the gates of hell have not prevailed against him, but the gates of "necessity"—as it exists in Mr. Levy's mind—have undoubtedly done so; unless, indeed, I am to conclude that Mr. Levy does not count amongst the rights—which he describes with real eloquence—the right of not being carried off to prison.

Let me try to explain why a man who aggresses on others loses a part of his own rights. That he does

so practically, is very clear, as even Mr. Levy sends him off to prison. Why is it? It is, I think, because a human right depends in part upon its correlative, the rational acceptance of it; I mean that a right can only exist where there is sufficient intelligence to accept and sanction it. The right which an English mind sanctions may not exist for dwellers in Central Africa, and the right that exists in Central Africa does not exist for lions and tigers. A right implies the intellectual and moral recognition of the right; and, therefore, each right only comes into existence as men rise to such recognition of it. If, therefore, in a society which generally recognizes the right of a man to lead his own life without interference, there are a certain number of persons who forcibly interfere with others, then these men are not in possession of rights which they do not recognize and do not observe. Such men have not yet passed out of the region of force into the region of reason; and so long as they themselves live in the region of force, and use force towards others, they cannot claim on their own behalf the protection of the law of reason which in their own lives they disallow. The right is not yet born for them; it only comes into existence as they themselves are able to perceive it and act in conformity with it.

(5). I won't go into the case of using force vindictively, when no good purpose whatever can be attained by it. Neither Mr. Levy nor myself love force so much as to use it for its own sake.

(6). My position cannot be reasonably described as Anarchist. As I understand the Anarchist, he would not retain a definite organization to repress aggression

or crime. I would do so ; but I would not compel both those who approved and those who disapproved of such an organization to pay for its support. Mr. Levy would compel both ; and the probability is that, as Individualism spreads, he will find half his time taken up, not in coercing criminals, but in coercing those who have committed no crime except that of freely judging his organization and declining to pay compulsory taxes for what they disapprove.

(7). I had charged Mr. Levy with leaving in the hands of the majority the full power of taxing the minority for any purpose up to any amount. Mr. Levy's defence is that he does his best to persuade the majority not to use this power. So he does, and very ably and well ; but that seems hardly sufficient. If Mr. Levy condemns State education, and State vaccination, and other State interferences, why should he distinguish between condemning the things themselves and condemning the tax that is taken on their behalf ? Surely it is rather a fine distinction to say : "I do not recognize your right to establish State education ; but I recognize your right to make people pay for it." Surely, it is simpler and plainer and more consistent to say : "I do not recognize your right to establish State education (if it involves compulsion in any form) and, therefore, I do not recognize your right to take taxes for it." What end is gained by telling a man he is wrong to do a certain thing, but that, all the same, he may rightfully possess the power of taking by force the funds necessary for paying for the wrong thing ?

Now, this last argument does not apply to compulsory taxation for purposes of defence, which Mr.

Levy recognizes, as I do, as a legitimate State function. Surely, therefore, his position would be stronger and more consistent if he threw overboard all compulsory taxation, except that levied for purposes of defence. At present his position is that of the man who says to another: "I do not recognize your right to thrash me, but I recognize your right to make me pay for the stick with which I am to be thrashed."

## X.—By J. H. LEVY.

I AM glad Mr. Herbert endeavours to reply to my points seriatim. I will refer to his paragraphs by number.

(1). He begins by contending that, while "compulsory taxation=Socialism," I, who uphold it, am an Individualist. According to this use of terms, a person who holds a doctrine said to be equivalent to Socialism may be an Individualist. This is somewhat staggering to commence with; but it does not last long. A little further on, we are told that "compulsory taxation" is "a remnant of Socialism." We are thus enabled to infer, by the aid of Euclid's first axiom, that Socialism=a remnant of itself. But this unfortunately brings us into collision with another of Euclid's axioms, which declares that the whole is greater than its part.

This remnant, we are further informd, is equal to about a third or a fourth of the unfortunate being to whom it clings. When he was baptized in the true church, his maladroit God-parents, or whoever else performed the ceremony, left part of his body not immersed, and consequently part of his mind "not perfect in the faith." Mr. Herbert is perfect in the faith. He has been "dipped in the river Styx" a

*capite ad calcem*. Perhaps this accounts for the fact that he so frequently forgets the proposition he is defending, and starts another.

Now, what does this statement of Mr. Herbert mean? No person is Socialist over the whole field of the possible action of the State. No person would wish the State to dominate over the whole sphere of human life. The most thorough-going of systematic Socialists leave some ground to individual initiative. If, therefore, no one is to be called a Socialist who is fractionally so, there is not a Socialist in existence, and if "that which is not Individualistic is Socialistic," and *vice versa*, we may reverse the dictum of Sir Wm. Harcourt, and say: "We are all Individualists now."

But what is the truth? The power of taxation, for which I contend, is not something lying outside of government, and with or without which a government may exist. It is of the very essence of government. A voluntary association for defence could exist without it; but such an association would not be government. It is, therefore, a piece of bad terminology to class together taxationist and anti-taxationist, and to treat taxation as if it were one of the *accidentia* of politics. It is really the touchstone of Archism and Anarchism—Government or no Government.

Mr. Herbert says (6) his position "cannot be reasonably described as Anarchist." It cannot reasonably be described as anything else. In order to avoid this, he is obliged to misrepresent Anarchism. He says that the Anarchist "would not retain a definite organization to repress aggression or crime." I do not pretend to understand what the word "definite" means in this sentence; but this I do know—that there is

nothing in Anarchism to prevent those who hold it from retaining any sort of organization for the repression of invasive conduct, so long as that organization is a voluntary one; and in this proviso they do not differ from Mr. Herbert.

I do not say that Mr. Herbert's Anarchism is not of a peculiar kind. One main singularity is that he has not thought out the consequences of the doctrine. He seems to fancy that, when he had got rid of taxation, there would still be a central legislative and executive power, and that those who had refused to take part in setting it up or maintaining it would still bow to its authority and obey it like lambs. But, even if he would allow those who paid nothing towards its maintenance to share in its electoral control, how could he ensure that there would be no body of citizens who would decline even this? \* And if they declined practically to recognize the definition of rights promulgated by this voluntary association in which they took no part, and endeavoured to set up a rival association of their own, with its own executive officers, what would he do? Would he prevent the

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\* That there would be such persons is not a matter of doubt. Says the *Herald of Anarchy* of December, 1890:—"Everyone should get the *Personal Rights Journal* for November, 1890. Amongst other interesting items is a letter from Auberon Herbert on the subject of taxation, and J. H. Levy's reply. With almost the whole of Mr. Herbert's letter we are in hearty accord (A very significant accord this on the part of the *Herald of Anarchy*). The only point to which we take exception is his contention that voluntary taxation would not lead to the rupture of the State. We think Mr. Herbert is anticipating too great a uniformity of opinion. Surely when once the compulsory element is banished, people would associate for the purpose of competing with the Westminster Institution. Why shouldn't they?"

formation of any such association? If so, does not this mean compulsory submission to the dictates of the association patronized by him? And if he would not interfere with the establishment of rival associations of this kind, with different views from his own association as to rights and methods, this would only defer for a little time the overruling of the weaker party. Where the ideas of such rival organizations clashed there would be conflict. The effective minority would be subdued in one way or another, and for all practical purposes they would be compelled to cooperate with the effective majority or to submit to it.

(6). Mr. Herbert argues that, as Individualism spreads, I will find half of my time taken up in coercing those who dislike my organization—*i.e.*, the State under Individualism—and decline to pay taxes. The only shadow of a justification for this assertion is derived from a misrepresentation of my position so gross that my friend cannot have apprehended what I have repeatedly said on this point. Mr. Herbert's last two paragraphs above proceed on the assumption that I contend for a right of the State to tax for purposes outside of what I recognize as its legitimate functions. I challenge Mr. Herbert to find in what I have written the slightest warranty for this assumption. To take the nearest contradiction of it: only in the last paragraph of my reply to him in the last paragraph save two of section VIII. above,\* I said: "I have laboured hard to induce my fellow-citizens to restrict Government interference to the maintenance of the greatest practicable amount of freedom in human relations, and to restrict taxation to the provision of the means *necessary*

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\* Page 33

to this end." I have always held that the sphere of legitimate taxation is that of legitimate Government, and that every farthing taken beyond this is sheer plunder. But right is one thing, and power, unfortunately, is another. Mr. Herbert commenced by asking me whether I "propose to give the majority power to raise taxes for certain specified objects."† I have nothing to add to or to diminish from my reply to this in section IV. above.

(2). Mr. Herbert defends what I call "'high *priori*' mediævalism," by referring me to the introduction of George Henry Lewes's "History of Philosophy." But he is not sure of his reference. Neither am I. He may possibly be thinking of a passage of Duns Scotus or Madame Blavatsky. Under these circumstances, I will wait till he can give me a precise reference. Of this, however, I feel sure—that the kind of pseudo-ratiocination which I stigmatized will find no support from the writings of Mr. Lewes. Mr. Herbert argues as if I had set my face against deductive reasoning. What I really object to is deduction which has no sound inductive basis. He asserted that "the great natural fact of each person being born in possession of a separate mind and separate body, implies the ownership of such mind and body by each person, and rights of direction over such mind and body."§ Has he attempted to establish this implication? On the contrary, he entirely deserts the ground of mere implication, endeavours to vindicate his conclusion by reasoning, and ends by throwing that conclusion overboard.

Mr. Herbert argues that a person must own himself,

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† Page 12.

§ Page 24.

for the alternative that society owns him makes him part owner of another; and it is absurd to suppose that a person who cannot own himself can be part owner of others. Where is the absurdity? The point in dispute is not whether the conclusion is true, but whether Mr. Herbert's reasoning establishes it; and I maintain that his *reductio ad absurdum* is a delusion. The question is whether the unit of self-sovereignty is the individual or society. We are agreed that it is the individual. But Mr. Herbert desires to put this on a "philosophic basis," by arguing that it cannot be society, because such a decision would imply that a man who cannot (totally) own himself can (partly) own another. What canon of logic is violated by the acceptance of this alternative? I know none, and I venture to say neither does Mr. Herbert. This is what I call "high *priori*" reasoning. It is one of those so-called necessities of thought which are simply intellectual tangles. But this is not all. There is nothing in this reasoning—if I may call it so—which restricts it to any set of human beings. Mr. Herbert's "A or B" and his "C or D" are not lacking in generality, and we were told that the circumstance which confers self-sovereignty is birth with possession of a separate mind and a separate body. But we are now informed (4) that "the right which an English mind sanctions may\* not exist for dwellers in Central Africa." I think I have read something like this before. "Libbaty's a kind o' thing thet don't agree with niggers." But niggers have separate minds and separate bodies,

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\* This "may" has been substituted for "does" in the revision.  
—J H. L.

and the wonderful *reductio ad absurdum* is as applicable to them as to possessors of "an English mind."

(4). Mr. Herbert changes his ground on another point. Instead of the assertion that a man forfeits his own rights in attacking the rights of others, we have it now propounded that he forfeits his rights "to the extent of the aggression he has committed." It may be very difficult, Mr. Herbert admits, to translate this forfeiture of rights into concrete terms of punishment, and here I heartily agree with him; but he asserts that punishment "should be measured by the amount of aggression." The aggressor "loses as much liberty as that of which he has deprived others." That is—for instance—if he has deprived his neighbour of the right to live, by killing him, he should lose his liberty to live, by being killed himself.

Here we have our old friend—or rather our old enemy—the *lex talionis*. Mr. Herbert has gone back from the mediæval to the antique. I assert that this right and duty—for Mr. Herbert uses the word "should"—to measure punishment by aggression is sheer barbarism. The slightest pang or deprivation inflicted beyond what is necessary to keep freedom at the maximum is totally unjustifiable, however small, in proportion to the offence, punishment thus limited may be. Indeed, Mr. Herbert owns as much (5) without seeing that this admission makes mincemeat of his theory.

There is one more point with which I must deal, in conclusion, In face of my declaration that the aggressor loses not one iota of his right, I send him

off to prison. Yes, I do—if leaving him free would result in a still greater loss of liberty. I cannot help myself. I am in this position—that I must decide for some aggression on the aggressor A or greater aggression on B and C ; and I choose the lesser evil. It is not my fault that I am shut in to this cruel alternative. I feel sorry for the prisoner. He may have been brought up as a gutter child. He may have inherited a tendency to crime. But I must limit his freedom, not under stress of any fanciful doctrine of proportionate forfeiture of rights, but under penalty of greater loss to others if I act otherwise. This is what I call necessity. Mr. Herbert calls on “Heaven and Powers of Heaven” to defend him from it. He will call in vain. He himself knows how to bend to this necessity ; for, after telling us that taxation is wrong, he says he would levy taxes to pay the interest on the national debt. I can, therefore, pass over the rhetoric devoted to denunciation of this necessity, and have no fear in challenging the verdict of lovers of truth, justice, and freedom on our controversy. If Mr. Herbert cares to have the last word, I shall now leave it to him. So far as I am concerned, our discussion is at an end.

## XI.—By AUBERON HERBERT.

I THINK, with Mr. Levy, that our controversy should now close, and I accept the offer, which he is good enough to make me, of the last word, for the purpose of alluding to two points, which seem to want a finishing touch.

(1). *How is the amount of punishment for crime to be determined?*—I don't think, on this point, there is much difference between us. I am quite ready to admit that his view, that punishment should be adjusted so as to deter from crime, is an important factor, not to be neglected, in solving the problem of punishment. At the same time, I would point out it could not determine the matter of itself. If it did, we might find ourselves applying the severest punishments to the most trifling offences, and the moral sense of the community might be constantly shocked by there being no relation between the cruelty or wickedness of the offence and the punishment awarded. If our object were simply to deter, it might be a question with many persons, whether petty larceny should not be punished more heavily than murder—men being certainly more prone to the former than to the latter. I do not myself hold that opinion. I suspect that, in truth, the two principles coincide—

that the punishment which is as truly proportioned to the offence as, with our imperfect knowledge, we can proportion it, is the punishment which will exert the most deterring effect. The whole matter, however, is complicated and difficult ; as I should at once be asked if the punishment is to be adjusted to the amount of malice involved or the amount of injury received.

(2). *The dividing line between Archism and Anarchism.*—Here the difference between Mr. Levy and myself is that we place the dividing line at different positions. I prolong Individualism outside and beyond his boundary line. We agree that there must be a central agency to deal with crime—an agency that defends the liberty of all men, and employs force against the users of force ; but my central agency rests upon voluntary support, whilst Mr. Levy's central agency rests upon compulsory support. The question between us is: Are the principles of Individualism most truly followed when the tax for the support of this agency is taken voluntarily or compulsorily ?

Now does the difference between Individualism and Anarchism depend upon whether this payment is compulsory or voluntary ? Is that not a small matter as compared to the real difference between Anarchism and Archism ? My charge against Anarchism is that it sees many forms of crime existing in the world, and it refuses to come to any settled opinion as to what it will do in the matter. If it says it will do nothing, then we must live under the reign of the murderer, tempered by Judge Lynch ; if it says it will have some form of local jury, then we are back into government again at once.

There are existing schools of moderate and reasonable Anarchism—the Anarchy represented in America by Mr. Tucker, and some philosophical Anarchists in England—which are quite distinct from the other schools of Force-Anarchy, which seem to be mere “organized madness”; but, as far as I have hitherto seen, none of these schools are prepared to tell us clearly what they will do about ordinary crime. Indeed, what can they tell us? As I have said, the moment they begin to deal with crime according to any fixed method and settled precedent, they are at once back into Archism.

This, then, seems to me the dividing line between Archism and Anarchism—Do you intend to provide an agency for dealing with crime according to fixed rules and methods, or not? The way in which you pay your agency—though a very important matter in itself, must be looked upon as a non-essential element in the difference between the two systems.

I hope Mr. Levy will add what comment he likes, just to pull the balance again even between us.

## XII.—By J. H. LEVY.

MANY years have passed since my friend closed his part in this discussion with the expression of the characteristic hope that I would add what comment I chose—that, as he commenced the discussion, I should end it. If he had done nothing more, in the interval, to carry on this polemic, I should have contented myself with a formal conclusion, in deference to his wish. But his Herbert Spencer lecture, "The Voluntaryist Creed," delivered in the Sheldonian Theatre, at Oxford, on June 7th, 1906, and the "Plea for Voluntaryism" published in the same volume with this, in 1908, may be regarded as his last political will and testament; and I know that he would have liked me to finish this controversy with some notice of them.

In making this final brief examination of my deceased friend's concluding apologia, I cannot allow myself to be influenced in even the slightest degree by his singular charm of character. No grace of style or manner, no amiability of sentiment or dulcet form of words, no respect or love for persons or even for principles, ought to reconcile us to evasion of the logical outcome on any question. The more important, the more sacred, that question is, the more emphatic becomes our duty in this respect. Our

loyalty to reasoned truth must take precedence over all else, or we are landed in a chaos of mere word-spinning, the seductions of phrase and personal allurements. Few people realize how truth and all that depends on it are sacrificed in this way, even by those who are popularly regarded as stern champions of intellectual probity. Viscount Morley says of Cardinal Newman that he "made siren style do duty for exact, penetrating, and coherent thought." This is true; but was Lord Morley entitled to throw this stone? In the same book, he argues most flimsily against Professor Bury's endeavour to rescue history from the artists in words, and speaks of Machiavelli's "excess of severity in logic."\*

Before proceeding to the criticism of "the Voluntaryist Creed" and Voluntaryism, let me first say that I count it to my deceased friend for righteousness that he ended by adopting this ugly term as the name of his political faith; for this was a tacit recognition of the fact that he was not, in any plenary sense, an Individualist, and did not want to be regarded as an Anarchist. How, then, must "the Voluntaryist Creed" be classified? It is clearly not Socialistic; but not much more can be definitely said of its position. It perpetually wobbles between Anarchism and some point in that misty Anarchoid region which lies between Individualism and Anarchism. Sometimes it concedes almost the Individualistic minimum of government; at other times, it is Anarchistic, even to the point of Tolstoyan passivity. Mr. Herbert tells us that, as he read and thought over what Herbert

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\* *Miscellanies*, Fourth Series, pp. 161, 168, 227-9.

Spencer taught, "a new window"\* was opened to his mind. And then he describes what happened to him on looking out of that window. "I lost my faith in the Great Machine"—his name for government. "I saw that thinking and acting for others had always hindered, not helped, the real progress; that all forms of compulsion deadened the living forces in a nation; that every evil violently stamped out still persisted, almost always in a worse form."

If this were true, the Russian seer would be right. The restraint of the murderer, the thief, the violator of women, the torturer of the lower animals, the brigand, the pirate, the incendiary, the external foe, would be the adding of one evil to another. "The Great Machine," however limited in action, however reformed, could only be productive of harm. This is how "the Voluntaryist Creed" commences. How does it end? "Our great purpose is to get rid of force, to banish it wholly from our dealing with each other, to give it notice to quit from this changed world of ours"; and then comes a "but." "But as long as some men—like Bill Sykes and all his tribe—are willing to make use of it for their own ends, or to make use of fraud, which is only force in disguise, wearing a mask, and evading our consent, just as force with violence openly disregards it—so long must we use *force to restrain force.*" (p. 55).

Re-enter "the Great Machine," upon the denunciation and banishment of which Mr. Herbert had wasted so much eloquence. "I have not been preaching any form of Anarchy," he says, "which seems to me—even

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\* *The Voluntaryist Creed*, p. 6.

in its most peaceful and reasonable forms—quite apart from the detestable bomb—merely one more creed of force.” And then he adds a parenthesis which shows this statement to be inexact, and excuses himself from “to-day” taking this into consideration. Really, if this sort of thing can be done in argument, we had better all adjourn to Colney Hatch.

Mr. Herbert's parenthetical adjournment was couched in the following form of words: “I am not referring here to such a form of Anarchy—passive resistance under all circumstances—as Tolstoy preached, into the consideration of which I cannot enter to-day.” It needs no great perspicacity to see why it was most convenient to adjourn the consideration of Tolstoyan Anarchism *sine die*.

“Now glance for a moment,” says Mr. Herbert (p. 55), “at the true character of Anarchy, and see why we must refuse to class it among the creeds of liberty, though many of the reasonable Anarchists are inspired, as I believe, by a real love of liberty. Under Anarchy, if there were 5,000,000 men and women in a country, there would be 5,000,000 little governments, each acting in its own case as council, witness, judge, and executioner. That would be simply a carnival, a pandemonium of force.” Not necessarily. All would depend on the character of the five millions. A time will come in the moral progress of mankind when Anarchy will not only not be “a pandemonium of force,” but when it will be coincident with Individualism, and Individualism under the best conditions. As human beings improve in character, the amount of government needed in order to maximize freedom will become less and less, till at last it will reach the

vanishing point. At that point we shall all be Anarchists, or at least will be living without government.

But what is to happen, under "Voluntaryism," to Mr. Herbert's five millions of irreconcilables? Are they, when the hat is sent round for their contributions, at once to co-operate in forming a central Government? In vain will the reader look for any support for this preposterous assumption.

With human beings as they are now, Anarchy would be, not merely, as Mr. Herbert says, "hardly an improvement even upon our power-loving, force-using (!) governments"; it would be far worse. The characteristics which have brought about our present abuse of government would be let loose, not abolished, or even lessened. The mistake of the philosophical Anarchist is not in the nature of his creed, which is truly one of liberty, but in the premature application of it. This is a common mistake with the more idealistic class of reformers. Their very impatience of evil—an amiable trait—betrays them.

Mr. Herbert rightly says we must use *force to restrain force*. But, according to "the Voluntaryist Creed," we must not use force to obtain the force to restrain force. Government is to exist; it is to act coercively; but it is not coercively to obtain the means of coercion. Why? "As long as compulsory taxation lasts . . . liberty will be but a mocking phrase. Between liberty and compulsory taxation there is no possible reconciliation." (p. 103). This is quite true in the *absolute* sense of liberty. Taxation, in itself, necessarily involves *some* deprivation of freedom. But if the words "compulsory taxation" be taken out of

each of these sentences and the word "government" be substituted for them, the sentences will be equally true. Taxation is inconsistent with absolute freedom because government is so. But as Mr. Herbert admitted that we must have government—that we must use force in the interests of maximum freedom—that the attainment of absolute freedom is at present impossible, his argument against taxation, that it is inconsistent with absolute freedom, is irrelevant, and with this the "Voluntaryist" house of cards falls to the ground.

# APPENDIX.

By J. H. LEVY.

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## POLITICAL TERMINOLOGY.

IN THE foregoing discussion, the terms Anarchism, Individualism, Socialism, have frequently been used; and their meaning has, I hope, been tolerably clear. Let me, however, endeavour to give further definiteness to them. Political discussion is rendered confused and sterile, not merely by faulty inductions and bad ratiocination, but in the preliminary processes of naming and classification.

When we look over the earth's surface, we see various bodies of human beings, each of which bodies occupies a definite geographical area; and within each such area persons are coerced into co-operation for certain purposes. These purposes differ from area to area, and from time to time within the same area. They differ also from person to person. In areas separated only by a narrow sea, or even by an artificial boundary line, there may be the widest differences in this respect; and, in the same area, there may have been a flux of usage affecting, in the

most important manner, the people of that area. There is not, and never has been, any general consensus of conviction among men as to what should be the objects and limits of this coercive co-operation.

Some, whom we will call Anarchists, have contended that it should not exist at all—that the wisest course would be to get rid of it, and to substitute *voluntary* co-operation wherever necessary for defence of freedom. Others, whom we will call Socialists, hold that compulsion is a “blessed word”—that coercive co-operation (“government” as it is called) may not only be made beneficent in its effects beyond the defence of freedom, but that there are no assignable limits to its profitable employment.\* They would use it especially in the production and distribution of wealth, vesting all capital in the bodies, central and local, by which this compulsory co-operation is administered.

Between these two is a third body of opinion, Individualism, which differs from both of them—from the former in asserting that compulsory co-operation is good up to the point at which freedom is maximized, from the latter in contending that it is harmful when pushed beyond that point. It affirms that government can promote happiness only by maintaining the widest practicable liberty, which it regards as the political—as distinguished from the ethical—*summum bonum*; and it judges all political measures by their tendency to promote or impede the attainment of this end.

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\* See Mill's *Principles of Political Economy*, Book V., Chap. I., § 2, last paragraph.

Some years ago, *Freedom*, the organ of one section of the Anarchists, issued a reply to the Manifesto of the Joint Committee of Socialist Bodies. With the bulk of that reply I am in no way concerned; but the following extract may well be made a text for the clearing up of the meaning of some of the most important political terms:—

In the late Manifesto of a Joint Committee of three London Socialist bodies, Anarchism is represented as being only apparently revolutionary, in fact, reactionary—theoretically the antithesis of, practically an obstacle to Socialism. One peculiarity of this latter-day attitude of English Social Democrats towards Anarchism is their apparent effort to confound, in spite of our repeated remonstrances, two different and opposite kinds of Anarchism—Communist (or Socialist) and Individualist. Communist Anarchists claim as the basis of the new social order *common property*, whereas Individualists defend private property as the necessary foundation of society. This distinction is, to say the least, as important as the distinction which Social Democrats draw between themselves and mere Radicals advocating, like themselves, free education, payment of members, and annual parliaments. Nor is that the only difference between Communist and Individualist Anarchists. Communist Anarchists maintain that the necessary accompaniment of private property is government; a government of some kind, whether a parliamentary one, or a sort of East India Company, or a Pinkerton Police Force salaried by the capitalists. And as to the “voluntary” taxation and other

“voluntary” things advocated by Individualists, we fail to see how, in a society based on private property and individual competition, the people who “voluntarily” submit to a tax could be prevented from shifting the burden on to their neighbours; or how those who join in a Defence Association would be prevented from using this organized force against others than themselves. Finally, Individualists are strongly opposed to revolutionary action. Consequently, although of course we cannot forbid to Individualists the use of the word Anarchy, we have reasonable grounds to deny that they take it in its true sense.

*Freedom* need have no alarm that Individualists, properly so-called, will dub themselves Anarchists; though some Anarchists call themselves Individualists—probably for the same reason that some Agnostics call themselves Unitarians. That Individualistic Anarchists claim, not only that they are Anarchists, but that they are the unique and rightful proprietors of that title, is not only well-known but what one might expect; and that Communist Anarchists retort, as above, that they are the sole genuine Anarchistic article, is equally in accordance with what Sam Slick would call “human nature.” Viewing the matter in that cool, calm light which alone befits the purposes of the student of political philosophy, it seems to me that neither of these sections is entitled to bar the other from the Anarchistic fold. They are both opposed to the existence of government; and, though they differ as to what should be done when the State had been got rid of, and would probably be at each other’s throats the moment the authority which they

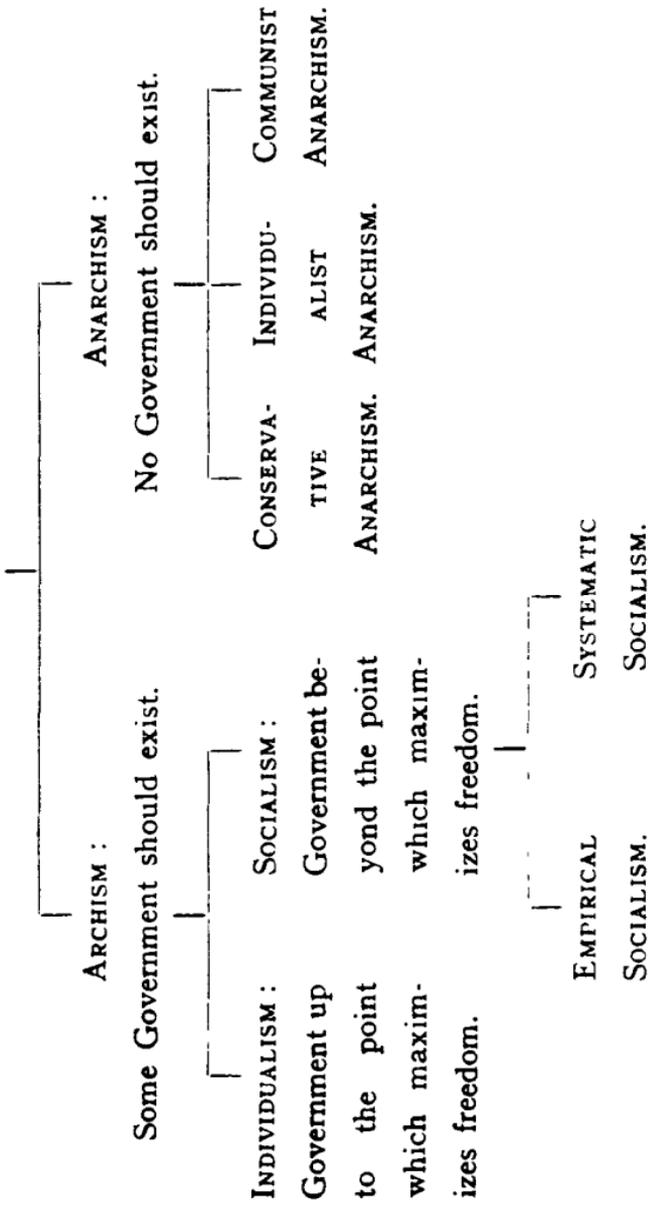
both assailed was removed, the range of their agreement entitles them equally to the general designation of Anarchists.

The scheme of classification on the next page will perhaps aid in forming a clear notion of this branch of political terminology.

As a matter of strict classification, the varieties of Anarchism should not come into this diagram; for directly it is decided that the State shall not exist, what takes place afterwards is a matter of no *political* concern: the varieties of Anarchism are not varieties of State functioning. Moreover, these varieties are not formally exhaustive, and constitute, therefore, no real classification. But, as persons have these schemes of extra-political action in their minds while the State yet flourishes, and as the desire of each of them to abolish it is bound up with his hope to substitute for its rule his particular plan of social life, it is well to take into consideration these variations in the Anarchist ideal at the same time as we think out the general question of the function of the State.

The respective attitudes of these three sorts of Anarchists are well illustrated by their position with regard to the land. The Conservative Anarchist would retain private property in land very much as it is in England at the present day, merely abolishing the obstacles to its free sale and purchase. The Individualist Anarchist would laugh at this pretension to sell or let land, and would recognize only the right of the squatter to the land in his use or productive occupation. The Communist Anarchist would

THEORIES OF STATE FUNCTION.



decline to recognize any rights of property in land—or ought else.

The Systematic Socialists are well represented in this country by the Social Democratic Party and the Fabian Society—Mr. Hyndman and Mr. Sidney Webb. The Empirical Socialist is a “moderate” man. He is in favour of liberty and many other good things; but does not think they should be carried to “extremes.” Not that he does or can give you any general rule as to how far they should be sanctioned; but he is quite certain that they should be maintained in “so far as it is good,” and that they should “not be carried too far.” In fact he is “not a doctrinaire.” He is a “practical man,” and judges every question “on its merits.” He has many newspapers devoted to his enlightenment, and is abundantly represented in Parliament. The present House of Commons consists of Empirical Socialists with a small sprinkling of Systematic Socialists. As Empirical Socialism is the only political creed which will enable a politician to choose, from time to time, the exact *nuance* which is favourable to his acceptance by a constituency of heterogeneous opinions, it is naturally favoured by men who desire to write M.P. after their names.

It may be argued that political terminology cannot grow out of theories of State Function only; but must also depend on questions of State Structure. This is true; but the classifications should be separate, and the problem of State Function is the fundamental one. That which the State should constructively *be* must turn upon what we want it to *do*. It is quite possible, no doubt, that persons who agree as to State Function

may differ as to State Structure ; for while the general question of State Function is one of theory, and can be worked out with all the rigidity and exactitude of an economic formula, questions of State Structure are largely matters of art and the minor expediencies. But, after all, the crucial question is the political end. To that the political means must necessarily be shaped.

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